



An Inspection of Asylum Support

September 2013 – January 2014



John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration



An Inspection of Asylum Support

September 2013 – January 2014

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

July 2014



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All Independent Chief Inspector of Borders and Immigration inspection reports can be found at:
www.independent.gov.uk/icinspector

Print ISBN 9781474109475
Web ISBN 9781474109482

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

ID 10071401 07/14

Printed on paper containing 75% recycled fibre content minimum

Our Purpose

We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

Our Vision

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

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Foreword from John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration



Those claiming asylum in the UK can also apply to the Home Office for asylum support to help with their essential living needs. Such support consists of financial assistance, accommodation or both, with a budget of £155 million in 2013/14. The administration of asylum support, therefore, represents a significant challenge for the Home Office in terms of the management of public funds. It must balance the need to provide assistance to vulnerable applicants against the public interest in deterring fraudulent support claims.

I was pleased to find that decision-making was good in the majority of cases I examined. Staff also demonstrated fairness in assessing destitution claims rather than routinely disbelieving applicants, as well as a strong commitment to protecting vulnerable individuals, particularly at the newly-refurbished Asylum Screening Unit.

Poorly managed organisational change had led to a sharp decline in asylum caseworking staff, with a consequent increase in the number of recipients of asylum support. This had resulted in further submission cases supported under Section 4 more than doubling in a 20-month period. Although the Home Office has commenced a large-scale recruitment campaign to address this issue, it needs to prioritise the outstanding casework to ensure that public money is spent effectively.

I found no evidence that the Home Office had an effective strategy to identify and tackle fraud in the asylum support system. Work had not been undertaken to determine what its exposure to fraud risk was. No attempt had been made to ensure that Fraud and Compliance teams operated in a consistent manner and there were insufficient resources dedicated to this work. This meant that opportunities to identify and deter those wishing to commit fraud were lost.

I have made 11 recommendations for improvement.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, slightly stylized font.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

1 - Executive Summary

- 1.1 At the end of September 2013, 22,022 asylum-seekers were receiving support under Section 95¹ and 4,709 failed asylum-seekers and their dependents were being supported under Section 4.^{2 3} This inspection:
- examined the quality of decisions to grant or refuse asylum support made by UK Visas and Immigration (UKVI), with particular emphasis on consistency and timeliness of decision-making amongst regional teams;
 - analysed UKVI's attempts to prevent fraud by investigating and pursuing prosecutions and/or debt recovery action against those suspected of fraud; and
 - assessed the impact on the asylum support system of the change programme for the recently created Asylum Casework Directorate.
- 1.2 Due to a concurrent investigation by the National Audit Office,⁴ this inspection did not examine any aspect of accommodation provided to asylum-seekers.

Positive Findings

- 1.3 We found that the decision to grant or refuse asylum support was reasonable in most of the cases we sampled (193 cases out of the 215 cases – 90%). We saw many examples of good practice, including staff taking extra steps to ensure that they made the right decision first time. However, in seven out of 56 cases granted support under Section 95 (12%), we found that staff had made decisions without having sought and considered all the relevant evidence.
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- We saw many examples of good practice, including staff taking extra steps to ensure that they made the right decision first time*
-
- 1.4 In cases where applicants were refused support, we found that in 92 of 103 cases (89%) the decisions made by Home Office staff were reasonable. This was a good performance. Additionally, we found that of 12 cases where an appeal was lodged, only two (17%) were allowed by the First-Tier Tribunal. This is lower than the overall allowed appeal rate for asylum support refusals or terminations.
- 1.5 We examined appeal statistics alongside decisions to refuse support and found that the overall allowed appeal rate resulted from a range of complex factors, many of which extended beyond the quality of the initial decision. We were encouraged to find that UKVI was in the early stages of conducting analysis into the reasons why appeals were allowed: this is in line with recommendations we have made in numerous previous reports. However, we found that 117 appeals were remitted back to the Home Office in one year, which accounted for 9% of the total appeal outcomes. During observations at the Tribunal we noted that appeals were often remitted because the Home Office had not followed its own policy of issuing a review letter prior to terminating support.

1 Section 95 of the Immigration and Asylum Act 1999 provides the power to support a person who is awaiting a decision on their asylum claim.

2 Section 4 of the Immigration and Asylum Act 1999 provides the power to support a person or family whose asylum claim has been refused.

3 <https://www.gov.uk/government/publications/immigration-statistics-july-to-september-2013/immigration-statistics-july-to-september-2013>

4 <https://www.nao.org.uk/report/national-asylum-support-service-the-provision-of-accommodation-for-asylum-seekers/>

1.6 We found that staff employed at the Asylum Screening Unit were committed to safeguarding vulnerable individuals and made a concerted effort to ensure that those requiring immediate access to the support system were given priority. We also found that the average waiting time for an appointment had decreased between April 2012 and June 2013, although the system was showing signs of strain due to increasing numbers of applications.

1.7 Stakeholders held a largely negative opinion of UKVI's performance in relation to asylum support, with particular concerns raised regarding decision quality, perceived delays in process and 'a culture of disbelief' amongst Home Office staff. We found some of these concerns reflected in our file sample, particularly relating to decision timeliness. However, we found that staff assessed destitution fairly when considering applications for asylum support. Additionally, we were encouraged to find that UKVI and stakeholders were taking positive steps to engage with each other through a range of high-level forums.

We found that staff assessed destitution fairly when considering applications for asylum support

1.8 The IT systems used by UKVI were largely fit for purpose, particularly the Asylum-seekers Support System (ASYS). We found a high degree of staff satisfaction with this system, which rarely experienced performance issues. However, we found that actions taken on asylum cases using the Case Information Database (CID) were not automatically detected by ASYS. This meant that decisions that had been made on asylum claims were not automatically communicated to asylum support teams. This occasionally led to delays in key actions taking place in an asylum support case, such as the timely termination of support.

1.9 The inspection also examined the Asylum Casework Directorate change programme, with particular emphasis placed on the improvement plans for the asylum support teams. We found that UKVI was planning some positive steps to improve the performance of local teams, including the:

- creation of a national management structure, dedicated to asylum support;
- establishment of a national set of standards; and
- creation of a national workflow team.

1.10 Although many of these work streams had yet to be completed at the time of the inspection, they were a positive indication that senior management was committed to driving improvement within the directorate.

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Areas for Improvement

1.11 Whilst decision quality was generally reasonable, there was room for improvement in the speed at which UKVI issued decisions to grant or refuse asylum support. In our sample of cases where Section 4 support was granted, we found that in 20 out of 49 cases (41%) UKVI had not met its own target of considering the case within five days – a target implemented to ensure that the most vulnerable applicants were not made destitute. We also found significant regional variation in the time taken to grant or refuse support under Section 95, with one region taking an average of five days, while another took an average of 32 days.

1.12 UKVI was not following its own policy of reviewing supported cases in order to establish whether recipients were still eligible for support. Our sample of granted Section 4 support cases found that over half (29 out of 56 cases – 52%) had not been reviewed regularly in accordance with guidance. However, when reviews were undertaken for cases with outstanding further submissions, decisions to continue or terminate support appeared reasonable in the majority of cases (38 out of 41 cases – 93%).

1.13 The introduction of a new type of immigration status document, known as the Biometric Residence Permit, had negatively affected UKVI's ability to terminate asylum support in a timely manner. We found that support had been terminated either too early or too late in a significant number of cases. In the former, the Home Office had to reinstate support for some recipients so that they did not face hardship; in the latter instances, public money had been wasted.

1.14 UKVI had not established an effective counter-fraud regime. At a strategic level, it did not have an accessible strategy setting out how it would tackle asylum support fraud, nor had it determined the scale and nature of the risks posed by fraud. Resource management was therefore haphazard and regional Fraud and Compliance teams (FCTs) operated autonomously, without any overarching organisational direction governing their work. As a result, they:

UKVI had not established an effective counter-fraud regime

- did not operate in a consistent manner;
- had different structures and resourcing levels;
- set their own performance targets; and
- were not suitably trained to undertake investigative work.

1.15 UKVI has a target to complete 90% of fraud investigations within 12 weeks, although line managers have discretion to extend beyond this period on a case-by-case basis. We found only 11 out of 23 investigations (48%) that were concluded in 12 weeks or less, compared to UKVI's target of 90%. More worryingly, we noted that 11 fraud cases failed to adhere to key aspects of guidance. This meant that cases of suspected fraud were not always investigated effectively. We consider that this was a key contributing factor to the limited number of prosecutions instigated in 2012/13. The absence of a debt recovery strategy also meant that overpayment recovery was not being pursued effectively. These factors provided compelling evidence that the Home Office was failing to take adequate action to safeguard public funds.

These factors provided compelling evidence that the Home Office was failing to take adequate action to safeguard public funds

1.16 Compliance staff told us that current information-sharing mechanisms made it hard to ascertain whether support applicants were receiving benefits from other government departments. We also sampled a case where UKVI experienced significant obstacles when attempting to inform HMRC that an individual did not appear to be eligible for child welfare benefits.

1.17 It is vital that a collaborative approach is utilised to tackle benefit and asylum support fraud. Our report *An inspection of the UK Border Agency's handling of legacy asylum and migration cases*⁵ highlighted the need for the Home Office to work effectively with other government departments and it was disappointing to again find such a lack of collaboration.

1.18 The number of cases receiving asylum support under Section 4 had risen from 2,162 in April 2012 to 3,348 in December 2013. This represented an increase of 55% and was primarily due to an increasing asylum intake and a significant loss of staff in the Asylum Casework Directorate over a relatively short period of time. This had affected UKVI's ability to respond to further submissions – the most common reason for applications for support under Section 4. During the same period, the number of cases receiving Section 4 support due to further submissions more than doubled, from 787 to 1730 (120%).

⁵ <http://icinspector.independent.gov.uk/wp-content/uploads/2012/11/UK-Border-Agency-s-handling-of-legacy-asylum-and-migration-cases-22.11.2012.pdf>

1.19 We found that UKVI had recognised the issue of staff loss and was embarking on large-scale recruitment campaigns. However, we found that the exodus of experienced staff had occurred as a result of a poorly managed restructuring exercise, which was repeatedly put on hold and finally halted as UKVI had failed to realise the risks involved with such a significant organisational change. This echoes the findings we made in our report into unaccompanied asylum-seeking children, which was published in September 2013.⁶

The number of cases receiving Section 4 support due to further submissions more than doubled, from 787 to 1730 (120%).

1.20 There were an extensive number of pieces of written guidance – 76 documents which ran to over 1,100 pages – for caseworking staff, which often had overlapping content. The duplication meant that staff had difficulty locating the answer to queries and instead usually relied upon locally created guidance. The majority of guidance had also not been updated for several years. This was disappointing, as the need for clear and regularly updated guidance is an issue which has been raised numerous times in our inspection reports.

The exodus of experienced staff had occurred as a result of a poorly managed restructuring exercise

⁶ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-FINAL.pdf>

2. Summary of Recommendations

We recommend that the Home Office:

1. Takes urgent steps to resolve the backlog of outstanding further submissions, particularly where asylum support is currently being paid.
2. Identifies its exposure to fraud and develops a credible strategy to address it.
3. Implements an effective debt recovery strategy, so that public funds are recovered in all cases where there is no entitlement to asylum support benefits, regardless of whether applicants are granted leave or not.
4. Provides sufficient resources across the UK to manage and implement effective counter-fraud measures to deter abuse of the asylum support system.
5. Provides fraud training and up-to-date Standard Operating Procedures governing fraud investigations.
6. Works effectively with other government departments to ensure that asylum support fraud is tackled.
7. Conducts eligibility reviews regularly and in accordance with policy.
8. Ensures that decisions on Section 95 and Section 4 are made within the timescales that have been set.
9. Reduces the number of remitted appeals by reviewing all cases prior to the termination of support.
10. Creates simplified written instructions for asylum support caseworkers, which set out advice clearly and concisely.
11. Ensures that staff use Section 55 & 57 legislative powers appropriately.

3. The Inspection

Terms of Reference and Scope

- 3.1 The terms of reference were to inspect the efficiency and effectiveness of UKVI's administration of asylum support with particular focus placed upon:
- the quality and timeliness of decisions on whether to grant asylum support under Section 4 and Section 95 of the Immigration and Asylum Act 1999;
 - whether the asylum support system was being administered efficiently in order to meet the needs of applicants and deliver value for money for the Home Office; and
 - the extent to which fraudulent applications were identified and whether deterrent measures, such as fines and prosecutions, were utilised effectively.
- 3.2 The following topics were not included within the scope of the inspection:
- accommodation providers – the National Audit Office was conducting an inspection into this area at the time of our inspection;
 - support provided to unaccompanied asylum-seeking children (UASCs) – this category of asylum applicants are supported by Local Authorities, with UKVI paying an annual grant to reimburse them. UASCs were the subject of a separate ICIBI report that was published on 31 October 2013;⁷ and
 - bail accommodation – under Section 4(1)(c) of the Immigration and Asylum Act 1999, the Secretary of State may provide, or arrange for the provision of, facilities for the accommodation of persons released on bail from detention under any provision of the Immigration Acts

Methodology

- 3.3 The Chief Inspector's inspection criteria⁸ (set out in Appendix 2) were used to assess the efficiency and effectiveness of UKVI's handling of asylum support under the themes of:
- Operational Delivery;
 - Safeguarding Individuals; and
 - Continuous Improvement.
- 3.4 We visited seven sites as part of this inspection: Croydon, Central London, West London, Solihull, Manchester, Leeds and Glasgow. A number of stages were completed prior to the on-site phase of the inspection including:
- pre-inspection familiarisation visits to a UKVI caseworking hub at Solihull, the Scottish Refugee Council, Refugee Action Liverpool and the First Tier Tribunal (Asylum Support) in East London;

⁷ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-FINAL.pdf>

⁸ All criteria of the Independent Chief Inspector of the UK Border Agency can be found at: <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Inspection-Criteria.pdf>

- an examination of management and performance information provided by UKVI;
- a survey of Stakeholder Refugee Groups; and
- the examination (file sampling) of 344 case files, selected randomly from a range of file types.

3.5 Figure 1 shows the type and number of files we sampled:

Figure 1: Table showing type and location of cases sampled in the inspection	
File Type	Number of Files Sampled*
Grants of support under Section 95	56
Grants of support under Section 4	56
Refusal of support under Section 95	48
Refusal of support under Section 4	54
Grants of asylum	56
Grants of support under Section 4 based on outstanding further submissions	46
Fraud/Investigation cases	28
Total	344

*We aimed to sample 56 files for each category, but this was not possible in every instance due to a lack of suitable case types.

3.6 The on-site phase of the inspection took place between 25 November and 6 December 2013. At each of the seven locations we held a range of focus groups and interviews with UKVI staff and observed staff undertaking caseworking duties. We also attended a number of compliance visits to applicants' accommodation and interviewed three senior managers from UKVI including the Director of Asylum. Figure 2 provides a breakdown of the staff whom we saw in focus groups or interviewed individually.

Figure 2: Number of staff which attended focus groups or interviews (by grade)	
Grade	Number
Senior Civil Service	2
Grade 6	1
Grade 7	4
SEO/HMI	9
HEO	22
EO and AO	92
Total	130

3.7 At each location we also met with stakeholders from the local Asylum Support Partnership and held focus groups with applicants who had direct experience of the asylum support system.

3.8 On 9 January 2014, the inspection team provided feedback on emerging findings to UKVI. The inspection identified 11 recommendations for improving the administration of asylum support by UKVI. A full summary of the recommendations is provided on page 8 of this report.

