



National Audit Office

Report

by the Comptroller
and Auditor General

Home Office

Immigration enforcement

Key facts

46,900

number of attempts the Home Office detected of people trying to enter the UK by clandestine means between November 2018 and October 2019

13,100

number of people without leave to remain in the UK for whom the Home Office has facilitated a departure between December 2018 and November 2019

641

number of disruptions to serious and organised crime gangs resulting from the Home Office's Immigration Enforcement directorate's work between April 2019 and February 2020

£392 million is the net resource cost for Immigration Enforcement in 2019-20, including staff costs, non-pay costs (including external contracts, IT and communications) and offsetting £42 million income.

430,000 is the most recent estimate of the number of people without leave to remain in the UK produced by the Home Office, in 2005. More recent estimates from other organisations suggest there may be more than twice as many people in the UK without leave to remain, although we have not sought to validate these estimates.

24 days is the mean average amount of time an individual without leave to remain will be detained before either an enforced return or being released, according to the Department's management information. National Statistics use ranges to present the data and show the median average to be between 8 and 14 days.

62% of Immigration Enforcement detainees are released from detention without removal because of problems in completing their return.

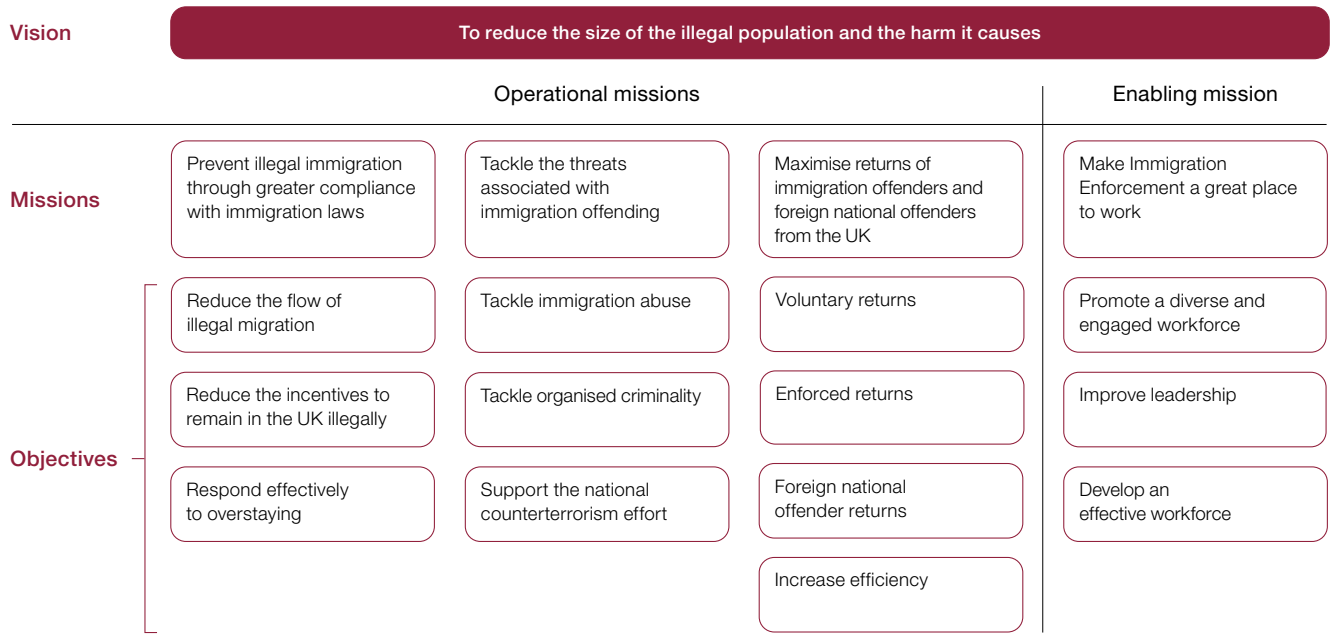
Summary

1 The Home Office (the Department) is responsible for preventing abuse of immigration rules, tracking those who abuse immigration rules (immigration offenders) and increasing compliance with immigration law. There are many reasons why people may be in the UK without permission. These include overstaying or abusing the terms of a visa, entering or remaining in the country through fraudulent means or clandestine methods, or failed asylum claims.

2 Immigration Enforcement is the directorate within the Department responsible for preventing abuse of the immigration system, dealing with the threats associated with immigration offending and encouraging and enforcing the departure of immigration offenders and foreign national offenders from the UK. Its vision is to reduce the size of the illegal population and the harm it causes. It supports this vision through three operational missions and a fourth enabling mission, underpinned by 13 objectives (**Figure 1** overleaf). It employs about 5,000 staff and received approximately £392 million in 2019-20. It has faced an 11% real-terms reduction in its resource budget since 2015-16.

