



Organisational reforms to the immigration system since 2006

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Section Home Affairs Section

For many years, the Home Office's Immigration and Nationality Directorate (IND) had primary responsibility for administering the immigration system. In May 2006, after a series of controversies, the then Home Secretary famously described the IND as "not fit for purpose". It was replaced by the Border and Immigration Agency, which subsequently became the UK Border Agency (UKBA) - an executive agency.

The last Labour government initiated various other wide-reaching administrative reforms of the immigration system during the second-half of its time in office. These included projects to simplify the Immigration Rules, primary immigration legislation and associated policy guidance, and projects to improve and modernise IT systems. The current government has continued with some of this work, in addition to making some further organisational reforms.

The Independent Chief Inspector of Borders and Immigration and the Home Affairs Committee regularly raised concerns about the UKBA's performance, such as the extent of 'backlogs' across the UKBA's different areas of casework.

In spring 2013 the Government abolished the UKBA as an executive agency, due to persistent concerns about its performance. The Home Office absorbed the UKBA's functions. 'UK Visas and Immigration' is the part of the Home Office now responsible for deciding applications for leave to enter or remain in the UK, and 'Immigration Enforcement' is responsible for enforcing immigration law and removals. The Home Office had already assumed direct responsibility for the Border Force (which deals with immigration and customs checks at UK ports), in 2012.

Other measures the Government has taken to improve the functioning of the immigration system include a new plan to modernise IT systems, and new primary legislation – the *Immigration Act 2014* - which the Government intends will "simplify and improve" immigration law.

In July 2014 the National Audit Office found that progress in addressing the concerns that had led to the abolition of the UKBA has been mixed, and concluded that it is too early to detect an impact of organisational improvement on customers and stakeholders.

Her Majesty's Passport Office has also lost its executive agency status, with effect from 1 October 2014. This follows criticism of delays in processing passport applications in 2014.

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1 Administering the immigration system: organisational changes

1.1 Immigration control structures up to 2006

Before 2006, various different parts of government and agencies played a role in administering the UK's immigration system:

- Applications for visas to come to the UK were handled by Entry Clearance Officers based in British diplomatic posts overseas. The work of Entry Clearance Officers was overseen by UK Visas (previously, the 'Joint Entry Clearance Unit'), a joint Home Office/Foreign and Commonwealth Office department.
- Immigration law enforcement, and applications for permission to remain in the UK on asylum or non-asylum grounds, for a work permit to employ a non-EEA national, or for British nationality were handled by various different parts of the Home Office's Immigration and Nationality Directorate (IND).
- The UK Passport Service, an executive agency of the Home Office, was responsible for processing applications for British passports. In 2006 it became the Identity and Passport Service, taking on responsibility for the Home Office's ID cards programme.

Other Government departments also had roles to play - for example, between 2005 - 2009 applications for student visas were considered with reference to a register of education providers maintained by the then Department for Education and Skills/Department for Innovation, Universities and Skills.

1.2 Reforms made under Labour: Devolving responsibility to executive agencies

2006 - 2007: From IND to BIA

In May 2006, the then Home Secretary, Dr John Reid, described the IND as "not fit for purpose."¹ The Home Office, and particularly the IND, was embroiled in a number of controversies at the time, including a failure to consider 1,013 foreign national prisoners for

¹ Home Affairs Committee, *Immigration Control*, 23 July 2006, HC 775-III, Q866

deportation before release from prison and the discovery of a backlog of 400-450,000 unresolved asylum cases. His statement prompted a flurry of Government statements and policy and consultation documents, and then a series of legislative, administrative and organisational reforms intended to improve the handling of the Government's immigration functions.

As part of these reforms, the then Home Secretary announced in an oral statement on 19 July 2006 that the IND would be replaced by an executive agency.² Responding on behalf of the Opposition, David Davis, then Shadow Home Secretary, gave qualified support for the move:

It is true that some of the Home Secretary's proposals have merit. For example, the agency proposals for the IND—I think that I disagree with my ex-leader on this—may improve some aspects of its management. It may, however, make communication and co-operation with other parts of the Home Office more difficult, so none of these things come free. It will certainly not absolve Ministers of responsibility for effectiveness and delivery.³

Nick Clegg, then Liberal Democrat Home Affairs Spokesman also supported the move to establish an executive agency, which he said was in accordance with longstanding Liberal Democrat policy.⁴

A subsequent Home Office publication, *Fair, Effective, Transparent and Trusted: Rebuilding confidence in our immigration system*, explained in greater detail the reasons for replacing the IND with a new organisation:

The case for change

3.4 IND, alongside the Home Office as a whole, needs to change fundamentally the kind of organisation it is, the systems and processes through which it operates, and the way it does its job. Urgent organisational reform is needed in the following areas.

