

Home Office failures put a family in danger

A report by the Parliamentary Ombudsman on
an investigation into a complaint by Mrs A
and her family about the Home Office

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Presented to Parliament pursuant to Section 10(4)
of the Parliamentary Commissioner Act 1967

Ordered by
the House of Commons
to be printed on 7 July 2014

HC 403

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This publication is available at <https://www.gov.uk/government/publications>

Print ISBN 9781474107495

Web ISBN 9781474107501

Printed in the UK by the Williams Lea Group on behalf of the
Controller of Her Majesty's Stationery Office

ID P002653170 07/14

Printed on paper containing 75% recycled fibre content minimum

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Summary

What happened

On the evening of 10 November 2010 Mrs A emailed the Home Office to alert them to Mr M's re-entry to the UK on 13 November 2010 after a holiday abroad. Mr M was a foreign national who had a visa that allowed him to live and work in the UK, and he was in a relationship with Mrs A's daughter. Mrs A and her family had become suspicious of Mr M because of his behaviour and the inconsistencies in what he told them about himself. Mrs A engaged a private investigator to look into Mr M's background. The private investigator telephoned Mrs A on 10 November 2010 to inform her that Mr M had a criminal record for violent offences committed overseas and very strongly advised her to pass this information to the UK authorities.

That evening, Mrs A emailed the Home Office with this information, explaining that Mr M had used three aliases and had an extensive criminal record for violence and use of weapons in Canada. She informed them that Mr M's flight was due to arrive at 08.25am on 13 November 2010 and gave them the flight number.

The Home Office took no action against Mr M following Mrs A's email and he passed through border control without being stopped. The Home Office took no follow up action to check whether Mr M had entered the UK or to alert the relevant authorities to Mr M's entry into the UK. Mrs A contacted the Home Office on two further occasions during November 2010 about her continuing concern that Mr M had re entered the UK. The Home Office still took no action. By December 2010 Mr M had embarked on a prolonged and escalating

campaign against Mrs A's daughter and her family. In April 2011 the police arrested Mr M after his harassment of the family had reached the point of setting fire to Mrs A's home. Mr M was convicted of several offences including arson, theft, harassment, perverting the course of justice, having an offensive weapon and criminal damage. He was given a minimum sentence of six years.

What we found

- The Home Office did not have adequate measures to test the information that Mr M gave them about his visa history, criminal convictions and good character
- The Home Office logged Mrs A's email of 10 November 2010 too late for any action at Heathrow Airport when Mr M re-entered the UK
- Mr M re-entered the UK without being stopped. The Home Office did nothing to follow up Mrs A's allegation
- The Home Office lost, in effect, Mrs A's two follow-up letters about her allegation
- The Home Office failed to ensure that they gave police officers all the available relevant information about Mr M after his arrest
- After Mr M was in prison, Mrs A asked the Home Office to explain how they had failed to deal with her information or to protect her and her family. The Home Office accepted they could have acted faster in responding to her email, but took no further responsibility for what had happened
- The Home Office mishandled Mrs A's complaint.

In response to our findings, the Home Office are to carry out and publish the outcomes of three separate reviews of their approach to:

- checking visa applicants' statements about their overseas criminal records and good character
- handling allegations including their use of and access to the watchlist
- dealing with correspondence.

They are to publish a progress report on the reviews within a year. They are to show the family that they have a grip on the next stages in their dealings with Mr M, including telling the family how they are monitoring his detention in the UK. They are to apologise to the family and pay them £120,000 for the effect on the six family members of their mistakes and £10,184 towards their expenses.

The complaint

1. Mrs A complained, on her own and her family's behalf, about the Home Office's failure to take prompt action on information she had given them about a foreign national. Her information was that this person had a history of violence and a criminal record overseas. He appeared to have obtained permission to enter the UK by deception. The person was allowed to enter and remain in the UK. He committed serious crimes against Mrs A's family, which placed them at risk and made them fearful for their safety. Mrs A remained concerned that the Home Office's procedures would permit the person to frighten and harm her family. She sought changes to their practices.

Some essential background

2. The person (Mr M), whose actions affected Mrs A and her family, is a Canadian citizen. The law says that Canadian citizens need visas if they want to stay in the UK longer than six months, or want to work in the UK. False representations, false documents or information, or a failure to disclose material facts about a visa application, are grounds for refusing a visa. Such a refusal, because it involves deception, can be grounds to refuse a person entry for a further 10 years.
3. The officials who decide visa applications check only UK databases for information about applicants. Information about criminal offences committed outside the UK is not generally available from the UK databases.

