



HOME OFFICE FULL EQUALITY IMPACT ASSESSMENT TEMPLATE

Directorate	Immigration Group
Unit	Permanent migration programme
Date	05 July 2010

Name of Policy/Guidance/Operational activity

Reviewing refugee leave/Settlement Protection

What are the aims, objectives & projected outcomes?

From 30 August 2005 refugees and those awarded Humanitarian Protection were granted five years limited leave to remain. The objective of that change in approach was as follows:

- o That there should be a clear approach to those obtaining leave under the Immigration Rules on how long they have to be here before they become eligible for permanent settlement. For those in a category potentially leading to settlement, that period will normally be five years for those granted leave under the Rules.
- o That we should provide refuge while people need it, but that if conditions in their country get better it is reasonable to expect them to return when they have spent only a relatively short period in the UK.

This policy was in line with the 1951 Geneva Convention which accords protection to refugees only for as long as they require it.

Humanitarian Protection (HP) status was brought into line with refugee leave. As a result beneficiaries of HP received a block of five years' leave instead of three as previously.

In establishing processes to now review these cases, we aim to:

- design processes which will deliver effective caseworking of those cases deemed to fall in scope of the Settlement Protection project; and
- ensure that implementation of these processes will be efficient, timely and to sufficient quality.

This contributes to wider UKBA Strategic Objectives 1 and 3:

- Objective 1: We will protect our border and our national interests;
- Objective 3: We will implement fast and fair decisions.

1 SCOPE OF THE EIA

1.1 Scope of the EIA work

The EIA will cover all equality strands and human rights. Assessment will be made in relation to any issues raised in each of these strands to evidence mitigating action, areas for positive equality impacts or any gaps and action planning required in order to fully address areas for concern.

The Permanent Migration Programme Communications Team identified external/internal partners and interested parties by:

- Using information from the programme matrix (collated by consulting with UKBA partner managers; senior managers and partnership groups)
- Holding workshops with key external/internal partners to agree communications approach and key recipients to be sent briefing material.

Key stakeholders in relation to settlement protection are:

- Refugees and those granted Humanitarian Protection after 30 August 2005
- NASF (National Asylum Stakeholder Forum), in particular the Employability Forum - See Annex C for membership
- SASF (Scottish Asylum Stakeholder Forum)
- NMG (National Migration Group)
- CSG (Corporate Stakeholder Group)

They have been involved through a variety of forms including engagement, deciding together, consultation and information. Issues and feedback in relation to equality strands from minutes meeting notes and action plans (as well as any other sources) will be fed in to the EIA and analysed.

Consultation and feedback from NASF meetings will be included. These meetings have taken place on the following dates: 26 November 2009, 26 January 2010, 30 March 2010, 25 May 2010 and 29 July 2010. Dedicated settlement protection workshops were held on 18 August 2009, 25 February 2010 and 20 July 2010.

A working group for settlement protection has been established and this includes representation from Asylum Policy colleagues, New Asylum Model, Refugee Integration Policy, Criminality Policy, Asylum Strategy, Complex Advice team and Permanent Migration Programme design team and benefits and change management team.

Other internal stakeholders include: Policy, process, operational and communications teams.

Internal stakeholders including settlement case work management, senior case workers, caseworkers and support teams will be consulted via a series of workshops and communications to assess the impact of the policy change and any relating to the equality strands will be captured by the EIA. Regional directors have been communicated to on settlement protection in February and July 2010.

The EIA has been compiled jointly by policy, process, operational and communications teams.

Continuing consultation will ensure that guidance and processes are aligned and equality impacts understood and addressed.

Data will be collected from a number of sources to inform the EIA including feedback from corporate partner engagement, programme and project boards, internal meetings and consultation. The EIA will be published alongside new guidance and will be monitored and reviewed on a regular basis.

1.2 Will there be a procurement exercise?

There is no procurement requirement for settlement protection.

