

## [ILPA's response to the Home Affairs Committee's inquiry into Home Office preparedness for Covid-19 \(Coronavirus\)](#)

### [Background](#)

ILPA is a professional association founded in 1984, the majority of whose members are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-governmental organisations and individuals with a substantial interest in the law are also members. ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law, to act as an information and knowledge resource for members of the immigration law profession and to help ensure a fair and human rights-based immigration and asylum system. ILPA is represented on numerous government, official and non-governmental advisory groups and regularly provides evidence to parliamentary and official enquiries.

### [Summary](#)

We are aware that the Committee has invited submissions on the use of institutional asylum accommodation in particular, and so we have focussed our response on the use of army barracks and the fire incident at Napier. However, our response also addresses the following pertinent issues:

- 'No recourse to public funds'
- Removals
- Covid Visa Concession Scheme
- Exceptional assurance
- EU Settlement Scheme and COVID
- Use of web pages for policy changes

## Institutional accommodation

The Home Office started using army barracks last year, purportedly as a response to Covid-19. People seeking asylum should be housed in communities, not in institutional settings. Whilst barracks are the most extreme form of institutional accommodation, there is ample evidence to show that long term stays in hotels is also completely inappropriate and harmful to people's health.

We are concerned that the Home Office is relying on delays in decision making resulting from Covid-19 as a reason for why people are being housed in unsuitable accommodation. Many of these issues existed before the pandemic.

We believe that the Home Office could be doing more to progress the backlog of asylum cases and thereby relieving the pressure on asylum accommodation. ILPA Members report that cases where decisions could be made are not being progressed by the Home Office. This includes delays on decisions where the interview has taken place, delays on implementing appeal decisions, and deciding cases without an interview where possible (including but not limited to those nationalities that have extremely high grant rates, e.g. the estimated final grant rate in 2019 was 92% for Syria, 95% for Libya, 90% for Eritrea<sup>1</sup>). These are some of the humane and practical alternatives that are available to reduce the pressure on asylum accommodation. Instead, the government has sought to warehouse people in disused army barracks during a pandemic, causing untold harm and putting lives at risk, all unnecessary.

Further, if people seeking asylum were permitted to work while their claims were being decided then this would reduce the need for asylum support to be provided by the government. This is a simple step to take which would allow people to contribute by paying tax and NI, instead of requiring support, and would also support integration and give people a sense of dignity.

---

<sup>1</sup> Outcome analysis of asylum applications <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

We, and other charities, have been asking for a meeting with the Home Office to discuss options for progressing claims, but this has not taken place. It is extremely concerning to see that instead the Home Office is piloting the outsourcing of asylum interviews to private contractors. As outlined above, we believe that better options are available.

We are concerned that the need to facilitate access to lawyers does not appear to have been given any consideration prior to the opening of Penally and Napier, with the result that many men were held there without access to legal advice for lengthy periods of time. Access remains difficult, for example the nearest law firm mentioned in the posters that are up at Penally is approximately one hour 15 minutes' drive away, each way, and the rest are two hours. We understand that the vast majority of people who have managed to be transferred out of Penally and Napier barracks are those who have been assisted by lawyers.

We are aware that there are issues with the initial assessment of whether or not a person can be accommodated in the barracks under the Home Office's own guidance, 'Suitability for contingency accommodation'. The Home Office checks, purportedly designed to 'help ensure that anyone with indicators of vulnerability, modern slavery or exploitation, or significant health issues are not transferred to the sites', are deficient. For example, we know that people who have been identified as potential victims of trafficking have been accommodated in the barracks.<sup>2</sup>

The asylum screening interview is currently being used to decide whether people should be accommodated in the barracks<sup>3</sup>, there are two problems with this.

Firstly, the screening interview is designed to obtain preliminary information about a person's asylum claim, not about what form of accommodation may be appropriate for them.

Secondly, we are aware that the Home Office was using a truncated screening process for months last year which omitted questions that would identify those who may have been trafficked, until the High Court made an Order that they must resume asking those questions.<sup>4</sup>

---

<sup>2</sup> <https://dpglaw.co.uk/asylum-seeker-at-napier-barracks-obtains-court-injunction-that-he-must-be-re-housed/>

<sup>3</sup> UKVI guidance 'Suitability Assessment for Contingency Accommodation' version 6 December 2020, p2

<sup>4</sup> *DA & Ors v The Secretary of State for the Home Department* [2020] EWHC 3080 (Admin) (13 November 2020) <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3080.html>.