4. The watchlist, or warnings index, is the electronic system that stores adverse information about people and things that might be of interest to the Home Office, police and other authorities in the UK and overseas. The Home Office imposes strict controls on their officials' access to the watchlist because the information is so sensitive.

Our decision

5. We have upheld Mrs A's complaint. We have decided, under the law that gives us our powers to investigate government departments, that the Home Office's mistakes were serious enough to constitute maladministration. We also decided that the Home Office's maladministration led to an injustice for Mrs A and her family.

Summary of the reasons for our decision

Mr M's entry into the UK on the basis of his points based visa application in 2009

6. On 25 June 2009 Mr M applied for permission to live and work in the UK. He applied under the UK's points-based scheme. Three questions on the application form that Mr M completed were: *'Have you ever been refused a visa for any country?'*; *'Do you have any criminal convictions in any country (including traffic offences)?'*; and *'Have you engaged in any other activities that might indicate that you may not be considered a person of good character?'*. Mr M answered no to all these questions. On 2 July 2009 Mr M was granted a three year points based general migrant visa.

Some information about Home Office procedures

7. An applicant under the points-based system needed to score enough points, by objective measures such as age, qualifications and job history, to obtain a visa. Applicants needed to supply proof of qualifications, previous earnings, and maintenance (funds), among other things. Applicants also had to make statements confirming, in effect, that they were of good character without criminal convictions. The application required no proof of these statements (and no proof is required now). There was (and is) no interview for a points based visa, unless officials have doubts about information in the application and want to confirm or clarify it. Information about criminal offences committed outside the UK was not generally available from the UK

databases used by the officials making these visa decisions (and still isn't).

What we found

8. We recognise the difficulties in obtaining adverse information from other countries about their own citizens and that this is a complex area. However, Mr M's story demonstrates how possession of a points based visa can make a person *'low risk'* for the UK authorities, despite the lack of robust checks in some parts of the visa application. We concluded that the Home Office could and should have a means of testing the assertions that points based visa applicants make about their visa history, criminal convictions and good character. They can do that in a proportionate way that respects personal and confidential information. In this instance, failing to have adequate measures in place to test the information that Mr M gave them on these issues was a serious omission. It was a disservice to applicants who told the truth and it undermined the integrity of the Home Office's points based visa application process.

The Home Office's handling of Mrs A's allegation

9. Late in the evening of 10 November 2010, Mrs A emailed the Home Office about Mr M. She used the address given on the Home Office's website for people who wanted to send them information about people who had broken UK immigration law. She told them that Mr M had an extensive criminal record for violence and use of weapons in Canada, and the date and time of his flight to the UK (8.25am on Saturday 13 November). The Home Office received Mrs A's email at 10.56pm. On Friday 12 November 2010 at 1.01pm, Mrs A's email reached Heathrow's Intelligence

Unit's mailbox. There is no record of officials in this Unit logging or working on the allegation on 12 November.

10. On the morning of 13 November the Intelligence Unit picked up Mrs A's email from the Unit's mailbox. At either 7.48am or 8.51am (these are the times printed on the fax received by the Watchlist Unit) an official from the Intelligence Unit sent a fax to the Watchlist Unit. The fax was the basis for an entry onto the watchlist. It gave Mr M's name and Canadian passport number and said that he was known to be violent. It gave no details of the time that his flight was due to arrive at Heathrow. It said that officials should stop Mr M.
11. At 08.21am the Intelligence Unit created an intelligence report that recorded that it was believed that Mr M had been convicted of violent offences and use of weapons. The report included that Mr M had been convicted of assault causing actual bodily harm in 2006, that he had been refused entry to the USA, and that he was believed to be an illegal immigrant who had made false declarations.
12. At 8.46am on 13 November 2010 Mr M passed through border control without being stopped. At 9.20am on 13 November 2010 an official in the Watchlist Unit added Mr M to the watchlist. At 12.48pm on 13 November 2010, a chief immigration officer authorised the intelligence report. The Home Office took no further action on the case.