3.9 This report was submitted to the Secretary of State for the Home Department on 27 March 2014.

Background

- 3.10 Asylum applicants and failed asylum-seekers may be entitled to support in order to meet their essential living needs. This support is provided by the Home Office's UK Visas and Immigration Directorate (UKVI), which may issue subsistence payments and/or provide accommodation. Until 1993⁹ asylum applicants had the same entitlement to benefits as British nationals. These rights were restricted by successive pieces of legislation, culminating in the Immigration and Asylum Act 1999, which created distinct categories of support for asylum-seekers. It also established the National Asylum Support Service (NASS) within the Home Office's Immigration and Nationality Directorate (IND) to administer these newly created categories.
- 3.11 In 2008 the functions of NASS were incorporated into the UK Border Agency (UKBA); it implemented a regional model whereby local immigration teams took responsibility for all asylum casework, including asylum support, relating to applicants residing within a specific geographic area. In May 2013, UKVI decided to remove this regional structure and create a National Asylum Command, which was later renamed the Asylum Casework Directorate (ACD). The historic regional teams were consequently renamed caseworking hubs and the ACD began moving towards a centralised structure.
- 3.12 Asylum support teams are part of the ACD and consist primarily of staff at Administrative Officer (AO) level, a junior civil service grade. The teams are responsible for administering all aspects of asylum support including decision-making, payments and correspondence. They work closely with asylum teams, which have responsibility for asylum claims and are often co-located. In 2013/14 UKVI received £252.9 million from the Treasury to fund asylum support. The majority of this is spent on:
- direct support costs of £145 million (i.e. subsistence payments and the cost of accommodation); and
 - the unaccompanied asylum-seeking child (UASC) grant, which has a current budget of £67 million and is provided to local authorities to reimburse them for the cost of supporting UASCs.
- 3.13 The remainder of the budget is spent on refugee support charities and third party contractors who provide certain services on behalf of the Home Office.

Support categories

- 3.14 There are two main categories of support for asylum-seekers, one for those who have an outstanding application (Section 95) and another for failed asylum-seekers (Section 4).¹⁰ Support can also be provided on a short-term basis under Section 98 of the Immigration and Asylum Act 1999, which provides the power to support a person who is awaiting a decision on their application for support under Section 95. Figure 3 outlines the eligibility criteria and the corresponding amounts of support provided under Section 95 and Section 4 of the 1999 Act.

⁹ The Asylum and Immigration and Appeals Act 1993 restricted asylum applicants' access to housing.

¹⁰ Asylum-seekers whose claim for asylum has been refused by UKVI and have exhausted all rights of appeal.

Figure3: Criteria and amount of support provided under Section 4 and Section 95*

Section	Criteria	Amount of subsistence support (per week)
95	<p>To qualify, an applicant must:</p> <ul style="list-style-type: none"> • be destitute; and • show that they claimed asylum as soon as reasonably practicable; and • have an asylum claim that has not been determined. 	<p>Single person: £36.62</p> <p>Lone parent aged 18 or over: £43.94</p> <p>Qualifying couple: £72.52</p> <p>Lone parents and qualifying couples will receive:</p> <ul style="list-style-type: none"> • £52.96 for each child under 16; • £39.80 for each child between 16-18.
4(2) & 3	<p>To qualify, an applicant must be a failed asylum-seeker who is destitute and meets one of the following criteria: they:</p> <ul style="list-style-type: none"> • have outstanding further submissions; • are taking all reasonable steps to leave the UK; • are unfit to travel; • have been granted permission by the High Court to proceed in a judicial review case against the decision to refuse their asylum claim; and • have no safe route of return to their country of origin. 	£35.39 per person per week.

*Information sourced from <http://www.ukba.homeoffice.gov.uk/asylum/support/cashsupport/currentsupportamounts/>

3.15 In addition to regular payments, recipients of asylum support can apply for one-off payments for various reasons, for example, maternity.

Section 95: Support Provided While an Asylum Claim is Pending

3.16 A Section 95 application cannot be made until an asylum claim has been registered with UKVI at a port,¹¹ the Asylum Screening Unit (ASU) or following an encounter with an Immigration Enforcement and Engagement Team (ICE). The ASU process requires applicants to telephone an automated hotline to book an initial telephone interview, during which they arrange an appointment at the ASU. The ASU also ensures that there is sufficient capacity available each day for destitute individuals who attend without an appointment.

3.17 Applicants who have access to private accommodation may apply for subsistence-only support. Meanwhile, individuals claiming to have an immediate housing need are likely to be provided with

¹¹ In some instances applicants will also need to attend the ASU. This will usually be where the port is not equipped to provide an Asylum Registration Card.

initial accommodation (IA) under Section 98. This is in high demand, so applicants will often be required to spend several nights in temporary accommodation in London before being transferred to formal IA.

- 3.18 Next, they will meet a caseworker from one of six agencies funded by UKVI to advise asylum-seekers.¹² The caseworker will assist them with completing and submitting their application form for support. At the time of inspection, UKVI had not published timescales for making decisions relating to Section 95 support applications. If a decision to grant support is made, the person is moved to longer-term ‘dispersal accommodation’ (DA). The person is provided with Interim Support Tokens (ISTs) and Emergency Support Tokens (ESTs), which can be exchanged for cash at Post Offices until arrangements to provide their regular support payments are put in place.
- 3.19 Dispersal accommodation is offered on a ‘no choice basis’; accommodation can be anywhere in the UK. Following this process; known as dispersal, weekly cash subsistence payments can be claimed at Post Offices using the Asylum Registration Card (ARC).
- 3.20 If the application for support is refused, an applicant may lodge an appeal at the First Tier Tribunal (Asylum Support), known also as the AST. UKVI should review all decisions in light of the grounds of appeal and any further evidence submitted, and may withdraw its initial decision if appropriate. Applicants can choose to have an oral hearing or for a judge to make a decision ‘on the papers’ (i.e. where they do not need to attend). Applicants do not qualify for legal aid and therefore either represent themselves, or are assisted by the Asylum Support Appeals Project (ASAP).¹³ UKVI may provide a Presenting Officer to defend its decision to refuse support.
- 3.21 Recipients must adhere to the conditions set out in the Asylum Support Agreement in order to remain eligible for Section 95 support. These include residing at their DA and notifying UKVI of any change in circumstances, particularly regarding their financial situation. UKVI staff visit DA and private accommodation and support may be terminated where there is evidence of non-compliance. In these circumstances, a recipient may appeal to the AST.
- 3.22 Applicants cannot appeal if their support is terminated because they have received a decision on their asylum application. Figure 4 illustrates the ‘grace periods’ which should be applied before terminating support:

Figure 4: Deadlines for terminating Section 95 support

Method of Determination	Grace Period
Granted leave to remain (including cases allowed by the AST)	28 days
Refused asylum and appeal rights exhausted	21 days

Section 4: Support Provided to Failed Asylum-seekers

- 3.23 Applicants usually rely upon one of the registered agencies to assist them with completing their support application form. Alternatively, they can choose to complete and submit their own form. Decisions should be made within 48 hours for vulnerable applicants and within five days for other cases.¹⁴
- 3.24 If an application is refused, the appeal process is the same as in Section 95 refusal cases. If support is granted, recipients will be:

12 The Asylum Support Partnership (ASP). <http://www.ukba.homeoffice.gov.uk/asylum/helpandadvice/onestopservices/>

13 A charity providing free representation at the AST.

14 These timescales were introduced after a Judicial Review was successfully brought against the Home Office.

- required to reside in their DA – this is designed to facilitate their removal from the UK;
- given a pre-paid ‘Azure card’ to which credit is uploaded weekly by a contracted firm called Sodexo; and
- entitled to apply for various additional payments, including maternity support.¹⁵

3.25 Caseworkers will periodically review continuing eligibility for support.¹⁶ Recipients must be in the UK, adhering to conditions, continuing to be destitute and having a barrier to their removal. If the applicant is granted leave to remain, a 28-day grace period will again be applied prior to termination of support. For all other cases, support is normally discontinued once the barrier to removal is cleared and the applicant has received a further review letter to assess any further reasons for eligibility. In some instances, support may be terminated because further submissions have been accepted as a fresh claim for asylum and therefore they are no longer a failed asylum-seeker. These individuals are potentially eligible for Section 95 support, but must make another application.

¹⁵ The following UKVI policy sets out the list of potential payments and qualifying criteria. <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylumsupport/guidance/section4-additional-services.pdf?view=Binary>

¹⁶ The following UKBA guidance sets out how often this should be done <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylumsupport/guidance/section-4-support-inst.pdf?view=Binary>

4. Inspection Findings – Operational Delivery

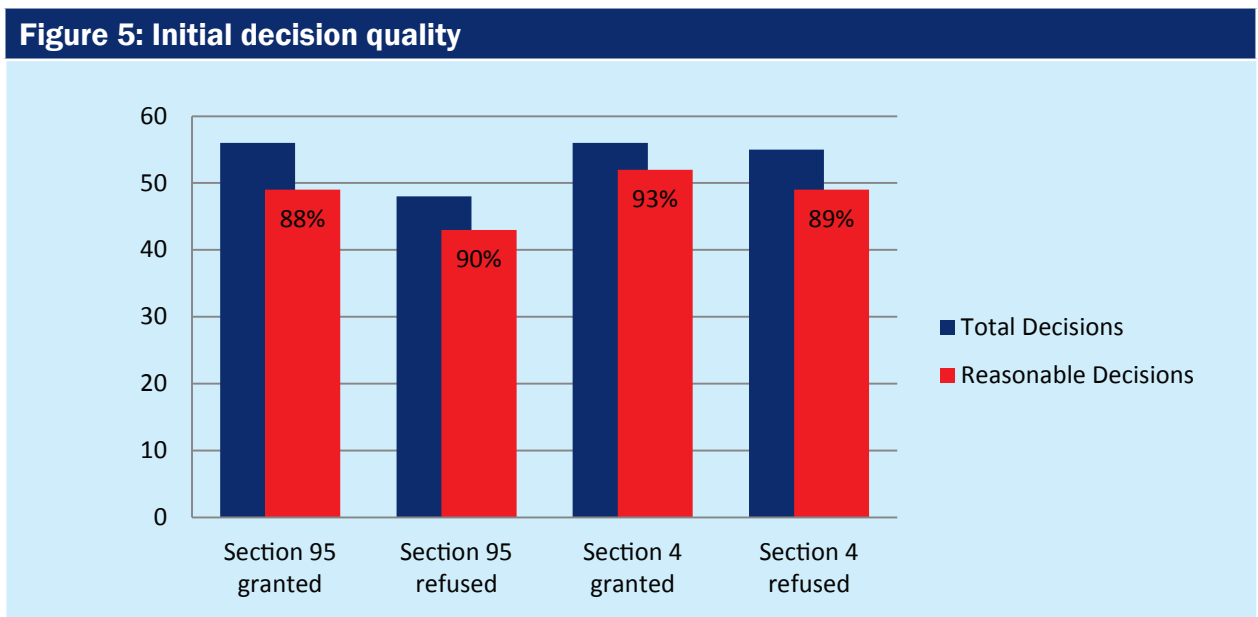
Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration

Resources should be allocated to support operational delivery and achieve value for money

- 4.1 This chapter focuses on the quality of decisions, timeliness and various key casework actions performed by UKVI's asylum support teams. It also examines the effectiveness of UKVI's attempts to prevent fraud.

Decision Quality

- 4.2 We sampled decisions made in 215 asylum support applications, broken down into four categories. We found that overall, 193 (90%) of these initial decisions to grant or refuse asylum support were reasonable, as demonstrated in Figure 5.



4.3 In previous inspections, we have often found that decision quality within caseworking teams has left considerable room for improvement. We were therefore pleased to find that decisions made by asylum support teams were generally effective. Additionally, in focus groups with caseworking staff we found no evidence that they routinely disbelieved applicants. This is particularly important, due to the vulnerable nature of many of those who apply for asylum support. We also observed several examples of good practice, including:

Decisions made by asylum support teams were generally effective

- use of system tools to assist the destitution assessment;
- a flexible approach to decision-making; and
- good liaison with asylum casework teams.

4.4 There was a national process which enabled caseworkers to undertake Experian checks¹⁷ for all applicants who had declared a UK address on their application form. If the initial check provided a cause for concern, a follow-up check could be carried out, which often involved requesting further information from financial institutions using coercive powers.

4.5 The Experian tool was being used consistently and effectively by caseworkers. We also observed positive examples of the use of the Central Reference System (CRS), which contained the details of all UK visa applications since 1998. These applications often contained detailed information regarding an applicant's financial and personal circumstances which may not have been revealed in their support application.

4.6 We found that there were regional differences in the use of caseworking tools to assess destitution. Not all caseworkers we interviewed had access to or utilised the CRS system, which could contain relevant information to assist with the destitution assessment. It is vital that all caseworkers have access to and utilise, where appropriate, all system tools that can assist the destitution assessment in asylum support cases.

We found that there were regional differences in the use of caseworking tools to assess destitution

Granted Cases: Section 95

4.7 In 49 of the 56 cases we sampled (88%), we found that the decision maker had considered all relevant factors and the decision to grant support was reasonable. In addition, we observed good practice that went beyond the expectations contained within the guidance and demonstrated an innovative approach to decision-making, as set out in Figure 6.

¹⁷ Experian is a credit reference agency that provides organisations with the ability to undertake data-matching against financial records.

Figure 6: Case study: Good Practice

- The applicant's claim for asylum had been determined as withdrawn, because they had failed to attend their substantive interview.
- The support caseworker identified that the applicant was destitute and that evidence contained within the support application disclosed a legitimate explanation for their failure to attend the interview.
- The caseworker promptly liaised with the asylum team, their senior caseworker and with the applicant's representatives to consider the best course of action.
- The applicant's representatives submitted a fresh claim for asylum support and the application was granted.

Chief Inspector's comments:

- The caseworker could have refused the application on the basis that there was no outstanding asylum application.
- Their common-sense approach resulted in a destitute family being allocated support promptly, avoiding the need for an appeal or the submission of a fresh application.
- This case clearly demonstrated UKVI staff putting the needs of the customer first.

When Further Information Is Required

- 4.8 Section 55 of the Nationality, Immigration and Asylum Act 2002¹⁸ states that the Secretary of State may not provide asylum support to a person unless they are satisfied that their asylum claim was made as soon as reasonably practicable after arrival in the UK. However, the exception to this is that a person may not be refused access to support if this decision would breach their human rights.
- 4.9 Therefore, when assessing an application for support under Section 55, the decision-maker must firstly consider the timeliness of the asylum application and any mitigating circumstances regarding delay. In some cases, a caseworker will interview an applicant for asylum support. This is known as a 'Section 55 interview'. During the interview, the caseworker will attempt to establish the applicant's route to the UK and other key facts relating to the timeliness of their asylum claim.
- 4.10 In addition, Section 57 of the same legislation¹⁹ allows for UKVI to make further enquiries when it is not satisfied that the information provided by the applicant is complete or accurate.
- 4.11 In the remaining seven cases (12%) from our sample of cases granted support under Section 95, UKVI had failed to fully consider the applicant's circumstances prior to making the decision because it had not:
- taken account of all relevant information when assessing destitution;
 - conducted all necessary background checks using the tools at its disposal; or
 - requested further information where appropriate.
- 4.12 In five of these seven cases, there were clear grounds for a request for further information or the need for the applicant to be interviewed in order to properly assess their application. However, this did not occur and the applicants were all granted Section 95 support despite several questions remaining outstanding.

18 <http://www.legislation.gov.uk/ukpga/2002/41/section/55>

19 <http://www.legislation.gov.uk/ukpga/2002/41/section/57>

- 4.13 We raised these concerns with UKVI. We were advised that, in accordance with Policy Bulletin 75,²⁰ it was not common practice to conduct Section 55 interviews where the applicant had requested both subsistence and accommodation, because this was regarded as evidence of the applicant facing an imminent prospect of serious suffering in the absence of support. During our focus groups and interviews, staff unanimously told us that they would never conduct a Section 55 interview in these types of cases.
- 4.14 However, although Policy Bulletin 75 does urge caseworkers to make a decision based solely on the application form where possible, it does not preclude an applicant from being subject to a Section 55 interview on this basis. Furthermore, this policy states that Section 55 interviews are necessary to explore further the facts of the case and to assess the applicant's credibility.
- 4.15 Therefore, an applicant should not be able to avoid having the credibility of their application tested, simply by applying for both accommodation and subsistence. Figure 7 demonstrates an example from our sample where obtaining further evidence would have been beneficial.

Figure 7: Case study: Further information required

- The applicant arrived in the UK in 2005 but did not claim asylum until 2012.
- They applied for subsistence and accommodation under Section 95 in January 2013, claiming to have previously been supported by both their friend and their brother.
- They resided in rented accommodation and provided a tenancy agreement in support of this dated October 2012 and for a person bearing a completely different surname.
- An Experian check was carried out but, despite the length of time the applicant had resided in the UK, no further enquiries took place before the application was granted.