It is unclear what processes are in place to identify and relocate to safe accommodation, people who have been erroneously transferred to the barracks, for example those who were subjected to this truncated screening process, nor those who develop vulnerabilities due to the trauma of the barracks. The latter example is an important one, we are already aware of such cases existing, and this is why our position is that the barracks should be closed as they are unsuitable for any person, regardless of their current state of health.

The Equality Impact Assessment carried out in respect of the use of Ministry of Defence Sites to accommodate asylum seekers, dated September 2020, states that on page 11 that: *“There is some PHE evidence that has highlighted the potential increased prevalence of Covid-19 in black, Asian and minority ethnic (BAME) communities”*.

The Public Health England report ‘Disparities in the risk and outcomes of COVID-19’ dated August 2020 puts it rather more starkly, stating:

*“People from Black ethnic groups were most likely to be diagnosed. Death rates from COVID-19 were highest among people of Black and Asian ethnic groups. This is the opposite of what is seen in previous years, when the mortality rates were lower in Asian and Black ethnic groups than White ethnic groups. Therefore, the disparity in COVID-19 mortality between ethnic groups is the opposite of that seen in previous years. An analysis of survival among confirmed COVID-19 cases and using more detailed ethnic groups, shows that after accounting for the effect of sex, age, deprivation and region, people of Bangladeshi ethnicity had around twice the risk of death than people of White British ethnicity. People of Chinese, Indian, Pakistani, Other Asian, Black Caribbean and Other Black ethnicity had between 10 and 50% higher risk of death when compared to White British.”<sup>5</sup>*

---

5

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908434/Disparities\\_in\\_the\\_risk\\_and\\_outcomes\\_of\\_COVID\\_August\\_2020\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf)

The Equality Impact Assessment goes on to state: *“That evidence needs to be balanced against the evidence that infection rates for those receiving asylum support (predominantly members of the BAME community) appear to be low.”* It is unclear where the supporting evidence for this statement is, we do note however that PHE identifies deprivation as a relevant factor in higher mortality rates for Covid-19 in their report (albeit in the context of areas of deprivation).<sup>6</sup>

At page 7 of the Equality Impact Assessment the Home Office appears to justify its failure to inform or consult the NGO sector about the barracks prior to their opening by claiming that it is analogous to normal initial accommodation: *“The Home Office has remained in discussion with NGOs through the NASF forums about the support arrangements for those in full-board initial accommodation - i.e. accommodation with very similar characteristics to the arrangements that are intended to be put in place in Folkestone and Tenby.”* It appears that the Welsh Government was also uninformed at an early stage about the plans, to the extent that they sent an urgent letter to the Home Secretary on 18 September 2020 raising concerns about the suitability of the Penally barracks and asking her to postpone its use.<sup>7</sup> The lack of transparency from the Home Office around decisions that are being made on changes to the asylum system is a key and growing area of concern, and it is difficult to see how this explanation for the failure to discuss the proposals at an earlier stage can be considered rational, as using remote army barracks is clearly very different to other full-board initial accommodation.

The Equality Impact Assessment also states the following on page 9:

*“Destitute asylum seekers with protected characteristics are not analogous to British Citizens and other permanent residents with similar characteristics who are in need of welfare assistance from public funds; so to the extent that asylum support is less generous, this is justified by the need to control immigration. Any provision of support*

---

6

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908434/Disparities\\_in\\_the\\_risk\\_and\\_outcomes\\_of\\_COVID\\_August\\_2020\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf)

<sup>7</sup> <https://gov.wales/sites/default/files/publications/2020-11/atish14343doc1.pdf>

*over and beyond what it necessary to enable the individuals to meet their housing and subsistence needs could undermine public confidence in the asylum system and hamper wider efforts to tackle prejudice and promote understanding within the general community and amongst other migrant groups.*

*The proposal results in placing asylum seekers in areas of the country not previously used to house asylum seekers and there may be impacts on community relations that will need to be carefully managed in partnership with the police, local authorities and others. However, similar issues have arisen recently in respect to the use of hotels, which may well be perceived by the general public as a more generous accommodation option than former MoD barracks. The proposal is therefore consistent with the general objective of tackling prejudice and promoting understanding between people with different characteristics."*

This is under the heading 'Foster good relations between people who share a protected characteristic'. It is unclear how providing substandard accommodation to vulnerable people assists in tackling prejudice. Instead it excludes and 'others' those seeking asylum, separating them from the community. This is the opposite of fostering good relations.

