

**AN INQUIRY INTO
AN APPLICATION
FOR INDEFINITE
LEAVE TO REMAIN**

by Sir Alan Budd
December 2004

*Return to an Address of the Honourable the House of Commons
dated 21st December 2004
for*

**AN INQUIRY INTO
AN APPLICATION
FOR INDEFINITE
LEAVE TO REMAIN**

by Sir Alan Budd
December 2004

Ordered by the House of Commons to be printed 21st December 2004

CONTENTS

	Page
Chapter 1: Introduction	1
Chapter 2: Main conclusions	5
Chapter 3: The sequence of events	7
Chapter 4: The handling of Ms Casalme's case	15
 <i>Appendices</i>	
A. Letter from IND to Ms Casalme on 23 April 2003	23
B. Note by the Home Office: Domestic workers	25
C. Ms Casalme's immigration history	27
D. ICU Note 08/03	29
E. Table on grants of indefinite leave to domestic workers	31
F. ICU Note 13/02	33
G. Tables showing average time between application and outcome for extended domestic worker cases in March – June 2003	37
H. Tables showing average time between application and outcome for extended cases in March – June 2003	39
I. Distribution charts showing days between application and decision for extended domestic worker cases in March – June 2003	41
J. Distribution charts showing days between application and decision for extended cases in March – June 2003	43

CHAPTER 1

INTRODUCTION

To: John Gieve, Permanent Secretary, Home Office

1.1 On 29 November 2004 you asked me to undertake an independent investigation into the allegation that had been made against the then Home Secretary, David Blunkett, that he misused his official position in the case of an application for indefinite leave to remain by Ms Leoncia Casalme. At the time that the application was made Mr Blunkett was having a relationship with Mrs Quinn, who was Ms Casalme's employer.

1.2 The terms of reference were:

To inquire into the handling by the Home Office of the application for indefinite leave to remain, made by Leoncia Casalme in April 2003.

1.3 There has been considerable public discussion about other allegations concerning Mr Blunkett and I was asked by third parties whether I would extend my remit to include them. I think it may be helpful to distinguish between the terms of reference and the scope of my inquiry. My terms of reference were clearly defined and I have been bound by them. But there were no limits to the scope of my inquiry and I was willing to examine any actions or events that were relevant to its terms of reference.

1.4 Your letter of 29 November stated that you would place at my disposal all relevant papers and that you would arrange access to those officials whom I might wish to interview. As far as was possible after a period of 19 months I was able to have access to all relevant documents. I would particularly wish to commend the work of Andrew Pearce and his colleagues in the Security and Anti-Corruption Unit in the Immigration and Nationality Directorate who worked tirelessly to retrieve telephone, email and computer file records. But for their efforts, I would not have been able to advance nearly as far as I did in clarifying the sequence of events of the relevant period.

1.5 I received full co-operation from Mr Blunkett and Home Office officials. I do not believe that there was any attempt to destroy, conceal or withhold documents or information that was relevant to my inquiry.

1.6 When Mr Blunkett announced his resignation on 15 December he also released, with my approval, a "timeline" setting out the main elements of my findings. That means, inevitably, that much of my report will come as no surprise. However I always saw it as my task to establish, as best I could, the facts of the case and that is what I have done. I have not altered the report nor attempted to extend it to new areas because the main points of it are already known. In other words, this is the report I would have produced if Mr Blunkett were still Home Secretary.

1.7 At my first meeting with you I was handed a folder which contained information relating to Ms Casalme's case together with background information on the handling of applications for indefinite leave to remain, particularly as it applied to domestic workers. This had been prepared by the Managed Migration Team at the Immigration and Nationality Directorate.

1.8 In my inquiry I have attempted to answer the following two questions:

- Was there any involvement by Mr Blunkett, or Home Office headquarters staff acting on his behalf, in the handling of the application?
- Does the handling of the application by the Immigration and Nationality Directorate indicate that it received favourable treatment compared with other cases of a similar nature being processed at the same time?

1.9 In seeking an answer to the first question I have interviewed Mr Blunkett and officials in the Home Office (Queen Anne's Gate) and officials in the Immigration and Nationality Directorate (IND) at Croydon. I have also looked for evidence of communications between Queen Anne's Gate and IND. I have also interviewed Ms Casalme and Mrs Quinn.

1.10 In seeking to answer the second question I have studied the rules and procedures governing the handling of applications for ILR at the relevant time and I have examined the record relating to Ms Casalme's application and other applications processed at the same time.

1.11 I should say something about the legal status of this inquiry.

1.12 The inquiry has no statutory backing of any kind, and in carrying it out I have been exercising no powers of compulsion whatsoever.

1.13 This has had advantages and disadvantages. It has meant that I have been able to act with a greater degree of informality and expedition than would have been the case had I been acting within the framework of a statutory scheme. I do not believe that the absence of any powers of compulsion has prevented me from getting as close to the truth as the passage of time would allow.

1.14 At the same time I have been acutely aware that my conclusions, and indeed the fact of my inquiry, could affect the personal affairs and professional standing of all whom it touched, carried on as it was under great pressure of time and under the spotlight of publicity.

1.15 Within all those constraints however I have done my utmost to be fair to all the individuals involved – by giving them adequate time to prepare; where possible, notice of the matters I wished to raise with them; and the opportunity of support where requested.

1.16 I have not regarded it as appropriate for me to express views on the application of the Ministerial Code of Conduct to the conduct of Mr Blunkett. These are matters for others and there is a well-established machinery for examining these issues, including the propriety of Ministers' actions as Members of Parliament.

1.17 My inquiry has been conducted against a background of press comment about the matters relating to Ms Casalme's application and about the progress and contents of my report. At no point did this comment influence the general direction of my inquiry. In particular, at the start of my inquiry I requested a record of all telephone, fax and email traffic between those parties who might have been involved in any intervention in the case. This took some time to complete but the most important finding, the emails between Queen Anne's Gate and IND, were reported directly to me on Saturday 11 December.

1.18 I have been assisted in carrying out my inquiry by Mr John Thompson of the Chief of Staff's Department. He has worked extremely hard and for extended hours with great good humour. His assistance was invaluable and he was relentless in acquiring the information and evidence we required. At my request Geraldine Meneaud-Lissenburg was seconded to my inquiry from the Gaming Board for Great Britain. I am most grateful to the Gaming Board for releasing her. I would not possibly have been able to complete the report on time without her. As she had done during my review of gambling, she showed an outstanding combination of organisational and editorial skills as well as providing invaluable guidance on the lines of investigation to pursue.

A handwritten signature in black ink, reading "Alan Budd". The signature is written in a cursive style with a long horizontal stroke at the end.

ALAN BUDD
21 December 2004

CHAPTER 2

MAIN CONCLUSIONS

My main conclusions are:

1. Ms Leoncia Casalme applied for indefinite leave to remain (ILR) on 15 March 2003.
2. Neither Mr Blunkett nor anyone in his private office was involved in providing the application form, checking it or delivering it to the Immigration and Nationality Directorate (IND) in Croydon.
3. The application was initially considered by IND on 23 April 2003. The decision at that time was to “extend” it for further consideration. A letter informing Ms Casalme of this decision was sent to her on the same date.
4. Ms Casalme showed the letter to Mrs Quinn, who was at that time her employer, and Mrs Quinn showed it to Mr Blunkett on or about 28 April.
5. The letter was taken to the Home Office in the week beginning 28 April, most probably on 29 April, either by Mr Blunkett himself or in a set of papers delivered when Mr Blunkett was in Wales on a visit.
6. At some point or points in that week, an official in Mr Blunkett’s private office raised the case with IND.
7. As a result, Ms Casalme’s case was re-considered on 6 May and the decision was changed to grant ILR. Ms Casalme was informed of the decision and her passport was returned to her on 12 May.
8. The period from the posting of the application to the decision to grant ILR was 52 days.
9. The average time for processing extended applications for ILR for domestic workers at the time of the application was 172 days.
10. The initial decision to extend the case was marginal, as was the decision to grant ILR two weeks later. In effect the application was moved from one side of the margin to another.
11. I have not been able to determine whether Mr Blunkett gave any instructions in relation to the case and, if so, what they were.

CHAPTER 3

THE SEQUENCE OF EVENTS

3.1 This chapter deals with the events from the time of Ms Casalme's application to the granting of indefinite leave to remain. It starts with a brief account of the events and then discusses the various incidents in more detail.

3.2 I believe that the sequence of events was as follows.

3.3 Ms Casalme applied for indefinite leave to remain (ILR) in March 2003 because her leave to remain, which was extended annually, was due to expire and her term of residence was approaching its fourth anniversary, at which point ILR would normally be granted.

3.4 She used an application form which she or her sister had downloaded from a computer. She completed the form and showed it to Mrs Quinn, who made one correction to it and provided a supporting letter as employer. Ms Casalme signed the application on 12 March 2003. She sent it, together with supporting documents, to the Immigration and Nationality Directorate (IND) at Croydon by recorded delivery. It was received by IND on 17 March. It is at this point that the handling of the case by the Home Office begins.

3.5 The papers reached the Initial Consideration Unit (ICU) on 23 April and were considered by the caseworker, in ICU2, on 23 April. The initial decision was to extend the case for further consideration because the time that would elapse before the completion of four years residence was over three months. A letter reporting this and estimating that the application would be decided by the following January, was sent to Ms Casalme on 23 April, (reproduced at Appendix A). Ms Casalme's papers were sent to the Document Management Centre (DMC).