Home Office response:

- In this case it was not clear why further enquiries into the applicant's financial circumstances using the Section 57 power did not take place. This issue was being addressed by local management.

Chief Inspector's comments:

- The applicant had demonstrated an ability to support and accommodate themselves for a period in excess of seven years prior to applying for asylum support. The evidence they submitted in support of their application did not indicate that their circumstances had materially changed.
- A request for further information or an interview was appropriate in this case to establish more information about the applicant's ability to support themselves in the UK.

- 4.16 Stakeholders told us that the Section 57 power was used inappropriately by caseworkers, as they requested further information in cases where this was not needed to reach a decision on the application. We asked UKVI to clarify the circumstances in which it would be appropriate for caseworkers to utilise the Section 57 power. It told us that requests for further information under Section 57 should be made if:

- the application form was vague or suggested that further information was available;
- Experian checks had resulted in information being established that was not disclosed on the application form; or

²⁰ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumsupportbulletins/accesstosupport/pb75?view=Binary>

- checks on other Home Office systems suggested that a full picture of the applicant's circumstances had not been disclosed.

4.17 We were satisfied that, in certain circumstances, it was not appropriate for UKVI caseworkers to disclose to applicants why they were requesting further information; the burden was on the applicant to demonstrate that they were destitute. Figure 8 details one such example:

Figure 8: Case study: Use of Section 57 power

- The applicant applied for subsistence and accommodation under Section 95.
- Despite having submitted a fully completed application form, UKVI wrote to the applicant requesting further details of assets and income.
- No response was received and the application was refused under Section 57.

Home Office response:

- Additional information was requested in terms of assets, as a CRS check confirmed that when the family applied for a visa, the applicant's wife had stated that her husband was earning £4,000 per month and had more than £100,000 in his bank account.

Chief Inspector's comments:

- From an assessment of the application form alone, it was initially unclear why further information was requested in this case.
- However, the caseworker had completed appropriate background checks and uncovered evidence that was relevant but not initially disclosed in the application.

4.18 We saw positive examples of asylum support teams using the Section 57 power to attempt to ascertain further details regarding an applicant's circumstances prior to making a decision. However, we found that it was not consistently used where appropriate. Other decisions in our file sample could have been strengthened by sourcing additional information through this power. We therefore make the following recommendation.

We recommend that the Home Office:

Ensures that staff use Section 55 & 57 legislative powers appropriately.

Granted Cases: Section 4

4.19 We found that 52 of the 56 decisions made to grant Section 4 support were reasonable (93%). Destitution had been correctly identified in these cases and at least one of the other necessary criteria were present. We were satisfied that the caseworker had conducted the necessary background checks and taken into account all relevant considerations prior to making the decision.

Destitution had been correctly identified in these cases and at least one of the other necessary criteria were present

4.20 However, in the remaining four cases (7%), decision-makers had accepted that the applicants were destitute despite the absence of satisfactory evidence to support this conclusion. UKVI told us that supporting evidence provided by friends or relatives, who had previously been supporting the applicant, should clearly state that they were unable to support and accommodate the applicant in future. We were concerned that this instruction was not being followed consistently. Figure 9 below details one such case:

Figure 9: Case study: Unsatisfactory assessment of destitution

- According to their Section 4 application, the applicant had been residing with and been supported by three different friends in the UK for almost three years.
- They each provided letters of support with the Section 4 application to confirm this, but none of these letters indicated that they could not continue to provide support.
- The applicant was considered destitute and granted support without any further enquiries.

Home Office response:

- The applicant stated that his friends were no longer able to support him.
- The letters provided by the three friends indicated that support was provided on an infrequent basis and, although they did not explicitly state that they were no longer willing to accommodate him, the decision-maker concluded that this was sufficient.

Chief Inspector's comments:

- This applicant had demonstrated an ability to accommodate and provide for themselves in the UK for several years without the need for asylum support.
- The decision-maker accepted destitution without having satisfactory grounds. As a result, the individual was given support they had not fully demonstrated they required.
- UKVI must ensure that caseworkers follow guidelines in assessing whether the applicant is destitute.

4.21 40 of the 56 (71%) cases that were granted Section 4 support were eligible for this because the applicant had further submissions outstanding. In some regions we observed good communication with asylum casework teams that enabled these further submissions cases to be prioritised following the grant of asylum support. This ensured a timely conclusion of the further submissions, which meant that the applicant only remained on support for the shortest possible time. This was effective public administration and ensured that public funds were not wasted. It was therefore disappointing that this best practice was not reflected in the London region, where we found little evidence of effective communication between asylum casework and asylum support teams.

In some regions we observed good communication with asylum casework teams

Quality Assurance and Authority Levels

4.22 Although we found that a significant majority of asylum support decisions were reasonable, we found no evidence of any internal quality assurance in any of the 215 initial decisions that we sampled. UKVI told us that the quality assurance process set out a requirement that 10% of cases should be assured, but that this was completed inconsistently and the results were kept separately from the case record.

We found no evidence of any internal quality assurance in any of the 215 initial decisions that we sampled

4.23 There was also confusion between regions over the correct action to be taken in Section 95 cases where the applicant had been granted asylum before the support application was considered. Managers told us that the correct process was to grant the support application until the end of the grace period of 28 days had expired. However, caseworkers in some regions were refusing these applications and were unclear of the correct course of action to follow.

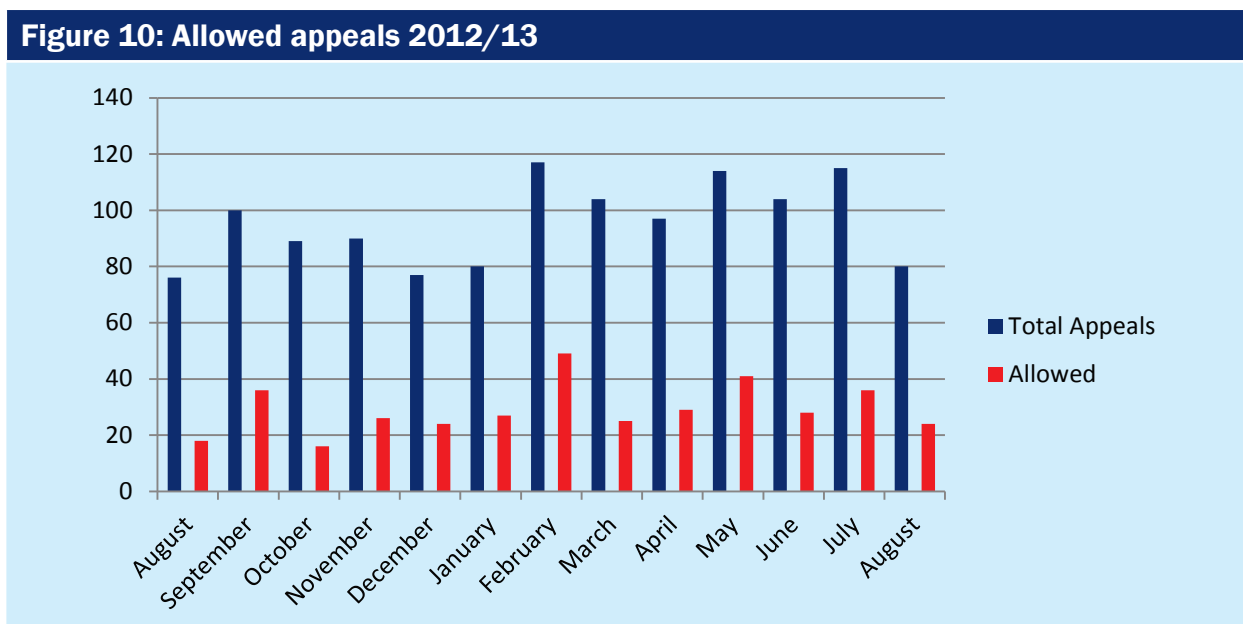
4.24 In some regions, Grade 7 approval was required in order to authorise all grants of Section 4 support, but this practice was not operated consistently as other regions required either HEO approval or no approval at all. We found no instructions that required asylum support caseworkers to obtain approval prior to making positive decisions on Section 4 applications.

4.25 A number of our previous inspections have identified significant room for improvement in relation to assurance-based activities across UKVI business areas.²¹ It was therefore disappointing that we found similar issues prevailing during this inspection. However, we were told that there was an ongoing quality initiative which extended to the assurance of decision-making in asylum support cases. This was in its pilot phase, but UKVI was committed to making this a routine measure. It is important that UKVI ensures that consistent assurance processes are established and operated to guarantee consistency of decision-making nationwide.

It was therefore disappointing that we found similar issues prevailing during this inspection

Refusals and Appeals

4.26 In October 2013, the Home Affairs Select Committee (HASC) published a report on Asylum²² in which the committee expressed concern about the level of allowed appeals against decisions to refuse asylum support. Between August 2012 and 2013, the average allowed appeal rate was 30%. Figure 10 below demonstrates monthly performance during this period.



4.27 In order to assess the quality of decision-making, we sampled 103 cases where support applications under either Section 95 or Section 4 had been refused. Overall, we found that 92 (89%) of these decisions were reasonable.

4.28 Of these 103 refusal decisions, 74 carried a right of appeal. However, only 12 applicants chose to exercise this right and only two of these 12 appeals (17%) were allowed by the Tribunal. Both of these allowed appeals concerned Section 4 applications. We noted that UKVI had conducted case reviews in all 12 cases prior to the appeal hearing, concluding that the cases should be allowed to go forward to the Tribunal. This was good practice.

21 <http://icinspector.independent.gov.uk/wp-content/uploads/2013/12/An-Inspection-of-the-Dhaka-Visa-Section.pdf>
<http://icinspector.independent.gov.uk/wp-content/uploads/2013/06/CAAU-Report-Final-26-June-2013.pdf>

22 <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>

- 4.29 UKVI's response to the HASC report indicated that, in some cases, appeals were allowed because the appellant only provided the information needed to prove that they were entitled to support after the refusal decision had been made. This was consistent with one of the appeals in our sample, which was allowed as a result of additional evidence regarding destitution being submitted to the Tribunal on the day of the hearing.
- 4.30 The second allowed appeal concerned a complex and unusual case relating to an outstanding judicial review. It was unclear from the support application whether or not the judicial review remained outstanding at the time the decision was made, but ultimately the Tribunal accepted that it was ongoing.
- 4.31 In addition to our file sampling, we visited the Asylum Support Tribunal and observed three appeal hearings, all of which were against decisions by UKVI to discontinue Section 4 support. We noted that in each of these appeals, UKVI had failed to follow its own policy on discontinuation: prior to making the decision, it had not written to the recipient requesting any information that would prevent discontinuation. This was a significant factor in determining the outcome of each case.
- 4.32 Two of these appeals were remitted back to UKVI to enable further applications to be considered. In the final case, although again there was further evidence to consider, the appeal was allowed as the Judge concluded that the applicant was homeless and a delay would not be appropriate.
- 4.33 Remitted appeals accounted for 9% of appeal outcomes between August 2012 and 2013, occurring on no less than 117 occasions. Our experience at the Tribunal has indicated that some of these appeals could have been avoided if UKVI had followed its own policy on discontinuation.
- 4.34 At the time of the inspection UKVI was conducting analysis into the allowed appeal rate in Section 4 cases. Although this was a positive development, it was unclear how collecting this data was to be taken forward with a view to improving performance. We were told that this analysis was still in its infancy and UKVI was aiming to have a good evidence base by March 2014. Conducting such an analysis into appeal outcomes is important to identify opportunities for driving improvements in decision quality, a factor on which we have consistently made recommendations in several of our previous inspection reports.²³

Conducting such an analysis into appeal outcomes is important to identify opportunities for driving improvements in decision quality

We recommend that the Home Office:

Reduces the number of remitted appeals by reviewing all cases prior to the termination of support.

²³ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/01/marriage-and-civil-partnerships-FINAL-PDF.pdf>
http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Asylum_Getting-the-Balance-Right_A-Thematic-Inspection.pdf
<http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/EMBARGOED-A-comparative-inspection-of-the-UK-Border-Agency-visa-sections-in-Africa.pdf>

The Timeliness of Decisions

- 4.35 We also considered whether decisions had been made within reasonable timescales to ensure that vulnerable applicants were not made destitute by unnecessary delays or poor administration.
- 4.36 Clear targets were in place nationally for the completion of Section 4 decisions. These applications needed to be considered within 48 hours for those applicants who claimed to be imminently street homeless²⁴ and within five days in all other cases. However, these targets only related to the initial assessment of the application, as in some cases further information may have been required before a decision could be reached. We were told that decisions would be made within these timescales where no further information was needed.
- 4.37 In our sample of Section 4 granted cases, UKVI frequently missed its targets in this area. After excluding seven cases from our analysis (they involved requests for further information) we examined whether the remaining 49 had been decided within five days. We found that 20 of these 49 decisions (41%) took six days or more to be completed. Although the average length of time to make a decision in this category was five and a half days, narrowly outside of UKVI's targets, we found that no consistent timescales were being met and a large proportion of decisions were missing their deadline.
- 4.38 When we analysed Section 4 refused cases, performance was significantly worse. Nine of these cases involved a request for further information and were therefore excluded from our analysis. In the remaining 46 cases, the average time it took to make a decision was nine and a half days – almost double the target time. Twenty-four of these 46 cases (52%) took at least six days to reach a decision and four were not decided until over a month had passed. Figure 11 illustrates decision-making timeliness for Section 4 cases.

Figure 11: Decision-making timeliness for Section 4

Time taken (days)	Number of decisions made	
	Granted	Refused
0-5	29	22
6-10	10	10
11-20	9	8
21+	1	6
Total decisions	49	46

- 4.39 There was no explanation on ASYS as to why UKVI were unable to complete such a large proportion of these Section 4 decisions within their target timeframe. Staff and managers at the majority of locations we visited told us that they were meeting Section 4 decision targets, yet we were concerned that the target date to make these decisions had been missed in almost half of all the Section 4 cases that we examined. Managers informed us that the planned move to a national Section 4 team would lead to an improvement in both performance and quality of decision-making.

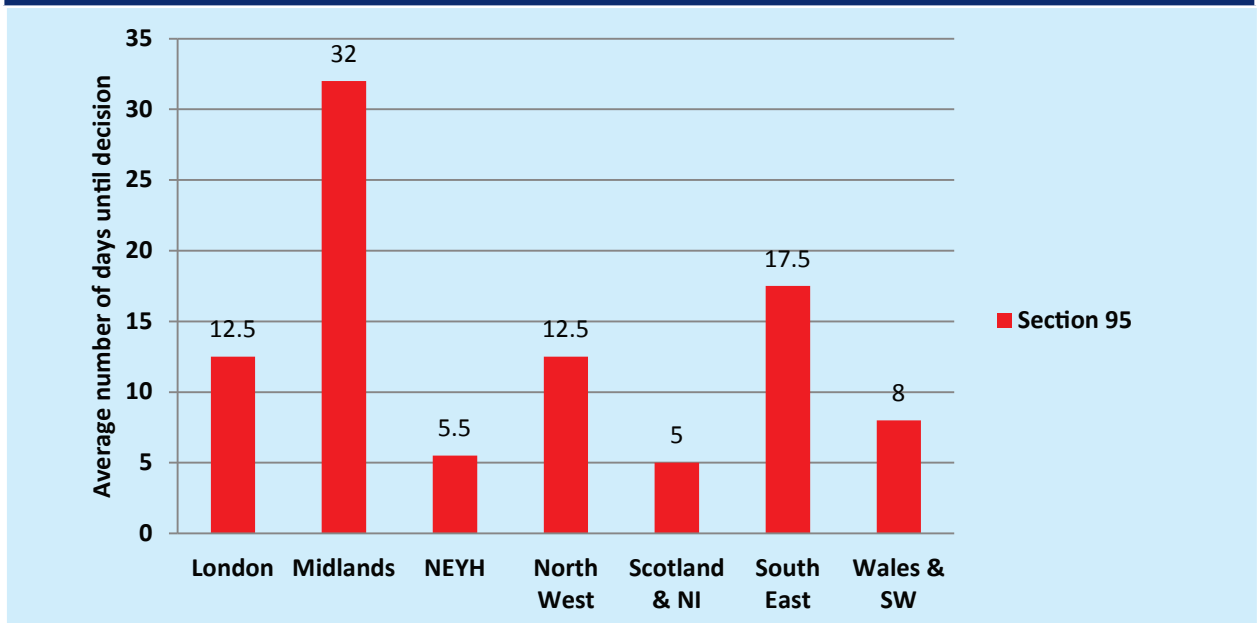
We were concerned that the target date to make these decisions had been missed in almost half of all the Section 4 cases that we examined

²⁴ These cases are easily identifiable from the initial page of the application form.

