



Returning failed asylum applicants

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Returning failed asylum applicants**

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Returning failed asylum applicants

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EXECUTIVE SUMMARY



1 Asylum applicants whose applications have been rejected and who have no appeal outstanding have no legal right to remain in the United Kingdom. Failed applicants are expected to leave the United Kingdom voluntarily or be subject to removal action. In 2003-04, the Home Office reported that 13,625 failed asylum applicants (17,855 including dependants), were either removed from the United Kingdom or were known to have left voluntarily. In the same year some 34,735 people were estimated to have been unsuccessful in their asylum application.¹ In September 2004 the Government set the Home Office's Immigration and Nationality Directorate an overall target that by the end of 2005 the rate of removal should exceed the number of newly unsuccessful applications per month.² In 2004-05 the number of applications fell by 25 per cent compared to 2003-04, while the number of failed asylum applicants removed, or choosing to return voluntarily, each month fell by 11 per cent to 12,110.

2 The Home Office's Immigration and Nationality Directorate (the Directorate) is responsible for assessing applications for asylum. Applicants have to show that they meet criteria laid down in the 1951 United Nations Convention relating to the Status of Refugees. Applicants whose application to stay in the United Kingdom is turned down by the Directorate can appeal to an adjudicator and, if necessary, to a higher court. Those whose application has been rejected cannot be removed while an appeal is still outstanding, except where the application is certified as clearly unfounded and the applicant can only exercise their right to appeal from abroad. The Directorate has responsibility for removing asylum applicants without permission to stay in the United Kingdom at the end of the process. The majority of enforcement work is managed from a network of 32 enforcement and removal offices located across the country.

3 For those who do not leave voluntarily, the enforced removal of failed applicants presents significant practical challenges for the Directorate. Those who have been in the country for some time may have settled into their local community and have made a life for themselves and their dependants. Many applicants may not be willing to go. Some will disappear from their last known address, making it more difficult for the Directorate to find them. In addition, some applicants may raise further legal issues

which have to be cleared before removal can go ahead. For those that are arrested and detained and for whom there are no legal barriers to removal, difficulties obtaining emergency travel documents can thwart removal, and two-thirds of failed applicants are from countries which require emergency travel documents to be obtained from the relevant embassy.

4 Applicants for asylum are not allowed to work in the United Kingdom while their application is being considered.³ Families may receive support until they are removed.⁴ Single adult applicants' eligibility for accommodation and financial support from the Directorate's National Asylum Support Service ceases when their appeal rights are exhausted. Some may be eligible for further support where they cannot return voluntarily or be removed immediately. Those who choose not to return voluntarily must find their own means of financial support.

5 In 2003-04, the Directorate spent £1.89 billion on its immigration and nationality operations, including £1.07 billion spent on the National Asylum Support Service, which provides accommodation and financial support to asylum applicants. In the same year, the Directorate spent £285 million (including overheads) on supporting voluntary return, detaining immigration offenders, enforcing removal and other immigration enforcement work - 15 per cent of the Directorate's total spend. In addition, Her Majesty's Prison Service spent £15 million on the detention of immigration offenders prior to their removal. The Directorate estimates that some £308 million of the money spent on supporting asylum applicants in 2003-04 was attributable to failed asylum applicants awaiting removal from the United Kingdom.

Overall conclusion

6 The prompt departure or removal of applicants refused permission to stay in the United Kingdom plays an important part in maintaining the integrity of the asylum process. Prompt departure reduces the cost of supporting failed asylum applicants and potentially reduces the incentive for those without a valid claim to come to the United Kingdom.

¹ In 2003-04 51,330 applications were refused and some 16,595 successfully appealed against their initial refusal.

² The new removals target is defined as being met where the number of removals is as great as the predicted number of newly unsuccessful applications, which is calculated by applying the historic rate of refusal of applications and dismissal of appeals to the number of new applications per month.

³ Applicants whose application is not decided within a year are allowed to work. This applies to a small number of people each year.

⁴ The 2004 Asylum (Treatment of Claimants etc) Act enabled the Directorate to cease to provide support to families who are not co-operating in the organisation of their removal, and this is being piloted from December 2004, prior to national roll-out.

7 The Directorate has increased its removal capacity but the number of people removed or returning voluntarily each month (an average of 1,000 applicants per month in 2004-05, excluding dependants) is still less than the number of unsuccessful cases in the same period (an average of 2,150 per month, excluding dependants). Whilst the Directorate undoubtedly faces some significant practical challenges in effecting the removal of failed applicants, we concluded that overall:

- the application, support and enforcement processes have operated as largely separate systems, leading to poor communication and co-ordination within the Directorate, thereby reducing the prospect of quick removal of newly failed applicants;
- bottlenecks in the removal process have limited the Directorate's removal capacity. The recent expansion in the number of detention places and work to improve the administration of requests for emergency travel documents will help;
- the Directorate has lacked adequate management information leading to insufficient control over how resources are deployed against its various objectives, although it is now collecting information on the operations its staff undertake; and
- insufficient effort has been made by the Directorate to promote the option of assisted voluntary return amongst applicants, but it is working to improve communications about voluntary return.

We estimate that our recommendations for improving the efficiency and effectiveness of the removal process could release resources worth some £28 million⁵ per year which could be used to increase numbers of returns.

8 Quicker removal is needed to reinforce any deterrent effect that might arise from the faster processing of applications. In some cases this will release resources currently used in providing continuing support. The longer applicants stay in the United Kingdom the more likely they are to settle into the community, making it more difficult for them to leave, and for the Directorate to locate and remove them. The actual number of failed asylum applicants still in the United Kingdom is not known and therefore the number of people due for removal is not known. But with a maximum potential pool of between 155,000 and 283,500 as at the end of May 2004, the

Directorate will have to continue to strike a balance between removing applicants whose cases have recently reached the end of the appeal process and older cases. The Directorate, nevertheless, needs to place much greater emphasis on removing a larger proportion of new cases within a specified period of reaching the end of the appeal process.

9 In February 2005 the Government announced, in its new Five Year Strategy on Immigration and Asylum, that it would be introducing a new process for considering asylum applications, with an increase in the number of applications handled in fast-track processes and more applicants held in detention while their application is determined.

Detailed findings

On estimating the number of failed applicants due for removal

10 The Directorate has difficulty estimating the number of failed applicants to be removed. Between 1994 and May 2004, a maximum of 363,000 applications for asylum were unsuccessful. Over the same period the Directorate reported that it had removed 79,500 failed asylum applicants.⁶ This suggests that the maximum number of failed applicants due for removal is 283,500 while the Directorate's database records some 155,000 as being due for removal at that time. Some failed asylum applicants leave the country of their own accord. The Directorate has no system for collecting information on their number, but has started to deploy electronic security checking of passengers departing from the United Kingdom on certain routes.

11 The Directorate has improved the completeness and accuracy of data held on its database of asylum cases, but our work suggested that large numbers of older cases remain for which the details recorded were not complete. There is a risk that some older cases not recorded as "appeal rights exhausted" are still in receipt of support and are not being considered for removal. The number of applicants supported by local authorities has reduced to 5,700 by December 2004. And, the Directorate is reviewing older cases to ensure that support has been stopped in those cases where the applicant is no longer eligible and to pursue removal where appropriate.

⁵ This represents £9.9 million from increasing the number of voluntary returns (paragraph 3.5); £2.5 million from increasing the number of arrests made at reporting centres (paragraph 3.21); and £15.5 million from reducing the length of time detainees are held in detention (paragraph 4.11).

⁶ The dependants of these applicants were also removed, but the Directorate did not record these removals before April 2001 and so dependants are not included in the comparison.

12 The Directorate has difficulty maintaining contact with applicants not detained while their application is processed and following refusal of their application. Applicants may be required to report to a reporting centre or the police as a condition of entry to the United Kingdom, but applicants who already had leave to enter the country, for example because they had a visa, have not been required to report. When trying to find applicants to enforce their removal, the Directorate often finds that they are not living at the last known address. The Directorate is trialling the use of alternative approaches to maintaining contact with applicants, including electronic tagging, and introducing a case management strategy to manage asylum applicants' cases more tightly through to integration or removal.

On taking prompt action to remove failed applicants

13 Some 7 per cent of recorded returns in 2003-04 were of failed asylum applicants who had chosen to leave the country, and 16 per cent were assisted voluntary returns. The latter receive reintegration assistance, including, for example, training and access to education in their home country. The Directorate needs to do more to raise the profile of the assisted voluntary returns programme amongst applicants. At around £1,100 per departure, assisted voluntary returns are less costly than enforced returns. Take-up has increased from some 1,200 in 2001-02 to 2,800 in 2004-05 including dependants. Whilst many failed applicants may have no interest in leaving voluntarily, we found only limited championing of the assisted voluntary return option amongst the Directorate's local enforcement offices and removal teams. Since August 2004 the Directorate has been working to improve the availability of information on voluntary return through its website, its staff and others with whom asylum applicants may come into contact.

14 The Directorate has removed more easily applicants who are in detention when their right to remain in the United Kingdom is exhausted – because their case is fast-tracked, or because they have been detained on criminal grounds or considered under the procedure for applicants arriving from a safe third country. Between April 2003 and the end of July 2004, 62 per cent of applicants dealt with via the Harmondsworth fast-track procedure and refused asylum were returned.⁷ Similarly between November 2002 and June 2004, 68 per cent of applicants from countries presumed to be safe who were detained while their application was decided at Oakington Reception Centre

were returned. The Directorate has not kept records of the number of people detained on immigration grounds following the end of their criminal sentence who have been released from detention and not removed.

15 The Directorate has been slow to remove newly failed applicants who have lived in the community while their application for asylum has been considered. For example, the Directorate found that in a sample of 800 non-detained applicants exhausting their appeal rights in February and March 2004, only 3 per cent were removed within three months. From our analysis of data from the Directorate's database, CID, on average, of those unsuccessful applicants removed in the period June 2003 to May 2004, removal took place 403 days after applicants' appeals had been completed.

16 To help speed up removal, enforcement processes need to be better integrated with the application process. Our examination of the removal of failed asylum applicants not held in detention identified a number of areas where improvement is needed:

- newly failed asylum cases need to be passed more promptly to enforcement offices for removal;
- enforcement offices need to review those due for removal and make more arrests at their reporting centres;
- the preparatory work needed to effect removal needs to be started earlier so that it takes place before the cessation of support; and
- the Directorate needs to obtain more information on the comparative cost and performance of local enforcement offices.

17 The approach the Directorate uses to deal with applicants whose cases are decided in its fast-track procedures could be used as a model for better removal processes. In part, the removal record at Harmondsworth reflects the fact that applicants are held in detention. The process at Harmondsworth could, however, offer lessons for the management of those applicants not held in detention during the application process, in particular arising from better case management and greater continuity amongst the staff handling individual cases. The Directorate reported that in 2004 it had started trialling better case management approaches and in 2005 started to introduce a new process for considering asylum applications, which builds on the fast track process.

⁷ The fast-track process applies to straightforward applications from male applicants without dependants.

On whether the Directorate has sufficient capacity to meet its targets

18 With increased resources the Directorate increased the number of failed asylum applicants removed from the United Kingdom by 52 per cent between 2000-01 and 2003-04 from 8,960 to 13,625 (excluding dependants). The average cost per removal has remained broadly the same, at £10,100 in 2003-04.⁸ To make better use of its capacity, the Directorate has been reviewing a number of potential bottlenecks within the system.

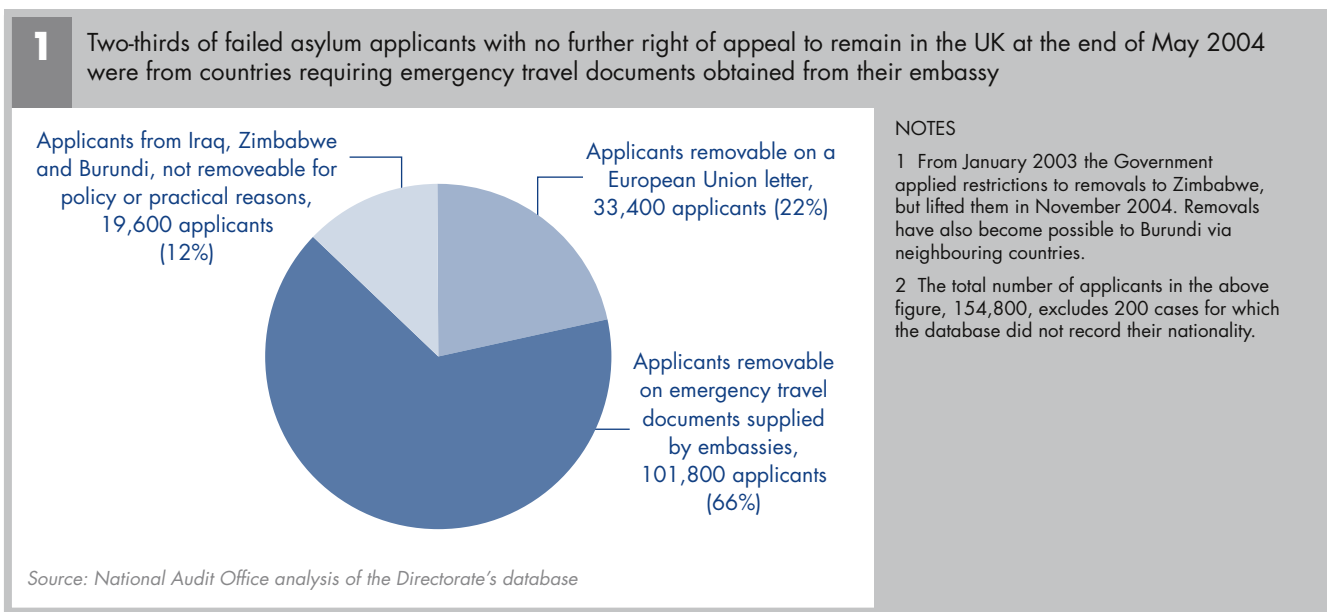
Use of detention places

19 Our interviews with local enforcement staff suggested that the availability of detention places was one of the key factors constraining their ability to improve the throughput of removals. The Directorate’s planned increase in capacity of the detention estate was hampered by a major fire at Yarls Wood in February 2002 and a disturbance at Harmondsworth in July 2004. In 2003-04 the Directorate achieved 77 per cent occupancy rate in its detention estate, but the average number of removals per bedspace was less than one per month. The Directorate, however, had increased the capacity of its detention estate to 2,750 places by March 2005, from an average of 1,900 over the three years 2001 to 2004. By December 2004 following improvements to the management of detention by a new Detention Review Board, operational units considered that detention spaces were no longer a constraint on their activities.

20 The increase in detention beds will enable an increase in removals of some 340 to 375 failed asylum applicants and their dependants each month, as well as an increase in use for other illegal immigrants. This is some 40 per cent of the increase required to meet the new target of the monthly rate of removals exceeding the number of new failed applications by the end of 2005, based on the number of new applications remaining at the reduced monthly rate achieved in March 2005. To meet the target the Directorate will therefore also need to increase the number of removals not requiring detention, such as voluntary returns, or to increase the numbers of failed asylum applicants removed per bedspace in removal centres.

Preparing travel documentation

21 Many failed applicants do not have travel documents or any form of identification. Where no travel documents are available, the Directorate’s ability to remove failed applicants is frequently hindered by delays in taking action to obtain emergency travel documents and difficulties in obtaining documents from embassies. The Directorate may itself be able to prepare a valid travel document known as a European Union letter, provided the applicant comes from a country where this document is recognised. Two-thirds of the cases recorded as “appeals rights exhausted” on the Directorate’s database at the end of May 2004, however, were from countries for which travel documents are required from embassies and 12 per cent were from countries to which at that time the Directorate was not enforcing removals (**Figure 1**).



⁸ This represents the average cost of both voluntary and enforced returns. The unit costing exercise carried out by the Directorate (Appendix 2) shows that in 2003-04 the average cost of a voluntary return was £11,100 whereas the average cost of an enforced return was £11,000.

A specialist Unit within the Directorate is responsible for seeking travel documents from the embassies of countries not accepting European Union letters. In March 2004 the Unit took on average 17 days to forward applications for travel documents to the embassies of the 11 countries most frequently approached. The embassies took on average 53 days to provide the travel documentation – embassies often wish to make checks against records kept in their home countries.

22 The Directorate reviewed the work of the Unit in August 2004 and by November 2004 had reduced the time taken to forward documents to embassies to an average of seven days. Since 2003 the Government has been working to improve its arrangements with foreign embassies. By 2004, the United Kingdom had concluded bilateral readmission agreements with three countries⁹ and had established informal memoranda of understanding or similar arrangements with officials in a further five.¹⁰ The European Union is currently negotiating readmission agreements with nine countries, which the United Kingdom can opt into once agreed.¹¹

Arranging in-country and in-flight escorts

23 Weaknesses in the Directorate's contracts with suppliers for transporting failed applicants to and from detention and arranging in-flight escorts have contributed to delays in effecting removal. The Directorate has reviewed its contracts to address the problems:

- **Transport to and from detention.** Since November 1999 the Directorate has contracted with Wackenhut UK Ltd to provide transport for taking immigration offenders to and from detention. In July 2003 consultants commissioned by the Directorate advised it that making 23 provisional changes to the contract to address its changing needs, with prices and payments on that basis, had resulted in it over-remunerating the contractor for the in-country escort service over the period to December 2002. The Directorate started negotiations with Wackenhut (as it then was) in October 2002 to recoup some of the provisional payments made. The Directorate reached a settlement in January 2005 with GSL UK Ltd, who had taken over the contract and negotiations following the acquisition of Wackenhut UK Ltd by the Group 4 Falck group. The settlement provided for the Directorate to recover

£11 million for the period to December 2002 and to increase contract payments by £7.7 million for January 2003 to August 2004 to meet the contractor's costs in providing the service. Had it not made these changes since October 2002, the Directorate would have paid some £38 million more under the provisional changes previously made to the contract.

- **Arranging in-flight escorts.** The Directorate has contracted with Loss Prevention International Ltd (subsequently called LPI Services Ltd) to provide in-flight escorts for people it identifies as being likely to resist removal through disruptive behaviour, with the five year contract running from April 2000. At the time of our visits in early 2004 enforcement offices were reporting delays of up to eight to ten weeks in arranging overseas escorts. From April 2003 the Directorate reduced its requests for in-flight escorts from its contractor and then started to use additional suppliers for in-flight escorts. LPI Services Ltd disputed the changes the Directorate made to the operation of the contract and the price paid, and sought arbitration. Following an interim arbitration decision in March 2004, the parties agreed to mediation and reached settlement in July 2004. The agreement limited the services provided to the contracted number of escorted removals, 750, over the remainder of the contract to March 2005. The Directorate paid LPI Services Ltd £240,000 to settle the dispute. Had it not made these changes, the Directorate would have paid some £4.8 million more under the provisional expansion of the contract.