3.6 Ms Casalme showed the letter to Mrs Quinn, who handed it to Mr Blunkett on or about 28 April. The letter reached Mr Blunkett's private office after 28 April, most probably on 29 April. Mr Blunkett's private secretary (PS) for Immigration faxed the letter to the office of the Director-General of IND, again most probably on 29 April.

3.7 Ms Casalme's papers were retrieved from DMC on 2 May and returned to ICU. On 6 May the case was reconsidered by the caseworker who had dealt with it initially and the decision was changed to grant indefinite leave to remain.

Events in detail

3.8 I now describe the events in greater detail and, where appropriate, explain the reasons for my conclusions about what happened.

How did Ms Casalme obtain an application form?

3.9 Press reports suggested that Mr Blunkett collected a blank form from the Home Office. Mr Blunkett told me that his recollection was that his private secretary obtained a blank form for him which he had passed on to Mrs Quinn. Mr Blunkett's PS for

Immigration said that she thought that she recalled that was what had happened. Mrs Quinn said that Ms Casalme or her sister downloaded the form from a computer. Ms Casalme also told me that the form was downloaded from a computer.

3.10 On balance I believe that the form was downloaded and not provided by Mr Blunkett's private office. Ms Casalme and Mrs Quinn are best placed to recall this and the memories of those in the Home Office are not definite.

Who completed the form?

3.11 Ms Casalme told me that she had completed the form herself and her account has not been contradicted.

Who checked the form?

3.12 There were two supplementary questions here:

- Was the form checked by Mrs Quinn?
- Was it checked in Mr Blunkett's private office?

3.13 Mrs Quinn and Ms Casalme both said that the form was checked by Mrs Quinn. The answer to one question on the form (relating to Ms Casalme's pay) was changed. Mrs Quinn said that she had amended this section. Ms Casalme could not recall this. I believe that Mrs Quinn altered the form, since she was best placed to remember having done so and the writing matched that of her signature.

3.14 The press reported that the form had been taken to the Home Office and checked by Mr Blunkett's private secretary. Mr Blunkett said that this was what had happened as far as he could recall. The principal private secretary (PPS) and the PS for Immigration both thought they could recall something like this occurring but neither of them has a clear memory. Mrs Quinn and Ms Casalme said that it was not taken to the Home Office to be checked.

3.15 On balance I believe that it was not taken to the Home Office to be checked. One might ask why the Home Office appeared to accept this story and the story of the blank application form, when neither Mrs Quinn nor Ms Casalme, when I interviewed them, suggested that this happened.

3.16 I understand that this account arose from Mr Blunkett's response to an approach to his special adviser from the Sunday Telegraph the evening before it published its story about Mr Blunkett's alleged involvement in the granting of a visa, which appeared on 28 November. That account was supported by his PPS, whose first reaction was that he did have some recollection of knowing about the application, though he could not recall why. One possible explanation for this is that Mr Blunkett may have mentioned the fact that Mrs Quinn's nanny was applying for settlement to his PPS or PS. They both have a recollection of discussing the danger that the application might be lost, and agreeing that they should not intervene or suggest that it be sent via the private office.

3.17 The press also reported that the form was collected from Mrs Quinn's address by Mr Blunkett's driver in the official car. Mr Blunkett's driver said that he could not recall collecting a package from Mrs Quinn's address at the relevant time and the logs do not

show individual journeys within London. Since I do not believe that the form was taken to the Home Office it follows that I do not believe that the official car was used for the purpose.

How did the application form reach the Immigration and Nationality Directorate (IND) in Croydon?

3.18 Press reports suggested that the form was taken to Croydon by official car. Ms Casalme told me that she posted it, and I have seen electronic records that clearly show it reaching IND on 17 March, having been sent by recorded delivery and post-marked 15 March.

What happened when Ms Casalme's papers reached the Initial Consideration Unit (ICU) and were considered by a caseworker?

3.19 Having been entered into the database, the records show that the papers reached ICU2 on 23 April and were allocated to the caseworker and considered that day.

3.20 The decision recorded on the General Case Information Database (GCID) case report sheet on 23 April was that ILR had been granted. The batch list sheet shows the decision as "E" meaning "extend" and the case being forwarded to the Document Management Centre (DMC). "Extend" in this context meant that the case was forwarded for consideration by a Case Management Unit (CMU). DMC was the section in which papers were held while background files were sent up from a remote file storage centre. Once the files had been obtained Ms Casalme's case would have been sent to a CMU.

3.21 A letter was sent to Miss Casalme on the same day (23 April) stating that the case required further consideration and estimating that the application would be decided by the following January. The letter also stated that the current waiting period was about twelve months but efforts were being made to reduce it. A copy of this letter was published by the Daily Mail on 1 December. The letter was a pro forma document of which a copy would not have been kept. I am satisfied that the letter was sent by the caseworker.

3.22 My initial view was that the letter had been sent by mistake and that the caseworker's decision was to grant ILR. However, when I interviewed the caseworker, she said that it was possible that she had over-written the original decision, which might have been to extend the case. This proved to be correct. On Friday 10 December 2004, IND Security and Anti Corruption Unit (SACU) was able to restore the original record, which showed that the application was extended. The original record read:

*applicant is applying for ILR on the basis of 4 years as a domestic worker.
however applicant entered UK in july 1999 and had LTR until april 2003, so she does not qualify for ILR.
Application falls for refusal.*

What happened when Ms Casalme received the IND letter of 23 April 2003?

3.23 Mrs Quinn told me that sometime around 26-28 April, Ms Casalme showed her the letter of 23 April. She said that Ms Casalme tended to travel fairly often and she was upset that her passport was being retained by IND. According to Mrs Quinn, Ms

Casalme gave her the letter saying that she knew Mrs Quinn had a friend who could help her.

How did the letter reach the Home Office?

3.24 Mrs Quinn said that she gave the letter to Mr Blunkett. She said that this might have happened on 28 April when they were on the way to a restaurant. According to Mrs Quinn, Mr Blunkett said "Give it to me, I will take care of this." During my interview with him, Mr Blunkett said that he remembered that Mrs Quinn had raised the letter with him. He recalled that he had responded by telling her that he honestly didn't believe that the letter was correct, and that she should ignore it. Subsequently, he has acknowledged that Mrs Quinn may have given him the letter that evening. He has also said that he may have used the words attributed to him or something like them. He was referring to his general awareness of the backlog problems at IND and the exercise to reduce them.

3.25 Mr Blunkett has accepted that he must have taken, or caused to be taken, the letter to the Home Office. Neither his PPS nor his PS for Immigration could recall the letter arriving in the private office, though in the light of the evidence I have uncovered they accept that it must have done so.

3.26 I have not been able to establish on which day the letter reached the private office. Mr Blunkett's diary shows that he did not go to the Home Office on 29 April, though he could have sent it to his private office along with other papers and tapes. Or he could have taken it in later that week. On balance I think it probable that it arrived on 29 April.

How did IND become aware of the case?

3.27 I have obtained details of telephone and fax exchanges between Mr Blunkett's private office and the Director General's office during the relevant period. They are discussed in some detail later in this chapter.

3.28 I have no direct evidence that any of these exchanges was related to Ms Casalme's application, and no-one to whom I have spoken recalls the exchanges or their content.

3.29 I return to the significance of these exchanges after considering events at IND.

What caused Ms Casalme's papers to be retrieved from DMC and returned to ICU2?

3.30 The GCID record showed that the case papers had been retrieved from DMC on 2 May 2003. The date noted by the person who collected it is *11/04/03*. That cannot be the correct date and I assume that the first two numbers from Ms Casalme's birth date were entered by mistake. The date automatically recorded by the computer system was 2 May and I believe that to be correct. Ms Casalme's papers were collected at 16.01 on that day.

3.31 I have considered two possible reasons for the retrieval of Ms Casalme's papers. The first is that there was some independent event, originating in IND, which caused it. The second is that it occurred after a communication or communications from Mr Blunkett's private office.

3.32 I have not been able to discover any reason which would have caused the case to be retrieved from DMC as a result of actions originating in IND. Cases were sampled by team leaders for quality control purposes, but that always occurred before files left ICU. Cases were routinely retrieved in response to telephone calls from the public or other enquiries, for example from Members of Parliament, but such interventions would be recorded. I have found no such record on the papers, in the case notes on the database or in the telephone records of calls to the IND Enquiry Bureau.

3.33 If the cause cannot be found in IND, the question arises of whether it arose in Mr Blunkett's private office. I discuss this in the following section.

When was the decision on Ms Casalme's case changed to grant indefinite leave to remain?

3.34 This happened on 6 May. The case notes were changed to read:

*Satisfactory evidence of funds and employment
May grant ILR
Please issue 009 letter
Copy ppt*

The grant letter (ref: 009 above) was issued on 12 May 2003.

The Intervention

3.35 I believe that I have been able to establish a chain of events linking Mr Blunkett to the change in the decision on Ms Casalme's application for ILR. As the preceding account has shown, this was not a straightforward matter. I interviewed or was briefed by twenty-two people working in IND including all those in the management line above the caseworker and none of them could recall the case. That was not surprising; IND handles nearly half a million applications relating to immigration visas each year. At the time of these events, which were over 19 months ago, caseworkers in ICU had a target of dealing with 18 cases a day. No-one is likely to have remembered the case unless its handling was unusual or the name was significant.