We are aware that the government has carried out a 'rapid review' of initial asylum accommodation with a company called Human Applications.<sup>8</sup> This review should be made public as soon as possible.

### [Napier fire](#)

We have seen the statement made by the Home Secretary<sup>9</sup> stating that it was "an insult" to say that the barracks were unsuitable and for people to complain about conditions which were deemed appropriate for army personnel. We refer to comments made by Johnny Mercer MP in 2019 in relation to the state of army barracks (not Napier) "*Animals would not be housed in such dangerous conditions. It is disgraceful how ministers talk up our armed*

---

<sup>8</sup> <https://questions-statements.parliament.uk/written-questions/detail/2021-01-12/136619>

<sup>9</sup> <https://twitter.com/pritipatel/status/1355207920091344897>

*forces at every opportunity, and yet, away from the spotlight, ask our most loyal public servants to endure totally unacceptable and lethal living environments.”*<sup>10</sup> We are also aware of a report from the National Audit Office published on 3 February 2021 that raises concerns about conditions.<sup>11</sup> We note that Napier was scheduled for demolition prior to being repurposed.<sup>12</sup> Further, those being accommodated in the army barracks at present are not fit and healthy army personnel who are staying there for a short and defined period of time, they are traumatised individuals who have fled their home in order to seek safety in the United Kingdom. The situations are simply not comparable.

In relation to the large outbreak of Covid-19 cases at Napier barracks, while the Home Office initially moved people out<sup>13</sup>, it appears that last week they changed their approach such that no-one was to be transferred out, regardless of their circumstances (for example including those identified as potential victims of trafficking) until the end of the new period of enforced self-isolation. This is despite the fact that The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 have explicit provision for movement during self-isolation to move to different accommodation provided under section 4, 95 or 98 of the Immigration and Asylum Act 1999 where it becomes impracticable to remain where they currently are, or to avoid a risk of harm.<sup>14</sup>

Our understanding of the origins of the fire at Napier is that this was the escalation of a protest that started when people were told that they would not be transferred away from the site. People are understandably scared given the vast numbers of Covid-19 infections on site. We have heard of people sleeping outside as they are too fearful of sharing rooms with several others, who it is quite likely may have Covid-19. It is troubling to hear reports of police in anti-riot gear preventing people from leaving Napier during the fire, although staff were permitted to leave. The Home Office has been explicit that the army barracks are not

---

<sup>10</sup> <https://www.theguardian.com/uk-news/2019/jan/01/army-barracks-not-fit-for-animals-says-tory-mp-after-leaked-fire-safety-report>

<sup>11</sup> <https://www.nao.org.uk/press-release/improving-single-living-accommodation/>

<sup>12</sup> <https://www.kentonline.co.uk/folkestone/news/more-homes-planned-for-mod-land-205150/> and <https://www.kentlive.news/news/kent-news/far-right-mob-make-odd-4533197>

<sup>13</sup> <https://www.theguardian.com/world/2021/jan/26/asylum-seekers-sent-to-hotels-after-covid-outbreak-at-former-uk-army-barracks>

<sup>14</sup> Regulation 2(3)(b)(iv) and (viii) <https://www.legislation.gov.uk/uksi/2020/1045/made>

detention<sup>15</sup>, yet not permitting people to leave the site when it was on fire indicates otherwise. People were forced to remain on site despite the ongoing Covid-19 outbreak, the fire, and the resulting lack of electricity, heating and water. We understand that around a dozen men were moved to Tinsley House following the fire, due to their alleged involvement in the protests, so it clearly is possible to move people. All people currently housed in the barracks should be moved to safe and appropriate accommodation as a matter of urgency.

### No Recourse to Public Funds

The government's response in respect of the No Recourse to Public Funds ("NRPF") restriction remains inadequate. As it has been since March, our primary position remains that NRPF should be lifted from all grants of leave at this time. Notwithstanding that, we believe that it is appropriate to introduce a concession whereby people in the five-year family route to settlement whose income has been negatively impacted due to the pandemic are permitted to access public funds without being forced into the ten-year route to settlement.