On the Directorate's arrangements for monitoring its performance

24 The ability of the Directorate to monitor how its enforcement resources are being used, and hence to manage its efficiency and effectiveness, has been hampered by weaknesses in its budgeting and financial systems. For 2004-05, the Directorate has agreed budgets for the Enforcement and Removals operation. However, it still cannot set and monitor expenditure against the various activities at enforcement office level. Nor does it have systems for recording how staff spend their time against the different objectives, for example asylum removal work, illegal working and other immigration offences.

⁹ Albania, Bulgaria and Romania.

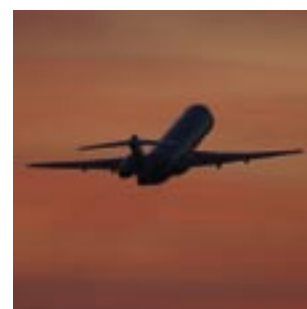
¹⁰ Afghanistan, India, Turkey, Sri Lanka, and Vietnam. Similar arrangements have also been established with the Somalian authorities.

¹¹ Sri Lanka, Morocco, Pakistan, Russia, Algeria, Albania, China, Turkey and Ukraine.



RECOMMENDATIONS

- i** Building on the lessons learned from the fast-track procedures, the Directorate should assign clearer responsibility and ownership to caseworkers for managing the return of newly failed applicants, including the speed with which applicants are returned.
- ii** The Directorate should introduce procedures for the identification and return of people whose limited leave to remain has expired.
- iii** The Directorate should encourage more voluntary returns by:
 - improving the information available to asylum applicants on the voluntary-assisted return programmes, through its staff, literature and website;
 - encouraging enforcement staff to promote the voluntary return option amongst those due for removal; and
 - establishing more extensive and effective contacts with community groups outside London and the South East who may be in contact with failed applicants.
- iv** The Directorate should better integrate the application, support and removal procedures, for example by:
 - referring newly failed asylum cases, including those who choose not to exercise their appeal rights, more promptly to enforcement offices for removal;
 - making use of reporting centres to help initiate removal action in a much higher proportion of cases; and
 - initiating the preparatory work needed to effect removal before the cessation of support.
- v** The Directorate should have sufficiently robust procedures in place to stop providing support to applicants who do not report to their reporting centre and to failed applicants when their statutory entitlement ends or they fail to co-operate with their removal.



- vi** The Home Office and the Foreign and Commonwealth Office should seek to increase embassies' commitment to facilitating the return of their nationals; and the Directorate should improve its management of requests for travel documentation, for example by:

 - working with embassies to understand their capacity to handle requests for documentation and identify ways of assisting their prompt processing of requests;
 - clearer prioritisation of requests; and
 - improved recording and reporting of progress on individual cases.
- vii** The Directorate should extend its measurement and reporting of the outcome of each year's asylum applications through to removal, to show the number of applicants, the number of applicants exhausting their rights of appeal, the number known to have left the country, and hence the number of applicants remaining in the country.
- viii** The Directorate should improve significantly the quality of performance and financial information it uses to help it work to increase the efficiency and effectiveness of its enforcement business. The Directorate should, for example, be able to:

 - monitor the proportion of its enforcement resources used at each enforcement office on asylum removal work, illegal working and other immigration offences;
 - monitor the time taken to complete the various stages of the removal process; and
 - compare reliably the cost and performance of its local enforcement offices.
- ix** The Directorate should reduce the time taken to remove the cases of failed applicants in detention for criminal offences, for example by:

 - reviewing all cases referred for early removal within a specified period;
 - encouraging voluntary return; and
 - dealing with travel documentation issues at the earliest opportunity.
- x** The Directorate should increase the number of removals achieved per bedspace in detention, for example by closer working with staff responsible for obtaining travel documents to prioritise cases.
- xi** To avoid a recurrence of the weaknesses in its contract management, the Directorate needs to work in closer partnership with its contractors, receive reliable information on performance, meet regularly to review performance and operational issues, and act quickly to resolve any emerging issues.

PART ONE

Introduction



1.1 Asylum applicants whose application to stay has been rejected, and who have no appeal outstanding, have no legal right to remain in the United Kingdom. Failed applicants are expected to leave the United Kingdom voluntarily or be subject to removal action. In 2003-04, the Home Office reported that 13,625 failed asylum applicants (17,855 including dependants), were either removed from the United Kingdom or were known to have left voluntarily. In the same year, Home Office management information shows that as a result of enforcement action it had also removed 11,795 immigration offenders who had not made an asylum claim.¹² In 2004-05 the number of applications fell by 25 per cent compared to 2003-04, while the number of failed asylum applicants removed, or choosing to return voluntarily, each month fell by 11 per cent to 12,110.

1.2 The Home Office's Immigration and Nationality Directorate (the Directorate) is responsible for assessing claims for asylum. There are three possible outcomes for asylum applicants:

- Refugee status (asylum) – recognition under the 1951 United Nations Convention relating to the Status of Refugees that the applicant has a well-founded fear of persecution. Refugees are allowed to settle permanently in the United Kingdom.
- Humanitarian Protection or Discretionary Leave to Remain – where protection is granted, sometimes for a limited period, for applicants with other compelling reasons for not being removed.
- Refusal – applicants who are refused are informed that they will be removed. They may appeal against the refusal to an immigration adjudicator and there are further rights of appeal for both the applicant and the Directorate. Applicants cannot be removed from the United Kingdom while they have an appeal outstanding. However non-suspensive appeals cases – from one of the 14 countries¹³ that the Directorate considers to be generally safe and certifies as “clearly unfounded” and cases from other countries certified “clearly unfounded” on a case-by-case basis – may be removed and can only appeal from abroad.

In most years since 1994, refugee status, exceptional leave to remain, humanitarian protection or discretionary leave to remain has been granted to between 20 and 30 per cent of applicants at the initial decision stage.

1.3 The Directorate is responsible for ensuring that asylum applicants without permission to stay in the United Kingdom are removed. In 2003-04, the Directorate spent £1.89 billion on all its operations, including £1.07 billion on the National Asylum Support Service, which provides accommodation and financial support to asylum applicants. In the same year, the Directorate spent £285 million on removals, enforcement and detention including associated overheads (15 per cent of the total spend). In addition, Her Majesty's Prison Service spent a further £15 million on the detention of immigration offenders prior to their removal. These figures include both the cost of removing failed asylum applicants and the costs of enforced removals of other non-asylum immigration offenders and the cost of detaining people at port prior to their return.

In 2003-04 the Directorate spent some £308 million supporting failed asylum applicants who have not been removed from the United Kingdom

1.4 Whilst an application is being considered, including any appeal, the applicant may be entitled to accommodation and financial support.¹⁴ Generally applicants for asylum are also eligible for health care, social services and education for their children and are not allowed to work. Single adult applicants' entitlement to accommodation and financial support ceases 21 days after their appeal rights are exhausted. Some may be eligible for further support under Section 4 of the Immigration and Asylum Act 1999 - where they cannot return voluntarily or be removed immediately (for example because they have no personal documentation and are awaiting confirmation of their nationality by their country of origin). In the case of families, support is maintained until they are removed. From December 2004 the Directorate has been piloting the cessation of support for families not co-operating with their removal, under the terms of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. Where failed asylum applicants choose not to return voluntarily and are not entitled to further support, they need to find their own means of financial support.

¹² In 2003-04 the Directorate also refused entry at ports and subsequently removed 36,400 people.

¹³ Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania, Serbia/Montenegro, Bangladesh, Bolivia, Brazil, Ecuador, South Africa, Sri Lanka and Ukraine. The ten countries which acceded to the European Union in May 2004 were also classified as generally safe, from November 2002 until accession.

¹⁴ The rates for financial support are set at 70 per cent of social security benefits for adults and 100 per cent for children.

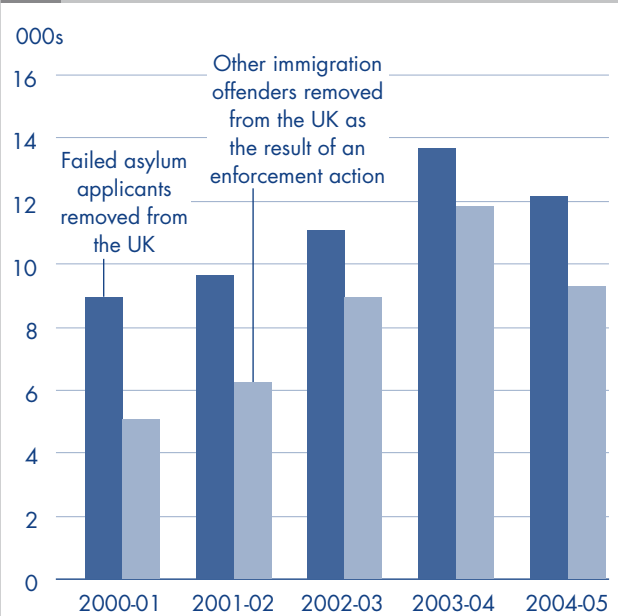
1.5 The Directorate estimates that some £308 million of the £1 billion it spent on supporting asylum applicants in 2003-04 was attributable to an estimated 18,500 failed asylum applicants with dependant minors under the age of 18 and no further right to remain in the UK. In addition the Directorate spent some £3.8 million supporting around 240 failed applicants under Section 4 of the Immigration and Asylum Act 1999.¹⁵

Prompt removal of applicants refused permission to stay is important for maintaining the integrity of the asylum process

1.6 The Directorate regards applicants as removable when they have not lodged an appeal against the refusal of their asylum application or when their asylum or human rights appeal rights have been exhausted. Failed applicants may seek help from the Directorate to return home voluntarily – their return flight can be arranged and paid for from public expense or they may apply to be returned under the Directorate’s assisted voluntary returns programmes. The latter provide reintegration assistance including, for example, training, access to education and help in setting up small businesses.

1.7 If they do not return voluntarily, failed applicants’ removal may be enforced by the Directorate. In autumn 2000 the Government set a target to increase the number of removals of failed asylum applicants to 30,000 by 2002-03, but withdrew this target in 2002 because the target was unlikely to be achievable. By 2004-05, the Directorate had increased the number of failed asylum applicants either returning voluntarily or removed from the United Kingdom to 12,110 principal applicants (14,075 including dependants), up from 8,960 failed applicants in 2000-01 (Figure 2) and from 3,540 in 1995-96. In addition, the Directorate believes that some failed applicants will have left the United Kingdom of their own accord without informing it – this issue is considered further at paragraph 2.2. Over the period 2000-01 to 2004-05 the Directorate also increased the number of other immigration offenders removed from the United Kingdom as a result of an enforcement action.

2 The numbers of failed asylum applicants and other immigration offenders removed from the UK between 2000-01 and 2004-05



Source: Home Office immigration statistics and the Directorate’s management information

NOTES

- 1 Other immigration offenders are those removed as a result of an enforcement action and includes visa overstayers etc.
- 2 The number of removals of failed asylum applicants reduced in 2004-05, mainly due to previously removable failed asylum applicants from accession countries having the right to remain in the UK following the enlargement of the European Union in May 2004.
- 3 Excludes dependants of asylum applicants.

1.8 The number of failed asylum applicants removed in 2003-04 was less than the estimated total of 34,735 new unsuccessful asylum cases in that year – that is, the number of applications refused in the year, less the number of refusals successfully appealed. In September 2004, the Government set the Directorate an overall target that by the end of 2005 the monthly rate of removals should exceed the number of new applicants predicted to be unsuccessful.^{16,17}

15 The numbers of successful applications for Section 4 support have subsequently increased, bringing the number of people supported to 5,180 as at March 2005.

16 Both removals and unsuccessful applications include dependants.

17 The new removals target is defined as being met where the number of removals is as great as the predicted number of newly unsuccessful applications, which is calculated by applying the historic rate of refusal of applications and dismissal of appeals to the number of new asylum applications in the month.

The Directorate's Enforcement and Removals Directorate is responsible for managing the removal of immigration offenders, including failed asylum applicants

1.9 The Directorate's Enforcement and Removals Directorate is responsible for managing the removal of failed asylum applicants. The majority of enforcement work is managed from a network of 32 enforcement and removal offices located across the country. The enforcement offices are also responsible for other aspects of immigration enforcement work, including operations to identify and remove other foreign nationals without permission to be in the United Kingdom and to prosecute employers of illegal migrant workers.

1.10 The enforced removal process can be complex. Local enforcement offices are supported in their removal work by a number of centrally managed specialist teams. These provide support in handling further legal issues raised by failed asylum applicants; obtaining emergency travel documentation from foreign embassies; managing the detention estate; arranging transport and escorts into and out of the removal centres; managing the cases of people held in detention for a long period; and arranging in-flight escorts, flight tickets or charter flights where required. In 2003-04, the Enforcement and Removals Directorate comprised around 3,000 staff based at the enforcement offices and in the centrally managed specialist units, 22 per cent of the overall Immigration and Nationality Directorate complement. Information on the organisational structure and how the staff were deployed is given at Appendix 6.

In recent years many European countries have been reviewing their processes for the removal of failed asylum applicants to increase the numbers removed

1.11 The issue of how to effect the removal of failed asylum applicants is one faced by most European countries. Most countries do not publish detailed immigration and asylum statistics, including statistics on removals, in a form that would allow meaningful comparison with those produced by the Home Office. In relation to removals, the lack of comparable data can arise because of the wide range of government and local agencies involved.

Most countries also aggregate asylum removals with other immigration removals. However, Appendix 4 provides an outline of the procedures used in Germany, the Netherlands and Australia and the removal statistics these countries have provided to us. This shows the differences in these countries' use of detention or other approaches for accommodating and maintaining contact with asylum applicants, and the similarity in the voluntary returns programmes operated on their behalf by the International Organization for Migration. The data provided to us suggest that the Directorate has achieved proportionately higher levels of enforced removals of failed asylum applicants than these countries, but has not experienced as high rates of voluntary return as from Germany and the Netherlands.

Scope and methods for the study

1.12 This report examines the Immigration and Nationality Directorate's management of the removal of failed asylum applicants. The report follows on from our examination of the application and appeal process published in June 2004¹⁸ and our review of asylum statistics published in May 2004.¹⁹ The report examines:

- how many failed asylum applicants are due for removal (Part 2);
- whether the Directorate removes failed applicants in an efficient and timely manner (Part 3);
- whether the Directorate has sufficient capacity to match the task (Part 4); and
- whether the Directorate has appropriate arrangements for monitoring and reviewing its performance (Part 5).

1.13 During the course of our work we visited six local Enforcement Offices where we interviewed staff, reviewed case files and observed enforcement operations. We also conducted work at the Directorate's central teams responsible, for example, for overseeing the use of the detention estate, obtaining travel documentation and managing escort contracts. We also consulted with a range of stakeholders on their perspectives of the Home Office's processes for the removal of failed asylum applicants. Further details of our study methods are at Appendix 3.

1.14 Our work did not encompass a review of the conditions provided in the Directorate's removal centres. Her Majesty's Inspectorate of Prisons has statutory responsibility for inspecting them and findings of these inspections can be found on www.homeoffice.gov.uk/justice/prisons/inspprison.

¹⁸ *Improving the speed and quality of asylum decisions*, HC 535 Session 2003-04.

¹⁹ *Asylum and migration: a review of Home Office statistics*, HC 625 Session 2003-04.

PART TWO

How many failed asylum applicants are due for removal



2.1 This Part examines:

- i** whether the Directorate has reliable estimates of the numbers of unsuccessful asylum applicants due for removal; and
- ii** whether the Directorate remains in contact with those due for removal.

i Whether the Directorate has reliable estimates of the numbers of unsuccessful applicants awaiting removal

The Directorate lacks reliable estimates of the number of failed applicants to be removed

2.2 Between January 1994 and May 2004, a maximum of 363,000 applications for asylum were unsuccessful. Over the same period the Directorate reported that it had removed 79,500 failed asylum applicants. Not all of the 283,500 applicants initially recorded as unsuccessful and not removed will now be removable, for example because they have subsequently been granted leave to remain or enter (including those who have obtained indefinite leave to remain under the Directorate's October 2003 concession for families²⁰) or they are from countries which have joined the European Union. And some will have left the United Kingdom of their own accord. Periodic operations undertaken by the Immigration Service since 1994 have identified that some failed asylum applicants do leave the country of their own volition (see **Case Study 1**). The evidence from these operations is not extensive enough to enable the Directorate to make statistically valid estimates of the number still to be removed.

2.3 The Immigration Service discontinued the practice of recording people entering and leaving the country at ferry ports and small and medium sized airports in 1994 and in large airports in 1998. The Directorate reported that even with embarkation controls it had not been in a position to match embarkation records, which had been kept manually, to asylum records. In December 2004, the Home Office began a pilot programme for electronic security checking of passengers destined for the United Kingdom and of departures on certain routes to identify overstayers, which will screen around six million passengers. The Home Office plans to roll out the electronic monitoring of passengers from 2008.

CASE STUDY 1

Examples of operations undertaken by the Directorate to detect immigration offenders leaving the United Kingdom

Since April 1998 the Home Office has adopted an intelligence-led approach of targeted embarkation controls.

Operation Union

The Directorate has mounted a series of operations at Heathrow airport. These have included checking every departing passenger on specific flights and the use of fingerprint technology (on a voluntary basis) to detect failed asylum applicants and other immigration offenders attempting to leave the country without the knowledge of the authorities. Operations have been undertaken, for example, for a week in the run-up to Christmas 2002, a week in February 2003 and 10 days in April 2003, starting the week before Easter and 10 days in December 2003. As a result a total of 191 immigration offenders were detected, of whom 40 were failed asylum applicants. They were recorded by the local enforcement office as voluntary returns and the Directorate's database was updated so that any subsequent asylum application could be subject to the fast-track procedure.

Further work by the Directorate

In October 2003 the Directorate organised a similar exercise on departures from six airports around the United Kingdom. As a result, a total of 135 offenders were detected of whom ten were failed asylum applicants.

The Directorate lacks a reliable electronic record of all potentially removable cases

2.4 At the end of May 2004, the Directorate's main case record database, known as CID, identified 155,000 failed applicants as potentially removable from the United Kingdom. The Directorate relies on CID to monitor progress with asylum applications from the point at which an application is made through to removal. The database has been used for applications work since April 2000 but has only been used routinely for removals work since June 2003. The Home Office does not publish information on the number of failed asylum applicants recorded on its database.

