



Asylum: Getting the Balance Right?

A Thematic Inspection: July – November 2009



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Foreword

Asylum is at the forefront of the UK Border Agency's (UKBA) business and every day the Agency's decisions affect the lives of individuals who have sought protection in the UK. It is therefore a particularly important topic for me to inspect and to report on for my first full thematic inspection.

On 5 March 2007, the UK Border Agency introduced the New Asylum Model (NAM) to manage 'new' asylum applications made on, or after, this date. A separate process was introduced for managing cases where the application had been made prior to 1 March and had not been resolved. The UKBA estimated there to be between 400,000 and 450,000 such 'legacy' cases. These were to be managed by a newly created unit within the UKBA: the Case Resolution Directorate (CRD).

I have focused this inspection on both the UKBA's handling of asylum cases within NAM and also the legacy of older cases, which it is seeking to clear by 2011. In this report, I have considered in particular how and whether the UKBA is meeting its targets for concluding cases; how it is managing those cases which fall outside its conclusion target; and the quality of its decision-making. Critically I have also looked at the impact of these on the individual asylum applicant.

This is a complex area of work. My overall impression is of the difficult balance that needs to be struck between a performance culture that strives continually for improvement and the quality of decision-making that is essential when dealing with some of the most vulnerable people in society. The testimony of some of those individuals is reflected in my report and acts as a reminder to us all that, first and foremost, this is about people's lives.

I am acutely aware from the inspection that there are many other discrete areas which I shall need to inspect in future years – in particular, the use of country information, the allocation of people to the detained fast-track and the initial screening process. Preceding the main report, I have set out an executive summary and recommendations which I believe would strengthen the operation of this procedure.

JOHN VINE CBE QPM

Executive summary

1. The UKBA has clear performance targets which rightly focus on concluding asylum cases and these have driven improvement. However, the Agency has been unable to sustain the performance milestones contained in its Public Service Agreement. On the basis of current staffing levels and the complexity and volume of cases, its target of concluding 90% of cases in six months is unachievable given the challenges faced in securing travel documentation for failed asylum seekers and concluding legal challenges to decisions. Front-line staff had not been involved sufficiently in the setting of targets.
2. The UKBA continues to resolve its legacy of older cases but needs to conclude over 11,000 cases a month to achieve its July 2011 target. Even by July 2011, it is likely that there will continue to be people in the legacy that do not qualify to stay but cannot be removed.
3. The UKBA has nearly 30,000 cases in NAM that have not been concluded within a six-month period. These include cases where no initial decision has been made in addition to cases where, due to the situation in particular countries, it is not possible for the UKBA to enforce removal. These cases are now being actively managed, although some of the teams responsible had received limited training.
4. There is a sound quality assurance framework in place which was developed in conjunction with the United Nations High Commissioner for Refugees. Decisions reflect careful consideration of evidence provided by applicants at interview and reasons for decisions are generally set out clearly. There are clear criteria governing decisions on whether to grant cases in the legacy and regular Police National Computer checks to detect whether applicants have been involved in criminal activity. There is a strong commitment from staff to make the right decision. However, there is no systematic analysis of the reasons why appeals against decisions are allowed.
5. There is clear commitment to the model of case ownership to ensure cases are managed from start to finish. However, there were inconsistencies between the roles and responsibilities of Case Owners across the UKBA's regions.
6. Training provides a solid grounding in asylum law and interviewing and decision-making techniques. There is no involvement of refugees with direct experience of the system to reinforce the human impact of the asylum process and limited training on administrative tasks.
7. There are good examples of regional asylum teams working closely with stakeholders and strong evidence of new initiatives to improve performance and quality. However, there is a need for the UKBA as a whole to ensure it captures the lessons learned from these and shares best practice accordingly.

Summary of recommendations

We recommend that the UK Border Agency:

1. As a matter of priority, assesses how it can deliver performance improvements consistently; and how it proposes to deliver its target of concluding 90% of cases within six months by December 2011
2. Ensures all future targets take full account of front-line experience
3. Ensures that initial decisions are made as soon as possible on all applications currently outstanding for six months or more; and ensures that all future applications receive an initial decision within six months
4. Introduces clear targets for concluding cases that have not been concluded within six months
5. Produces an action plan to show how, in light of recent process and guidance changes, it can resolve the legacy of cases by July 2011
6. Develops and communicates plans for managing those legacy cases in which leave may not be granted, or the applicant removed, by July 2011
7. Adopts a clear and consistent approach to when it will not be represented at asylum appeal hearings
8. Systematically analyses the reasons for allowed appeals and links this with its overall quality assurance framework
9. Ensures that the reasons why legacy cases are granted are recorded clearly on file
10. Defines the role and responsibilities of Case Owners including their role in presenting cases at appeal
11. Ensures that the Quality Audit Team samples decisions from all Case Owners
12. Clarifies the information that should be stored on the file and the Case Information Database and incorporates checks of this into the quality assurance framework
13. Ensures that applicants whose case is in the legacy, are given more information about when their case will be considered, or an explanation of why this is not possible
14. Develops clear succession planning to reduce the risk of vital posts being left vacant
15. Invites refugees to contribute to its training programme for Case Owners to reinforce how the asylum process affects individual asylum applicants
16. Defines and monitors the management information to be recorded locally
17. Measures the quality and frequency of contact between Case Owners and applicants
18. Introduces consolidation training for Case Owners as soon as possible
19. Ensures that applicants are provided with contact details of their Case Owner, including where the Case Owner changes

The inspection

1. The terms of reference for this thematic inspection were:

To inspect how the UK Border Agency is delivering fast and fair decisions in respect of applications for asylum. In particular to inspect the UKBA approach in seeking to meet its published targets for concluding asylum applications and legacy cases; ensuring the quality of asylum decision-making; and providing information to applicants.

2. The terms of reference did not include any examination of the arrangements for the support of asylum seekers or failed asylum seekers, the quality of country-of-origin information used as part of the decision-making process, or the arrangements for the integration of refugees following a successful application.

Methodology

3. The inspection was carried out against a selection of the Chief Inspector's Core Criteria¹ covering the following four themes;

- High level outcomes of the business
- Processes and procedures including quality of decision-making and consistency of approach
- Impact on people subject to UKBA services
- Management and leadership.

4. A copy of the specific criteria used for this inspection can be found in Annex A.

5. The inspection was conducted over two phases from July–November 2009. The initial phase involved an assessment of policy and procedural documentation, data analysis and a sample of 147 case files selected at random. The second phase involved interviews with staff in four of the six of the UKBA's regions. The regions we visited were London and the South East, the North West, the Midlands and the East of England and Scotland and Northern Ireland. The range of staff interviewed included Senior Management Teams, Regional Management Teams, Senior Case Owners, Case Owners, Case Workers, administrative staff and staff from the corporate centre. We also offered a drop-in surgery for all members of staff where anyone could speak to a member of the inspection team.

6. Prior to and during the inspection, we also spoke to stakeholder groups with particular expertise in asylum issues, individual asylum applicants and to Members of Parliament. A full list can be found in Annex B.

¹ Core Criteria of the Independent Chief Inspector of the UKBA can be found at http://www.ociukba.homeoffice.gov.uk/files/Criteria_for_core_programme.pdf

Introduction

Background

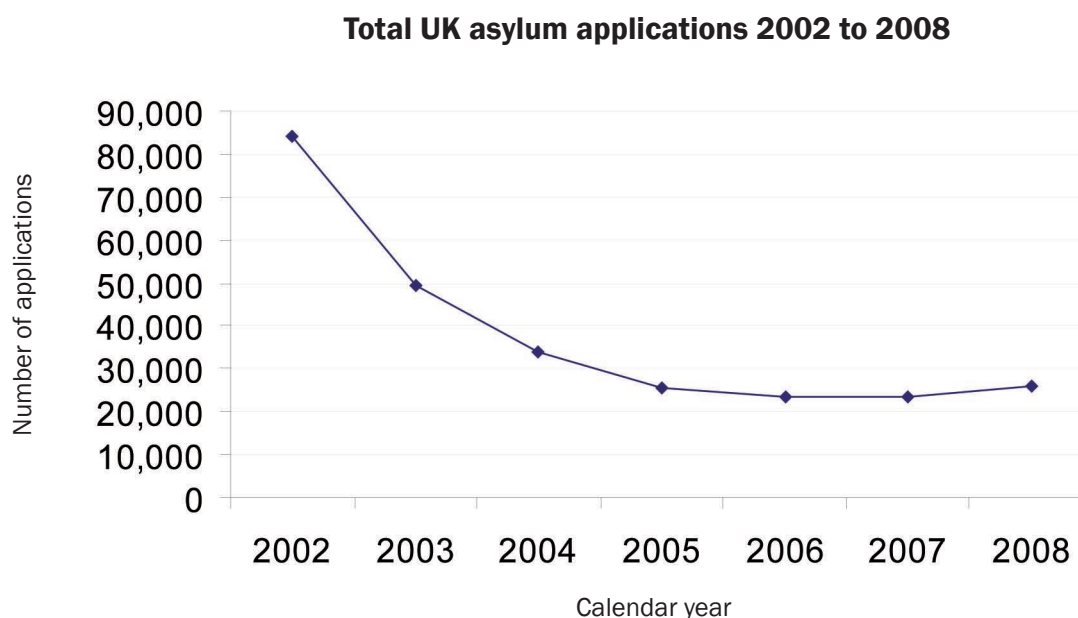
What is asylum?

1. Asylum is protection given by a country to someone who is fleeing persecution in their own country. The UK is a signatory to the 1951 United Nations Convention relating to the Status of Refugees ('the Refugee Convention'), which sets out the basis on which a person must be recognised as a refugee.
2. This requires an individual seeking asylum to show that they have a well-founded fear of persecution due to their race, religion, nationality, political opinion or membership of a particular social group, and the authorities in their country are unable to provide protection or the individual is, owing to that fear, unwilling to avail himself of the protection of that country. The definition is forward-looking, so even if a person has been persecuted in the past, they will not be able to successfully claim asylum unless they can demonstrate that they will be persecuted in the future. A person must also be outside their country of origin in order to be recognised as a refugee.
3. A person can also apply to remain in the UK on the basis that they have a claim to humanitarian protection. A person can successfully claim humanitarian protection if they do not qualify as a refugee but can show that there are substantial grounds for believing that if they were returned to their country of origin, they would face a real risk of suffering serious harm. Serious harm means either the death penalty; torture or inhuman or degrading treatment or punishment; or a serious and individual threat to a person's life or safety in situations of armed conflict.
4. A person can further apply to remain in the UK on the basis that removal would breach their rights laid down in the 1950 European Convention on Human Rights (a human rights claim). The convention contains a number of 'articles' of protected rights. Most human rights claims are based on Article 3 (prohibition on torture and inhuman or degrading treatment) or Article 8 (right to respect for family life and private life). A human rights claim can be part of an asylum claim under the Refugee Convention, or it can be made in its own right.

The number of asylum applications in the UK

5. Between 1998 and 2002, the number of people applying for asylum in the UK rose from 46,015 to a peak of 84,130² in 2002. Since 2002, the number of applications has declined reaching 23,610 in 2006, 23,430 in 2007 but climbing slightly to 25,930 in 2008.

² <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmhaff/218/218.pdf>



Graph 1: Total asylum applications 2002 to 2008

The Asylum Process

6. Asylum applications need to be made in person at a port of entry or at the UKBA's Asylum Screening Unit, which is based in Croydon. In exceptional circumstances, 'in-country' asylum applications can be made at Local Enforcement Offices. After the application, a person undergoes a screening interview to establish their personal details, to provide biometric information and to set out brief reasons why they wish to claim asylum in the UK. This interview also determines whether a person should be referred to the 'detained fast-track' where they are held in detention and undergo a faster decision-making process or whether they will be referred to an asylum team in one of the six UKBA regional units, based in:

- London and the South East
- North West
- Midlands and the East of England
- North East, Yorkshire and the Humber
- Wales and the South West
- Scotland and Northern Ireland.