- The law is complex and needs further strengthening and streamlining to allow IND to operate effectively in all cases.
- IND has complicated structures and processes and mixed priorities and accountability, which leads to bureaucracy and fragmentation rather than a streamlined focus on overall outcomes.
- Skills and roles are not always well matched and performance management throughout the organisation is not strong enough.
- IND's IT and management information systems have not kept up with changing demands.
- IND still largely reacts to events rather than managing risk and anticipating and pre-empting new problems.⁵

The Border and Immigration Agency (BIA) replaced the IND as a shadow Home Office agency on 1 April 2007. Various organisational changes followed, such as introducing

² [HC Deb 19 July 2006 cc323-5](#)

³ [HC Deb 19 July 2006 c327](#)

⁴ [HC Deb 19 July 2006 c329](#)

⁵ Home Office/IND, "*Fair, effective, transparent and trusted: Rebuilding confidence in our immigration system*", July 2006

regional casework teams throughout the UK to deal with asylum cases (through the 'New Asylum Model') and enforcement work (through 'Local Immigration Teams').⁶

A 'hub and spoke' structure for processing visa applications was also introduced from 2007 (and remains in place). Under this model, work overseas is organised into six geographical regions. Within each region there are a number of visa application centres ('spokes') where visa applications are submitted. These centres are often operated by private sector contractors rather than UK Embassy/High Commission visa section staff (as tended to be the case previously). The applications are considered by Entry Clearance Officers based in regional decision-making 'hubs', often in a different country to where the application was submitted. The perceived benefits of the hub and spoke model include improved quality and consistency of decision-making; improved efficiency and productivity; and greater resilience and flexibility (e.g. by moving work from expensive and less secure areas to stable regional hubs).⁷

Establishing the UKBA

On 25 July 2007, as part of a broader statement on counter-terrorism, anti-extremism and border security measures, the Prime Minister announced plans to integrate the work of the BIA, UK Visas and HMRC's border-related work to "strengthen the powers and surveillance capability of those working to stop terrorists from entering the country".⁸

Further details of the rationale for the merger were provided in a November 2007 Cabinet Office report '*Security in a Global Hub: Establishing the UK's new border arrangements*'. The report considered the challenges to border security in the 21st century and the new ways to manage these risks.⁹ In recognition of the multiple types of threat present at the borders, it recommended uniting the various parts of government with responsibilities relevant to border control into one agency, so as to ensure a more coordinated response.¹⁰

The UK Border Agency was established with shadow agency status in April 2008.¹¹ The then Home Secretary summarised its purpose in a Written Statement:

The agency's purpose and objectives are set out in its first business plan which I am laying in the House today. That purpose is clear: it is to secure our border and control migration for the benefit of our country; protecting our borders and national interests; preventing border tax fraud, smuggling and immigration crime; and implementing decisions quickly and fairly.

The UK Border Agency will unite the work of the Border and Immigration Agency, Customs detection work at the border from Her Majesty's Revenue and Customs (HMRC) and UK Visas from the Foreign and Commonwealth Office (FCO), to create an organisation with a budget of over £2 billion, 25,000 staff, and operating in local communities, at our borders, and across 135 countries worldwide. The agency will deploy unprecedented power in pursuit of its goals.¹²

⁶ See BIA, *Business Plan for Transition Year April 2007 - March 2008*, June 2007 and *Draft Framework Agreement*, May 2007 [Available from [National Archives version of UKBA website](#) as at 6 April 2010]

⁷ UKBA website, About Us/Our organisation/'Overseas network' (undated; accessed on 30 August 2013)

⁸ [HC Deb 25 July 2007 c842](#)

⁹ Cabinet Office, *Security in a Global Hub: Establishing the UK's new border arrangements*, 14 November 2007

¹⁰ Cabinet Office, *Security in a Global Hub: Establishing the UK's new border arrangements*, 14 November 2007

¹¹ See UK Border Agency, *Business Plan April 2008 - March 2009*, April 2008

¹² [HC Deb 3 April 2008 cc75-76WS](#)

