



Minutes of the 15th Meeting of the Refugee and Asylum Stakeholder Forum held on 16 July 2014

Venue: 5th Floor Globe House
89 Eccleston Square
Victoria, London, SW1V 1PN.

Present:

John Vine (JV)	- Independent Chief Inspector of the UK Border Agency (ICIBI)
Rod McLean (RM)	- ICIBI
Garry Cullen (GC)	- ICIBI
Carol-Ann Sweeney (CAS)	- ICIBI
Natalie Williams (NW)	- Children's Society
Judith Dennis (JD)	- Refugee Council
Amanda Shah (AS)	- Refugee Action
Zoe Harper (ZH)	- Freedom from Torture
Charlene Stakemire (CS)	- Southwark Law Centre
Zoe Gardner (ZG)	- Asylum Aid
David Rhys Jones (DRJ)	- Helen Bamber Foundation
Mark Rogers (MR)	- Asylum Support Appeals Project
Gary Christie (GCR)	- Scottish Refugee Council
Lizzie Akita (LA)	- ICIBI (intern - observer)
Mike Townson (MT)	- ICIBI (Secretariat)

Apologies: Jan Shaw (Amnesty)
Sarah-Jane Savage (UNHCR)

	Agenda Item	Issue	Action
1.0	<p>Welcome by the Chair and minutes of last meeting of 06 March 2014.</p>	<p>1.1 JV welcomed attendees to today's meeting.</p> <p>1.2 Item 4.6 and 4.7 of the minutes of the last meeting. RAF members had been invited to provide JV with contact details of stakeholders who may wish to feed into the scoping of the full asylum inspection. JD indicated that it would be useful to hold a meeting specifically to scope issues for this inspection. RM indicated that this inspection was still several months away from commencing but agreed this could be arranged.</p> <p>1.3 Item 5.2 of the minutes of the last meeting. ICIBI now formally accepted request from Helen Bamber Foundation to join the RAF as evidenced by DRJ in attendance today.</p> <p>1.4 Item 6.2 of the minutes of the last meeting. JD has sent ICIBI details of Migrant Help's winning bid to deliver a new Migrant Help Service.</p> <p>1.5 Item 6.3 of the minutes of the last meeting. Natasha Walter from Women for Refugee Women was due to deliver a presentation on women in detention but was unable to attend. She would deliver this at the next RAF instead.</p>	<p>1.2 RM to organise a scoping meeting with RAF members prior to full asylum inspection.</p> <p>1.5 Natasha Walter to deliver presentation at next RAF regarding women in detention.</p>
2.0	<p>Chair's Update on inspection reports published since the last RAF:</p> <ul style="list-style-type: none"> • Asylum Support; • Cardiff Asylum Team; • Non-Suspensive Appeals (NSA); • AD Letters; 	<p>2.1 JV introduced three reports that were published by the Home Secretary on Tuesday 15 July: Asylum Support, Cardiff Asylum Team and Non-Suspensive Appeals. The bulk of the discussion surrounded the Asylum Support report, the key findings of which were presented by GC.</p>	

