



Home Office

The Home Office response to the Independent Chief Inspector's report 'An inspection into the handling of asylum applications made by unaccompanied children'

The Home Office thanks the Independent Chief Inspector (ICI) for advance sight of his report.

The Home Office is committed to ensuring that vulnerable customer groups, like unaccompanied asylum seeking children, are dealt with sensitively and fairly while respecting border security and migration policy objectives. Ensuring that we meet the needs of unaccompanied children in our asylum system, safeguard their welfare and factor their best interests into our decision making is vital.

The Home Office is therefore pleased that the Chief Inspector has recognised both the priority UKVI gives to handling asylum claims from unaccompanied children, and the quality of our work to safeguard children.

The Home Office also welcomes the Chief Inspector's praise for the sensitive conduct of interviews of unaccompanied asylum seeking children, and for our close liaison with external partners like social services when dealing with UASCs. The Home Office welcomes the Chief Inspector's recognition that case workers take a cautious approach to the often difficult assessment of an unaccompanied asylum seeking child's age and that our case workers give the benefit of the doubt in these assessments when appropriate, as the report says

“Within this inspection, and contrary to the views held by some stakeholders, we did not find evidence of age dispute being a default position or of staff routinely disbelieving claims and failing to give the ‘benefit of the doubt’. At all sites, we observed a focus on safeguarding with staff concerned to separate children from adults and get them promptly into local authority care. Several staff described their approach as treating each child as they would wish their own child to be treated if alone in a foreign country.”

Overall the Home Office found this report a very useful addition to the internal continuous improvement programme that is underway in the asylum casework directorate.

The Home Office accepts all nine of the Chief Inspector's recommendations and has addressed five through recent operational improvements and has put action plans in place to address the remaining four.

The Home Office response to the recommendations:

1. **Recommendation 1: Adopts a clear and consistent approach to the initial interview with asylum seeking children, while continuing to take account of individual needs.**

1.1 **Accepted**

1.2 The Chief Inspector's report identified three specific issues with the conduct of the screening interview for unaccompanied children:

- the time gap between first encounter and screening interview at Dover;
- record keeping of whether the child was accompanied at the screening interview; and
- children with no accompanying adult being asked questions about why they feared returning home

1.3 We are pleased that the Chief Inspector agrees that it is right to allow an appropriate gap between the encounter and screening of unaccompanied asylum seeking children (UASCs). It is the right thing to do for the children and helps the Home Office to get better outcomes from the screening interview. We accept that if the delay is too long that it can cause distress to the child and that in some cases handled by our case work team in Dover the time gap was significantly longer than our goal of allowing up to four days between first encounter and screening. We have investigated the reasons for delays in the screening of UASCs at Dover. Whilst some of the delays were down to resourcing issues, the main cause was a lack of available social workers from Kent Social Services to accompany UASCs to their screening interviews. Since the time of the inspection, we have been working with Kent Social Services to resolve these issues and we now have agreement in place to ensure UASC screenings take place 5 days after first encounter.

1.4 As the Chief Inspector acknowledges although formal guidance does not require it the majority (66%) of children in the 155 cases sampled had a responsible adult or legal representative present during the screening interview. To address the issue of recording adult attendance we will issue a reminder to asylum case workers in Croydon, Solihull and Dover on how to record adult attendance or otherwise on CID. This instruction will be shared with staff in immigration enforcement and border force who also conduct screening interviews of UASCs they encounter during enforcement operations or at the border.

1.5 At the time the inspection was conducted a child friendly screening form was being trialled in Dover and at the Asylum Screening Unit in Croydon by the operational policy and rules unit (OPRU) and there were undoubtedly issues with consistency of its application which the report helpfully highlights. Local managers will use the results from these trials to reinforce with their teams the appropriate content of the screening interview for children with no accompanying adult (as determined by the Home Office operational policy and rules unit).

1.6 In addition to this, as part of the overall UKVI drive to be consistently competent, high performing and customer focussed OPRU, alongside the asylum casework directorate (ACD) is conducting a review of the asylum screening process for unaccompanied children. The review is looking closely at the arrival and screening process for UASCs and we have worked closely with key corporate partners throughout the review to ensure that children are dealt with promptly and with compassion. The review also aims to improve the consistency of approach between local authorities and the Home Office. We

will update the Chief Inspector in due course on the outcome of the review of UASC screening.