On 1 April 2009 the UKBA was given full executive agency status. On the same day, it published a framework agreement setting out its governance arrangements, including the respective roles and responsibilities of Agency staff and Government Ministers, and its Business Plan 2009 - 2012.¹³ Other organisational publications released during the UKBA's first few months included a Customer Strategy and a Customer Charter,¹⁴ a ten point delivery plan for 2009,¹⁵ and a document setting out its principles for working with stakeholders.¹⁶

The perceived advantages of executive agency status were summarised on the UKBA website:

Agency status gives us and our people the freedom to operate and focus our resources within a clearly defined mandate from the Home Office. It provides us with:

- a sharper focus on delivery, better meeting the public's expectations in maintaining secure borders, finding and removing illegal immigrants and tackling those who facilitate them coming here;
- clearer accountability, not only to the public but also to our customers, to our partners and to ministers;
- greater operational freedom to respond to the challenges we face and to manage our people and resources more effectively;
- the ability to reinvest savings into improving our business delivery;
- an opportunity to forge new ways of working and new relationships with our partners; and
- a new identity to bring our staff together under a clear, single brand with unified clarity of purpose.¹⁷

Measures in Part 1 of the *Borders, Citizenship and Immigration Act 2009* formally transferred HMRC's customs-related powers to the UKBA, but in general, most of the machinery of government changes establishing the UKBA could be implemented without primary legislation.

Over time, the Home Affairs Committee questioned whether the UKBA was a true executive agency in practice, since it was embedded in the accountability structures of the Home Office and Ministers were responsible for formulating its policies.¹⁸

1.3 Scrutiny of the UKBA's performance

In 2006 the IND began providing the Home Affairs Committee with quarterly updates on its work, particularly the handling of the asylum 'legacy' backlog and foreign national ex-offender deportation cases.¹⁹ This practice was continued by its successor organisations.

¹³ UKBA, *Framework Agreement, Revised December 2009*; UK Border Agency, *Business Plan April 2009 - March 2012*, April 2009 [Available from [National Archives version of UKBA website](#) as at 6 April 2010]

¹⁴ UKBA news and update, 'UK Border Agency sets out its service and delivery standards' 8 April 2009

¹⁵ UKBA news and updates 'Our ten point delivery plan', 24 February 2009

¹⁶ UKBA, *Working in Partnership with External Stakeholders*, January 2010

¹⁷ UKBA website, [National Archives version as at 6 April 2010] 'About Us/Our organisation'

¹⁸ For example, Home Affairs Committee, *UK Border Controls*, 19 January 2012, HC 1647, para 14

¹⁹ Home Affairs Committee, *The work of the UK Border Agency*, 1 December 2009, HC 105-I of 2008-9, para 1

The inspections carried out by the Independent Chief Inspector of Borders and Immigration provided another source of regular scrutiny of the UKBA.

Successive Home Affairs Committee reports were critical of the Agency's performance in significant areas, including its policies and progress towards resolving the asylum 'legacy' case backlog and enforcing deportations of foreign national ex-offenders. Other concerns highlighted included the remuneration and bonus payments to senior staff in light of the UKBA's performance against its targets and objectives, and delays in implementing the e-Borders scheme.²⁰

Common observations made by the Independent Chief Inspector of Borders and Immigration included the need for the Agency to make good quality decisions and treat people fairly and consistently, to follow proper processes and guidance, to adopt a consistent approach, and to improve line management and communication within the organisation.²¹

The extent of 'backlogs' in other casework areas (e.g. immigration and new asylum cases) and the reliability of information and statistics provided by the Agency were ongoing areas of concern for both the Independent Chief Inspector and Home Affairs Committee.

1.4 Coalition Government changes: Returning functions back to the Home Office

The Coalition has initiated a series of organisational changes to the immigration system since coming into power.

August 2011: Separation of immigration policy work from UKBA to Home Office

In August 2011 the UKBA's "strategic policy function" was moved to the Home Office. It was anticipated that this would allow the Agency "to apply greater focus to improving its operations."²²

March 2012: Separation of Border Force

On 1 March 2012, the UK Border Force was split from the UKBA, in order to become a separate Home Office operational command directly accountable to Ministers.²³

The decision was taken in light of investigations into the unauthorised relaxations of security checks at UK ports of entry during summer 2011 (which had led to the resignation of Brodie Clark, then Director of the UKBA's Border Force). The independent investigation (the 'Vine Report') did not make a recommendation to separate the Border Force from the UKBA.²⁴ However, Theresa May, Home Secretary, announced plans to do so in response to the Vine Report. She cited concerns about the culture and performance of the Border Force (and wider UKBA) as reasons for doing so:

The Vine report reveals a Border Force that suspended important checks without permission; spent millions on new technologies but chose not to use them; was led by managers who did not communicate with their staff; and sent reports to Ministers that were inaccurate, unbalanced and excluded key information. (...)

