

Hibiscus Initiatives' submission to the Independent Chief Inspector of Borders and Immigration's inspection of Home Office's management of contact with migrants who are without leave to enter or remain – call for evidence

21st October 2024

About Hibiscus Initiatives

[Hibiscus Initiatives](#) ('Hibiscus') is a voluntary sector organisation with a track record of delivering high-impact support and advocacy services to Black and minoritised migrant women in contact with the criminal justice system and immigration system. We have been active in this field for over thirty years. In the past seven years alone, we have worked with over 12,000 migrant people from over 100 different countries. The information in this response is drawn from our own caseload, discussions with our Community Team frontline practitioners. Frontline practitioners each support between 15 and 30 service users at any one time.

Hibiscus has distinct expertise in working with Black and minoritised migrant women in prison, in the community, and in immigration removal centres. We are making this submission in response to this call for evidence as we believe that we can offer insight into the effectiveness of the current management of contact with migrants who are without leave to enter or remain by the Home Office, and the impact that it has on those subject to it. The women we support are all in contact with the immigration system, and many do not have leave to remain, either as they are waiting for an application or appeal to be decided, leave has been revoked, or because they have never had leave to remain.

It is clear from our frontline experience changes are needed in the way that the Home Office manages contact with migrants who are without leave to enter or remain. In particular, the current system of reporting is ineffective and inefficient, it causes significant stress and hardship to those subject to it, and is not necessary given the availability of other methods of maintaining contact. Furthermore, from the observations of our frontline practitioners, it is apparent that these impacts are felt most harshly by the most vulnerable, including those who are survivors of trafficking or torture, those with mental and physical health problems, those who do not speak English as a first language, and those who are destitute. In practice, therefore, it is often those experiencing intersectional oppression, such as Black and minoritised migrant women, whom the system is failing.

Response to points within the scope of the call for evidence

1. Recording of personal and contact details by the Home Office

Our frontline staff have experienced problems where a service user's personal and/or contact information changes and needs to be updated. After they, or the service user, have contacted the Home Office to update their details, the old (now incorrect) details often continue to be used for some time in some or all instances. This results in multiple attempts having to be made to update details and can mean that the

incorrect details are used for some time. This has occurred in instances where the correct information should have been made available to the Home Office by internal processes, such as when their address changes following a move into asylum support or National Referral Mechanism accommodation. We have also observed cases where solicitors have experienced similar issues.

“A service user moved in with a friend. She updated the Home Office with her new address but was treated as an absconder and told that her asylum claim is being treated as withdrawn. Her immigration solicitor is still trying to reestablish her asylum claim, however they are struggling to do so.”

Caseworker

Incorrect details being stored has, for example, led to letters being sent to the wrong address and service users missing important information.

2. The promptness and efficiency with which Home Office correspondence is served, and measures to ensure that it has been received

Our frontline staff have observed significant delays in letters from the Home Office being served. For example:

“A letter relating to a service user’s immigration matter dated early September 2024 was not received by them or their solicitor until the end of September 2024, three weeks later.”

Caseworker

The lack of promptness and efficiency appears to be widespread. This means that service users, already waiting months or years for decisions, must often spend unnecessary additional time living with uncertainty about important developments in their cases. Where decisions are positive, this can lead to confusion about when and how they can move on:

“One service user received leave to remain following a positive asylum decision, but then did not receive an eviction letter for their asylum support accommodation for several months. This meant that they were unable to apply to their Local Authority for accommodation and instead had to stay in their asylum support accommodation which was cramped and uncomfortable. Even though they had been granted asylum, they felt as though they could not start moving on.”

Caseworker

Where negative decisions are being communicated, if they carry a right to appeal or request reconsideration, the time limit to do so is often very short. This means that any delay can impact their ability to seek legal advice and prepare submissions before the deadline.

“There is always a delay. A solicitor might tell you might expect to receive a letter within 10 to 14 days, but they always move the deadline, and still expect you to respond on time! Sometimes this means there is little time to respond.”

Caseworker

We are not aware of any measures to confirm receipt of correspondence by service users in the community. Our service users in prisons and Immigration Removal Centres have been asked to sign confirmations of conveyance for some letters from the Home Office. However, letters are not consistently translated or explained, meaning that the information has not in fact been conveyed in any meaningful sense. A procedure for ensuring receipt, and translation and explanation (where needed) of letters would be welcomed. We believe this would encourage the Home Office to make necessary efforts to ensure letters be received and fully understood by their intended recipients. Where this does not happen (or does not happen within a reasonable timescale), it could provide evidence for those needing to request extensions to respond to letters or appeal decisions.

