



**THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR'S REPORT
ON THE USE OF COUNTRY OF ORIGIN IN DECIDING
ASYLUM APPLICATIONS: A THEMATIC REVIEW**

June 2011

The UK Border Agency thanks the Independent Chief Inspector for recognising the commitment of the Agency's staff to making the right decisions in this very challenging area of work. In his report, 'The use of country of origin information in making asylum decisions: A thematic Review' the Independent Chief Inspector highlights areas of good practice whilst also identifying where the Agency can go further to make progress. The Agency particularly welcomes recognition of the following areas of good practice:

- Country of origin information (COI) reports consistently regarded positively by staff, both in the way they are written and the level of information provided. They are viewed as objective and containing information from a reliable set of sources.
- Staff and managers consistently described the COIS request service as prompt and informative, with all requests archived and available via the Agency's intranet.
- The very useful and productive engagement between UNHCR and the UK Border Agency in developing a quality assurance framework.
- Provision of feedback to case owners and monthly regional and national reports to identify trends and best practice aimed at continuous improvement in quality.

The qualities highlighted by the Independent Chief Inspector have also been recognised internationally. Our world-class quality assurance process, which is fully endorsed by the UNHCR, continues to drive improvements in quality and efficiency, demonstrating our commitment to ensuring the right decision is made, at the first time of asking. This is recognised by the European Commission who fund the Agency to share and promote quality assurance processes through practical cooperation in Europe, at the request of UNHCR.

Our quality audit process has already identified similar issues around the use of COI to those highlighted by the Independent Chief Inspector and we have already taken some practical steps to ensure case owners source and use relevant information in the most appropriate and efficient way. We have introduced standard checklists to promote consistency, a trend analysis tool to support strong performance management and a quality intranet website providing convenient access to all the information case owners need to deliver what is expected of them.

Whilst the Agency already produces high quality decisions we recognise there is always room to improve. Process improvements driven by the Asylum Improvement Project (AIP) have already had a positive impact on performance and we are developing a more structured approach to decision-making that will significantly improve the way case owners' access relevant information. We intend to build these improvements into our unified case working system for asylum as part of the Immigration Case Work (ICW) programme by 2013. We are grateful to the Independent Chief Inspector for his considered recommendations and our response to each is set out below.

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report.

The UK Border Agency response to the recommendations:

1. **Recommendation 1:** Removes country of origin information from policy documents.
 - 1.1 THE UK BORDER AGENCY DOES NOT ACCEPT THIS RECOMMENDATION.
 - 1.2 Operational Guidance Notes (OGNs) have an important role in ensuring consistency in decision making by setting out the relevant considerations in determining various categories of asylum claims from the country concerned. Without the inclusion of relevant country information, OGNs would be far less effective in supporting caseowners

to reach high quality decisions and simply a set of assertions without any evidence base or context. This also assists transparency. It enables the applicant and their legal representatives to have a clear view from the published OGN of the weight we are putting on elements of country information and how we are guiding caseowners in the use of Country of Origin Information. We therefore believe it right to continue including appropriate country information in OGNs.