The Home Office has introduced a concession for people that allows those whose income has been affected by the pandemic to remain in the five-year route to settlement<sup>16</sup>. Otherwise, many would face being moved into the ten-year route if unable to meet the minimum income requirements. However no concession has been introduced in respect of people who are in the five-year route whose income has been impacted and who as a result require access to public funds.

Our position is that this is a very small ask of the government, with a very large impact on those people affected. To illustrate, if a family who were in the five-year route to settlement lost income due to the pandemic, such that they require access to public funds in order to survive, they could make a Change of Conditions application to the Home Office. This is an onerous application process that requires the provision of a lot of evidence and explanation about the family's finances. If the application is granted, the Home Office will move the family

---

<sup>15</sup> <https://questions-statements.parliament.uk/written-questions/detail/2021-01-25/142956>

<sup>16</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>



out of the five-year and into the ten-year route to settlement. At that point the family will then be able to apply for benefits which will be granted only if they are deemed eligible. The current application fee for this route is £1,033<sup>17</sup> per person and Immigration Health Surcharge of £1,560 (Adult)<sup>18</sup> and £1,175 (Child). The total for a family of four including two children is £9,602 (£4,132 plus £5,470) each time they need to apply. This is a hefty financial penalty to be applied to people who are only in that situation due to their financial struggles resulting from the pandemic.

Due to the inaction on the part of the Home Office, this issue is now being litigated.<sup>19</sup> In our submission to the Committee in April 2020 we raised concerns that “[t]here have been certain areas where the Home Office appears to have taken little action prior to being litigated”.<sup>20</sup> That was in the context of a case which the government subsequently lost.<sup>21</sup> These issues should not be left to the courts to resolve, the Home Office should urgently publish a formal concession for anyone in this situation which permits them to remain in the five year route and to have the NRPF lifted where their income has been impacted due to the pandemic.

## Removals

Refugee resettlement was paused in March 2020 and resumed in December 2020.<sup>22</sup> During the same period of time, the following charter flights were scheduled (some may have subsequently been cancelled):

12 June 2020	Lithuania
23 July 2020	Albania
6 August 2020	Poland
12 August 2020	France and Germany

<sup>17</sup> Application fee, Leave to remain - Other <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-31-january-2021>

<sup>18</sup> Immigration Health Surcharge <https://www.gov.uk/healthcare-immigration-application/how-much-pay>

<sup>19</sup> <https://www.crowdjustice.com/case/the-unity-project-tup/>

<sup>20</sup> <https://ilpa.org.uk/wp-content/uploads/2020/04/200420-HASC-coronavirus-inquiry-ILPA-response-FINAL.pdf> pp 9

<sup>21</sup> *R (W, A Child By His Litigation Friend J) v The Secretary of State for the Home Department & Anor* [2020] EWHC 1299 (Admin) (21 May 2020) <https://www.bailii.org/ew/cases/EWHC/Admin/2020/1299.html>

<sup>22</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-06-25/64881>

26 August 2020	France and Germany
27 August 2020	Spain
3 September 2020	Spain
9 September 2020	Albania
15 September 2020	France and Germany
17 September 2020	Spain
22 September 2020	Germany and Lithuania
24 September 2020	France and Italy
29 September 2020	Finland and Sweden
1 October 2020	France and Spain
6 October 2020	Germany, Austria and Hungary
8 October 2020	Italy and Lithuania
13 October 2020	Sweden and Romania
15 October 2020	France, Spain and Poland
20 October 2020	Pakistan
22 October 2020	Germany, Romania and Belgium
27 October 2020	Ghana and Nigeria
29 October 2020	France and Lithuania
3 November 2020	Austria, Denmark and Sweden
4 November 2020	Poland
5 November 2020	Germany and Netherlands
10 November 2020	France, Belgium and Slovakia
12 November 2020	Albania and Kosovo
17 November 2020	Ghana and Nigeria
19 November 2020	Albania
24 November 2020	Germany, Sweden and Romania
26 November 2020	France and Lithuania
2 December 2020	Jamaica
8 December 2020	Belgium, Germany and Poland
9 December 2020	Germany, Austria and Lithuania
15 December 2020	Pakistan
17 December 2020	Poland

22 December 2020	Albania
------------------	---------

As of 2 February 2021, the Home Office has cancelled three charter flights this year. The flights were scheduled as follows: Albania on 2 February 2021, Albania on 21 January 2021 and Poland on 14 January 2021. We do not have any more information than this, however it appears that there is a problem in relation to the planning of charter flights, and the Committee may wish to investigate the reasons for this.