	<ul style="list-style-type: none"> • Covert Baggage; • Glasgow PEO; • Spot Check visits; • ETDs; and • European Casework 	<p>2.2 GC explained the methodology used in the inspection by highlighting the large file sample that was undertaken. He then summarised the key relevant findings – namely that decision-making was generally good, involved a fair assessment of destitution and no evidence was found that applicants were routinely disbelieved. Organisational change had been poorly managed leading to a loss of experienced staff and a lack of management assurance was again an issue in this report. The report highlighted that the views of stakeholders had been considered and assessed, specifically at paragraphs 5.20-5.26.</p> <p>2.3 GC highlighted that that the Home Office had accepted all the recommendations and explained how they were to be implemented.</p> <p>2.4 JV recognised that the findings in this report might have come as a surprise to RAF members – particularly in terms of the quality of decision-making. He reassured the RAF that he took their concerns seriously and sampled a larger number of cases than usual but reported objectively on the evidence before him. He invited the RAF members to discuss the report.</p> <p>2.5 AS indicated she was surprised by the findings and was concerned that a lack of detail about the methodology used to assess decision quality and no recommendation made about the lack of assurance made these issues difficult to raise with the Home Office.</p> <p>2.6 GC stressed that the file sample was very detailed, involving lots of different staff working on cases for several weeks. JV had made several recommendations in the past regarding assurance processes and although this report did</p>	
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		<p>not carry a recommendation on this point, reference was made to paragraph 4.25 which explains why this was the case. MT explained how ICIBI reached its conclusion in terms of the overall statistics on decision quality.</p> <p>2.7 JD was more surprised by the findings in relation to positive service at the ASU and suggested their performance may have improved due to the presence of the ICIBI team.</p> <p>2.8 JD was disappointed by the conclusion at paragraph 4.56 that the timeliness of the BRP issue had now been resolved. She indicated that further contact with RAF members on this point would have disputed this.</p> <p>2.9 JD mentioned that almost all the tweets sent by ICIBI about the report focused on fraud – giving the message that this was all the report was concerned with.</p> <p>2.10 JV acknowledged these comments and agreed to feedback these comments regarding the focus of external communications.</p> <p>2.11 ZH said that the report touched upon key issues but did not go far enough to follow these through to recommendations. For instance: the BRP issue, delays into decision-making etc. Impact of BRP issue is that it can lead to homelessness and destitution. A lot of ZH’s clients were upset by the media coverage around fraud and the speculation over the potential impact – findings were based on only 9 cases. Impact of this could be damaging – the term “bogus asylum seeker” had been used by the media.</p> <p>2.12 DRJ indicated that the report did not focus enough on the impact on vulnerable persons. RM indicated that the plan for the full asylum inspection</p>	
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		<p>was to include vulnerable groups (victims of torture, women etc) within the scope.</p> <p>2.13 GCR pointed out that lack of cross-government communication was picked up in relation to fraud but not in relation to the BRP issue.</p> <p>2.14 GC noted that the inspection team identified early on that a lot of the issues around BRPs were more to do with DWP and therefore beyond ICIBI's statutory remit.</p> <p>2.15 JV agreed to take on board these points when considering future reports. GC finished by stating that although there was no recommendation, the BRP issue was highlighted in the report. GC suggested that this particular issue could be re-visited by JV at a future date.</p> <p>2.16 DRJ stated that the stakeholder engagement section in the report (p43) did not capture UKVI's refusal to engage with vulnerable individuals. AS indicated that the positive message described at paragraph 5.26 was an accurate account but the timing of the workshop meant it had been a missed opportunity.</p> <p>2.17 JD again stressed that if the HO said something was no longer an issue, ICIBI should come back to RAF members and check if their clients' experiences confirmed that.</p> <p>2.18 JV emphasised that he did not accept the HO's assurances at face value but he would consider these points for the asylum inspection.</p> <p>2.19 MR was surprised by the low number of allowed appeals. MR also stated that something that didn't come out of the report was the complexity of section 4 decisions – eg. medical cases (32B). He asked how the inspection team assessed</p>	<p>2.15 JV to consider un-announced inspection of BRP issue in 6-9 months time to assess whether HO had a grip on this.</p>
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		<p>these? GC responded that if we encounter cases with legal complexities we will ask for further advice. We may not have encountered any of these as we did not seek further advice.</p> <p>2.20 RM introduced the Cardiff Asylum Team report explaining that the reason for the inspection was due to JV's concerns, echoed previously by the RAF about a growing backlog of asylum cases awaiting initial decision. ICIBI had therefore decided to inspect an asylum team to assess the challenges at a local level. RM explained there was no file sample as this was an un-announced inspection.</p> <p>2.21 RM explained the key findings from the report including the good links between casework, appeals and enforcement. However, the casework backlog had grown by 38% in 2013, largely due to a poorly managed staff change programme. ACD had a target to remove the backlog by March 2015, which would require a 60% increase in the number of decisions. ICIBI considered this optimistic – an area that would be examined in the full asylum inspection.</p> <p>2.22 JD indicated this report was useful as it was a recent snapshot of the current position.</p> <p>2.23 DRJ challenged the implied correlation at page 19 by stating that a decision upheld at appeal was not necessarily a good decision as the role of the presenting officer was not drawn out.</p> <p>2.24 JV responded by indicating he had criticised the HO for high appeal rates and challenged them previously to improve decision-making.</p> <p>2.25 ZH stated that the issue was that not all poor decisions are picked up at appeal.</p>	
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		<p>search warrant report (otherwise known as AD letters). The main finding was that these powers used unlawfully in 2/3 of cases. The HO accepted all recommendations and had already begun implemented changes.</p> <p>2.32 GC reviewed the key findings of the covert baggage inspection. The HO generally used this power proportionately but guidance around using the power was inconsistent.</p> <p>2.33 GC summarised the key findings of the Glasgow PEO inspection, namely that the level of customer service was generally good but there was a lack of assurance. UKVI then had a closer look and found that certain checks were not being carried out – such as WI checks for settlement between September and December 2013.</p> <p>2.34 JV summarised two spot check visits. Complaints handling had improved significantly and the Abu Dhabi / Islamabad visa posts no longer showed evidence of the discriminatory practices towards Pakistani nationals found in his previous 2012 report. JV announced that he would no longer be conducting these spot check visits in the future as they lacked the depth of other inspections and therefore the findings were less substantive.</p> <p>2.35 JD asked in the absence of spot check visits how JV would have a mechanism for the HO to respond with their progress on recommendations? RM suggested that JV asks for a review thematically – for example after 5 asylum related inspections he could ask for their progress against recommendations before undertaking his full asylum inspection. GC stated that specific requests for progress had been made JV had written to Sir Charles (BF Director</p>	<p>2.35 JV to request a thematic review of progress against recommendations on a subject basis, starting with asylum topics prior to full inspection.</p>
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		<p>General) asking for progress on eborders report prior to our inspection on Heathrow.</p> <p>2.36 RM summarised the key findings in the ETD report, namely that there was a large pool of unused ETDs and no clear strategy for dealing with uncooperative long term detained applicants – e.g. one person’s detention cost around £200,000. JV added that the report had questioned both the costs and the human rights impact of having such a large cohort of people in long-term immigration detention and the current strategy (as highlighted in the ETD report) was not working.</p> <p>2.37 RM reviewed the main findings in the European Casework report. This included abuse of this route of entry into the UK through mechanisms such as proxy marriage and a more joined-up approach was needed.</p> <p>2.38 DRJ asked whether any issues around trafficking came up. CAS responded that they did but only tangentially as the issue had not been within the inspection’s scope. However, the inspection team spoke to criminal investigators who dealt with organised crime / trafficking and there had been a case study in the report highlighting one such case. Key point of the report was that one offs don’t get prosecuted. Unless connections to criminal groups / organised crime can be established, no prosecution takes place. We found a lot of one off cases. Still building intelligence hub in this area to try to connect individual cases.</p> <p>2.39 JV concluded by stating that he found not much toughness on this issue despite government assurances.</p>	
3.0	<p>Update on the current Inspection Programme:</p> <ul style="list-style-type: none"> Investigation: 	<p>3.1 JV gave an update on the investigation into asylum claims based on sexuality.</p>	