If not detained, the person may also be required to maintain contact with the UKBA by reporting on a regular basis.

7. The person is then normally interviewed to set out the full reasons why they fear persecution and any other reasons why they should be permitted to remain in the UK. The UKBA will then decide whether asylum should be granted taking account of the evidence provided at interview, any additional evidence provided by the applicant following the interview, information about the person's country of origin and previous decisions from the courts.

8. If the UKBA accepts that the person has a well-founded fear of persecution or that removal would breach their human rights then they will be recognised as a refugee and allowed to stay for an initial period of five years, at which point a decision will be made on whether a person is eligible for permanent status.

9. Those whose applications have been refused can appeal to the independent Asylum and Immigration Tribunal (AIT) and are permitted to remain in the UK until their appeal is determined. If their appeal is rejected – or if they do not appeal – they must leave the UK³, subject to any application for judicial review. Failure to do so can result in the person being detained and removed. This process is summarised in Annex C.

The New Asylum Model (NAM)

10. In March 2007, the UKBA introduced the New Asylum Model (NAM), which was designed to:

- Ensure the removal of a higher percentage of people who did not qualify for asylum
- Enable quick decisions for those who did need protection
- Deter those with unfounded claims from seeking asylum
- Improve the cost-effectiveness of the system.

11. Key features of the model were: specialist Case Managers to manage cases from application through to grant or removal; maintaining contact with people throughout the process; an improved screening process to ensure claims were dealt with according to their specific characteristics; and an improvement in quality.

Detained Fast-Track

12. Where the UKBA considered that a decision could be made quickly in a case, the applicant may be detained and their case processed under the ‘Detained Fast-Track’ (DFT) process. Under this, applicants were detained in an Immigration Removal Centre (IRC) until their case was concluded.

13. We did not examine the DFT process in detail, as this is an area that we will be examining as part of a future inspection.

The Case Resolution Directorate (CRD)

14. In its paper *Fair, Effective, Transparent and Trusted; Rebuilding confidence in our immigration system* published in July 2006, ministers set out a plan to deal with the legacy of 400,000–450,000 unresolved asylum cases within five years. The Case Resolution Directorate was established within the UKBA to deal with these cases and conclude them by July 2011.

³ Where the Secretary of State certifies that a claim is clearly unfounded under Section 94 of the Nationality, Immigration and Asylum Act 2002 a right of appeal can only be exercised from abroad – the appeal does not suspend removal from the UK.

Chapter 1:

Findings – High-level outcomes of the business

The inspection focused on whether there were **clear and realistic performance targets to drive improvement**; and whether there were **effective arrangements to manage claims for asylum to reduce existing backlogs and minimise future backlogs**.

Were the performance targets clear?

1.1 We found that there were very clear performance targets for ‘concluding’ asylum applications.

1.2 These were set out in the Public Service Agreement 3 (PSA) – ‘to ensure controlled, fair migration that protects the public and contributes to economic growth’. The PSA contained a set of performance indicators and required the UKBA to conclude 90% of asylum applications within six months⁴ by December 2011. The PSA also set out a series of interim targets as stepping stones:

- 35% of applications within 6 months by the end of April 2007
- 40% of applications within 6 months by the end of December 2007
- 60% of applications within 6 months by the end of December 2008
- 75% of applications within 6 months by the end of December 2009.

1.3 The PSA also stated that performance should be monitored to ensure it did not dip below previous milestones. An application was ‘concluded’ where a person was granted leave to remain in the UK or was removed from the UK.

1.4 We found that the PSA also set out that certain applications were not subject to the target – most notably where a ‘General Legal Barrier’ prevented the removal of a person to a particular country. An example of this was where the Government had decided that removal should not be enforced due to the particular situation in a country. For cases to be excluded from the target, the application must have been refused and any appeal rights must have been exhausted. We also noted that any applications that were withdrawn due to the person not attending an initial interview and failing to set out that this was due to circumstances beyond their control were also excluded from the target.

1.5 We found that staff at all levels and all regions were fully aware of these conclusion targets and how they contributed to them. We also found staff supported the focus on the overall ‘conclusion’ of a case. This was one of the most significant changes brought about by the NAM. Prior to its introduction most targets related to individual parts of the process – such as the time taken to make an initial decision – and there had previously been no routine measurement of the time taken from the date of application through to the time a person was granted refugee status or removed from the UK.

1.6 However, we found there was very limited understanding of how the targets had been calculated or the factors that had been taken into account when they were developed. Although senior managers did refer to detailed modelling carried out by analysts prior to agreement of the PSA, there was no evidence of wider involvement of front-line staff.

1.7 All teams had clear targets and processes designed to contribute towards the national conclusion rate target. Case Owners in all regions were required to deliver a number of ‘key events’, which were actions considered critical to the conclusion of a case. These events consisted of conducting an asylum interview, issuing a decision; and, in some, but not all regions, presenting a case at an appeal hearing.

⁴ Six months is calculated as being 182 days.

1.8 We found that achievement of these key events was closely monitored by managers and reflected in each individual's Performance Development Review (PDR). However, we noted that other actions undertaken by Case Owners, such as responding to telephone enquiries from an applicant or their representative were not measured as key events and not measured specifically in staff appraisals despite the amount of time this took.

1.9 There was flexibility for managers in each region to determine the number of key events that Case Owners were expected to deliver per week; and flexibility for managers to determine whether Case Owners must deliver their key events in a set way such as two interviews and two decisions; or whether this was left to the discretion of the Case Owner. This flexibility had produced inconsistency – one region required Case Owners to complete five key events per week; others required four key events to be completed.

1.10 We found there was a very strong focus from managers for staff to deliver their key events and thus contribute to the overall conclusion target. We also found that no region weighted key events to take account of any difference in the time needed to interview an applicant, to present a case at appeal, or to make a decision.

1.11 Staff believed that the targets for the number of key events were challenging but generally achievable. However, there was a risk that, in order to meet the targets each week, staff conducted an interview rather than make a decision on a more complex case. This allowed them to deliver the requisite number of key events. We noted that some regions were assessing whether to weight key events to avoid this situation.

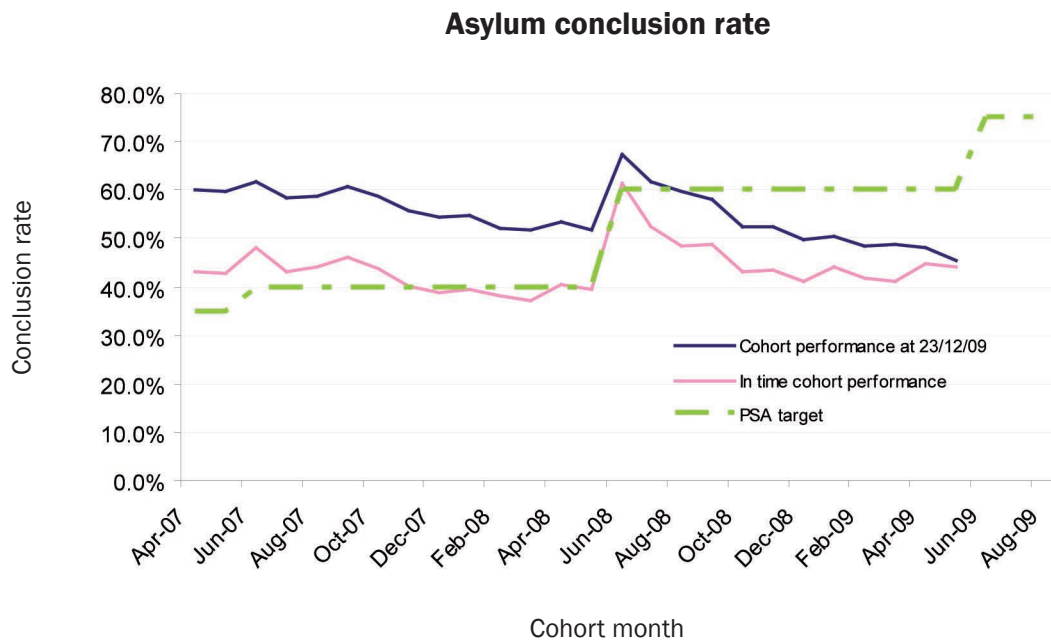
Are the targets realistic?

1.12 To assess whether the targets were realistic we considered the performance of the UKBA in meeting the series of milestones targets in the PSA.

1.13 The initial target was to conclude 35% of each month's intake of cases (referred to as a cohort) by the end of April 2007: this was achieved. The target increased to 40% by the end of December 2007. We noted that although this was achieved initially, performance had dipped in subsequent months. Between June and November 2008, 40% of cases were concluded in only one month (October).

1.14 The UKBA had also achieved the target of concluding 60% of applications by the end of December 2008 – a significant increase from the previous milestone. However, the UKBA had not been able to maintain this level of performance consistently since December 2008. Indeed performance had dropped to less than 45% by the end of November 2009 (although we noted this level of performance remained above the level of earlier milestones). This was despite the PSA target stating that performance would be measured monthly to ensure it did not dip below previous milestones.

1.15 The Agency had focused extremely strongly on meeting the target of concluding 60% of applications within six months by December 2008. This meant that all regional teams had focused in particular on applications made in June 2008. One region informed us that "March, April and May cases were stockpiled to enable focus around June". In addition, we found that the UKBA was not always represented at appeal hearings where applicants challenged a decision to refuse asylum thereby enabling resources to be focused on the conclusion target.



Graph 2: Asylum conclusion rate⁵

Cohort month	Actual Performance %	PSA target %
June 2008	61.5	60
July 2008	52.5	60
August 2008	48.3	60
September 2008	48.9	60
October 2008	43.2	60
November 2008	43.5	60
December 2008	41.3	60
January 2009	44.1	60
February 2009	41.9	60
March 2009	41.1	60
April 2009	44.8	60
May 2009	44.3	60

Table 1: Asylum cohort conclusion rates June 2008 to May 2008 to 2009⁶

1.16 At the time of the inspection, data was not available to show whether the UKBA had concluded 75% of applications within six months by December 2009. We note that to achieve 75%, performance needed to increase significantly from the 44.3% achieved in May 2009.

⁵ Using data supplied by the UKBA.

⁶ Using data supplied by the UKBA.

1.17 Most staff believed that achieving 75% was extremely challenging and few believed it was feasible to achieve this on a consistent basis. There was greater belief amongst managers that the target would be met and that it could be achieved consistently, subject to the number of asylum applications remaining at a level of around 1,900 a month.

1.18 Significantly, there was no belief that the ultimate target in the PSA of concluding 90% of applications within six months was achievable. There was no evidence of how this target had been devised and a very strong belief from staff that this failed to take account of the complexity of the issues.

1.19 In particular, we found a consistent view that the target had failed to adequately consider the difficulties involved in obtaining travel documents for people whose applications had been refused and who are required to leave the UK. Many people who are refused asylum either do not, or claim not to have a passport. In these cases, the UKBA often needed to apply to Embassies or High Commissions to obtain documentation which would allow a person to be removed. We will be examining the UKBA's use of travel documents as part of a future inspection.

1.20 The time taken to obtain such documentation varied according to the requirements of other countries and additional time would be required where countries did not accept that people were of the nationality that they claimed and so did not issue the UKBA with documents. In addition, the target took insufficient account of the length of time that it could take to conclude appeals to the Asylum and Immigration Tribunal and, more particularly, if an application for permission to apply for judicial review was lodged.

1.21 We also found that the national target took no account of the different types of cases managed by regions. There was clear frustration that some regions were thought to have a greater chance of meeting the target simply because they may have a greater proportion of applications from nationals of a particular country. We noted that this issue had been considered by senior managers and rejected on the basis that it would inevitably be subject to continual change due to the changing make-up of nationalities in each region.

1.22 We found that making an initial decision within 30 days of application was a key factor if the overall conclusion target was to be met. And while performance had improved, it remained below the delivery planning expectations and performance varied widely between regions.