(...)

²⁰ See, for example, *The Work of the UK Border Agency*, successive reports published in [session 2009-10](#); [session 2010-12](#); [session 2012-13](#); [session 2013-14](#).

²¹ Independent Chief Inspector of Borders and Immigration, *Corporate Reports*, 2009-10, 2010-11, 2011-12

²² Home Affairs Committee, *UK Border Controls volume II*, 19 January 2012, HC 1647, Ev w5

²³ [HC Deb 1 March 2012 c43WS](#)

²⁴ Independent Chief Inspector of the UKBA, *An investigation into border security checks*, February 2012

As part of our wider work to improve the border, we have already made a number of other important improvements. (...) But I do not believe that the answer to the very significant problems exposed in the Vine report is just a series of management changes. The Border Force needs a whole new management culture, and I can tell the House today that I have appointed Brian Moore, currently the chief constable of Wiltshire police, as the interim head of the Border Force. In addition, from next year the new National Crime Agency will be charged with improving our intelligence capability at the border, investigating serious and organised border crime and tasking law enforcement assets across all the relevant agencies.

There are many hard-working and dedicated members of staff in the Border Force. They want to get on with their work securing our border, and I want to make it clear that this report is in no way a criticism of them, but, as the Home Affairs Committee and its Chairman have argued consistently, there is no getting away from the fact that UKBA, of which the Border Force is part, has been a troubled organisation since it was founded in 2008. From foreign national prisoners to the asylum-seeker backlog and the removal of illegal immigrants, it has reacted to a series of problems instead of positively managing its responsibilities.

I believe that, with a new chief executive and a plan for comprehensive change, UKBA is in better hands for the future, but I believe also that the extent of the transformational change required—in the agency's casework functions and in the Border Force—is too great for one organisation. I can therefore tell the House that from 1 March the UK Border Force will split from UKBA and become a separate operational command, with its own ethos of law enforcement, led by its own director general and accountable directly to Ministers.²⁵

Border Force is responsible for conducting immigration and customs checks at UK ports and airports. Brian Moore was appointed as its interim Director-General in March 2012. He decided not to apply for the permanent position. In January 2013 it was announced that Sir Charles Montgomery had been appointed to the permanent post.²⁶

March 2013: Splitting the UKBA into separate Home Office commands

After the separation of the Border Force, the UKBA remained responsible for asylum, immigration and nationality casework, immigration detention, in-country enforcement activity and immigration operations overseas.²⁷

It continued to develop and implement plans for organisational reforms, some details of which were published on its website:

The UK Border Agency has begun a major internal change programme called 'Our agency 2015'. The programme is building the agency's ability to make lasting improvements in its performance in 2012-15.

The programme will deliver changes that combine to enable us to achieve our vision for 2015:

To be a highly competent, continuously improving organisation which controls migration for the benefit of the UK, making correct decisions on who may visit or

²⁵ [HC Deb 20 February 2012 cc622-3](#)

²⁶ [Border Force on Gov.uk, 'New Director General of Border Force announced'](#), 25 January 2013

²⁷ [HC Deb 1 March 2012 c43WS](#)

stay, and deterring, stopping or removing those who have no right to be here, in a way that affords value for money for the taxpayer.²⁸

Nevertheless, the Agency's reputation for administrative competence, including the speed and quality of decision-making, continued to suffer.²⁹

The Home Affairs Committee's report into the work of the UKBA over April - June 2012 (published on 9 November 2012) warned, amongst other things, of an "alarming" growth in the size of the UKBA's backlogs during the period.³⁰ Mark Harper, Minister for Immigration, provided details of measures being taken to improve the functioning of the UKBA in a Written Statement on 21 March 2013, which included making greater use of agency staff to bring application processing times back within service standards by spring 2013. He concluded by saying:

I am confident that these measures represent the start of a period of further improvement that will leave the UK Border Agency on the sure footing necessary to continue to deliver a safe and efficient immigration system.³¹

On 25 May 2013 the Home Affairs Committee published another highly critical report scrutinising the UKBA's performance over July - September 2012.³² Commenting on the report's findings, Keith Vaz, Chair of the Committee, said:

Successive UKBA Chief Executives have presided over chaos including 150 boxes of unopened mail, 100,000 unopened letters and yet another effective amnesty for thousands due to calamitous inefficiency.

