

Inspection Report Published: An inspection of the Home Office Presenting Officer function

Certain decisions by the Home Office attract a right of appeal to the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC). The Home Secretary is represented in the FTTIAC by Home Office Presenting Officers (POs) and in the Upper Tribunal by Senior Presenting Officers. This inspection examined the PO function, focusing on staffing, the training, guidance and support available to POs, and Home Office learning from appeals, including feedback to decision-making and policy areas to avert decisions that are likely to result in allowed appeals.

The number of appeals reached a peak of 205,891 in 2008-09. Between 2013 and 2015 the government removed the right of appeal for most types of immigration decision, providing instead an ability to reapply and provide further information or to seek an administrative review – see [An inspection of Administrative Reviews](#)

While the number of appeals fell significantly it has remained high. Since 2017-18, there have been 40-50,000 a year. Figures published by the Ministry of Justice showed that between January and March 2020 the FTTIAC received 10,000 appeals (while the Upper Tribunal received a further 1,500). These large volumes create resource and logistical challenges. Inspectors looked at how the Home Office was managing these challenges, including its involvement in Her Majesty's Courts and Tribunal Service's "Reform Programme", which was aiming to transform the way in which Tribunals worked, primarily through technology-enabled smarter working.

Meanwhile, the composition of the appeals caseload has shifted, with relatively simple entry clearance and family visit visa appeals removed and a larger proportion of more complex cases involving human rights issues and protection claims. The inspection looked at the implications for PO training, support and case preparation time.

Inspectors also looked at stakeholder engagement. There are obvious stakeholders: internally, the Secretary of State and the department need the PO function to be efficient and effective; externally, the same is true of HMCTS and of Tribunal Judges. Appellants and their representatives may be more ambivalent about POs' effectiveness insofar as this translates into upheld decisions, but still need the PO function to work well. More generally, there is the question of public confidence in the integrity of the UK's immigration system, in which an efficient and effective appeals process has to be a key component.

Ultimately, it is in everyone's interests that the PO function is properly resourced and supported, with well-trained, professional staff and reliable ways of working.

The inspection showed that, although the Home Office was making efforts to improve the PO function and the wider appeals process, there was more that it could be doing to professionalise POs, to connect up its processes, and to position itself with its key external stakeholders.

The report was sent to the Home Secretary on 29 October 2020. It contained six recommendations and I encouraged the Home Office to press ahead with implementing them rather than be tempted to defer some actions until further progress had been made with the Reform Programme. I am therefore pleased that the department has not only accepted all of the recommendations but has set out a clear timetable for their implementation.