3 Managing immigration enforcement activity effectively depends on Immigration Enforcement collaborating with other parts of the Home Office's wider border and immigration system, law enforcement bodies, international partners and other areas of government. In our previous work we have identified some of the long-standing challenges that the Department faces in managing enforcement activity, removing foreign national offenders and overseeing the detention estate.

Figure 1
The Home Office’s Immigration Enforcement directorate’s vision, mission and objectives



Source: National Audit Office analysis of the Home Office’s performance reporting framework for Immigration Enforcement

4 This report assesses whether the Department is successfully delivering its stated missions and objectives to support its vision of reducing the size of the illegal population and the harm it causes.

- Part One sets out the scale of the challenge the Department faces in managing and understanding the population without leave to remain in the UK and its response to that challenge;
- Part Two sets out its performance against its three operational missions and objectives; and
- Part Three sets out how it manages the end-to-end immigration enforcement system, relating to its fourth mission to make Immigration Enforcement a great place to work.

5 We carried out our fieldwork and analysis between July and December 2019, before the outbreak of COVID-19 in the UK. Our findings therefore relate most closely to the Department’s ongoing and regular approach to managing its operations, and do not reflect any changes to the way it works in response to the public health crisis.

Key findings

Responding to the scale of the challenge

6 Immigration Enforcement has to balance a broad range of responsibilities to respond to changing threats. Criminal gangs facilitate clandestine entry to the UK, so individuals trying to enter the UK through these routes, for example travelling in lorries or on small boats, are often put at risk. The Department prioritises its resources and activities to try to prevent loss of life while maintaining control of other areas, such as identifying forged identity documents or liaising with overseas ports and airports. It also works within the UK to return those who do not have permission to remain in the UK to their countries of origin. Some of these people have been here for many years and have settled lives within communities (paragraphs 1.4 to 1.7, 2.5, 2.6, 2.13, 2.15 to 2.18, 3.7 and Figures 2 and 3).

7 The Department's vision is to reduce the size of the illegal population and the harm it causes, but its understanding of the scale of these issues is mixed. Measuring a hidden population is intrinsically complex and will always include a degree of uncertainty. The Department has not attempted to estimate the total illegal population since 2005, when it believed the number to be around 430,000 people.¹ More recent estimates from other organisations suggest there may be more than twice this number, although we have not sought to validate these estimates. As any single estimate contains uncertainties, the Department has instead developed a dataset of known individuals to help it to better understand and categorise cases. From this, the Department has estimated demand for immigration enforcement activity to be between 240,000 and 320,000 cases per year. It acknowledges this work requires refinement and does not yet provide a baseline against which the Department can assess progress or signal whether demand for enforcement activity is increasing or decreasing. The Department considers the impact of harm across its many activities, but as harm can mean something different in each service area, it has not consistently defined what constitutes harm and who it affects (paragraphs 1.14 to 1.20, 3.10 and Figures 5 and 6).

¹ The Department uses the term "illegal population" to describe all those who have entered the UK unlawfully, those who entered lawfully but have remained in the UK without having the right to do so, and those foreign nationals who have committed serious or repeated criminal offences (foreign national offenders) within the UK and need to be removed. We have used this term as it is the most common term the Department uses to describe these individuals.

The Department's performance against its operational missions and objectives

8 The Department collects a large volume of performance information against its missions and objectives, but this does not always allow it to demonstrate the impact of its work. The Department produces over 250 management information reports, many of which are for individual areas of the business. Many of its metrics track individual activities rather than assess the overall impact against their missions and objectives set out in Figure 1. The Department has recently undertaken work to try to estimate the value of financial harm avoided by some of its activity in 2018-19. This analysis suggests that the Department's activities to prevent illegal entry into the UK have a greater impact than activities to reduce the illegal population already within the UK. However, this remains a work in progress and in most cases the Department admits it is very difficult to attribute successful outputs directly to Immigration Enforcement's work (paragraphs 2.3, 2.32, 2.33, 3.10 and 3.12 to 3.14).