For six years the Committee was misled by UKBA Chiefs about the agency's unacceptable performance. It appears more like the scene of a Whitehall farce than a Government agency operating in the 21st Century.

No sooner is one backlog closed, than four more are discovered. At this rate it will take 24 years to clear the backlog which still stands at the size of the population of Iceland. We were astonished to discover that MPs and applicants had been writing about cases yet 59,000 applications had not even been loaded onto the Agency's computers.

We are worried that given UKBA's poor record of being transparent with the Committee, the delays we know about could only be the tip of the iceberg. UKBA must publish a definitive list of all its backlogs and senior staff should not receive any bonuses until the backlogs are cleared.³³

The following day, the Home Secretary announced plans to split the UKBA into two 'operational commands' within the Home Office (rather than executive agencies), citing concerns that its performance "is still not good enough".³⁴ The two commands are

²⁸ UKBA website, About us/our organisation/'Our Agency 2015 change programme' (undated; accessed on 30 August 2013)

²⁹ For example, *The Independent* [online], 'Managers at troubled UK Border Agency receive bonuses of up to £10,000', 10 May 2012; *The Guardian* [online], 'UK Border Agency texts tell legitimate immigrants to leave UK', 7 January 2013; *BBC News* online, 'The UKBA's astonishingly troubled history', 26 March 2013

³⁰ Home Affairs Committee, *The Work of the UK Border Agency (April - June 2012)*, 9 November 2012, HC 603

³¹ HC Deb 21 March 2013 cc55-6WS

³² Home Affairs Committee, *The Work of the UK Border Agency (July - September 2012)*, 25 March 2013, HC 792

³³ Home Affairs Committee news, 'Backlogs continue to plague the Border Agency as it is found to have misled the Committee over the Controlled Archives', 25 March 2013

³⁴ HC Deb 26 March 2013 cc1500-1

responsible for deciding applications for leave to enter or remain in the UK, and immigration law enforcement respectively.

Arguing that the agency has been “a troubled organisation since it was formed in 2008” and had “never had the space to modernise its structures and systems”, she identified four main problems:

I believe that the agency’s problems boil down to four main issues: the first is the sheer size of the agency, which means that it has conflicting cultures and all too often focuses on the crisis in hand at the expense of other important work; the second is its lack of transparency and accountability; the third is its inadequate IT systems; and the fourth is the policy and legal framework within which it has to operate.

She said that creating two smaller organisations would improve transparency and accountability, and allow for the development of distinct cultures appropriate to their specific functions:

The first will be a high-volume service that makes high-quality decisions about who comes here, with a culture of customer satisfaction for business men and visitors who want to come here legally. The second will be an organisation that has law enforcement at its heart and gets tough on those who break our immigration laws.

Theresa May further contended that making the organisations part of the Home Office would achieve broader cultural change. In her view, giving the UKBA executive agency status had created “a closed, secretive and defensive culture.”

Speaking on behalf of the Opposition, Yvette Cooper, Shadow Home Secretary, agreed that action was needed to address the UKBA’s problems, but argued that its problems had got worse under the present Government.³⁵ She pressed the Home Secretary for practical details of how the reforms would lead to an improvement in performance. Various other Members also sought reassurances that the reforms would result in meaningful change:

Dr Julian Huppert (Cambridge) (LD): (...) My concern is that in 2006 the immigration and nationality directorate was spun out of the Home Office because it was not fit for purpose, had a vast backlog and was poorly led. We now have an agency that is still not fit for purpose, still has a vast backlog and still has leadership problems. How can she be so sure that it will work this time?

Mrs May: We have spent considerable time looking at what the right structure is for the agency. We have had the experience of working with the Border Force. If we look at its operation today, we see that it is in a different place from where it was previously. That experience has shown that if we can create a smaller entity that has a clearer management and focus on its activities, we can make progress, and that is exactly what we are doing by splitting the agency in this way.³⁶

The UKBA lost its executive agency status and had its functions transferred to the Home Office on 1 April.³⁷ Any costs arising from the reorganisation were to be met from existing budgets.³⁸

³⁵ [HC Deb 26 March 2013 c1501-2](#)

³⁶ [HC Deb 26 March 2013 c1506](#)

³⁷ UKBA *update*, ‘UK Border Agency’s transition to Home Office’, 3 May 2013

³⁸ [HC Deb 25 April 2013 c1365W](#)

October 2014: Bringing Her Majesty's Passport Office back into the Home Office

Concerns about delays in processing passport applications became prominent in spring 2014 (discussed in more detail in Library Standard Note [Delays in processing passport applications](#)).

