

Rt Hon James Cleverly MP  
Secretary of State for the Home Department  
2 Marsham Street  
Westminster  
London  
SW1P 4DF

By email, cc Diana Johnson MP, Chair of the Home Affairs Select Committee

26<sup>th</sup> February 2024

Dear Home Secretary,

It is with great alarm that we, as people with lived experience of the UK immigration system and representatives of civil society organisations, write to you regarding the dismissal of the Independent Chief Inspector of Borders and Immigration. We are deeply concerned that the Independent Chief Inspector's dismissal demonstrates a disregard for the critical role the inspectorate performs in scrutinising immigration operations, and risks removing a key oversight mechanism just as the UK asylum system enters a period of unprecedented change. We call on you to urgently appoint a new Independent Chief Inspector, and to re-appoint David Neal whilst the post remains vacant to ensure a smooth transition.

The impact of the decision to terminate the Independent Chief Inspector's contract early and without a contingency plan in place must not be underestimated. Two vital inspections are currently underway but, in the absence of a Chief Inspector, the reports of these inspections cannot be submitted to you for publication. One concerns contingency asylum accommodation, including the use of the Bibby Stockholm barge, former RAF sites including Wethersfield, and the continued use of hotels. The other concerns the Immigration Enforcement Competent Authority, relating to the handling of modern slavery and human trafficking claims, including from those subject to inadmissibility provisions and facing removal to Rwanda. We anticipate that both of these inspections will raise issues of very serious concern to the Government, and deserving of public and parliamentary attention.

It is also unclear whether the inspectorate will be able to commence any new inspections, and it will not be able to conduct any formal public engagement, for example through providing evidence to parliamentary committees, whilst the Chief Inspector position remains vacant. This will create a vacuum of independent oversight and accountability just as your department seeks to pass the Safety of Rwanda (Immigration and Asylum) Bill, ratify the treaty with Rwanda and implement key provisions of the Illegal Migration Act 2023 that will effectively close down access to the UK asylum system. In a period of such significant change, which brings with it the risk of numerous human rights violations, including denial of access to justice, independent scrutiny could not be more important.

Effectively disabling independent scrutiny of a highly controversial policy area constitutes yet another step towards the erosion of government accountability, and follows close behind similar moves to weaken judicial oversight and limit people's power to protest. Such actions fundamentally undermine our democratic society.

The outgoing Chief Inspector and his team have delivered their important function with integrity, professionalism and impartiality over the last three years. Many of the signatories below have worked closely with his team to support their inspection work and to provide evidence from our own frontline services. For many of those with lived experience of the immigration system, the inclusive approach

taken by David and his team meant that they have felt heard and that their unique perspectives are reflected in the recommendations for improvement of the immigration system.

We share the concerns that the outgoing Chief Inspector raised in his evidence to the Home Affairs Select Committee in November 2023, in which he made clear his frustration with the Home Office's failure to publish the inspectorate's reports within the agreed 8 week target. We note with grave concern that it has taken your department 16 weeks on average to publish these reports, and that 15 are currently awaiting approval. We are further concerned that, even when published, the Home Office has failed to respond in a timely manner to many reports, and little information has been shared about implementation of recommendations and progress towards addressing accepted failings.

We are also deeply concerned about the decision of the previous Home Secretary to abandon the commitment the Government had made in response to the recommendation in the Windrush Lessons Learned Review to conduct a review of the Chief Inspector's role and remit. This review was considered essential to addressing some of the inconsistencies and inefficiencies associated with the legislative framework defining his role, not least of which is the question of whether he can publish his own reports.

The failure to publish reports on time and the reluctance of Home Secretaries and Ministers to engage with the Chief Inspector predates your own appointment, but appears to be worsening. It can only be interpreted as a symptom of a growing disengagement by the Government with the Inspectorate for Borders and Immigration specifically, and a disregard more broadly for independent oversight mechanisms and the very principle of accountability. The Chief Inspector's dismissal and the gap in scrutiny that it creates comes in the wake of unacceptable gaps in the appointment of Home Office commissioners relating to victims of crime and modern slavery, as well as the abandonment of several other key commitments to reform made in the wake of the Windrush scandal.

We welcome your commitment to publish the outstanding reports and formal government responses and request that you do so without further delay, in the spirit of transparency and accountability to which you are bound. We also welcome the news that recruitment to the post of Independent Chief Inspector has begun and we urge you to accelerate that process so that a Chief Inspector is in place before the Rwanda scheme is implemented. We ask that you reinstate David Neal to the post of Chief Inspector while that recruitment is pending and that you additionally appoint a Deputy Chief Inspector to ensure continuity between appointees. Finally, we ask that you reverse the decision of the former Home Secretary and commit once again to conduct an urgent review of the role and remit of the Independent Chief Inspector of Borders and Immigration.

Yours sincerely,

Sonya Sceats, Chief Executive, Freedom from Torture

Praxis

Joint Council for the Welfare of Immigrants

Natalia Byer, Polish Migrants Organise for Change (POMOC)

Hope at Home

Latin American Women's Rights Service (LAWRS)

Focus on Labour Exploitation (FLEX)

Association of Visitors to Immigration Detainees (AVID)

Greater Manchester Immigration Aid Unit (GMIAU)  
Immigration Law Practitioners' Association (ILPA)  
Alan Robertson, Interim CEO and Lewisham Refugee and Migrant Network (LRMN)  
Indre Lechtimiakyte, Samphire  
Refugee and Migrant Forum of Essex and London (RAMFEL)  
Asylum Welcome  
Migrants' Rights Network  
Medical Justice  
Jesuit Refugee Service UK  
Voices in Exile  
Doctors of the World UK (Simon Tyler, Executive Director)  
Liberty  
Helen Bamber Foundation  
Kolbassia Haoussou MBE, Cofounder of Survivors Speak OUT Network  
Enver Solomon, Chief Executive, Refugee Council  
Stuart Hearne, Director, Islington Law Centre  
Care4Calais  
Rainbow Migration  
William Gomes, Director, The William Gomes Podcast  
the3million  
Cambridge Refugee Resettlement Campaign  
Cambridge Convoy Refugee Action Group  
Refugee Action  
Greater Manchester Immigration Aid Unit  
Friends of the Drop In (FODI Sunderland)  
Migrant Voice  
Stand For All  
Settled  
Asylum Matters  
The Snowdrop Project  
Detention Action

Safe Passage International

After Exploitation

Women for Refugee Women

Sabir Zazai, Scottish Refugee Council

Pierre Makhoulf, Legal Director, Bail for Immigration Detainees

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