4.40 In Section 95 cases we found significant regional variations in relation to decision timeliness. National targets for Section 95 cases required an initial decision to be made within ten days if the applicant was residing in initial accommodation.²⁵ However, in practice, decisions were made in priority order to ensure that applicants passed through initial accommodation within a target of 19 days. As the vast majority of Section 95 applications were from applicants in initial accommodation, we were disappointed to find that 42 of the 104 cases (40%) took 11 days or more to reach a decision. Furthermore, 25 applicants waited over one month before they were notified of a decision in their application. Figure 12 demonstrates a regional breakdown of this performance.

In Section 95 cases we found significant regional variations in relation to decision timeliness

Figure 12: Regional performance – Section 95



4.41 Our file sample demonstrated that the service that applicants were receiving in terms of the timeliness of their initial decision varied greatly depending upon which region they resided in. This should not be the case. We acknowledge that, at the time of the inspection, the support system was moving towards a national, centralised structure and we hope this may lead to greater consistency. We therefore make the following recommendation:

We recommend that the Home Office:

Ensures that decisions on Section 95 and Section 4 are made within the timescales that have been set.

Monitoring and Reviewing Eligibility

4.42 We considered the effectiveness of the UKVI’s review mechanisms regarding whether or not individuals continued to be eligible for asylum support. The policy defining how to conduct reviews in Section 4 cases²⁶ stated that in all cases, case workers must:

²⁵ Temporary accommodation provided under section 98 while the Section 95 application is considered.

²⁶ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylumsupport/guidance/section-4-review.pdf?view=Binary>

- conduct a complete reconsideration of the individual case;
- conduct a thorough check of all evidence available on CID; and
- contact the applicant requesting further evidence as to why they remain eligible.

4.43 Furthermore, the guidance stated that case reviews should be conducted at regular intervals and at no less than every three months for cases with further submissions outstanding.

4.44 Our sample showed that in many regions UKVI was struggling to manage the review process effectively. In over half of the Section 4 granted cases in our sample (29 of 56 cases), reviews were not carried out in accordance with this policy, either because no attempt was made to contact the applicant, or because the reviews were not being completed as frequently as required.

Our sample showed that in many regions UKVI was struggling to manage the review process effectively

4.45 A key part of the review process for those recipients with outstanding further submissions was to ascertain whether a decision on the further submission had been made. In order to achieve this, asylum support teams needed to have an effective working relationship with asylum casework teams.

4.46 We found that in most regions effective communication was evident, resulting in prioritised casework and limiting delays in reassessing Section 4 eligibility. However, one region told us that they did not routinely contact asylum casework teams in these, or indeed any circumstances, as they (asylum teams) had historically not been responsive when requests for information were made.

4.47 This was clearly unacceptable and it will be important to ensure that the new national support structure contains a framework which ensures that staff conduct regular reviews in accordance with policy. This should involve communicating effectively with asylum casework teams.

We recommend that the Home Office:

Conducts eligibility reviews regularly and in accordance with policy.

Further Submissions

4.48 We sampled 46 cases which had been granted Section 4 support between April and September 2011 on the basis of outstanding further submissions, to consider how effective review mechanisms had been in these cases. In five cases reviews were not conducted because the case was concluded prior to the review point. As with other categories, we found the majority of reviews were not completed at regular intervals (35 out of 46 cases – 76%), as prescribed by guidance. However, when a review did take place we consider that the decision made, about whether or not to continue support, was reasonable in 38 of 41 cases (93%).

4.49 In two of the three cases where the decisions were unreasonable, Section 4 support was continued despite the further submissions being accepted as a fresh claim for asylum. This meant that both applicants were eligible for Section 95 support instead. In the third case, the asylum caseworking team had failed to enter the further submissions onto CID. This led to the misguided belief that none were outstanding and support was discontinued when it should not have been.

4.50 Managers told us that the further submissions process can become akin to a ‘merry-go-round’, with applicants submitting multiple further submissions in order to remain on Section 4 support. Our file sampling found that 28 of the 46 applicants (61%) had submitted at least two further submissions and this figure went as high as six in the case of one applicant. Figure 13 provides a breakdown.

Figure 13: Multiple further submissions	
Number of Further Submissions	Number of cases
1	18
2	13
3	7
4	6
5	1
6	1
Total	46

4.51 The majority of regions managed the inflow of further submissions effectively and demonstrated good collaboration between the asylum casework and asylum support teams. However, performance in some regions was extremely poor. We were surprised to find that in at least four of these cases (two from London and two from the South East region):

- the further submissions were still outstanding after several years;
- there was no effective review process in place; and
- little effort had been made to prioritise the outstanding casework.

4.52 Figure 14 illustrates a breakdown of the costs associated with these four cases as at January 2014.

Figure 14: Outstanding further submissions					
Case number	Date of further submissions	Date support granted	Cost of support	Date of last case review	Date of last contact with asylum team
1	May 2011	Jul 2011	£4,360	Oct 2013	Sep 2012
2	Apr 2011	Jul 2011	£4,360	Apr 2013	Feb 2012
3	Oct 2010	Aug 2011	£4,211	Sep 2011	Unknown
4	Apr 2011	Aug 2011	£4,211	Oct 2011	Unknown

4.53 The ongoing cost of these cases further highlights the necessity for close working relationships between the asylum support and asylum casework teams to ensure that casework can be prioritised so that the system delivers value for money. It also highlights the variations in regional performance, as only London and the South East had cases which still had further submissions outstanding after several years. The cumulative cost to the public purse of cases with long-term outstanding further submissions is significant. This, combined with an increasing number of such cases, highlights the need for UKVI to deal with further submissions in a timely and efficient manner, particularly where individuals are receiving asylum support. We examine this issue and the risks associated it in Chapter 7 of this report.

Termination

4.54 A recipient of asylum support can have their support terminated for a number of reasons. A common reason for the termination of asylum support is a grant of leave to remain in the UK. Once a recipient is granted such leave, they receive a number of documents which confirm their immigration

status and allow them to access employment or the welfare benefit system if needed.

- 4.55 UKVI moved from issuing an Immigration Status Document (ISD) to a Biometric Residence Permit (BRP) in March 2012. Initially this caused delays in applicants receiving their status documents, which meant that support had to be reinstated in a large number of cases. However, managers assured us that these problems had since been resolved and the process was now running more smoothly.
- 4.56 The guidance indicated that the termination process should begin on the date that the positive asylum decision was communicated to the applicant. However, we were told that, due to administrative delays in producing BRP documents, an alternative process was introduced nationally. This ensured that the termination process did not begin until the BRP was issued to the applicant, making sure that they received the full 28-day grace period. We considered this to be a sensible approach that helped to mitigate against the potential difficulties that applicants would experience without proof of their immigration status.
- 4.57 We sampled 56 supported cases where asylum had been granted and considered how efficiently UKVI had processed termination. Support should have been terminated on the same date that the BRP was issued to the applicant; however, we found that in nearly two-thirds of cases this did not occur (35 cases – 63%). In 24 of these cases, support was terminated prior to the applicant receiving their BRP. This resulted in three cases having their support reinstated while issues surrounding the BRP were resolved.
- 4.58 Furthermore, in 11 of these 35 cases, support was not terminated until after the BRP was issued to the applicant. Although the longest delay in these cases was less than three weeks, every day that a case remains on support unnecessarily costs public money. UKVI must ensure that the BRP service and support termination procedures are aligned, so that cases do not remain on support unnecessarily.
- 4.59 The case study at Figure 15 outlines the importance of effective case monitoring and the consequences of failing to terminate support promptly.

UKVI must ensure that the BRP service and support termination procedures are aligned, so that cases do not remain on support unnecessarily

Figure 15: Case study: Failure to terminate support promptly

- The asylum case was concluded in May 2012 when UKVI chose not to appeal against the applicant's allowed asylum appeal.
- The family remained on asylum support until December 2012, as UKVI failed to produce their status documents.

Home Office response:

- There is generally a vigorous process for identifying and actioning allowed appeal cases.
- In this instance, the case slipped through this process and a further check has been introduced to avoid this happening in future.

Chief Inspector's comments:

- The failure to identify that this case was no longer eligible for support meant that the applicant remained on support for 29 weeks unnecessarily.
- This cost UKVI approximately £2,108 in additional support costs that could have been avoided.

- 4.60 Effective monitoring of supported cases is crucial to ensure that public money is not wasted due to administrative delays. UKVI must ensure that its new checking process leads to the timely termination of asylum support in cases where leave is granted.

Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.

Asylum Support Fraud

- 4.61 The NAO, in its ‘Good Practice Guide to Tackling External Fraud,’ highlights that ‘fraud risk should be managed in the same way as any other business risk....systematically at both the organisational and operational level.’
- 4.62 In the context of government-provided benefits, external fraud occurs when an individual deliberately obtains payments to which they are not entitled or fails to provide information which affects their eligibility. Asylum support fraud is most commonly committed by:
- false representation – where an applicant intentionally fails to disclose their true financial circumstances during the application process; or
 - failure to disclose information – where a recipient intentionally breaches their Asylum Support Agreement²⁷ by not informing UKVI of a material change in their personal or financial circumstances.
- 4.63 £155 million²⁸ was allocated for the provision of asylum support in 2013/14. This is a significant amount of public money and it is essential that the Home Office identifies and deters those attempting to commit fraud. Moreover, as the National Audit Office (NAO) pointed out in a recent report, ‘the law abiding public have the right to expect government departments and agencies to safeguard public funds and crack down on those committing fraud.’²⁹
- 4.64 In order to prevent fraud, government departments require a framework which establishes a systematic and rigorous approach to the identification of offenders and the application of sanctions. This should include:
- an anti-fraud strategy;
 - a deterrent policy;
 - consistent targets for investigation teams and regular monitoring of their performance;
 - standard operating procedures (i.e. guidance);
 - training and tools to enable staff to meet these standards; and
 - resourcing arrangements which ensure sufficient investigative capacity.
- 4.65 We found a comprehensive document on the Home Office’s website³⁰ (referred to as Support Fraud Investigations) that met many of these requirements. However, it had not been updated

27 Applicants are required to sign an Asylum Support Agreement, which, amongst other things, includes a duty to notify UKVI of the receipt of any income – <http://www.ukba.homeoffice.gov.uk/asylum/support/agreement/>

28 Amount allocated to providing subsistence payments and accommodation for s4 and s95 support applicants.

29 ‘Tackling External Fraud – Good Practice Guide,’ (NAO – 2008).

http://www.nao.org.uk/wp-content/uploads/2013/02/Tackling_External_Fraud.pdf

30 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/asylum-support/guidance/fraudinvestigations.pdf?view=Binary>

since 20 November 2009 and many of the hyperlinks within it to other documents did not work. Furthermore, staff and managers generally did not use this document.

The UKVI Counter Fraud Framework

- 4.66 We found no evidence that UKVI had attempted to determine what its exposure to asylum support fraud was and there were no entries regarding fraud in its general support risk register.
- 4.67 This was in stark contrast with the Department for Work and Pensions (DWP) and HM Revenue & Customs (HMRC), whose joint strategy, 'Tackling fraud and error in the benefit and tax credit systems,'³¹ used empirical methods to outline risks and detailed measures that would be used to address them. By not taking this approach, the Home Office had contravened Treasury guidance, which stated that every department should: 'identify, itemise and assess how it might be vulnerable to fraud, covering the risks in some detail.'³²
- 4.68 An internal document revealed that these problems arose because 'there is no national methodology for recording abuse relating to applications for asylum support.'³³ This was concerning, as it meant that it was impossible for UKVI to estimate the extent of fraud.
- 4.69 Poor strategic direction from Senior Management meant that no attempts had been made to ensure that the six regional Fraud & Compliance Teams (FCTs)³⁴ operated in a consistent manner. Each had a different structure and had been given discretion to set its own performance targets. For example, the North West Team operated to an annual 'savings' target,³⁵ whilst the London and South East team sought to complete 18 visits per week, the majority of which were not related to suspected fraudulent activity. This prevented any meaningful comparison of performance across regions, an activity which should have underpinned the effective management of FCTs.

We found no evidence that UKVI had attempted to determine what its exposure to asylum support fraud

We recommend that the Home Office:

Identifies its exposure to fraud and develops a credible strategy to address it.

Guidance and Training

- 4.70 The 'Standard Operating Procedures' (SOPs), which provided guidance on the conduct of fraud investigations, was last amended in November 2011. We reviewed this guidance and found it comprehensive, describing the various steps involved in undertaking investigations. For example:

- how to manage referrals about suspected asylum support abuse;
- gathering evidence techniques;
- the use of coercive powers;³⁶ and
- conducting interviews.

We reviewed this guidance and found it comprehensive, describing the various steps involved in undertaking investigations

31 'Tackling fraud and error in the benefit and tax credit systems' (2010) DWP and HMRC – systems' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214334/tackling-fraud-and-error.pdf

32 , 'Managing Public Money,' (HM Treasury Guidance 2013). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212123/Managing_Public_Money_AA_v2_-_chapters_annex_web.pdf

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34 As well as investigating fraud, FCTs were responsible for monitoring applicants' adherence to additional conditions regarding their accommodation.

35 These arise where an individual has their support terminated, with the saving therefore being costs that otherwise would have been occurred.

36 A formal request, underpinned by legislation, which allows the Home Office to request financial institutions and/or employers to provide copies of the recipients' bank statements and/or employment records.

- 4.71 However, staff and managers told us that these procedures were not fully adhered to, as they referred to teams that no longer existed, or relied upon historic and higher resource levels.
- 4.72 The SOPs were supported by a NASS Deterrent Policy, which set out the types of sanctions that were available, including:
- warning letters being issued;
 - asylum support being reduced or discontinued;
 - overpayment recovery being instigated; and
 - referring cases for prosecution.
- 4.73 However, we found that the deterrent policy had not been updated since its introduction over nine years ago (in 2005), and was routinely ignored, as evidenced by our file sampling.
- 4.74 It is extremely concerning that there was no common expectation as to how investigations should be conducted or the actions that should be taken against individuals who were suspected of asylum support fraud. We were informed that a ‘Delivery Group’ had been established to examine this issue, however, no deadline had been set regarding when its work would be concluded.
- 4.75 Meanwhile, none of the staff we spoke to had undertaken accredited counter-fraud training whilst working for UKVI and some had not received any formal training at all. Such courses are important, as they cover a range of investigative skills, including how to conduct investigations, gather and preserve evidence, conduct interviews and prepare cases for criminal prosecutions.

We found that the deterrent policy had not been updated since its introduction over nine years ago (in 2005), and was routinely ignored

We recommend that the Home Office:

Provides fraud training and up-to-date Standard Operating Procedures governing fraud investigations.

Investigation Tools

- 4.76 The majority of FCT staff did not have access to the Experian credit checking system and therefore had to ask caseworking and intelligence teams to perform these checks. We were told that goodwill was usually shown, but the informal nature of the arrangements often delayed investigations. It is hard to understand why FCT staff were not given access to this system to help them conduct their investigations.
- 4.77 Staff also informed us that information-sharing mechanisms with other government departments and agencies were weak or non-existent. No arrangements existed with local councils to enable the Home Office to obtain details of the occupancy and tenancy arrangements for its rented accommodation – particularly important for those applicants who had secured accommodation with friends and only required subsistence payments.
- 4.78 More significantly, whilst formal channels for information-sharing existed with HMRC and the DVLA, requests for information were limited in number and responses were not subject to a deadline. UKVI could not provide us with the number of requests that had been made and so we could not assess the adequacy of these quotas. However, staff informed us that they were regularly

Staff also informed us that information-sharing mechanisms with other government departments and agencies were weak or non-existent

exhausted well before the end of the month and that responses were slow and sometimes failed to materialise. This had led to many FCT staff failing to use these tools adequately.