Some information about Home Office procedures

13. In 2010, the Home Office had no service standard for handling allegations, such as Mrs A's information about Mr M. Intelligence officers graded information they received by seriousness and

credibility, and prioritised cases according to when the event, such as a person's arrival, was going to happen and the level of harm (such as a mention of violence). In 2010, and now, officers monitored the Intelligence Unit's inbox. They would print any allegation received by email, record that they had received it, and refer it to a manager with the suggested options for action. They could send the information to the Watchlist Unit to add it to the watchlist; they could also contact a member of staff at the border checkpoint directly if there was too little time to update the watchlist.

14. If the Intelligence Unit considered that an individual should be added to the watchlist, as in this case, they would expect the border checkpoint to request more information from the Intelligence Unit when they stopped the person in question. If the checkpoint did not do this, the Intelligence Unit would follow up to see what action had been taken. If the Intelligence Unit realised that an allegedly violent person was in the country and they had not yet contacted the person's home country to corroborate the allegations, they would contact the home country. They would also consider asking a local immigration team to intervene in the case, verify the convictions mentioned in the allegation, and establish where the person lived.

What we found

15. Mrs A emailed the Home Office with her information about Mr M two working days before the morning when Mr M was due to return to the UK. The reference to violence and the imminence of his arrival made the allegation urgent. Officials in the Intelligence Unit should have printed and logged Mrs A's email on the afternoon they received it. However, no action was

taken until the following morning – the morning of Mr M's flight. Although time was then running short, officials still had a means of putting the information about Mr M in front of the border checkpoint staff in time for his arrival. The Intelligence Unit should have contacted the terminal directly before Mr M's flight arrived. However, they did not do so - and because the information about Mr M was only added to the watchlist after he had passed through border control, it was not available to border officials in time to prevent him from entering the UK.

16. The Intelligence Unit might have felt that they had done what was required of them once they had faxed the Watchlist Unit. However, our view is that, in this instance, their job was only done if they knew that their colleagues had stopped Mr M at the border as intended. In this case, the intelligence report was approved without asking for further action, four hours after Mr M had re entered the UK - and no checks were undertaken to establish whether or not Mr M had in fact entered the UK. These omissions were out of line with Home Office good practice, and without any follow up action to alert other officials to Mr M, the watchlist entry was redundant.

The Home Office's handling of Mrs A's correspondence of November 2010 following Mr M's re-entry to the UK

17. On 15 November 2010, Mrs A wrote to the Home Secretary. The heading on her letter was: *'Complaint re UK Border Agency - permitting a dangerous man to re-enter the UK unchecked after being informed that he had made false declarations on*

his visa and passport applications'. She set out what had happened and her serious, ongoing concerns about Mr M. The Home Office have no other record of any action on the letter except the record of its receipt.

18. On 25 November 2010, Mrs A wrote to the Home Office's Evidence and Enquiry Unit asking them to investigate Mr M. The heading on her letter was 'VISA FRAUD' with Mr M's visa number and name. Mrs A provided details about why she considered that he had obtained a visa by deception, his address, and her contact details. The only record the Home Office have of the letter is a log showing its receipt on 30 November 2010. Mrs A has told us that she telephoned the Home Office many times to find out what they were doing in response to her allegation but she was unable to reach anyone who could help.

What we found

19. Mrs A took the sensible and proportionate action of writing two letters to the Home Office after she realised they had not stopped Mr M. We found it astonishing that two letters, each giving enough information for the Home Office to identify Mr M in their records, were not acted on at all. The letters vanished almost without a trace within the Home Office. With them, the Home Office lost two chances to put right their earlier mistakes. The mishandling of Mrs A's letters undermined their ability to meet their public commitments to secure the border and pursue people who flout immigration law.

How the Home Office's Immigration Group Command and Control Unit responded to the telephone call from the police about Mr M

