

- 1 *Can you please provide us with details by which the Immigration Service is notified of the outcome of asylum claims?*
- 2 *Can you please provide us with details regarding Home Office procedure following the grant of ELR? Including data updating.*

We can confirm that in 2001 the process for notifying the Immigration Service of the outcome of asylum claims involved the caseworker completing an asylum decision minute sheet which included an implementation checklist. In port cases, the minute sheet and the decision letter were attached to the applicant's Home Office file and referred to the respective port for the Immigration Service to serve to the applicant. When the application was not a port case, the asylum decision minute sheet instructed the caseworker to serve a copy of the decision letter to the applicant's legal representative and a copy of the letter to the applicant's last known address. In all cases where Exceptional Leave to Remain was granted, the process at that time required the decision making officer to update an electronic form with the relevant details of the case and the decision and send it via electronic mail to a designated unit that recorded decisions on the relevant information database.

- 3 *Were there any general Home Office policies in existence regarding Angola between 1990 and December 31st 1999?*
- 4 *Were there any general Home Office policies in existence regarding Angola between 1990 and the present day?*
- 5 *If any such policies existed can you please provide us with full details of these?*

We can confirm that each asylum application from an Angolan national is considered on its individual merits in accordance with the criteria in the 1951 UN Convention and its 1967 Protocol, and in the light of the available country information. Following a thorough search we were not able to locate any instructions relating to the period between 1990 and 1997, however, we have no reason to believe that applications were not considered on their individual merits during this time. A short suspension of removals of failed asylum seekers to Angola was in place during 1998-1999, but that ended in May 1999. Removals then resumed, but at the time we would only remove those who had previously lived in Luanda or who had close contacts there. Nor would we at that time remove young men aged between 15 and 25 who were at risk of forcible conscription into the armed forces, or young women who lived outside Luanda and who were at risk of abduction as sex slaves for soldiers. There was no blanket Exceptional Leave to Remain (ELR) policy for those that we would not remove, and every case was considered on a case by case basis.

A 25 May 1999 Bulletin to caseworkers stated that:

“5. In addition to the country information already provided, UNHCR have expressed concern about a heightened level of risk to 2 groups:

- ◆ young men, aged between 15 and 25, who are at risk of forcible conscription (press-ganging) into the armed forces
- ◆ young women, who live outside Luanda, who are at risk of abduction as sex slaves for soldiers.

Rejected asylum seekers should only be removed to Luanda. Only those with current connections there should be removed. It is not safe to seek to return elsewhere in Angola. Only those who have previously lived in Luanda or have close contacts there should be removed. No-one falling within either of the groups identified at paragraph 5 above should be removed. Rejected asylum seekers whose safety would be at risk if removed, should be granted exceptional leave to remain in accordance with instructions in the ADIs.”

This advice was repeated in an Operational Guidance Note (OGN) issued to caseworkers in August 2001:

“Removals are only possible to Luanda, and it has been agreed on humanitarian grounds,

following consultation with UNHCR, that nobody should be returned to Angola who has not previously lived in Luanda or who does not have close current connections there. In addition, due to the risk of press ganging into military service by the government or UNITA, no males between the ages of 15 and 25 should be returned. Vulnerable young women who live outside Luanda should not be returned because of fears of their abduction for service as sex slaves. Such cases should normally be considered for exceptional leave to remain.”

Finally, an Operational Guidance Note issued in October 2002 withdrew the restriction on removal of young men at risk of forced conscription and young women who lived outside Luanda, but reiterated that:

“However as previously noted the humanitarian situation outside of Luanda is extremely poor and critical. Although each case needs to be considered on its individual merits, caseworkers are invariably likely to find that those unsuccessful asylum seekers who were previously resident outside of Luanda are able to establish a compelling compassionate or humanitarian reason to be granted ELR in the UK.”

On 1 April 2003, Exceptional Leave to Remain was replaced by Humanitarian Protection and Discretionary Leave. Since 1 April 2003, Angolan claims have continued to be considered on their individual merits.

6 *What was the average length of time for an Angolan claim of this nature to be determined?*

We do not possess country specific statistics for asylum applications from Angolan nationals and data for 1990-1992 is not available. However, the table set out below shows the average time for initial decisions on asylum applications to be made in the period 1993-2006. The figures exclude dependants and are estimates based on cases for which information is recorded. The average length of time in months is calculated from the date the application is lodged to the date of the initial decision, and relates to the year in which the decisions were made. The statistics for 2004, 2005 and the first quarter of 2006 are provisional.

Average time to initial decision, 1993 – Q1 2006⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾

Year of decision	Average time in months
1993	20
1994	17
1995	18
1996	17
1997	22
1998	17
1999	35
2000	18
2001	13
2002	7
2003	10
2004(P)	13
2005(P)	12
Q1 2006(P)	11

7 *Were there any Home Office policies or guidelines in relation to the period that a decision should be made following interview?*

8 *If yes, what was the recommended period?*

In 2001 there were no policies or guidelines in relation to the period that a decision should be made following interview.

- 9 *Was there ever in existence an automatic grant of ILR following the successful completion of ELR regarding Angolans?*
- 10 *If such a policy existed can you please specify dates in which it operated.*

We can confirm that there has not been any such country policy that specifically refers to Angolans. At present, applicants who were granted a four-year period of exceptional leave in one block before 1 April 2003 (when ELR was replaced by Humanitarian Protection and Discretionary Leave) and who apply for ILR at the end of that period are considered for settlement with background character and conduct checks, but without a full review. In other words, they do not need to show that they would necessarily qualify for Humanitarian Protection or Discretionary Leave at the time of the ILR decision.