

Beverley Hughes was misleading on Question Time when she referred to "a single team in Sheffield processing a very particular group of applications" ?

When Beverley Hughes referred to "a single team", she meant simply the group of staff working on ECAA applications in Sheffield. She has made it clear from the outset that all ECAA applications were being dealt with under the locally issued guidance.

But [REDACTED] is actually a senior manager:

- Decline to comment on named individual or to confirm
- [An Assistant Director would be a relatively senior figure in the Sheffield office, but a middle manager in terms of IND as a whole, and not for example, a member of the Senior Civil Service.]

Backlog of ECAA cases in January – Sunday Times says, 11,000; Beverley Hughes said 7000 in the Commons on 8 March.

The 7,000 was the backlog of recorded cases at the time, however there were several thousand outstanding cases to be input to the system, and the 11,000 estimate quoted is a fair one.

Top Lines on Marriage

- The Government is determined to tackle fraudulent marriages and prosecute the organisers as well as the beneficiaries of these marriages.
- Changes introduced in the NIA Act 2002 are aimed at tackling the growing menace of fraudulent marriages undertaken to circumvent immigration control and at simplifying procedures for those in genuine marriages or long-term relationships. These include increasing the probationary period to two years, introducing a "no switching" provision for those seeking to stay in the UK on the basis of marriage and raising the sponsorship age to 18 for spouses.
- In addition, registrars have a statutory duty to report suspicious marriages to the Home Office. This statutory obligation replaced previous informal and voluntary arrangements.

- Applications to remain in the UK from the spouses of EU nationals are considered under European Community law. A non-EEA spouse of an EU national has a right of residence in the UK if their EEA national is exercising their Treaty rights here (for instance if the EEA national is working, studying, self employed or self sufficient).
- Applications to remain in the UK on the basis of marriage to an EU national will be refused if the applicant is not able to provide evidence that the EEA national is exercising their Treaty rights in the UK or if we are satisfied that it is a marriage of convenience.

Estimated 15000 bogus marriages per annum?

- It is inherently difficult to establish beyond doubt whether a marriage is genuine or to estimate how many may be bogus.
- There is increasing concern about the extent to which people are entering into bogus, often multiple marriages as a means to illegal migration. This was addressed in the Immigration and Asylum Act 1999, which empowered registrars to request name, age, marital status and nationality from couples; made changes to the procedures for giving notice of marriage; and required registrars to report suspicious marriages to the Home Office.
- These arrangements came into force on the 1st of January 2001. Internal management information suggests that, during 2001, 756 reports of suspicious marriages were received by the Home Office from registrars in England and Wales. [396 were passed to the Casework Directorate for action and 259 to enforcement officers. 32 enforcement visits were made; 17 cases were dealt with as offenders; 10 were removed. In one instance, 7 arrests were made from two of the weddings attended. Two weddings were attended, resulting in 7 arrests.] In 2002, there were 1205 reports from registrars, and there were around 2700 in 2003. Reports are now coming in at about 350 per month. The rise in reporting is not necessarily indicative of a year on year rise in marriage abuse, but may show that under-reporting of suspected sham marriage is diminishing.

- In 2003, further action was taken to address marriage abuse by changing the Immigration Rules to: increase the probationary period following marriage to two years; introduce a "no switching" into marriage provision for those given leave to enter the UK for six months or less; and raise the age at which a UK resident can sponsor someone coming here for marriage to 18 years. To protect genuine cases, the probationary period was removed for people married or in partnership for four years overseas.

Enforcement

- Enforcement action is taken against sham marriages, focusing particularly on the racketeers and arrangers.
- UKIS in London has recently piloted a new, targeted approach to tackling sham marriages, led by a specialist team who have also provided training to other London offices. So far in 2003/04 this approach has led to the following action being taken in the London area:
 - 138 people arrested at weddings;
 - 84 marriages stopped;
 - 37 people charged with criminal offences following arrest;
 - vast majority of those charged were convicted – including sentences of 9-12 months imprisonment;
 - 119 removal documents served [information on actual removals not available].
- Developing a tactical approach to tackling marriage abuse in London. Focused, intelligence-led, and drawing on co-operation with other agencies (eg Police).
- Elsewhere in the country cross-agency working between UKIS, NCIS and the Police has led to significant success in apprehending those responsible for organised marriage abuse. We expect recent operations to result in a number of convictions. [NB – IS advise that we can't say anything specific about Op Idiom as its sub judice. Hence general line]
- [Lines on Leeds? – Colin A to provide]

