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Extract from submission of 12 February 2003  
from Bill Brandon, Head of General Casework  
to Beverley Hughes.

- 
- at that time I had instituted an accelerated consideration exercise in General Group to try to clear all cases over 12 months old: I have mentioned this in previous briefings to you on performance;
  - under this process caseworkers are urged to take pragmatic decisions based on the information available on file (ie to prevent embarrassment in asking for information a year after the application was made);

(2)

Extract from note from Bill Jeffrey, Director General, ICD to  
Beverly Hughes dated 7 March 2003.

The  
"BRACE" guidance under which the decision was taken was issued by Bill Brandon and  
is to the effect that applications over 12 months old are to be decided on the  
information available without further enquiries.

4. Instructions have already been issued to the effect that cases where long residence is claimed should be referred to a senior caseworker before being refused. I have also asked ICD to review the BRACE policy more widely. The difficulty is that it would negate the value of it as a pragmatic way of dealing with older cases if we excluded refusals completely or required any refusal, even in an evidently very weak case, to be cleared by a senior caseworker. What we probably need is guidance to our caseworkers on the approach to cases which look potentially strong but where there is an essential piece of information or documentation missing. I will come back to you on this quickly.

[REDACTED] As you know, I am addressing both of these. In addition, if the steps we are taking to increase the staff ahead of charging can enable us to get on top of the business, the kind of rough and ready pragmatic approach which the BRACE guidance represents shouldn't be necessary. Having said that, and while not defending for a moment the outcome [REDACTED], we are still in a situation where some risks have to be taken, and staff should feel that if they are encouraged to take risks they will be supported when something does go wrong.

From:  
Sent:  
To:  
Cc:  
Subject:

(3) TO BE WITHHELD (3)  
[REDACTED]  
10 March 2003 13:30  
Jeffrey Bill; Hughes Beverley (Submissions)  
Home Secretary (Submissions); Gieve John (Submissions)  
RE: [REDACTED]

Free W

Sensitivity:

Personal

Bill

Beverley Hughes has seen and noted your submission of 7 March and agrees your proposed courses of action in relation to the various strands in this case. However, Beverley Hughes feels that the basic point at hand here is that whilst staff have to take some risks, this was a decision that flew in the face of common-sense. In such circumstances she would expect individuals to be able to judge when the outcome indicated by a procedure looks odd and to ask for a senior caseworker/ manager's view.

Original Message

From: Jeffrey Bill  
Sent: 07 March 2003 13:36  
To: Hughes Beverley (Submissions)  
Cc: Home Secretary (Submissions); Gieve John (Submissions)  
Subject: [REDACTED] \*  
Importance: High  
Sensitivity: Personal

Please see the attached:

<< File: HUGHES [REDACTED] .doc >> \*

\* NAMES REDACTED BY COMMISSIONER, SECTION 40(2)



④ TO BE WITHHELD

④

cc Home Secretary  
John Gieve

From Bill Jeffrey  
Director General  
Immigration and Nationality Directorate  
Apollo House

Tel: 020 8760 8123  
Fax: 020 8760 8529

18 March 2003

Beverley Hughes

**BRACE**

In my note of 7 March about the [REDACTED] case, I promised to get back to you about the future use of the "BRACE" guidance; under which - as a pragmatic measure to help reduce backlogs of after entry applications - applications over 12 months old are decided so far as possible on the information available without further enquiries.

[REDACTED]

2. As I said in my note, following the [REDACTED] guidance was issued to staff to the effect that any proposal to refuse a long residence application under the BRACE guidance should be referred to a senior caseworker. We wondered whether to go further and require all refusals to be referred to a senior caseworker, but this would defeat the purpose of the policy, and (as you observed in response to my note) in the end we must expect, and indeed require, caseworkers to apply common sense as well as pragmatism.

3. What Bill Brandon has now done, with my support, is to issue further guidance making it clear to staff that BRACE is about pragmatic grants (ie not pursuing every angle which could conceivably justify a refusal) rather than pragmatic refusals; and that where an application is refused, the refusal needs to be properly justified under the Rules, so that it can be adequately defended on appeal or in the face of representations. In particular, non-compliance refusals (ie refusals where insufficient evidence has been provided) should only be issued when we have asked for further information and it has not been supplied within a reasonable time. They should not be issued solely on the basis that, when the application was submitted it was not accompanied by all the required supporting documents.