2.5 The number of potentially removable applicants recorded on the database (155,000) differs significantly from the deduced number of up to 283,500 potentially removable applicants (paragraph 2.2). Our work suggested that the difference was likely to be mainly because the Directorate's records do not include all cases where initial decisions were taken before May 2000 or whose appeal was before 2002. The estimated figure is also likely to be overstated because some failed applicants will have subsequently been granted leave to remain or enter.

²⁰ Families who had applied for asylum before October 2000 were eligible to apply for indefinite leave to remain, except families who were the subject of an anti-social behaviour order, had asylum applications under more than one name or who had a criminal conviction.

2.6 There is a risk that some applicants not on the database, and some of those on the database with no further right to remain in the United Kingdom, but not recorded as “appeal rights exhausted”, might still be in receipt of support. People who applied for asylum before April 2000 receive support directly from local authorities and not the National Asylum Support Service. During 2003-04 the Directorate funded local authorities £242 million to support an average of 19,200 applicants – an average cost of £12,600 per applicant in that year. By the end of December 2004 the number of applicants supported by local authorities had reduced to some 5,700. To address the risk, the Directorate is reviewing older cases to stop support where the applicant is no longer eligible.

2.7 The deduced figure (paragraph 2.2) and the Directorate’s database also currently exclude people who have overstayed their limited leave to remain and who may now be removable. The numbers have previously been small but are now likely to grow. Up until 2003, asylum applicants given limited leave to remain were given Exceptional Leave to Remain for up to four years, and after four years they could apply for indefinite leave to remain. Since 2003, however, the Directorate’s policy has been to grant initial protection for no more than three years and to grant further leave (whether limited or indefinite) only where an applicant still qualifies for such leave at the time of their subsequent application. The Directorate has created teams responsible for dealing with applications for extensions or permanent settlement in the United Kingdom. It has, however, yet to put in place procedures to flag up cases where limited leave to remain has expired without extension and where the individual would be removable.

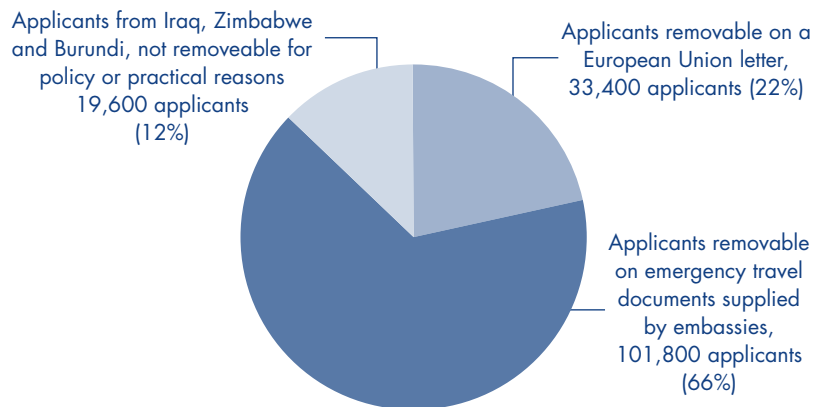
Not all the cases recorded by the Directorate as having no right to remain in the UK will be removable immediately

2.8 Although cases may be recorded on the database as having exhausted their right to appeal to remain in the UK, it may not in practice be possible to enforce the removal of people from certain countries immediately. Applicants may not be removable where:

- the Government determines that it is inappropriate to return failed asylum applicants to a country, notwithstanding any decision not to grant asylum, humanitarian protection or discretionary leave to remain on the individual cases. For example, in January 2005 there were temporary restrictions in place for the return of failed applicants from areas affected by the Indian Ocean tsunami, and restrictions applied to Zimbabwe from January 2002 to November 2004. People in this position do not have any immigration status, and are not entitled to work. They may apply for support under Section 4 of the Immigration and Asylum Act 1999 but may not be considered eligible if they are in a position to voluntarily leave the UK. Our analysis found that as at 31 May 2004 there were some 5,950 Zimbabwean principal failed asylum applicants on the Directorate’s database, of which some 410 had dependants under the age of eighteen; and
- the Directorate may be unable to arrange feasible routes to particular countries – for example to Iraq and Burundi in 2004. There were some 12,500 Iraqi, and 1,150 Burundian principal failed asylum applicants, of which some 240 and 110 respectively had dependants under the age of eighteen, as at 31 May 2004.

2.9 Failed asylum applicants with proof of their identity and those being returned to a safe third country, from which they arrived in the UK, may be immediately removeable, but for others there may be delays associated with obtaining travel documents. Many failed asylum applicants have no passport or other proof of identity, and need confirmation of their nationality and emergency travel documents from their embassy before they can be returned. The Directorate’s database records indicate that two-thirds of applicants with no further right of appeal at the end of May 2004 were from countries which require travel documents to be obtained from their embassies – rather than accepting European Union letters, which are travel documents prepared by the Directorate (**Figure 3**). Obtaining emergency travel documents from embassies can be a lengthy and sometimes unsuccessful process – this is explored further in paragraphs 4.14 to 4.17. The removals the Directorate has achieved have predominantly been to countries for which travel documentation is not an issue, for example Eastern Europe (**Figure 4**).

3 Two-thirds of failed asylum applicants with no further right of appeal to remain in the UK at the end of May 2004 were from countries requiring emergency travel documents obtained from their embassy



Source: National Audit Office analysis of the Directorate's database

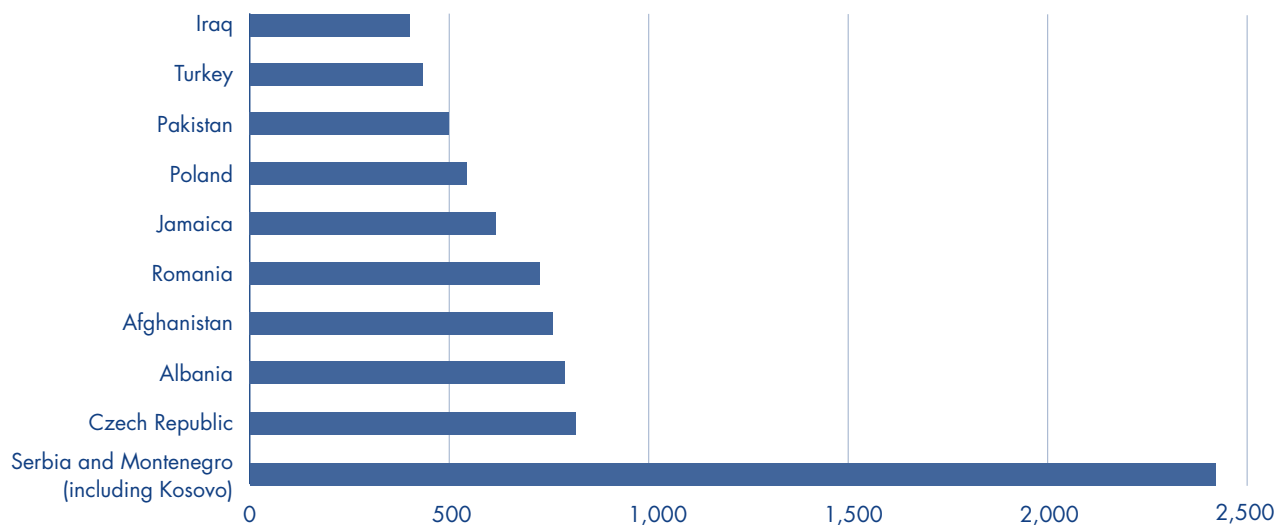
NOTES

1 From December 2004 the Government ceased its policy of not returning failed asylum applicants to Zimbabwe, making the 5,950 Zimbabweans removable with emergency travel documents supplied by embassies. Removals have also become possible to Burundi via neighbouring countries. In January 2005 the Government also determined that it was inappropriate to return failed asylum applicants from the Indian Ocean area affected by the tsunami.

2 The total number of applicants in the above figure, 154,800, excludes 200 cases for which the database did not record their nationality.

4 In the year May 2003 to April 2004 five of the ten top nationalities removed were Eastern European

Nationality of asylum applicants removed May 2003 - April 2004



Source: Immigration and Nationality Directorate

NOTES

1 Analysis based on the claimed nationality of the person removed and includes removals to their country of origin or to a safe third country through which they were found to have come to the UK.

2 Excludes dependants of asylum applicants.

2.10 Since 2003 the Directorate has been working with the Foreign and Commonwealth Office to develop country specific plans to improve or establish documentation procedures. In 2004 the Directorate was prioritising its work with 16 countries. The Government has concluded bilateral readmission agreements formally ratified by the Parliaments of Albania, Bulgaria and Romania. It has negotiated arrangements with Afghanistan, India, Sri Lanka, Turkey, China, Vietnam and the Somalian authorities and the Directorate considers it also has good longstanding arrangements with others. The European Commission has mandates to negotiate 11 readmission agreements in which the UK can participate, once they have been agreed.²¹

As a result of the difficulties achieving removals, the backlog of applicants to be removed includes significant numbers of older cases and family cases

2.11 Our analysis of the Directorate's database showed that some 50 per cent of failed asylum applicants in the removable pool as at May 2004 had applied for asylum more than three years previously. The Directorate considers that the longer a failed applicant has lived in the United Kingdom the more difficult it will be to remove them, because circumstances in their case may have changed significantly, rendering the initial refusal outdated. Or family circumstances may have changed, opening up the opportunity for the applicant to make a fresh claim for asylum or leave to remain on humanitarian grounds. The Directorate has worked to reduce the length of time taken to reach initial decisions. And it is working with the Department for Constitutional Affairs to introduce, with effect from April 2005, the new Asylum and Immigration Tribunal provided for in the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. This will replace the current two tier tribunal structure, with the intention of reducing the length of the appeal process.

2.12 The removable pool also contains significant numbers of families who are supported until they leave. By the end of March 2005, following the closing date for the Government's October 2003 concession for families who had applied for asylum before October 2000, the number of families granted permission to stay was 10,800, reducing the number of families awaiting removal. The Directorate estimates that as at March 2005 there were some 11,200 potentially removable families excluding those families refused indefinite leave to remain or awaiting a decision under the concession.

ii Whether the Directorate is able to trace those due to be removed

The Directorate has built up its network of reporting centres, but not all asylum seekers report

2.13 Applicants who have their application processed via the Directorate's standard procedure live in the community whilst their application is being processed. If eligible they may live in accommodation provided by the National Asylum Support Service. Otherwise they seek their own accommodation, for example with family and friends. As a condition of remaining in the United Kingdom while their asylum application is considered, applicants may be required to report periodically to one of the Directorate's local reporting offices or a local police station. If an applicant becomes eligible for removal, the Directorate has to arrange for their arrest and often detention prior to effecting their removal. In 2003-04 enforced returns like this accounted for 60 per cent of all returns of failed asylum applicants.

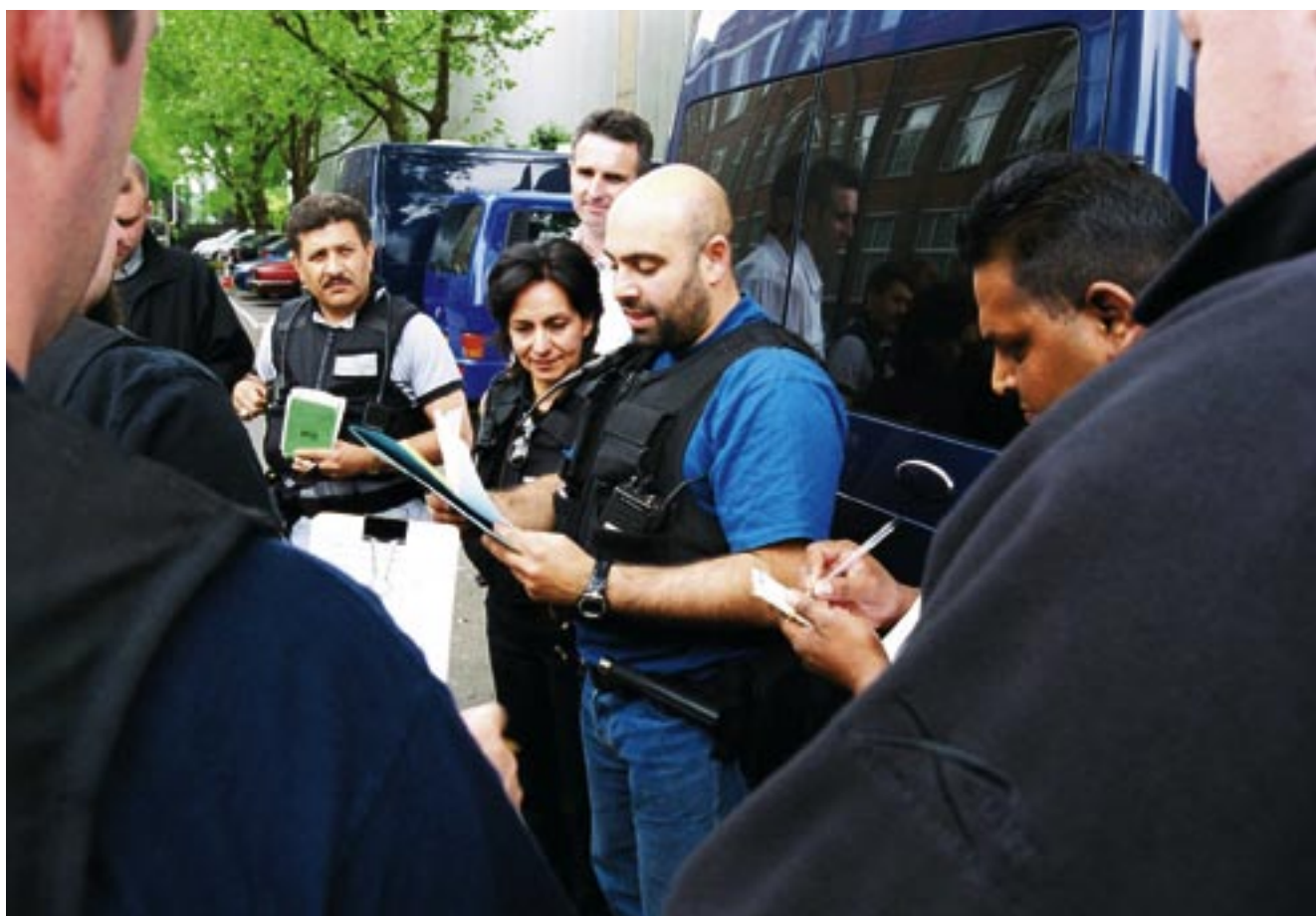
2.14 Since 2003, immigration officers have set reporting requirements for asylum applicants, as a condition of their entry to the United Kingdom. The Directorate has since then established a network of 11 centres across the United Kingdom to which they must report, weekly or monthly depending on the circumstances of the person or the stage of their application. Where there is no reporting centre close to where the applicant is living, the Directorate usually requires the applicant to report to immigration staff or the police at a local police station. On the other hand, there has to date been no requirement to report placed on people already with leave to enter, for example as a student or on a tourist visa, and who apply for asylum whilst in the United Kingdom. Under Section 71 of the Nationality, Immigration and Asylum Act 2002 the Home Office does, however, have the power to require people with leave to enter to report and the Directorate is developing the necessary procedures for this.

21 Albania, Algeria, China, Hong Kong and Macau, Morocco, Pakistan, Russia, Sri Lanka, Turkey and Ukraine.

2.15 If an asylum applicant fails to report, the enforcement office that manages the reporting centre, usually writes to the applicant's last known address. If this is not successful, the enforcement office must decide whether sending an arrest team to establish whether the applicant is still living at their address is likely to be the most efficient and effective approach. The Directorate's data show that in the nine months from April to December 2004 some 800 failed asylum applicants, and slightly more other immigration offenders, were found through 3,600 home visits, suggesting that fewer than half of such operations found the person they were seeking. With the introduction of new reporting centre technology, which has been piloted since January 2005, the Directorate aims to be able to stop applicants' support if they cease to report at any point in

the process of making an asylum claim. These sanctions will not have effect for single applicants who have exhausted their rights of appeal, as entitlement to support in these cases ceases after 21 days. Enforcement offices can record absconders on the Police National Computer, making them liable to arrest if encountered by the police, but our work suggested this did not always happen.

2.16 At its three induction centres the Directorate seeks to encourage applicants to comply with reporting following their dispersal. The Directorate is also trialling electronic tagging of some asylum applicants who have exhausted their right to appeal and telephone reporting as alternative approaches to keeping in contact with applicants through reporting.



PART THREE

Whether the Directorate takes prompt action to return failed applicants



3.1 This Part examines:

- i whether the Directorate has done enough to promote the use of assisted voluntary return; and
- ii whether the Directorate is effecting the timely and efficient removal of failed applicants who do not go voluntarily.