3.36 I do not believe that the handling of the case by IND was particularly unusual. Inquiries from the general public or from MPs could trigger the retrieval of a case and the changing of an initial decision. At a time when strenuous efforts were being made to reduce the backlog, it would have been quite normal for a supervisor or senior caseworker to have reviewed the case and to have changed the decision or to have advised or instructed the original caseworker to do so. Ms Casalme's name was most unlikely to have been significant. I understand that, at the time, Mr Blunkett was taking care not to reveal his relationship with Mrs Quinn beyond a very narrow circle of people. There would therefore have been almost no chance of anyone in IND recognising a link between Ms Casalme, as an employee of Mrs Quinn, and Mr Blunkett.

3.37 In order to discover whether there had been relevant exchanges between Mr Blunkett's private office and IND, I asked IND SACU to trace all fax, telephone and email exchanges between them. They reported the following:

Tuesday 29 April

- 16.59: Fax from Mr Blunkett's private office to office of Director-General of IND.
- 17.01: Fax from Mr Blunkett's private office to office of Director-General of IND.
- 18.05: Telephone call from extension of PS of Director-General of IND to extension of Mr Blunkett's PS for Immigration.

Thursday 1 May

- 15.02: Fax from Mr Blunkett's private office to office of Director-General of IND.
- 17.29: Telephone call from extension of PS of Director-General of IND to extension of Mr Blunkett's PS for Immigration.

Friday 2 May

- 14.38: Telephone call from extension of Mr Blunkett's PS for Immigration to extension of PS of Director-General of IND.
- 14.47: Fax from Mr Blunkett's private office to office of Director-General of IND.

3.38 On Saturday 11 December 2004, SACU contacted my inquiry team to report that they had retrieved an exchange of emails which had taken place on 8 May and 9 May 2003. These were as follows:

8 May 2003 at 19.49:

Email from Mr Blunkett's PS for Immigration to PS of Director-General of IND.

Just wondering if you have any update on the settlement (domestic worker) case I faxed through to you the other day?

9 May 2003 at 10.30:

Email from PS of Director-General to Mr Blunkett's PS for Immigration.

*Sorted – she has been granted ILR – papers will be sent to her shortly.
The case was in ICU, so they pulled it out of the queue and made a decision – (no special favours, only what they would normally do – but a bit quicker).*

3.39 Ms Casalme's case was retrieved on 2 May and ILR was granted on 6 May. I conclude that one or more of the faxes and telephone calls related to Ms Casalme's case. As the record shows, four faxes were sent from Mr Blunkett's private office to IND on 29 April (x2), 1 May and 2 May. I cannot discover which fax the PS for Immigration is referring to in her email of 8 May, as these documents are no longer available.

3.40 I have tried to discover what events might have triggered these exchanges. I cannot do this with any certainty since I do not know the contents of the faxes and do not therefore know which of them concerned Ms Casalme's application. As I have said, I believe that the letter most probably arrived on 29 April with the tapes and papers sent by Mr Blunkett. That could have triggered the sending of the faxes at around 5pm that evening. The transcripts of the tapes sent in by Mr Blunkett during the fortnight beginning 28 April have been examined by my inquiry team. There is no reference in them to Ms Casalme's case.

3.41 There were also meetings at about that time at which, or after which, Mr Blunkett might have raised the case of Ms Casalme, though he does not recall doing so.

3.42 A story appeared in the press which reported that Mr Blunkett had produced the letter at a meeting attended by senior officials about backlogs in applications. I have checked Mr Blunkett's diary and, in the week commencing 28 April, the only meeting that could fit that description was on 1 May to discuss the IND budget, which was then under negotiation with the Treasury. I have seen the note of that meeting: it refers to asylum backlogs, but does not refer to immigration backlogs or any particular cases.

3.43 There was a further meeting attended by IND officials on 8 May to prepare for a meeting on the budget. That meeting could not have triggered the intervention since there is evidence that Ms Casalme's file was retrieved on 2 May. However, it might have reminded Mr Blunkett or his PS for Immigration of the application and, as a result, the email was sent to IND at 19.49 that evening. The PS for Immigration has said that she might have been reminded about the case by Mr Blunkett or acted because she had set herself a reminder, which she often did to ensure that matters raised were dealt with.

3.44 I have asked the officials who attended these meetings whether Mr Blunkett produced a letter at either meeting to illustrate a particular concern. None of them can recall such an incident.

3.45 The exchange of emails established the link from Mr Blunkett's private office to IND. The questions I have sought to answer, once that link was established, was what was said to Mr Blunkett's private secretary and, as a result, what did his private secretary say to the Director-General's private secretary?

3.46 The heart of the case lies with the link from Mr Blunkett via his private office to IND. I believe that there are two broad possibilities:

- Mr Blunkett was seeking special help for Mrs Quinn's nanny
- He was raising the case as an example of the poor performance of IND

3.47 I do not have direct evidence that allows me to choose between the two possibilities.

3.48 In her evidence to me Mrs Quinn referred to further conversations about the case. She said that there was a further conversation with Ms Casalme about a week after the one mentioned earlier in which Ms Casalme had told her again that the passport had not arrived and said that she "had friends who did not have friends" who got their passports more quickly than she did. According to Mrs Quinn she had mentioned this to Mr Blunkett, who said "She really should pipe down, we've made the calls, I'll make them again."

3.49 I discussed this conversation with Mr Blunkett and he agreed that he had probably made the comment about piping down as that is the sort of expression he used; but he denied the second part of the quote. Any comment he made would have meant that he had taken up the general issue of the delays and the efforts being made to reduce the back logs.

3.50 Mrs Quinn also referred to a conversation after ILR had been granted. According to her evidence, Mr Blunkett said “I’m glad I could help.” Mr Blunkett agreed that he probably did say that; but he again had been referring to his general role in reducing backlogs. He had not meant that he had intervened in this case.

3.51 I have interviewed the PS for Immigration on this matter and she has made every effort to recall the events of the week beginning 28 April and 5 May. She has been unable to recall what caused her to send the fax and subsequent email to IND linked to the letter of 23 April. A major part of her job was to raise immigration cases with IND either as individual matters or as illustrating general questions of procedures and of the performance of IND, a matter which concerned Mr Blunkett greatly. Mr Blunkett was particularly fond of using individual cases as evidence of where systems were failing.

3.52 As mentioned in paragraph 3.16, the PS for Immigration had been aware that an application from Mrs Quinn’s nanny was being processed, and had discussed the matter with Mr Blunkett’s PPS, but she does not believe that she was aware of the nanny’s name. She has some memory of the day on which Mr Blunkett went to Wales and says that it is quite possible that a case came in. As with other cases, she might well have sent it to IND but she would not have done so without being asked. Unless Mr Blunkett had mentioned his personal connection to the case (and she cannot recollect his doing so) she would have treated it as just another case.

3.53 In passing on such a case she would routinely have said that no special favours should be granted as she was fully aware of the correct procedures. In the event, IND’s inquiries in relation to the case did trigger a favourable outcome for Ms Casalme. I think that the events are fully consistent with the interpretation that this was an example of a general case, and not one raised as a special case. That could also explain why those involved cannot recollect it.

3.54 Mrs Quinn also told me of two other cases in which she claimed that Mr Blunkett had provided assistance. She did so, she said, in order to demonstrate a pattern of behaviour. The first referred to an application for an American passport for her son. Mr Blunkett had already mentioned that case to me. The second referred to Ms Casalme’s application for a visa to travel to Vienna. When I raised these cases again with Mr Blunkett he said “Yes, that’s right. I help people”. He distinguished between such cases and a case involving the Home Office.

3.55 I do not believe I can cast further light on this issue. The distinction I have made between a special case and a general case of which Ms Casalme happened to be an example is not necessarily a clear one in practice. Ms Casalme’s case was an example of a general problem relating to the handling of applications by IND. It also involved someone with whom Mr Blunkett had a connection. Whatever the intention, once Ms Casalme’s case was raised with IND by Mr Blunkett’s private office, it was treated by IND as a case to be looked into. It was looked into and the decision was changed, to Ms Casalme’s benefit. I have no reason to believe that those who have spoken to me are concealing anything from me.

CHAPTER 4

THE HANDLING OF MS CASALME'S CASE

4.1 The previous chapter describes the events leading up to the granting of indefinite leave to remain (ILR) to Ms Casalme on 23 April 2003. In this chapter I consider whether the decisions taken in regard to her case were appropriate in terms of the rules and procedures in place at the time.

4.2 This chapter starts with the background to the application. It then considers the decisions made in April and May 2003. The sections following that describe arrangements for processing applications in IND at that time.

4.3 In the final section I examine the effect of the intervention by Mr Blunkett's Private Office in terms of the time taken to complete the application process.

The background

4.4 Ms Casalme was applying for ILR as a domestic worker. At Appendix B is a note from the Home Office on the application of the immigration rules to domestic workers. A brief account of Ms Casalme's immigration history is given in Appendix C. As that note explains, her current leave to remain was due to expire on 17 April 2003 and she was required by the immigration rules to apply for extension of leave before that date. The note also explains that her existing leave to remain should have been extended to January 2003. If that had been the case she would, presumably, have applied for her leave to be extended for a further year. She could then have applied for ILR to remain any time after 17 July 2003, when she would have completed four years of residence.