~~□ Since April 2003 Reflex has disrupted [20] organized immigration gangs and [27] facilitators have been convicted. Check if Operation Idiom has added to this]~~

~~□ Operation IDIOM: UKIS, NCIS and Leicestershire Police investigated deception and organised sham marriages in Leicester. 24 individuals charged as conspirators. Two principal ringleaders pleaded guilty. do we have sentencing details yet?~~

- ~~• There are a number of Immigration Service teams tasked, as part of their remit, with stopping bogus marriages where known immigration offenders are getting married, and with targeting bogus marriages with a view to prosecution.~~

~~In 2003-04: one such team (from London Crime Command Unit) reports the following:~~

~~□ Approx 68 weddings visited. 110 people arrested at weddings~~

~~□ 37 persons charged/vast majority convicted~~

~~□ Sentences of 9-12 Months imprisonment~~

~~□ Of remaining arrests, vast majority removed. [Contact: [REDACTED]]~~

~~[NB there are more cases to quote and we'll update this]~~

Marriage Abuse

~~Dallas Court report 2 cases of marriage abuse identified by attendance at weddings. 2 FAS and 1 illegal entrant.~~

~~South West report the investigation of 2 Brazilian born brothers believed to be facilitating sham marriages in their area~~

~~GIU continue to investigate Dutch nationals, mainly from Curacao (Dutch Antilles) involved in bogus marriages to West Africans~~

~~Enforcement activity taken to disrupt suspicious marriages includes~~

~~Since February this year, the London Command of the Immigration Service has conducted 23 visits to Registry Offices.~~

* NAME REDACTED BY COMMISSIONER, SECTION 40(2)

20 offenders have been arrested; the remaining 8 marriages were either cancelled or the couple failed to attend.

- Of the 20 offenders arrested,

6 have been removed

2 are detained pending removal

12 are on temporary release awaiting the outcome of their asylum application or documentation issues

Following training delivered by the UK Immigration Service in the Reading area, and continuing close co-operation with area Registrars:

in January this year, a wedding between a Ghanaian and a Dutch citizen was disrupted at Reading Register Office. The former was removed to Ghana within the week

In February an Algerian FAS in possession of an Algerian passport attempting to marry a Portuguese citizen was detained and subsequently removed

later in the same month, a clandestine Algerian was removed to Algeria on his passport following his attempt to marry a French citizen

How many marriage cases a year?

- In 2002 the number of extensions granted for a probationary year prior to settlement to spouses, after entry as a fiancé(e) or for some other purpose, was [down 4,560 to] 18,500. This was 5% of all decisions taken.
- There were 40,400 grants of settlement on the basis of marriage.

Trends in numbers of such cases since 1992?

[Catriona] Numbers of applications granted for leave to remain on the basis of marriage is shown below:

Year	1992	1993	1994	1995	1996	1997	1998	1999	2000
Husbands	10,590	11,670	11,870	12,230	11,900	10,700	13,010	14,565	14,46
Wives	15,790	15,940	14,920	17,010	17,570	16,160	18,390	19,945	24,10
Total spouses	26,380	27,610	26,590	29,240	29,470	26,860	31,400	34,510	38,56
2001	2002								
16,850	15,470								
26,590	24,930								
43,440	40,400								

Is it true that the Immigration Service does not have the resources to investigate doubtful colleges and suspicious marriages?

- There have been several recent Immigration Service operations against organised marriage scams (see above).
- But it is certainly the case that in the past few years the priority for enforcement resources has been removals, particularly of failed asylum-seekers. As we get the asylum problem under control, more resources will be diverted to general enforcement activity.