4.79 Senior Managers told us that UKVI was determined to improve information-sharing. As a result, two Home Office staff members had been given direct access to HMRC databases to improve capacity by allowing more checks to be conducted. However, we were told that reducing visa abuse was seen as the priority and therefore ‘we probably need to do a bit more for asylum colleagues.’ We consider that effective data-sharing with DWP and HMRC is an absolute requisite for FCTs, especially when applicants, many of whom have been in the UK for considerable periods of time, may be working or claiming in-country benefits³⁷ from both of these government departments.

4.80 UKVI was not proactively identifying asylum support abuse. For example, it was not conducting bulk data-matching exercises, whereby information about support recipients was scanned against other government databases (HMRC and DWP) or credit reference agencies. This was a missed opportunity and would have enabled UKVI to ascertain if applicants were receiving state benefits to which they were not entitled or had bank accounts, credit cards or loans etc. UKVI told us that work was taking place to rectify this issue.

UKVI was not proactively identifying asylum support abuse

We recommend that the Home Office:

Works effectively with other government departments to ensure that asylum support fraud is tackled.

Resourcing

4.81 We found that resourcing arrangements did not allow for a consistent level of monitoring of recipients across the UK, as:

- Scotland & Northern Ireland had no FCT, despite 2,855 recipients residing there;³⁸ and
- half of UKVI’s FCTs had decided not to conduct visits to applicants residing in private accommodation.

4.82 These disparities severely undermined the deterrent effect which UKVI’s fraud and compliance regime should have aimed to achieve. For example, in Scotland, we were informed that one recipient had given a series of interviews to the media about the business they were running. Caseworking staff we spoke to were frustrated at this approach, but were unable to refer cases for investigation when the need arose.

These disparities severely undermined the deterrent effect which UKVI’s fraud and compliance regime should have aimed to achieve

4.83 Furthermore, no attempt had been made to ensure that resource levels reflected the number of recipients residing in the geographic areas which FCTs were expected to cover. This was exemplified by the decision to disband the South East and East of England FCTs and require the London and Midlands teams to cover these regions as well as their own.³⁹ Additional resources were not provided and staff therefore informed us that recipients in their newly inherited ‘patches,’ were very rarely visited, if ever. Figure 16 compares the number of staff in five FCTs compared to the supported population⁴⁰ in the corresponding area.

37 For example, Working Tax and Child Tax Credits and Child Benefit (claimed from HMRC), and Job Seekers Allowance (claimed from DWP).

38 Approximate figure as of 19 November 2013.

39 Respectively becoming the London & South East and Midlands & East of England teams.

40 We did not receive supported population figures for two regions.

Figure 16: Number of staff compared to the supported population

	Supported population ⁴¹	FTE Headcount ⁴²	Number of recipients per staff member
Midlands & East	5,776	3.5	1,650
Yorkshire & Humberside	5,154	4.3	1,199
North West	6,000	7	857
London & South East	3,404	3.7	920
Scotland & NI	2,855	0	2,855

- 4.84 These staffing numbers were nominal, as the majority of teams were also required to fulfil additional casework duties. For example, the North West team spent every other week conducting Section 4 appeal casework and were also line managers for casework staff.
- 4.85 The impact of these changes on identifying and tackling abuse within the asylum support system was exacerbated by a reduction in staffing numbers and UKVI's inability to de-prioritise other work streams. This was because contractual arrangements with accommodation providers meant that visits had to be conducted within set timescales following allegations of domestic violence and anti-social behaviour.
- 4.86 Figure 17 shows the proportion of visits which formed part of a fraud investigation, for the three FCTs which were able to provide this data.

Figure 17: Reason for visit being conducted (2012/13)

	Total visits ⁴³	Fraud visits
London & South East	505	47 (9%)
Wales & South West	206	22 (11%)
North East	84	15 (18%)
TOTAL	795	84 (11%)

- 4.87 This data provides a strong indication that fraud investigation comprised a limited proportion of FCTs' work. Whilst a recruitment campaign for caseworking staff was underway, senior managers told us they had not decided whether FCTs would be given more staff.

We recommend that the Home Office:

Provides sufficient resources across the UK to manage and implement effective counter fraud measures to deter abuse of the asylum support system.

41 Figures as of 19th November 2013. Number for Midlands & East excludes those in private accommodation.

42 Full time equivalent head count – decimalised figures provided as some staff are part-time or job share.

43 Each FCT had different classifications for the reason for conducting a visit. These included to investigate allegations of public harassment, domestic violence and damage to accommodation.

The Quality of Investigations

4.88 The type of investigative activity which the UKVI deployed depended on the case; however, options included the following measures:

- an announced or unannounced visit to the recipient’s accommodation – this allows the recipient to be interviewed and their property to be inspected;
- a scheduled interview at a Home Office reporting centre or the offices of the accommodation provider;
- written enquiries, including requests for the submission of documents; and
- use of ‘coercive powers’.

4.89 We examined 23 cases⁴⁴ from 2012/13 where a fraud investigation had been opened, and examined whether the sanctions outlined in the Deterrent Policy had been pursued. We also examined whether the terms of the Asylum Support Agreement had been appropriately enforced. We further considered whether the investigation had adhered to key elements of the SOPs and if UKVI had met its target of concluding 90% of investigations within 12 weeks. Figure 18 shows performance against these criteria:

Figure 18: Quality of investigations	
Cases where SOPs/policy was followed	12 (52%)
Cases where SOPs/policy not followed, of which:	11 (48%)
<ul style="list-style-type: none"> • Deterrent Policy not followed 	5
<ul style="list-style-type: none"> • Asylum Support Agreement not enforced 	1
<ul style="list-style-type: none"> • Standard Operating Procedures not followed. 	5
Cases concluded in less than 12 weeks	11 (48%)
Cases concluded in 12 weeks or more	12 (52%)

4.90 In addition to this we also examined the investigative methods that were used. The SOPs instructed that, wherever possible, written enquiries (including the use of coercive powers and enquiries with other third parties etc.), should be the preferred method of obtaining information. This was because it was more cost-effective than undertaking visits to the recipient’s accommodation, which should only be conducted where they ‘add value to the investigation,’ with the overriding principle being that ‘as much work as practicable should be carried out in the office.’

4.91 Our sampling found that the failure to follow the SOPs had undermined investigations in a number of ways, including:

- conducting announced visits when it was inappropriate to do so;
- closing investigations prematurely; and
- failing to use coercive powers effectively.

4.92 Figure 19 refers to a case where it was inappropriate to conduct an announced visit.

⁴⁴ We aimed to sample seven from each FCT; however, some FCTs had not opened this many investigations. Five files were sampled and deemed to be out of scope.

Figure 19: Case study – Failure to conduct necessary checks prior to conducting a visit

- A referral was received from another member of Home Office staff (Contract Compliance Manager), stating that during a visit to the property they had observed that the recipient had signs of wealth that did not appear commensurate with the support level provided (two laptops, a TV, a Nintendo Wii, a fixed telephone line and an exercise machine).
- Credit reference checks undertaken revealed details of two bank accounts (the recipient and spouse), in addition to some type of agreement with a communications company.
- A subsequent visit by the FCT Officer saw the same goods and also established that the recipient and their spouse both had national insurance numbers and mobile phones (details taken).
- Following the visit the FCT Officer concluded that ‘the level of income received from support was fully able to buy the signs of wealth observed (sic).’ The case was therefore closed.

Chief Inspector’s comments:

- Financial coercive powers should have been used with the bank and communication company concerned to ascertain debits and credits from the accounts, etc.
- DWP should have been contacted to establish whether the recipient/spouse were in receipt of any state benefits.
- HMRC should have been contacted to establish if they been engaged in employment or were in receipt of working or child tax credits.
- The mobile phone company could have been contacted to ascertain spending related to the mobile phones or the payments used to buy air-time.
- Simply undertaking an announced visit in this case and taking no further action was unacceptable.

4.93 In another case, the recipient failed to provide evidence in response to a written enquiry. Instead of conducting a visit, the investigation was closed prematurely. Figure 20 refers.

Figure 20: Case study – Investigation case closed prematurely

- An allegation was received that the recipient had a car and the DVLA subsequently confirmed they were the registered keeper of the vehicle.
- Information from an Intel Unit showed that 11 credit applications, two bank applications and requests for insurance quotes had been made, although further details regarding these applications was not provided.
- Other information received alluded to the fact the recipient was in part-time employment – an HMRC check found no evidence of this, although it remains unclear whether this check was solely related to benefits rather than employment.
- The recipient provided a letter, allegedly from a third party, stating they had loaned the car to them and had paid for the recipient’s insurance.
- Despite the recipient’s failure to provide the requested MOT, tax and insurance documents, the investigation was concluded without any further action and the file was destroyed in accordance with a local destruction policy.

Chief Inspector's comments:

- The fraud file should not have been destroyed, as the SOPs make it clear that an audit trail of all actions taken during the course of an investigation must be retained.
- The file provided to the Inspectorate consisted of a closure report of just two pages – we were therefore unable to fully assess whether appropriate actions were taken to investigate this case properly.
- That said, the Intel Unit should have been contacted to provide further detail about the various credit applications.
- A letter from an unknown third party should not have been accepted as evidence regarding the vehicle and insurance payments.

4.94 In its response to this case, the Home Office told us that many investigations were now paper-based and visits were only conducted when appropriate to do so against allegations that needed to be evidenced. This is often where explanations were still required and it was believed there might be assets or signs of wealth at the property.

4.95 The inconsistency and inadequacy of measures taken in both of these case studies were reinforced during the on-site phase of the inspection. Despite the SOPs instruction to make limited use of visits, staff from one FCT informed us that 99.9% of their visits were notified to the recipient. Another region told us they also conducted 'business as usual' visits, whereby they visited recipients on a random basis and interviewed them regarding compliance issues.

The inconsistency and inadequacy of measures taken in both of these case studies were reinforced during the on-site phase of the inspection

4.96 Staff from the remaining FCTs told us that, as a result of a reduction in capacity, fraud investigations now involved greater use of scheduled interviews and written inquiries and less visits, particularly unannounced visits. Due to a lack of central management oversight and inadequate record keeping UKVI was unable to provide the number of:

- announced and unannounced visits conducted in 2011/12 and 2012/13 – although staff informed us that announced visits accounted for the overwhelming majority of visits; and
- scheduled interviews that had taken place – estimating that they accounted for 20% of all interviews, including those conducted during a visit.

4.97 The use of coercive powers and written enquiries are valuable investigative tools and allow FCT staff to conduct appropriate enquiries in advance of any visits in order to undertake checks with:

- financial institutions and employers;
- other government departments; and
- local authorities and/or utility providers, when appropriate to do so.

4.98 UKVI must ensure that appropriate investigative methods are selected and that resource capacity exists for this to be executed. It must also act more proactively to target fraud within the asylum support system, primarily by undertaking bulk data-matching initiatives with other government departments and credit checking agencies. Only by doing so can it start to identify, itemise and assess how it might be vulnerable to fraud.

Application of Sanctions against Offenders

- 4.99 A range of sanctions are available to UKVI. They include termination of support, the issuing of warning letters, the recovery of overpayments and pursuing criminal prosecution.⁴⁵ Terminating support and/or recovering overpayments aim to prevent recipients enriching themselves through fraud, whilst prosecution is a punishment and acts as a strong deterrent to potential offenders.
- 4.100 In respect of financial sanctions, support can be terminated if it can be shown that the recipient had sufficient funds so as not to be destitute. In other cases, UKVI must continue to support the recipient; however, they may make a reduction of up to 15% in their subsistence payments until the debt is recovered.

Terminations and Overpayment Recovery Action

- 4.101 Our file sampling of 23 investigation files revealed six cases (26%) where recipients had defrauded money from UKVI. In two of these cases, UKVI did not impose any overpayment recovery, while in three further cases, the recipient was granted leave to remain before the debt was fully recovered. In the remaining case, the recipient had their support terminated as they admitted that their spouse was providing them with financial support.
- 4.102 The level of fraud in these cases ranged from failing to declare the receipt of £150, to claiming £18,000 in subsistence payments – Figure 21 refers.

Figure 21: Case study – Failure to take overpayment recovery action

- An investigation concluded that the recipient had claimed nearly £18,000 in subsistence payments, while being in receipt of a total of £74,000 from other sources, including wages from illegal employment, HMRC benefit payments and a bursary from the NHS.
- In January 2013 they were given a 12 month suspended prison sentence after being found guilty of committing fraud and using false documents.
- Although the Deterrent Policy⁴⁶ stated that action should be taken to secure repayment of the full amount (£18,000), there was no evidence that this was pursued.
- Despite having approximately £10,500 in two bank accounts, the recipient continued to receive subsistence payments.

UKVI comments:

- The team dealing with overpayments was disbanded in 2010 and since then there has been an inconsistent approach to recovery of overpayments.
- It was therefore a local decision not to do so in this case.
- Going forward, there will be a debt management function, centrally managed by UKVI to ensure consistency.

45 Applicants can be charged with a range of offences, including, inter alia, some specific to the receipt of asylum support (s105 and s106 of the Immigration and Asylum Act 1999). <http://www.legislation.gov.uk/ukpga/1999/33/contents> – and the more general offence of committing fraud by false representation.

Chief Inspector's comments:

- Whilst it was pleasing to see an investigation culminating in a conviction being secured, it was unacceptable that no action was taken to recover asylum support which had been claimed fraudulently.
- It is unacceptable that the former UKBA disbanded its overpayments team without ensuring that regional teams were adopting a consistent approach to debt recovery.
- It is vital that appropriate consideration is given to imposing both criminal and financial sanctions and that these decisions are based on a clear policy.

4.103 When taken in the context of the overall supported population, we were concerned to find that the number of cases where support had been terminated following a visit was low. The number of cases where overpayment recovery action had been taken was even smaller, as shown in Figure 22.

Figure 22: Number of terminations and overpayment recoveries following a visit in 2012/13

	Supported Population	Cases where support terminated ⁴⁷	Cases where overpayment recovery action was taken
Midlands and East	5,776	50 (39%)	74 (82%)
London & South East	3,404	47 (36%)	1 (1%)
North West	6,000	24 (19%)	7 (8%)
NEYH	5,154	4 (3%)	6 (7%)
Wales & South West	Unknown	4 (3%)	2 (2%)
Scotland & NI	2,855	0 (0%)	0 (0%)
TOTAL		129	90

4.104 Only two of the six FCTS were able to provide us with the amount of money that had been repaid as a result of these overpayment recoveries. These were London & the South East (£5,176) and Wales & the South West (£497), making a total of £5,673. Whilst there was no objective standard against which to judge these figures, they appear far too low.

4.105 Firstly, we considered that in 11 cases that we sampled (49%) the investigation had not adhered to the SOPs and that as a result, fraud may not have been detected or punished. Secondly, the Midlands and East FCT implemented the greatest number of terminations and overpayment recoveries, despite having the smallest team. Based on the supported population distribution nationally, it would not be unreasonable for the Midlands performance to be replicated by each FCT.

4.106 Thirdly, if the DWP's estimate that 1.7% of the benefits it paid in 2012/13 were 'overpaid due to fraud and claimant error' was applied to Section 4 and Section 95 subsistence payments (£72 million paid in 2012/13), the estimated loss would be approximately £1,224,000. We accept that our estimate of the amount of funds recovered (£5,673) only takes into account overpayment recoveries made by two teams following compliance visits and therefore the overall amount repaid to UKVI will be higher.

⁴⁶ This was not accessible to staff online but was provided to the inspection team in advance of the on-site phase of the inspection.

⁴⁷ Support can be terminated for reasons other than fraud. For example, anti-social behaviour and non-compliance with other conditions in the Asylum Support Agreement regarding use of support accommodation.

- 4.107 However, the DWP's estimate of 1.7% reflects the impact of their operations to identify fraud and claimant error, which, as we have noted several times, is far more rigorous than the regime operated by UKVI. As highlighted earlier in this chapter, UKVI has no reliable data on the extent of asylum support fraud, but we note that when first attempting to estimate losses through fraud, the DWP's figure was significantly higher than 1.7%.
- 4.108 Moreover, the NAO's recent report concluded that in 10% of properties which it visited, 'it was clear that the occupants may have a level of income above that expected of someone receiving the minimum level of support.'⁴⁸ It therefore seems likely that the percentage of support which is overpaid due to fraud could be substantially higher than the DWP's estimate.