4.5 It is possible that she applied for ILR rather than further leave on this occasion because her previous application had taken four months to process. If that had been the case this time, her application would have been dealt with in July close to the expiry of the four years' residence.

Did the Immigration Department make the right decisions?

4.6 At the time of Ms Casalme's application the Immigration Department was gearing up for the introduction of charging. Ministers were anxious to ensure that backlogs were reduced before charging was introduced, and this led to a series of initiatives designed to speed cases through the system wherever that was possible.

4.7 In April 2003, Ministers agreed to defer the start of charging from June to August 2003 to allow time for service standards to be brought up to an acceptable level.

4.8 On 11 April 2003, as part of the drive to reduce backlogs, the ICU issued a note to caseworkers (ICU Note 8/03 – reproduced at Appendix D).

4.9 This encouraged them not to extend any category of case on the quick win list (see para 4.26) unless there was a very good reason for doing so. In any borderline case, caseworkers were urged to err on the side of the applicant and grant the case. No reference was made in this note to how "early applications" (i.e. those that arrived several weeks in advance of the expiry of a qualifying period) should be handled. My discussions with officials in IND suggest that there were no established rules about

this in spring 2003 and that each application would have been considered on its merits.

4.10 It was not until November 2003, after charging had been introduced, that written guidance was provided to caseworkers on the handling of early applications. This said that:

- if an application was more than two months before the end of the qualifying period, it should be refused and further leave to complete the qualifying period for indefinite leave should be granted;
- if an application was more than five weeks early, but less than two months, the case should be sent to the case management unit, where it could be determined, but ILR would be granted no earlier than four weeks before the end of the qualifying period;
- if an application was more than four weeks early, but no more than five, it should be held in ICU, but not granted before the four-week point.

Was the right decision made on 23 April 2003 to extend Ms Casalme's case?

4.11 Ms Casalme applied for ILR in March 2003. This was more than four months before she reached the four-year qualifying period, but she had to seek to renew her leave then because it was due to expire on 17 April 2003.

4.12 Ms Casalme could have applied for further leave to take her up to the four-year point, and then applied again for ILR. She chose instead to apply straightaway for ILR. As previously mentioned, in doing so she may have had in mind the fact that her previous application for renewal had taken some four months to be processed, and then only because it had been expedited because of an urgent need to travel.

4.13 When the caseworker in the Initial Consideration unit (ICU) looked at the case on 23 April, the application was just over three months early. She took the view that it was too soon to grant ILR and extended the case for further consideration.

4.14 In considering whether this decision was sound I have spoken to a selection of caseworkers about the view they would have taken of this case at the time. Some felt that it was too early to grant; others that there would have been no point in rejecting the application only to have to re-consider that decision on appeal, or in response to a fresh application some six weeks later. The prevailing climate was such that a more experienced caseworker might have decided to grant ILR at that stage, but my conclusion is that the decision to extend could equally be justified and was not unsound.

Was the decision on 6 May to grant the application for ILR properly made?

4.15 The application was returned to the same caseworker in ICU on 2 May and she took a fresh look at the case. I have discussed in Chapter 3 what may have caused that to happen and concentrate here on whether the decision made then to grant ILR was defensible in all the circumstances.

4.16 It was a regular occurrence for cases to be returned to caseworkers in ICU because, for example, the applicant had requested the passport back for travel or had some other pressing reason to chase progress on the case. In Ms Casalme's case, I have been unable to ascertain what the caseworker was told when the case was returned to her to be looked at again.

4.17 The application was by then two weeks nearer to the qualifying date for ILR than it had been at first consideration, but was still more than two-and-a-half months early. Given the differing views on whether it was right to extend the case in the first place, it would be difficult to conclude that the subsequent decision to grant the application was the wrong one.

4.18 It was interesting that although the caseworkers I spoke to felt that a decision that was two months early would be a borderline case, the statistics available from IND suggest that this was not particularly unusual. Between 11 April and 18 November 2003, 551 domestic workers applied for ILR. Of those, 126 (23%) were granted ILR before the four-year qualifying period (see Appendix E). The distribution of those cases was:

<i>No. of days before 4 years residency</i>	<i>0-25</i>	<i>26-50</i>	<i>51-75</i>	<i>76-100</i>	<i>100+</i>
<i>No. of cases</i>	<i>27</i>	<i>53</i>	<i>20</i>	<i>12</i>	<i>14</i>

4.19 My conclusion is that although the decision to grant ILR was made early, this was defensible because Ms Casalme's leave to remain had expired on 17 April. In the face of the impending introduction of charging and the need to reduce backlogs, I believe that it would have been inefficient to refuse the application and grant further leave knowing that the applicant would need to reapply within a very short time. If Ms Casalme's leave had not already expired, the decision would be less defensible.

How applications were processed in the Initial Consideration Unit (ICU) at Croydon

4.20 To discover more about how applications were processed within the Immigration Directorate, I was taken through the processes that Ms Casalme's application would have followed on and after its arrival at Lunar House. This note refers to the procedures in place in March to May 2003, some of which have since changed.

4.21 All post arriving at Lunar House was delivered by Royal Mail and scanned for security reasons in a room close to the entrance of the building before being taken to the post room. No envelopes were opened here: the format of the address on the envelope indicated the nature of the application it contained. The recorded delivery number of each package was scanned into the mail tracking system from the bar code on the envelope. All non-asylum work was routinely allocated to ICU. In the week that Ms Casalme's application arrived, 28,836 items of post were received in Lunar House.

4.22 The post room collated the packages into batches of twenty-five and they were then taken in boxes to ICU to await collection and initial processing by the Data Processing Team (DPT). The DPT's role was to open the envelopes and enter details of each application on the General Case Information Database (GCID). The DPT team recorded the date "raised" (that is the date of the post mark on the envelope); the name, nationality, date of birth and address of the applicant; the nature of the application; and, where one already existed, the immigration reference number of the applicant. At times during spring 2003, a standard acknowledgement letter was sent, but the practice varied according to the instructions prevailing at the time.

4.23 The papers relating to each separate application were placed in a plastic wallet and returned, in the same batches, to the ICU support team to await allocation to a caseworker.

4.24 I was able to check that the time that Ms Casalme's application took to pass through these procedures was representative of the time taken to process other applications received during the same period. The applications received on 17 March 2003 were processed by DPT on or around 25 March, when a standard acknowledgement letter should have been sent. Between then and 23 April 2003, the batch of applications would have been held in a storage area in the ICU support team. One of the functions of that team was to monitor when individual teams within ICU were ready to receive more work and to deliver boxes of applications to them. On 23 April, the batch of cases that included Ms Casalme's application was moved from the storage area to ICU, team 2 (ICU2).

The role of ICU

4.25 The role of caseworkers in ICU was to determine all cases which could be completed on initial examination, provided that:

- the correct application form had been used
- all documents and other information had been provided with the form
- there was no need for further information or enquiries
- the applicant's file was not "live" and being dealt with by another team in IND

4.26 ICU Note 13/02 (reproduced at Appendix F) was issued on 13 September 2002 and listed the "quick win" list of categories of application that could be determined in ICU provided those criteria were met. This list included applications for further leave and indefinite leave to remain by domestic workers.

4.27 Procedural instructions dating from 2002 advised staff that cases where there was a Home Office staff personal involvement could not be decided as quick wins. There was no clear definition of what constituted personal involvement, but generally cases falling into this category were those in which Home Office staff were sponsors (usually spouses). These applications were dealt with by specific staff within the ICU, but where they could not be completed on initial consideration they would be passed to a nominated officer within a Case Management Unit for more detailed consideration.

4.28 Applications completed within ICU were routinely completed without reference to pre-existing files. The papers in the plastic wallet were linked to the file:

- after the application had been determined, when the papers would have been sent to join the file in the file storage area; or
- by the Document Management Centre (DMC) en route to the Case Management Unit (CMU) if the application was "extended" (i.e. passed to a CMU team) for further consideration.

Completed cases

4.29 If a caseworker in ICU was able to make a decision on a case (to "complete" it), he would note the decision and the reasons for it on the GCID database. The papers would then be placed in a "case completed" box from where it would be taken by the despatcher. His role was to check the instructions in the GCID case notes; to

sign and emboss the letter granting the application; to put the vignette into the passport; to photocopy relevant sections of the passport and any other documents to be returned to the applicant; and to arrange for these documents to be sent to the applicant by recorded delivery.

Extended cases

4.30 Extended cases were those that could not be completed on initial consideration in ICU. This could be for a number of reasons:

- the case was too complex for a quick decision
- further information was required
- the case file was active in another part of the department
- the application was too early to be completed

4.31 In those circumstances, the caseworker would note the decision to extend and the reasons for it on the GCID database. The decision would be reflected on the batch list sheet with an “E” against the relevant record. Practice varied during spring 2003 as to whether the caseworker would write to the applicant to tell them that the case was being referred, or whether this would be done in the support section. The caseworker would also attach a label to the papers indicating where they should be sent.