Managing cases that were not concluded within six months

1.23 We found that, at the end of July 2009 there were 29,474 cases that had not been concluded within six months.⁷ The UKBA had established processes to monitor the number of these cases and had set up new teams – Out of Service Standard (OOSS) teams – to deal with them. We noted there was variation between regions over when OOSS teams were introduced. One region had piloted an OOSS team between February and July 2009, another introduced the team in June, whilst another was introduced in October.

1.24 We noted that one region introduced an OOSS team, giving only seven days' notice to those staff who were expected to work in it, even though they had no previous experience of asylum decision-making.

⁷ Figure taken from the UKBA's Immigration Group Monthly Performance report – July 2009.

1.25 We found that these teams managed cases at varying stages of the process. This included cases where a decision had been made to refuse an application but the person had yet to be removed due to the existence of a General Legal Barrier to removal or where the person had failed to maintain contact with the UKBA. But it also included cases where the UKBA had not decided whether to grant leave or to refuse the application six months after the claim had been made.

1.26 Teams in all regions prioritised cases where applicants were receiving financial support and cases where there was a greater chance of effecting a removal. However, although we found a supervisory framework to assist regions in prioritising cases, it did not set out a clear order in which decisions should be made. We found that, although all teams had a target date by which they should make decisions in these cases, these dates varied between regions.

Legacy cases

Are the performance targets clear?

1.27 We found that staff were fully aware of the target for resolving legacy cases and understood how their work contributed to that. We also found very clear awareness of the priorities for concluding cases that ministers had previously set out. The priorities were cases where:

- An individual may pose a risk to the public
- An individual was in receipt of public support
- It was likely that leave would be granted
- An individual could be easily removed.

How the UKBA performed

1.28 We found clear evidence of performance being monitored and the Chief Executive of the UKBA has provided regular updates to the Home Affairs Committee describing progress in resolving the legacy of older cases. By the end of September 2009, a total of 220,000 cases had been concluded.

1.29 The following table sets out the breakdown of these cases which was annexed to the Chief Executive's update to the Home Affairs Committee:

Type of conclusion	Total number concluded	Main applicants	Dependents
Removal ⁸	30,000 ⁹ (14%)	28,000	2,500
Grant	74,000 (34%)	41,500	32,500
Others	116,000 (52%)	100,500	15,500
Total	220,000¹⁰	170,000	50,500

Table 2: Breakdown of cases concluded to the end of September 2009¹¹

⁸ This includes people who left the United Kingdom voluntarily.

⁹ We note the total of main applicants and dependants adds up to 30,500.

¹⁰ The total adds up to 220,500 if the total of main applicants and dependants is 30,500.

¹¹ Lin Homer's letter to the Home Affairs Committee, 19 October 2009.

‘Other’ conclusions

1.30 We note that the information supplied to the Home Affairs Committee showed that 52% of those cases that had been concluded had been categorised as ‘other’. This category included cases where the UKBA had identified a duplicate or erroneous record for a case, or cases where an asylum application had been received from a national of a country that had subsequently become a member of the European Union. It also included cases that had been entered into a ‘controlled archive’ for a period of six months. This archive was used after unsuccessful attempts to contact an applicant.

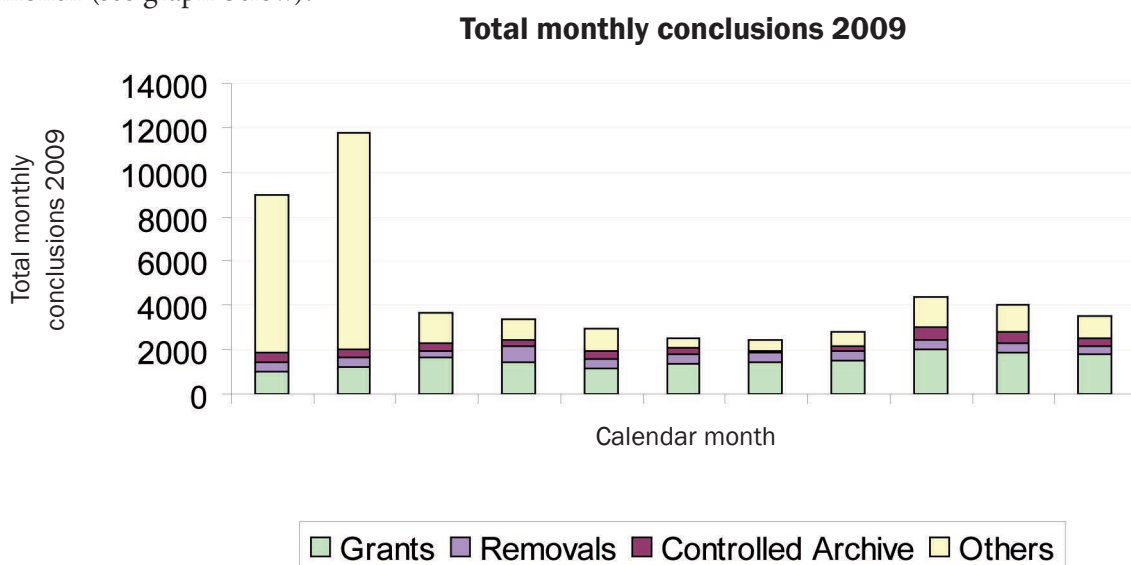
1.31 We were satisfied that there were clear criteria governing the types of case that were entered into the controlled archive. The criteria made it clear that cases of a certain type – including cases where there was evidence of criminality or whether there was any outstanding judicial action – must not be placed in the archive. We also found that PNC checks were carried out routinely before cases were placed in the archive; that quarterly security and background checks took place; and that if an individual did contact the UKBA the case was taken from the archive.

1.32 The Chief Executive’s most recent update to the Home Affairs Committee¹² (based on local management information), showed that by the end of December 2009, the number of cases concluded had risen to 235,000 cases. This was broken down into 13% removals (30,550), 35% grants (82,250) and 52% of conclusions (122,200) which were categorised as ‘other’.

Is the target achievable?

1.33 With progress to date, based on the estimate of 450,000 legacy cases, up to 215,000¹³ cases must be concluded by July 2011. This requires an average of 11,000 applications to be concluded per month.

1.34 We noted that, between January and November 2009, the UKBA resolved an average of 4,573 cases per month (see graph below).



Graph 3: Legacy conclusions January to November 2009¹⁴

¹² Lin Homer’s letter to the Home Affairs Committee, 4 February 2010

¹³ Based on a total of 450,000 legacy cases.

¹⁴ Data supplied by the UKBA.

1.35 We noted that the UKBA had taken action to increase the number of resolved cases. ‘Project Advance’ sought to increase the decision-making capability of Case Workers by requiring a private contractor to perform initial administrative and data-cleansing work. In addition, ministers had approved revised guidance which enabled Case Workers to consider granting permission to stay in the UK to people who had been in the UK for six to eight years rather than ten to twelve years following an assessment by the UKBA that, without such a change, there would continue to be up to 40,000 cases where it was not appropriate to grant leave to stay and where removal to a particular country was not feasible.

1.36 There was a clear view from staff that, notwithstanding the revised guidance and further efforts to streamline the processes, there would continue to be some cases that could not be concluded by the target date.

Conclusions

1.37 There was little doubt that the targets for concluding cases set out in the PSA had acted as a significant driver for improving the number of cases where people were either granted permission to remain or were removed from the UK. The fact that every member of staff we spoke to had a clear understanding of the target and of each stepping stone demonstrated clear communication and strong direction from senior managers. We also believed it was sensible to have targets which focused on the overall conclusion of a case rather than, as previously, on individual parts of the process. Although there was limited evidence of how effectively the UKBA performed prior to the introduction of the NAM, what we did see suggested that performance is now running consistently at a higher level.

1.38 However, we were concerned at the way in which the increasingly challenging targets were now being approached. The PSA did set out that performance should be monitored to ensure it did not slip below previous milestones. While this had in general been achieved up to the point where 40% of applications were required to be completed in six months, it had very clearly not been possible to achieve the subsequent target of 60% on a consistent basis. We did not think it made sense to achieve a target in milestone months, only for it to dip in subsequent months.

1.39 Of particular concern was the potential for the approach to be skewed by these targets. The need to hit the next reported milestone was clearly the overriding objective and this was articulated by all staff. The desire to meet the target was laudable; the fact that this on occasions meant prioritising some cases was not. There was a clear risk that those cases not concluded within six months were seen as less important.

1.40 There is a fundamental question about how achievable the targets are. Clearly there needs to be continual improved performance but the ultimate target of 90% of cases concluded within six months was not considered to be achievable by staff.

1.41 Performance against the target is reliant on a range of factors. These include the number of applicants claiming asylum in the UK and the length of time that it can take foreign governments to provide documentation for nationals in order to remove them. As the UKBA cannot itself control all these factors, we have significant concerns about what it would need to do to try and meet the target of 90%.

1.42 Although staff were aware of the targets, we are concerned at both the lack of involvement of front-line staff when these were devised; or in subsequently communicating how they had been devised. We think it is far more likely that performance will be improved on a consistent basis where staff understand how the increases are evidenced. This is not the case at present.

1.43 We were pleased that OOSS teams had been established to make decisions in those cases in which no decision had been made within six months. This is essential if the UKBA is to avoid a further legacy of many thousands of older cases.

1.44 However, we were concerned that some of the teams established to deal with these had been set up with limited training and in one region staff had been moved from unrelated areas of work. There is a need to ensure stronger management of these cases and being absolutely clear how these are broken down. The UKBA should be able to see immediately where decisions have not yet been made within six months and where cases are yet to be completed for other reasons. We do think it is essential that applicants should not be expected to wait longer than six months for an initial decision, unless there are exceptional circumstances.

1.45 Considerable progress has been made in resolving 235,000 of the legacy of older cases and there is a transparent process for updating Parliament on the latest figures. There has been clear monitoring of progress and action taken once it transpired that a significant number of cases could remain unresolved without changes to existing guidance. It is too early to say what the impact of Project Advance and the revised guidance for considering legacy cases will be. However, it is likely that at the end of the project there will be a number of cases where the UKBA will not have considered it appropriate to grant the applicants leave to remain, nor will it have been possible for them to have been removed. It is important that these cases continue to be actively managed once the target date of July 2011 is reached.

Recommendations

We recommend that the UKBA:

- As a matter of priority, assesses how it can deliver performance improvements consistently; and how it proposes to deliver its target of concluding 90% of cases within six months by December 2011
- Ensures all future targets take full account of front-line experience
- Ensures decisions are made as soon as possible on all applications currently outstanding for six months or more; and ensures that all future applications receive an initial decision within six months
- Introduces clear targets for concluding cases that have not been concluded within six months
- Produces an action plan to show how, in light of recent process and guidance changes, it can resolve the legacy of cases by July 2011
- Develops and communicates plans for managing those legacy cases in which leave may not be granted, or the applicant removed, by July 2011.

Chapter 2:

Findings – Processes and procedures including quality of decision-making and consistency of approach

2.1 We considered in particular how the Agency **quality assured its decision-making, including training provision;** and the **effects of case ownership** on decision-making.

Case Ownership

2.2 The New Asylum Model introduced the concept that asylum applications would be managed by a single Case Owner from end to end. The Case Owner¹⁵ would be responsible for interviewing, making a decision, presenting the case at appeal (where relevant) and managing the integration or removal of the individual at the end of the process.

2.3 This model was designed to increase the efficiency and personal accountability, which would result in more cases being concluded; and to reduce the time that it took for cases to be concluded. It was also envisaged that by having one person responsible for the case from start to finish, this would allow applicants, their representatives and Case Owners to develop a rapport, which would also improve the applicants' experience of the process.

2.4 We found that the concept of case ownership continued to be central to the model for managing cases within NAM. However, we found that there were variations in the application of this concept across the UKBA regions. Whilst it remained normal for a Case Owner to both interview and then make a decision on a case, the variations were particularly evident in the way appeals to the Asylum and Immigration Tribunal were handled.