2 COLLECTING DATA

2.1 What relevant quantitative and qualitative data do you have?

This may include national research, surveys or reports, or research done by colleagues in similar areas of work. Please list any evidence in the boxes below (complaints, satisfaction surveys, focus groups, questionnaires, meetings, email, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy/guidance/operational area.

All cases

The policy on settlement protection affects those granted refugee status and humanitarian protection and as such reflects representation of equality strands within current asylum case working. Therefore, the make up of the group affected by this process is pre-determined by asylum intake and decision-making processes including decisions of the First Tier Tribunal (Immigration and Asylum Chamber).

Everyone who was granted refugee status or Humanitarian Protection after 30 August 2005 will be required to apply in the same way and will be treated in the same way regardless of race, nationality, religion or religious belief, disability, gender, sexual orientation or gender identity. With the exception of a possible decision to trigger an active review of cases based on a 'significant and non-temporary change' in country situation. To ensure any such review is conducted fairly and transparently, the UNHCR would be consulted and the decision to conduct a review of these cases would be announced to Parliament.

Race

Consideration should be given to whether the Agency intends to translate information and guidance.

Religion/ belief & non belief	This policy and process change is unlikely to have a particular affect on religion or belief and non-religion and no additional research has been carried out.
Disability	This policy and process change is unlikely to have a particular affect on disability and no additional research has been carried out.
Gender	There is a concern around messaging and that women in some minority groups may be more difficult to reach and effectively engage than others.
Gender Identity	This policy and process change is unlikely to have a particular affect on gender identity and no additional research has been carried out.
Sexual Orientation	This policy and process change is unlikely to have a particular affect on sexual orientation and no additional research has been carried out.
Age	Some applicants for settlement protection will have been under 18 and dependant on a main applicant's claim for asylum at the time they were originally granted leave. Consideration must be given to this group, now over 18 and how they will apply. Consideration must also be given to UK-born dependants since the original grant of leave, how they will apply and ensure that they are not discriminated against or disproportionately disadvantaged by the proposals.
Welfare of Children [UKBA ONLY]	Consideration must be given to UK-born dependants since the original grant of leave, how they will apply and ensure that they are not discriminated against or disproportionately disadvantaged by the proposals.
Socio- economic	Consultation raised concerns in relation to those who may apply out of time and their access to work and benefits.

Human Rights	All asylum and human rights claims are carefully considered on their individual merits in accordance with the 1951 United Nations Convention Relating to the Status of Refugees, European Union Law and the European Convention on Human Rights (ECHR). Rights to representation - NASF asked the Agency to address concerns about the impact on legal aid resources if cases are reviewed substantively however it is not expected that there will be a need to review most cases substantively.
----------------------------	---

2.2 What are the overall trends/patterns in this data?

The policy on settlement protection affects those granted refugee status and Humanitarian Protection and as such reflects representation of equality strands within current asylum case working. Therefore, the make up of the group affected by this process is pre-determined by asylum intake and decision-making processes including decisions of the First Tier Tribunal (Immigration and Asylum Chamber).

Nationality groups affected by this policy and process are predetermined by the asylum decision-making policy and process in place at the time of application. All applications will be sent to a single national caseworking team so location is not a discriminatory effect.

2.3 Please list the specific equality issues and data gaps that may need to be addressed through consultation and/or further research?

Equality issues in the socio-economic strand will be addressed through further research and analysis. The project team will monitor application rates and identify trends and any regional variations. Trends may be identified that can be addressed through alternative communication methods in order to encourage applications. An initial contact letter will be sent out by UKBA to affected migrants before their leave expires to remind them to apply for settlement protection. These will be sent out to individuals for whom UKBA have a last known address that is not a National Asylum Support Service (NASS) address. Communication methods such as this initial contact letter will be incorporated in to the EIA action plan to ensure that its effectiveness is monitored and that it is having the effect of encouraging applications from affected migrants.