4.32 My enquiries have found that there is no clear audit of the changes to the standard letters sent in extended cases in spring 2003. As these were standard letters, hard copies were not retained on files and successive versions were not always retained electronically. I have not been able to establish how long the letter sent to Ms Casalme on 23 April had been in use, or when the template was next changed. At that time, staff were using photocopied supplies of the standard letters. Later in summer 2003, such letters began to be automatically generated, which meant that copies were retained. As far as I can ascertain, the standard line in April 2003 was that extended cases could take up to 9 months to resolve.

How should a case in which a Minister had a personal connection have been handled?

4.33 There are long-standing and clearly defined guidelines issued to private secretaries about the handling of cases in which ministers have a ministerial or constituency interest.

4.34 If a Home Office minister wished to pursue a constituency case on immigration, he would normally refer the case to the Minister for Immigration in the same way as any other MP would on behalf of a constituent. The Minister for Immigration would then, as for all cases referred to them by an MP, obtain advice from IND and send a reply.

4.35 Similarly, if the Minister for Immigration wished to raise a constituency case, he would usually refer it to another Home Office minister to handle on his behalf. This case would then be passed to the unit in IND responsible for constituency cases. Here it would be recorded and handled following the normal practice for MPs' correspondence.

4.36 This convention is not intended to prevent either the Home Secretary or the Minister for Immigration taking a direct interest in a case. They may ask to be updated, or for action to be taken. Where there is a request for action to be taken on

a case, the Minister's Private Office would contact the relevant officials in IND clearly stating the Minister's interest, and they would confirm this with a written request. As with MPs cases generally, it might then be most efficient for the case to be completed at that time.

4.37 I am told that it is well established that at no time should there be a request to treat favourably a case that fails to meet the provisions of the relevant immigration rules.

Was this case dealt with in accordance with these procedures?

4.38 Mr Blunkett was not pursuing Ms Casalme's case as a constituency case. As discussed in Chapter 3, I cannot conclude whether it was sent to IND as a special case or as a general case to illustrate a particular concern that Mr Blunkett had about a procedural issue. There is no audit trail in IND to allow me to properly examine the process that led to the changing of the decision on 6 May, and in that respect the procedures were not followed. I do not believe that this omission was wilful. It is clear that there was a fax to IND, but thereafter I believe that exchanges between officials there took place over the phone. I have records of calls made in Croydon during the week beginning 28 April 2003 and the pattern of those is consistent with a chain of calls made to track down the location of the file.

4.39 At the time, staff in the Initial Consideration Unit were being encouraged to reach speedy decisions and to spend the minimum time on each case. It was not thought to be necessary to write detailed reasons to justify each decision. I have looked at other cases being considered at this time to satisfy myself that the brevity of the case notes in this case was not unusual. Such brevity was common and would have been defensible in the climate prevailing in IND at the time. Of course, most cases will not have had to come under the degree of scrutiny that this one has. What I believe is more important is whether the outcome was in accordance with the immigration rules. I consider that question in the next section.

How much difference did the intervention make?

4.40 As I have discussed in the previous section, indefinite leave to remain (ILR) could legitimately have been granted at the initial consideration stage. But the question I ask now is what was the effect of retrieving the file from DMC where it had been sent as an extended case and returning it to ICU2 for reconsideration? That requires me to discover how long extended cases were taking at that time.

4.41 The table at Appendix G shows the results for extended domestic worker cases for March to June 2003. Application is dated by date of posting. The first column of figures includes some cases which appear to have been held in IND for extremely long periods (some exceeding 400 days). This could be for a number of reasons including security checks, waiting on information from outside IND or simply data input errors. I have added a second column which removes cases that took longer than 365 days. The figures for domestic workers applying for ILR are unaffected. The table at Appendix H shows the results for all extended cases.

4.42 As the tables show, cases were generally being speeded up at that time. The average total time taken to deal with extended cases for domestic worker applications for ILR fell from 195 days in March to 127 in June. This was the effect of the drive to reduce the backlog in the run up to the introduction of charging.

4.43 Ms Casalme's application would have been categorised (for statistical purposes) as a case of non-asylum ILR as a domestic worker. The table suggests that if Ms Casalme's case had stayed in the queue for extended cases, the processing period would have been, on average, 172 days. Since averages can be a misleading way of summarising data I also show charts (at Appendices I and J) of the pattern of times taken to deal with extended cases. It should also be noted that the number of cases is small, which is another reason for using averages with care. However it can be seen that a typical time for a case like Ms Casalme's was 151-200 days.

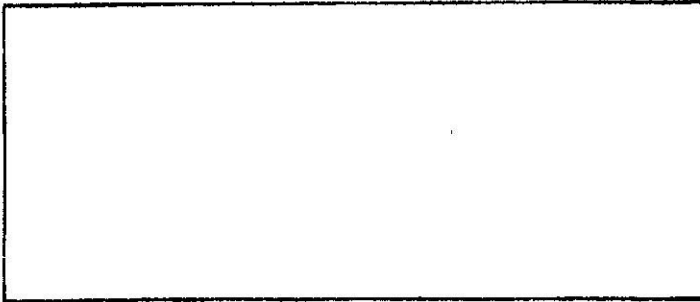
4.44 Ms Casalme's application was raised on 15 March and the outcome was recorded on 6 May, a period of 52 days. The difference between that number and the crude average is 120 days. That is an estimate of the effect of the intervention on the outcome.

4.45 Apart from the caveat which I have made about the danger of drawing conclusions from a small sample of cases, there is another point which can be made. After mid-June of 2003, Ms Casalme's application for ILR would have been granted as a matter of routine. If Ms Casalme or Mrs Quinn or anyone acting on Ms Casalme's behalf had rung the Public Enquiry Office at IND, her case would, with all probability, have been extracted and ILR granted.



Home Office

Lunar House, 40 Wellesley Road, Croydon, CR9 2BY
Telephone 0870 609 7766



Our Ref

Your Ref

Date 23.9.03

Dear Sir/Madam

Re: Name Leoncia Caralme Nationality PHI D.O.B 11.9.68

I am writing to inform you of the progress of your application.

Your application has been accepted as valid but we are sorry to have to inform you that we cannot decide it on initial consideration. It is therefore being passed to other teams for further enquiries and/or more detailed consideration. We regret that cases which cannot be decided on initial consideration are subject to considerable delay because of the high intake of applications and backlog of work.

The waiting period for these cases is about 12 months at the moment. We are doing all we can to reduce it and on current performance, we estimate that your application will be decided by January 2004. We know that this delay will cause you some concern but it would be appreciated if you did not make enquiries about the progress of your application before this estimated decision date has been reached, unless your passport or travel document is urgently needed. If, after that date, you want to make enquiries please do so by telephone or in writing, but not by calling in person at the Public Enquiry Office.

If you have access to the Internet, you can check the IND website www.ind.homeoffice.gov.uk for the latest information on how long it is taking in general to deal with applications.

Provided an applicant has permission to be in the UK when an application is made he or she is legally entitled to remain here on the same conditions previously granted until the application is decided.

Yours faithfully

Integrated Casework Directorate

ICD.0032

BUILDING A SAFE, JUST AND TOLERANT SOCIETY

Note by the Home Office Domestic Workers

The UK Immigration Rules contain provisions for individuals to come to the UK as private servants in diplomatic households or domestic workers in private households. Domestic workers in private households are covered in paragraphs 159A – 159H of the Immigration Rules.

What do domestic workers come to the UK to do?

Domestic workers provide a personal service relating to the running of their employer's household. This might include cleaners, chauffeurs, gardeners, cooks and nannies.

What requirements do they have to meet?

The requirements for individuals seeking to come to the UK as domestic workers in private households are set out in paragraph 159A of the Immigration Rules. These state:

159A. The requirements to be met by a person seeking leave to enter the United Kingdom as a domestic worker in a private household are that he:

- (i) is aged 18-65 inclusive;
- (ii) has been employed as a domestic worker for one year or more immediately prior to application for entry clearance under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee;
- (iii) that he intends to travel to the United Kingdom in the company of his employer, his employer's spouse or his employer's minor child;
- (iv) intends to work full time as a domestic worker under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee;
- (v) does not intend to take employment except within the terms of this paragraph; and
- (vi) can maintain and accommodate himself adequately without recourse to public funds; and
- (vii) holds a valid United Kingdom entry clearance for entry in this capacity.

To demonstrate these requirements, each domestic worker has to submit the terms and conditions of employment signed by both the employer and employee. Each domestic worker is also interviewed separately and given an information leaflet, at least when they first apply for entry clearance, to ensure they are fully aware of the conditions of their leave.

How long will they be allowed to stay in the UK?

This will depend on how long they are required for their employment. If their employer is settled in the UK or coming to the UK for a long period, they will be granted a maximum of 12 months of leave initially.

Can they extend their stay?

After they have completed their initial period of leave, it is open to domestic workers to apply to extend their stay in the UK. They will have to demonstrate that they have continued to be employed for the duration of their leave as a domestic worker in a private household and that they are still needed for this employment, as certified by their employer. They also have to meet the requirements of paragraph 159A(i) – (vi) of the Immigration Rules, as described above.

Can they settle in the UK?

If an individual has spent a continuous period of four years in the UK as a domestic worker in a private household, it is open to them to apply for settlement. They would have to show that they have met the requirements of paragraph 159A of the Immigration Rules throughout this four-year period and that they are still required for their employment, as certified by their employer.