This Government is lax on bogus marriages: abolishing the Primary Purpose rule was one of the first things it did

- ♦ The primary purpose rule was abolished because it was unfair and arbitrary. It 'caught' not only bogus marriages, but also genuine marriages where the parties intended to live together permanently, if they were entered into primarily with the aim of the applicant coming to the United Kingdom.
- ♦ We do not seek to impose unreasonable restrictions on the freedom of individuals to marry and live with the spouse of their choice; but we do want safeguards against abuse by those who are prepared to enter into marriage simply as a device to obtain settlement in this country.
- ♦ Amongst other things, we must be satisfied that each of the parties to a marriage intends to live together permanently as husband and wife and that the marriage is subsisting.
- ♦ The most obvious reason for refusal on the grounds of intention to live together is that there is a reluctant party to the marriage who has declared their reluctance in confidence to the ECO. However, there are other circumstances that might alert the ECO to the need to explore the intention to live together. Each application is considered individually on the basis of the intentions of each party to the marriage.

Sunday Express Article Somali/Dutch scam

- EEC Nationals have every right to come to the UK as long as they are in employment. The law requires that EEC documents be accepted unless it is reasonably apparent that it is false.
- To prove a marriage involving an EEC national to be a sham requires showing that there was never an intention to co-habit. This requires an IS home visit, (caselaw prevents us undertaking marriage interviews).
- However, there is a clear need to monitor abuse, particular document and marriage following expansion. The Immigration Service will be providing training to assist in the identification of false documents from accession countries.

Students

- ◆ Overseas students make a huge contribution to the UK and its economy. The vast majority are genuine. But the large numbers coming mean there is scope for unscrupulous individuals to try to abuse the system.
- ◆ An overseas student must:
 - provide evidence of acceptance on an acceptable course at a suitable institution
 - show they are able to meet the costs of the course and of maintaining themselves
 - satisfy us that they are a genuine student who intends to leave the UK at the end of their course.

- ◆ We are aware of abuse by some in the private English language sector and will shortly be announcing proposals to move towards full Independent accreditation for this sector.
- ◆ We are also in dialogue with representatives of colleges and universities to develop effective information flows about overseas students who do not take up places on courses, or who drop out.
- ◆ This information will be flagged on personal records, used to identify emerging trends in order to take pre-emptive action, and deployed to inform local enforcement activities.

What action is taken to avoid granting leave to remain to students at bogus colleges?

- Caseworkers use intelligence information about doubtful establishments as the basis for further inquiries, together with the published definition of a bona fide educational establishment, and the fact of whether or not an institution is accredited.
- ~~IND actively encourages educational establishments to gain accreditation. Accreditation is currently available from a number of bodies. When an overseas student who applies for a visa or for further leave to remain is enrolled at an accredited college, we can be more confident about that establishment.~~

Does accelerated consideration mean that bogus students get away with it?

- Under backlog clearance exercises, routine checks, including security, continued to be made. In the case of students, the college would be checked against a "List of Educational establishments" and any doubtful or bogus ones would be identified and the application would be considered in more detail, and/or refused.

Is this enforced?

- Students who fail to observe the conditions of their stay will be liable to removal from the United Kingdom.
- Students are permitted to work for a maximum of 20 hours per week during term time or full time during vacation. Students are not permitted to engage in business, be self-employed, or to pursue a career by filling a permanent full-time vacancy.
- New legislation brought in by the Nationality, Immigration & Asylum Act 2002 now allows the Immigration Service (IS) to remove people who are attempting to obtain leave by deception. This means that bogus students who apply to the Home Office to extend their stay can be removed whilst their deceptive application remains outstanding.
- This legislative change came about as a result of an IS operation targeting a bogus college.
- Work is being done to establish the nature and methods of abuse by students to enable more focussed action to be taken
- Bogus students will normally be here for the purpose of employment and will be picked up in operations against illegal working.
- The Government is determined to tackle illegal working. We have already increased enforcement capacity and between April and June 2003 the Immigration Service reported carrying out 79 illegal working operations of which 27 were aimed at detecting five or more illegal workers. Between October and November last year the number of reported operations increased by over 75 per cent on the second quarter to 141, while the operations aimed at detecting five or more illegal workers rose by over 175 per cent to 75.