20. By the end of 2010 Mr M's relationship with Mrs A's daughter had broken down and she asked Mr M to move out of her home. Mrs A told us that Mr M steadfastly refused to do this. Mr M had begun to send anonymous letters to Mrs A's daughter's and husband's employers making serious allegations about them. He also sent anonymous letters to Mrs A's neighbours making serious allegations about Mrs A. We have not detailed all of Mr M's actions. But, based on the police report, they also included: sending repeated letters, texts and emails to Mrs A's daughter, as well as telephone calls, and repeatedly emailing and telephoning her family.
21. At the end of March 2011 Mr M was arrested for harassment, theft and criminal damage. Mr M was charged and bailed based on his residing at a hotel with the condition that he should not enter the area where Mrs A and her family lived. On 4 April 2011, Mr M was arrested again. Police had found him test firing a crossbow and an air rifle. He was also driving on an invalid licence. Mr M had bought an air rifle, two mini crossbows and a replica air pistol in the previous two days. He had also bought a white van, with the rear windscreen replaced at his request with a metal grill.
22. On 5 April 2011 the police telephoned the Home Office's Immigration Group Command and Control Unit to ask about Mr M. The Home Office have told us that the official would have told the police

that Mr M was not of interest to them. From the information in front of the official, there was nothing to show that the Home Office were interested in Mr M and nothing to prompt a check of the watchlist. The offences mentioned by the police were too minor to prompt Home Office interest in their own right, and Mr M had permission to be in the UK.

23. Mr M was subsequently given bail based on his residing at a hotel. On 7 April 2011 neighbours discovered a fire at Mrs A and her husband's house. The police contacted them to say they were taking them into protective custody. On 8 April 2011 Mr M was arrested at Mrs A's daughter's place of work.

Some information about Home Office procedures

24. The Immigration Group Command and Control Unit is (and was in 2010-11) a 24 hour contact point. The police can call the Unit at any time to see whether or not a person is of interest to the Home Office for immigration reasons. The Unit's staff have four databases on their computers - but no desk access to the watchlist. Access to the watchlist was via a single standalone PC. If the person queried by the police has valid leave to be in the UK, then there generally is no basis for action from the Home Office's point of view. The Unit, having only one watchlist terminal, would need a specific reason to check it. This is for the practical reason that checking the watchlist for every query would be too much. The single watchlist terminal needs security clearance and a bespoke password to access it; and there are particular procedures for using it.

What we found

25. In April 2011 the Home Office had a further opportunity to use the information that Mrs A had given them about Mr M. The police telephoned them, but the Home Office did not check the watchlist. At this point, the watchlist held the only generally accessible record within the Home Office to show that Mr M might not be what he seemed. There was nothing on their main casework databases and no information had registered with a local immigration team. The service offered by the Command and Control Unit was a further corporate failure, not a one off omission by an official. The official was following procedure. The Command and Control Unit had only one watchlist terminal. Their approach, dictated by the need to deal promptly with enquiries from police, generally excluded checking the watchlist. We can see that there were reasons for that approach and for the curbs on access to the watchlist. However, the watchlist was an essential way for the Home Office to share information. Failing to ensure that the immigration authorities could give police officers all the available relevant information was a serious omission.

The Home Office's response to Mrs A's correspondence after Mr M's arrest in April 2011

26. After Mr M had been arrested in April 2011, Mrs A and her husband renewed their contact with the Home Office. In June 2011 Mrs A wrote to the Home Office asking for an urgent appointment to discuss issues to do with Mr M, who was in custody awaiting trial. She said that she and her family wanted to know what action would be taken on Mr M's release. A deputy director subsequently telephoned Mrs A.

He told her that Mr M would be deported to Canada as soon as he was released from prison and that if he was found not guilty at his trial, they would take steps to ensure that he was immediately deported.

27. Mrs A also wrote to government officials and ministers to complain about the way the information she had provided about Mr M had been handled. The Home Office apologised for their error in handling the information she had provided and that she had not received a reply to her subsequent correspondence. They also said that the information Mrs A had provided had not been ignored, but that there had been delays in the way they had acted on it.
28. Mrs A also wrote to the Prime Minister. On 17 November 2011, a director of the UK Border Agency replied to her letter. The letter said they had investigated in some detail the concerns Mrs A had raised. It said, again, they had not ignored the information she had sent them, but that there were delays in the way it was acted on. It said they were reviewing their processes for handling information such as that Mrs A provided. The letter said: *'Please accept my apologies on behalf of the Agency for our error in the handling of the information you sent to us'*. The Chief Executive of the UK Border Agency also responded to Mrs A (one of his letters is at Annex D).

