



Home Office

The Home Office response to the Independent Chief Inspector's report:

An Inspection of Asylum Casework.

March – July 2015

The Home Office thanks the Independent Chief Inspector for his report.

The Home Office's UK Visas and Immigration (UKVI) command has responsibility for making millions of decisions every year about who has the right to visit or stay in the country, with a firm emphasis on national security, protecting the vulnerable and a culture of customer satisfaction for people who come here legally.

Asylum Operations (AO) manages and decides asylum seekers' claims for asylum. AO works hard to ensure that all claims are handled with sensitivity and in line with policy.

The Home Office is pleased that the Chief Inspector recognised the significant achievement of clearing all outstanding straightforward asylum claims made before 1 April 2014, and we note the acknowledgement of the significant improvements made in the efficiency and effectiveness of its management of asylum casework in 2014/15.

We are also pleased that the Chief Inspector found 100% compliance with security checks required under the UKVI Operating Mandate.¹

We are grateful for, and welcome, the acknowledgement made in relation to AO attaining Customer Service Excellence (CSE) Accreditation in March 2015.

The Inspector also found that the Third Country Unit (TCU) processed cases referred to it efficiently; that cases were being correctly routed to Detained Fast Track (DFT); that AO's handling of cases based on membership of a particular social group had improved; and that it had taken positive steps in allowing claimants to be interviewed by a male or female interviewing officer, when requested, achieving this in 98.5% of cases.

Furthermore, AO was complying with the Immigration Rules when granting, and calculating, periods of Discretionary Leave to Unaccompanied Asylum Seeking Children (UASC), and also achieved 100% compliance with security checks required under the UKVI Operating Mandate.

It is welcomed that the Inspector identified the improved co-ordination of the monitoring and review of cases covered by the recently introduced service standards.

We also welcome the findings by the Chief Inspector in relation to highlighting shortcomings in the screening process, and the inconsistent processes applied in parts of the Home Office. We are grateful to the Chief Inspector for highlighting some shortcomings in data capture and analysis within the Third Country Unit and how changes here could be made to improve overall performance, including the volume of removals. The recommendation on how AO could improve claims involving allegations of torture is also recognised and we will investigate how service improvement could be achieved. We note and welcome the recognition that decisions to grant Further Leave were decided in line with Home Office guidance and will ensure processes are in place to evidence and support decision making when assessing entitlement to settlement.

We note the Inspector's comments about the potential impact of future budget pressures on the asylum system. Transformation across the Home Office and within UK Visas and Immigration will lead to resource savings and afford increased productivity from existing resources.

¹ The Operating Mandate for asylum is a series of mandatory security checks required on all asylum cases prior to a decision being made on their claim. This includes checks against the Police National Computer, previous visa applications, fingerprint checks against national and international systems, travel document checks and other security databases. These checks are designed to confirm identity, reduce abuse of the system and increase national security.

Lastly, we welcome the Inspector's identification of the importance of effective management of a claimant's documentation and associated paperwork and we will review existing guidance.

The Home Office accepts, or partially accepts, all nine of the Chief Inspector's recommendations. We are committed to treating all asylum claimants with respect and dignity, and we will continue to improve on current practice in this area.

The Home Office response to the recommendations:

1. Identify from the Quality Analysis Team's work why the screening process was falling short of 'Satisfactory' and use the learning to ensure that guidance, training and supervision of interviewers is fit for purpose.

1.1. Accepted.

1.2. We welcome the Chief Inspector's findings that AO comply with Operating Mandate checks and note that these are a key element of the asylum screening process.

1.3. The screening process is an important part of the asylum claim and we accept the findings of the Chief Inspector in relation to screening consistency.

1.4. The Home Office has already been reviewing the screening process and in November issued a revised form for use across all Immigration areas. We will continue to liaise across all areas involved in the screening process, to review and improve guidance with training and supervision, to ensure that we record all actions taken, and that the quality and consistency of screening interviews improves.