At the NASF meeting of 30 March 2010 there was discussion around having local events across the regions to provide advice to people on settlement protection. It was suggested that local information events across regions could provide advice to affected migrants on settlement protection. In the five years since limited leave was granted to potential settlement protection applicants it is likely that many will have moved address and region. It may be that certain socio economic groups will have limited access to information in relation to extending their leave and may be adversely affected as a result.

Rights to representation- NASF asked the Agency to address concerns about the impact on legal aid resources if cases are reviewed substantively however it is not expected that there will be a need to review most cases substantively.

3 INVOLVING AND CONSULTING STAKEHOLDERS

In this section, describe the data you have gathered through stakeholder involvement and engagement.

3.1 Internal consultation and Involvement: e.g. with Other Government Departments, Staff (including support groups), Agencies & NDPBs

The permanent migration programme board meets monthly and has membership representing different business areas in UKBA. This has been utilised in order to fully capture any equality impacts as well as the delivery board where settlement protection has been an agenda item. The meeting of 25 May 2010 was dedicated to settlement protection - risks and issues were discussed, the current version of the operating model was agreed and the approach to contacting potential applicants regarding eligibility to apply was reviewed.

Consultation has taken place to consider the impact of this policy on other public policies and services. The illegal working team within UKBA have been engaged to ensure that those applying for settlement are not deprived rights to work (until such time as they receive a negative decision on their case). This ensures that equality of opportunity is protected for individuals affected by settlement protection policy and related guidance. Guidance relating to settlement protection and to illegal working has been developed/updated in order to reflect changes and ensure that staff and employers have clear instructions for working with these cases.

Current settlement staff have been consulted including managers, data processing team, senior case workers as well as staff in nationality Managed Migration Support Team (MMST) who may be impacted. No specific equality concerns have been raised. Staff will continue to be engaged and the EIA updated if necessary. A training strategy is yet to be agreed however equality strands will be taken in to full consideration as part of this. It was noted that staff working patterns vary and that some work term time and this should be considered when planning training during the period approaching school summer holidays.

Management have engaged the union regarding the new area of work and targets and this was agreed with no specific equality impacts raised.

Feedback what you plan to do as a result of this internal consultation and use it as a basis for work on external consultation.

3.2 External consultation and involvement: strand specific organisations e.g. charities, local community groups, third sector

Asylum and refugee voluntary sector organisations have been involved in the development of communication materials and will play a key role in implementing communications activities over the coming months. Dedicated workshops have been held with the National Asylum Stakeholder Forum (NASF) (see Annex C for membership details) which covers a wide ranging corporate partner group representing the interests of refugees and asylum seekers. Consultation raised vulnerability of this specific group as an issue to give due consideration to in building processes and guidance.

NASF meet every two months. Dedicated workshops on settlement protection were held 18 August 2009 and 25 February 2010. It was arranged for NASF to communicate to regional refugee community groups/media on receipt of their briefing pack. Settlement protection was discussed at the January, March and May 2010 NASF meetings. The meetings discussed communications activities, out of time applications and proposed local information events across regions. NASF also proposed the establishment of a working group. Questions and concerns raised in the meetings relating to equality have been fed in to the qualitative evidence in the equality strands above.

An undertaking has been agreed that UKBA will actively engage those due to apply and will send initial contact letters to all last known addresses (with the exception of asylum support addresses which will no longer be occupied by the intended recipient) of those identified with leave due to expire - promoting equality of opportunity. This approach will be reviewed as part of the EIA action plan to test effectiveness of this approach.

Following distribution of a briefing pack to stakeholders on settlement protection it was fed back that information contained referring to legal services was not applicable to Scotland and Northern Ireland. This raised a need to tailor the pack to correctly sign post applicants to legal advice in Scotland and Northern Ireland.

As a result of engagement with the illegal working team we can ensure that messaging is aligned and that employers will be aware of guidance relating to employment of this group of people thus safeguarding against discrimination in the workplace.

Feedback what you plan to do as a result of the engagement to all participants including internal and external stakeholders.

