

Deporting High Harm foreign criminals: Operation Nexus

‘Non-convictions: Little-known Police-Home Office initiative revamps intelligence-led deportation’

Dr Melanie Griffiths and Candice Morgan, University of Bristol

About the research

Operation Nexus, a little-known interagency arrangement between the police and Home Office, is changing the UK’s approach to deportation. It is framed as targeting ‘High Harm’ foreign national offenders (FNOs). But Nexus also classifies people as FNOs on the basis of ancient, spent and petty convictions, as well as ‘non-convictions’ such as police encounters, acquittals and withdrawn charges.

Nexus was piloted in London in 2012, and then rolled out to the Midlands, Manchester, Hampshire, Avon and Somerset, and Sussex. Details vary regionally but include stationing Immigration Officers in police custody suites and conducting immigration checks on everyone arrested. 3,000 FNOs were removed in 2012-15 under Nexus, with the figure expected to increase after Brexit, when EU citizens become subject to British immigration rules.

As part of a wider 4-year study into mixed-immigration status families, researchers observed over 30 deportation and immigration legal hearings, including several Nexus-related immigration appeals in 2015-16.



© Themba Lewis

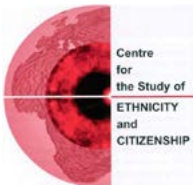
Policy implications

- **Policing:** Public safety and social cohesion requires a clear distinction between immigration and policing. Government should direct the police to prioritise community relations over immigration objectives. The police should not pass on victim and witness details to the Home Office.
- **Access to justice:**
 - » Nexus-related legal hearings require greater procedural protection than usually provided by the administrative tribunal. At a minimum, the criminal standard of proof should be employed.
 - » Intelligence-led deportation should be suspended in favour of criminal conviction-led processes that genuinely focus on high-harm offenders.
 - » Legal aid should be reinstated for deportation challenges.
- **Young people:** given the nature of youth offending, risk of systemic bias and gravity of deportation, individuals under 21 years should not be subject to Operation Nexus. Failing this, individuals under 21 should be assigned Social Workers and be subject to a flexible age of majority, with individual assessment of moral and psychological maturity.
- **Vulnerable people** should be exempt from intelligence-led deportation, including those who have been in the care system, have learning difficulties or been granted refugee or subsidiary protection status.

Key findings

- **Function creep:** Nexus expands the ‘foreign criminal’ category. Despite the high-harm rhetoric, Nexus also classifies low-level, petty and historical offenders as FNOs, as well as those alleged to have a ‘criminal character’ or ‘criminal lifestyle’.
- **Barriers to policing:** Nexus risks undermining community/police relations and the reporting of crime and abuse. Trust in the police is harmed by building deportation cases on police contact, embedding Immigration Officers in police stations and cross-departmental information sharing.
- **Legal vulnerability:** Appellants are denied the protections of the criminal courts, with Nexus-related appeals held in the administrative tribunal. Lower evidential requirements permit ‘non-conviction’ evidence, such as hearsay, anonymous allegations and circumstantial evidence. Moreover, legal aid cuts mean that affected individuals might not receive any legal advice or representation.
- **Discrimination:** Nexus extends immigration enforcement repercussions to populations already overrepresented in the Criminal Justice System, such as black and minority ethnic youth and East Europeans. Disproportionate representation is further risked by building deportation cases on gang membership allegations and police encounters like stop-and-searches, withdrawn charges and arrests made in error or not leading to charges.

Operation Nexus is framed as targeting ‘High Harm’ foreign national offenders (FNOs), but also draws in low-level, petty and historical offenders, as well as those merely alleged to have ‘criminal character’ on the basis of ‘non-conviction’ evidence such as anonymous allegations and circumstantial evidence.



Further information

Project website (including main report and additional policy briefings):

www.bristol.ac.uk/ethnicity/projects/deportability-and-the-family

GRIFFITHS, M. 2017. Foreign, Criminal: Doubly Damned Modern British Folkdevil. *Citizenship Studies*, 21, 527-546 Available: <http://bit.ly/2zCLiFm> (open access)

HOME OFFICE. 2017. *Operation Nexus: High Harm*. London, Home Office. Available: <http://bit.ly/2i8u8Zg>

LUQMANNI THOMPSON & PARTNERS. 2014. *Operation Nexus: Briefing Paper*. Available: <http://bit.ly/2zPpKGi>

Contact the researchers

Dr Melanie Griffiths (University of Bristol) melanie.griffiths@bristol.ac.uk

Candice Morgan (University of Bristol) candice.morgan@bristol.ac.uk