9 The Department's success in meeting its mission to prevent illegal immigration through greater compliance with immigration laws is unclear. The Department views compliance as ensuring that individuals enter and leave the country in accordance with their visa and passport conditions. The Department detected 46,900 attempts to enter the country by clandestine means in the 12 months to the end of October 2019, compared to 40,800 in the same period in 2018. It is not clear whether the Department is detecting a greater proportion of these attempts or if there have been more attempts overall. The Department uses its Compliant Environment approach to limit unlawful access to government funded services. It evaluates the success of this approach against the data records it has shared and the amount of money saved by other departments. It also hopes that by removing the incentives which it believes draws people to the UK illegally, it can encourage voluntary departures, foster compliance with visa and passport conditions and encourage people to leave before their right to remain in the UK has expired. However, it is currently unable to assess whether these measures have any meaningful impact on the likelihood that an individual will leave the UK voluntarily (paragraphs 2.4 to 2.12 and Figure 7).

10 It is difficult for the Department to demonstrate the effectiveness of its efforts to tackle the threats associated with immigration offending. The Department has started to use the intelligence it gathers to better link its national strategy to operational tasks. Since it is difficult to directly link intelligence work to tangible outcomes, the Department quantitatively evaluates this mission against the scale of resulting enforcement activities. The Department has increased disruptions against organised crime gangs year on year for five years. It aimed to shift its efforts towards more significant and long-term disruptions but has not achieved this change (paragraphs 2.13 to 2.19 and Figures 8 to 10).

11 The Department has returned fewer people in the past year than in previous years and is completing fewer planned returns from detention. Our analysis of the Department's data on returns suggests that:

- **The Department has returned, or helped to return, just over 13,100 people without leave to remain in the 12 months to the end of November 2019.** However, the number of voluntary and enforced returns has fallen dramatically since 2015. The Department encourages people to return voluntarily as this is the most cost-effective option, but voluntary returns have reduced, from an average of 1,200 a month in 2015 to approximately 460 a month in 2019. The Department has enforced the removal of 7,400 of the 13,100 immigration offenders who returned. Almost 5,000 of those were foreign national offenders. The figure for removing foreign national offenders has remained more stable over time, and now represents around two-thirds of total enforced returns (paragraphs 2.20 to 2.26 and Figure 11).
- **The Department has improved aspects of immigration detention but is releasing many people at a late stage because it had problems in completing their return.** The Department detains some individuals before they return to their country of origin. It has significantly reduced the size of its detention estate since 2016, reducing its costs by £40 million (21%), and is detaining people for a shorter time. However, the Department faces a series of complex challenges in this area, including legal challenges, asylum claims and constraints due to agreements with other countries. In the 12 months to the end of December 2019, only 48% of enforced returns went ahead as planned. The Department tells us that this is mostly explained by spurious late challenges to removal, but we have not seen evidence it has tried to actively understand and manage these challenges and it has no strategy across the work of Immigration Enforcement and the rest of the Department to reduce their frequency. In the 12 months to the end of December 2019 it released 14,900 (62%) of the detainees whom it intended to remove from the country (paragraphs 2.27 to 2.31, 3.22 and Figure 12).

Managing the end-to-end enforcement system

12 Our wider work on good practice in operations management suggests that Immigration Enforcement could improve its management of the enforcement system. Comparing how Immigration Enforcement manages its activities against good practice, we found that teams are not always able to see how their work fitted within business area objectives and there were examples of inefficiency in all seven business areas that we visited. Immigration Enforcement does not make sufficient use of evaluations to assess process effectiveness (paragraphs 3.1 to 3.9, 3.17 to 3.23 and Figures 13 and 16).

13 The Department has rightly responded to changing operational priorities by moving staff to deal with them but does not yet understand the impact of doing this on routine activity. It provided support to Border Force to help reduce waiting times in ports during the busy summer holiday period in 2019 and in preparation for exiting the EU without a deal. It also mobilised additional staff to England's south coast to support Border Force's operations to stop small boats crossing the English Channel. However, this flexible response removes staff from dealing with other areas of work which the Department also deems a priority. The Department has recently started to examine the impact these decisions had on its other operations. It is now responding to the outbreak of COVID-19 (paragraphs 2.2, 2.18, 3.7 and 3.8).

14 The Department has introduced new technology and working practices but has not yet evaluated the benefits of doing so. The Department has introduced new technology and working practices in order to reduce costs while maintaining its overall performance. These changes include ongoing efforts to create a new case management system and introducing technology, such as automated reporting and handheld devices for front-line enforcement staff. It has not undertaken a full evaluation to demonstrate if these changes are delivering the expected benefits or what impact they are having on the wider business (paragraphs 1.9, 1.11, 1.18, 3.10 and 3.23).

15 The Department could do more to identify and respond to inefficiencies. The Department does not systematically identify or respond to inefficiencies in its working practices or the impact they have on the organisation. We saw several examples where staff had to undertake additional work owing to incorrect or out of date information. There is also evidence of increasing numbers of claims against removal at late stages in the process. These inefficiencies mean staff are unable to conclude cases as quickly as they might otherwise, in turn leaving individuals waiting longer to hear the outcome of their case (paragraphs 3.18 to 3.21 and Figure 16).