4 ASSESSING IMPACT

In this section please record your assessment and analysis of the evidence. This is a key element of the EIA process as it explains how you reached your conclusions, decided on priorities, identified actions and any necessary mitigation.

4.1 Assessment of the impact

A key opportunity for positive impact is that all refugees and people with Humanitarian Protection granted 5 years leave to remain applying on the settlement protection route will be treated in the same way i.e. have the opportunity to make an application for indefinite leave to remain (ILR) whilst this is current policy. Because of the nature of asylum casework and the spread of applications it may be that certain groups are more affected than others by this particular policy change. Certain groups within the equality strands may represent a percentage of applications disproportionate to that of the general population as has been outlined with quantitative data above in the race equality strand. This variation in nationality representation is reflected in current asylum process and it will remain the case that all applications are processed equally irrespective of nationality.

The settlement protection form is not specified so under 18 dependants at the time of initial application who have now turned 18 can apply on the main applicant's form or on their own - this allows greater flexibility and mitigates any negative impact on this particular group as there is no longer scope to reject applications from those now over 18 applying on a main applicant's form.

The consultation and available data suggest there is a potential for differential impact on certain socio economic groups within the affected migrant population for whom access to services and/or information may be limited. This impact is being reduced via consultation with migrant support services and additional measures outlined below. Asylum and refugee voluntary sector organisations have been involved in the development of communication materials and will play a key role in implementing communications activities over the coming months. This is also regarded as a positive action in terms of promoting good community relations.

An undertaking has been agreed that UKBA will actively engage those due to apply and will send initial contact letters to all identified with leave due to expire- promoting equality of opportunity. This strategy will be reviewed as part of the EIA action plan to test effectiveness of this approach.

We have considered the position of out of time applicants and will continue to make efforts to emphasise the importance of individuals applying in time, both to ensure the speedy resolution of their case and the continuation of their leave. However we think it is right that UKBA should always look closely at cases where an applicant has overstayed their leave to enter or remain in the UK. UKBA will conduct more in-depth reviews where we receive a late application. We recognise that in a minority of cases, applications may be submitted late and that there may be exceptional reasons for this. All out-of-time applications will be assessed on a case-by-case basis. Caseowners will examine the reason for applying late alongside all of the evidence available to them in the application and on file.

It is current policy that refugees and those with humanitarian protection will not be required to take either an English language (ESOL) or 'knowledge of life in the UK' test before being granted ILR under the settlement protection route thus neutralising any perceived negative impact.

It is not the intention of UKBA to translate information and guidance material for settlement protection. It is expected that applicants will be able to make and progress their application without translation of documents and may seek voluntary sector support where required.

Training dates have been identified in consultation with senior case workers giving due

consideration to staff working patterns and availability to ensure equality of opportunity for all staff in relation for training on this new are of work.

Now complete the report and Action Plan.

5 REPORT, ACTION PLANNING AND SIGN OFF

5.1 EIA Report

The EIA Report is a concise summary of the results of the full EIA. A template is provided at Annex A.

5.2 Sign-off

Now submit your EIA and related evidence for clearance

Date of completion of EIA	
Compiled by	
SCS sign-off	
<i>I have read the Equality Impact Assessment and I am satisfied that all available evidence has been accurately assessed for its impact on equality strands. Mitigations, where appropriate, have been identified and actioned accordingly.</i>	
Date of publication of EIA Report	
Review date	

5.2 Publication and Review

Ensure that the EIA Report including the Action Plan are published alongside your policy/guidance/operational activity.

IMPORTANT - Review, revise and update annually!

Annex A - Equality Impact Assessment Report

TITLE

Reviewing refugee leave/settlement protection July 2010

BACKGROUND

From 30 August 2005 Refugees and those awarded Humanitarian Protection were granted 5 years Limited Leave to Remain. The objective of that change in approach was as follows:

- o Firstly, that there should be a clear approach to those obtaining leave under the Immigration Rules on how long they have to be here before they become eligible for permanent settlement. For those in a category potentially leading to settlement, that period will normally be five years for those granted leave under the Rules.
- o Secondly, that we should provide refuge while people need it, but that if conditions in their country get better it is reasonable to expect them to return when they have spent only a relatively short period in the UK.