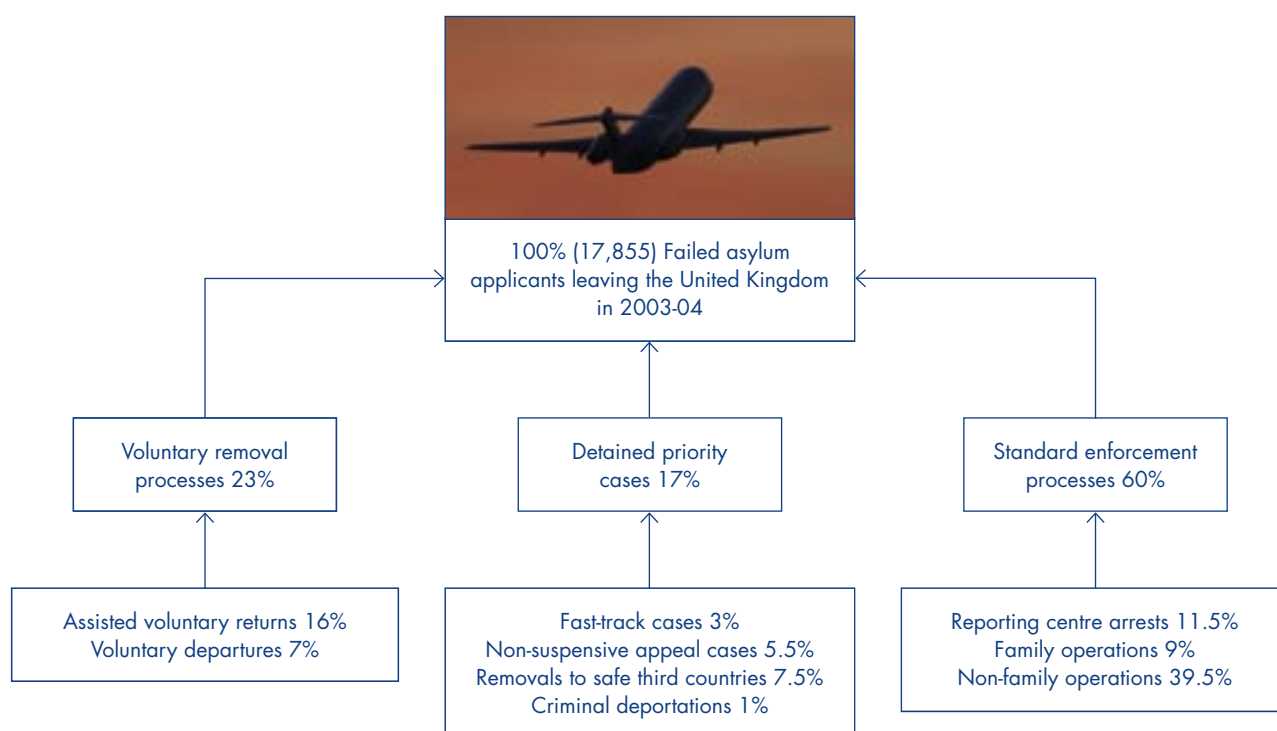
i Whether the Directorate has done enough to promote the use of voluntary-assisted return

The Directorate has assisted an increasing number of failed applicants to leave voluntarily but needs to do more to promote this option

3.2 Management information shows that in 2003-04, voluntary returns and assisted voluntary returns accounted for 23 per cent of all returns (Figure 5). Assisted voluntary returns alone accounted for some 2,800 people including dependants, 16 per cent of those returned.

3.3 In 2003-04, the Directorate spent £3 million on the voluntary-assisted returns programmes, including a £0.5 million grant and a contribution of £1.5 million in respect of operational expenses to the International Organization for Migration, a not-for-profit organisation which administers the main programme²² and special programmes for those wishing to return to Afghanistan (Appendix 5). The main programme in the United Kingdom offers returnees a number of incentives, including meeting the cost of obtaining passports, travel tickets and reintegration assistance through the provision of in-kind support, such as training and education. Failed asylum applicants for whom removal arrangements have been made and those detained prior to their removal on a deportation order, do not qualify for reintegration assistance - but may choose to return voluntarily at public expense. At an average cost of £1,100 per removal, including administrative costs, voluntary-assisted returns are less costly than the £11,000 spent on average on an enforced removal. Information on these costings is set out in Appendix 2.

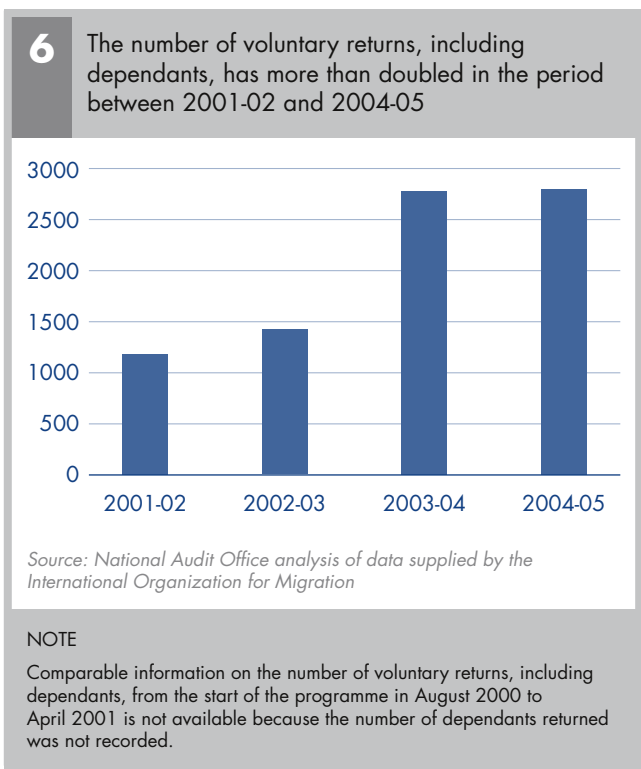
5 Assisted voluntary returns accounted for 16 per cent of returns of failed asylum applicants in 2003-04



Source: The Directorate's estimates based on its management information on numbers of applicants and their dependants returned in 2003-04

22 The contribution towards operational expenses made to the International Organization for Migration is matched by an equal payment from the European Refugee Fund, a European Union Council initiative with aims which include the promotion of voluntary return of failed asylum applicants to their country of origin.

3.4 Our work within the Directorate suggested that it could do more to raise the profile of the voluntary returns programme amongst applicants. Since the voluntary-assisted programme was introduced in July 2000, following an 18 month pilot, take-up has increased – from some 1,200 in 2001-02 to 2,800 in 2004-05 (Figure 6). The Directorate provides all unsuccessful asylum applicants with a contact number for the International Organization for Migration. The Directorate has also funded the International Organization for Migration and its partners and the Refugee Council to undertake work with community groups to inform them of the voluntary returns programme. The majority of referrals to the International Organization for Migration have come from community groups and solicitors. With some exceptions, within the Directorate we found limited championing of voluntary returns and the Directorate’s voluntary returns helpline within the local enforcement offices and removal centres. In the Dover Immigration Removal Centre, however, the local management team had raised awareness of the possibility of voluntary returns amongst detained immigration offenders. This project has led to an increase in the numbers choosing to return voluntarily (see Case Study 2).



CASE STUDY 2

The Dover Immigration Removal Centre Voluntary Return Programme

In February 2003 officers at the Dover Immigration Removal Centre launched an initiative to free up detention places by:

- discussing options with detained migration offenders including both failed asylum applicants and non-asylum cases to encourage them to choose to return voluntarily;
- engaging with detained migration offenders to persuade them to produce their passports; and
- simplifying some procedures with the removal team taking responsibility for some of the arrangements normally handled by other teams within the Directorate.

By February 2004, after its first full year of operation, the project had achieved:

- 140 voluntary removals, of which 103 were failed asylum applicants;
- In 87 of the 140 removals the detained migration offender produced their own passport, rather than requiring contact with the embassy to obtain an emergency travel document; and
- a reduction of detention time by an average of 12 days by the Removal Centre making the arrangements for the final stages of the removal.

Source: National Audit Office contact with Dover Immigration Removal Centre

3.5 Representatives from the International Organization for Migration, refugee groups and other non-governmental organisations suggested to us a variety of initiatives for increasing the number of voluntary returns. These initiatives included raising the profile of such programmes, establishing closer partnerships with community groups outside of London and the South East, and by the Directorate explaining the schemes personally to asylum applicants. For every 1,000 additional voluntary removals our estimates suggest an additional £9.9 million of resources could be freed up for other removals or enforcement activities, and there would also be some support cost savings in relation to those voluntarily returning before their entitlement to support ended. From August 2004 the Directorate started to address the need to do more to promote voluntary return, by improving the information available through the Home Office's website and throughout the asylum system. The Directorate is working to improve communications further, through local authorities and internet links, and with the International Organization for Migration to launch a new advertising campaign promoting assisted voluntary return in early 2005. And, with effect from January 2005 the Directorate has raised the maximum level of reintegration assistance from £500 per person to £1,000.

ii Whether the Directorate is effecting the timely and efficient removal of failed applicants who do not go voluntarily

The Directorate has removed a higher proportion of failed applicants whose applications were processed whilst in detention, but there have been delays in removing some criminal cases

3.6 The Directorate holds some applicants in detention while their application is being considered (see Box 1).

3.7 Overall, the Directorate has removed a higher proportion of failed applicants whose applications were processed whilst in detention. Between April 2003, when the fast track process was introduced, and the end of July 2004, 62 per cent of applicants dealt with via the Harmondsworth fast-track procedure (see box above) and refused were returned. Of the removals made, 90 per cent of these had been removed within 40 days of exhausting their appeal rights. And from November 2002, when the

BOX 1

Some applicants are held in detention whilst their application is considered

Harmondsworth Removal Centre

Began in April 2003 to provide fast-track processing of applications from males without dependants whose cases are suitable for fast tracking; and to facilitate fast-track appeals and removals. By the end of July 2004 1,040 applications had been processed in the Harmondsworth fast-track.

Applicants are detained throughout the decision-making process. Some failed applicants are removed straight from Harmondsworth, some are moved to other detention locations pending removal and some are released.

Oakington Reception Centre

Opened in March 2000 to provide a fast-track route for deciding straightforward applications. Since November 2002 it has also provided for decisions on cases where the applicant is from a country presumed to be safe and therefore may have no right of appeal from within the United Kingdom (non-suspensive appeals). By the end of June 2004 2,300 cases from countries presumed to be safe had been detained at Oakington while their applications were processed.

Applicants are detained until their applications are decided, unless a complexity arises that is likely to cause a significant delay in the decision-making process, when release will be considered. Applicants with a right of appeal are generally released while their appeal is processed. Non-suspensive appeal cases, which only have the right to appeal from abroad, may be removed straight from Oakington, some are moved to other detention locations pending removal and some are released.

Third country cases

Applicants who have entered the UK via a third country within the European Union, Iceland or Norway, so-called third country cases, may be detained in a removal centre while the Directorate confirms whether they will be accepted back by the third country under the Dublin II Regulation.

Criminal cases

Asylum applicants may be detained to serve a criminal sentence and recommended by the Court for deportation following completion of their sentence. And foreign nationals sentenced to custody may apply for asylum while in custody. In August 2004 there were some 240 criminal cases held in detention on immigration grounds following completion of their criminal sentence.

non-suspensive appeal process was introduced, up to June 2004, 68 per cent of cases from non-suspensive appeal countries determined at Oakington had been removed. Of these, 63 per cent were removed within 28 days of the refusal of their application.

3.8 The relatively high removal rates compared to other processing routes achieved, for example at Harmondsworth, reflects the fact that the applicants are already held in detention. Detention is costly, with each place costing around £1,400 per week. The process at Harmondsworth has, however, achieved high rates of removal from some countries not in the top ten countries for removal. For example 50 per cent of applicants from Pakistan whose appeal rights have been exhausted have been removed, and 41 per cent from Turkey. The factors contributing to this performance are discussed further at paragraph 3.27.

3.9 Amongst our sample of case files, the principal reason for not achieving removal of all fast-track cases was the difficulty of obtaining travel documentation. Those not removed within a short timescale were either transferred into long-stay detention space or were released pending receipt of a travel document.

Criminal cases

3.10 The Directorate has had difficulty meeting its target for the timely removal of criminal cases. Of those detained on immigration grounds after the end of their criminal sentence, some 55 per cent are failed asylum applicants or have applied for asylum while serving prison sentences for criminal offences. A specialist Criminal Casework Team works to a target of achieving 85 per cent of removals within 28 days of the end of the individual's criminal sentence. In the six months to July 2004, its management information showed it had achieved 71 per cent within 28 days. At 1 August 2004, however, 33 per cent of criminal cases being held in immigration detention beyond the end of their criminal sentence had been held for more than six months. The Criminal Casework Team took longer to remove some cases than the 28 days allowed because the offenders had not co-operated with the documentation and removal process or had claimed asylum at the end of their sentence. The Criminal Casework Team did not have figures available on how many failed applicants had been released from prison because removal could not be arranged.

3.11 Our examination of case files suggested that preparations for removal could be made much earlier. In some instances, action on criminal cases was not being initiated until a late stage, allowing insufficient time to make preparations for removal before the end of sentence.

3.12 With effect from June 2004, the Prison Service and the Directorate have introduced the Early Removals Scheme which allows for foreign national prisoners to be released from prison up to four months early and returned to their country of origin.²³ By the end of August 2004 the Directorate's records show that it had removed 333 people in the first three months of the scheme's operation, a small proportion of whom were failed asylum applicants. The Directorate had reviewed 1,194 of the 2,800 prisoners referred to them, and approved some 40 per cent for removal. The Directorate's records showed that 120 of the 659 cases reviewed and declined for early release had been rejected because of "absence of a travel document". The Directorate has recognised that the Criminal Casework Team has been under-resourced, and increased the complement to 34 in 2003-04 and then to 85 by March 2005 to help improve performance.

Third country cases

3.13 If an applicant enters the United Kingdom via a third country within the European Union, Iceland or Norway, the Directorate usually seeks to remove the applicant under the terms of the Dublin II Regulation to the relevant country to decide the application – so-called third country cases. Where the third country accepts the case, these applicants should be straightforward to remove. The Directorate's management information suggests that in 2003-04 some 2,100 applicants were refused asylum on third country grounds and 1,500 such applicants were removed. Not all third country cases are held in detention while their status is decided. Our examination of case files at enforcement offices indicated that local enforcement teams had given priority to removing third country cases. Where the cases had not resulted in removal, this was usually due to an inability to track down the applicant. The Directorate has increased the number of detention bedspaces set aside for use for third country cases, from 50 as at March 2004 to 200 as at December 2004.

²³ All foreign national prisoners can be considered for early release and removal to their country of origin except sex offenders, certain violent offenders and those serving an extended sentence.

There can be significant delays in securing the arrest and removal of applicants not already held in detention

3.14 Our analysis of the Directorate's data found that about 50 per cent of those removed in the year to May 2004 had applied for asylum more than three years previously (paragraph 2.11). The Directorate reported that in an exercise to determine the outcome of a sample of 800 non-detained applicants who had had their appeal to the adjudicator dismissed in a two-week period in February and March 2004, only 3 per cent had been removed within three months. 21 per cent of the sample were from countries for which travel documentation is not an issue, but 25 per cent of these had absconded.

3.15 Failed applicants living in the community may be targeted for arrest by the Directorate:

- **after their appeal rights have been exhausted.** The Directorate believes that by taking faster decisions on new applications it is more likely to deter people with unfounded applications from coming to the United Kingdom. Effecting prompt return or removal of at least some applicants is an important element in reinforcing this deterrent effect.
- **as part of an intelligence-led operation.** As part of its wider responsibility to enforce immigration law, the Immigration Service arrests failed asylum applicants found in operations to detect illegal working and to target places where immigration offenders are known to reside.

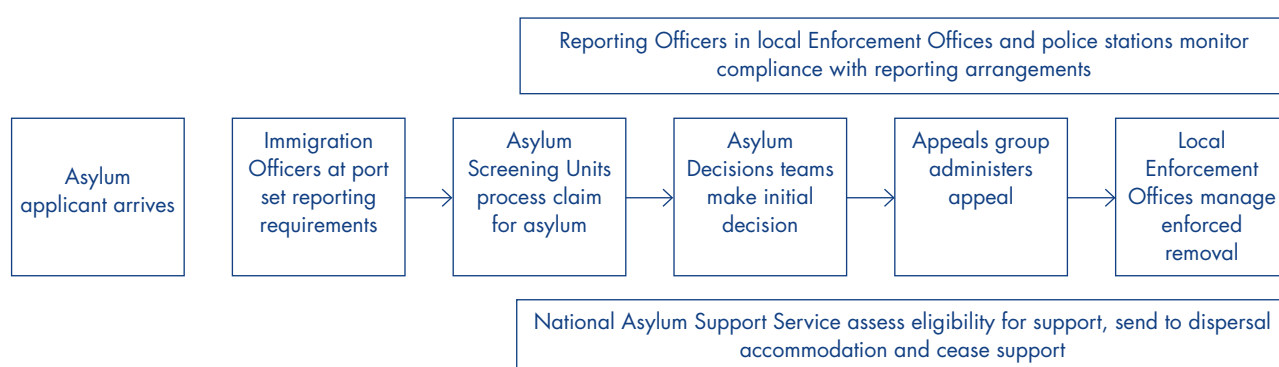
Failed applicants living in the community may also be referred to the Directorate by the police who may encounter immigration offenders, including failed asylum applicants, in the course of their work.

3.16 Prompt arrest, detention and removal of failed applicants not held in detention requires close co-operation between a number of different parts of the Directorate who have an interest in the application as it progresses from initial decision through to one of the local enforcement offices for removal (**Figure 7**). Our work identified a number of areas where performance could be further improved.

i Newly failed asylum cases need to be passed more promptly to enforcement offices for removal

3.17 The Directorate regards applicants as removable when they have not lodged an appeal against the refusal of their asylum application or when their appeal rights have finally been exhausted. Our work suggests that there have been weaknesses in the Directorate's procedures for recording older cases as "appeal rights exhausted" on its database (paragraph 2.5). But it also suggests that the Directorate has improved its procedures to ensure that new cases whose appeal rights are exhausted are recorded as such and passed more swiftly by the teams dealing with appeals to enforcement offices.

7 Applicants' asylum cases may be handled in five stages from their first application to their removal



Source: National Audit Office

3.18 Our review, however, identified delays in passing cases to enforcement teams where the applicant had failed at the initial stage and had not exercised their right of appeal within the specified time period, normally 14 days.²⁴ Initiating enforcement action at this stage can result in some aborted work if applicants then appeal and removal action cannot be completed until the appeal has been determined. And the courts do not necessarily throw out late appeals. If no removal action is initiated, however, the failed applicant remains unlawfully within the United Kingdom. And if the applicant has a dependant family they will continue to receive support.

3.19 In November 2003 the Directorate identified on its database 49,000 cases since October 2000 for which no appeal had been lodged and which were not recorded as being removable. Up to 3,000 of these applicants were in receipt of support from the National Asylum Support Service. In June 2004, the Directorate started, on a pilot basis, a review of newly decided cases at the Leeds enforcement office to ensure that all were flagged as being appeal rights exhausted, if no appeal had been submitted within 14 days of service of the decision, and then passed for cessation of support, and on to enforcement teams for

removal. In August 2004 the Directorate introduced new procedures to ensure that support was ceased on all such cases within 21 days of not lodging an appeal.

ii Enforcement offices could make more effective use of reporting centres to help initiate removal action

3.20 The Directorate could make better use of reporting centres to effect removal action. At the time of our visits to local enforcement offices in early 2004, four out of the six offices visited had reporting centres attached which they were using to help effect arrest and initiate removal. Only the London enforcement office, however, had adopted a policy of making the reporting centre its preferred means of initiating arrest for removal. At the time of our visit, the team was achieving up to 40 per cent of its removals via the reporting centre. The others were relying on sending arrest teams to failed asylum applicants' last known address. This approach is likely to be more costly than arresting a failed applicant at a reporting centre particularly because of the low success rate in finding failed asylum applicants at their last address and the number of immigration staff required to make an arrest in the community (see Case Study 3).

