

Partial Regulatory Impact Assessment

Title of Proposal

Rebuilding confidence in the UK's immigration system: issue of a consultation paper on establishing an independent inspectorate.

Purpose and intended effect of measure

The Home Affairs Committee Report of 24 July 2006 recommended that the Government set up an independent inspectorate to review every stage of immigration control. The Immigration and Nationality Directorate (IND) Review published by the Home Office on 25 July 2006 made a public commitment to consult on a new single immigration regulator to provide a transparent and independent assessment of IND.

The Government believes that an inspectorate will give an independent, coherent and consistent perspective on the performance of IND against its objectives and against standards set by Ministers.

The consultation takes as its starting point the need to reduce the number of different bodies 'monitoring' immigration and to create a single body better able to provide a transparent and independent assessment of immigration and nationality.

Background

There are a number of bodies which are or are about to be involved in the inspection, review or advise on various aspects of the work of IND – either on a statutory basis or at the request of IND. These include:

- The Complaints Audit Committee
- The Certification Monitor
- The Monitor of Accommodation Centres
- The Race Monitor
- The Advisory panel on Country Information
- The Advisory Board on Naturalisation and Integration
- Her Majesty's Inspectorate of Prisons
- The Prisons and Probation Ombudsman
- Independent Monitoring Boards

These various bodies look at different specific parts of the organisation but even when aggregated they do not cover a large areas of the IND business – for example, enforcement powers. Nor are there linkages between many of the bodies and this means that there is no coherent and consistent end to end assessment from application for entry to integration or removal.

There are two essential objectives which are driving this exercise:

- Providing confidence to Parliament , Government and the public as a whole
- Providing confidence to those who use and receive services provided by the immigration system

In order to achieve this confidence, the new body needs to have a clear remit focusing on the issues that will demonstrate in a transparent way how IND is performing. This is likely to work best if it is focused on quality of service delivery, emphasises outcomes rather than processes and works across institutional boundaries to assess impact on service users and those otherwise affected by the work of the organisation.

Independent assessment will enable IND, Parliament and the public to assess whether the organisation is improving through a range of key indicators. This can be a powerful way of providing a continual perspective on the overall performance of the organisation which is essential in our aim of rebuilding confidence in the immigration system.

The role of the body should focus on those things that will demonstrate most clearly that the operation of the immigration system is functioning effectively and efficiently. In short, providing the confidence that our borders are secure, that those who have no right to be here are removed and that applications from those seeking to enter or remain here are processed swiftly and accurately. The following are the main themes we believe the new body might focus on to provide this confidence:

- Overall effectiveness across our operations;
- Quality of decision-making;
- Enforcement powers
- Access to information
- Treatment of individuals

It is not proposed that the new body intervene in individual cases. To do so would run the risk of overloading the new body with casework and thus distracting it from its main role of assessing the overall performance of IND. Also, in the case of appeals, it would be seen as second guessing the judicial system and undercutting its authority.

Consultation

We have consulted across government departments and formally sought and obtained clearance from the Cabinet Asylum and Migration (AM) Committee for the consultation exercise. The consultation is being carried out from 19 December 2006 to 16 February 2007. The results of the consultation will be analysed to decide whether an inspectorate should be set up and if so what its remit should be.

Regulatory and non-regulatory options

The proposed inspectorate is not a regulatory body. Its remit will be to advise Ministers and senior management on how well the department is performing against the objectives set. The Inspectorate will not set these targets but rather identify areas of strength and weakness and suggest how to improve performance and then maintain that improvement.

It would be possible to continue without an independent regulator by simply continuing with the existing bodies and a third option could be to enhance the status quo by appointing additional individuals to look at the areas not currently covered. This would however not provide coherent or consistent coverage and could lead to the department responding to a multitude of reports whilst not being able to address the various concerns properly.

High-level implementation and delivery plans for each option

Option 1- Independent inspectorate

Depending on the results of the consultation, we would announce the results by the end of February 2007 and seek to take the first available opportunity to legislate for the new body. The opportunity to do so will be dependent on the Parliamentary timetable.

Option 2 – Status quo

No action would be required. Existing bodies would continue to operate.

Equity and Fairness

The proposal for an independent inspectorate would not change the current arrangements in respect of the treatment of particular groups. Reducing the number of bodies looking at IND will cut down on the impact of having to respond to a number of reports. By focussing inspection on activities that run across the spectrum of IND activity, there will be enhanced outcomes for the organisation's customers.

Race Equality

The consultation invites views on the most appropriate way to assess race equality issues, including those currently contained within the remit of the Race Monitor.

Rural Communities

The proposal has no impact on rural communities.

Benefits, Costs and Key Risks

Option	Benefits	Costs	Risks
Independent Inspectorate	Independent transparent advice, consistent across the organisation. Clear lines of accountability. Able to make recommendations with the status to drive through improvements.	£0.5- 2m p.a.	Inspectorate seeks to go beyond remit – eg looking at individual cases. Overlaps with other bodies such as HMIP/HMIC leading to unnecessary duplication.
Status quo	Retain existing expertise.	£1m+ p.a. depending on number of ad hoc inquiries	Would leave large areas of IND business un-reviewed. Lack of consistency between bodies.

There are no costs to business, charities or the voluntary sector.

Devolution

Immigration is a reserved matter. As such powers are applied similarly throughout the UK.

Enforcement, Sanctions and Monitoring

The proposal will be implemented once legislation is passed. The inspectorate will be required to report annually to Parliament on its performance. The inspectorate would be subject to review in accordance with Cabinet Office guidelines.

Summary and Recommendation

Setting up an independent inspectorate will incur setting up costs but would play a crucial role in helping the Government's commitment to reviewing IND and improving its performance.