Debt Recovery from Recipients Who are Granted Leave to Remain

- 4.109 In the three cases where the recipients had been granted leave to remain in the UK before they had fully repaid their debt, attempts were made to reach an agreement on a voluntary repayment plan. Figure 23 refers to one such case:

Figure 23: Case study – Absence of recovery action following a grant of leave to remain

- An investigation concluded that, while claiming subsistence payments, the recipient and her husband had received approximately £11,000 in HMRC benefits (child tax credits and child benefit) and had deposited £10,000 into their bank accounts.
- UKVI then calculated they should repay £6,035; however, they were granted leave to remain before overpayment recovery action could be taken.
- Instead, they have offered to repay £15 per week on a voluntary basis.
- There was no evidence that a prosecution was considered.

Home Office response:

- There are currently no policies or procedures that provide for us to recover monies overpaid after termination of support.
- This case was not considered for referral to a Crime Team, as these have required evidence of current employment and false documents.

Chief Inspector's comments:

- Whilst this was a thorough investigation, the outcome of the case is that it will be nearly eight years before the debt is fully recovered, assuming the individual does not decide to cease their voluntary payments at any time.
- Although this case met deterrent policy thresholds for prosecution, this was not considered.

- 4.110 Staff and managers confirmed that where an agreement was not reached, debts would be written off because UKVI had no powers to pursue recovery through legal action. Managers told us that work had begun to provide UKVI with an ability to enforce debts after an individual had been granted leave to remain. However, we found that UKVI already had the statutory power to pursue debts incurred as a result of fraud through the County Court.⁴⁹ This further underlined the urgent need for updated guidance. We also noted that the DWP has a dedicated debt management function,

However, we found that UKVI already had the statutory power to pursue debts incurred as a result of fraud through the County Court

48 COMPASS contracts for the provision of accommodation for asylum-seekers (NAO – 2014) <http://www.nao.org.uk/report/compass-contracts-provision-accommodation-asylum-seekers/> and <http://www.telegraph.co.uk/news/uknews/immigration/10561239/Destitute-asylum-seekers-had-iPads-and-luxury-goods-says-report-by-government-auditors.html>

49 s112 of the Immigration and <http://www.legislation.gov.uk/ukpga/1999/33/section/112>

while HMRC contracted specialist companies to perform this task.⁵⁰

- 4.111 We note that the majority of the benefits which these departments dispense are to British citizens, who are quite rightly pursued for debts incurred through benefit fraud. Furthermore, HMRC has even gone as far as imposing strict liability principles, whereby fines have been imposed upon British citizens who failed to meet deadlines for submitting forms declaring their income for child benefit assessment purposes.⁵¹

We recommend that the Home Office:

Implements an effective debt recovery strategy so that public funds are recovered in all cases where there is no entitlement to asylum support benefits, regardless of whether applicants are granted leave or not.

- 4.112 We identified a further problem with the case referred to in Figure 23, which concerned three separate attempts by UKVI to alert HMRC to the fact that the recipients were not eligible for the HMRC benefits being paid (these attempts were made prior to the grant of leave). We noted that the FCT officer was:
- forced to telephone a public hotline as they did not have a formal HMRC contact point;
 - referred to three different HMRC teams; and
 - not provided with a promised response.
- 4.113 As a result, it is not known what action, if any, was undertaken by HMRC. Staff informed us that they had sometimes encountered difficulties when attempting to contact HMRC and/or the DWP. We therefore repeat our earlier recommendation that the Home Office works with HMRC/DWP to ensure the effective exchange of information regarding support recipients.

Prosecutions

- 4.114 In 2012/13, six recipients were successfully prosecuted for fraud offences, with a further three cases being prepared for prosecution. Prosecutions are fundamental to deterring individuals from pursuing fraudulent activity as, if publicised appropriately, they send a message to all recipients that abuse of the system will not be tolerated. With a prosecution rate this low, UKVI is failing to utilise this deterrent measure effectively.
- 4.115 Staff told us that prosecutions had become harder to secure, as Immigration & Enforcement Crime Teams were reluctant to accept cases where asylum support fraud had been committed by an individual, rather than a criminal group. Whether the view of staff was representative or not, it was clear from the evidence we saw that sanctions, whether involving prosecution or financial recovery, needed to be radically improved to ensure that fraud within the asylum support system is tackled effectively.
- 4.116 As the functions of the UKBA are now split into two distinct directorates with differing priorities, it is essential that UKVI and Immigration Enforcement work closely together so that attempts to commit asylum support fraud do not go unpunished.

It is essential that UKVI and Immigration Enforcement work closely together so that attempts to commit asylum support fraud do not go unpunished

50 DWP - <http://www.dwp.gov.uk/other-specialists/debt-management/>

HMRC - <http://www.hmrc.gov.uk/payinghmrc/debtcollectors/>

51 <http://www.thetimes.co.uk/tto/money/tax/article3889416.ece>

5. Inspection Findings – Safeguarding Individuals

All individuals should be treated with dignity and respect and without discrimination in accordance with the law.

All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.

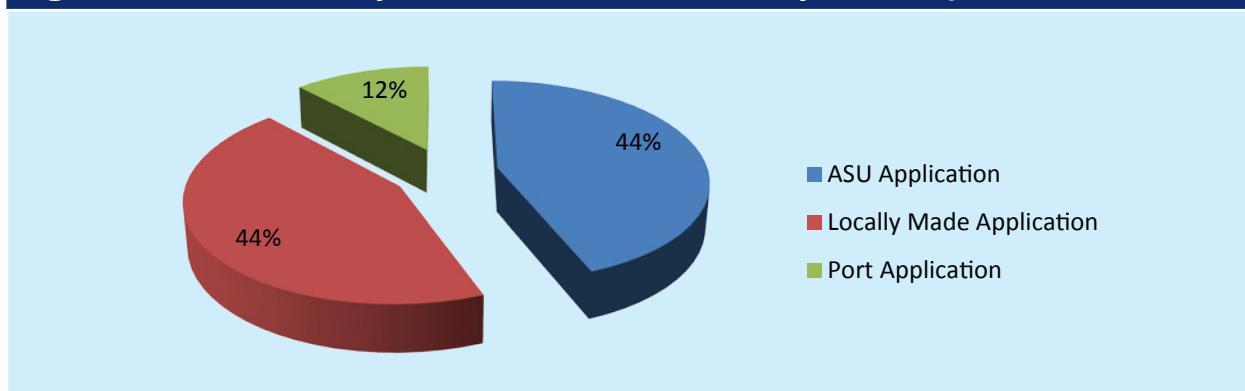
- 5.1 This chapter examines aspects of the screening process at the Asylum Screening Unit (ASU) in Croydon, with particular emphasis on the treatment of vulnerable individuals. It also assesses the relationship between UKVI and organisations that provide assistance to those claiming asylum support.

Registering Asylum Claims and the Screening Process

- 5.2 Many applicants who claim to be destitute and require asylum support do so at the same time that they claim asylum. Individuals can claim asylum in three ways:
- on arrival in the UK, at the port of entry;
 - at the ASU; or
 - with a local team, e.g. as a result of enforcement action or a lorry drop.⁵²
- 5.3 Figure 24 shows the breakdown of asylum claims by type for the period 1 January to 30 April 2013:

⁵² Immigrants can enter the UK illegally whilst concealed in an articulated vehicle. 'Lorry drop' refers to the point at which the immigrants exit the vehicle.

Figure 24: Location of asylum claims between 1 January and 30 April 2013



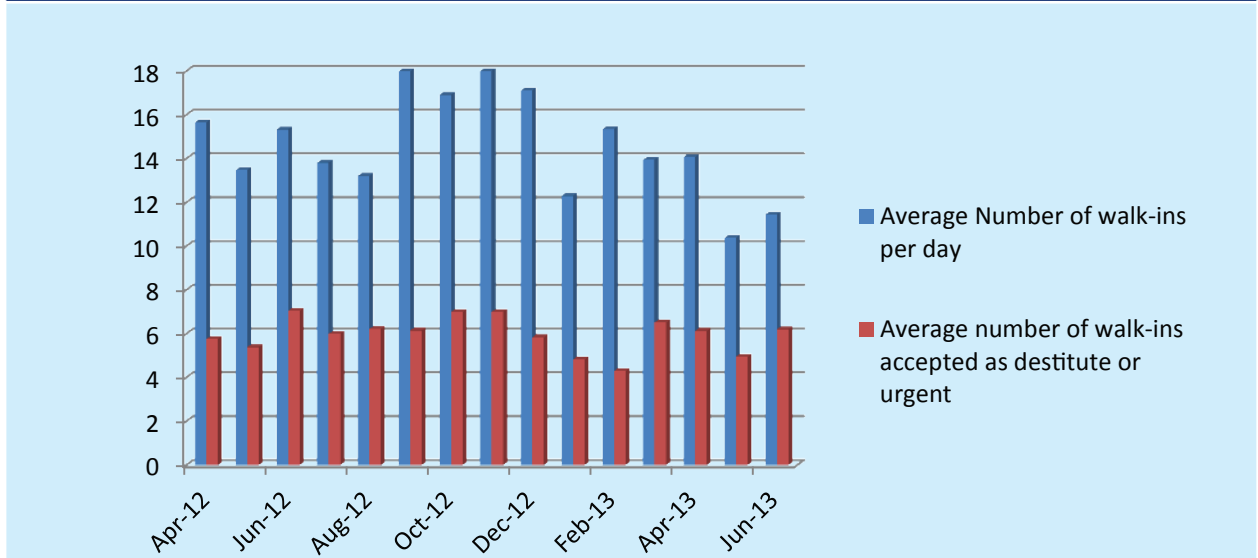
- 5.4 Screening is the process by which UKVI establishes certain basic information about an individual or family who are claiming asylum and can take place at each of these locations. Additionally, at each location an applicant can claim that they are destitute and require accommodation. If this claim is accepted by UKVI, the applicant and their family (if applicable) are placed in initial accommodation (IA).
- 5.5 Due to the large volume of asylum applications that are made at the ASU, the inspection team visited the facility and requested a range of evidence relating to the screening process at the ASU. The findings are set out below.

The ASU

- 5.6 As part of our Inspection into the '*Handling of Asylum Applications Made by Unaccompanied Children*',⁵³ we examined aspects of the ASU. At the time of that inspection we were informed that the facility was to undergo a major refurbishment, which had been completed by the time of this inspection visit.
- 5.7 In addition to being the primary location for registering asylum claims, the ASU is also the first point of entry for those wishing to enter the support process. If an applicant is deemed to be destitute by UKVI staff at the ASU, and requires accommodation, they will be transferred into IA, usually in Croydon. They will then usually be 'dispersed' to other IA, based anywhere in the UK, from where they will make their formal application for asylum support.
- 5.8 The ASU operates a dual appointment / walk-in system. Appointments are arranged by telephone and we were informed that applicants are encouraged to use the appointment system, as this allows the team to better prepare for the interview by considering the applicant's individual circumstances. Staff at the screening unit use the initial telephone call to establish whether the caller has an immediate need for support. If that is the case, the caller is advised to attend the ASU immediately. If they have means by which they can support themselves they are asked to attend an appointment.
- 5.9 The unit reserves seven walk-in slots per day for those who are most urgently in need of support. However, anybody who is identified as destitute, even if the number exceeds seven, will be placed into IA. Stakeholders raised concerns that this process leads to vulnerable individuals being denied support, as they are not deemed to be destitute after they have attended a walk-in appointment at the ASU.
- 5.10 Figure 25 shows the number of walk-in appointments, together with those who were accepted as destitute.

⁵³ <http://icinspector.independent.gov.uk/wp-content/uploads/2013/10/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-FINAL.pdf>

Figure 25: Total number of walk-in visitors to the ASU alongside number accepted as destitute.



5.11 This clearly demonstrates that, on most days, over half of all those who walked into the ASU were deemed not to be destitute and were informed they needed to make an appointment to make an asylum support claim. ASU told us that they asked a series of questions designed to establish the applicant’s current circumstances (particularly relating to their accommodation) and made a decision based on the responses. If the case was complex or the staff member had concerns, they would escalate the case to a senior manager who would make the final decision.

5.12 Both the staff and management we spoke to demonstrated high levels of commitment to safeguarding vulnerable people and made it clear that applicants would be given the ‘benefit of the doubt’, both at the initial telephone call stage and when they walked in to the ASU. We were also informed that staff had received bespoke training in order to recognise victims of trafficking and vulnerable people.

Both the staff and management we spoke to demonstrated high levels of commitment to safeguarding vulnerable people

5.13 As part of our visit, we observed staff interviewing applicants who had walked in on the same day and we were pleased to see them taking many steps to establish the welfare of the applicant. We were also informed that the team often accepted vulnerable people outside of office hours.

5.14 We were also impressed by both the condition of the facilities and the attitude of staff. The refurbishment of the facility had been completed to a high standard. Regard had clearly been given to the needs of the service user and a range of improvements had been made, including the introduction of a new waiting area and the removal of screens in the interview suites.

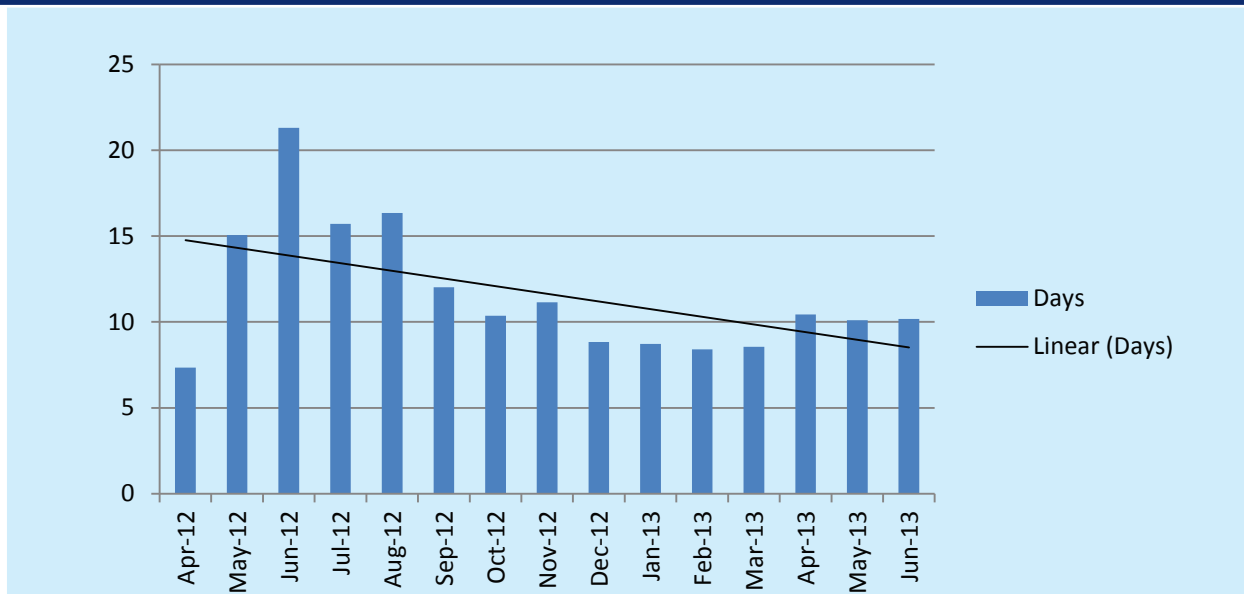
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ASU Appointments

5.15 UKVI informed us that they aim to provide an applicant with an appointment within 10 working days from the date of the initial telephone interview. Figure 26 sets out the average monthly waiting times for an appointment at the ASU after the pre-screening interview,⁵⁴ between April 2012 and June 2013.

⁵⁴ Pre-screening is a brief, telephone interview in which certain basic facts about a claimant are established.