2.5 We noted that there were variations over whether Case Owners presented their own decisions, and, if they presented at all, the frequency with which they would do so. In one region Case Owners rarely presented cases at court; in another they attended on a rota basis which may or may not mean they presented cases where they had made the decision; and in another region they attended around once a month. Where the Case Owner did not present the case, the role was undertaken by a Presenting Officer – staff with specific training in this area.

2.6 The principal reason for this variation was the need to ensure an efficient use of resources to achieve the conclusion targets. We found that managers believed they could achieve this more effectively if Case Owners focused on interviewing and making decisions. This was particularly relevant where appeal-hearing centres were located at a considerable distance from the Case Owners' offices. In addition, as the number of cases that each Case Owner was responsible for increased, so would the number of appeals that they would have had responsibility for presenting.

2.7 We found there were different views on the benefits of Case Owners presenting cases. Most significantly we found very consistent evidence that, to present cases effectively in an adversarial system before an Immigration Judge, Case Owners needed to undertake the role on a frequent basis to build and maintain skills that were different to those required for interviewing applicants.

2.8 We found significant levels of frustration amongst Presenting Officers. There was a lack of clarity about their long-term future and how they fitted into the case ownership model. A pilot was underway to test a 'hybrid' team of Case Owners and Presenting Officers, sharing the duties of presenting and decision-making. The pilot is to be evaluated at the end of the 2009/2010 financial year.

¹⁵ This is frequently referred to as 'single case ownership'.

Quality of decision-making

2.9 We found that all staff placed a strong emphasis on the quality of their decisions. There was considerable pride in the work they undertook and a strong appreciation of the implications of their decision-making. A Case Owner told us:

'The consequences of making the wrong decision are immense.'

2.10 Case Owners had clear quality targets, which they were assessed against. They had a target that 87% of their cases assessed by the Quality Audit Team would be assessed as being at least 'fully effective'. This target was contained in Case Owners' Performance Development Reviews.

2.11 All staff referred to the balance they needed to strike between delivering their key events each week to achieve the targets of concluding a set percentage of cases within six months and the need to ensure they made the right decision on an individual claim. We did not find any evidence that staff had come under explicit pressure to 'rush' a decision before they had assessed the evidence. However, the majority of Case Owners said they believed senior managers were more interested in the conclusion targets rather than quality.

2.12 We found that there was a comprehensive quality assurance framework in place, developed through close working with the United Nations High Commissioner for Refugees (UNHCR). The UNHCR had, since 2004, provided six reports to ministers which set out its observations and recommendations on how the UKBA could improve the quality of its initial asylum decisions.

2.13 We found that 10% of asylum decisions made by each region were assessed by a Quality Audit Team. The assessment was based on key aspects of asylum claims including the decision letter and application of the correct standard of proof and had been developed in conjunction with UNHCR.¹⁶ In addition, both national and regional reports were produced with recommendations to improve the quality and consistency of decisions.

2.14 Feedback was provided consistently to decision-makers, although the time taken to do this varied. We found it was not uncommon for Case Owners to wait a number of weeks for feedback – and one member of staff said that they had been waiting for over six months for feedback from the team. All Case Owners were supportive of the quality assessment and believed it was helpful in improving their decision-making and interviewing. However, there was a perception that the assessment was too rigid and did not always take account of why particular questions had not been asked at interview.

2.15 Whilst the assessment ensured a specific number of cases were sampled from each region, there was no mechanism to ensure that **all** Case Owners were subject to an assessment. One Case Owner indicated that none of their decisions had been assessed in the previous 12 months.

¹⁶ A copy of the criteria against which decisions cases were assessed can be found in Annex D.

2.16 We also found that regions carried out local checks on the quality of decisions. Decisions made by new Case Owners had to be checked and approved by a Senior Caseworker before they could be issued. This process continued until the quality of their work was deemed to have consistently reached a satisfactory standard. All regions also referred to Senior Caseworkers undertaking a ‘dip sample’ of 10% of Case Owners’ decisions each month. There was confusion amongst some Case Owners and their managers over how cases for this sample were selected, as some Case Owners had not had any of their decisions sampled.

2.17 There were no requirements at a national level for particular types of decision to be routinely authorised by a senior officer or a second pair of eyes, apart from decisions made to certify cases as clearly unfounded, as we identified last year in our pilot inspection of non-suspensive appeals. However, some regions had introduced their own checks although these varied. For example, in one region all grants of discretionary leave had to be authorised by a Senior Caseworker; in another all grants of leave had to be authorised,

2.18 In our own scrutiny of files selected at random we found very consistent and detailed records of interviews with applicants. Decisions to grant refugee status contained detailed reasoning on the file and decisions to refuse were based on evidence provided at interview and subsequent representations. The scope of our inspection did not extend to assessing how country information was used in decision-making and this is an issue to which we will return in future inspections.

2.18 In all cases a detailed ‘Reasons for Refusal Letter’ had been issued. While we were aware of some concerns that these letters were on occasions too long and insufficiently tailored to the individual circumstances of the case, we did not identify any criticisms of the letters in any case that proceeded to appeal in our sample. We did identify particular praise from an Immigration Judge for the letter in one of the cases that we sampled.

Case Study 1.

N, a Bhutanese applicant arrived in the UK in June 2008 and claimed asylum the following day.

N claimed that they had been persecuted in their country as a result of their Nepalese origin and that they would be at risk of persecution were they to return.

N’s claim was considered by the UKBA and was refused it in August 2008.

N appealed against the UKBA’s refusal, claiming that their return to Bhutan would place them at risk of persecution. This appeal was heard by an Immigration Judge, who went on to dismiss it in October 2008. In their determination the commented:

“The reasons for refusal letter is set out in some considerable detail. The facts have been extrapolated from the source material. Great care has been taken in the analysis of all the evidence and a huge number of discrepancies has been identified in the reasons for refusal letter as to times, dates and places so much that, in addition to the specific circumstances to which I have referred, I also seek to incorporate the findings of the Home Office in the reasons why I reject as not credible the evidence of the appellant in this appeal.”

2.20 We also found that the UKBA had assessed whether there was a sufficiency of protection for them; and whether the applicant could relocate elsewhere within their country. In addition, and subject to the case highlighted below, Case Owners had asked applicants to clarify issues where there appeared to be inconsistencies in the claim thereby allowing the applicant to give an explanation for apparent discrepancies.

2.21 Three cases were of concern to us for very different reasons:

Case Study 2.

W, a Chinese applicant entered the United Kingdom using a valid multi-entry student visa. In June 2008 they were found by the UKBA's officers to be working, which was contrary to the terms of their visa.

W claimed asylum on the basis that they were at risk from a gang of triads. They claimed to have borrowed money to fund gambling, which they had been unable to repay. W claimed that they had been beaten by the gang in an attempt to make him repay the debt.

W was transferred to the Detained Fast-Track process and was detained in Harmondsworth Immigration Removal Centre.

After interviewing W, the Case Owner drafted a Reasons For Refusal Letter. However, before the letter was served on the applicant, their representatives wrote advising that they had arranged for W to be interviewed by the Medical Foundation in July 2008.

The UKBA therefore released W in line with the UKBA's policy and their case was transferred to another team. The applicant did not attend their first reporting event with the UKBA, or the appointment with the Medical Foundation.

2.22 When the Case Owner drafted the Reasons For Refusal Letter they had said that even if the claim were accepted 'at its highest' (this means assuming that everything that the applicant said was true), it could not succeed.

2.23 We were concerned, that there was no record of the Case Owner having considered whether it would have been appropriate to have certified the claim as being 'clearly unfounded'.¹⁷ Had the case been certified, the applicant could only have appealed from abroad; the certification of the claim would have meant that any appeal would not have suspended removal from the UK.

2.24 In the absence of a file-minute, it is unclear whether certification was considered by the Case Owner, who felt that it was not appropriate on the facts of the case, or whether the Case Owner had failed to consider certifying the claim. This was an issue we highlighted in our pilot inspection of non-suspensive appeals to provide greater assurance that the powers were used effectively.

¹⁷ Under Section 94(2), Nationality, Immigration and Asylum Act 2002.

Case Study 3.

After 'Z', a Nigerian, applied for asylum in June 2008 their case was transferred to the Detained Fast-Track.

Following their interview, Z's representatives wrote to the UKBA, advising that the Medical Foundation had accepted a referral for Z and that they would carry out an assessment of Z in July. Z was released to allow them to be assessed by the Medical Foundation, in accordance with the UKBA's policy. Responsibility for managing Z's case transferred to a different unit, after Z was released.

The new unit wrote to Z to confirm that a decision would not be taken on their case until they had been assessed by the Medical Foundation. However, before the result of the pre-assessment was known, a different Case Owner, within the same region, refused the applicant's application and certified it as being clearly unfounded. As the decision had been certified, the applicant could only appeal against the decision from outside of the UK.

Neither the Reasons For Refusal letter, nor the Removal Directions, which the UKBA set for Z, was served on the applicant's representative, despite their details being recorded on the UKBA's file.

After Z's representatives applied for permission to judicially review the UKBA's decision, the UKBA accepted that the refusal should not have been made and agreed to withdraw the decision. Following this, Z's representatives withdrew their application for Judicial Review.

2.25 We are concerned that a decision was made in this case, despite the earlier commitment that had been given. We noted that in response to enquiries made by the UKBA's Judicial Review Unit, the 'locality manager' for the casework team advised that 'we took a calculated risk on serving this case, with the knowledge that we could take the claim at its highest'.

2.26 However, at no point was there any evidence that the UKBA's policy, nor the previous correspondence, had been considered when the casework team made the decision.

2.27 This appeared to be an isolated case and there was no evidence in any other case we sampled that procedures had not been followed correctly. Nevertheless, given the particularly vulnerable nature of applicants claiming asylum on the basis of torture, the failure in this case was deeply disturbing.

2.28 In the third case that was of concern to us, the decision-maker had based a decision in part on an apparent discrepancy in the applicant's age. At interview the applicant had informed the interviewer that they were 16 years old despite having also submitted an earlier witness statement stating they were 14 years old. This inconsistency was not put to the applicant during the interview.

Allowed appeals

2.29 In assessing the quality we also considered the number of cases where the person had appealed to the Asylum and Immigration Tribunal against the refusal of asylum and how many appeals had been successful. In 2008, 10,720 appeals against the refusal of asylum were determined by Immigration Judges.¹⁸ Of these, 23% (2,475) were allowed and 71% were dismissed.¹⁹

2.30 Despite the number of allowed appeals we did not find any systematic analysis of the reasons for allowed appeals. This would have allowed the UKBA to identify national or local trends that could have led to an improvement in the quality of decisions. We noted that one region was undertaking a detailed pilot to conduct precisely this assessment.

2.31 We did hear consistent evidence that an allowed appeal was not **necessarily** the result of flawed decision-making. This was because the Tribunal makes its decision on whether the applicant would be at risk of harm, based on the evidence before it, rather than making an assessment of whether the decision was 'reasonable' or open to the UKBA.

2.32 We noted that the UKBA's decisions were often based on whether the applicant's account was considered to be credible by the Case Owner i.e. that the Case Owner believed the applicant's account of the reasons for them leaving their country of origin. At appeal hearings Immigration Judges may, having heard the same evidence, consider that the account was credible and allow the appeal. In our file sample we did not find any case where the Immigration Judge, despite allowing the appeal, had criticised the UKBA for failing to consider evidence or its analysis of the evidence.

Training

2.33 We found that Case Owners had received training covering the legislation relating to asylum and human rights; how to interview applicants, assess the evidence and set out reasons for decisions. The original training module of 55 days had been shortened to 25 days. While the original module was felt by many to be too lengthy, there was concern, particularly from managers and senior caseworkers, that the shortened module had not prepared Case Owners adequately. We did find that mentoring arrangements were in place in all regions to guide new Case Owners although there was no evidence of a standard procedure to ensure consistency in the way mentoring was provided.

2.34 We were pleased to note that a package of consolidation training for Case Owners was being finalised and would be rolled out to Case Owners this year. This was an issue raised by a number of Case Owners and we endorse strongly the potential value of such training.