We have serious concerns about the safety of the people on these flights, for example we know that at least one person who was deported to Jamaica in December 2020 had Covid-19.<sup>23</sup> The charter flight letters contain the following information about Covid-19 arrangements:

***“Covid-19***

*In response to the Coronavirus pandemic (Covid-19), the Home Office have installed additional control measures at Immigration Removal Centres (IRCs) residential short-term holding facilities (RSTHFs), and during the conveyance of returnees from HMPs in line with current Public Health England (PHE) guidance. These control measures have been implemented to mitigate the impact of Covid-19 during the immigration detention, escorting and enforced removal of individuals to their country of origin.*

*For reference, measures that have been put in place in response to the Covid-19 pandemic are set out at Annex A below. The latest guidance for Home Office staff and supplier staff IRCs, RSTHFs, pre-departure accommodation and on escorting about the principles for managing COVID-19 in places of detention is available on the gov.uk website here:*

*<https://www.gov.uk/government/publications/coronavirus-covid-19-immigration-removal-centres>*

---

<sup>23</sup> <https://www.theguardian.com/world/2020/dec/05/prisoner-deported-uk-jamaica-test-covid-19-windrush-coronavirus>

...

### ***Annex A – Example COVID-19 measures in place***

*The Home Office is fully aware of the impact of Covid-19 on returnees and is committed to ensuring that health and safety is paramount at all times whilst detained and throughout the removal process.*

*We are consistently reviewing our strategy to provide support to returnees during the removal process, in accordance with PHE guidance and advice as reflected by the arrangements set out below:*

- *The implementation of at least a 1 metre social distance from other individuals where possible.*
- *The provision of facemasks for detainees to be worn with consent.*
- *The implementation of physical barriers e.g. Perspex or glass screens during interviews.*
- *A rigorous cleaning regime for all equipment after use with antibacterial wipes or suitable antibacterial spray such as Selgiene Extreme Bacterial and Viricidal cleaners.*
- *If suspected of contamination, vehicles used to transport detainees to be taken out of circulation and cleansed by a specialist cleaning company.*
- *Premises to be vacated if suspected of contamination, and specialist cleaning undertaken to provide a deep clean of the area*
- *Ensuring that there is prominently displayed guidance for hand washing, and the availability of antibacterial and alcohol hand sanitisers for individuals.*
- *Strict segregation of symptomatic and non-symptomatic detainees during detention and transporting of detainees to avoid cross infection.*
- *Isolation of symptomatic detainees individually in a room, vehicle or confined location.*
- *In the event of severe or emergency cases, a specialist ambulance to be called to attend and escort the affected individual(s) to hospital.*

- *The conduct of Dynamic risk assessments on all detainees prior to carriage by coach or mini-bus, and the implementation of quarantine and shielding measures where needed.*

*In addition to these measures, FCO travel advice, commercial updates from airlines and information received from UK foreign missions or central foreign authorities have been taken into consideration leading up to the Charter.”*

The wording of the letter and Annex A are identical in letters dated 13 July 2020<sup>24</sup> and 31 January 2021<sup>25</sup>. It is unclear to what extent procedures have been adapted as learning has increased throughout the pandemic. We would have expected to see a changes to the above arrangements in particular following the Jamaican deportation flight, and also in relation to the new variants of Covid-19. It is also unclear to what extent there has been monitoring of whether we have been deporting or removing people with Covid-19 from the UK, and whether it is being transmitted on flights.

### Covid Visa Concession Scheme

We raised the issue of people being stranded outside of the UK due to travel restrictions, and whose visas had subsequently expired before they could return, in our submission to the Home Office on 25 March 2020. We continued to raise this issue over the proceeding months. It was not until 11 January 2021 that the Home Office published the Covid Visa Concession Scheme, which facilitates the return of those who left the UK before 17 March 2020 and who no longer have valid leave.<sup>26</sup> While this policy response is welcome, ILPA is concerned at the extensive delay in implementing a vital policy change. This suggests that the Home Office are not making use of their resources effectively and are not prioritising essential matters.