CASE STUDY 3

Case studies illustrating the resources required to initiate removal via a reporting centre compared to arrest at a home address

Successful detention and removal from a reporting centre

Mr V from Romania applied for asylum and was refused in 2001. He exhausted his rights of appeal in 2002. The Enforcement Office started checks on his removability a year later in 2003 and visited Mr V and his family at their home to discuss arrangements for their return to Romania. The family were detained when they reported at the reporting centre a month later and were removed the following day. The arrest involved one warranted immigration officer, who had specialist training to deal appropriately with families. The arrest took about one hour, with the support of the security guards at the reporting centre and the use of a telephone interpreter for about 30 minutes; and belongings were collected for the family.

Successful arrest at a home address and removal

Ms Y from the Ivory Coast applied for asylum and was refused in 2002 and gave birth to a child at the end of the year. The Enforcement Office started checks on her removability in 2003 and she resumed monthly reporting in March 2003. Checks were made with the police about any known risks associated with the applicant and the NASS address at which the applicant lived. The applicant was found at home on the third time Immigration Officers tried to visit her and acknowledged that she knew she had no further right to remain in the UK. The following month, after further police checks, a team (comprising three Immigration Officers, who had specialist training for dealing with family cases, and two Police Liaison Officers) arrived at 07.00 to arrest the applicant and young child. The applicant refused entry to the house, but after enforced entry she became cooperative, packed her belongings and was taken initially to the reporting centre and then to detention prior to removal 3 days later. The arrest involved a team of two immigration officers and two police officers who stayed with the applicant until she was taken to the holding room attached to the enforcement office some five hours later.

Source: National Audit Office local visits and review of case files

24 Applicants are required to appeal against an initial refusal of their asylum claim within ten working days of the service of the decision which is interpreted as being 14 calendar days.

3.21 The Directorate reported that it is now taking steps to make better use of reporting centres across all its enforcement offices. By July 2004, management information shows that the Directorate had increased the proportion of enforced removals achieved via its reporting centres to 21 per cent, from 14 per cent in August 2003. We estimate that if the Directorate were able to achieve 40 per cent of their enforced removals by arresting failed asylum applicants in a reporting centre, they would achieve a saving of £2.5 million.

iii The timing of removal action needs to be better co-ordinated with the cessation of support

3.22 At the time of our visits, we found poor co-ordination between enforcement offices initiating removal action and the action taken by the National Asylum Support Service to cease support following a failed application. The National Asylum Support Service is statutorily obliged to cease support 21 days after appeal rights have been exhausted and therefore any monies spent after that date are irregular. Typically, procedures for planning and effecting removal action on a newly failed asylum case take considerably longer than 21 days – between 50 and 200 days amongst the case files we examined. As a result, operations to arrest failed asylum applicants at their last known address were only likely to be successful if they had not already been evicted by their landlord following the withdrawal of support from the National Asylum Support Service. The Directorate's current procedures do not alert enforcement offices to potentially removable applicants before the date appeal rights have been exhausted.

iv The Directorate is strengthening the management of larger intelligence-led operations

3.23 The enforcement offices we visited put case files they did not prioritise for immediate action into storage. Most of the cases placed in storage were from countries considered more difficult to remove people to, because of difficulties obtaining travel documentation or the lack of a route for safe passage. As time elapses, the Directorate loses contact with many of these applicants, either because they deliberately evade removal action or just move on and fail to keep the Directorate informed of their new address as they are required to do. As a result, many of these failed applicants will only be picked up for removal action if they are encountered as a result of an intelligence-led operation or through contact from the police.

3.24 In addition to operations leading to the removal of individual failed asylum applicants, the Directorate has wider responsibilities to disrupt a range of other immigration offences including sham marriages, outfits providing fake passports or visas, and employers providing employment to illegal immigrants. Enforcement operations vary in size between small operations aimed at finding two or three immigration offenders to larger operations, for example targeting a restaurant or hotel employer where many more offenders may be found.

3.25 We found that by early 2004, enforcement offices had, to varying extents, built up pools of arrest trained immigration officers who could undertake operations. In the nine months from April to December 2004 the Directorate's records show that there were over 400 larger scale operations and these found 2,300 immigration offenders, including 800 failed asylum applicants. At present the average cost of detection and enforcement is about £2,800, and the average cost of detention and escorts is £5,800, for each successful enforced return; in addition a further £2,400 is spent on casework, securing travel documents and the purchase of tickets (Appendix 2). The Directorate conducted an internal Review of Resourcing and Management of Immigration Enforcement, completed in September 2004, which found that the bulk of effort was being spent on targeting individual failed applicants, despite being less cost effective than larger operations. The review concluded that more detections could be achieved by shifting resources to larger operations.

v The Directorate needs better information on the comparative performance of local enforcement offices

3.26 The Directorate has monitored the numbers of removals achieved by each enforcement office but prior to April 2004 had not compared the relative effectiveness of their performance. With the introduction of the National Operations Diary in April 2004, a database recording the operational activities and results for enforcement teams, the Directorate has started to compare enforcement office performance on operations. The Directorate's Review of Resourcing and Management of Immigration Enforcement suggested that the performance of enforcement offices was not determined by their size or whether they were connected to a reporting centre or not. The review team noted, however, that data collected at enforcement offices was not sufficiently consistent to support these comparisons of their performance, and that it should be extended to enable comparison of the costs of enforcement against the outputs delivered across the different enforcement activities.

The Directorate is currently piloting new approaches to managing the removal of failed applicants not already held in detention

3.27 Our work suggested that lessons could be learned for managing those not held in detention from the stronger performance management of cases processed via the Harmondsworth route and the greater continuity amongst staff managing the cases. At Harmondsworth a single, more senior, caseworker manages the details of the case from initial application to appeal, and is available to deal with any further queries during the removal stage. This approach compares to the use of several caseworkers through the normal route. Performance monitoring focuses on the proportion of cases reaching key milestones within clearly defined target times at all stages, including enforcement. Cases falling outside the targets are closely scrutinised by line managers. In contrast, local enforcement offices, because of capacity constraints, have focused on achieving target numbers of removals rather than improving the proportion of cases dealt with. And, crucially, the process of obtaining travel documentation through the fast track route starts as soon as an application receives a refusal at the initial stage.

3.28 In 2004 the Directorate started trialling new approaches to case management for newly decided asylum cases to deliver more efficient and effective removals (see Box 2). The Directorate reported that the North West trial will draw upon the lessons to be learned from Harmondsworth. And in February 2005 the Government announced that its five year strategy for asylum²⁵ would include the introduction of new processes for considering asylum applications. These would involve some expansion in the use of fast-track decision processes for applicants held in detention; a new fast-track process for people who apply for asylum late when they have been arrested for illegal working or their permission to stay in the United Kingdom is about to expire;²⁶ and the introduction of specialist case managers to manage applicants' cases through the asylum system through to integration or removal. The Government announced that the new arrangements would also involve determining a strategy for maintaining contact with each applicant, including whether or not they should be detained; reporting requirements and whether to use electronic tagging; and the cessation of support for those not complying with their reporting requirements.

BOX 2

Pilots of the introduction of case management for the removal of newly failed asylum applicants

Case Management Team Plus Pilot

This pilot involves a case-owner, based at the reporting centre of a London enforcement office, monitoring progress on the case and taking action to address issues as they arise. The case-owner will have direct contact with the applicant through the reporting centre, and can act as an applicant's main point of contact with the Directorate. The case-owner can also provide information to those who have not appealed, take steps to deal with removals related issues as the case progresses through to its conclusion and can provide information on assisted voluntary returns. The case-owner will not have responsibility for making the decision on the asylum application.

The pilot began in November 2004.

North West Pilot

This pilot involves attempting to expedite the decision-making for non-detained applicants living in induction service accommodation in the North West. The applicants chosen will not include any suitable for the non-suspensive appeal process nor arrivals from safe third countries. The process aims to involve tighter case management, based on the processes operated in Harmondsworth and other pilots in Leeds and London. A team of administrative staff and caseworkers will own, decide and manage cases from application through to removal – interviewing the applicant whilst living in induction service accommodation and serving the decision while still there or very quickly after dispersal to National Asylum Support Service accommodation. When they undertake the substantive interview to decide the application, they will also carry out the interview to obtain any information needed to obtain emergency travel documentation. If the applicant appeals then the file will be passed to the Appeals Directorate, but it will return to the team after the appeal process has been completed. However, throughout the process, one team will be responsible for monitoring and ensuring progress. The team will have responsibility for maintaining contact with the asylum applicants at all times, including trialling new strategies and initiatives.

The pilot began in December 2004.

Source: National Audit Office

25 The Five Year Strategy on Immigration and Asylum, CM6472, February 2005.

26 The Directorate started in June 2005 to introduce the new fast-track process for people who apply for asylum when they have been arrested for illegal working or their permission to stay is about to expire.



PART FOUR

Whether the Directorate has sufficient capacity to meet its targets



4.1 This Part examines:

- i whether the Directorate has sufficient capacity to meet its targets; and
- ii whether the Directorate has addressed potential bottlenecks in the removal process.

i Whether the Directorate has sufficient capacity to meet its targets

The Directorate has expanded its capacity and has kept the unit cost of each removal broadly constant over the last three years

4.2 Between 1999 and 2002, the Directorate received high numbers of asylum applications, compared to the pattern in previous years and to the numbers since 2002. As well as placing extra demands on the application and appeal processes, the rise placed additional demands on the capacity of the enforcement processes. The number of new cases exhausting their appeal rights was particularly high in 2000 and 2001 (**Figure 8**).

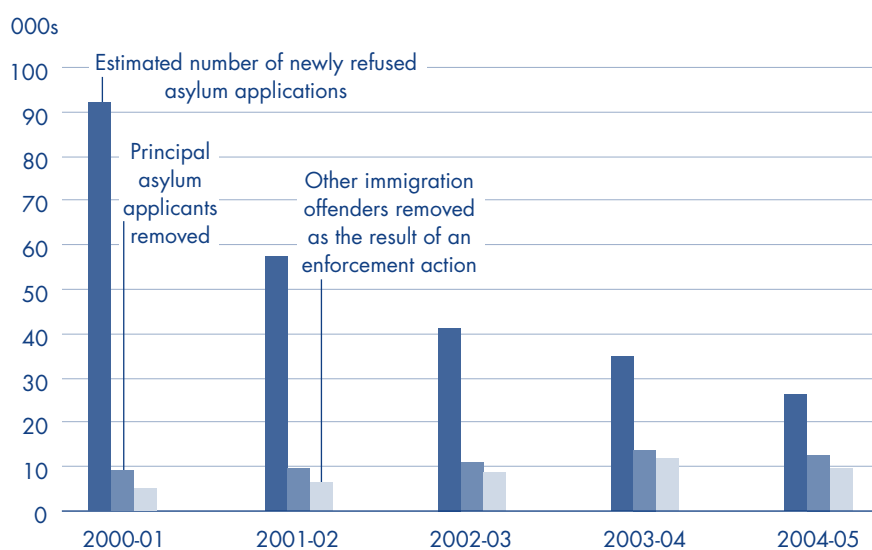
4.3 The Directorate has significantly increased its removals capacity to meet the increased demand for removal action, whilst at the same time reorganising to bring together the management of all aspects of its enforcement and removals work. Between 2001-02 and

2003-04, increased resources and reorganisations resulted in the cost of removals and other immigration enforcement work increasing from around £188 million to £300 million including overheads and the amount spent by Her Majesty's Prison Service on the detention of immigration offenders prior to their removal (see Appendix 2). Over the same period, the number of removals and enforcement staff rose from some 1,350 to around 3,000, including caseworkers and immigration officers – as set out in detail in Appendix 6.

4.4 With increased resources the Directorate has increased the number of failed asylum applicants removed from the United Kingdom (not including dependants) by 52 per cent between 2000-01 and 2003-04. During the same period the number of immigration offenders who had not made an asylum application and who were removed from the United Kingdom as a result of enforcement action, increased from 5,070 to 11,795. It is not possible, based on the management information available, to say whether the proportion of enforcement resources devoted to asylum versus non-asylum removals has altered over the period. The increase in the number of asylum and non-asylum removals overall, however, has increased at a comparable rate to the increase in resources, resulting in the unit cost of a removal rising from £9,500 in 2001-02 to £10,100 in 2003-04. These figures have not been adjusted for inflation.

8

From 2000-01 to 2004-05, the number of failed asylum applicant removals has risen but it remains less than half the number of newly unsuccessful asylum applications



Source: National Audit Office analysis of published Home Office statistics and the Directorate's management information

NOTES

1 The estimated number of newly refused applications is based on the number of cases with an outright first refusal in the year, less cases where the asylum applicant has successfully appealed.

2 The high numbers of newly refused applications recorded during 2000-01 and 2001-02 reflects: the actions taken by the Directorate to address the backlog of undecided applications that had built up at that date; and the continued high rate of new asylum applications (between 70,000 and 80,000 each year).

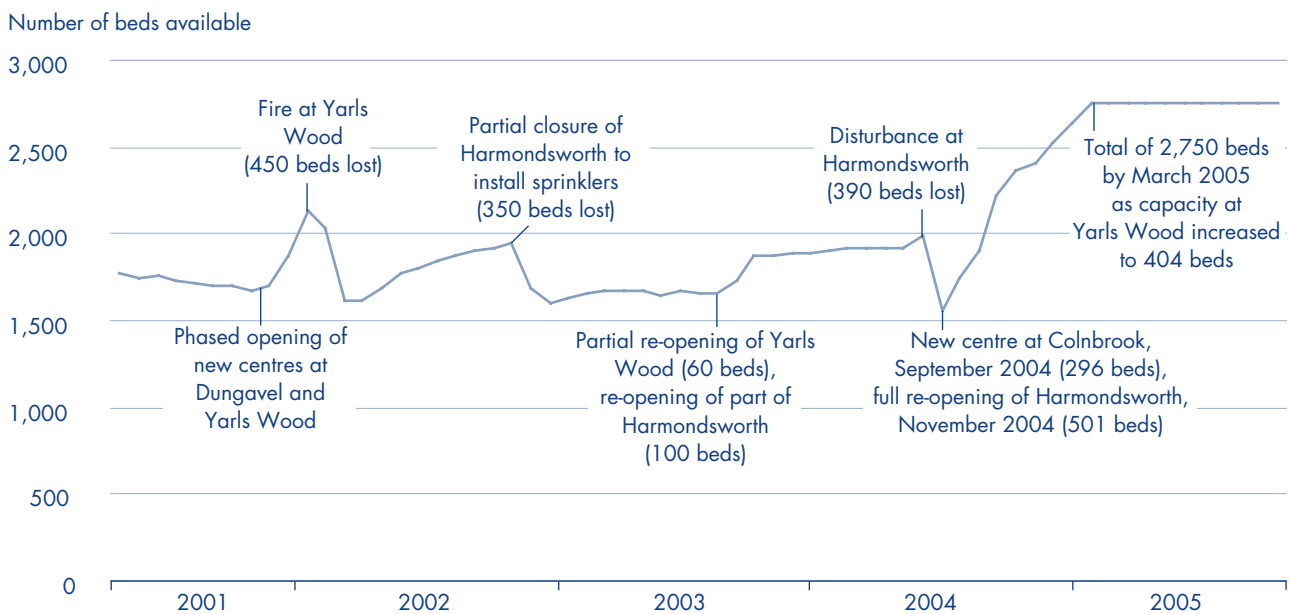
A planned expansion in the number of detention places should help the Directorate work towards its new removals target, but other potential bottlenecks in the removal process also need to be addressed

4.5 The demands made upon the Directorate’s removals operation continue to exceed its capacity (Figure 8). In September 2004, the Government set the Directorate an overall target that by the end of 2005 the monthly rate of removals should exceed the number of new applications predicted to be unsuccessful. To meet the target the Directorate initially forecast it would need to increase the number of removals including dependants compared to 2004-05, from 14,075 to 29,160 each year, as well as experience a 10 per cent further decline in the number of applications, to 2,400 a month. However, the number of new applications has continued to fall, and, in the latest period, January to March 2005, new applications have fallen below this projected level. If this fall is maintained the Directorate will need to achieve less of an increase in the number of removals to meet the target.

4.6 To help meet its new target, the Directorate is expanding the capacity of its detention estate. The detention estate is used for detaining failed asylum applicants and other illegal immigrants while arrangements are made for their enforced removal. But it is also used for the detention of people arrested at the border, asylum applicants whose cases are handled by the fast-track processes, and for some illegal immigrants transferred from the prison estate at the end of their criminal sentence.²⁷ Our interviews with local enforcement staff in January 2004 suggested that the availability of detention places was one of the key factors constraining their ability to improve the throughput of removals. The Directorate increased the number of bedspaces in 2004 and further expansion in early 2005 brought the number of removal centre and short-term beds to 2,750 by March 2005 (Figure 9).

4.7 If the efficiency of use of the detention estate achieved in the six months up to June 2004 were maintained, the expected increase in detention beds would enable an increase in removals of some

9 The removals estate expanded to around 2,750 bedspaces by March 2005



Source: National Audit Office analysis of the Directorate’s management information

NOTE

The number of beds does not include beds used for removals processes by the Directorate at short term holding facilities at Dover, Harwich and Manchester airport.