2. Recommendation 2: Applies the law consistently and correctly to children's asylum claims regardless of where they are considered

2.1 Accepted

- 2.2 The issue highlighted by the Chief Inspector which gave rise to this recommendation relates to the observed difference in the sampled cases between the grants of refugee status and UASC leave issued by case work teams in London and Solihull.
- 2.3 Whilst the overall rate of grants of leave and refusals is broadly the same in the London and Solihull teams it does appear that in the cases sampled the Solihull team grant full refugee status to UASCs more often than their counterparts in London, who issue more grants of UASC leave. To analyse this further senior case workers in London and Solihull will lead a piece of work to look the grant rate in each location with the aim of identifying any differences in practice that could explain the apparent variation in the proportion of refugee and UASC leave grants in our London and Solihull case work teams
- 2.4 This type of analysis is something that is directly supported by the new management structure and operating model in asylum case work. Through our national structures with teams dedicated to delivery, innovation and quality improvement we will be better equipped to spot and address any apparent inconsistencies in operational outcomes across our case work teams. Locally we have also recently introduced a process for triaging all cases that enter the appeals system that will help to address the Chief Inspector's comments about the need to analyse the reasons for appeal outcomes. Our asylum case workers and presenting officers now consider the merits of every decision that is appealed to ensure that we make the best case possible to the tribunal. Local liaison has also been set up between our asylum case work teams and Presenting Officers to ensure we are learning lessons from the reasons for allowed appeals which are fed back to case workers in order to improve our asylum decision making processes.

3. Recommendation 3: Ensures that it meets its legal obligation regarding family tracing and retains a record of the steps it has taken

3.1 Accepted

- 3.2 As the report acknowledges most of the cases sampled pre-dated the Court of Appeal judgment in KA (Afghanistan) and Others which clarified the duty to endeavour to trace. Following this case we issued new interim guidance to caseworkers providing further practical guidance on family tracing and we amended the training course for all new case workers to ensure it includes updated guidance on family tracing. Whilst the practical obstacles to family tracing highlighted by the Chief Inspector remain, including limited FCO resources, lack of a diplomatic presence in some countries and children's unwillingness to cooperate in some cases, we do accept that in the cases sampled for the report we were not consistently discharging our duty to undertake family tracing before making an asylum decision. To help our case workers discharge this duty in

cases where the child is cooperative we are working with the Foreign Office on new family tracing arrangements for our volume UASC nationalities (Albanian and Afghan) that should help to expedite the tracing process in those countries. In addition, we are currently reviewing the family tracing information collection process and drafting consolidated guidance on family tracing which we aim to publish by the end of the year. We will follow this up with family tracing workshops led by senior case workers in our casework locations to reinforce the guidance and give practical support to case workers in conducting family tracing. Finally to help build experience of and expertise in family tracing, as part of the new asylum case work operating model, we will be establishing specialised family and minors case work teams in each of our casework locations.

4. Recommendation 4: Decides children’s asylum claims in a timely manner regardless of where they are considered

4.1 Accepted

4.2 As the report acknowledges there were local operational pressures on our Solihull case work team that led to the prioritisation of cases involved in the Early Legal Advice Pilot. This meant that UASC cases were taking longer to interview and decide in Solihull than we would have liked. This situation no longer exists and we expect Solihull and all our case work teams to interview and decide UASC cases within a reasonable timescale. We are reviewing exactly what that timescale should be as part of work to develop and implement a new balanced scorecard of performance measures for the asylum casework directorate. This will help to ensure that as the Chief Inspector rightly asserts children's claims should be decided within consistent timescales across the country.

5. Recommendation 5: Ensures that new performance targets for children’s asylum cases are realistic, evidence-based and comply with the Immigration Rules

5.1 Accepted

5.2 The asylum casework directorate is currently reviewing its performance measures and will shortly be implementing a new balanced scorecard of SMART measures that will give a clear picture of the health of the asylum system in terms of the speed, quality and cost of processing asylum applications. As part of this we will give careful consideration to appropriate performance measures and targets for UASC cases.