2.35 Of more concern was the lack of a standard training package for Case Workers within the Out of Service Standard teams. These teams were responsible for managing cases that could be at least as complex as those managed by Case Owners. There was an inconsistent approach to the length and depth of training. We noted that in some of the regions visited, Case Workers had undertaken the standardised Case Owner course lasting for 25 days. However, in one region, Case Workers had been offered only an eight-day training package, which was followed some weeks later by an additional five-day course.

18 Control of Immigration: Statistics United Kingdom 2008; <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1409.pdf>

19 The remainder were withdrawn or abandoned.

Administrative

2.36 We noted that within both CRD and NAM, there was not a clear understanding amongst staff over whether information relating to a case should be recorded on the paper file, on the UKBA Casework Information Database (CID), or on both. Staff reported that they did not feel confident relying on information obtained solely from either the file or from CID; therefore if they wanted to know anything that had happened on a case, it was necessary to review both. Again, this was an issue we highlighted in our inspection of non-suspensive appeals.

2.37 The quality of file maintenance varied; the majority of cases were clearly minuted to show what action had been taken, by whom and why. Relevant documentation was also attached. However, in some cases, the file maintenance was poor and in one case we found that the file contained minutes relating to a completely different person.

2.38 Despite the very clear framework for assessing the quality of decision-making there was no parallel assessment to ensure that basic administrative actions were undertaken correctly, given the significant negative impact that administrative errors can have.

The effect of early legal advice

2.39 In November 2006, the UKBA had, along with the Legal Services Commission (LSC), introduced a pilot, which sought to evaluate the benefits of providing legal advice and assistance to asylum applicants following their screening interview.

2.40 Under the pilot, applicants routed to the West Midlands²⁰ were provided with independent legal advice. It was intended that the applicant's legal advisor and the UKBA Case Owner would agree the issues that were considered relevant to an applicant's case, including those that were accepted by the UKBA and those issues that were in dispute.

2.41 Whilst a detailed evaluation of the project took place, we found that there was variable understanding of the specific purpose and the intended outcomes. We were pleased to see that a further pilot was due to begin in October 2010 involving a larger number of applicants and a stronger focus was being placed on agreeing the precise purpose and criteria at the start with the involvement of key stakeholders.

2.42 We did not undertake our own assessment of cases contained in the initial pilot. In light of the **potential** for early legal advice to improve the quality of decision-making we think it is important for this further pilot to take place as soon as possible with clear criteria and a shared understanding of the outcomes.

Legacy cases

2.43 As with new asylum cases we found there was a clear quality assurance framework to monitor the quality and consistency of decisions made on legacy cases; and the UNHCR had assisted in its development. In all cases where a Case Worker thought it appropriate to grant an applicant a form of leave, these were subject to authorisation by a 'technical specialist' within the Case Resolution Directorate.

²⁰ Applicants had to live within 30 miles of Solihull to be included in the project.

2.44 In addition, technical specialists carried out two formal assessments per Case Worker per month. These assessments were used by Case Workers' managers in the Performance Development Review (PDR) process, to assess their performance. However, there was some confusion over whether these checks should be carried out only on cases where leave had been granted, or whether decisions to refuse leave were also checked.

2.45 We found evidence of clear criteria,²¹ against which staff assessed legacy cases when considering whether it was appropriate to grant leave. Staff had received training on this and were able to easily access guidance on it, via the UKBA internal website, if the need arose.

2.46 The factors considered by Case Workers were:

- Age
- Length of residence in the United Kingdom
- Strength of connections with the United Kingdom;
- Personal history, including character, conduct and employment record
- Domestic circumstances
- Previous criminal record and the nature of any offence of which the person has been convicted
- Compassionate circumstances
- Any representations received on the person's behalf.

2.47 We noted that Case Workers had referred to these factors in all of the cases that we sampled. However, we noted that in some cases, although there was a record that the criteria had been considered, the minutes did not record the consideration of the various factors, including the weighting attached to each. One such case is set out below:

²¹ As contained within para 395 C of the Immigration Rules.

Case Study 4.

A, an Iraqi national²¹ claimed asylum in January 2000, which was refused in July 2001 and Removal Directions were set for their removal.

A appealed against this decision to the Immigration Appellate Authority; this was heard in January 2002

The Adjudicator found A's account of why they had to leave to be untrue stating:

“Even bearing in mind everything that has been said on his behalf and stressing that I need only look to the lower standard or proof I have to say that I find the account which he gives for his reason for leaving the Kurdish Autonomous Area positively untrue.”

A made an application for this decision to be reconsidered; this was refused.

In October 2003, A made an application for asylum in a different identity; claiming to have earlier that month. Routine fingerprinting of asylum applicants identified that A had previously claimed asylum in a different identity and their application was refused.

The applicant was subsequently granted leave.

2.48 Whilst the Case Worker's file-minute records that consideration had been given to the applicant's 'personal history, including character, conduct and employment record', it did not make reference to the fact that an Adjudicator had previously found the applicant's account of events in Iraq to be untrue; or of the fact that the applicant had attempted to claim asylum in a different identity.

2.49 Whilst the decision to grant leave **may** have been the right one on the facts of the case despite this chronology, the lack of a record of any consideration of how these factors were weighted by the Case Worker does not allow us to examine why this decision was reached.

Training

2.50 Case Workers received a one-week classroom-based course on asylum, which included sections on the Refugee Convention, the European Convention on Human Rights and the Immigration Rules. Whilst staff felt that this gave them a good grounding, the short duration placed pressure on them to get up to speed very quickly. Mentoring was provided by experienced Case Workers, although no specific training had been provided to mentors.

2.51 We found that staff were able and encouraged to undertake further modular-based training to develop their skills; training was based on a skills profile which was updated every six months. Staff consistently praised the work of the Learning and Development team for high quality of training that they delivered and their proactive approach to developing staff – providing them with the skills to do their current role, whilst also developing them for future roles.

²² From the Kurdish Autonomous Region.

Conclusions

2.51 The implementation of the original concept of case ownership, whilst simultaneously concluding an increasing number of cases, had proven to be exceptionally difficult. The challenges that this created, has resulted in inconsistency in the role and responsibilities of Case Owners across the UKBA's regions. A significant inconsistency exists over whether, and if so, how often Case Owners present appeals at the Asylum and Immigration Tribunal. Whether Case Owners are expected to present cases is relevant to where recruitment is targeted; the training offered to Case Owners; and the retention of Case Owners.

2.52 We were impressed with the detailed quality assurance frameworks in place arising from the collaborative work with UNHCR. This does provide a solid basis for the UKBA to monitor and improve decision-making, although we think it is important to ensure that the selection of cases covers all Case Owners and that feedback is provided as soon as possible to them.

2.53 The volume of allowed appeals continues to indicate that more must be done to improve initial decision-making. We do not believe there is a simple correlation; it is clear that a decision can be taken with full account taken of the evidence but an Immigration Judge assesses that evidence differently and allows an appeal.

2.54 Nevertheless, there is a need for more systematic analysis to feed into an overall quality framework and which links up more effectively the work already undertaken by the Quality Audit Team with the reasons why appeals are allowed. We were pleased to see that some work is underway but would expect this to be an essential part of the approach to improving initial decision-making.

2.55 Other than in those cases that we have highlighted, we were encouraged by the clear consideration of decisions in the overwhelming majority of files that we saw. That said, we do think it is essential that, for legacy cases, Case Owners provide sufficient additional reasoning as to how the various factors have been weighted against any adverse immigration history.

2.56 We were pleased to see that a consolidation training package was due to be rolled out to Case Owners. There is clear value in this and it provides an important way to ensure that improvements to interviewing technique and decision-making can be made. We think it is important that the training as a whole contains greater input from the perspective of asylum applicants to further understanding their experience of the system; and that sufficient training is provided on the administrative tasks that Case Owners are also required to do.

2.57 We were concerned at the variation between the training offered to those in the Out of Service Standard teams. We would have expected to see a clear identification of the skills needed in these teams and a consistent training package introduced for them.

2.58 The lack of a clear understanding amongst staff over whether information should be recorded on the file, on CID, or both concerns us. Staff do not have the confidence to rely on one source of information, which consequently leads to duplication in effort. This is both inefficient and there is a risk that information recorded on the file and CID does not match, resulting in confusion.

Recommendations

We recommend that the UKBA:

- Systematically analyses the reasons for allowed appeals and links this with their overall quality assurance framework
- Ensures that the reasons why legacy cases are granted are recorded clearly on file
- Defines the role and responsibilities of Case Owners including their role in presenting cases at appeal
- Introduces consolidation training for Case Owners as soon as possible
- Ensures that the Quality Audit Team samples decisions from all Case Owners
- Clarifies the information that should be stored on the file and the Case Information Database and incorporates checks of this into the quality assurance framework
- Adopts a clear and consistent approach to when it will not be represented at asylum appeal hearings.

Chapter 3

Findings – Impact on people subject to UK Border Agency Services

3.1 We considered how fully the UKBA **understood the experiences of people applying for asylum**; how people were **kept informed about the progress of their cases**; and whether they knew **who they should contact** about their application.

Understanding the experience of asylum applicants

3.2 For some applicants their contact with the UKBA will be the first contact with a person in authority, after fleeing their country. Given these experiences, applicants may have pre-conceived ideas about the consequences of interacting with those in authority and may be reluctant to trust and converse with the UKBA staff.

3.3 The asylum process is made up of a number of stages; at any of these, the UKBA's approach can have a positive or negative impact on applicants. In addition, administrative errors at any of these stages can also have an unhelpful and avoidable impact on applicants and their families.

3.4 We found that all staff were aware of and were completing a mandatory Equality and Diversity e-learning package. This was a generic course provided for staff working within the UKBA. While the course was valuable in highlighting a number of important issues, its focus was primarily on scenarios that a person could encounter within their workplace. The course did not focus on the issues that Case Owners were most likely to encounter when considering asylum applications.

3.5 Case Owners demonstrated a strong desire to understand fully the experiences of asylum applicants and gained experience of many different nationalities and ethnic groups simply through the number of applications they considered. We also found that Case Owners spoke in detail about the gender-specific issues that may affect female asylum seekers, for example. However, there were limited opportunities for Case Owners to meet with asylum applicants or refugees, other than when they were considering applications. We noted that neither Case Owners nor Case Workers routinely met with asylum applicants, refugees or groups representing them to discuss applicants' experiences of the asylum process.

3.6 There was clear evidence from all the files sampled that Case Owners routinely asked applicants whether they were fit and well enough to be interviewed. They also offered applicants breaks before and during the interview process. This is in accordance with internal UKBA interviewing guidance.²³

3.7 We also noted that, in accordance with the UKBA protocol governing conduct at interviews,²⁴ where interpreters were provided at the request of applicants, Case Owners were careful to ensure that both applicant and interpreter understood each other and the Case Owner, before commencing the interview. The Code of Conduct for the UKBA interpreters required interpreters to be impartial and to be seen to be impartial at all times. We noted the UKBA policy was to try and re-arrange interviews where an applicant objected to a particular interpreter.

3.8 However, we also heard that this process did not always identify potential concerns that applicants may have about the use of interpreters from different ethnic groups. A female Rwandan applicant informed us that she had been interviewed in the presence of an interpreter from the ethnic group she claimed had persecuted her.

²³ Conducting the Asylum Interview, UKBA Asylum Guidance and Instructions

²⁴ Interviewing Protocol Governing the Conduct of Substantive Interviews and the Role of Interviewing Officers, Representatives and their Interpreters, 1 January 2003 (UKBA December 2008)

Interviews

3.9 As indicated in Chapter 2, we found strong evidence that Case Owners understood the implications of their interviewing and decision-making and showed a strong desire to make the right decision. A Case Owner said:

“You’ve done something to change that person’s life – it’s a humbling experience.”

3.10 Applicants themselves had differing experiences of the interviewing process. One applicant described a very positive experience:

“[The] experience was very easy and different from that of friends. The lady who interviewed [me] was very nice and gave advice to go to the Medical Foundation. The Case Owner was good and made the decision clearly. The letter came from her.”