	<p>asylum claims based on sexuality</p> <ul style="list-style-type: none"> • Overstayers • Paris visa section • Intelligence Management System • Operation Nexus • Nationality casework • Interviewing at visa posts 	<p>The report is in draft being refined and should be with the Home Sec by the end of July. CAS reviewed the methodology used. The team considered other reports – Stonewall etc. Spoke to judiciary, stakeholder groups, met 16 applicants, Spectrum (HO group), 117 files sampled (from whole of 2013 – about 1/3 of total LGB cases in 2013) – looking specifically at interviews. Big emphasis all the way through on the interviews. Sat in on 3 and listened to 7 tapes of previous interviews (before they knew we were listening). Went to DFT, Croydon, Leeds, spoke to POs. Earliest publication will be October.</p> <p>3.2 RM updated the RAF on the Overstayers inspection. RM indicated the team was having a good look at the contractor – Capita. Looking the triaging and reconsideration aspects done by Capita and the wider strategy of overstayers. The primary focus, however, was on the so-called Migration Refusal Pool as ICIBI wanted to assess how efficiently cases within the MRP were being progressed by both Capita and the Home Office. Publication was a matter for the Home Secretary, but the earliest possible date would be late October.</p> <p>3.3 GC discussed the Nationality inspection. He highlighted that the team were looking at applications for British citizenship, granted/refused, nationality deprived and nullified. GCR asked whether the report would address types of application which precede citizenship as routes in the past have not been clear. GC explained that the team looked at cases with ILR coming from either visa or asylum route.</p> <p>3.4 JV updated the RAF on the Interviewing inspection – credibility interviews at visa posts abroad. Initially based upon language skills but now extended to</p>	
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		credibility. University sector in the UK was very concerned about it as it is subjective decision-making from the ECO – rather than the points based system which had been seen as objective.	
4.0	Chair's update on inspection priorities for the 2014/15 period	4.1 JV announced that an inspection team would be returning to Heathrow for a full inspection at end of summer to assess progress made there since ICIBI's previous reports.	
5.0	Any Other Business:	<p>5.1 JV reminded RAF members about the general election next year. Run up to election is a Purdah period where the Home Secretary would not be able to publish any ICIBI reports. This would affect the asylum inspection – which was not likely to be published until c. summer 2015.</p> <p>5.2 ZH asked that with Purdah in mind was that more reason to press the HO on prompt publication? JV responded that he was pressing them and admitted the situation was not ideal and he was meeting with them regularly and pushing for improvements.</p> <p>5.3 GCR asked if there was a specific length of time the Home Office could delay publication of a report. JV responded by stating that no, the Home Secretary received legal advice indicating all reports must be laid before Parliament. RM added that both the Asylum Support and ETD reports would have been published a month or two earlier if up to ICIBI when to publish. JV concluded by stating that the Glasgow PEO report was delayed by 5 months. HAC were aware of the delays. JV had been told work is being undertaken to address this.</p>	
6.0	Date of Next Meeting	6.1 GC indicated it was best to wait until November for the next RAF to ensure relevant reports, in particular the investigation relation to asylum claims	

		made by LGB applicants, had been published. 6.2 Next regular RAF meeting – Wednesday 12 November, 11am-1pm	
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