Her Majesty's Passport Office (HMPO, previously the Identity and Passport Service) attributed the delays to a significant and unforeseen increase in demand for passports in 2014. Some critics suggested the extra workload caused by HMPO assuming responsibility for issuing passports to British citizens living overseas, and the impact of office closures and staff cuts as additional contributing factors.

HMPO lost its executive agency status with effect from 1 October 2014, following a review conducted by the Permanent Secretary of the Home Office at the request of the Home Secretary.³⁹ HMPO is now part of the Home Office and directly accountable to Ministers. The post of Chief Executive is being abolished, to be replaced by a Director General for HMPO.

The Home Affairs Committee had already called for such a change in status for HMPO.⁴⁰

2 Simplifying immigration laws and modernising IT systems

2.1 Labour's 'simplification project'

Library standard notes [SN04824 Background to the draft \(partial\) Immigration and Citizenship Bill](#) (28 August 2008) and [SN05263 The draft Immigration Bill and simplification of immigration law](#) (4 January 2010) discuss the following developments in greater detail.

The complexity of legislation was one of the reasons given for why the IND was not performing effectively in the July 2006 review *Fair, Effective, Transparent and Trusted: Rebuilding Confidence in our Immigration System*. The paper stated that the then Government would 'radically reform and simplify immigration laws, rules and guidance'.⁴¹

A Simplification Project was established in the spring of 2007. Its aim was 'to produce a single, consistent and coherent framework of primary and secondary legislation, together with any further guidance and instructions that are strictly necessary'.⁴²

Its first product was a June 2007 'initial consultation' on *Simplifying Immigration Law*. The then Immigration Minister Liam Byrne set out arguments in favour of reform in the foreword:

The current legal framework is very complex. This complexity reduces the efficiency of decision-making processes, resulting in delay and the risk of mistakes. It can make it difficult for applicants to understand how they can come to or stay in the UK legitimately. It increases the likelihood of protracted legal challenge of refusals and it contributes to a lack of public confidence in the overall effectiveness of the system.

³⁹ [HC Deb 13 October 2014 c13WS](#) and GOV.UK, [News story, 'Her Majesty's Passport Office made directly accountable to Ministers'](#), 26 September 2014

⁴⁰ Home Affairs Committee, [Her Majesty's Passport Office: delays in processing applications](#), HC238 of 2014-15, 16 September 2014

⁴¹ Home Office, [Fair, Effective, Transparent and Trusted: Rebuilding Confidence in our Immigration System](#), July 2006, p.15

⁴² BIA, [Simplifying Immigration Law: An initial consultation](#), July 2007, para 2.10

This project will support the work of our operational business and the frontline by creating a more user friendly and clearer decision-making process.⁴³

Another consultation paper published in February 2008 provided further details about the plans for simplification and an update of progress made thus far.⁴⁴

A draft (partial) *Immigration and Citizenship Bill* was published for consultation in July 2008.⁴⁵ However, instead of bringing a bill to simplify existing immigration legislation before Parliament for the 2008-09 legislative session, the then Government added to the existing framework of immigration legislation by introducing what became the *Borders, Citizenship and Immigration Act 2009*.

On 12 November 2009 another draft (and incomplete) immigration simplification bill was published with accompanying Explanatory Notes, draft economic and equality impact assessments, and a 'Bill narrative document' setting out how the draft bill supported the Government's wider simplification objectives.⁴⁶ However the draft Bill made little progress before the 2010 General Election.

The simplification project also included plans to overhaul the Immigration Rules (which contain the detailed requirements for permission to enter or remain in the UK) and the accompanying policy guidance. It was intended that by simplifying primary legislation and rewriting the Immigration Rules in plain English, there would be less need for supplementary policy guidance.

A consultation on the future style and scope of the Immigration Rules was published in November 2009, alongside a draft illustrative set of rules.⁴⁷ In addition, longstanding pieces of published policy guidance used by UKBA officials began to be replaced with '[Modernised Guidance](#)'.