- 1.3 We are committed to making sure OGNs refer to the most up-to-date information produced by COI service. The OGNs give an indication of the range of relevant material that should be considered. It is made clear to case owners – and set down in the introduction to OGNs - that they must refer to the original and latest COI service product and use it in conjunction with the guidance contained in the OGN. This is because the COI contained in the OGN is not intended to be comprehensive, rather to act as an indication of the range of relevant material that should be considered. Regarding the observation that information included in the OGNs is selective, it is a challenge we face in providing suitable guidance against the nature of all country information being (a) historic (b) negative and (c) often contradictory. Whatever source is included is open to the charge of being selective. Rather than present or, ‘dress country information as policy’, the country of origin information is very clearly sourced as such and is separated from, for example, case law, which is also cited in the documents, and the conclusions which provide case owners with guidance on the handling of the particular category of claim concerned.
 - 1.4 As regards the specific OGNs mentioned in the report, the Afghanistan OGN was last updated in March 2011 and work is currently in hand to update the Uganda OGN and this will be issued shortly. Prior to their publication, draft OGNs are circulated for comment to relevant internal units. As part of this process, COI service is invited to comment and make suggestions as to the COI contained within OGNs. However, COI contained within OGNs can sometimes be different from the COI service country reports due to:
 - new information emerging after the COI report has been published
 - information being contained in responses to COI requests rather than the COI report
 - Information having been suggested for inclusion by an external body
 - 1.5 We acknowledge that some external stakeholders oppose the conclusions reached in OGNs or object to the case law reflected in them. On the other hand, other external stakeholders are working closely with us on OGNs to improve their quality.
- 2. Recommendation 2:** Rationalises its documentation containing country information; and ensures that up-to-date country information is set out factually and consistently in any documentation.
- 2.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION IN PART.
 - 2.2 As indicated above in our response to Recommendation 1, we do not believe we should rationalise documentation containing country information in the sense of removing that information from OGNs. We do, however, accept that we should aim to co-ordinate the timetabling of the COI report and the OGN and are committed to moving to this position. We already do this whenever possible and continue to explore ways in which the production of these documents can be better coordinated. That said, some situations will remain where this is not possible. For example, where there is a need to reissue an OGN to reflect new case law handed down by the courts which cannot wait until the next COI Service report is completed.

2.3 We are constantly looking at ways to make our country-based guidance clearer and more effective, in particular that it can be accessed and maintained online quickly. This approach is reflected by the wider review of casework guidance as part of the Asylum Improvement Project (AIP), which aims to ensure case owners have all the available information they require at their disposal and thereby deliver consistent and accurate decisions.

3. **Recommendation 3:** Collates information on the basis of each claim to ensure collective knowledge is preserved and used appropriately by case owners; and makes explicit reference in COIS reports where research has been conducted but no relevant information found.

3.1 The UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION IN PART.

3.2 We recognise the need to ensure collective knowledge is retained and used to maximise efficiency. There is a process in place for case owners to follow where a lack of information around the particular circumstances of the claim leads to the need for further research. This process requires case owners to consult existing reports, responses to COIS requests available on our knowledge base and local Senior Caseworkers (SCWs) to check that information has not already been researched and made available. When these avenues are exhausted case owners can conduct their own research but must check with SCWs and/or COIS before relying upon information obtained. We will make sure our guidance is updated to make it clear that information obtained and used as part of this process needs to be preserved and used appropriately by case owners.

3.3 In the longer term, as part of our Immigration Case Work (ICW) programme we are aiming to collate much more information electronically to ensure we capture claim profiles more easily. We are in the process of piloting a more structured approach to decision making that will provide a more efficient way of accessing the information case owners require to deliver accurate and well reasoned decisions and better ways of recording relevant information to preserve knowledge.

3.4 In regard to stating that no relevant information has been found in COI Reports, we do not accept that this is appropriate. We put considerable effort into researching reports, focussing on the main human rights issues arising in claims, and it is rare that there is no information on a particular subject relevant to the decision making process. Nevertheless, given the complexities of countries and the variety of issues arising in asylum claims, it is not possible for reports to be completely comprehensive or provide detail on all matters that might arise in casework (indeed we provide links to sources for further detail). This is why we offer UK Border Agency officials access to the information request service, so that issues that aren't covered or where there is little depth of information in reports can be further researched as required.

3.5. If, however, we are unable to find information which is relevant to decision making via desk-based research we can, and do, approach the Foreign and Commonwealth Office to undertake investigations on our behalf. We also ask European COI colleagues, and have, on occasion, conducted fact finding missions to obtain information that is otherwise not readily available. Should it not be possible to obtain information from these sources/methods of research, then we can quote the findings of these sources in the respective COI Report.