2. Replace the internal target for screening interview timeliness with a published service standard and monitor performance against those service standards to reduce risk to overall efficiency and effectiveness.

2.1. Partially Accepted.

2.2. We already record and monitor performance internally, and we will consider publishing data on screening performance, as part of a move to increased transparency.

3. Improve the routine capture and analysis of data and management information in respect of asylum cases managed by the Third Country Unit (TCU) to understand why Formal Requests (FR) to other States to accept responsibility are unsuccessful and why removals by the TCU fail, and take the necessary steps to reduce both.

3.1. Accepted.

3.2. We welcome the Inspector's findings that TCU processes cases efficiently, making Formal Requests within the three month deadline.

3.3. We agree that improved data capture and analysis of data and management information could be used to improve the overall efficiency and effectiveness of the TCU casework unit. In May 2015, we commissioned a review of locally held management information with a view to creating a more sophisticated reporting system. A draft

management information report is currently being tested, which will provide more consistent analytical data. This will be supported by further analysis to identify why FRs are unsuccessful and removals, on occasion, fail; though it should not be anticipated that this will lead to a significant increase in removals.

4. Review the arrangements for handling claims of torture, in particular: identify the reasons why Rule 35 submissions fail, and why failed Rule 35 submissions subsequently succeed under the Medico-Legal route, and feed back to those involved in producing and reviewing Rule 35 submissions; and explore how to accelerate the Medico-Legal route for asylum claimants, in the meantime adjusting the Asylum Policy Instruction reference to a five month process to match the reality.

4.1. Partially Accepted.

4.2. We note the findings of the Chief Inspector, and we are also taking into account the recommendations from Stephen Shaw in his report into the welfare of vulnerable people in detention, including those recommendations related to Rule 35. Mr Shaw's report was published on 14 January 2016 and the Government's position was set out in a Written Ministerial Statement on the same day.

4.3. Rule 35 is not limited to asylum claimants in detention and is used across the Home Office detained estate. In an asylum capacity both the Detained Fast Track/Detained Asylum Casework and the Third Country Unit, considers concerns raised by Medical Practitioners under Rule 35. It is vital that there is a process in place which is currently provided by Rule 35, for ensuring that there is a formal mechanism for doctors to bring matters of concern to the attention of the Home Office, and to ensure that only those suitable for detention continue to be held.

4.4. We have already conducted a review of the Rule 35 process and policy, including a consultation with partners. Revisions to the Rule 35 policy, including the notification and response templates, are expected to be published shortly. This will include clearer instructions to case workers on handling referrals from the Medical Foundations.

4.5. We are also currently reviewing our policy guidance on the handling of medico-legal reports to improve the process and ensure asylum seekers can access the support they need. However, we need to balance this with the need to make decisions in a timely fashion so asylum seekers are given certainty about their status in the UK. We cannot suspend decision-making indefinitely and it is entirely appropriate to set a reasonable time-frame within which further evidence needs to be provided. We are engaging with medico-legal report providers to identify ways to improve and speed up the process. Where particular providers are unable to meet the five month deadline, claimants will need to seek support from an alternative provider to ensure that their case is not unnecessarily delayed.

5. Extend the 'second pair of eyes' process for asylum claims based on membership of a particular social group (PSG) in order to improve the quality of decision making in all complex and sensitive cases.

5.1. Partially Accepted.

5.2. We acknowledge that the recent introduction of a 'second pair of eyes' (SPOE) process for cases based on sexual orientation may be responsible for an improvement in the

handling of such cases. As decision makers become more accustomed to handling these issues, we will review whether this SPOE process should remain in place for such cases.

5.3. We note the Chief Inspector's findings that cases relating to membership of a PSG can be interpreted as being more complex and that, on occasion, these cases can contain information that requires more careful questioning and assessment.

5.4. We will be introducing a targeted approach to applying the SPOE process on a periodic rolling basis, so that we can assess and evaluate its effectiveness in improving decision quality in cases relating to membership of a PSG. In the first instance, we will apply this process to cases relating to Female Genital Mutilation.