What we found

29. The Home Office considered Mrs A's letters at the highest level of the UK Border Agency. They apologised, however they rebutted many of her concerns. They also omitted to consider adequately what mistakes they had made; what effect these had had on Mrs A and her family; and how they could learn from what went wrong in

her contact with them. They have kept no unified record of their dealings with Mrs A, but have maintained separate records in different parts of the organisation without identifying a suitable '*single point of contact*' for her and her family. Rightly, the Home Office eventually gave Mrs A and her husband a contact for questions about Mr M's deportation. But they needed an official empowered to deal with their concerns and able to cut across all the Home Office groups and tiers. Despite the attention they gave Mrs A's letters, we cannot say that the Home Office gave her and her family an adequate response to her representations or properly understood and addressed the substance of her complaint. The Home Office had several opportunities to deal properly with Mrs A's complaint but they failed to use them.

banned from entering for 10 years. If he had managed to re enter the UK by some means, information about him would have been available to the relevant Home Office teams for taking enforcement action. If the police had contacted the Home Office about Mr M, officials would have told the police that he was of interest to them. In short, the family would have avoided most, if not all, the fear and anguish they endured from November 2010 to April 2011.

The injustice

30. On balance, we decided that the events leading to Mr M's arrest in April 2011 would not have happened without the Home Office's serious mistakes. Mr M's actions were the root cause of the pain suffered by Mrs A and her family. But the Home Office's mistakes isolated Mrs A and her family and made it harder for them to protect themselves from Mr M. We have found that this has had a lasting, negative, effect on the family's emotional capital and their physical and mental resilience.
- Mrs A has suffered alarm and outrage at the Home Office's approach to testing the information on visa applications about applicants' overseas criminal records. She does not feel safe and she fears that other people will suffer as she has done.
 - Without maladministration, Mr M would not have re entered the UK in November 2010 and would have been

Recommendations

31. In order to remedy the injustice we have found, we are making nine recommendations.
32. **First**, we recommend that within a month of the date of the final report the Permanent Secretary should appoint a senior official, with knowledge of immigration, to review urgently the effectiveness of:
- the Home Office's approach to and systems for testing the statements made about visa history, criminal convictions and good character on visa applications; and
 - their systems for verifying and sharing intelligence information for their handling of visa applications.

The Review should take explicit account of Mrs A's family's experience and of our findings of maladministration. The Home Office should give the Review appropriate funding and publish its outcome, including its recommendations for action, within six months of the date of the final report on this investigation.

33. **Second**, we recommend that within a month of the date of the final report the Permanent Secretary should appoint a senior official, also with knowledge of immigration, to review urgently the effectiveness of:
- the Home Office's processes for handling allegations including their systems for giving access to the watchlist to people with a legitimate need to use it and the systems and rationale for funding this work.

Again, the Review should take explicit account of Mrs A's family's experience

and of our findings of maladministration. The Home Office should give this review appropriate funding and publish its outcome, including its recommendations for action, within six months of the date of the final report on this investigation.

34. **Third**, we recommend that within a month of the date of the final report the Permanent Secretary should appoint a senior official to review urgently the effectiveness of:
- the Home Office's current processes for capturing correspondence on receipt; for acknowledging correspondence; for sending it to the relevant team for action; for tracking the action taken in response to correspondence; for ensuring that the action is complete and good enough; and for retrieving the correspondence for later queries or investigations.

Again, the Review should take explicit account of Mrs A's family's experience and of our findings of maladministration. The Home Office should give this review appropriate funding and publish its outcome, including its recommendations for action, within six months of the date of the final report on this investigation.

35. **Fourth**, we recommend that the Home Office should promote and support the implementation of the Reviews' recommendations, monitor progress against them and publish a progress report within 12 months of the publication of the final report on this investigation.
36. **Fifth**, we recommend that within a month of the date of the final report the Home Office take steps to demonstrate to Mrs A and her family that the Home Office have a grip on the next stages in their dealings with Mr M. These steps should include a written statement to the family of the

measures the Home Office are taking to monitor his detention and to take the appropriate action when Mr M leaves prison in the UK. The Home Office should confirm in writing to Mrs A and her family that, in line with existing arrangements, she and the family will have an opportunity to make representations to the Home Secretary before the Home Office reach any agreement to transfer or release Mr M to the Canadian authorities.