As a further strand to simplification, the processes and technologies for handling applications were to be overhauled, under the Immigration Case Work Programme (ICW), which included developing a £385 million IT programme. The ICW Programme was launched in 2008; a 2012 National Audit Office report summarised its purpose and anticipated benefits:

3.7 ICW aims to create a single end-to-end caseworking process, leading to cost savings through streamlining, improving the quality and accuracy of decisions and providing better customer service through online self-service applications enabling faster decisions. The programme aims to roll-out 14 separate IT releases over five years from 2009, in order to save £139 million a year by 2014-15 in direct costs and indirect savings in estates and overheads. As it implements ICW, the Agency will be able to meet its plan to reduce the number of its overseas offices delivering visa services from 130 in 2011 to 25 in 2015. In the UK, ICW will enable further staffing reductions.⁴⁸

⁴³ BIA, *Simplifying Immigration Law: An initial consultation*, July 2007

⁴⁴ BIA, *The path to citizenship: Next steps in reforming the immigration system*, February 2008

⁴⁵ *Draft (Partial) Immigration and Citizenship Bill*, July 2008 Cm 7373

⁴⁶ Available from UKBA website [National Archives version 3 April 2010] '[Draft Immigration Bill November 2009](#)'

⁴⁷ UKBA, *Simplifying Immigration Law - A new framework for immigration rules*, November 2009; *Draft illustrative immigration rules on protection*, November 2009 (available from UKBA website [National Archives version] '[Simplifying legislation, processes and technology](#)')

⁴⁸ National Audit Office, *The UK Border Agency and Border Force: Progress in cutting costs and improving performance*, HC 467 2012-13, 12 July 2012

What happened after the 2010 General Election?

Some aspects of the simplification project continued after the 2010 General Election. Chapters from various categories of policy guidance continue to be replaced by with new pieces of 'Modernised Guidance' (although many older pieces of policy guidance also remain, and not all new guidance has been issued in the Modernised Guidance format). The Immigration Rules have been regularly amended to reflect policy changes, but have not been comprehensively overhauled.

A National Audit Office (NAO) report published in 2012 considered progress made in implementing the ICW Programme. It identified some "important successes" delivered by the project, such as moves towards paperless caseworking and an improved ability to access information held across old IT systems. However, it also found that implementation dates had slipped by up to a year, and that costs had overrun by £28 million in spite of less having been delivered than planned. Expectations for overall expected savings had been revised down to £106 million by 2015.⁴⁹ The NAO partly attributed the problems it identified to "Loss of focus, poor governance and a tendency towards optimism bias in planning, delivery and reporting", but noted that the UKBA had begun to take measures to increase financial control from late 2011.⁵⁰

A further NAO report published in July 2014 noted that the ICW programme closed in August 2013, after delivering significantly less than planned:

4.11 ICW was expected to replace both the legacy Casework Information Database (CID) and 20 different IT and some paper-based systems by March 2014. It consisted of three main components encompassing applications, decisions and a search facility. Delays and problems with the programme meant all three components were only delivered for student visas. The search function is used across the business and some application types use the online application facility. The programme was closed in August 2013, delivering significantly less than planned for £347 million.⁵¹

2.2 Reforms further to the abolition of the UKBA

The Home Secretary's March 2013 statement to the House about the future of the UKBA indicated a renewed emphasis on simplifying immigration laws and policies, and modernising IT systems.⁵²

She said that a new plan to modernise IT systems across the whole immigration system would be produced in order to improve reliability, compatibility between systems, and automated data collection and electronic case management. The NAO's July 2014 report gave some details of how this work is being progressed:

4.13 The Department has begun a new programme, Immigration Platform Technologies (IPT), to address legacy IT issues and improve performance and efficiency. IPT is due to cost £208.7 million by 2016-17. The programme is using an 'agile' approach focusing on smaller faster projects to give incremental improvements. A tool for online applications for some types of visa has already been rolled-out and is being updated using applicant feedback. However, support contracts for CID expire in

⁴⁹ National Audit Office, *The UK Border Agency and Border Force: Progress in cutting costs and improving performance*, HC 467 2012-13, 12 July 2012

⁵⁰ National Audit Office, *The UK Border Agency and Border Force: Progress in cutting costs and improving performance*, HC 467 2012-13, 12 July 2012, para 14

⁵¹ National Audit Office, *Reforming the UK border and immigration system*, HC 445 of 2014-15, 22 July 2014, para 4.11

⁵² [HC Deb 26 March 2013 c1501](#)

January 2016, before the scheduled completion of IPT in 2017. The Department is reviewing options for support contracts to cover this gap.