This policy was line with the 1951 Geneva Convention which accords protection to refugees only for as long as they require it.

Humanitarian Protection (HP) status was brought into line with refugee leave. As a result beneficiaries of HP received a block of five years' leave instead of three as previously.

In establishing processes to now review these cases, we aim to:

- design processes which will deliver effective case working of those cases deemed to fall in scope of the Settlement Protection project;
- ensure that implementation of these processes will be efficient, timely and to sufficient quality.

This contributes to wider UKBA Strategic Objectives 1 and 3:

- Objective 1: We will protect our border and our national interests;
- Objective 3: We will implement fast and fair decisions.

SCOPING THE EIA

The Permanent Migration Programme Communications Team identified external/internal partners and interested parties by:

- Using information from the programme matrix (collated by consulting with UKBA partner managers; senior managers and partnership groups)
- Holding workshops with key external/internal partners to agree communications approach and key recipients to be sent briefing material.

Issues and feedback in relation to equality strands from internal and external consultation, minutes, meeting notes and action plans have been fed in to the assessment and analysed.

COLLECTING DATA

Data has been gathered through consultation and communications with stakeholders to inform the equality impact assessment.

INVOLVING AND CONSULTING STAKEHOLDERS

Stakeholders have been involved through a variety of forms including engagement, deciding together, consultation and information. Settlement protection has been discussed at the National Asylum Stakeholder Forum and dedicated workshops on the subject were held in August 2009, February 2010 and July 2010.

ASSESSING IMPACT

The policy on settlement protection affects those granted refugee status and Humanitarian Protection and as such reflects representation of equality strands within current asylum case working. Therefore, the make up of the group affected by this process is pre-determined by asylum intake and decision-making processes including decisions of the First Tier Tribunal (Immigration and Asylum Chamber).

Everyone who was granted refugee status or humanitarian protection after 30 August 2005 will be required to apply in the same way and will be treated in the same way regardless of race, nationality, religion or religious belief, disability, gender, sexual orientation or gender identity with the exception of a possible decision to trigger an active review of cases based on a 'significant and non-temporary change' in country situation. To ensure any such review is conducted fairly and transparently, the UNHCR would be consulted and the decision to conduct a review of these cases would be announced to Parliament.

Data collection and engagement highlighted areas for further consideration which included communication with affected migrants, knowledge of life and language in the UK and rights to representation. Asylum and refugee voluntary sector organisations have been involved in the development of communication materials. This has the potentially positive impact of promoting good community relations.

An undertaking has been agreed that UKBA will actively engage affected migrants and will send initial contact letters to all identified with leave due to expire for whom we have a last known non asylum support address. This strategy will be reviewed as part of the EIA action plan to test effectiveness of this approach.

It is current policy that refugees and those with humanitarian protection will not be required to take either an English language (ESOL) or 'knowledge of life in the UK' test before being granted ILR under the settlement protection route.

It is not expected that there will be a need to review most cases substantively and this will limit the impact on legal aid resources.

Continued public access to information about the settlement protection will be ensured by regular and timely updates to the UKBA website and through continuing engagement with stakeholders.

ACTION PLAN

See annex B

ANNEX B - Action Plan

TITLE Reviewing refugee leave/Settlement Protection

ACTION / ACTIVITY	OWNER AND INTERESTED STAKEHOLDERS	DEPENDENCIES / RISKS / CONSTRAINTS	COMPLETION DATE	PROGRESS UPDATE
<i>This should be a list of recommendations identified in the EIA report.</i> <i>A short description of the issue being taken forward.</i>	- o Unit/Department/organisation - o Internal & External Stakeholders - o How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?	<i>There may be other projects/initiatives that will deliver the action so make reference to these.</i>	<i>The date by which the action is to be completed.</i>	<i>Progress to date. Any slippages. New stakeholders etc Give RAG rating if appropriate. Details of monitoring and review methods.</i>
To review the approach to making initial contact with potential applicants and assess its effectiveness.	UKBA - permanent migration programme will own this area of work initially. Internal stakeholders include settlement case working management and teams. Corporate partners remain those listed above who will continue to be engaged in the progress of this work area.		To be reviewed.	
To monitor volumes of applications received compared to projected figures.	UKBA - permanent migration programme will own this area of work initially.		To be reviewed.	