37. **Sixth**, we recommend that within six weeks of the date of the final report the Home Office should pay Mrs A, on behalf of her family, £10,184 for the avoidable costs they incurred. They should also pay interest calculated from the dates the family incurred the costs.
38. **Seventh**, we recommend that within six weeks of the date of the final report the Home Office should pay Mrs A, on behalf of her family, £100,000 in recognition of the effect of the maladministration we have found on her, her husband and her daughter's well being and livelihood.
39. **Eighth**, we recommend that within six weeks of the date of the final report the Home Office should pay Mrs A, on behalf of her family, £20,000 in recognition of the effect of the maladministration we have found on the rest of the family's well being and livelihood.
40. **Ninth**, the Permanent Secretary should apologise to Mrs A as the representative of her family.

Annex A: Mrs A's email of 10 November 2010 to the Home Office

Mrs A contacted the Home Office with her information from the private investigator on 10 November 2010. Her email said:

'I wish to alert you to the facts regarding [Mr M] (Canadian passport number [...]) who is due to re-enter the UK on flight [...] from Toronto to LHR on Saturday 13th November at 8.25am.

'I have been informed that he has used 3 aliases and has an extensive criminal record for violence and use of weapons in Canada. He was last convicted of assault causing actual bodily harm in 2006.

'I have also been informed that he has been refused entry to the USA.

'I am happy for you to contact me in confidence should you require further information. My telephone number is [...].

'[Mrs A].'

Annex B: Mrs A's letter of 15 November 2010 to the Secretary of State

[postal address, telephone number and email address]

15th November 2010

The Right Honourable Theresa May MP
Home Secretary
House of Commons
London
SW1A 0AA

Dear Mrs May

Complaint re UK Border Agency — permitting a dangerous man to re-enter the UK unchecked after being informed that he had made false declarations on his visa and passport applications

On 2 separate occasions last week I contacted both the UK Border Agency and MI5 with information relating to a [Mr M], a Canadian citizen, who was re-entering the UK last Saturday. Full information was provided regarding his flight, passport number, my personal contact details and my serious concerns with regards to information which I assumed had been withheld from the UK Border Agency when he had applied for his visa to enter the UK.

The serious concerns identified by a private investigator and which I registered with the UK Border Agency were as follows:

- [Mr M] has an extensive criminal record with crimes of violence and use of weapons
- He has served at least two prison sentence[s]

- He has 3 known aliases
- He has been refused entry into the USA
- He has a 10 year firearms prohibition order on him which is still current
- He has a worrying website
- He has told many serious lies (evidence can be supplied)
- His last offence was an assault committed in Canada in 2006.

On the above basis, I had reached the conclusion that this man is still likely to be dangerous and had probably only gained entry to the UK by attempting to disguise his true identity and background. I assumed he had in all probability used false documentation (fake birth certificate etc) to support his visa application and that he had withheld important information from UK (and Canadian) authorities relating to his violent criminal offences, time spent in prison, firearms prohibition order, refusal of entry into USA, aliases etc. etc.

There was no acknowledgement or contact with me from the UK Border Agency and I was extremely surprised to later learn that [Mr M] had been allowed to walk straight back into the UK through London Heathrow without one single question being asked!

This matter raises extremely important and significant issues with regards to the safety of our citizens and security of our borders.

Your comments would be very much appreciated.

Yours sincerely

[Mrs A]

Annex C: Mrs A's letter of 25 November 2010 to the Evidence and Enquiry Unit

[postal address, telephone number and email address]

25 November 2010

Evidence & Enquiry Office
UK Border Agency Lunar House
40 Wellesley Road Croydon
CR9 2BY

To whom it may concern

VISA FRAUD: Visa Number [visa number and name]

I would like to request that you investigate [Mr M] who, in my opinion, has obtained his Tier 1 (General) Migrant Visa by deception. He has used an alias, provided false information and withheld important information relating to his violent criminal history, Weapons Prohibition Order etc.

On the same basis I have also made a request to the Canadian Passport Security Bureau to investigate with regards to the issue of his passport.

The following information has been given to me by a private investigator. This information has been discussed with [Mr M] who has admitted it to be correct:

- [Mr M] is known to have used 3 aliases ([X] is his birth name, whilst [Y], [Z] & [M] appear to have also been used – although these surnames are unconfirmed)
- [Mr M] has an extensive criminal record with crimes of violence and use of weapons

- His last known offence took place in Canada in 2006 He has served at least 2 prison sentences
- He has a 10 year Weapons Prohibition Order currently in place
- He has been refused entry to the USA (using a different alias)

[Mr M] is currently resident at [t]. It is however anticipated that he will move from this address before the end of December 2010 leaving no further contact details. His mobile phone number is currently [].