4.14 Both directorates rely heavily on paper-based working. The Permanent Migration team is 100 per cent paper-based and acknowledge this as a barrier to efficiency. When we visited the team, we saw staff transferring a paper application to a separate paper file and also entering the same details on to CID. UK Visas and Immigration has a strategy outlined in its 2014-15 delivery plan to go paperless, but this is a long way from delivery.⁵³

The Home Secretary's statement also said that there would be new primary legislation to address a "vicious cycle of complex law and poor enforcement of [UKBA]'s own policies". The *Immigration Act 2014* received Royal Assent in May 2014.⁵⁴ Its provisions include making considerable changes to appeal rights and the removals process.

3 Relevant government departments/agencies: 2014-

Following implementation of the government's administrative reforms, its immigration control functions are now spread between a mix of Home Office directorates and agencies:

- [HM Passport Office](#), (known as the Identity and Passport Service until May 2013, an executive agency until October 2014) - responsible for issuing passports (and, through the General Register Office, administering the civil registration process in England and Wales).⁵⁵
- [Border Policing Command](#), National Crime Agency - to be established under powers in the *Crime and Courts Act 2013*, to take the lead in delivering joined-up enforcement activities across all agencies operating in and around the border.
- [Border Force](#) (a Home Office command) - responsible for immigration controls and customs functions at UK ports of entry/exit and juxtaposed controls, patrolling the UK coastline and searching vessels.
- [UK Visas and Immigration](#) (a Home Office command) - responsible for processing visa applications made overseas and applications for leave to remain made in the UK.
- [Immigration Enforcement](#) (a Home Office command) - responsible for enforcing removals of persons not eligible for leave to remain in the UK.
- Immigration and Border Policy directorate, Home Office - responsible for advising Ministers on immigration policy and legislation.

A Strategic Oversight Board for the immigration system, chaired by the Permanent Secretary to the Home Office, is intended to guard against 'silo mentalities' developing in the separate directorates/agencies.⁵⁶

⁵³ National Audit Office, *Reforming the UK border and immigration system*, HC 445 of 2014-15, 22 July 2014, para 4.13-4

⁵⁴ Library *Research Paper 13/59, Immigration Bill*, discusses the contents of the Bill.

⁵⁵ HM Passport Office on Gov.uk, '[Passports: Introducing Her Majesty's Passport Office](#)', 13 May 2013

⁵⁶ For details of its composition and other executive and management boards and committees covering borders and immigration, see National Audit Office, *Reforming the UK border and immigration system*, HC 445 of 2014-15, 22 July 2014, Figure 16

4 Further Reading

The performance of the UK Border Agency and its successor organisations has been regularly scrutinised by the following:

- Independent Chief Inspector of Borders and Immigration: see [inspection reports](#) 2009 onwards.
- Home Affairs Committee, *The Work of the UK Border Agency*: see successive reports, 2010 onwards.
- National Audit Office, *The Border Force: securing the border*, HC 540, 4 September 2013; *Reforming the UK border and immigration system*, 22 July 2014

Further to the abolition of the UK Border Agency, the Home Affairs Committee has established inquiries into [The Work of the Border Force](#); [The Work of the Immigration Directorates](#) and [The Work of HM Passport Office](#).

The NAO's July 2014 report on 'Reforming the border and immigration system' considered what progress had been made in addressing concerns which led to the abolition of the UKBA. Its findings and conclusions included the following assessment of value for money:

Conclusion on value for money

19 The structural changes made since breaking up the Agency have let the new UK Visas and Immigration and Immigration Enforcement directorates focus on their specific roles within the system. The Department has started making significant changes and the directorates have outlined new priorities and in some parts of the business there are measurable goals for this year. The directorates have made good progress in some areas – such as communications and oversight. But they have made slow progress in improving process efficiency, staff capability, and the quality of data and systems. In some areas, such as specific backlogs, workforce planning and the IT landscape, problems identified back in 2012 have not progressed as far as we would have expected by now. Overall it is also too early to identify any impact from organisational improvement on customers and stakeholders and the Department has not yet set longer-term time horizons in which it expects to make improvements across the border and immigration system.

20 To achieve value for money in its immigration work, the Department must progress faster with its changes and address the challenges it has struggled to tackle. It must sustain performance under the pressure of reducing budgets.⁵⁷

⁵⁷ National Audit Office, *Reforming the UK border and immigration system*, HC 445 of 2014-15, 22 July 2014, para 19-20