Do they have to pay for these applications?

The Home Office introduced charges for applications for leave to remain (LTR), including indefinite leave to remain (ILR or settlement) on 1 August 2003. This includes applications for LTR / ILR from domestic workers. The charges are £155 for postal applications or £250 for a premium same-day service.

Applications made overseas for an entry clearance to come to the UK are subject to a different charge. The level of fee depends on the type of entry clearance applied for. In the case of domestic workers, this will depend on the length of time they are required in the UK. The charge is £36 if they are coming to the UK for less than six months and £75 if they are coming for more than six months.

Can they change employer in the UK?

Domestic workers in private households can lawfully change employer in the UK, as long as they continue to be employed as a domestic worker in a private household and to meet all the relevant requirements of the Immigration Rules.

Previous Requirements for Domestic Workers in Private Households

The provisions for domestic workers in private households were a concession outside the Rules until 18 September 2002.

A number of changes were made to the concession in the years before it was incorporated into the Rules. In 1998, changes were introduced as follows:

- they could change employer in the UK if they suffered from abuse or exploitation
- they only had to have been employed for 12 months prior to coming to the UK, rather than 24
- their duties had to exceed the requirements set out in the International Standard Classification of Occupations.

On 17 October 2001 the following changes were made:

- all domestic workers in private households were allowed to change employers
- the requirement that their duties exceed the ILO minimum was dropped.

Appendix C

Ms Casalme's Immigration history

Ms Casalme first entered the United Kingdom on 27 July 1999. Her entry clearance as a domestic worker had been granted in Amman. She was at that time employed by Mr and Mrs L. She was granted leave to enter for 6 months, until 27 January 2000.

On 13 January 2000 Ms Casalme arrived in the UK, having been granted an entry clearance visa in Manila on 17 December 1999, to continue employment with Mr and Mrs L. She was granted 12 months leave to enter as a domestic worker to 13 January 2001.

In October 2000, Ms Casalme's employer (then Ms R) wrote to IND asking that Ms Casalme's application for further leave to remain be dealt with early to enable her to travel, both with Ms R and independently to her family over Christmas. On 25 November 2000, Ms Casalme was granted leave to remain until 13 January 2002 – a year from the expiry of her leave to enter.

On 19 December 2001, Ms Casalme signed an application for further leave to remain. That form recorded her status as "au pair" and that caused the application to be referred from the Initial Casework Unit to the Case Management Unit to clarify her status. At that time she was employed by Ms O. Ms O faxed letters to IND on 10 and 12 April 2002 asking that the application be expedited to enable Ms Casalme to travel with her to work abroad for a temporary assignment. The IND caseworker clarified with Ms O that Ms Casalme continued to be employed as a domestic worker and on 22 April 2002 granted further leave to remain until 17 April 2003.

It appears that the caseworker who granted leave to remain to April 2003 wrongly calculated the period from the date on which the application was decided. This would have been appropriate in some circumstances, though not in this case. Her leave to remain should properly have been extended to 13 January 2003, in line with the expiry of the existing leave to remain. In the history of the case, this was not a serious error, but it does explain how there came to be (in 2003) a period of only three months (April to July) between the expiry of her existing leave and the expiry of the four-year qualifying period for indefinite leave to remain.

On 12 March 2003, Miss Casalme signed an application for indefinite leave to remain. That was received in IND by recorded delivery post on 17 March 2003. The handling of that application is the subject of this inquiry.

ICU Note 8/03

REDUCING BACKLOGS IN THE LEAD-UP TO CHARGING

In the lead-up to charging, the introduction of which has just been postponed by 2 months, it's vital to reduce the backlogs.

2. In the new General Group structure, there will be teams dealing with applications for which a fee has to be paid, and a smaller number dealing with the applications which are exempt from charging, as well as any remaining backlogs of applications made before charging. Those backlogs will include ICU work as well as the backlogs in the CMUs. If they are large, it could take a very long time to clear them.

3. The ICU must do everything possible to help reduce the backlogs - by (a) reducing our own backlog to 3 weeks or less by the introduction of charging, and (b) reducing the number of extended cases by passing as few as possible to the CMUs. We're on course to achieve the 3-week target and it's important that we stay on course by continuing to generate high output.

4. Reducing the number of extended cases is a challenge. It can only be done by granting a higher proportion of cases than we do at present. It isn't possible to give any hard and fast instructions on this. What it boils down to is something like the following set of principles:

- Be sure that there is a very good reason for extending any category on the current quick win list.
- Consult more experienced caseworkers in the team if unsure (EOs and other more experienced caseworkers have an important role to play here).
- Make simple enquiries (eg by phone) or even call for a file if it seems that doing that will resolve a case relatively quickly. Recent experience in some teams has shown that calling for the file has generally enabled the application to be resolved, especially where the file has been in GCCU.

But there are certain file markings where the application must be extended (see paragraph 6 below).

- In any borderline case, **err on the side of the applicant, ie grant**. This may be a difficult message to accept but please think of what will happen if the case is extended.
- Bear in mind that only cases listed in the current LEE Points of Interest bulletin should be passed to ICU 7; and that these will reduce as ICU 7 downsizes its involvement in this work and evolves into a normal ICU team over the next 2-3 months. Even though a good many student cases may raise doubts, don't refer them to ICU 7 if they're not in the current LEE. Also bear in mind that Immigration Service resources for investigating colleges and related problems (eg forged documents) are very limited (these things are not a priority in IS). At this point in the academic year, granting an extension may be the most sensible thing to do in cases where there may be some doubts but there is no existing adverse information in the LEE or Points of Interest bulletin.

5. In borderline or other cases where extending does not make good sense, the case notes should be minuted briefly to indicate the borderline or doubtful nature of the case followed by **“.....but in present circs, granted in accordance with ICU Note 8/03”**.

6. There are certain cases which must of course be extended, notably those where the file is in Gen Regy or SSCU, or cases falling to be refused with a right of appeal.

7. It's important that Team Leaders drive this approach within their teams by making sure every team member understands and follows it, by ensuring the EOs are playing their part in it, and by monitoring the extended cases figures combined with random sampling over and above the normal sampling targets.

Initial Consideration Unit
11 April 2003

ILR Grants for Domestic Workers between 11 April - 18 November 2003¹

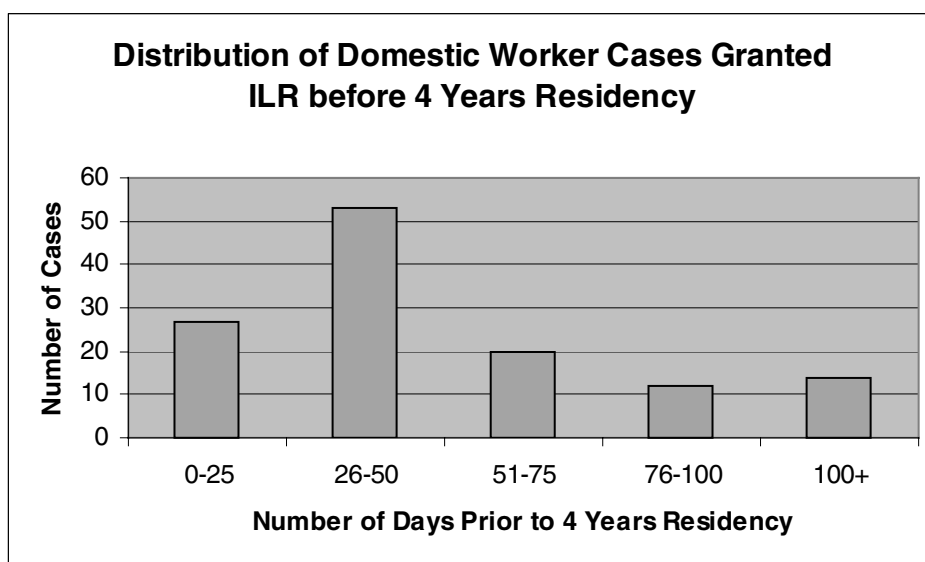
No. of Grants of ILR ⁽¹⁾	551
No. Granted ILR Within 4 years ⁽²⁾	126
As a percentage ⁽²⁾	23.0%

Of Cases granted ILR before 4 years

Average days before a Grant of ILR	1394
Average days prior to four years	66
Average days between ILR Application and Grant	48

Of Cases granted ILR after 4 years

Average days between ILR Application and Grant	39
--	----



¹These figures are based on unvalidated information drawn from internal management systems, and there may be data quality variations. The data should be used as indicative rather than actual figures

² Calculation of entitlement to ILR was based on a comparison between data from landing cards and data on Grants of ILR from an IND database

ICU Note 13/02

REVISED QUICK WIN LIST

The list of case types which should be completed in the ICU if everything is in order has been revised. The revised list is attached.

2. If any caseworkers are not yet competent in some of the listed case types, they should pass the application to more experienced colleagues in the team or get help from them.

3. The list is now a public document. It has been issued to ILPA representatives in the past but it now forms part of the guidelines for the 48 Hour Priority Service for solicitors and other immigration advisers which ICU 1 is taking over as from 23 September. So there could be complaints if straightforward cases on the list are passed to the CMU without good reason.