4. I think this strikes the right balance, and will reduce the risk of a [REDACTED] type case recurring, although in the end we are dependent on the application of common sense.

BILL JEFFREY

Note from APS to Beverley Hughes to Adele Townsend (5)  
re IND charging Project dated 3 July 2003.

21. Bill Brandon mentioned that there had been significant re-structuring of the organisation to support the new service standards. He also mentioned that he could not foretell what unchargeable backlog would be left by the 1<sup>st</sup> August, but that he would be looking to clear this within 9 months.

Note from APS. to Beverley Hughes to Adele Townsend ⑥  
re IND Charging Project Dated 4 August 2003

BH asked about the backlog and CP confirmed that this currently stood at 40,000 - 45,000. The Minister made it clear that you would need to look closely at how to reduce this.



From:

Rogerson Lorraine

Sent:

15 March 2004 19:54

To:

Cc:

7

7 TO BE WITHHELD

Jeffrey Bill; Baird Nick; Cavanagh Matt; Higson Paula; [REDACTED]  
[REDACTED] Roberts Dave (Hd UKBCO); [REDACTED]  
(Press Office); Evans Huw (Special Advisor); [REDACTED] Sutton Ken (SCS)  
PMQ briefing this week

Subject:



Sunday

Draft bri Times 14Mar.doc fmg for No10 attached. I simply can't use the template I'm afraid, but the briefing follows the set format. It will need to be cleared. Bill is providing separate topline material following the meeting between the Home Sec and the PM earlier today. Latest version of more detailed Q and A also attached.



MAR15.LRB.doc



MAR15.LRB.doc

Lorraine Rogerson  
Director  
Immigration and Nationality Policy Directorate  
Room 1109 Apollo House  
36, Wellesley Road, Croydon  
CR9 3RR  
020 8760 8780

\* NAME REDACTED BY COMMISSIONER, SECTION 40(2)

**SUBJECT**

"IMMIGRATION ROW".

**PMO COMMENTS**

In addition to an update on last week's claims needs to deal with further "revelations" in yesterday's Sunday Times and followed up in today's Mail

I would like confirmation that this brief has been signed off at official level by a SCS.

**BRIEF**

**Accusation**

Lies, dam lies & migrant statistics. True, shocking immigration cover-up laid bare after leaked documents reveal 15000 a year take part in sham marriages (Mail splash). Hughes faces renewed calls to quit in asylum row after claims in leaked email that 1000s more migrants let into UK without proper checks (Express)  
Hughes finally admits 25k migrants allowed in following decision to drop background checks.. In written answer quietly slipped out (Saturday's Mail)

Migration Watch call for the reinstatement of recording of foreign arrivals and departures.

**Facts**

Last weekend (7 March) there were allegations about the relaxation of standards at the IND office in relation to EC Association Agreements casework, and estimates of the numbers affected. Beverley Hughes made a statement on Monday 8 March about the circumstances, and announced that she had ordered an investigation. On Friday 12 March in a Written Ministerial Statement she gave further details of the investigation, and some estimates of the numbers of cases which had been received and decided under this route. By far the majority of these were in-country applications.

This weekend (14 March) there were further newspaper reports about the way immigration casework is dealt with and further estimates of people granted leave under different categories as a result of the procedures under question.

In the WMS on Friday Beverley Hughes had already told the House that the investigation would extend to the wider context of guidance to caseworkers about quicker decision-making to clear backlogs.

The embarkation control was withdrawn at seaports in 1994 and reconfigured at major airports in 1998. Reconfiguration allowed the Immigration Service to concentrate its resources on key delivery areas such as tighter on-entry controls and removal of failed asylum seekers.

### Elephant Traps

- Suggestion that thousands of immigrants are being allowed to remain in the country without checks
- Beverley Hughes misled the Commons. This wasn't a one-off unauthorised relaxation of standards in respect of a single category of case. The relaxation had been authorised at a senior level and applied to all kinds of cases
- The numbers keep changing- "7000 backlog" on Monday, "under 40,000 applications" on Wednesday, "26,000" decisions on Friday. Seems to be out of control.
- Estimated number of bogus marriages is 15,000 - but official statistics suggest 1,700[ 2,700 was published in answer to a PQ]
- Students are being allowed to stay, without proper checks that they or their college are genuine, or that they can support themselves

### Lines To Take

#### Positive story on ECAA

- Migration brings significant benefits, both economic and social. EU Enlargement is welcome. Workers from the A-8 states will fill key labour and skills gaps - boosting productivity and overall economic growth. The UK has one of the most dynamic economies in the world, with record employment levels. As long as they are self-sufficient, they are welcome.
- The rt hon Gentleman seems to forget that the first EC Association Agreements were signed in 1994. They anticipated the benefits of enlargement by allowing nationals of acceding countries to establish themselves in business or self-employment in Member States on an equal basis.



