

Inspection Report Published: A reinspection into failed right of abode applications and referral for consideration for enforcement action

My report concerning failed Right of Abode applications and referral for consideration for enforcement action was sent to the Home Secretary on 23 October 2019.

A Certificate of Entitlement to Right of Abode, obtained by making an application to the Home Office, confirms that a person is “free to live in, and come and go into and from, the United Kingdom without let or hindrance”.

When I looked at this in 2016, at the request of the then Home Secretary, I found that though the numbers were small a significant percentage of refused applications were from individuals who had no right to remain in the UK at the time of applying and there was no consistency about referring these individuals for enforcement action, including where they had been identified as having used deception when applying.

The 2016 inspection report made three recommendations, all accepted by the Home Office, that aimed at ensuring that, where appropriate, failed applicants were referred for enforcement action and that this was done in a consistent fashion and in line with guidance.

The 2019 reinspection found that improvements had been made, but some elements of the original recommendations still remained “Open”, despite previous assurances, and there were further areas where improvements were needed.

According to the evidence provided for this reinspection, the trend in applications received each year is downwards; the refusal rate is low, 10-12% in the last two business years; guidance and Standard Operating Procedures are up-to-date; and, caseworkers are experienced and appear genuinely committed to providing good customer service. With these advantages, the process should be efficient and effective. However, the Home Office needed to improve its record keeping and quality assurance in order to prove that this was indeed the case and to demonstrate that right of abode work fully supports other BICS functions.

The Home Office has accepted my six recommendations, indicating in most cases that it has already taken the necessary actions. Where I asked it to consider alternative approaches I am satisfied that it has done so and accept its conclusions.