~~Is it true that the Immigration Service does not have the resources to investigate doubtful colleges and suspicious marriages?~~

~~□ There have been several recent Immigration Service operations against organised marriage scams (see above).~~

~~□ But it is certainly the case that in the past few years the priority for enforcement resources has been removals, particularly of failed asylum seekers. As we get the asylum problem under control, more resources will be diverted to general enforcement activity.~~

IND has not made any attempt to control general immigration casework?

- After-entry control has been exercised. Control of Immigration Statistics show that the total number of decisions made per annum has increased, from 178,810 in 1999 to 337,650 in 2002, and that the refusal rate has increased, from 2.4% in 1999 to 5.5% in 2002. In 2002, there were 18,575 refusals of extension or settlements; 244,400 grants of extension and 118,255 grants of settlement.
- The introduction of charging in August 2003 has enabled IND to invest in more staffing resources for general casework, thus increasing our capacity to make casework decisions. Since August 2003 staffing levels in General Group have risen by 27% [from around 1,000 to nearly 1,300].

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(8) TO BE WITHHELD

From: Rogerson Lorraine
Sent: 16 March 2004 10:49
To: [REDACTED] Evans Huw (Submissions); Cavanagh Matt (Submissions); Gieve John (Submissions); Jeffrey Bill; [REDACTED]
Cc: (8) Turley Anna; [REDACTED]
Baird Nick; Higson Paula; Sutton Ken (SCS); [REDACTED]
Subject: RE: Urgent Question- for today (Tuesday)- not allowed



PMQ.16.3.04.doc

hoorah. Latest version of possible answer attached- in case there's another request tomorrow.....

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

-----Original Message-----

From: [REDACTED]
Sent: 16 March 2004 10:42
To: Rogerson Lorraine; [REDACTED] Evans Huw (Submissions); Cavanagh Matt (Submissions); Gieve John (Submissions); Jeffrey Bill; [REDACTED] Turley Anna; [REDACTED]
Subject: RE: Urgent Question- for today (Tuesday)- not allowed

UQ was not allowed -well done and stand down (for today)

-----Original Message-----

From: Rogerson Lorraine
Sent: 16 March 2004 10:19
To: [REDACTED] Evans Huw (Submissions); Cavanagh Matt (Submissions); Gieve John (Submissions); Jeffrey Bill; [REDACTED]
Subject: RE: Urgent Question- for today (Tuesday)
Importance: High

Shouldn't we refer to the nationality story? I am not sure whether it is within Ken Sutton's remit but can certainly be covered in what is published next week.

<< File: Urgent Questions- IND-david davis-final.doc >>

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-----Original Message-----

From: [REDACTED]
Sent: 16 March 2004 09:55
To: [REDACTED] Evans Huw (Submissions); Cavanagh Matt (Submissions); Gieve John (Submissions); Jeffrey Bill; [REDACTED]
Subject: RE: Urgent Question- for today (Tuesday)
Importance: High

David Davis

* NAME REDACTED BY COMMISSIONER, SECTION 40 (2)

to ask to send for Home Dept to make a statement on the relaxation of clearance standards in IND.

the briefing from yesterday is attached ; Jonathan has contacted the Speaker's office and they will accept same briefing as yesterday, but would Lorraine please have a look over it (attached) to see if it can be tightened up to respond to the specific question.

Jonathan will need it by 10.10 and a cleared version sent to speakers' office by 10.20

<< File: Urgent Questions- IND-david davis-final.doc >>

-----Original Message-----

From: [REDACTED]
Sent: 15 March 2004 12:15
To: Rogerson Lorraine; [REDACTED] Evans Huw (Submissions); Cavanagh Matt (Submissions);
Gieve John (Submissions); Jeffrey Bill; [REDACTED]
Subject: FW: three Urgent Questions- NOT ALLOWED

well done to all- please distribute the final briefing accordingly

-----Original Message-----

From: Sadgwick Jonathan
Sent: 15 March 2004 11:44
To: [REDACTED]
Subject: Urgent Questions- Guidance

as revised

<< File: Urgent Questions- IND-david davis-bill-Jef_.doc >>