Figure 26: Average wait between pre-screening and appointment, showing trend line



- 5.16 We found that the average waiting time for an appointment was broadly falling in this period. However, when we visited the ASU we were informed that intake had increased in the summer and the waiting time stood at over 15 days. Additionally, we observed an appointment being booked over one month in advance. We were informed that agency staff were being utilised in order to resolve this situation.
- 5.17 In order to discourage individuals from walking into the ASU and potentially depriving destitute individuals from receiving support, it is essential that the appointment system remains a credible and effective mechanism for registering asylum claims and accessing the asylum support system.

Stakeholder Views

- 5.18 There are a significant number of organisations that provide assistance to applicants claiming asylum support. These range from small, locally-based charities to large international organisations such as the Red Cross, who provide a range of services such as advice, advocacy and accommodation.
- 5.19 Of particular significance is the Asylum Support Partnership (ASP). This consists of six agencies funded by UKVI, the Scottish government and the Welsh government. It provides a range of services both for those in initial accommodation and those with ongoing asylum claims; most notably, the ASP provides assistance with applications for asylum support. At the time of the inspection, UKVI was conducting a tendering exercise for the services provided by the ASP, which had been partially concluded.

Stakeholder Survey

- 5.20 On 20 September 2013 we distributed a survey to a number of organisations that work with those claiming asylum. The survey remained open until 12 December 2013 and received 49 responses. Contained within the survey were 11 questions which focused on decision quality, the timeliness of decisions and the ease at which the local UKVI office could be contacted. The key findings of the survey are summarised in Figure 27.

Figure 27: Stakeholder responses to ICI BI survey

Subject Area	Stakeholder Opinion		
	Positive	Neutral	Negative
Section 95 decision quality	13%	29%	58%
Section 4 decision quality	6%	19%	75%
Overall decision timeliness	2%	19%	79%
Relationship with local UKVI team	36%	28%	36%

Stakeholder Meetings

- 5.21 Our meetings with stakeholders, staff, managers and individuals who had directly experienced the asylum support process largely reflected the responses we received in the survey (including some additional written submissions) and a number of concerns were raised, which included;
- poor decision-making, particularly in relation to assessment of destitution;
 - delays in decision-making leading to destitution; and
 - failure to issue the various transition documents (such as the BRP) in a timely manner.

- 5.22 As set out in Chapter 4 of this report, our findings that improvements could be made in terms of timeliness corresponded with the evidence we received from stakeholders. However, concerns raised relating to decision quality were not reflected in our sample, as we found that UKVI staff made reasonable decisions in the majority of cases. We also found that the majority of UKVI caseworkers we spoke to who were involved in asylum support decision-making demonstrated a clear commitment to safeguarding the welfare of vulnerable individuals. This echoes the findings we made in our inspection into the handling of asylum applications made by unaccompanied children.

Concerns raised relating to decision quality were not reflected in our sample, as we found that UKVI staff made reasonable decisions in the majority of cases

Home Office Engagement with Stakeholders

- 5.23 UKVI engages with stakeholders in a number of ways, on both a national and a local level. A particularly significant mechanism for such engagement is the National Asylum Stakeholders Forum (NASF). This is a meeting that is convened on a quarterly basis and attended by senior representatives from key stakeholders (such as the Refugee Council) and UKVI management. Below this high-level forum a number of sub-groups sit, including an asylum support sub-group.

- 5.24 The inspection team considered historic minutes from the NASF, alongside two sets of minutes from the asylum support sub-group which had been established just prior to our inspection. This appeared to be an effective forum for constructive discussions between stakeholders and UKVI senior management, although there were often significant differences of opinion relating to key policy areas. We were particularly pleased to note that UKVI was listening to the concerns of stakeholders and attempting to resolve issues.

We were particularly pleased to note that UKVI was listening to the concerns of stakeholders and attempting to resolve issues

5.25 In one such example, a stakeholder raised concerns about an increase in the prevalence of Section 57 letters issued by UKVI. This was proving a burden for asylum support applicants (this matter was also raised with the inspection team and is examined in Chapter 4 of this report). The minutes of the NASF Support Subgroup report that:

'It was agreed that UKVI/voluntary sector would benefit from a better shared understanding of the information requirements in the support application process and particularly what must be provided in the ASF1.⁵⁵ Support case-owners and advisors could work together to generate shared understanding of the gaps in the application form that result in further info requests.'

5.26 An action was given to a UKVI senior manager and a stakeholder to consider setting up a workshop of support caseworkers and advisors to work through some applications. We view this as extremely positive and encourage UKVI to continue to engage constructively with stakeholders in order to improve relations and enhance its reputation with key partners.

55 The application form used to apply for asylum support.

6. Inspection Findings – Continuous Improvement

Risks to operational delivery should be identified, monitored and mitigated.

The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.

Information Technology

- 6.1 As a provider of welfare, it is crucial that UKVI utilises information technology effectively. Any shortcomings in IT can have serious effects for those who require asylum support. Moreover, any inefficiencies inherent in the systems by which payments are issued can lead to a risk of money being wasted.
- 6.2 The primary IT system used by UKVI in the administration of asylum support is the Asylum-seekers Support System (ASYS). It is a 'purpose built relational database'⁵⁶ that serves as a dual case management and payment administration system. Applications for asylum support are made, usually by a voluntary organisation, and submitted to UKVI. At the time of the inspection, UKVI had recently moved to an electronic method of submission for asylum support application forms.
- 6.3 Once an applicant has been registered on ASYS, the system is used to perform a number of key functions. These include:
- the generation of letters to the applicant and other key parties;
 - administrative case work involving changes of circumstance, such as the addition of dependents;
 - the provision of one-off payments such as a maternity payment; and
 - the termination of support when the applicant is no longer eligible.
- 6.4 Additionally, all correspondence and relevant paper material is scanned by UKVI staff and transferred into ASYS, prior to being disposed of. The result of this is that asylum support teams work in a paperless environment. This is a positive development that offers two significant benefits to UKVI:
- efficiency savings resulting from staff not needing to request and maintain paper files; and
 - reduced risk of personal data being compromised or lost.
- 6.5 We were also impressed by the user-friendly functionality of ASYS. The system was easy to navigate and it allowed staff to perform key tasks with

We were also impressed by the user-friendly functionality of ASYS

⁵⁶ Home Office internal description.

the minimum of effort. This view was reflected by the majority of staff we spoke to, who expressed a high degree of satisfaction with the system. We were also informed that ASYS suffered considerably fewer performance issues than the Case Information Database (CID), another system used by UKVI.

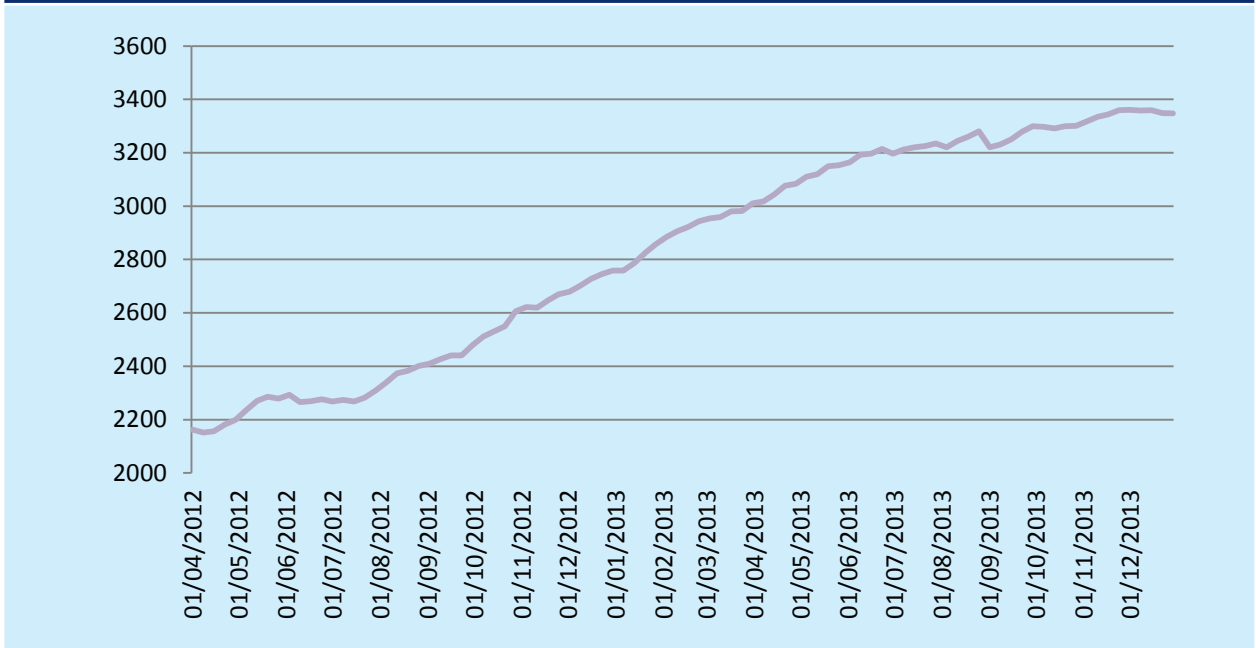
- 6.6 Whilst we were impressed with the overall usability and stability of ASYS, there was no automatic mechanism for ensuring that key events on CID were recognised in ASYS. This meant that, in some cases, the termination process was not initiated as promptly as it ought to have been. Although we were told there were a number of manual processes in place to mitigate this, it nevertheless represented an area where improvements could be made.
- 6.7 Senior management and IT specialists told us that very little development work had taken place on ASYS due to its planned replacement by Integrity.⁵⁷ However, at the time of inspection the future plans for ASYS were unclear.
- 6.8 We found that the letter templates automatically generated by ASYS contained historic address details and headers. As result staff had to manually alter each letter generated by ASYS. We observed staff undertaking this on many occasions and were informed that it took anywhere between thirty seconds and a minute to complete this task. Whilst this may have appeared to be a minor issue, when replicated across the business it meant that many hours were being wasted completing unnecessary work. The inspection team examined other systems used by UKVI asylum support teams. These included:
- Business Process Management (BPM) Tool – a workflow tool used to manage the flow of work into asylum support teams, allowing managers to prioritise key tasks and allocate them to staff;
 - Collaborative Business Portal (CBP) – a web based system that allowed information exchange between UKVI and external partners, including accommodation providers; and
 - CID – the primary database used by UKVI, Home Office Immigration Enforcement (IE) and Border Force to assist with immigration casework.
- 6.9 We found that these systems generally delivered a high level of support to UKVI staff, allowing them to administer asylum support with a high degree of efficiency.

Risks to the System

- 6.10 During the inspection we found that the numbers of individuals in receipt of asylum support had increased significantly over a relatively short period of time, particularly those in receipt of Section 4 support – Figure 28 refers.

⁵⁷ A paperless IT system developed under UKVI's integrated casework programme (ICW).

Figure 28: Total number of cases in receipt of Section 4 support between 1 April 2012 and 1 December 2013.



6.11 We were concerned to find that the number of cases in receipt of Section 4 support had increased by 55% from 2,162 to 3,361 cases during this period.

We were concerned to find that the number of cases in receipt of Section 4 support had increased by 55%

6.12 Whilst the total number of people in receipt of support under Section 4 remained well below the September 2009 peak of 12,019,⁵⁸ the trend nevertheless posed a series of significant risks for UKVI. These included:

- support costs exceeding the available budget;
- accommodation providers being unable to provide suitable accommodation; and
- UKVI asylum support teams being unable to manage increasing amounts of casework, resulting in a reduction in performance and a deteriorating level of service to applicants.

6.13 We examined the reasons for this trend and consider that there have been three interrelated triggers. These are:

- an increasing number of asylum applications (intake);
- a reduction in decision-making staff within the Asylum Casework Directorate; and
- an increasing number of undecided further submissions.

6.14 Looking firstly at asylum intake, we found that in the 12-month period ending September 2013, the UK received 23,765 such applications, representing an increase of 2,875 (14%) on the previous 12-month period.⁵⁹ We also found that the number of cases where a decision was pending (initial decision, appeal or further review) had increased by 19% to 15,438 over the same period.

⁵⁸ <https://www.gov.uk/government/publications/immigration-statistics-july-to-september-2013/immigration-statistics-july-to-september-2013#asylum-1>

⁵⁹ <https://www.gov.uk/government/publications/immigration-statistics-july-to-september-2013/immigration-statistics-july-to-september-2013#asylum-1>

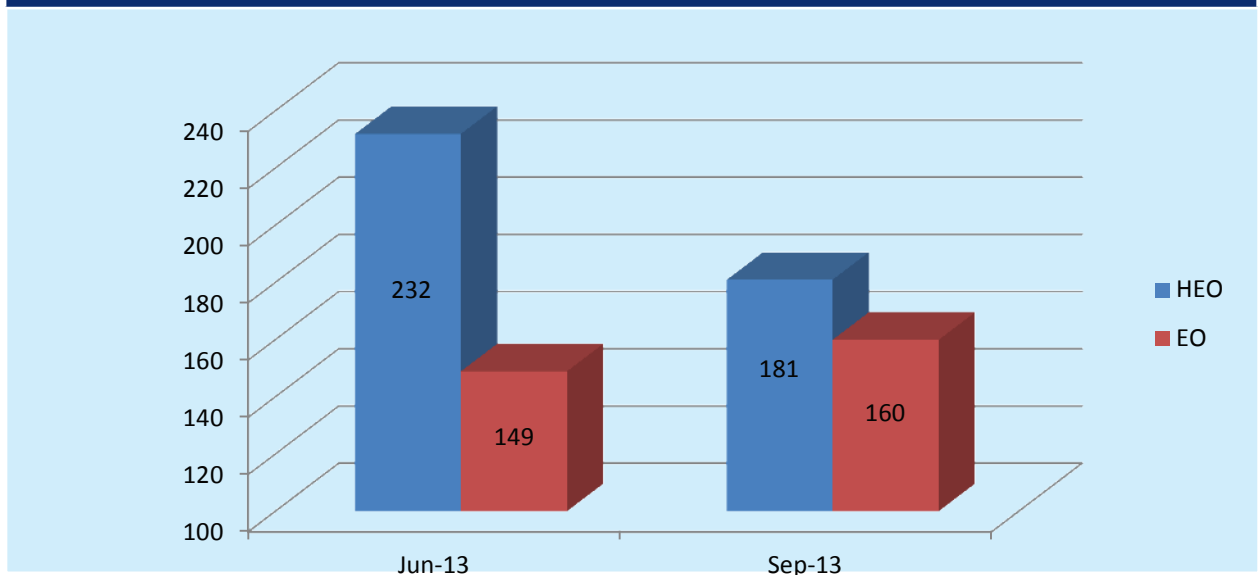
6.15 This partly explains why the number of cases in receipt of asylum support was increasing at the time of the inspection. More people claiming asylum would naturally result in an uplift in the number of people requiring asylum support.

As a result of a reduction in staff, the time taken to make asylum decisions was increasing

6.16 The second reason for the increase in the number of people receiving asylum support was a reduced decision-making capacity within the Asylum Casework Directorate. As a result of a reduction in staff, the time taken to make asylum decisions was increasing and a greater proportion of applications were being left undecided. This had a direct impact on the total number of people receiving support and the length of time for which they were receiving it.

6.17 We asked UKVI for staffing numbers in the asylum casework directorate, specifically, the number of staff at both EO and HEO grade who were responsible for making decisions on asylum claims, dating back to the 2011/2012 financial year. Due to various organisational changes we were informed this information could not be provided. However, we were given headcount figures for June and September 2013⁶⁰ – Figure 29 refers.

Figure 29: Number of asylum decision-makers employed by UKVI in June 2013 and September 2013*



*Figures have been rounded.

6.18 This demonstrates that the asylum caseworking teams experienced a sharp decline in decision-making capability during the summer of 2013. This followed a decision taken by the UKBA Board in summer 2012 to move away from the New Asylum Model (NAM), because the end-to-end case-ownership model had never been fully put into practice. The effect of this decision saw the business move to an EO caseworking model, with HEO posts being lost through restructuring, while at the same time a proposal was made to double caseworker productivity targets.