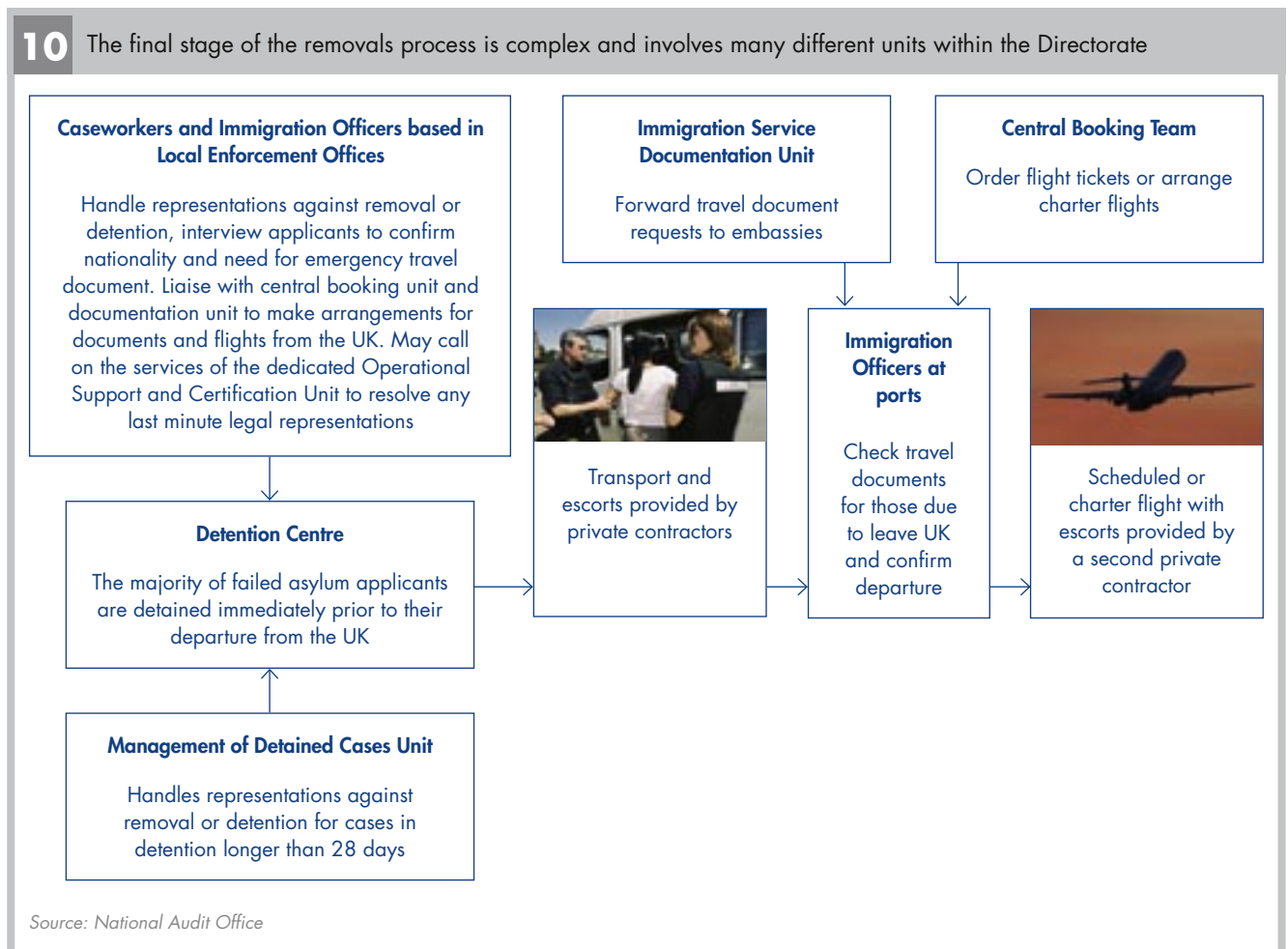
²⁷ The Directorate has powers under the Immigration Act 1971, as amended by the Nationality, Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002, to detain pending examination of an asylum claim and where the applicant fails to comply with any restriction placed upon them by an immigration officer.

340 to 375 failed asylum applicants and their dependants each month, as well as an increase in use for other illegal immigrants. This is around 40 per cent of the increase required to meet the new target of the monthly rate of removals exceeding the number of new failed applications by the end of 2005, based on the number of new applications remaining at the reduced monthly rate achieved in March 2005.

4.8 To meet the target the Directorate will therefore also need to increase the number of removals not requiring detention, such as voluntary returns, or to increase the numbers of failed asylum applicants removed per bedspace in removal centres. To achieve this the Directorate will also need to address the other bottlenecks considered below. If the Directorate is thereby able to achieve the new target then the number of unsuccessful asylum applicants due for removal will cease growing, but achievement of the new target will not address the backlog of unsuccessful applicants awaiting removal.

ii Whether the Directorate has addressed potential bottlenecks in the process

4.9 Once a failed asylum applicant has been arrested, prompt removal relies on a number of elements in the process to operate efficiently (**Figure 10**). This section examines the most crucial elements, in particular: the use of the detention capacity; the procedures for obtaining travel documentation and clearing outstanding legal issues; and the arrangements for escorting failed asylum applicants to and from detention and escorting them to their country.



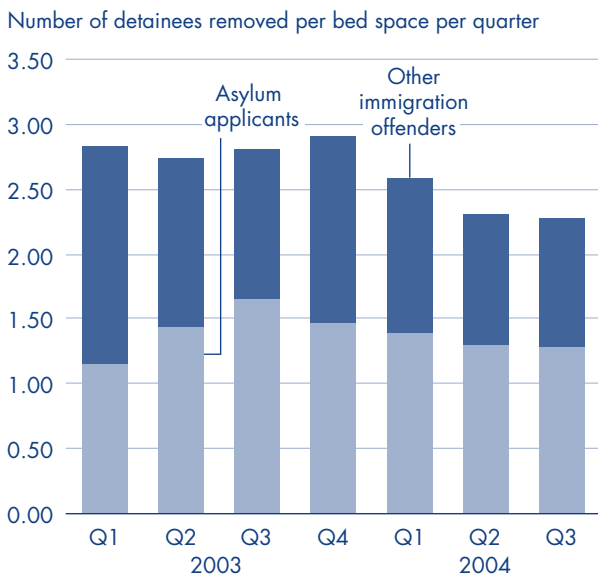
The capacity of the detention estate has not been optimally used, but new management arrangements should improve this

4.10 The Directorate aims to achieve an 80 per cent occupancy rate for the detention spaces available to it. Our analysis of the Directorate’s management information suggested that the Directorate had achieved occupancy averaging 77 per cent in 2003-04, but in the eight months from April to November 2004 occupancy had fallen to 68 per cent.

4.11 Over the period January 2003 to September 2004 the average number of detainees (failed asylum applicants and other immigration offenders) removed for each detention space available fell from about three removals per bed per quarter (less than one a month) to about 2.3 removals per bed per quarter (**Figure 11**). This reduction may reflect the Directorate’s decision to use more of the estate for applicants detained during the

decisions process, either fast-track cases or third country cases. Our examination of case files suggested that in a majority of cases removal had taken place promptly once the various arrangements had been made, but this could be some time after the initial detention because of the need to wait for travel documentation or the time taken to book a flight. Our case file examination also suggested that for those not immediately removed there could be delays in the consideration of the case for bail. Refugee groups consulted during our examination regarded this as a particular problem. From our analysis of the Directorate’s management information we found that in November 2004 overall around one in ten detainees had been detained for more than two months before leaving detention and that 28 per cent of those released or bailed had been detained for more than 14 days. If the number detained for more than two months were reduced by ten per cent, and if, in addition, the number released after more than 14 days were reduced by ten per cent, this could allow more efficient use of the detention estate worth some £15.5 million.

11 The rate of removal of detainees from the Directorate’s removal centres has reduced from three per bed per quarter



Source: National Audit Office analysis of the Directorate’s management information

NOTE
 Detainees held by the Directorate in police cells, prisons and external hospitals are not included.

4.12 In April 2004, the Directorate undertook a review of use of the detention estate with assistance from the Prime Minister’s Delivery Unit. The Directorate identified a number of factors contributing to the sub-optimal use of its detention estate:

- a lack of clarity about the strategic priorities governing the use of the estate, for example between border control cases, fast-track decisions, third-country cases, criminal cases, enforced removals and related initiatives;
- the difficulty experienced by removal teams in predicting the number of detention places available to them;
- a lack of clarity within the Directorate over ownership of those cases detained over longer periods;
- poor quality management information on the use of detention spaces; and
- insufficient forward planning of the use of the detention estate. The review team identified a need to model the likely impact on detention places of measures in preparation across the Directorate, for example the planned introduction of accommodation centres and the expected reduction in the number of asylum applications.

4.13 In May 2004, the Directorate established a new Detention Review Board. It is overseeing the reorganisation of the team responsible for the management of the detention estate and taking forward a number of initiatives to address the weaknesses identified. These include assigning clearer responsibility for managing longer-term detention cases. By December 2004 operational units had been given their own allocations of bedspaces and enforcement offices we contacted considered that detention spaces were no longer a constraint on their activities. Other bottlenecks affecting the time failed applicants stay in detention, such as casework delays and availability of escorts had been tackled as discussed further in paragraphs 4.18 to 4.26.

Difficulty obtaining travel documentation significantly constrains removal to some countries, but delays within the Directorate could be reduced

4.14 Where failed asylum applicants have their own passports, removal can be straightforward. Applicants with passports or other proof of identity are required to hand them to immigration staff when they make their application for asylum. Many applicants, however, do not have any form of identification or conceal it, and they may give a false identity.

4.15 Where no travel documents are available, the Directorate may itself be able to prepare a valid travel document known as a European Union letter, provided the applicant comes from a country where this document is recognised. For those countries which do not accept the European Union letter, a specialist team within the Directorate, known as the Immigration Service Documentation Unit, is responsible for seeking travel documents from the relevant embassies. In March 2004 the Directorate established that 77 (55 per cent) of the 139 people held in detention at that time for more than six months were held awaiting travel documents. Our analysis of information from the Directorate's database in March 2004 for applicants from 11 countries which account for 87 per cent of the Unit's workload,²⁸ suggested that the Unit took on average 17 days to forward applications for travel documents to the relevant embassies. Delays in sending the travel documents to embassies resulted from pressure of work in the Unit or

the need to obtain missing information from local enforcement offices. The embassies took 53 days on average to provide the travel documentation – embassies will often wish to make checks against records kept in their home countries. In 15 per cent of cases the embassies had refused to provide emergency travel documentation, for example because they could not confirm the individual's identity. In our examination of case files we found that in such cases the Directorate generally attempted to gather further information about the applicant before resubmitting the application.

4.16 The Directorate reviewed the work of the Unit in August 2004 and recognised the need to improve its performance. The Directorate transferred responsibility for dealing with embassies to an overseas liaison team, enabling the Unit to focus on administrative procedures. The Unit reduced the time taken to submit applications for travel documents and by November 2004 was forwarding applications for travel documents for the 11 countries accounting for the majority of its workload in seven days on average. In January 2005 it also undertook a review of all existing requests for travel documents to ensure that where possible enforcement offices and ports had used the resulting documents to effect removals – previously not all travel documents issued had been acted on and in some cases failed applicants had absconded before the document had been received by the Unit. To achieve these improvements the number of staff employed in the Unit is planned to increase from 33 to 40 by April 2005.

4.17 A number of forcibly removed immigration offenders are refused entry by the authorities in their country of origin and immediately returned to the United Kingdom. In the period October 2003 to September 2004 the Directorate recorded 82 cases where this had happened. Of the 36 people returned to the United Kingdom from April 2004 (when the reason for entry being refused was first recorded) to September 2004, 21 (58 per cent) were returned because the authorities did not accept a European Union letter, although in five of these cases the letter was accompanied by supporting documentary evidence issued by the country of origin including birth certificates, driving licences, identity cards and expired passports. The Documentation Unit investigates all refusals of European Union letters with the embassies of the country concerned.

28 Algeria, China, Democratic Republic of Congo, India, Jamaica, Moldova, Nigeria, Pakistan, Sri Lanka, Turkey and Ukraine.

In most instances, the Directorate has dealt with last-minute representations quickly but mistakes have been made in a small number of cases

4.18 The Directorate's review of success in achieving early removal of applicants who have had their appeals to the adjudicator dismissed (paragraph 3.14), found that nearly 20 per cent had not been removed because the applicant or their representative or Member of Parliament had made further representations, a marriage application or an application to work in the country had been made, or a further appeal had been lodged. Our work suggested that the Directorate had arrangements to deal quickly with last-minute representations. During the removals process the Directorate must deal with any further legal representations made by the failed asylum applicant, their representative, or their Member of Parliament. Responsibility for addressing applicants' representations rests with caseworkers based at the local enforcement offices and in the national enforcement casework team. Our work suggested that caseworkers were aware of the need to deal with representations quickly. The Directorate has established, as part of the national enforcement casework team, a central operational support and certification casework team, which deals with most last-minute casework issues, including contacts from failed applicants' Members of Parliament and from duty judges considering requests for injunctions to prevent removal. Recent data collected by the Directorate suggest that few cancellations on the day of removal arise as a result of casework issues. However, the Directorate does not routinely collect information on the outcome of representations made during the removals process.

4.19 In a few cases failed asylum applicants' representations are not fully considered and unlawful and improper removals have occurred. A review by the Directorate found that between January and May 2003 there had been 15 unlawful or improper removals out of 4,080 removals of failed asylum applicants and other illegal immigrants in London. The key causes of these administrative failures stemmed from the divisions of

responsibility for casework and removals between a range of teams; and poor record keeping, split between the main case file, the main database and other local records. The Directorate introduced a new procedure for centrally recording unlawful removals in May 2004 and following this the number of unlawful removals recorded has reduced to three in the eight months to January 2005.

The Directorate has remedied serious weaknesses in its contract with suppliers responsible for moving and escorting failed asylum applicants within the United Kingdom

4.20 A lack of escorts can delay some enforcement operations. Once arrested, failed applicants have to be escorted to and from detention facilities in vehicles suitable for the task. With effect from November 1999 the Directorate contracted with Wackenhut UK Ltd to move and escort arrested immigration offenders. During our visits in early 2004 staff in local enforcement offices brought to our attention examples of delay arising because of a lack of suitable vehicles or escorts. These shortages had resulted in the cancellation of planned operations to arrest and remove some applicants, particularly those with dependants, and failure to escort failed applicants to the airport for removal. Until January 2004 the Directorate did not maintain its own information on the contractor's ability to meet its operational requirements and therefore it had not been in a strong position to seek improvements. With the information it did have, it had sought to act on issues as they arose, making performance deductions where appropriate. Since January 2004 the Directorate has also introduced additional suppliers to meet demand for the escort of families and by July 2004 the number of delays in escorting people to be removed to airports, which were caused by the contractors, had fallen from around 4 per cent to around 1½ per cent of such movements, but at the same time the number of delays to other in-country escorts, such as escorts from police stations to detention centres, had risen from around 1 per cent to around 2 per cent.

4.21 The Directorate has sought to address weaknesses in its contract with its supplier (see Box 3). In September 2002, the Directorate started a review of the contract and found, for example, that it was still making payments for escorting activities for the Yarls Wood detention centre despite it being vacated in March 2002. As part of the Directorate's review, advice from Grant Thornton suggested that the Directorate had "over-remunerated" the contractor for the in-country escort service over the period to December 2002. The Directorate started negotiations with Wackenhut in September 2002 to recoup some of the provisional payments made and reduced the payments it was making. The final settlement, reached in January 2005, provided for the Directorate to recover £11 million for the period to December 2002 and increased contract payments by £7.7 million for January 2003 to August 2004 to meet the contractor's costs in providing the service. Had it not made the changes following its review in September 2002, the Directorate would have paid some £38 million more, including payments it would have made for the Yarls Wood detention centre and other services for which it had "over-remunerated" the contractor.

BOX 3

Chronology of the in-country escort contract

In November 1999 the Directorate contracted with Wackenhut UK Ltd to move and escort arrested immigration offenders, and provide other services at holding rooms, at a fixed rate price of some £7 million per year.

In the period November 1999 to December 2002 the Directorate made provisional expansions to the contract and paid some £51 million for in-country transport, escorts and other services.

In September 2002 the Directorate started a review of the contract, commissioned Grant Thornton to advise them on the costs of the contract, and started to negotiate with the contractor in respect of sums paid under the provisional expansion of the contract.

In January 2003, following the acquisition by Group 4 Falck of Wackenhut UK Ltd, GSL UK Ltd, another subsidiary of Group 4 Falck, took responsibility for the contract. In January 2005 the Directorate reached a final settlement with GSL UK Ltd.

The Directorate has tackled the delays to removal caused by its poor contract for escorts on flights for failed asylum applicants who are potentially disruptive

4.22 Some failed applicants try to resist removal through disruptive behaviour during their outward journey. To minimise the disruption involved the Directorate may use privately provided in-flight escorts who have powers of control and restraint, subject to the Directorate giving its authority for their use. In the six months to April 2004, the Directorate's records show that around 3.8 per cent (567) of attempted removals where no in-flight escort had been arranged (including both asylum and non-asylum cases) were frustrated because of disruptive behaviour by the passenger resulting in the airline refusing to take the passenger. In these cases, the Directorate re-schedules removal to another date with an in-flight escort.

4.23 Since April 2000 the Directorate has contracted with Loss Prevention International Ltd (subsequently called LPI Services Ltd) to provide in-flight escorts. To meet the demand for more removals, the Directorate agreed with its contractor to provide for expansion of the escort service and by 2002-03 the total cost of in-flight escorts rose to £5.1 million in the year.

4.24 The Directorate was aware from July 2002 that delays in arranging in-flight escorts were contributing to its delay in effecting removal. This had led to staff pre-booking escorts, which contributed to high levels of cancellations of bookings for which the Directorate was not required under the contract to remunerate its contractor. The contractor reported that escorts no longer required for cancelled removals could not always be reallocated to other cases at short notice and that in its view the Directorate could have done more to reduce the number of cancellations. The Directorate first raised with the contractor its concerns about their performance in May 2003, and the Directorate reported that it had introduced new arrangements for monitoring requests for escorts and closer contract management from July 2003. At the time of our visits in January 2004, local enforcement offices were reporting delays of up to 8 to 10 weeks in arranging overseas escorts. We estimate that from November 2003 to the end of July 2004, delays in obtaining in-flight escorts led to applicants being held in detention longer than necessary, occupying bedspace worth some £8.5 million which could have been used for other removals.

4.25 From April 2003 the Directorate reduced its requests for in-flight escorts from the contractor to the number covered in the original contract and in July 2003 it ceased to use the contractor for the additional requirement for escorts on charter flights. The contractor disputed these changes and sought arbitration (see Box 4). The Arbitrator delivered an interim decision in March 2004 broadly in the contractor's favour. The Directorate's legal advice, however, was that the decision was deficient. Both parties agreed to proceed to mediation and arrived at a settlement in July 2004. The final settlement limited the services provided to the contracted number of escorted removals, 750, over the remainder of the contract to March 2005. The Directorate paid LPI Services Ltd £240,000 to settle the dispute. Had it not made these changes from April 2003, the Directorate would have paid some £4.8 million more under the provisional expansion of the contract,²⁹ and avoided payments of a further £2.6 million for escorts' travel costs.

4.26 By October 2004 the Directorate reported that it had reduced the average time between booking an overseas escort and the date of departure to two weeks through using an approved list of alternative suppliers. The Directorate had also worked to improve its arrangements for identifying immigration offenders likely to be disruptive and for whom in-flight escorts would be beneficial, reducing the number of disrupted removals to 1.5 per cent of enforced removals. The Directorate has let a new contract to Group 4 Securicor, to replace its in-country, overseas and charter flight escort contracts, with effect from April 2005 for in-flight escorts and May 2005 for in-country escorts. This contract provides for variation in the number of escorts at predetermined rates and is not exclusive, so the Directorate reports that it can continue to use additional suppliers, if the need for escorts increases to meet the Prime Minister's removal target.

