



**ILPA submission to Review of Border and Immigration Agency Statistics on
“Control of Immigration”:**

Introduction:

1. ILPA is a professional association with around 1,000 members, who are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-government organisations and others working in this field are also members. ILPA exists to promote and improve the giving of advice on immigration and asylum, through training, disseminating information and providing evidence-based research and opinion. ILPA is represented on numerous government and other stakeholder and advisory groups.

2. This submission provides responses to matters that arise out of the two-page *Review of Border and Immigration Agency Statistics on ‘Control of Immigration’* paper (“the review paper”), which invites comments by 20 February. These responses are set out under discrete headings below. We also offer some short conclusions at the close of this submission.

Public accountability:

3. The review paper contends that there are contradictory drivers in respect of public accountability, and suggests that “*the greater the volume of data that is made available, the more difficult it can be to see the wood from the trees*”. However, it is not volume that obfuscates key points or any other meaning that can or should be drawn from the data. The following points are relevant here.
 - a. Under- or non-reporting of data in respect of some areas of Border and Immigration Agency (BIA) operations as compared to other areas is a problem – e.g. the relative underreporting of non-asylum statistical data.

- b. A further problem is the format in which data is published, such that effective comparison between separate data sets is not possible. Thus the regionalisation of BIA, to which the review paper refers, ought to be reflected in the data to allow for comparison of the processes and outcomes in different regions. Similarly, data on entry clearance applications ought to allow such comparison.
- c. Any assessment of performance needs to be based on analysis of processes as well as outcomes; and monitoring of processes can in many instances only operate effectively if the data is published in such a way that cohorts can be followed through a process. We note that the need for cohort-based data was one of the eleven recommendations made by the National Statistics Quarterly Review Series, Report No. 46¹, to which the review paper refers; and that this was a recommendation that was specifically highlighted as having a “*substantial priority*”.
- d. We accept that BIA might usefully reflect upon how it announces statistical data. The quarterly announced data could be usefully rebalanced.
- e. However, none of the above requires that there be less volume of publicly available (as opposed to formally announced) data. Indeed, the review paper highlights a particular problem that would be exacerbated if volume is simply reduced. If the data that is made public is insufficient or inadequate, this will merely necessitate more *ad hoc* requests, including Parliamentary Questions and Freedom of Information requests.
- f. As regards *ad hoc* requests, there is sensibly no escaping the need to make detailed management data publicly available. It is clear that BIA needs to collate such information in order to effectively manage

¹ <http://www.statistics.gov.uk/about/data/methodology/quality/reviews/population.asp>

various operations. As such, if data is not made available, BIA can only expect to face both a high incidence of *ad hoc* requests and a general challenge to its reputation arising out of the appearance or reality of BIA's reluctance to demonstrate transparency.

Stakeholder expectations:

4. The review paper rightly identifies stakeholders as a discrete audience for whom statistical data from BIA is of importance. An identified issue is stated as "*stakeholder expectations of continuity of currently published data series.*" However, as is revealed in part by the number of Parliamentary Questions and Freedom of Information requests that BIA receives, stakeholders – including ILPA – are not satisfied that the currently published data series are adequate. We note the following.
 - a. There is a need to preserve a capacity to compare any future data series with those of the past. This does not, however, require that data be presented in the same format as previously; or that only data that has previously been published should be published in the future. There is plainly scope for significantly improving the data that is made publicly available without compromising the capacity for comparison.
 - b. In any event, it is not the case that there has been continuity in the publication of data series in the recent past. In respect of some areas of BIA operations there has been little or no such data. Even in respect of asylum matters, the data series have not been consistent – e.g. see the response from the Bail for Immigration Detainees, which we have seen in draft.

Management information, public accountability and stakeholders:

5. BIA ought to distinguish the purpose for publicly announcing statistical data from the purpose for making data publicly available; and needs to consider the role of management information for others beyond BIA.

6. Whereas regular announcements of data might reasonably be presented in a discrete format, adequate public accountability and transparency of BIA can only be achieved by combining this with ensuring that more detailed data is made available. Whereas the general public may have no need or wish to have to interrogate very detailed data in order to appreciate some general and more headline conclusions, stakeholders have more specific needs that are not addressed by data that supports no more than general or headline conclusions.

7. Indeed, if BIA is to fulfil its commitment to stakeholder engagement, it is necessary that the data made available complements the discourse between BIA and stakeholders. BIA has published a *Stakeholder Team, Joint Statement – Our Relationship with External Stakeholders*², in which the following is identified as a shared vision.

“Border and Immigration Agency’s stakeholders are able to contribute a wealth of experience and expertise on working with migrants and asylum seekers distinct from that of Border and Immigration Agency and the wider Home Office. In the development and delivery of immigration and asylum policies and services, Border and Immigration Agency and its stakeholders have distinct but often complementary roles and perspectives. Border and Immigration Agency recognises and values the input and the contribution that stakeholders make to achieving the best policy solutions and their effective delivery.

“Both Border and Immigration Agency and its stakeholders can play a positive role, by communicating with the media and the public to help improve understanding of the key issues and move towards a more positive public debate. This in turn will support the objectives of social cohesion and integration for those who live in the UK.”

8. This vision correctly identifies the value of stakeholders sharing their experience and expertise for the purpose of achieving the best policy solutions and their effective delivery, and improving the general understanding of the key issues. However, this vision is only attainable in circumstances where the dialogue between BIA and stakeholders is informed by detailed statistical data, which:

²http://www.ind.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/stakeholders/stakeholder_principles.pdf

- a. ensures or facilitates a mutuality of understanding of the effectiveness and effects of BIA policies and practices such that there is a sufficiently informed and shared basis for dialogue; and
- b. enables comparison across related operational centres (e.g. between different BIA regions, between different entry clearance offices), comparison of operations year on year and consideration of processes by reference to cohort-based data that allows specified data-sets to be followed through processes (e.g. the asylum process) identifying outcomes at various stages, reasons for outcomes and speed of progress through processes.

Public and users' expectations:

9. In addition to the need to supply stakeholders with data for the purposes of effective stakeholder engagement, there is a need to make certain data (e.g. as to speed of processing of applications for entry clearance) available so that public users' are properly managed and informed.

Other agency's data:

10. Although not the subject of this review, there would be value to BIA and stakeholders (and the dialogue between BIA and stakeholders) if similar thought were given to improving the availability and quality of statistical data available from other agencies – e.g. the Asylum and Immigration Tribunal and the Legal Services Commission.

Conclusions:

11. Having regard to the foregoing we offer the following conclusions.
 - a. There is an immediate need for BIA to engage stakeholders in dialogue as to what statistical data can and should be made available. For that dialogue to be effective there needs to be open discussion surrounding the information and data storage systems available to BIA. As with other stakeholders, we would welcome an opportunity to work with

BIA and other stakeholders – e.g. in a workshop environment – to identify and develop capacity and usefulness of data.

- b. A number of general observations regarding immigration data bear repeating in summary – (i) need for greater use of cohort-based data; (ii) need to develop capacity for adequate comparisons across related operational centres; and (iii) need to enhance provision of data in all areas of BIA operations, especially non-asylum operations.
- c. Rebalancing publicly announced statistics (e.g. the quarterly statistics) does not require and should not be used as an excuse for reducing the availability of data.
- d. Generally, making data available is a vital aspect of accountability and transparency, and of effective stakeholder arrangements.

20 February 2008