Should you require further information I am very happy to be contacted by yourselves over this matter. However, in view of [Mr M]'s violent nature and criminal record, **I have very serious concerns for my own personal safety.** On this basis I would specifically ask **PLEASE DO NOT DISCLOSE YOUR SOURCE OF INFORMATION TO [MR M].**

Copies of [Mr M]'s passport and visa are attached.

I should perhaps mention that I have additionally written to Theresa May, Home Secretary, concerning [Mr M]'s entry to the UK. This is on the basis that his particular case raises serious concerns with regards to the safety of UK citizens and has implications for national security.

Yours faithfully

[Mrs A]

Annex D: Letter to Mrs A and her husband from the Chief Executive of the UK Border Agency, 21 November 2012

21 November 2012

Dear Mrs A and [her husband]

Thank you for your email correspondence of 9 November about Mr [M] and our working practices. I have also received a copy of your letter to the Prime Minister of 17 August. I do apologise for the delay in responding to you.

Within your letter you suggest that the UK Border Agency adopt an approach, similar to that used by Canada, USA, New Zealand and Australia which requires all visa applicants to submit their applications via their country of origin's police. At present we do not require a travelling passenger to produce a police certificate certifying that they do not have a criminal record. We do, however, carry out automated checks on visa applicants against certain international partners' immigration and criminal databases. These checks not only have the advantage of being based on biometric, rather than biographic details but are more reliable as the applicant has no involvement in the process. We are looking to widen these checks to other partners, but obviously co-operation is required and realistically there will be areas of the world where the UK is either unable to obtain access to such records, or where those records are incomplete/unreliable.

We have previously considered the approach you have raised; our understanding is that of those countries that have adopted this system, they do not have these documents verified as a matter of course, and therefore

accept that the certificates are of only limited value. There would be a number of practical difficulties in adopting such an approach. The system you suggest would not only require each country to have centralised national criminal records, which many countries simply do not have, but we would also need to be confident that such documents would be genuine and accurate. Sadly, in many parts of the world, it is relatively simple to obtain fraudulent or forged documents and so without verification the certificates would be of limited value.

With regards to Border Controls, I do not believe our resources are stretched. Border Force was split from the UK Border Agency in March of this year and is now an operational command of the Home Office. My colleagues in Border Force will not compromise on border security. All passengers entering the UK are checked against a watchlist. When deported, [Mr M]'s details including any aliases will be entered onto the watchlist and details of his deportation will also be entered onto the Police National Computer.

In addition, there are a number of preventative measures in place to ensure that foreign national offenders do not return to the UK:

- Where a Deportation Order is in place for serious offences, such as those committed by [Mr M], refusal of entry to the UK is mandatory under official channels.
- Names and other details, including aliases of all those who are deported or excluded from the UK are entered into a Warnings Index System (watchlist). This is checked whenever a visa application is made and on entry at all UK Ports.
- The fingerprints of foreign national offenders are recorded by the police and these are checked during the

course of all visa and entry clearance applications. Thus if a foreign national offender applied for a visa or entry clearance under a false name the prints would trigger a record of the previous identity and the visa would be refused.

- For all arriving passengers at ports, Immigration Officers will confirm that the passenger is the rightful holder of the passport and that the document is genuine and that it has not been altered or tampered with.*
- Border Force makes strenuous efforts to prevent those trying to enter the UK illegally.*

I do agree however that we should have acted more quickly and more robustly with the details you had provided. I can only reiterate what has been stated previously and again highlighting that processes have been tightened in an attempt to prevent a reoccurrence of such events.

Finally, in response to your last point, we do recognise the value of 'shopping' immigration offenders and are committed to making it easier for members of the public to provide us with this information. The National Allegation Database was launched on 30 September 2012. This enables allegations to be tracked from their receipt, to the conclusion of their investigation, and a standard approach has been adopted in respect of all such allegations received by letter. The Home Office plans to launch an e-form on its website in 2013 which will provide clear guidelines to members of the public about what information is required so that the Home Office can identify the subject in question, and complete its investigations in the shortest possible time.

Yours sincerely

Chief Executive

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ISBN 978-1-4741-0749-5



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