3.11 For another, the experience was far more negative:

“[It] feels more like an interrogation than an interview. Very invasive, some [questions] are there to trap you. Heavily traumatised, hard to get [the case] across to people”

3.12 We were also informed of a case where a female applicant had been interviewed in the presence of her children and consequently found it very difficult to talk about the details of her claim. This was in spite of the UKBA interviewing guidance ‘Conducting the Asylum Interview’ which stated that: *‘Interviewing officers should normally interview principal applicants without the presence of the applicant’s family members unless the interviewing officer considers it necessary for an appropriate examination to have other family members present.’* The guidance also indicated that, where possible, child care facilities should be provided for families.

3.13 We were very pleased to see that one region had taken steps to counter the impact that this could have on applicants and their families. At the time of our inspection, a proposal to provide a limited²⁵ childcare service for applicants’ dependents during the interview process was being piloted. Following a review, the region hoped to promote the use of this facility by distributing an information leaflet at screening interviews and reporting centres. Consideration was also being given to inserting a paragraph into the ‘invitation to substantive interview letter’, which advised applicants of the facility.

3.14 We also heard how simple administrative errors could have a disproportionate impact on applicants and were not necessarily rectified during the asylum process. One applicant told us how their Application Registration Card recorded ‘0’ dependents despite the fact she had children included in her asylum claim. This had caused her particular concern but she did not believe there was any ‘real attempt to change this’. A letter from the applicant’s legal representative, pointed to the error and a request was made to change the details to reflect the number of dependents. However, at the time of this inspection, the applicant said that the UKBA had not acknowledged the solicitor’s letter.

²⁵ Under the proposal, childcare facilities are only available for a maximum of five children between 1-5 years old. There is currently no provision for children between 0-12 months old. Requests from couples for childcare provision are not being accepted during the pilot stage.

3.15 Another applicant told us how the interviewing officer had recorded their surname incorrectly and had not corrected the error as it was considered ‘a long process’.

3.16 One applicant described how, over the course of a six hour interview, the comments made by the interviewing officer left them unsure as to whether their reasons for making an asylum application were being believed. The applicant told us that at first, the interviewing officer said:

“I can’t believe someone could do this to another human being.”

3.17 However, as the interview progressed, the applicant told us that interviewing officer then said:

“I have been doing this job for 15 years and I know who is lying and who is telling the truth.”

3.18 The applicant told us they could not then decide whether the comments made early on in the interview had been empathetic or disbelieving.

Contacting Case Owners

3.19 When the concept of case ownership was introduced, an intended benefit was that Case Owners and applicants would communicate regularly and develop an effective working relationship. This approach was broadly welcomed by those representing applicants, provided that Case Owners could be contacted by applicants and their representatives.

“It is of the utmost importance for the success of the NAM that Case Owners are as accessible and responsive as the Home Office has said they will be.”²⁵

3.20 We found that following the introduction of NAM, there was, initially, a significant amount of dialogue between Case Owners and applicants, which allowed applicants to contact their Case Owner to enquire what was happening on their case, or to update them with any changes to their circumstances.

3.21 We heard examples of applicants contacting their Case Owner to ask for advice on issues not directly related to their asylum application, such as how to obtain a driving licence. We also heard how Case Owners had managed the expectations of applicants during the appeal process.

3.22 We noted there were variations between regions over how, or if, contact between applicants and Case Owners was formally measured to assess Case Owners’ performance. Some Case Owners had an objective in their PDR to maintain contact with applicants. However, this was not the case in all regions.

3.23 Whilst all of the regions visited required Case Owners to deliver a number of key events, none had regarded maintaining contact with an applicant as a measurable key event. As the caseload of Case Owners rose and the conclusion targets increased, the amount of contact that Case Owners had with each applicant decreased as Case Owners focused their attention on delivering key events. One applicant told us:

²⁵ Paragraph 4.1, NAM: Refugee Council Briefing August 2007.

"... [the] people (Case Owners) are good but there is too much for them to handle." responsive as the Home Office has said they will be."²⁵

3.24 In addition, we found that there was a lack of consistency between the UKBA's regions over whether applicants and their representatives could make direct contact with their Case Owner.

3.25 Some regions allowed applicants and their representatives to telephone the Case Owner directly. However, others had introduced centralised telephone lines, through which calls from representatives and applicants were directed. This had been done to allow Case Owners to focus their attention on their key events to achieve the conclusion target.

Administrative

3.26 There was a lack of standardised processes for managing cases when Case Owners left. We found that there could be a delay in transferring the case to a new Case Owner, which meant that, when applicants or their representative contacted the UKBA, there was sometimes a wait whilst somebody looked at the file.

3.27 When cases were transferred between Case Owners or teams, there was no standardised process for notifying the applicant, or their representative of who the new Case Owner was. Consequently, often the first time that an applicant or their representative were likely to know that a new Case Owner had taken ownership, would be when they attempted to make contact with their (former) Case Owner. A Case Owner commented:

"There is nothing proactive about UKBA. They only react to calls or requests for information."

3.28 We also noted that when large numbers of cases were transferred to Out of Service Standard teams, who were responsible for managing cases over six months old, there had been no standardised process for notifying applicants. The only way an applicant would know that their Case Owner had changed, or that a case had transferred would be when an applicant telephoned their original Case Owner or the helpline in the region.

3.29 In one region, staff commented that as solicitors knew the asylum teams, they would know who to contact and should inform their clients themselves. In another region, a NAM Case Worker informed us that:

"Applicants are generally unaware that the case is now being dealt with by a different Case Worker, and a different team. [This] often causes annoyance to the applicant."

Legacy cases

3.30 The most significant frustration for people whose cases were within the 400,000 – 450,000 legacy cases was the lack of certainty as to when their case would be concluded. We found that all requests were answered with a standard response setting out the commitment to resolve all cases by July 2011 and highlighting the prioritisation of cases (as we set out in Chapter 1). The only exception to this was where a case had been selected for action and a more specific timeframe could be given.

3.31 We found the legacy of cases was not a straightforward queue where cases could be numbered and assigned a likely date for completion. The UKBA had not sifted through the cases at the start of the programme to identify cases that were the result of, for example, duplicate records. This would have allowed the UKBA to have established the number of substantive cases that needed to be resolved. However, the UKBA had taken the view that it was a better use of resources to begin resolving cases at the outset. We were informed that even had the UKBA been able to establish the total number of substantive cases that needed to be resolved having carried out such a sift, it would still not have been possible to tell applicants with any accuracy when their case would be resolved. This was because individual circumstances of each case may change, which impacted on the overall priorities as set out in Chapter 1.

3.32 Neither applicants nor their representatives were routinely advised in writing of who their Case Owner was. However, we found that an on-line system was being introduced to enable applicants to identify their Case Owner and duty lines were in operation to deal with enquiries, the overwhelming majority of which were asking when the case would be concluded.

3.33 We noted that cases were now managed according to the location of the applicant with the intention of developing closer links with MPs and representatives.

Further submissions

3.34 In the course of our inspection the UKBA announced change in procedures for applicants who, after their claim had been rejected and appeal rights exhausted, submitted further information to support their claim for asylum. This required applicants who made their asylum claim on or after 5 March 2007 to submit further information in person at a specified reporting centre in their region; and applicants who were in the legacy of older cases to make an appointment at the UKBA office in Liverpool, subject in both cases to any exceptional circumstances. We found that the UKBA received approximately 300 – 350 further submissions per week.

3.35 Although the issue of further submissions had been discussed with stakeholders, the specific changes were introduced without consultation. A detailed impact assessment had been published but we found considerable concern that the changes would impact unfairly on individuals, particularly where they needed to travel considerable distances in order to make their further submissions.

3.36 Given the timing of the inspection we were not able to identify the practical effect of the changes. However, this is an issue which we will assess as part of future inspections.

Conclusions

3.37 We found strong evidence that staff understood the impact that their decisions had on applicants. Case Owners were keen to ensure that they understood a person's basis of claim by asking applicants, during interview to clarify their claim and by asking follow-up questions. They were also receptive to requests for interpreters of a specific gender. But, as the examples in this section show, understanding the effect that the asylum system can have on an applicant is crucial to treating people with respect and identifying areas for improvement.

3.38 Interestingly, we found that small and easily rectifiable oversights could have the most impact. Administrative errors, such as recording an applicant's name incorrectly or recording an incorrect number of dependents had a significant and distressing effect, on those with outstanding claims. 'Simple' errors such as not recording an applicant's name correctly could result in applicants worrying about whether the UKBA had properly understood their claim. The recommendation we have made for greater input from refugees in training for Case Owners would help in this regard.

3.39 A key benefit of case ownership was seen to be the ability of the Case Owner, applicant and representative to develop a relationship. Initially the model worked well, however, as targets and caseloads have increased, the ability of applicants to liaise directly with their Case Owner is inconsistent across regions.

3.40 Case Owners are not measured, as part of their targets, on liaising with applicants. Where applicants are able to liaise directly, Case Owners with high caseloads have limited time to develop relationships with applicants.

3.41 There were no systems in place within NAM to notify individuals or their representatives when cases were transferred between individuals or teams, which can lead to delays and uncertainty.

3.42 The lack of information about when cases in the legacy will be resolved has a significant impact on some applicants. We were pleased to see that the UKBA is taking steps to increase the availability of information through the introduction of its web-based portal allowing applicants to identify their Case Owner. However, this initiative is unlikely to be of significant benefit to applicants unless they can be told when their case will be considered.

3.43 We accept the difficulties that the UKBA faces in accurately advising applicants when their case will be resolved. Given the impact that the lack of certainty has on some applicants, we believe that the UKBA could do more to communicate to both applicants and their representatives why it is not possible to give dates by which individual cases will be resolved. Whilst this would not completely remove the uncertainty that is felt by some applicants, it would give them some reassurance that the UKBA had considered this.

Recommendations

We recommend that the UKBA:

- Invites refugees to contribute to its training programme for Case Owners to reinforce how the asylum process affects individual asylum claimants
- Ensures that applicants are provided with contact details of their Case Owner, including where the Case Owner changes
- Ensures that applicants whose case is in the legacy, are given more information about when their case will be considered, or an explanation of why this is not possible.
- Measures the quality and frequency of contact between Case Owners and applicants.

Chapter 4:

Findings – Management and leadership

4.1 We assessed in particular whether there was a **robust and comprehensive performance management framework** and how **best practice** was identified and disseminated.

Performance Information

4.2 We found that the UKBA regularly monitors performance for the New Asylum Model and for legacy cases.

4.3 The Senior Director for Immigration regularly met both the Strategic Director for Asylum and the Director for CRD to discuss and review both predicted and actual performance. In addition, meetings between Regional Directors and representatives of performance monitoring teams occurred frequently. Both actual and predicted performance were discussed, along with anticipated difficulties that may impact on performance.

4.4 We found that staff in NAM were informed of performance within their region and how this compared to the national conclusion targets. This was done through email updates and both formal and informal meetings. Many of the regions also had performance information on display in staff areas.

4.5 Staff within CRD praised the level of communication that they received on the Directorate's performance. Performance was reviewed and discussed in the regular electronic performance updates from the Director; an internal newsletter ('Resolve'), which was circulated to staff on a monthly basis; and team meetings, both formal and informal.

Recruitment, retention and succession planning

NAM

4.6 Although a national campaign to recruit Case Owners had been undertaken, it had taken up to nine months for new Case Owners to take up post. All regions that we visited had experienced Case Owner vacancies during the eighteen months prior to the inspection. At times, this had placed additional pressure on remaining Case Owners, who had to manage higher caseloads.

4.7 We noted that greater regional autonomy, allowing regions to fill their vacancies was now being taken forward more swiftly with the aim of filling vacancies, including those at Case Owner level.

4.8 There had been an increase in the number of Case Owner posts across the UKBA in 2009. However, there had not been a commensurate increase in the number of administrative support staff. Consequently, the workload placed on existing administrative staff had increased, which meant that they had, in some regions, found it difficult to function effectively. In one region we found that a shortage in administrative staff had resulted in correspondence not being acted upon, or linked to the Home Office file for some weeks.