4. The list will be kept under review and revised as necessary.

Initial Consideration Unit
13 September 2002

ICU QUICK WIN CATEGORIES (REVISED SEPTEMBER 2002)

All applications in the categories or of the kind listed below should be considered as potential quick wins. This means that they are cases which can be completed on initial examination in the ICU, provided the correct application form has been used, all documents and other information have been provided as specified in the form, and there is no need for further information or enquiries.

Academic visitors	-	extensions only
Adoptions (correct EC)	-	extensions only
Au pair	-	extensions to complete 2 years
Doctors/dentists: clinical attach and PLAB training	-	initial grant/extensions
Doctors/dentists: postgrad training	-	initial grant/extensions
Domestic servants	-	extensions and ILR
Elderly dependants (65 and over)	-	extensions and ILR
Exceptional leave (other than specified exclusions)	-	extensions and ILR
Exemption (diplomatic, armed forces)	-	suspend conditions (ICU 7)
Govt sponsored organisations	-	extensions only
Long residence concession (10 years and 14 years)	-	ILR
Marriage: entered with fiance(e) EC	-	initial grant and ILR
Marriage: entered with spouse EC	-	ILR
Marriage: no EC (switching)	-	initial grant and ILR

Ministers of religion	-	extensions and ILR
NTL and transfer of conditions	-	Yes
Overseas government employees	-	extensions and ILR
Recognised refugees	-	ILR
Returning residents	-	ILR
Reps of overseas news organisations	-	extensions only
Students and student nurses	-	extensions only
Students (switching; non-visa national)	-	extensions only
UK ancestry	-	initial grant, extensions and ILR
Unmarried partners (correct EC)	-	ILR
Unmarried partners (switching)	-	initial grant and ILR
Visitors (to complete 6 months)	-	extensions
Visitors (switching from student/WHM))	-	initial grant
Visitors (medical treatment)	-	initial grant and extensions
Working holidaymaker	-	extensions to complete 2 years
Work permit (SET(O) after 4 years)	-	ILR
Work permit (separate FLR(O) by dependants)	-	extensions
Writers, composers and artists	-	extensions and ILR
Dependants of persons in these categories	-	in line

Extended Domestic Worker Cases in March - June 2003¹

Applied in March 2003

Case Type	All Cases	Cases between 7 - 365 days ²
	Average days between application and outcome	
Non-Asylum ILR	195	195
Non-Asylum LTR	190	190

Applied in April 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average days between application and outcome	
Non-Asylum ILR	172	172
Non-Asylum LTR	192	162

Applied in May 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average days between application and outcome	
Non-Asylum ILR	133	133
Non-Asylum LTR	146	146

Applied in June 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average Days between application and outcome	
Non-Asylum ILR	127	127
Non-Asylum LTR	103	103

¹These figures are based on unvalidated information drawn from internal management systems, and there may be data quality variations. The data should be used as indicative rather than actual figures

² A period of between 7 –365 days was used in reaching a decision for data quality reasons and to exclude cases that require information from external sources and/or specialised checks.

Extended Cases in March - June 2003¹

Applied in March 2003

Case Type	All Cases	Cases between 7 - 365 days ²
	Average days between application and outcome	
Non-Asylum ILR	255	198
Non-Asylum LTR	268	194

Applied in April 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average days between application and outcome	
Non-Asylum ILR	253	197
Non-Asylum LTR	243	198

Applied in May 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average days between application and outcome	
Non-Asylum ILR	223	178
Non-Asylum LTR	223	175

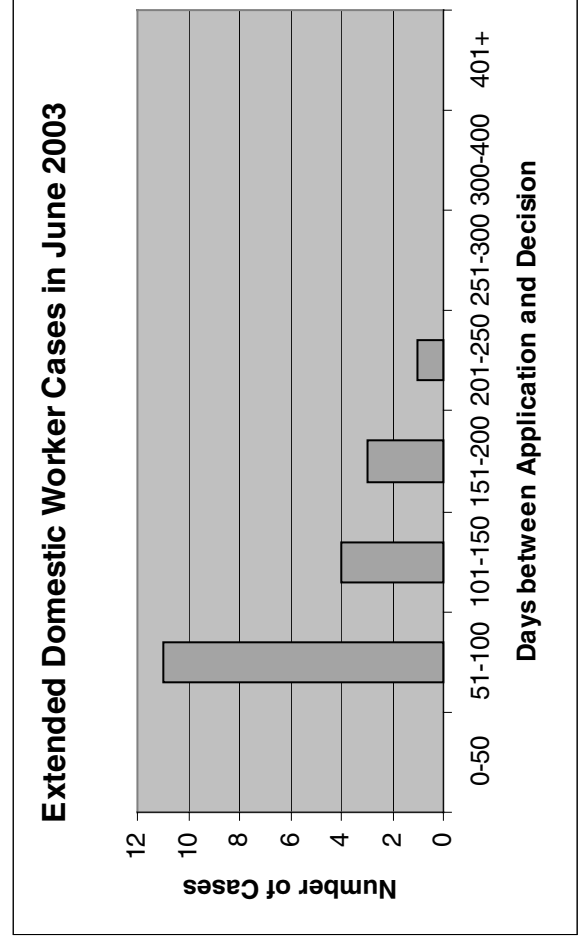
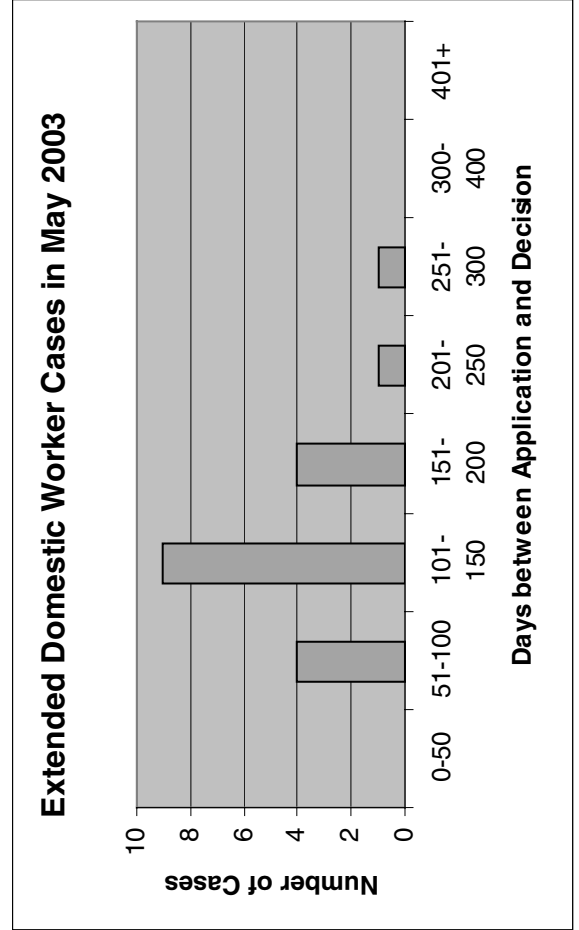
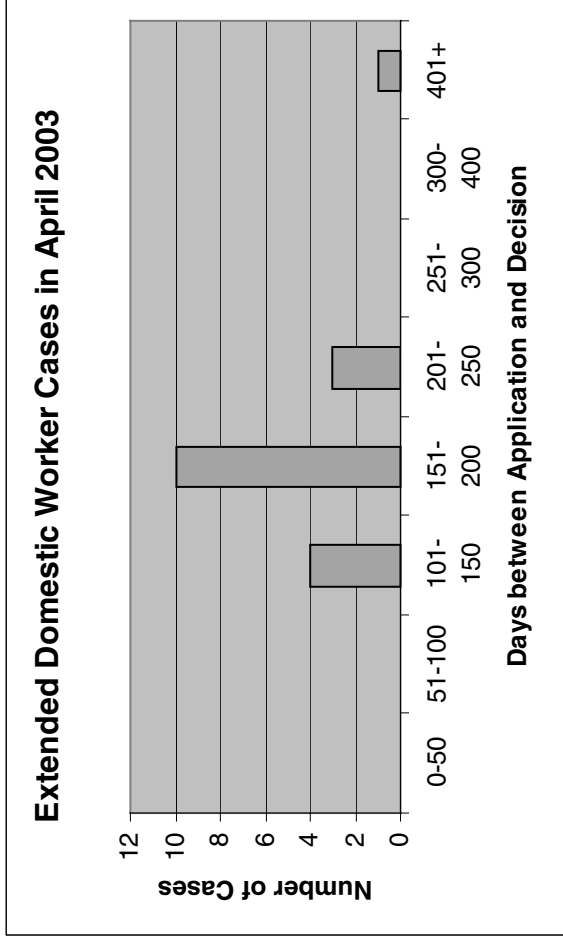
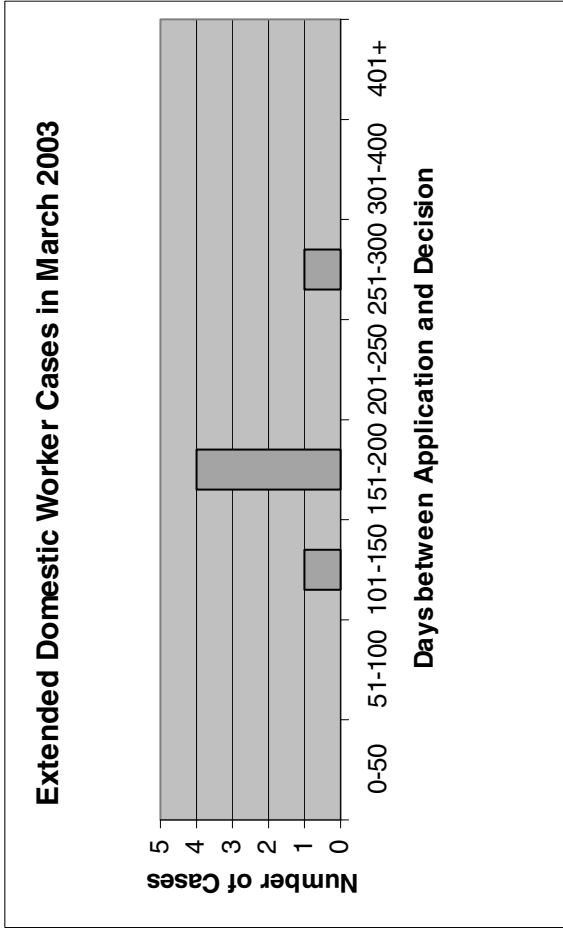
Applied in June 2003