3. The clarity of Home Office correspondence

“They’re in English.”

Caseworker

The most significant issue with Home Office correspondence is that they are written in English with no translations provided. This is a huge oversight, particularly as they are, by definition, written to migrants who, as a group, are less likely to speak English as to a level that would allow them to understand the often complex and highly important information being communicated. When a person enters the immigration and/or asylum system, their preferred language of communication should be established and written correspondence provided in translation.

Even for those who speak fluent English, the language used in letters is often technical, with heavy use of acronyms and legal terms. This makes them difficult for non-professionals to understand in the detail necessary. Whilst the immigration and asylum systems should be navigable without legal advice and representation, this creates a significant barrier to doing so. This is particularly problematic given that many migrants are unable to find immigration solicitors or advisors due to what appears to be chronically low capacity in the sector. The language used needs to be simplified. Where this is not possible, or where the overall concepts being communicated are complex (or of particular importance), effort needs to be made to ensure that the information has been understood. For example, when significant letters have been sent, the Home Office could phone recipients (with an interpreter, if needed) to explain the information and ensure it has been understood.

Further to this, our frontline workers have observed apparent confusion between departments of the Home Office and their contractors. This has led to incorrect and incongruent information being sent, leaving those waiting for information unsure of their position:

“A service user was granted asylum and leave to remain and received a BRP. They were still in living in their asylum support accommodation and were told by the accommodation provider they should make further asylum support application to continue living there, which was not correct.”

Caseworker

“A service user was sent a BRP by the Home Office, but no decision letter. Their solicitor chased the Home Office and was told that the BRP had been sent in error and should be returned. Several weeks later, they were informed that they had in fact been granted asylum. The ordeal was really upsetting and stressful at what was already a difficult time.”

Caseworker

“Service users are often told different things when they go to report. For example, they will be given conflicting information about whether they will be given money for transport and what they need to do for this to happen, or about missing reporting. This seems to be particularly bad when the communication is verbal or by email (as opposed to by letter).”

Caseworker

“A service user’s passport was ‘lost’ by the Home Office for over a year. We contacted them many times but were told different things by every person we spoke to. Eventually, their solicitor wrote to the Home Office threatening legal action and the passport was ‘found’ very quickly.”

Caseworker

As the communication from the Home Office often relates to matters of fundamental importance to recipients, such as their right to remain in the UK and the roof over their head, unclear or inaccurate communication can be particularly distressing. More robust systems of communication between Home Office Departments and contractors are clearly needed. Training for contractors in contact with migrants may also be beneficial to ensure that they do not give incorrect information to them, and so that they can assist them in seeking correct information.

In addition to inaccurate information relating to our service users’ cases, our frontline staff have also been sent information relating to other people. This has occurred both in correspondence from the Home Office and in documents provided in response to Subject Access Requests.

4. Migrant awareness of the significance of remaining contactable by the Home Office

Our frontline staff report that our service users are aware of the need to maintain contact with the Home Office, however it should be noted that our service users are, to an extent, a self-selecting group. Most use our services voluntarily and are generally keen to regularise their immigration status. Others are referred to us as part of their criminal licence conditions which would also include maintaining contact with the probation service and possibly the Home Office, so have an additional reason to do so.

One member of our frontline team raised the concern that, whilst service users know they must remain in contact with the Home Office, it appears to be more from *“the fear of what will happen if they do not”*, as opposed to an understanding of the significance of doing so. Others have observed service users experiencing anxiety when they are unable to report, such as when they are ill. It is not reasonable or acceptable for the Home Office to cause migrants stress and anxiety in this way and steps must be taken to mitigate this.

5. The use of reporting conditions as a form of contact management

We do not believe that reporting in person is necessary for the Home Office to maintain contact with migrants without leave to remain. The primary reason purported for its use is to prevent absconding, however the Home Office has itself acknowledge that rate of absconding is very low (between 1% and 3% per year¹). Further to this, it is difficult to see how reporting would act to prevent someone who has chosen to abscond from doing so, besides making the Home Office aware. It is being used to address a problem that largely does not exist, and without likelihood of being effective where it does.