4.9 In response to concerns expressed by both administrative staff and Case Owners, a number of the regions visited had amended the structure and processes operated by their administrative teams; with the intention of increasing their capacity.

4.10 Some Case Owners reported that they had applied for the role specifically in order to present cases in court, as had been advertised. However, as we reported in Chapter 2, this did not form a regular part, or in some regions any part, of their role. Consequently, a number were considering leaving the post.

4.11 Although there was variation across regions in the roles of Case Workers in the Out of Service Standard Teams we found that in most of the UKBA's regions, they were performing very similar roles to those performed by Case Owners, who were of a higher grade. Many of the cases managed by these teams were at least as complex as those considered by Case Owners. The lack of a consistent and clear explanation for this disparity had created frustration and uncertainty amongst staff, some of whom drew comparisons with colleagues of a higher grade who were undertaking similar work; albeit on cases that were less than six months old.

Legacy

4.12 We found there were concerns about retaining and attracting sufficient staff to complete the number of outstanding legacy cases. We noted that plans were being developed for some staff to transfer to work in NAM. However, it was not clear whether this included all staff, or whether they would be expected to apply for jobs elsewhere. This contributed to a sense of uncertainty and a risk that, without clarification, more people would seek transfers out of the unit.

4.13 Staff were aware that management were in the process of examining the possibility of paying a retention allowance to encourage them to continue working within the department. However, some felt that such a payment would be unlikely to encourage them to remain, given the possibility that they could be made redundant at the end of the programme.

4.14 There was concern, given the relatively short life of the project that CRD would find it increasingly difficult to attract high-calibre candidates to fill vacancies, particularly those at more senior levels, which arose.

Sharing best practice

NAM

4.15 The Strategic Director of Asylum chaired monthly meetings with regional asylum leads, at which trends and best practice were discussed.

4.16 A national Senior Caseworker forum had been established, at which Senior Caseworkers from across regions met to share best practice and discuss trends. This approach was widely seen as beneficial by staff, who felt that it reduced the risk of regional inconsistency.

4.17 There was strong evidence that information and best practice was shared amongst staff at all levels at a local level; within both teams and units. We found that teams met regularly for formal meetings and there was evidence of regular informal discussions about the approach to take in cases.

4.18 However, although the NAM Quality Audit Team reports identify national and regional problems and trends, there were no formal mechanisms for the sharing of best practice amongst Case Owners from across regions, with for example, a national Case Owner forum.

4.19 We found that the UKBA had employed consultants across a number of its regions to identify process improvements that could have resulted in increased performance. We did not find evidence that the UKBA had arranged for any process improvements identified by consultants in the initial region to be shared across other regions. This would have allowed improvements to have been made, without the cost of further consultants.

Legacy cases

4.20 We found that there were regular management and team meetings where information and best practice was shared. Technical Specialists met once per month and discussed common themes and issues and to discuss the most effective way of responding to them.

Role of the centre and the regions

4.21 There is evidence that, following the regionalisation of the UKBA, regional offices developed relationships with a range of stakeholders, including local authorities and regional migration groups. Consequently, stakeholders raised 'local issues' with the region, which previously would have had to have been raised with the 'centre' in London, which had been seen to be too remote to respond to local issues. This is a key strength of the move to a regional approach.

4.22 We found that regions had the autonomy to prioritise and manage their work in order to meet centrally agreed targets and to design their own team structures. This approach allowed for greater flexibility and provided the opportunity for innovation. However, this autonomy had allowed for variations in structures and responsibilities undertaken by staff.

Conclusions

4.23 We were pleased to see that all staff were regularly informed of progress against the high-level targets. However, the information against which individuals and teams were assessed was heavily reliant on the accuracy of CID. As staff did not have confidence in the accuracy of this information, duplicate records were kept locally by a range of staff, which risks duplication of effort. There is a risk with the lack of standardisation or quality control measures over what, or how, information is recorded locally, that contradictory and inaccurate information will be collated and used.

4.24 There is a lack of consistency between NAM regions over the role and responsibilities of Case Owners; and those employed as Case Workers within Out of Service Standard Teams. The frustration that this has caused means that there is the possibility that it will be difficult for the UKBA to retain existing staff. The lack of clarity will also make it challenging for the UKBA to target future recruitment campaigns to those most suited to the roles.

4.25 The lack of administrative staff to support Case Owners placed pressure on existing resources and resulted in delays to basic processes, which could impact on applicants. There is a clear need for consideration to be given to the recruitment of administrative and other support staff when planning recruitment exercises.

4.26 The recruitment timescales for new staff presents a clear risk to the UKBA's efficient consideration of asylum applications within NAM. If posts are not filled there will be increased pressure on remaining post-holders. There is a clear need to either reconsider recruitment processes to shorten the time taken or, in recognition of the likely timescale, to plan more effectively for the likelihood of staff moving on. We do not underestimate the difficulty of this but believe that greater planning would reduce the risks of unfilled vacancies and consequent impact on productivity

4.27 There is a particular challenge for the UKBA to retain experienced staff, within the legacy programme, as the end of the programme approaches. Given the level of concern there is a risk that experienced staff will leave the programme before July 2011. Given the length of time that it takes for new members of staff to become fully effective, this presents a challenge to the programme. Payment of a retention allowance may encourage some staff to remain; however, this alone is unlikely to counter the threat felt by staff that alternative posts will not be available after the end of the programme. There is also a risk that where vacancies occur, it will be difficult to recruit suitably skilled people.

4.28 There was strong evidence that best practice was shared between regions through senior management meetings and a Senior Caseworker forum. Although Case Owners were able to share ideas and information within their units, there were no national forums for doing so with their peers from other regions.

4.29 The autonomy that regionalisation introduced has allowed regions to tailor the way that they manage asylum cases. This has had led to positive local engagement with a range of stakeholders, including local authorities and regional migration groups.

4.30 However, this autonomy has also resulted in inconsistencies of approach between the UKBA's regions. Some of these inconsistencies have meant that the service provided to applicants varies between regions. There is a need, therefore, for the Asylum Strategic Centre to monitor the way that regions manage asylum cases.

Recommendations

We recommend that the UKBA:

- Develops clear succession planning to reduce the risk of vital posts being left vacant;
- Defines and monitors the management information to be recorded locally;

Annex A: Inspection criteria

HIGH-LEVEL OUTCOMES OF THE BUSINESS

General criterion: The borders are secured and immigration is controlled for the benefit of the country

Specific criteria:

There are clear and realistic performance targets to drive improvement

There are effective arrangements to manage claims for asylum to reduce existing backlogs and minimise future backlogs

PROCESSES AND PROCEDURES INCLUDING QUALITY OF DECISION-MAKING AND CONSISTENCY OF APPROACH

General criterion: UKBA staff make lawful and reasonable decisions

Specific criteria:

Decisions are made clearly based on all of the evidence and in accordance with statute and with published policy, guidance and procedures

Training and written guidance enables staff to make the right decisions

General criterion: Decisions are timely, particularly in relation to children and families

Specific criteria:

Decisions are taken within the timescales

General criterion: Decisions made are fair and consistent

Specific criteria:

Managers regularly review the quality of decisions and consistency across the Agency

IMPACT ON PEOPLE SUBJECT TO UK BORDER AGENCY SERVICES

General criterion: UKBA staff ensure customers are clear about progress and outcomes of any application

Specific criteria:

Customers are kept informed about progress

Customers know who to contact in UKBA about their applications and can do so easily

UKBA understands fully the needs, experience and expectations of their diverse client base

MANAGEMENT AND LEADERSHIP

General criterion: UKBA has a robust and comprehensive internal performance management framework which leads to improvements

Specific criteria:

Accessible performance measurement and monitoring information is regularly published internally and externally and can easily be aligned to the agency's strategic objectives

UKBA identifies, disseminates and applies best practice across the Agency

Annex B: List of stakeholders

During the inspection, we contacted and consulted with a wide variety of stakeholders using a variety of forms. The stakeholders are as follows:

Refugee Council

Refugee Action

Medical Foundation for the Care of Victims of Torture

Immigration Law Practitioner's Association (ILPA)

United Nations High Commission for Refugees (UNHCR) London

Refugee and Migrant Justice (RMJ)

Immigration Advisory Service (IAS)

Scottish Refugee Council

Welsh Refugee Council

Asylum Aid

Amnesty International

International Organisation for Migration (IOM)

Refugee Study Centre (RSC)

UKLGIG

Association of Visitors to Immigration Detainees (AVID)

Bail for Immigration Detainees (BID)

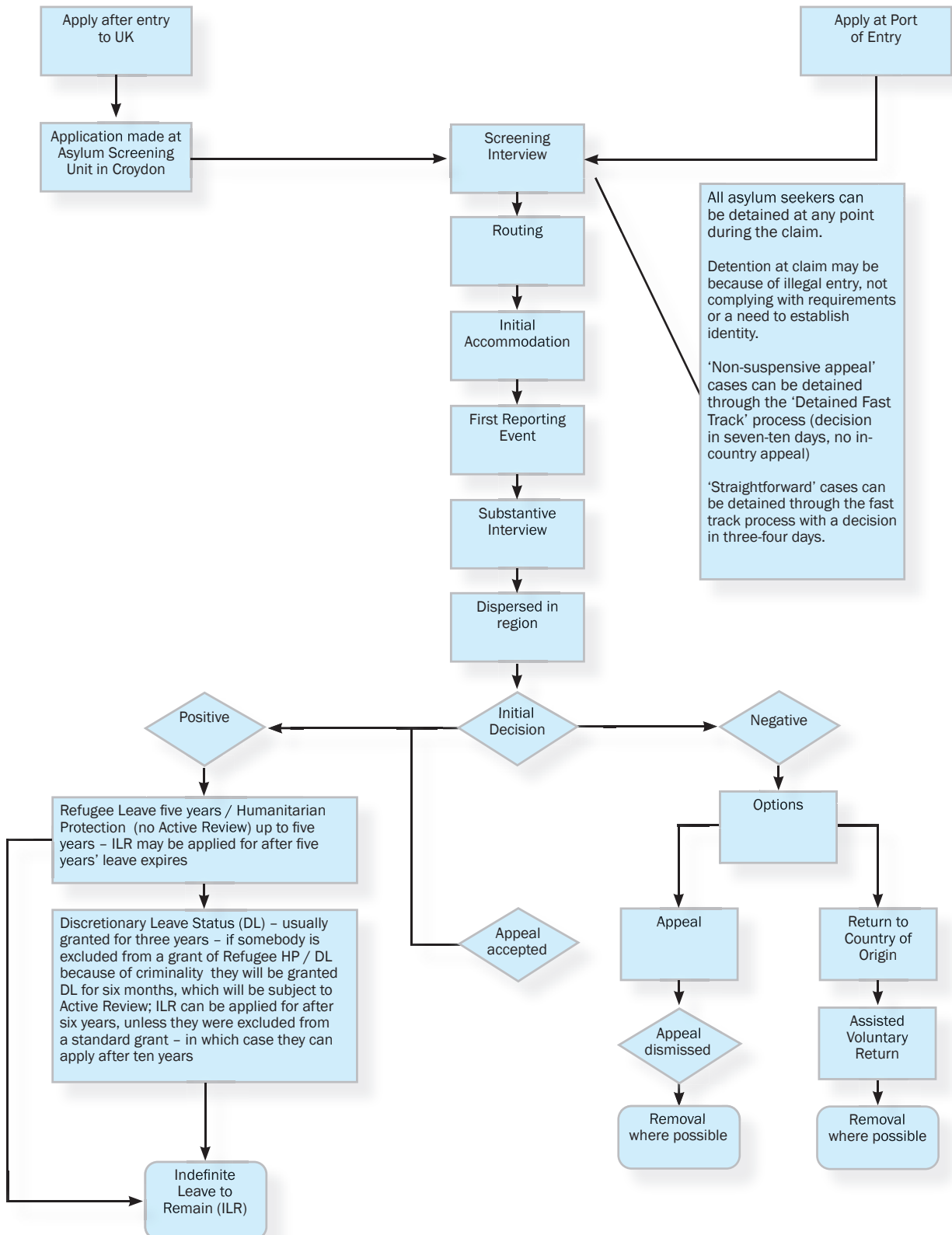
Medical Justice

Home Affairs Committee

A selection of Members of Parliament and Peers based on their interest in asylum matters

Asylum applicants

Annex C: The asylum process



Annex D: Asylum decision assessment

The questions used by the UKBA's Quality Audit Team to assess the quality of decisions.