BOX 4

Chronology of the overseas escort service contract

In April 2000 the Directorate contracted with Loss Prevention International Ltd (subsequently called LPI Services Ltd) to provide in-flight escorts at a price of some £1.3 million per year.

In the period from April 2001 to March 2003 to meet the demand for more removals, the Directorate agreed to expansions of the contract so that by 2002-03 it paid the contractor some £5.1 million per year.

In July 2002 the Directorate authorised the contractor to engage additional staff. It also started to review the payments made under the contract and the service it was getting from the contractor.

From April 2003 the Directorate reduced its requests for in-flight escorts from the contractor to the number covered in the original contract, and in July 2003 it ceased to use the contractor for the additional requirement for escorts on charter flights. The contractor disputed these changes and sought arbitration.

The contractor's case was that it had an exclusive contract with the Directorate; the Directorate had not complied with its contractual obligation to request escorts at a broadly even rate through the year; all payments it had received had been in accordance with the contract or written agreements to engage more staff or incur additional expenditure; and that its employees should complete the return leg of long haul flights travelling business class in particular circumstances. The Directorate's case was that the contract was not exclusive and did not require an even rate of booking of escorts; expansion of the service was provisional; and there was no intention in the contract for escorts to travel in business class. The Arbitrator's interim decision in March 2004 was broadly in the contractor's favour. The Directorate's legal advice, however, was that the decision was deficient. Both parties agreed to proceed to mediation.

Through subsequent mediation, the Directorate and LPI Services Ltd arrived at an agreement in July 2004, which limited the services provided to the contracted number of escorted removals, 750, over the remainder of the contract to March 2005. The Directorate paid LPI Services Ltd £240,000 to settle the dispute.

²⁹ The savings are calculated as the difference in cost to the Directorate from using LPI Services Ltd and additional suppliers, compared to the cost of the provisionally expanded contract with LPI Services Ltd.

The Directorate has worked with its contractor to reduce the cost of travel tickets

4.27 We found that the Directorate had achieved improvements in prices for flights through its re-tendering of its contract in 2004. The Directorate uses charter flights to achieve removals to countries to which there are limited numbers of seats available on scheduled flights; for failed applicants who are particularly disruptive and have been refused passage on scheduled flights; and for some countries to increase the numbers of removals. In the eight months between August 2003 and the end of March 2004 it chartered 44 flights to remove 2,120 people at a total cost of £2.5 million including the cost of escorts. The majority of these flights were regular charter flights to Kosovo, the Czech Republic, Poland and Afghanistan.³⁰ On these, the Directorate achieved occupancy rates between 61 and 77 per cent. Overall charter flights

achieved savings of 16 per cent compared to using scheduled flights; within this, removals on flights to Prague and Warsaw were some 58 per cent more expensive, but this action did increase the speed with which people were removed.

4.28 The Directorate sometimes charters flights to remove single families or diverts charter flights to remove an individual family en route, and in 2003-04 the Directorate diverted three existing charter flights to land at other destinations to meet such needs. We found that the Directorate appraised the options and consequences of using chartered flights for the removal of single families – for example where the individuals or families were expected to be particularly disruptive on scheduled flights, or were in need of specialist medical supervision during the flight, which could not be provided on scheduled services.



³⁰ Since March 2004 there have been regular charters only to Kosovo, the flights to Afghanistan having been stopped after the Directorate had made arrangements for removals on scheduled services.

PART FIVE

Whether the Directorate has adequate arrangements in place for monitoring its performance



The Directorate has set itself a series of targets to help meet a number of potentially competing priorities

5.1 In addition to the published Government targets³¹ the Directorate has set itself a series of internal targets (see Box 5) to help it balance a number of potentially competing priorities. These priorities include targeting failed asylum applicants as they exhaust their appeal rights but also targeting difficult nationalities, applicants with dependants and other immigration offenders, for example visa overstayers. These targets are useful in focusing the business' attention on a further improvement in the numbers of removals and are challenging compared to the numbers removed in previous years, following the enlargement of the European Union. Whilst the targets include absolute numbers they do not include a target for the speed of removal of newly failed asylum applicants. And, the targets are output focused and do not address the efficiency of enforcement activity.

BOX 5

The Directorate's removals targets for 2004-05

- i To enforce the immigration laws more effectively by removing a greater proportion of failed asylum applicants (PSA target)
- ii To achieve 31,000 enforced removals by the end of March 2005
- iii To increase to 18,000 the total number of failed asylum applicants removed by 31 March 2005
- iv To ensure that 3,600 of these failed asylum applicants are removed within 3 months of them having exhausted all avenues of appeal
- v To deliver 3,000 of these failed asylum applicants via reporting centres
- vi To undertake 500 operations targeted at enforcing immigration law
- vii To improve removals by 15 per cent in the top 10 difficult nationalities to remove, based on 2003-04 outturn (nationalities are Somalia, China, India, Iraq, Sri Lanka, Afghanistan, Iran, Pakistan, Turkey and Jamaica)
- viii To increase to 13,000 the total number of non-asylum offenders removed by March 2005
- ix To increase monthly family removals to reach 135 family units by March 2005 at the latest

Source: Immigration and Nationality Directorate

The Directorate is improving the information available to it on where resources are being spent, but lacks sufficient information to enable it to monitor expenditure against some objectives

5.2 The ability of the Directorate to monitor how its enforcement resources are being used in pursuit of its various priorities has been hampered by weaknesses in its budgeting and financial systems. After discussion with the Treasury a single asylum budget was established and in July 2003 the Treasury agreed to provide additional resources for 2003-04. The Directorate reached agreement with the Treasury on the total budget for 2003-04 in September 2003. The Directorate then delegated budgets for each of the regional commands within the Enforcement and Removals Directorate, and local enforcement offices were notified of their budgets in November 2003, eight months after the start of the financial year.

5.3 For 2004-05, the Directorate agreed budgets for the Enforcement and Removals operation, and within the latter by region. From 2005-06 the Directorate expects to be able to set and monitor expenditure at enforcement office level. However, the Directorate lacks systems for generating management information on how staff spend their time against the different enforcement and removals objectives. Within the local enforcement offices, for example, it cannot monitor the proportion of resources devoted to asylum removal work, illegal working and other immigration offences. Additionally, some enforcement staff have responsibility for other immigration work, for example, for border control work checking passengers entering the United Kingdom. The Directorate is addressing the latter through reorganising its work to separate fully its enforcement work from its border control work.

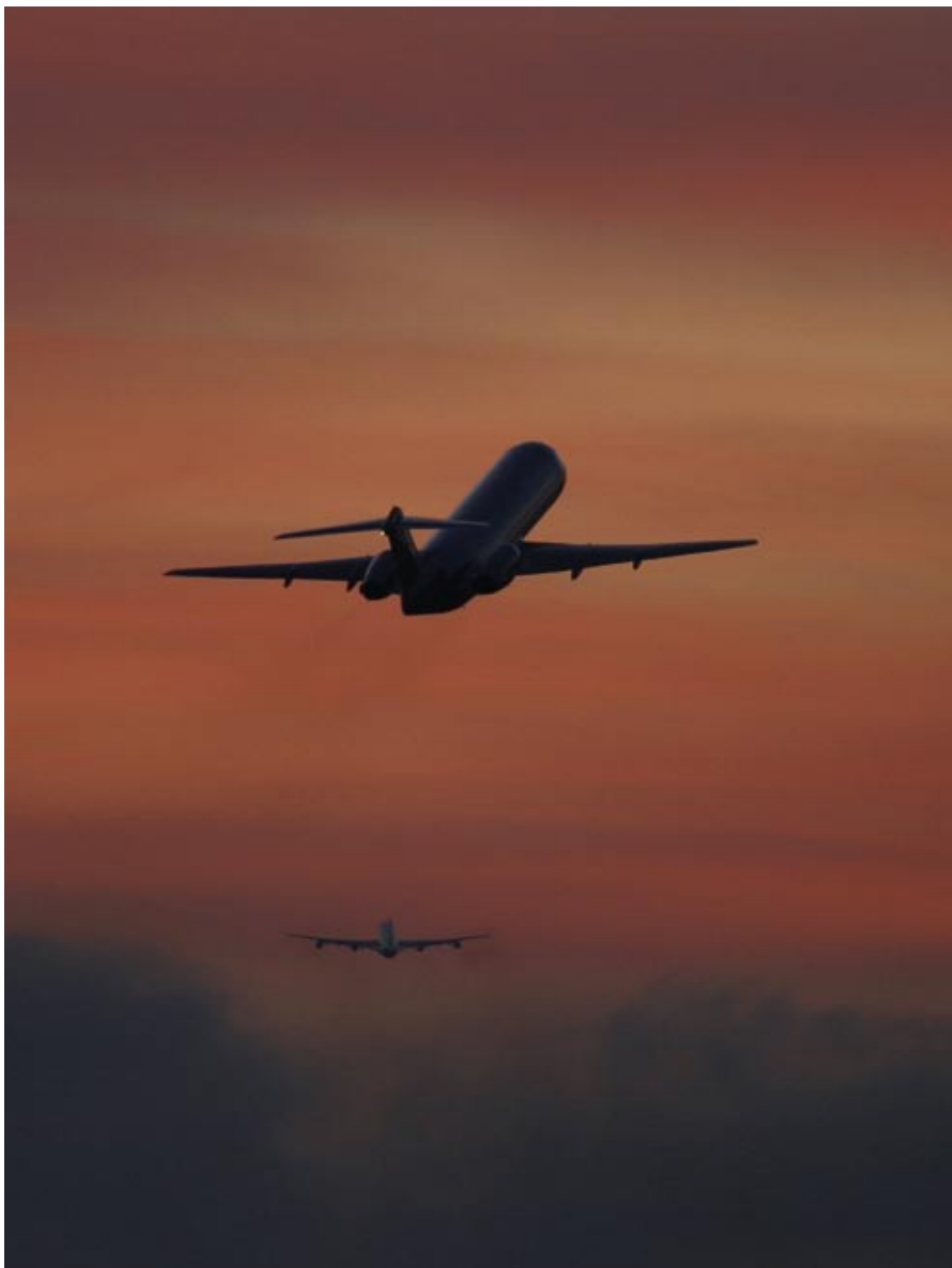
³¹ The Government's PSA is published on the Treasury website at: www.hm-treasury.gov.uk/Spending_Review/spend_sr02/psa/spend_sr02_pshome.cfm. In September 2004 the Government introduced a new target that the monthly rate of removals should exceed the number of unfounded applications, which is published as part of the five year strategy for asylum and migration at: www.official-documents.co.uk/document/cm64/6472/6472.htm.

The Directorate has strengthened its systems for monitoring its operational performance

5.4 As already mentioned, since June 2003, the Directorate has extended its main casework database (CID) to help it monitor the removal of failed asylum applicants. The Directorate has built up its use of the database to support strategic planning, target setting and performance monitoring for its enforcement activities. There is, as yet, no facility to routinely monitor the time taken to process cases through different stages of the removals process. The Directorate, however, reported that the database could be readily adapted to produce more detailed information in due course.

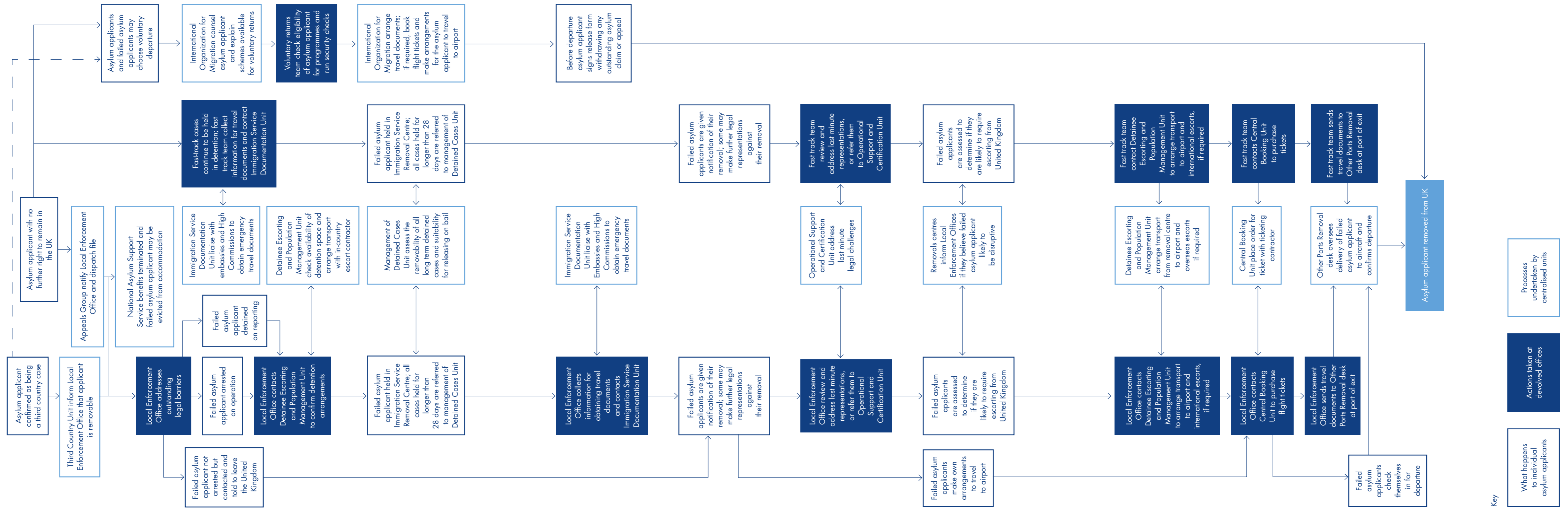
5.5 In April 2004, the Directorate introduced a new system, known as the National Operations Diary to capture information on the Directorate's other enforcement work not captured on the CID database. The Directorate is using this database to record, for example, the number of operations, the number of officers involved, the number of arrests and the number of operations aborted.

5.6 In April 2004, the Directorate commissioned a senior Home Office official to conduct a review of the resourcing and management of immigration enforcement. Amongst a number of recommendations, the review, which was completed in September 2004, urged the Directorate to implement a robust and effective performance management system to enable it to monitor, manage and improve performance levels across the organisation. The Directorate has accepted these recommendations and is taking forward its plans to address them.



APPENDIX I

The asylum removal process



APPENDIX 2

The cost of removals and unit costs

This Appendix sets out the unit costs of the main stages in the asylum removals process in 2003-04. The costs are operational costs and exclude depreciation and the costs of capital. They include a share of the Directorate's overheads and some allocated overheads in respect of services provided by the Home Office. They also include the costs of removal centres provided by the Prison Service, which the Home Office funds the Prison Service to provide on behalf of the Directorate. The costs exclude the cost of legal support to asylum applicants making representations against their detention or removal, some of which may be funded by the Legal Services Commission, and they exclude the cost of associated court hearings, funded by the Immigration Appellate Authority.

The unit costs have been calculated based on the numbers removed. This means that the unit costs included in each stage include the costs of those processed in these stages who were not subsequently removed – for example detainees who were subsequently released.

The costs of individual cases will vary from the unit costs calculated because they will not all go through the same stages.

The information used in the costings was taken by the Directorate from its detailed accounts information. The Directorate allocated its costs to the various removal activities and prepared the costings. The National Audit Office reviewed the approach used and its reasonableness.

	2003-04 £ million	2003-04 £ million	Unit costs per removal £
Assisted voluntary returns 2,760 applicants and dependants chose to return in 2003-04		3.1	1,100
Enforced returns			
Detection and arrest of failed asylum applicants	75.3		2,800
Detention of failed asylum applicants	155.6		5,800
Obtaining emergency travel documents & dealing with further representations	40.5		1,500
Arranging removal	25.2		900
Overall cost of enforced returns 15,095 failed asylum applicants and dependants and 11,795 other immigration offenders returned as the result of enforcement action in 2003-04		296.6	11,000
Total cost of voluntary and enforced returns 29,650 people returned in 2003-04		299.7	10,100

APPENDIX 3

Study methods

This examination used a number of study methods from which our findings and conclusions were drawn.

Interviews

- During the period November 2003 to January 2004, we visited six of the 32 local enforcement offices - Cardiff, Dover, Glasgow, Leeds, Communications House (London), and Manchester - which together processed a total of 22% of the actual removals completed during October 2003. At each office we undertook semi-structured interviews with managers and staff, including caseworkers on the removals and cessation teams and operational support teams, intelligence officers, operational staff on the arrest teams and family removal teams and police liaison officers. At four of the enforcement offices selected – Manchester, Leeds, Glasgow and Communications House – we also interviewed staff in reporting centres. At two of the offices – Leeds and Glasgow – we also interviewed officers in the NASS outreach teams. And at two enforcement offices – Manchester and Communications House – we observed operational visits to detain failed asylum applicants.
- In January 2004, we visited two of the nine Immigration Service Removal Centres – Dungavel which provides accommodation for single males, single females and families; and Harmondsworth which provides accommodation for single males.
- During the period November 2003 to June 2004, we visited the central units involved in the process of removing asylum applicants and interviewed managers and front-line officers.

Data analysis

We undertook a range of data analyses using published Home Office statistics, the Directorate's main asylum database (CID), the detainee database (DELMIS) and other internal management information produced by the Directorate, and information supplied to the Directorate by the escort contractors and ticketing contractor. We compared our analyses to the Directorate's analyses of their databases and supported our work by reference to management information.

Our analyses of both databases were performed after we had removed cases which appeared to be duplicated and those cases where data appeared to have been erroneously entered, leading to impossible values.

Examination of files

- At five of the enforcement offices visited we selected a total sample of 50 case files taken from a listing of all removal directions served on failed asylum applicants during October 2003. These files were examined against an audit programme to test the efficiency of management of the case in the run-up to the serving of removal directions and to find out what happened after that point.
- We examined a stratified sample of 30 case files for detainees who had been held over the short, medium or long term and had either been removed, bailed or released after the period of detention. These files were examined against an audit programme to test the decision to detain in the first place and the subsequent handling of the case.
- We also returned to the sample of twenty-three cases which we had followed in our review of the processing of asylum applications, *Improving the Speed and Quality of Asylum Decisions* HC 535, Session 2003-04, to monitor the progress made towards removing those applicants where the asylum claim had failed.

Focus group

We conducted one focus group to discuss views on how well the voluntary returns programme works and how improvements could be made to it involving officers from the Directorate and representatives from the International Organization for Migration, Refugee Council, Refugee Action, United Nations High Commission for Refugees and a prominent academic researching asylum and migration issues.