4. **Recommendation 4:** Sets clear guidelines for case owners in researching COI where the COI already available does not meet the requirements of the individual case.
 - 4.1 THE UK BORDER AGENCY ACCEPTS AND HAS ALREADY IMPLEMENTED THIS RECOMMENDATION.
 - 4.2 We already have instructions that set out what case owners should do if they are unable to find the case-specific information in existing COI products: they are required to consult colleagues locally and, if the information is still not available, then contact COIS, which will research the matter. We will review the instructions and reissue to case owners.
 - 4.3 We also provide guidance on researching COI. Case owners receive substantial training on the information and skills needed to make well reasoned decisions supported by subjective evidence and objective information. As part of the foundation training course case owners are advised on types of objective evidence, reliability, scope and accuracy of sources. Case owners are specifically advised that if they are still in need of further information, they can conduct individual research but they must carefully analyse the sources used and check them with a Senior Caseworker (SCW) and/or COIS before use.
 - 4.3 Case owners also have online access to guidance entitled 'Research methods of key COI sources' which provides further guidance on core sources used by COIS when compiling their products. We do however recognise the importance of consistent research and will continually strive to ensure that case owners have clear guidance to follow to ensure this. We have already issued a desk note that includes information on researching and referencing COI and will ensure we further communicate existing guidance on the list of sources that should be referred to.
5. **Recommendation 5:** Develops a list of appropriate sources of country information in conjunction with stakeholders which should be used both alongside and in the absence of information from COIS.
 - 5.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION AND HAS ALREADY IMPLEMENTED ACTION.
 - 5.2 We have produced a list of useful general sources, which is currently available on the Home Office intranet and is included as a link in our guidance desk note on using COI. We have revised the source list and have placed it on the UK Border Agency website. We also welcome corporate partners to make suggestions to add to this list.
6. **Recommendation 6:** Strengthens its country information by liaising with, and obtaining information from other relevant governments departments.
 - 6.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION AND HAS ALREADY IMPLEMENTED ACTION.
 - 6.2 We already have substantial contact with the FCO – we referred around 12% of the 1,500+ information requests submitted to COIS in 2010/11. We will contact other government departments to see what relevant information they may be able to provide.
7. **Recommendation 7:** Establishes a knowledge base for lower intake asylum countries to ensure consistency of approach and efficient processing.

7.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION.

7.2 We currently have a COI information request service which provides response to specific enquiries for information not available in existing COI products. This is a tool that can be used for lower intake asylum countries. The answers to requests are archived on the country information and guidance pages of Horizon. We recognise, however, that we need to improve the archiving mechanism to ensure specific requests can be clearly located and will work on a consistent approach that is easily identifiable.

8. Recommendation 8: Produces COIS report for those appearing in the top 10 nationalities within non-suspensive appeals process and the detained fast rack, reviewed every six months.

8.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION AND HAS ALREADY IMPLEMENTED ACTION.

8.2 During 2010 we expanded our range of country reports to cover the top 20 countries generating asylum seekers, plus countries where there was particular operational need. Since July 2010 we have published COI Reports which include the top 10 countries dealt with on the detained fast-track (DFT) process and the top 10 fully or partially NSA designated countries (based on statistics for 2010).

8.3 We will continue to publish COI Reports on the top 10 countries handled in the DFT process and the top 10 countries appearing within the NSA process. We will review and aim to produce at least one report per year on these countries subject to resources and business priorities.

9. Recommendation 9: Ensures country information in reason for refusal letters is relevant to the individual claim under consideration.

9.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION AND HAS ALREADY TAKEN ACTION THROUGH ESTABLISHED QUALITY ASSURANCE PROCESSES.

9.2 We provide detailed guidance to case owners on what needs to be included in reasons for refusal letters and this includes reference to considering individual claims in light of all relevant evidence available but we will review our instructions to make sure this is more explicit in relation to COI by the end of July. Our case owners receive substantial training on the information and skills needed to make well reasoned decisions supported by subjective evidence and objective information. This training is classroom based and includes practical case studies covering the use of country information. Our quality assurance process has already identified issues around the use of COI and continues to provide further support to case owners through timely feedback and work with local managers to implement recommendations aimed at driving improvements generally and ensuring country information used in decisions is concise and relevant.

10. Recommendation 10: Ensures all sources of COI are referenced consistently in decisions and that links to websites in COIS reports are up to date.

10.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION.