1. Does the letter/minute state the correct name, DOB, nationality and HO reference number?
2. Does it state 'claims to be' where nationality is in doubt?
3. If nationality doubted have reasons been provided?
4. Does it state 'disputed' where age has been disputed?
5. If age disputed have reasons have been provided?

Does the letter/minute set out key details of the basis of claim including

6. Who?
7. What?
8. Why?
9. When?
10. Where?
11. Does the basis of claim follow a clear chronological order?
12. Does the letter/minute correctly identify the past persecution/ill-treatment claimed by the applicant?
13. Is the letter/minute forward looking?

Does it correctly identify any future persecution/ill-treatment feared on return?

Does the letter/minute identify the correct convention reasons or the absence of a convention reason?

14. As stated by the applicant (explicit)?
15. As identified by the caseworker (implicit)?
16. Does the letter/minute where appropriate refer to sourced COI regarding the availability or absence of effective state protection and/or redress?
17. Has the concept of the internet flight alternative been properly applied?
18. Do the reasons given in respect of Q.17 take account of the implications of gender, age, trauma, health where applicable?

The following question may not apply to certified cases:

19. Does the letter/minute give due consideration to all material facts of the claim?

Does the letter/minute state clearly and with sound reasons what aspects of the claim are:

20. Accepted (2 points – mark as yes even if nothing accepted if it is deemed that this is correct)
21. Rejected (2 points – mark as yes even if nothing rejected if it is deemed that this is correct)
22. Uncertain (2 points – mark as yes even if nothing uncertain if it is deemed that this is correct)?
23. Was the letter free from speculation?
24. Have the correct standard and burden of proof been applied?
25. Have all Section 8 credibility points been addressed appropriately?
26. Are the standard paragraphs used by the caseworker appropriate to the claim?
27. Have the standard paragraphs used been tailored appropriately to fit the case?
28. Where appropriate has relevant and up-to-date case-law been used to support the letter/minute?
29. Does the letter/minute quote specific sourced objective country information that is relevant to the applicant's claim?
30. If objective information has been used has it been applied appropriately and in the right context?
31. Does the letter/minute consider all evidence submitted in support of the claim?
32. Does the letter/minute state clearly and with reasons the relevance of the caseworkers' findings?

Has the letter/minute correctly identified ECHR articles raised

33. Explicitly?
34. Implicitly?
35. Does the letter State clearly and with reasons in respect of each ECHR article that should correctly have been addressed whether or not the right in question will be breached directly and/or indirectly if the applicant were to be removed from the UK?
36. If asylum has been refused has the correct decision been made regarding entitlement to HP?
37. If asylum and HP have been refused has the correct decision been made regarding entitlement to HP?
38. Have the removal criteria under Rule 395C been fully and correctly considered?
39. Was the decision to certify/not to certify correct?
40. If the case has been certified was the strongest certification category used?
41. Where applicable was the case correctly identified as being of potential interest to the war crimes team?
42. If so was the referral process as set out in the APM chapter identifying handling and considering asylum claims made by suspected war criminals and perpetrators of crimes against made by suspected war criminals and perpetrators of crimes against humanity including genocide followed when the case was referred to the WCT?
43. If so was the correct exclusion clause applied and were sound reasons given for the exclusion (including certification under section 55)?

44. Where the applicant was found not to be credible has the Case Owner considered the alternative (i.e. if found credible would article 1F apply)?
45. Are the spelling and grammar in the letter correct?
46. Did the letter use clear and appropriate language avoiding jargon and explaining any acronyms?
47. Did the letter or minute follow a logical structure?
48. Were the correct letters or forms used relating to the immigration decision?

If granted asylum:

49. Has the applicants' eligibility for sunrise been considered?
50. If eligible has the sunrise notification process been followed correctly?
51. Has the integration loan scheme form and guidance notes been included with the grant papers?
52. If not eligible has the file been minuted to this effect in accordance with the sunrise notification process?

Annex E: The UK Border Agency's immigration group regions

- London and South East
- Midlands and East of England
- North West
- North-East, Yorkshire and the Humber
- Scotland and Northern Ireland
- Wales and the South West

Glossary

Term	Description
Active Review	A process carried out by the UKBA to assess whether a person continues to qualify for leave to remain in the United Kingdom
Application Registration Card (ARC)	Credit card document issued at screening stage as proof applicant has claimed asylum. Also used as evidence of identity (microchip holds fingerprint and reporting arrangements information), immigration status and entitlements in the UK
Article 3 (European Convention of Human Rights)	A person can make a claim for asylum based on this article which states that 'No one shall be subjected to torture or inhuman or degrading treatment or punishment.'
Asylum and Immigration Tribunal (AIT)	A tribunal where applicants with the right of appeal, can appeal against asylum and immigration decisions made by the UK Border Agency. It is independent of the Home Office and is part of the Tribunals Service. The AIT is presided over by an Immigration Judge. The UKBA is often represented by Presenting Officers defending the decision of Case Owners.
Case-by-case	The certification of asylum and human rights claims made on the basis of the specific nature of the claim and without the applicant being a national of a designated state.
Case Owner	The UKBA term for an official within its New Asylum Model (NAM), responsible for processing an asylum seeker's claim from start to finish. A Case Owner's role includes deciding whether refugee status should be granted, refused or temporarily granted based on all the evidence presented. Case Owners also handle the latter part of the process including appeals, organising support, integration or removals from the UK. Case Owners are also found in the Case Resolution Directorate at Senior Executive Officer level and oversee several teams of Case Workers responsible for 'legacy' cases.
Case Worker	The UKBA term for an official, usually at Executive Officer level, responsible for processing both legacy and NAM cases that have not been concluded after six months
Case Resolution Directorate (CRD)	Set up by the UKBA to deal with 'legacy' asylum cases prior to April 2007. The UKBA has stated publicly that the case resolution process to clear the backlog of cases (approx 450,000) will take until 2011 to complete
Case Information Database (CID)	The Case Information Database is an administrative tool, used by the UKBA to perform asylum tasks including recording all applications for asylum, with the related casework and decisions
Certificate of Identity	Also known as the 'Home Office Travel Document', issued to people who have humanitarian protection or discretionary leave to remain in the UK. The certificate is not valid for travel to the holder's country of origin
Cohort	The total number of intake of asylum cases for each month during the course of the year.
Conclusion of case(s)	An asylum application is concluded when, following a decision to grant an applicant a form of leave to remain in the UK, the decision is served or following refusal, an applicant is removed from the UK
Decision-making process	The 30-day period in the New Asylum Model in which a Case Owner interviews an applicant, and gathers further documentary evidence in order to arrive at a reasoned judgement as to whether to grant or refuse a claim.

Detained fast-track (DFT)	A process operated by the UKBA whereby certain applicants (assessed by the UKBA as making claims that can be decided 'quickly') are detained in Immigration Removal Centre custody. Their claims are processed in faster timescales to those made in the community
Discretionary Leave (DL)	A form of immigration status granted to a person whom the UKBA has decided does not qualify for refugee status or humanitarian protection but who does need to stay in the UK temporarily. DL is also granted to asylum seeking minors until age 17.5 years.
Dispersal	Process by which the UKBA moves asylum seeker to accommodation outside London and the South East region. Once a claim has been processed and granted leave to remain, refugees are moved to accommodation elsewhere in the UK.
Further Submissions	The term given to asylum or human rights grounds submitted to the UKBA by those who have already made an unsuccessful asylum or human rights claim, and who ask for their claim to be re-considered. If unsuccessful, these are considered under Paragraph 353 of the Immigration Rules.
General Legal Barrier (GLB)	A barrier to the enforced removal of an asylum seeker to their country of origin
Humanitarian Protection (HP)	A form of immigration status afforded to a person who does not qualify as a refugee but can show that there are substantial grounds for believing that if they were returned to their country of origin, they would face a real risk of suffering serious harm. Serious harm means either the death penalty; torture or inhuman or degrading treatment or punishment; or a serious and individual threat to a person's life or safety in situations of armed conflict.
Immigration Judge	Appointed by the Lord Chancellor to preside over the Asylum Immigration Tribunal and decide appeals made by clients and legal representatives on behalf of their clients against the UKBA decisions.
International Organisation for Migration (IOM)	An intergovernmental organisation which runs a number of return schemes for failed asylum seekers who voluntary return to their country of origin.
Judicial Review (JR)	The means through which a person or people can ask a High Court Judge to review the lawfulness of public bodies' decisions.
Legacy Cases	Refers to approximately 450,000 asylum claims identified in 2006 as unresolved applications. Led to setting up of Case Resolution Directorate (CRD), responsible for processing the cases through to conclusion by December 2011.
Milestone month(s)	Refers to the months of June and December when UKBA's performance on the number of NAM cases concluded within six months is measured.
Minors	Unaccompanied children under the age of 17.5 years when they claim asylum who are automatically granted discretionary leave to remain until they reach the maximum age.
New Asylum Model (NAM)	The end-to-end case management system for processing asylum applications made after 4 March 2007. See also 'Case Owners'.
Non-Suspensive Appeal	The term used to describe the policy of certifying a claim as clearly unfounded. A decision to certify which means the UKBA can remove the applicant who can only then appeal from outside the UK. Hence the appeal does not 'suspend' removal.
Out Of Service Standards Team(s)	Teams of UKBA staff at various levels set up in the regions to progress out of time (beyond 182 days) NAM cases through to conclusion. Set-ups and functions of the teams vary across the regions.

Public Service Agreement (PSA)	Public Service Agreements detail the aims and objectives of UK government departments for a three-year period. Such agreements also describe how targets will be achieved and how performance against these targets will be measured.
Refugee	A person defined in the 1951 Refugee Convention as someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.”
Refusal Letter (RFRL)	A letter sent by the UKBA if you are refused asylum explaining the reasoning behind the decision and the next steps the asylum seeker should take.
Removal	A person or person(s) who voluntary, through assistance or through enforcement by UKBA staff, physically leave the UK after a failed asylum application.
Routed/Routing	The New Asylum Model process for allocating Case Owners across all regions to asylum applications made in Croydon and Liverpool.
Screening Interview	The process of establishing initial information from an asylum seeker in support of his or her claim. The interview is conducted by UKBA staff at asylum screening units in Croydon and Liverpool. Applicants are then issued with an application registration card as identification whilst their claim is being considered
Second Pair of Eyes	A senior person ‘accredited’ to approve asylum decisions (grant, refuse, discretionary leave) made by Case Owners or Case Workers
Section 94	The statutory provision for certifying claims as clearly unfounded. Contained within the Nationality, Immigration and Asylum Act, 2002.
Senior Caseworker/Case Owner	The UKBA term for an official, usually at Senior Executive Officer level, responsible for a team of Case Owners and/or Case Workers.
Substantive Interview	The second reporting event in the New Asylum Model process for Case Owners (and some Case Workers in Out of Service Standard teams) where applicants are asked a number of questions on all aspects of their claim and are invited to provide further evidence. Often lengthy in duration, the interview is designed to give an asylum seeker the opportunity to support their claim and the Case Owner evidence to form the basis for a reasoned decision to grant or refuse.
United Kingdom Border Agency	Formerly the Border and Immigration Agency, the UK Border Agency is an agency of the Home Office and is responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay, including nationality and asylum.
United Nations High Commissioner for Refugees	The United Nations High Commissioner for Refugees has a mandate to lead and co-ordinate international action to protect refugees and resolve refugee problems.