16 The Department is considering its response to the Windrush review, which will have implications for how Immigration Enforcement works. In 2018 the Department faced criticism over its treatment of the Windrush generation. The government consequently commissioned an independent review of lessons to be learned from the Department's actions. This review was published in March 2020 and the Department committed to providing a formal response within six months. The Department has also commissioned a review of the wider border and immigration system which will have implications for immigration enforcement activity and to which it will need to respond quickly. Until the Department understands the impacts of these reviews on immigration enforcement activity, it will not be able to carry out wider strategic reform (paragraphs 1.10 to 1.13).

Conclusion on value for money

17 The Home Office's (the Department's) vision is to reduce the size of the illegal population, and the harm it causes, through missions to ensure greater compliance with immigration laws, tackle the threats of immigration offending and maximise the return of immigration and foreign national offenders from the UK. However, the complex nature of immigration crime and offending presents a significant challenge. For example, in trying to prevent, identify and remove immigration offenders, the Department must deal with a changing and varied threat from organised crime and a population which is, by definition, hard to interact with. The Department assesses its performance through a wide range of quantitative and qualitative measures. Where available, these measures show some positive developments in areas such as preventing illegal entry into the country and tackling organised crime, but performance against the crucial measure of returns has fallen. However, collectively, these measures do not provide a sufficient assessment of outcomes or an evidence base the Department can use to demonstrate the cumulative impact of its activities or judge overall success against its missions.

18 The Department has made some progress in improving individual aspects of immigration enforcement but does not yet manage this as an end-to-end system. It has recently begun to develop its understanding of the people currently in its system, but it does not yet have a full understanding of how its activities affect the progress those people take through each part of the system. Without looking at the system, and what is actually being achieved, as a whole, the Department will not be able to demonstrate it is delivering value for money.

Recommendations

19 To improve performance, the Department needs to better understand how its efforts and activities influence its planned outcomes and should:

- a** **Build on its data and analytical capability to better support decision-making, assessment of performance and resource prioritisation.** The Department has struggled to provide strong evidence to demonstrate its impacts or justify some of its decision-making. It should develop a stronger evidence base to underpin its decisions, provide more clearly articulated justification for the decisions it makes and develop better systems for learning how to improve its work. This should include setting clear systematic feedback for process inefficiencies when they occur and providing a consistent lessons learned approach to its evaluation work.
- b** **Expand its knowledge of the scale of irregular migration and the barriers it faces in tackling this.** There are opportunities for the Department to build on its demand planning work, external research and other estimates of hidden activity across government, for example elements of serious and organised crime or the tax gap, to improve its understanding of the full scale of the illegal population in the UK and identify new ways to address some of the challenges it faces. These opportunities could involve, but not be limited to:
 - further analysis to estimate how much of the total illegal population it already interacts with, to understand if its current strategy reaches far enough;
 - analysis to understand the potential reasons why so few removal directions are currently successful (including reviewing its internal processes), in order to develop a strategy for dealing with late claims to remain in the UK; and
 - improving its understanding of the flow of cases joining and leaving the population. Building on existing work, it should assess where and how bottlenecks occur in the system and implement work to remove them. This should be done across the wider border and immigration system to understand how individuals move between the interdependent directorates.

If the Department is successful in building on these work programmes, this could help it to better demonstrate links between its activities and its impacts, or explore whether its strategies are sufficient to help it achieve its vision and objectives.

- c Develop a common understanding of 'harm', so that all staff are confident they see harm in a consistent way for their area.** Immigration Enforcement's ongoing work to assess current and emerging threats helps teams focus on harm, but there is no common understanding across the organisation of what the Department means by harm caused by the illegal population. To mitigate against the possibility that teams define harm differently, and to help more clearly demonstrate progress against the vision for reducing harm, the Department would benefit from agreeing and articulating a common understanding.
- d Review Immigration Enforcement's current responsibilities to identify which ones are most important in achieving its goals.** However, to do this it needs to develop clear metrics of performance that are directly linked to what it is trying to achieve. The Department should:
- assess its goals and objectives to check they measure relevant indicators;
 - have clear, measurable objectives based on outcomes, cost and quality as well as inputs and outputs;
 - clearly set out a rationale of how each business area contributes to success against Immigration Enforcement's overall missions and objectives;
 - assess the relative success of each business area; and
 - undertake modelling exercises to understand the impact on one area by changing resourcing structures.