A further purported reason for asking migrants without leave to remain to report is to manage any risk they are perceived to pose in the community. However, the majority of those in the community have no criminal convictions and pose no threat. Those that do have a criminal history or are considered to pose a threat can be managed effectively through the probation service (as UK nationals in the same circumstances are).

Furthermore, our frontline workers have observed that the reporting regime as it is causing an unnecessary distress to service users. Our services users often must travel several hours by public transport to their reporting centre, then wait in line to be seen, before travelling hours back home. This is the case even if they have to bring their children, the weather is bad, or they are ill (unless they manage to get confirmation that they can miss reporting). Whilst reporting can be suspended for 6 weeks before and after giving birth, this is wholly insufficient.

Some describe being made to feel as though they have *“committed a crime by coming here and that having to report is part of your punishment”*. The threat of being detained on reporting is also ever present. This is unnecessary and cruel: it is an artefact of the hostile environment and should be ended.

During the Covid-19 pandemic, reporting was done by telephone instead of in person. If the Home Office maintains that reporting is necessary, we do not believe there is any good reason that this change could not be implemented permanently.

“Reporting remotely would be preferable to in person. The systems exist and work as shown by reporting during covid and for people who can’t travel to reporting centres now.”

Caseworker

Communication with the Home Office about reporting conditions can be difficult as they often do not respond to emails or provide necessary updates.

“A service user was moved to alternative accommodation and told by the Home Office that their reporting centre would be changed, and that they would be contacted with the details. They were not contacted for three weeks after they were moved despite have made several attempts to contact the Home Office for information. She was really worried that she would get in trouble for not reporting, even though she could not.”

Caseworker

Similarly, our frontline staff often find it difficult to communicate with reporting centre when a service user needs to miss reporting (e.g. for medical reasons). Due to the potential consequences of missing reporting without authorisation from the reporting centre, they often make multiple attempts to contact the reporting centre by email and telephone, without receiving any response. This can take a lot of time and, if a prompt response is not received, can be stressful for the service user due to the uncertainty it causes.

“There appears to be little understanding of mental health in terms of flexibility in reporting. One service user has to travel a long way on her own and finds it very traumatic. She has disclosed that she had suicidal thoughts when she is at the reporting centre. The attitude of reporting centre staff seems to be that if you can physically travel you must go to report. It can be more difficult to obtain evidence of mental health problems compare to physical health problems, which makes it more difficult still.”

Caseworker

Communication with reporting centres is inconsistent and our frontline staff report having also had positive experiences.

“Some have been very responsive and helpful. One service user has not been able to report for over a year for medical reasons: the reporting centre has been very understanding and helpful. However, another service user has been waiting for three months for her reporting centre to response to our request for her reporting to be made remote. This is after we sent in our request with lots of information (including her medical records), and despite us chasing.”

Caseworker

“One service user has a 6 hour round trip to report. It costs her £33 pounds each time and she is destitute. The first time she went to report, she was told to pay on for her train and bus tickets on her Aspen car, then claim back, but was later told that this was incorrect. One time she was given train ticket for her return journey. The next time she was told she just had to pay for it herself. Another time she was told that she could claim the money back online and was given a web address that took her to the ARC card website, which was not relevant. The travel time and the money are both making her extremely anxious.”

Caseworker

6. The efficiency and effectiveness of Home Office efforts to re-establish contact with ‘absconders’

From the experience of our frontline staff, it appears that the effectiveness of the Home Office’s attempts to maintain and re-establish contact with migrants without leave to remain is strongly linked to whether there is a communication barrier. As correspondence are exclusively in English, it is much harder for those who do not speak English, or do not speak it fluently, to read and understand correspondence. Service users have reported not even opening letters from the Home Office as they know that they will be in

English. As explained in detail in our section on ‘the clarity of Home Office correspondence’ above, translations of letters and documents need to be provided as needed.

Further to this, and as also explained in our section on ‘the clarity of Home Office correspondence’ above, the language used in correspondence from the Home Office can provide a further barrier to understanding. This makes it possible for important information to be missed. Where a letter is conveying particularly important information (such as that the Home Office is attempting to re-establish contact), further steps are needed to ensure that it has been understood by the recipient, such as following it up by telephone with an interpreter.

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