Review of costing exercise

The Directorate supplied us with a model for costing the stages of the removal of failed asylum applicants. We reviewed the information produced by the model for 2003-04 and earlier periods.

We included costs relating to three detention centres which are run by Her Majesty's Prison Service identified from their published audited account for 2003-04. However we did not include costs of the legal processes relating to removals incurred by the Immigration Appellate Authority and the Courts Service.

The information on costs recorded by the Directorate is not sufficiently detailed to distinguish between monies spent on removing failed asylum applicants and those spent to remove other immigration offenders.

The Directorate also supplied us with workings to support their calculations of the costs avoided following changes to the contractual arrangements for escorting immigration offenders. We reviewed the information supplied to confirm that the amounts stated were reasonable.

International comparisons

We contacted immigration authorities in Germany, the Netherlands and Australia and obtained detailed information on their processes and performance in the removal of failed asylum applicants. We visited the immigration authorities in Germany and the Netherlands. Details of the asylum systems in Germany, the Netherlands and Australia are presented in Appendix 4.

Consultation with other organisations

- We met with officers of the Scottish Parliament and Welsh Assembly to discuss the policy implications of asylum legislation for the devolved legislatures.
- We met with or received comments from key stakeholder groups including: the Association of Chief Police Officers, the Immigration Advisory Service, the Refugee Council, Bail for Immigration Detainees, the Immigration Law Practitioners Association, and the Local Government Association.
- We met with or received comments from contractors supplying escort, ticketing and detention services to the Directorate including: Wackenhut UK Ltd, Loss Prevention International Services Ltd, Group 4 Falck Global Solutions Ltd, Carlson Wagonlit Travel, Premier Detention Services Ltd, and UK Detention Services.

APPENDIX 4

International comparisons

Germany



Germany received 384,000 asylum applications between 1999 and 2003, which were processed by the Bundesamt, a federal body. The majority of applicants are refused asylum, but some applicants refused asylum but not currently removable (for example, owing to lack of travel documents) are granted tolerated ("duldung") status.

Local organisations, Aliens Offices, are responsible for removing failed asylum applicants and they work in partnership with the police and the Federal Border Guards.

Asylum applicants often stay in accommodation centres while their claim is being considered. Failed asylum applicants can be held in detention centres or prisons prior to their removal. Those not held in detention centres may be housed in departure centres. They are free to move only within the local district to which they have been allocated.

Foreign nationals in Germany must carry identity cards and Federal Border Guards and Aliens Office officials have powers to check identity cards and papers. This can identify asylum applicants not in their local district and failed asylum applicants who have not left the country.

Germany uses scheduled flights and small charter flights. Some charter flights are shared with failed asylum applicants from other countries. Where there is a risk that individuals will resist removal, escorts are provided on flights by the Federal Border Guards. The escorts may use some methods of restraint including, for cases where the returnee has been assessed as being likely to injure themselves or has an infectious disease, a specially designed helmet. Sedation is not allowed.

Carriers are liable to pay the costs of removal if they carried a foreigner without the necessary documentation.

The Netherlands



The Netherlands received 149,000 asylum applications between 1999 and 2003, which were processed by the Immigration and Naturalisation Service (IND). The majority of applicants are refused asylum or residence.

The primary responsibility for return to the country of origin rests with the individuals concerned. However, the Aliens Police makes arrangements for the removal of failed asylum applicants that the authorities encounter and the Military Police carry out the removals.

Most applicants remain in government accommodation centres during the asylum process. Their movement is not restricted but they are required to report regularly. Failed applicants have 28 days to make their own arrangements to leave the country before they are ejected from the accommodation centres.

Applicants who arrive and claim asylum at Amsterdam Airport are detained there during the decision process and until they can be removed (unless it is not possible to remove them, in which case they may be allowed into the country).

The Netherlands uses scheduled flights and charter flights, some of which are shared with other countries. Where there is a risk that individuals will resist removal, the Military Police provides escorts on flights. The escorts may use a variety of methods of restraint, including sedation under medical supervision.

Carriers are liable to pay the costs of detention and removal if they carried a foreigner without the necessary documentation.

Australia



Australia received some 40,500 applications for Protection Visas between 1 January 1999 and 31 December 2003. The majority of these applicants were found not to require protection. Once detainees have had their applications and/or appeals decided they are either removed or they enter the community.

Persons who make a lawful entry to Australia and seek asylum are allowed to remain in Australia and receive some welfare benefits while their Protection Visa applications are processed.

The Migration Act 1958 requires all unlawful non-citizens to be detained. Those who make an unauthorised arrival to Australia and have entered Australia's migration zone are subject to detention and removal from Australia. If they raise protection claims, they remain in detention until their claims for protection are finalised. If it is established they are refugees, according to the Refugees Convention, they are released and granted the appropriate visa.

Under legislative changes introduced in September 2001, unauthorised arrivals to Australia who seek asylum and have not entered Australia's migration zone are sent to a declared country where their claims for refugee status are assessed. Under these arrangements those who have attempted to arrive on Australia's mainland unlawfully by boat are detained at an offshore processing centre. For those found to be refugees, appropriate resettlement arrangements are made, including to countries other than Australia.

Germany continued

Germany has operated voluntary returns programmes since 1979. The programmes are co-ordinated by the federal government and administered by the Bundesländer, with both tiers of government contributing 50 per cent of the costs.

The International Organization for Migration (IOM) operates the central programmes, including assessment of the eligibility of applicants. It administers two programmes:

- Reintegration and Emigration for Asylum Seekers in Germany (REAG) and Government Assisted Repatriation Programme (GARP)
 - Open to asylum applicants and illegal immigrants
 - REAG pays for tickets, obtains travel documents and provides a travel allowance of 100 Euros per adult (50 Euros per child)
 - GARP provides additional resettlement cash grants of up to 1,500 Euros per family for people returning to up to 40 countries.

Between 1979 and 2003 some 502,000 failed asylum seekers and illegal immigrants received financial aid from the REAG and GARP Programmes.

- Special Migrants Assistance Programme (SMAP)
 - Open to 'employees', students, and to ethnic German minorities who wish to be repatriated but cannot be assisted through the REAG programme and those who have attained German citizenship and wish to return to their country of origin;
 - Provides tickets at discounted prices, which must be paid for by the migrants themselves or 'any other entity' before departure.

Some 5,500 migrants have been assisted in the decade 1994-2003.

The Netherlands continued

The Netherlands works with the IOM on voluntary returns. The IND communicates the possibility of voluntary return to asylum applicants as soon as they apply. IOM have officers based in some accommodation centres.

In late 2003, the Netherlands Ministry of Justice proposed new measures to increase the number of removals and returns of foreign nationals without residence status. The measures included:

- requiring carriers to copy all passengers' travel documents and encouraging asylum applicants to possess documentation;
- strengthening reporting arrangements and carrying out more identity checks;
- more encouragement of voluntary return;
- the adoption of a standard national approach to removals; and
- work with key countries of origin to effect return.

In July 2004, the Dutch government launched a special project to encourage the return of some 26,000 asylum applicants, who had made their asylum application under the old Immigration Act, which had been in place until 1 April 2001 and who had been in the Netherlands for a long time. This group includes some applicants whose applications had not been determined and who may yet receive refugee status. The project will be in place for a total of three years and prioritises voluntary return, with a new Re-integration Program (HRPT) administered by the IOM.

The IOM operates three schemes on behalf of IND:

- The general Programme for the Reintegration or Emigration of Asylum Applicants from the Netherlands (REAN):
 - Open to asylum applicants or failed asylum applicants who cannot finance their return trip and have not yet had deportation arrangements set;
 - Provides counselling prior to departure, transport and obtains travel documents;

Australia continued

Those unauthorised arrivals found not to require Australia's protection are held pending removal from Australia or while they await the outcome of merits review or litigation. Persons who arrive in Australia unlawfully and then apply for protection are not removed from Australia until all reviews by tribunals and any subsequent appeals to courts have been finalised. The period of time between primary refusal of an application, finalisation of any appeals to the courts and subsequent removal can vary from several months to several years.

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) is responsible for removing failed asylum applicants. It detects failed asylum applicants by using its own records and data matching with the records of other public bodies, such as the Australian Tax Office and Social Security.

DIMIA removes failed applicants on scheduled flights and charter flights. Escorts may be used to facilitate removal.

In some cases where people have arrived unlawfully by commercial aircraft, the carrier is legally responsible for meeting the costs of detention and removal.

Australia works with the IOM on voluntary return packages that provide some failed applicants with reintegration assistance. The IOM also runs the accommodation at the offshore processing centres and offers voluntary return packages to these applicants.

The IOM assists with:

- Afghans in Immigration Detention in Australia;
- Iraqis in Immigration Detention in Australia;
- Identified East Timorese;
- All nationalities holding Temporary Protection Visas;
- All former holders of Temporary Protection Visas in immigration detention

who are seeking to return voluntarily to their country of nationality, or another country where they have the right to reside (as agreed between DIMIA and IOM), and are eligible for assistance with their return.

Germany continued

Berlin Occupational Reintegration of Kosovars (BORK)

- Open to Kosovars wishing to return from the Federal State of Berlin
- Provision of financial assistance up to 3,067 Euros to facilitate finding employment, gaining qualifications or setting up small business on return.

Some 370 Kosovars returned under this programme to end of 2001.

In addition some Lander run their own programmes.

In 2003 the Bundesamt created a new organisation to coordinate returns programmes and act as an information centre to returnees and stakeholders.

In 2004 (January to October), 6,015 failed asylum applicants returned voluntarily from Germany to their country of origin. The main destinations for voluntary return are the former Yugoslavia and Turkey. The latest information from the Federal Border Guards is that there were some 29,000 enforced removals in 2002, including failed asylum applicants and other illegal immigrants.

Source: provided to the National Audit Office by the Federal Office for Migration and Refugees, Germany, and IOM

The Netherlands continued

- Resettlement grants, which vary according to the individual's legal status. The maximum 800 Euros per family is available to those returning who have remained legal. More commonly, grants of 225 Euros are available to single failed asylum applicants and 320 Euros for a family of four failed asylum applicants.

Between January 1992 and June 2002 17,000 had been assisted and some 13,000 returned under the scheme, including failed asylum applicants.

- REAN-plus programmes, which in November 2004 were available for returns to Afghanistan, Angola and Iraq. These involved country-specific support provided by IOM missions in those countries, grants up to 800 Euros for a family of four and re-integration grants up to 2000 Euros for a family.
- A specific programme, known as HRPT, for people who had applied for asylum when the old Immigration Act was still in force, that is before 1 April 2001. Asylum applicants can receive greater financial benefits to help them re-establish themselves in their countries of origin. On average, a family of four will receive up to 6,000 Euros when returning under this programme.

In 2003 3,022 failed asylum applicants and illegal immigrants returned voluntarily to their countries of origin and the Dutch government forcibly removed 933 failed asylum applicants. In 2004 (to September) 2,370 returned voluntarily (an increase of 5 per cent) but enforced removals had reduced to 625 (a reduction of 11 per cent). In 2004 the main destinations for enforced removal have been other European Union countries (Germany, Belgium, Austria, France, Poland and Greece), Nigeria, Turkey, former Yugoslavia and Cameroon.

Source: provided to the National Audit Office by the Immigration and Naturalisation Service, Netherlands

Australia continued

Examples of services IOM provides are:

- A free information line;
- Arranging of transport from Australia;
- Suitable arranging of transport within destination country;
- Accommodation during travel;
- Assisting with immigration, customs and airport procedures;
- Orientation at destination; and
- Cash assistance.

In 2003 Australia returned 3,837 failed asylum applicants. This figure comprised two criminal deportations, six destitute removals, 1,571 monitored removals, 1,228 enforced (escorted) removals, 504 supervised removals and 526 voluntary reintegration package returns.

The main destinations for removal of all unlawful non-citizens including failed asylum applicants from 1 July 2003 - 30 June 2004 were: Indonesia, People's Republic of China, Malaysia, Republic of Korea, Thailand, Papua New Guinea, India, Vietnam, Philippines and Fiji.

Source: provided to the National Audit Office by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), Australia

APPENDIX 5

Voluntary assisted returns programmes

Voluntary Assisted Return and Reintegration Programme

A programme administered by the International Organization for Migration originally introduced by the Directorate in 1999 as the Voluntary Assisted Return Programme, to enable asylum applicants who choose to return to their country of origin to plan their return and allow them access to benefits to help them reintegrate.

Open to:

- asylum applicants with an outstanding claim or appeal;
- asylum applicants who have been granted temporary protection by the UK;
- asylum applicants whose claim has been refused and who have exhausted their rights of appeal, except those detained, subject to a deportation order or for whom arrangements for return have already been put in place.

Incentives offered:

- costs of obtaining passports and tickets;
- reintegration assistance through the provision of in-kind support for returnees, including training, access to education and help in setting up small businesses. Assistance is limited to a maximum value of £1,000 per head.

In 2003-04 2,690 people returned under this programme.

Return to Afghanistan Programme

A programme introduced in August 2002 to enable asylum applicants from Afghanistan to return to help rebuild their country.

Open to:

- asylum applicants with an outstanding claim or appeal;
- asylum applicants who have been granted temporary protection by the UK.

This scheme is not open to asylum applicants whose claim has been refused and who have exhausted their rights of appeal, nor is it open to those convicted of a criminal offence in the UK.

Incentives offered:

- costs of obtaining passports and tickets;
- resettlement grants of cash payments of £600 per individual (capped at £2,500 for a family);
- advice, counselling and mines-awareness training to assist with reintegration.

177 applications were made for this programme in 2003-04 and 70 were returned under it.

Explore and Prepare (Afghanistan)

A programme introduced in October 2003 to enable asylum applicants from Afghanistan who have been granted protection by the UK government to return to Afghanistan to see how it has changed and whether they wish to return permanently.

Open to:

- asylum applicants who have been granted temporary protection by the UK;
- asylum applicants who have been granted indefinite protection by the UK.

The scheme is not open to asylum applicants who have not been granted protection by the UK, nor is it open to people with serious criminal convictions (defined as a person convicted for an offence in the UK and sentenced to two or more years in prison).

Incentives offered:

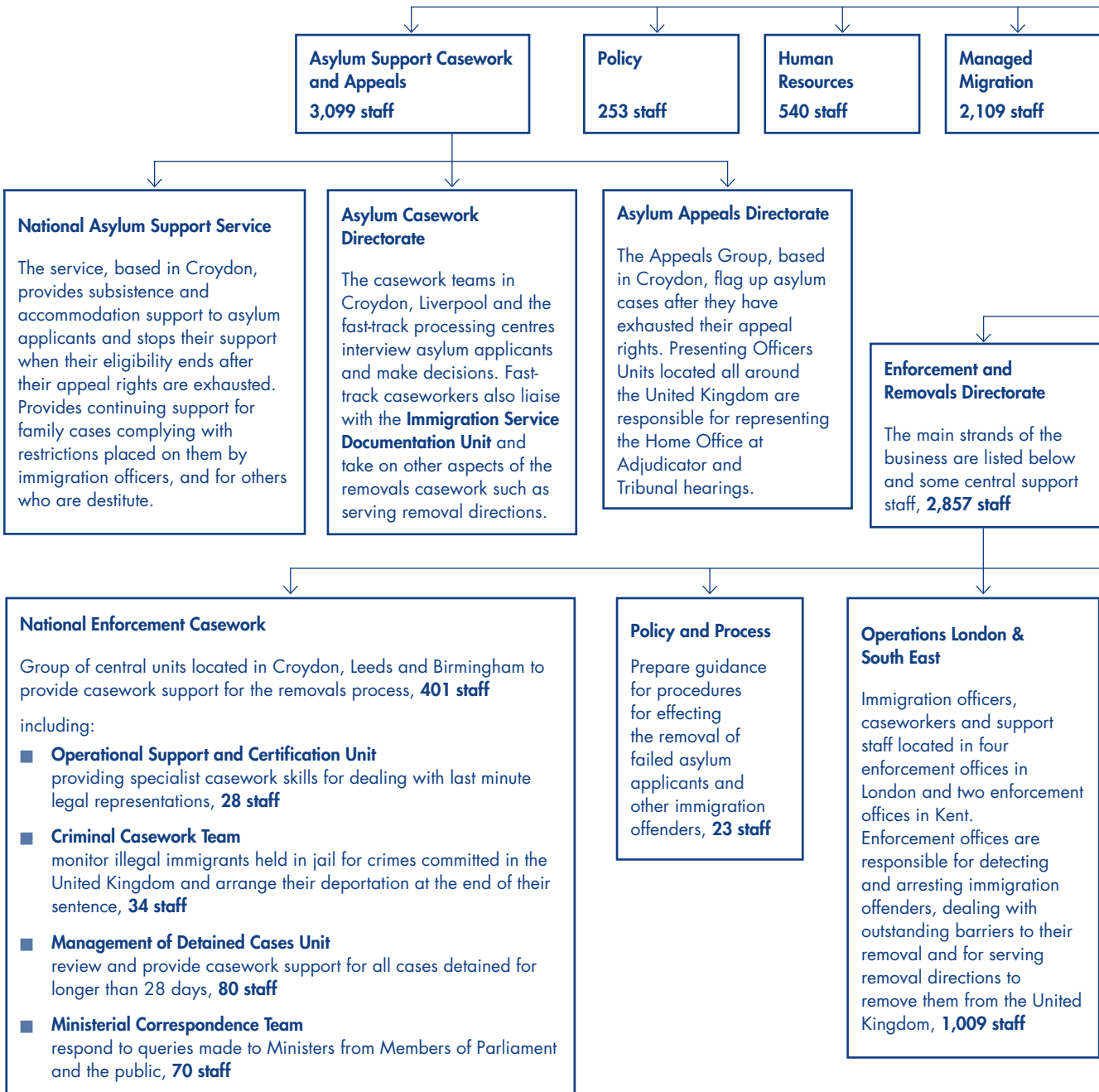
- the scheme enables one family member to return to Afghanistan for a period of up to one year.

The first permanent return to Afghanistan under this programme was in May 2004.

APPENDIX 6

Organisational structure of the Immigration and Nationality Directorate

Showing the key units for the removals process, their functions and staff numbers as at 31 March 2004



NOTE

The staff numbers in the diagrams represent the Directorate's estimate of staff resources devoted to enforcement and removals. For some locations staff numbers are based on a split between the different functions carried out at ports and local enforcement offices. The Directorate realigned its staff resources in September 2004 to separate border control from enforcement and removals functions.