- The relatively large numbers of applications under this route in the UK [compared to some other member states] reflects the lack of unnecessary regulatory burdens on business in this country. We welcome entrepreneurs and those who provide valuable services- whether they are cleaning, plumbing, building - who can find a demand for their services in this country.

#### Positive story on the economy

- This is one of the reasons why our economy is thriving :
  - The UK labour market has upwards of 550,000 vacancies[571,900 in January 2004]
  - UK employment at record highs - up by 1.7 m since spring 1997.
  - UK ILO unemployment down by 0.6m since spring 1997
  - Long-term unemployment down by more than three-quarters since April 1997
  - Lowest ILO unemployment rate in the G7 one of the lowest ILO unemployment rates in the EU: almost half that of France and Germany [4.9% compared with 9.3% in Germany and 9.5% in France]
  - Around 15% of UK trend economic growth depends on migration
  - Migrants make up just 8% of the population but generate 10% of our total wealth
  - Migrants are substantial net contributors to the Exchequer - studies show that they paid £2.5bn more in taxes in 1999/00 than they consumed in benefits and services

#### Positive story on asylum

- The Opposition prefer to ignore the fact that we now have an increasing grip of the asylum system. The dramatic reduction in asylum numbers reflects this.
  - border controls have been significantly strengthened;
  - removals of failed asylum seekers and other illegal immigrants has increased
  - Continuing proud tradition of helping genuine refugees with new UNHCR resettlement scheme and working internationally to help more refugees closer to regions of origin.

#### **Guidance to caseworkers on backlog clearance**

- The Home Office is investigating the guidance to staff on managing backlogs in Immigration casework and my rt hon friend will make a full report to the House when the outcome of the investigation is known.
- Long backlogs are unacceptable. Delays are unfair to genuine applicants, and allow others to simply stay in the country while the application waits for consideration. Successive administrations have grappled with backlogs and have had to take measures to deal with them.
- A balance has always to be struck between holding up the straightforward and genuine cases and properly pursuing those which are suspicious and bogus. This is not a new challenge, previous administrations have also faced it
- The introduction of charging for leave to remain and work-permits allows us to properly resource this area of the business and is a key step in becoming modern, competitive and effective.

#### **There should be checks when people leave the country**

- I am surprised that the rt.hon Gentleman does not recall the reasons why the Immigration Service stopped doing embarkation checks in 1994. It is estimated that the cost of reintroducing embarkation controls and establishing new ones at ports within the Common Travel Area would be in excess of £26 million per year. We do not consider this a cheap option, especially where there is no evidence that this requirement would contribute greatly to the overall effectiveness of the control, but would be likely to cause significant passenger congestion at ports.
- We are keeping the option for embarkation controls under review whilst exploring the extent to which new technology could provide us with more efficient ways of checking those leaving the country.

#### **Key Quotes**

- A report from the Ernst and Young Item Club on 3 March said "an influx of workers in the UK from the 10 Eastern European countries set to join the EU is necessary to alleviate the nation's growing labour shortages" and "that modest increases of 70,000 migrants would boost GDP by £10 bn in a decade." It said the UK needed Eastern European migrants to fill unpopular jobs. It added that people from countries including Hungary and the Czech republic are well- educated by international standards.
- Lukas, a Polish carpenter, came to the UK from Poland six years ago and now lives in East London with his wife and young son. He used to work on the black market but, tired of poor pay and of looking over his shoulder the whole time, he decided to enter the mainstream building trade and



regularised his stay. He said "it was quite difficult.. I had to prove I was self-employed by showing receipts, bank-statements and invoices." He doesn't believe that people like him should claim benefits- "I think it's enough if someone's willing to pay taxes and can get work here- he doesn't need to apply for any benefits does he?" [BBC website]

- According to the Boarding Schools Association's website, overseas boarders bring into the UK foreign earnings of £243,041,100 (ISC census 2003) in fees alone.

## SUBJECT

"IMMIGRATION ROW"

## PMO COMMENTS

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