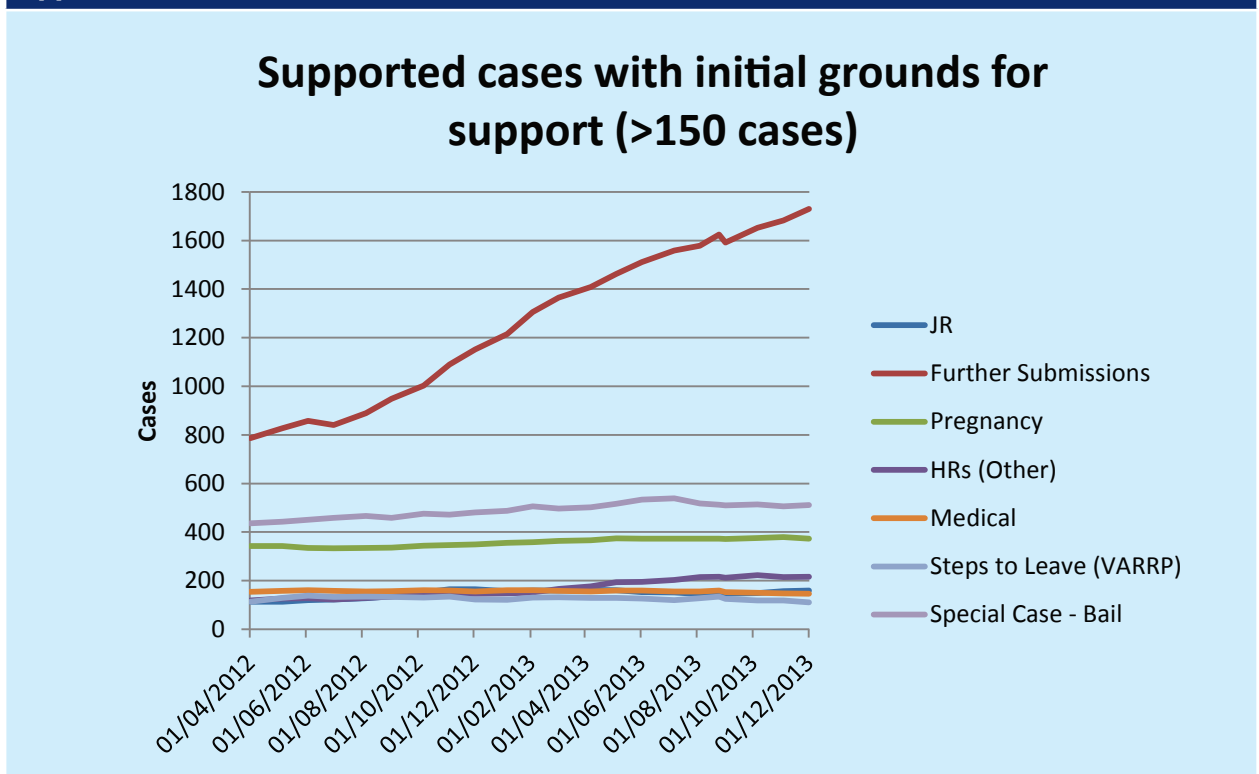
This demonstrates that the asylum caseworking teams experienced a sharp decline in decision-making capability during the summer of 2013

⁶⁰ We were also provided with staffing numbers for December 2013. However, we were informed these figures did not include staff working on post-appeal rights exhausted (ARE) casework and have, therefore, been excluded from the inspection. Additionally, the staffing numbers provided for September 2013 include staff working on the National Referral Mechanism - a process to identify victims of human trafficking.

This major restructuring initiative had failed to anticipate the risks associated with this organisational change

- 6.19 We found that this major restructuring initiative had failed to anticipate the risks associated with this organisational change, because ACD was losing too many staff, primarily at HEO but also other grades. As a result, the restructuring had been suspended in September 2013.
- 6.20 We had already identified from our file sampling that delays in deciding further submissions were already a problem in some regions before the reduction in resources occurred. As a result we explored with staff why further submissions were being delayed.
- 6.21 Staff and managers in both asylum support teams and asylum casework teams told us that the increase in unresolved further submissions was a serious cause for concern. Indeed, a senior manager based in one caseworking hub informed us that further submissions were ‘not being given priority’ and the asylum team was ‘not managing to keep up’. The manager added that, due to staff turnover, their team had reduced by half in 12 months. We heard similar concerns expressed by asylum teams in each of the hubs we visited.
- 6.22 Concerns expressed by asylum staff were supported by statistical information which also showed that the number of recipients receiving Section 4 support, based on outstanding further submissions, accounted for the majority of cases. Moreover, this category was rising steadily, having more than doubled (from 787 to 1730 – 120%) between April 2012 and December 2013.
- 6.23 Figure 30 shows the number of people receiving Section 4 support between 1 April 2012 and 1 December 2013, broken down by application reason.

Figure 30: Number of cases receiving Section 4 support broken down by reason for application.



- 6.24 UKVI senior management was aware of this risk, as set out in the minutes of the UKVI Asylum Support Finance Committee, dated 15 August 2013, which state:

‘The Section 4 population continues to rise as a result of further submissions. More work is needed to address this before this gets critical, including a formal timetable to address the issues.’

6.25 Based on the statistical evidence and the views of staff, we were concerned to note that since this meeting the population receiving support under Section 4 as a result of outstanding further submissions had continued to rise.

The population receiving support under Section 4 as a result of outstanding further submissions had continued to rise

6.26 We were provided with a significant volume of evidence relating to business plans, workforce and capacity planning. From this, we noted that UKVI was in the process of creating a ‘Post-ARE (removals) team’ known as the ACD Removal Casework command. The purpose of this command was to ‘manage and progress cases to conclusion in a nationally consistent manner, in line with UKVI priorities’.⁶¹ The team was to consist of 44 decision-makers.

6.27 A director told us the intention of this new team was to ‘get on top of further submissions’. It would be staffed from a large-scale recruitment campaign; however, we were disappointed that this had not begun until such a significant number of staff had left. Additionally, it was likely to be many weeks before staff were in post and months more before they were in a position to make a meaningful impact on the backlog of further submissions. In the intervening period, the number of people in receipt of Section 4 support will continue to rise, further enhancing the likelihood of the risks we discussed earlier in this chapter.

We recommend that the Home Office:

Takes urgent steps to resolve the backlog of outstanding further submissions, particularly where asylum support is in payment.

Asylum Support Change Programme

6.28 At the time of the inspection, the ACD was undergoing a change programme. The programme had replaced the planned restructure of the ACD which was put on hold in September 2013. We were provided with a document entitled ‘ACD Change Programme Project Overview’, dated December 2013, which set out the aims, milestones and outcomes for the change programme. We noted that the ACD change plan contained specific objectives for the asylum support teams, in addition to the wider changes set out for the ACD. These included the:

- development of a centralised Senior Management structure;
- creation of a national Section 4 team in Leeds;
- establishment of national standards; and
- creation of a national workflow team.

6.29 At the time of the inspection, the majority of these objectives had yet to be achieved, as the change programme listed April 2014 as the start date for the new operating model.

⁶¹ Asylum Casework Directorate document ‘Workforce and Capacity Planning’, December 2013.

6.30 The staff we spoke to were broadly positive in their views of the change programme. They particularly welcomed the new management structure, which they believed would provide greater visibility and direction. Many staff believed that, historically, senior management had considered asylum support less important than asylum casework. They were pleased to see signs that this area of work was being given greater prominence. We also saw the benefits of the new management structure, as it allowed the head of unit to transfer work nationally, dependent on regional capacity and intake. This was a positive aspect of the change programme.

The staff we spoke to were broadly positive in their views of the change programme

6.31 Other aspects of the change programme were also positive, particularly the proposed introduction of national standards. At the time of the inspection, various steering and delivery groups, whose aim was to achieve consistency in a range of work streams, were being established. One such example of the move to national standards had been the piloting of a new productivity model, which had delivered some promising results.

Written Guidance for Caseworking Staff

6.32 Consistent decision-making relies upon staff having a clear understanding of the criteria and corresponding evidential requirements that apply. Such knowledge can be developed through experience – provided they are initially given accurate instructions – or by consulting written guidance.

6.33 The guidance for asylum support caseworkers was in three forms – Asylum Support Instructions, Policy Bulletins and Process Instructions. We were struck by their number and length. Figure 31 refers:

Table 31: Written guidance for caseworking staff

Type of guidance	Number	Total pages
Asylum Support Instructions	32	752
Asylum Support Process Instructions	19	150
Policy Bulletins	25	262
Total	76	1164

6.34 There was some evidence that the three types of guidance each had a distinct purpose, with:

- policy bulletins providing a brief summary of UKVI’s position on a specified issue;
- asylum support Instructions providing an overview of issues to consider when making a decision on that issue; and
- asylum support process instructions providing more detailed instructions about how to implement a decision – for example, how to update databases and templates to be used when writing to the applicant.

6.35 Whilst there can be a rationale for a range of sources of guidance with differing content and level of detail, it meant that staff had to be conversant with three pieces of guidance in order to undertake one element of their job. Moreover, in many cases there was significant overlap in the content of these documents. For example, the advice for dealing with the two types of applications for maternity payments⁶² was spread over four pieces of guidance – two Policy Bulletins and two Asylum Support

62 Pregnant women can apply for a ‘one off’ payment of £300 to purchase necessary items ahead of the child’s birth. Parents with a child under the age of 3 can request that their support is increased by £3 per week to enable them to buy healthy food.

Instructions. All of the details from the Bulletins were duplicated in the Instructions, meaning that there was no need for them to be retained.

- 6.36 The majority of staff were not satisfied with current guidance, commenting that it lacked clarity, was hard to locate and was 'long-winded.' Some of these concerns were shared by the stakeholder organisations which we met. As a result, several hubs relied upon their own locally produced 'desk aides.' Whilst this was understandable given the issues identified, their use could lead to inconsistency developing between regional decision-making teams.
- Majority of staff were not satisfied with current guidance*
- 6.37 Furthermore, despite the abundance of guidance that was available, numerous members of staff told us that they frequently had to ask for advice from policy colleagues. There was unanimous agreement that these provided an excellent service.
- 6.38 Whilst the availability of specialist advice is valuable for dealing with unforeseen scenarios, written guidance should deal adequately with most issues. We note that the majority of asylum support guidance had not been updated for several years. Ensuring that instructions reflect changes in policy and case law might have alleviated the need for many of these requests.
- The majority of asylum support guidance had not been updated for several years*
- 6.39 We understand that, as part of the ACD Change Programme, UKVI will be implementing 'national asylum support standards' which aim to reduce regional inconsistencies. This is particularly important given that Senior Managers informed us they were in the process of recruiting in excess of 200 new asylum decision-making staff.

We recommend that the Home Office:

Creates simplified written instructions for asylum support caseworkers, which set out advice clearly and concisely.

Appendix 1 – Role and Remit of the Chief Inspector

The role of the Independent Chief Inspector (‘the Chief Inspector’) of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector’s remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in Section 23 of the Immigration and Asylum Act 1999, as amended by Section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed this change would not affect the Chief Inspector’s statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency’s title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK’s border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the department UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

Appendix 2 – Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector’s Core Inspection Criteria. These are shown in Figure 32.

Figure 32: Inspection criteria used when inspecting UKVI’s administration of asylum support.

Operational Delivery

1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money

Safeguarding individuals

5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law
7. All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children.

Continuous Improvement

9. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

Appendix 3- Glossary

Term	Description
A	
Administrative Officer (AO)	UKVI staff responsible for administrative tasks and basic decision-making. Asylum support teams consist primarily of staff graded at AO level.
Applicant(s)	Can refer to an individual (or family) applying for asylum or asylum support.
Application Registration Card (ARC)	An identity card, usually issued to asylum applicants at screening. It is used as evidence of identity and immigration status and to collect Section 95 support at Post Offices.
Asylum	Protection given by a country, pursuant to the Refugee Convention of 1951, to someone with a well-founded fear of persecution in their own country.
Asylum Casework Directorate (ACD)	A UKVI Directorate which has responsibility for all asylum case work.
Asylum Screening Unit (ASU)	Home Office unit in Croydon which is the lead location for asylum applications and conducts screening.
Asylum-seekers Support System (ASYS)	IT system used by the UKVI to administer asylum support.
Asylum Support Partnership (ASP)	A partnership of six agencies funded by UKVI to provide advice and support to asylum-seekers.
Azure Card	A cashless payment card given to those receiving support under Section 4.
C	
Caseworking Hub	UKVI's asylum support function is administered by seven caseworking hubs, which each have responsibility for a geographic area of the UK.
Case Information Database (CID)	A database used by UKVI, designed to record all applications for leave to remain and to record what happened in each case.
Commercial and Operational Managers Procuring Asylum Support Services (COMPASS)	A project launched in 2009 to provide accommodation and transportation providers for those receiving asylum support.
Compliance	Adherence to the terms of the agreement which applicants agree to in order to receive asylum support.

Compliance Teams	UKVI teams whose purpose is to ensure that applicants are complying with the terms of their support agreements.
D	
Destitution	Where a person who does not have access to accommodation and/or cannot meet their own essential living needs.
Dispersal	The process by which supported asylum-seekers are moved from temporary initial accommodation to dispersal accommodation.
Dispersal Accommodation	Multi-occupancy accommodation used to house persons who are granted either Section 4 or Section 95 support.
E	
Emergency Support Tokens	Tokens that are exchanged for cash at a Post Office. They are issued under Section 98 of the Immigration and Asylum Act 1999.
Executive Officer (EO)	UKVI staffing grade, senior to AO.
F	
First-tier Tribunal (Asylum Support)	An independent organisation that considers appeals against decisions to refuse or terminate support made by UKVI.
Further Submissions	A request by an asylum applicant to reconsider their asylum claim based on new information. One of the criteria under which Section 4 support can be granted.
H	
Human Rights Act 1998	An act that incorporates the European Convention on Human Rights (ECHR) into UK law.
Higher Executive Officer (HEO)	UKVI staffing grade, senior to EO.
I	
Immigration Enforcement and Engagement (ICE) Team	A Home Office enforcement team whose role is to detect and arrest individuals who do not have permission to be in the UK.
Immigration Rules	The rules laid before Parliament by the Home Secretary outlining the practice to be followed in regulating the entry into and stay in the UK of people subject to immigration control
Initial Accommodation	Multi-occupancy, short-term accommodation that is used to house asylum-seekers while they await the results of their application for Section 95 support.
J	
Judicial Review	A legal challenge to a decision made by UKVI other than the asylum decision. Is one of the criteria under which applicants can claim Section 4 support.
N	

NASS 35	A transition document produced by UKVI and given to an applicant when they have been granted refugee status. The serves as proof that the applicant has the right to work and is entitled to welfare benefits.
R	
Recipient(s)	An individual (or family) who has successfully applied for, and is receiving asylum support.
S	
Section 4	Section 4 of the Immigration and Asylum Act 1999 provides the Secretary of State with the power to provide support to persons in various immigration categories. In this report 'Section 4' refers to Section 4(2) of this Act, which enables support to be provided to individuals who have had their asylum claim refused.
Section 55	Section 55 of the Nationality, Immigration and Asylum Act 2002 gives UKVI power to deny support to applicants that did not apply for support 'as soon as reasonably practicable'.
Section 57	Section 57 of the Nationality, Immigration and Asylum Act 2002 states that asylum support can be withheld by UKVI if inadequate information is provided by the applicant.
Section 95	Section 95 of the Immigration and Asylum Act 1999 provides the power to support a person who is awaiting a decision on their asylum claim.
Screening Interview	The process of establishing initial information from an asylum seeker in support of his or her claim.
T	
Transition Document	Documents produced by UKVI once an applicant has been granted Refugee Status. Includes the BRP, NASS 35 and National Insurance Number (NINO)
U	
UK Border Agency (UKBA)	The UK Border Agency. The agency responsible for immigration functions in the United Kingdom until March 2013 when it came back under the direct control of the Home Office through the creation of two new Directorates (UKVI and Immigration Enforcement).
UK Visas & Immigration (UKVI)	United Kingdom Visas and Immigration. A Home Office Directorate that has responsibility for a range of immigration services, including the management of asylum support. It was previously part of the UKBA.

Acknowledgements

We are grateful to UKVI for its help and co-operation throughout the inspection and for the assistance provided in helping to arrange and schedule inspection activity within the inspection locations.

We are particularly grateful to all staff, customers and stakeholders who participated in interviews, focus groups and surveys.

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ISBN 978-1-4741-0947-5



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