Case Type	All Cases	Cases between 7 - 365 days
	Average days between application and outcome	
Non-Asylum ILR	193	159
Non-Asylum LTR	214	171

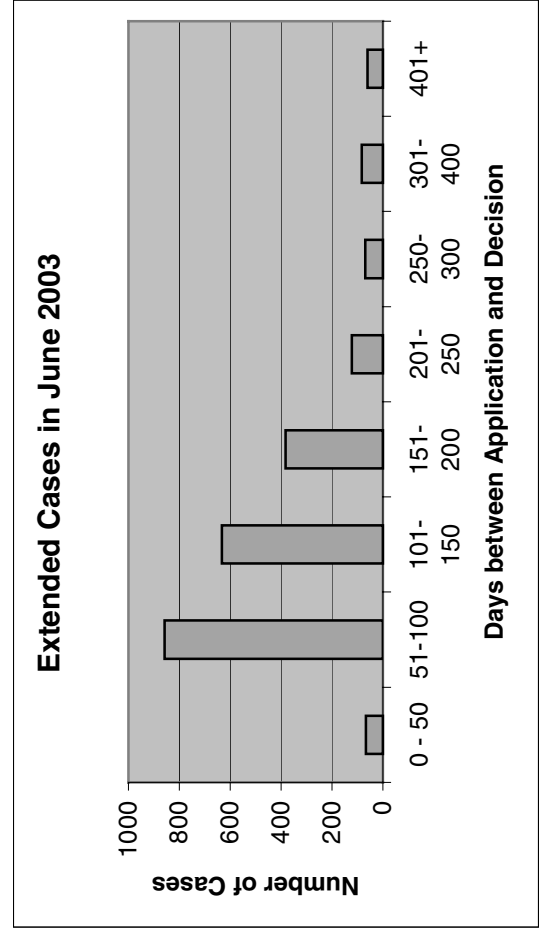
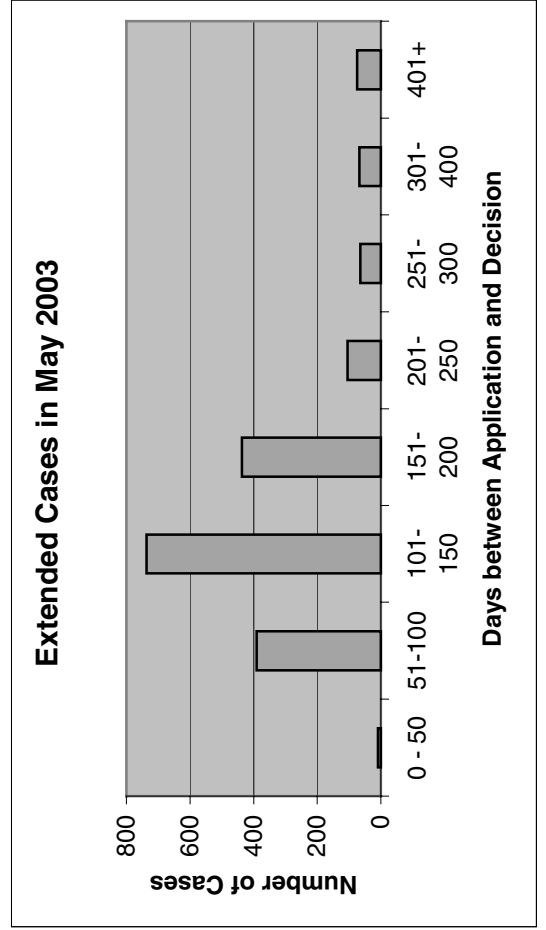
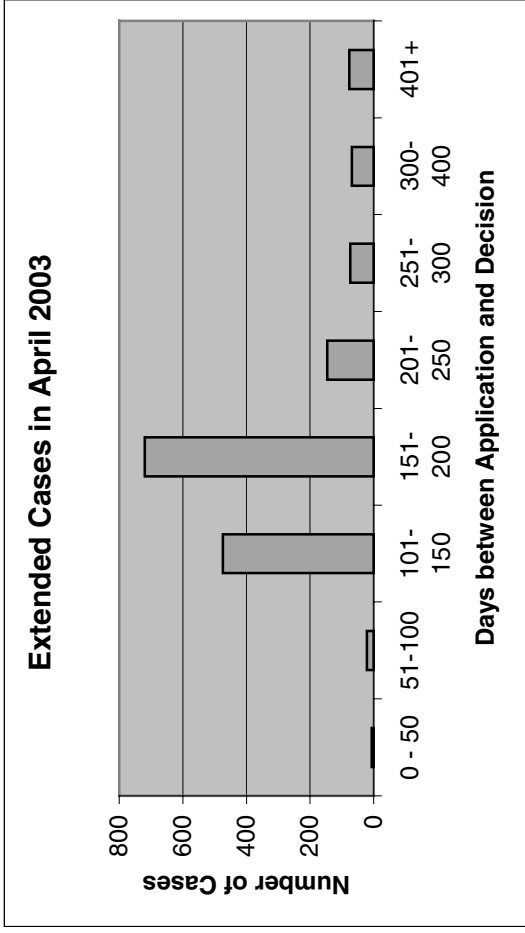
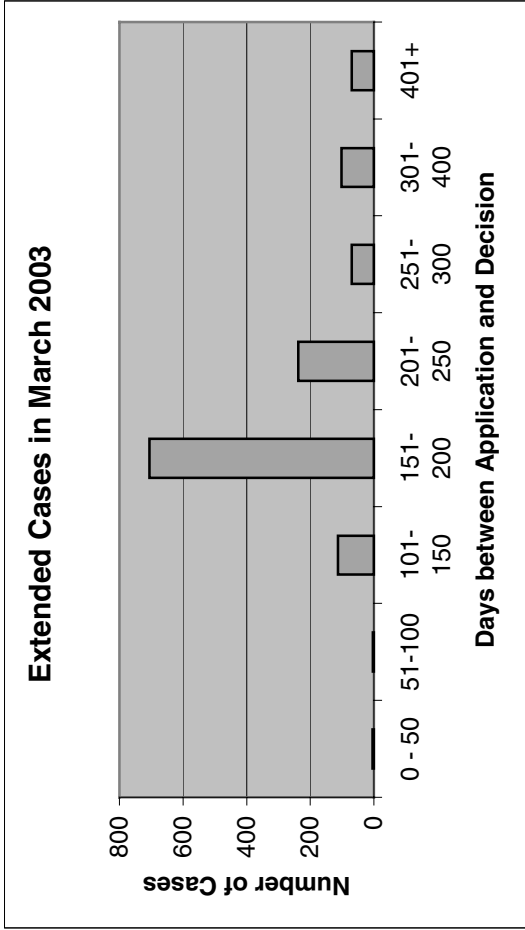
¹These figures are based on unvalidated information drawn from internal management systems, and there may be data quality variations. The data should be used as indicative rather than actual figures

² A period of between 7 –365 days was used in reaching a decision for data quality reasons and to exclude cases that require information from external sources and/or specialised checks.

Distribution of Days between Application and Decision for Extended Domestic Worker Cases



Distribution of Days between Application and Decision for Extended Cases



Distributed by TSO (The Stationery Office)

and available from:

TSO

(Mail, telephone and fax orders only)

PO Box 29, Norwich NR3 1GN

General enquiries 0870 600 5522

Order through the Parliamentary Hotline *Lo-call* 0845 7 023474

Fax orders 0870 600 5533

Email book.orders@tso.co.uk

Internet <http://www.tso.co.uk/bookshop>

TSO Shops

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

18-19 High Street, Cardiff CF10 1PT

029 2039 5548 Fax 029 2038 4347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders 020 7219 3890

General enquiries 020 7219 3890

Fax orders 020 7219 3866

Accredited Agents

(See Yellow Pages)

and through good booksellers

© *Parliamentary Copyright House of Commons 2004*

Applications for reproduction should be made in writing to The Licensing Division,

HMSO, St Clements House, 2-16 Colegate, Norwich NR3 1BQ

- Fax 01603 723000

ISBN 0-10-293174-7



9 780102 931747