### Exceptional assurance

---

<sup>24</sup> <https://ilpa.org.uk/home-office-charter-flight-to-albania-on-thursday-23-july-2020/>

<sup>25</sup> <https://ilpa.org.uk/home-office-charter-flights-in-week-commencing-monday-1-february-2021-24-january-2021/>

<sup>26</sup> <https://www.gov.uk/government/publications/coronavirus-covid-19-covid-visa-concession-scheme-cvcs>

There have been delays in updating exceptional assurance, which is a concession allowing people to remain in the UK if they are unable to leave. The Home Office has delayed updating this key policy until the near (or sometimes actual) expiry of the concession. For example, the exceptional assurance policy in place on GOV.UK on 19 November 2020 stated that:

If you intend to leave the UK but have not been able to do so and you have a visa or leave that expires between 1 November and 30 November 2020 you may request additional time to stay, known as 'exceptional assurance' ...

This policy was not updated until 10 December 2020. This is not an isolated incident as in July and August the policy was not updated until it was close to expiry. Such an approach to immigration controls is inappropriate. During the pandemic, people require certainty, not last minute policy changes which have a fundamental impact on their lives. As ILPA stated in our initial response, this approach suggests that the Home Office is prioritising immigration controls over other considerations.

### [EU Settlement Scheme and COVID](#)

The Home Office finally published their guidance to those applying under the EU Settlement Scheme who have been impacted by COVID-19, just over two weeks ahead of the end of the transition period and on 15 December 2020<sup>27</sup>. However, the concessions outlined especially with regards to absences from the UK due to COVID-19 do not go far enough to address the range of reasons why individuals would have been unable to return to the UK.

For example European nationals who left the UK to be with family members because they did not want to be alone during the pandemic and who have spent more than six months out of the UK can find that their eligibility for settled status in the future is impacted as they are not covered by this concession.

---

<sup>27</sup> <https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

We are also concerned about the requirement on individuals to provide evidence, this is a fast moving situation and countries around the world are imposing travel restrictions as and when a particular situation arises e.g.in response to a new variant, with the resulting impact on flight cancellations. An individual could be submitting an application for settled status years from now, are they expected to retain evidence for years to come so that they can present that with their application for settled status as to why they were unable to return to the UK during the pandemic.

A pragmatic approach needs to be taken and a flexible concession introduced so that those who are still overseas do not put their welfare, or that of their family members, at risk by travelling to the UK for fear of losing their status.

### [Use of web pages for policy changes](#)

In the Committee's report, it was stated at paragraph 81 that:<sup>28</sup>

“The Home Office must ensure that clear, unambiguous and up-to-date guidance is made publicly accessible on the Government's website, and that previous versions of guidance are also available for reference. Informal lines of communication between the Home Office and immigration law practitioners are welcome, but they cannot be a substitute for making policy statements available and accessible to the public at large.”

The Home Office have confirmed to ILPA that they will archive and make easily accessible previous versions of the GOV.UK webpages, as well as other policy documents. These pages and policy documents are yet to be archived. In the Home Office's response to ILPA on 17 December, they refer to the fact that these pages are archived by the National Archives.<sup>29</sup> However, there are two issues with this. Firstly, the National Archives do not record each and every version of the guidance. Secondly, many applicants will not be aware that the National

---

<sup>28</sup> <https://committees.parliament.uk/publications/1448/documents/13243/default/>

<sup>29</sup> [https://webarchive.nationalarchives.gov.uk/\\*/https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents](https://webarchive.nationalarchives.gov.uk/*/https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents)

Archives carries out this function. Having access to previous versions of guidance is essential. As the Committee has previously stated, Covid policy guidance should be archived on the Government's website. ILPA maintain that all changes relating to Covid-19 made by the Home Office should be available in a single location. Furthermore, given that individuals may need to refer to the applicable policy at a particular point in time in a future application (many of whom may not be represented), it would be helpful for both individuals and caseworkers to have one document outlining the concessions that were introduced, when were they introduced and who did they cover.

**4 February 2021**