6. Recommendation 6: Develops validated statistics on all cases where an asylum applicant claims to be an unaccompanied child

6.1 Accepted

6.2 In general terms, as part of the UKVI drive to become consistently competent, high performing and customer focused, the asylum casework directorate is working hard to improve the quality of the data it holds and records on asylum applicants. We are doing this through targeted data quality exercises to ‘cleanse’ the information we hold on CID and make sure it is as accurate and current as possible. The delivery and innovation unit

within asylum case work also conducts regular data quality reviews to flag areas for action to our case work teams. UKVI has also instigated a piece of work aimed at establishing a set of published data in line with the Inspector's recommendation.

- 6.3 The report raises two specific issues with categories of data recording: raising age dispute 'flags' on CID; and figures on age-related detentions and releases. On age dispute flags we have clear guidance on when case workers are required to record an age dispute on CID. Our delivery and innovation unit will issue a refresher instruction to asylum case workers on when it is appropriate to raise an age dispute flag on CID and local managers will reinforce this through regular team meetings. The delivery and innovation unit will also conduct periodic dip sampling of UASC cases to ensure that age dispute flags have been correctly raised. Any learning points will be communicated directly with the case workers concerned and with senior case workers for dissemination to their teams.
- 6.4 On the recording of figures on age-related detentions and releases we have amended our recording practice as the report suggests. So whereas we previously had one category for applicants who claimed to be a child pre-detention but are detained 'on the basis of being significantly over 18 or credible documentary evidence', we now have two categories to record separately whether detention is on the basis of the 'significantly over 18' assessment *or* credible documentary evidence.

7. Recommendation 7: Establishes a systematic and comprehensive monitoring system to ensure the timeliness and quality of recorded data

7.1 Accepted

- 7.2 As indicated above the Home Office and UKVI are working hard to improve the quality of the data we hold and record on our case information database (CID). The complexity and inherent vulnerability of our customer base in the asylum casework directorate make this a high priority that we are addressing through ongoing training for our case workers and through a targeted agency recruitment exercise to staff up temporary data quality and cleansing teams to address specific issues with CID data.
- 7.3 In relation to the specific issue that gave rise to this recommendation, the audit trail for securing Merton compliant age assessments, the Home Office welcomes the fact that the report generally found the UASC and age assessment guidance to be clear and specific. We also welcome the Chief Inspector's view that case workers appropriately give the benefit of the doubt in age assessments and that the views of some stakeholders that there is a 'culture of disbelief' in Home Office age assessments are unfounded.
- 7.4 We accept the Chief Inspector's view that one section of the Assessing Age instruction on record management could be seen as unclear and we will amend the Assessing Age instruction at the earliest opportunity to address this issue alongside making some other amendments to, for example, reflect case law developments. These changes combined with the ongoing initiative flagged in the report to improve the quality and consistency of age assessment information sharing between the Home Office and local authorities will give our case workers the clear support and guidance they need to ensure that we deliver a consistent service to UASCs across all of ACDs case work teams, and that the quality of the data we hold on UASCs is high.

8. Recommendation 8: Improves the quality of refusal letters by ensuring that they are logical, concise and tailored to the applicant

8.1 Accepted

8.2 As part of the ongoing continuous improvement programme within the Home Office's Asylum Casework Directorate we are looking closely at the length and customer friendliness of our decision letters. We agree with the Chief Inspector that over time refusal letters have become too long, detailed and not customer friendly, in contrast to the more focused, simpler grant minutes that we record on CID. Indeed we have already implemented a new approach to producing more concise grant letters and minutes and are working with policy and legal colleagues to do the same for refusal letters. We will update the Chief Inspector on the outcome of this review in due course.

9. Recommendation 9: Refers all unaccompanied children who apply for asylum to the Refugee Council within the agreed timing, and keeps accurate records of notification

9.1 Accepted and already implemented

9.2 As the report acknowledges the Home Office has already looked into the issue of Children's Panel referrals and we have amended mandatory staff training to increase awareness of the need to make referrals. We have also reminded all case working staff of the importance of making prompt referrals to the Children's Panel in all cases involving unaccompanied children. We will track the impact of this training and monitor the situation on referrals, primarily to ensure that unaccompanied children are properly supported during the asylum process, and also to ensure that we are getting best value for the taxpayer from the Refugee Council grant agreement.