- 10.2 We provide guidance to case owners on referencing country of origin information used in decision letters. This is contained in our asylum instruction, '[Considering the asylum claim and assessing credibility](#)'. We have also introduced a one page decision checklist that sets out requirements to fully source objective evidence used in support of a decision. Whilst this guidance is in place, we recognise there is a need to explicitly set out expected referencing standards and provide examples to promote consistency across all regions. We will revise our instructions to include this by July 2011 and promote accurate referencing through the quality assurance process.
- 10.3 All COI Reports are regularly revised, and this includes updating web links. The Reports are then carefully edited and proofed before being published. This process includes checking the integrity of external web links. Inevitably as a COI Report ages some of its web links 'erode': the website address changes, disappear or the content is moved onto a different page or website. Where a web link no longer works and the Report is not due to be revised, case owners can contact COIS to obtain the correct web link or the document referred.
- 11. Recommendation 11:** Ensures its quality audit identifies appropriate use of country of origin information and reviews allowed appeals to identify whether use of COI was a contributing factor.
- 11.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION.
- 11.2 The UK Border Agency welcomes reference made in the report to the very useful and productive engagement between UNHCR and the Agency in developing quality assurance processes and the need for this to continue. We agree that quality is essential and believe we already demonstrate high standards of case work but we recognise there is always room to improve and are committed to driving further improvements in quality and efficiency. As part of our current audit framework we measure decision quality against set criteria and standards agreed with UNHCR. This allows us to identify good practice and key concerns, including issues around the use of COI in decisions. As the Independent Chief Inspector notes in paragraph 10.5 of his report, we provide feedback directly to individual case owners on every case audited and produce monthly regional and national reports with the aim of improving all aspects of our casework, including but not limited to the appropriate use of COI in our decisions.
- 11.3 We recognise there are some issues around the use of a strict scoring mechanism to measure decision quality and we are already in the process of reviewing our current framework, in conjunction with UNHCR, to ensure key aspects of the decision making process are given appropriate weight and all issues impacting quality are identified. As part of this review we are looking at how to build appeals analysis into our assurance framework as a business as usual function. This will ensure we are able to highlight to case owners the impact of a decision at appeal as part of the regular feedback process.
- 11.4 We are currently undertaking specific work to build a comprehensive understanding of the reasons why appeals are allowed, including whether use of COI was a contributing factor. Following successful pilots in two regions we rolled out an allowed appeals reduction plan in April that aims to quantify and analyse the reasons why decisions are overturned. We have also linked quality scores to appeal outcomes and we are currently undertaking further analysis of all allowed appeals where the decision was considered well reasoned. Early indications are that post decision evidence is a significant factor in such cases but work is ongoing and we aim to produce a full report in July.

12. Recommendation 12: Improves its information management and file location abilities and ensures all relevant documents are readily available.

12.1 THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION.

12.2 The UK Border Agency receives, processes, transports and stores a high volume of supporting paper documentation to complete an application. A file tracking system (FTS) is used to locate and retrieve casework files across the Agency. Not all locations are able to track files in and out using the FTS which can make it difficult to immediately locate files that appear to be 'in transit' around the Agency. Of the sixteen files that could not be provided for this thematic inspection ten were in transit and the remaining files were unavailable due to operational reasons. The Agency will nevertheless look into ways that current processes can be improved.

12.3 The UK Border Agency notes the Independent Chief Inspectors comments around the request for decisions made between specific dates and that some files provided fell outside the requested range. Management information was provided based on the specific parameters of the request. The Agency was not made aware of the shortcomings of that information during the inspection and would have rectified the matter had this been forthcoming.

12.3 The UK Border Agency has a Casework Information Database (CID) which case owners use to record decisions and key actions in all cases. It is noted that the Independent Chief Inspector highlighted instances where crucial information was not available on CID and our quality team has also identified isolated instances as part of the assurance process. Immediate action is taken to address such instances through local performance management. In the longer term the ICW programme will deliver a new electronic caseworking system. This is being phased in across the Agency and will be rolled out to asylum in 2013. It is envisaged that documents relevant to an individual's application will be scanned onto this system so that the case and all the information that is needed in order to make an informed decision can be routed electronically.