



UK Borders Act 2007

2007 CHAPTER 30

Border and Immigration Inspectorate

48 Establishment

- (1) The Secretary of State shall appoint a person as Chief Inspector of the Border and Immigration Agency.
- (2) The Chief Inspector shall monitor and report on the efficiency and effectiveness of the Border and Immigration Agency; in particular, the Chief Inspector shall consider and make recommendations about—
 - (a) consistency of approach within the Border and Immigration Agency,
 - (b) the practice and performance of the Border and Immigration Agency compared to other persons doing similar things,
 - (c) practice and procedure in making decisions,
 - (d) the treatment of claimants and applicants,
 - (e) certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim),
 - (f) compliance with law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions),
 - (g) practice and procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure),
 - (h) the provision of information,
 - (i) the handling of complaints, and
 - (j) the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.
- (3) In this section “the Border and Immigration Agency” means—
 - (a) immigration officers, and

- (b) other officials of the Secretary of State, and the Secretary of State, in respect of functions relating to immigration, asylum or nationality.
- (4) The Chief Inspector shall not aim to investigate individual cases (although this subsection does not prevent the Chief Inspector from considering or drawing conclusions about an individual case for the purpose of, or in the context of, considering a general issue).

49 Chief Inspector: supplemental

- (1) The Secretary of State shall pay remuneration and allowances to the Chief Inspector.
- (2) The Secretary of State—
- (a) shall before the beginning of each financial year specify a maximum sum which the Chief Inspector may spend on functions for that year,
 - (b) may permit that to be exceeded for a specified purpose, and
 - (c) shall defray the Chief Inspector's expenditure for each financial year subject to paragraphs (a) and (b).
- (3) The Chief Inspector shall hold and vacate office in accordance with terms of appointment (which may include provision about retirement, resignation or dismissal).
- (4) The Chief Inspector may appoint staff.
- (5) A person who is employed by or in any of the following may not be appointed as Chief Inspector—
- (a) a government department,
 - (b) the Scottish Administration,
 - (c) the National Assembly for Wales, and
 - (d) a department in Northern Ireland.

50 Reports

- (1) The Chief Inspector shall report in writing to the Secretary of State—
- (a) once each calendar year, in relation to the performance of the functions under section 48 generally, and
 - (b) at other times as requested by the Secretary of State in relation to specified matters.
- (2) The Secretary of State shall lay before Parliament a copy of any report received under subsection (1).
- (3) But a copy may omit material if the Secretary of State thinks that its publication—
- (a) is undesirable for reasons of national security, or
 - (b) might jeopardise an individual's safety.

51 Plans

- (1) The Chief Inspector shall prepare plans describing the objectives and terms of reference of proposed inspections.
- (2) Plans shall be prepared—
- (a) at prescribed times and in respect of prescribed periods, and

- (b) at such other times, and in respect of such other periods, as the Chief Inspector thinks appropriate.
- (3) A plan must—
 - (a) be in the prescribed form, and
 - (b) contain the prescribed information.
- (4) In preparing a plan the Chief Inspector shall consult—
 - (a) the Secretary of State, and
 - (b) prescribed persons.
- (5) As soon as is reasonably practicable after preparing a plan the Chief Inspector shall send a copy to—
 - (a) the Secretary of State, and
 - (b) each prescribed person.
- (6) The Chief Inspector and a prescribed person may by agreement disapply a requirement—
 - (a) to consult the person, or
 - (b) to send a copy of a plan to the person.
- (7) Nothing in this section prevents the Chief Inspector from doing anything not mentioned in a plan.

52 Relationship with other bodies: general

- (1) The Chief Inspector shall cooperate with prescribed persons in so far as the Chief Inspector thinks it consistent with the efficient and effective performance of the functions under section 48.
- (2) The Chief Inspector may act jointly with prescribed persons where the Chief Inspector thinks it in the interests of the efficient and effective performance of the functions under section 48.
- (3) The Chief Inspector may assist a prescribed person.
- (4) The Chief Inspector may delegate a specified aspect of the functions under section 48 to a prescribed person.

53 Relationship with other bodies: non-interference notices

- (1) Subsection (2) applies if the Chief Inspector believes that—
 - (a) a prescribed person proposes to inspect any aspect of the work of the Border and Immigration Agency, and
 - (b) the inspection may impose an unreasonable burden on the Agency.
- (2) The Chief Inspector may give the prescribed person a notice prohibiting a specified inspection.
- (3) The prescribed person shall comply with the notice, unless the Secretary of State cancels it on the grounds that the inspection would not impose an unreasonable burden on the Agency.
- (4) A notice must—

- (a) be in the prescribed form, and
 - (b) contain the prescribed information.
- (5) The Secretary of State may by order make provision about—
- (a) the timing of notices;
 - (b) the publication of notices;
 - (c) the revision or withdrawal of notices.

54 Abolition of other bodies

The following shall cease to have effect—

- (a) section 19E of the Race Relations Act 1976 (c. 74) (monitor of immigration exception),
- (b) section 34 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (Monitor of Accommodation Centres),
- (c) section 111 of that Act (monitor of certification of claims as unfounded), and
- (d) section 142 of that Act (Advisory Panel on Country Information).

55 Prescribed matters

- (1) In sections 48 to 53 “prescribed” means prescribed by order of the Secretary of State.
- (2) An order under any of those sections—
- (a) may make provision generally or only for specified purposes,
 - (b) may make different provision for different purposes, and
 - (c) may include incidental or transitional provision.
- (3) An order under any of those sections prescribing a person may specify—
- (a) one or more persons, or
 - (b) a class of person.
- (4) An order under any of those sections—
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

56 Senior President of Tribunals

- (1) At the end of section 43(3) of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (report by Senior President of Tribunals) add—
- “, and
- (e) cases coming before the Asylum and Immigration Tribunal.”
- (2) In exercising the function under section 43 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) the Senior President of Tribunals shall have regard to—
- (a) the functions of the Chief Inspector of the Border and Immigration Agency, and
 - (b) in particular, the Secretary of State’s power to request the Chief Inspector to report about specified matters.