Update to communications literature and briefing packs re-signposting to legal services in line with devolved administrations and engage stakeholders further on this area of work and its impacts.	UKBA permanent migration programme communications team. COSLA (Convention of Scottish Local Authorities), Scottish Legal Aid Board, The Scottish Law Society, Northern Irish Legal Services Commission, Northern Irish Law Society. Relevant partners will continue to be engaged in the progress of this work area.		To be reviewed.	Communications literature updated to reflect process in the devolved administrations.

ANNEX C – National Asylum Stakeholder Forum representation

Refugee Council
COSLA Convention of Scottish Local Authorities

UNHCR
OISC Office of the Immigration of Services Commissioner

Chief of Staff, Scotland & Northern Ireland Region

Tribunals Service
Amnesty International
The Children's Society, Refugee Children's Consortium

Scottish Refugee Council

Asylum Aid
Legal Services Commission (LSC)

The Employability Forum
Medical Foundation for the Care of Victims of Torture

Refugee Action
Equalities, Social Inclusion and Sport, Scottish Executive

Welsh Local Government Association (WLGA)

Employment & Labour Market Division, Department for Work and Pensions

Department of Health
Department for Children, Schools and Families

National Migration Coordinating Team Manager

Association of Chief Police Officers

Still Human still Here
Department for Children, Schools and Families

British Red Cross
ADCS/ADASS Taskforce
International Organization for Migration (IOM)

Bail for Immigration Detainees

Immigration Advisory Service

Birmingham Local Authority
Department for Communities & Local Government

**Chartered Institute of Housing
Embrace UK
Foreign & Commonwealth Office**

**Job Centre Plus
London Councils
PsyRAS
Refugee Council
Refugee Support
Scottish Government
South London Tamil Welfare Group**

The Law Society [of England and Wales]

Yorkshire and Humberside Consortium for Asylum Seekers and Refugees

Welsh Consortium for Refugees, Asylum Seekers & Migrants

Housing Association's Charitable Trust

**Timebank
Northern Refugee Centre
Refugees Into Jobs
European Council on Refugees and Exiles**

**Justice
Oxfam
Jesuit Refugee Service
Association of Visitors to Immigration Detainees (AVID)**

Asylum Support Appeals Project (ASAP)

North East Strategic Migration Partnership

Camden Community Law Centre

Chartered Institute of Environmental Health

**Housing Corporation
UNICEF UK (The United Nations Children's Fund)**

Association of Chief Police Officers Chief Constable North Yorkshire

**Asylum Support Tribunal
Department of Work & Pensions
Local Government Association Policy Consultant**

**Scottish Executive
Evelyn Oldfield Unit Director
Welsh Refugee Council - Chief Executive**

Joint Council for the Welfare of Immigrants (JCWI)

Refugee Arrivals Project (RAP)

Refugee Council

Croydon Council

Eleven Million

International Organization for Migration

Head of Racial Equality Unit OFMDFM (Office of the First Minister and Deputy First Minister Northern Ireland)

UKBA (SASF)

Refugee and Migrant Justice

Edinburgh City Council

Education

Home Office Asylum, London and South East

Home Office Asylum Policy

Home Office Deputy Director Asylum

Head of Corporate Services, Immigration Group

NAM+ Deputy Director Asylum

Equality and Human Rights Commission

President Asylum & Immigration Tribunal

Welsh Assembly Government (WAG)

Migrant Helpline

District Register Office Brentwood

North of England Refugee Service

Scottish Legal Aid Board