5.5. This will be supported by a review of the Asylum Instruction, in relation to these case types and supporting this with refresher training and mentoring for less experienced decision makers.

5.6. Training will be re-enforced by the delivery of local focus groups led by senior case workers.

6. (While remaining on top of 'straightforward' asylum claims so that they meet the six month service standard from lodging the claim to providing the claimant with a decision), explore ways to reduce the number of 'non-straightforward' cases that are more than 12 months old.

6.1. Accepted.

6.2. We accept the findings of the Chief Inspector and his note of caution at rising intake and the pressure that may place on progressing cases against targeted timings.

6.3. We will continue to manage non-straightforward cases in line with the guidance, using the workflow managers and technical specialists to pro-actively monitor and clear barriers to decision via formal reviews.

6.4. We will also examine whether there are more potentially pro-active ways to clear the, often complicated, barriers that lead to a case being classified as non-straightforward.

7. Ensure that decision makers follow Home Office guidance when conducting Active Reviews of applications for settlement from individuals who have been granted Discretionary Leave as an Unaccompanied Asylum Seeking Child (UASC), and that they record this in sufficient detail.

7.1. Accepted.

7.2. In April 2015, responsibility for applications for Further Leave from Unaccompanied Asylum Seeking Children was centralised in UKVI's Complex Casework Directorate (CCWD).

7.3. The cases from 2014/15, in which the ICI identified concerns, all had security checks against police and immigration databases undertaken in line with the standard operating practice across immigration casework in UKVI, and CCWD will ensure this is maintained. In addition, the requirement to consider whether an applicant continues to

qualify for Further Leave is now included within the training for CCWD Further Leave caseworkers. For any case where it is decided that a grant of further leave to remain or settlement is appropriate, caseworkers are now required to record the reasons for the further grant of leave in a consideration minute that is attached to the applicant's Home Office file. Compliance with this requirement is monitored through regular quality assurance of decisions.

8. Publish service standards for extension of leave and settlement applications in Unaccompanied Asylum Seeking Child (UASC) cases, and ensure that the Active Review process is managed to provide timely decisions and to maintain appropriate contact with applicants (or their guardian or social worker) pending the decision.

8.1. Partially Accepted.

8.2. In April 2015, responsibility for applications for Further Leave from Unaccompanied Asylum Seeking Children was centralised in CCWD. There is now a dedicated caseworking resource in place to ensure that timely decisions are made on applications for Further Leave from Unaccompanied Asylum Seeking Children.

8.3. In line with initial decisions on straightforward asylum claims, we have an internal target to consider all new Further Leave applications within six months of application, and we are also committed to deciding all existing applications that have been outstanding for longer than six months, including applications from Unaccompanied Asylum Seeking Children.

8.4. We will consider publishing data on the number and percentage of Further Leave applications decided within six months of being lodged, from April 2016, as part of a move to increased transparency.

8.5. The Asylum Instruction on 'Processing an asylum application from a child' is currently under review. The revised instruction will include updated guidance on the circumstances in which the Home Office makes contact with the guardian or social worker of an unaccompanied asylum seeking child who has been refused asylum, but granted a period of Discretionary Leave.

9. Review roles, responsibilities (including oversight) and resources in relation to the administration of paper files for asylum claimants to reduce the number of misfiled documents and to ensure claimant's original documents are stored securely.

9.1. Accepted.

9.2. We agree with the Chief Inspector's findings and will be working with the Home Office's Continuous Improvement team to establish standard principles and operating practices, in relation to all administrative and workflow activity, including file and document management.

9.3. We are working on a number of digital initiatives to reduce the use of paper files. These will see the creation of a new caseworking system which will be supported by a digital scanning and storage facility that will allow us to access and store all case information digitally in one place; further reducing our reliance on paper and mitigating the occurrence of misfiled documents.