



An inspection of asylum casework

(August 2020 – May 2021)

David Neal

Independent Chief Inspector of
Borders and Immigration

An inspection of asylum casework

(August 2020 – May 2021)



© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents

This publication is also available at www.gov.uk/ICIBI

Any enquiries regarding this publication should be sent to us at:

Independent Chief Inspector of
Borders and Immigration,
5th Floor, Globe House,
89 Eccleston Square,
London SW1V 1PN
United Kingdom

ISBN 978-1-5286-2971-3
CCS0721047150 / E02688852 11/21

Printed on paper containing 75% recycled fibre content minimum.

Produced by the APS Group.

Printed in the UK by HH Associates Ltd on behalf of the Controller of Her Majesty's Stationery Office.

Our purpose

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

All Independent Chief Inspector of Borders and Immigration inspection reports can be found at www.gov.uk/ICIBI

Email us: chiefinspector@icibi.gov.uk

Write to us: Independent Chief Inspector
of Borders and Immigration
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
United Kingdom

Contents

Foreword	2
1. Purpose and scope	4
2. Methodology	5
3. Summary of conclusions	7
4. Recommendations	12
5. Background	13
6. Inspection findings: WIP, case progression and delays	24
7. Inspection findings: Workforce	42
8. Inspection findings: Training and guidance	57
9. Inspection findings: Screening	69
10. Inspection findings: PIQ and substantive interview	78
11. Inspection findings: Asylum decisions	98
12. Inspection findings: First line quality assurance	114
13. Inspection findings: Risks and looking forward	131
Annex A: Role and remit of the Independent Chief Inspector	135
Annex B: ICIBI's 'expectations'	137
Acknowledgements	139

Foreword

Processing and deciding asylum claims is a large and important part of the Home Office's duties. The Home Office's Asylum Operations (AO) function is responsible for processing asylum applications and for ensuring that decisions are made in accordance with the UK's formal obligations as a signatory to the 1951 UN Convention and the 1967 Protocol, as well as the Immigration Rules and its own policies and guidance.

My predecessor looked at Asylum Casework in 2015 and 2017.¹ Latterly, he found that the Home Office was struggling to keep on top of the volumes of claims it received, resulting in a rise in the number of people awaiting a decision.

This inspection has shown that the Home Office has failed to keep on top of the volume of claims it receives, with the number of asylum claimants awaiting an initial decision reaching an all-time high of 52,935 for the year ending March 2021. The length of time asylum claimants wait for an initial decision has increased year-on-year since 2011. Claimants who received a decision in 2020 were waiting an average of 449 days, and this rose to 550 days for unaccompanied asylum seeking children.

In January 2019, with ministerial approval, the Home Office dropped its customer service standard (CSS) for asylum decisions (six months for 98% of straightforward claims). Both Home Office staff and stakeholders told inspectors that they had welcomed this change. At the time, the Home Office said it would prioritise claims involving individuals that were "high harm", vulnerable, unaccompanied asylum seeking children, and or who are in receipt of asylum support, while it worked on implementing an improved service standard. This inspection found no evidence of any case type being prioritised, except for those who were in receipt of asylum support, who received their decisions more quickly in 2019 by an average of 40 days, and 1.5 days quicker in 2020. As at June 2021, there was no CSS for asylum decisions.

Workflow and case progression were still reliant on Excel spreadsheets. Efforts to remove 'barriers' to decisions that were applied to cases, such as being in the National Referral Mechanism (NRM) for potential victims of modern slavery and or trafficking, were slow. In some cases, barriers had been applied in error, resulting in needless delays. There were no data quality reports for the Excel spreadsheets, or regular quality assurance. As it stands, the current workflow and case progression process is inefficient and sometimes ineffective.

While the number of decision makers (DMs) has increased since the previous inspection, the Home Office continues to face problems retaining decision makers. Many DMs described a culture focused on targets and felt that senior managers were concerned only with the quantity of interviews and decisions, rather than the quality. Overall, morale was low and DMs said they did not have the time to consider the "face behind the case" due to the pressure they felt to meet targets.

This inspection also found evidence that some DMs were not sufficiently 'probing' in substantive interviews, which limited the chances of material facts being fully considered in the decision. There

¹ 2015: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547699/ICIBI-Asylum-Report-Feb-2016.pdf 2017: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

was evidence of DMs openly disbelieving claimants in interviews and not responding appropriately to sensitive disclosures of personal information. The preliminary information questionnaire (PIQ), introduced to enable substantive interviews to be more focused and efficient, was limited by its use in practice. Even when it was completed and returned, DMs did not always have time to read it in advance of substantive interviews. In asylum decisions, there was evidence of supporting documentary evidence not being given sufficient weight, and a higher standard of proof than guidance dictates being applied.

Quality Assurance was found to be inadequate. The Home Office was failing in its target of ensuring that 75% achieved the highest rating of data quality (DQ) scores. The target itself is unambitious: to achieve it, one in four decisions could be rated as DQ3, meaning it contains “one or more” significant errors. Further, ‘calibre’ assessments, a comprehensive quality assurance mechanism, was undermined by its timing, whereby assessments were frequently completed after a decision had been sent to a claimant. Despite concerns raised in two previous ICIBI reports, as at June 2021, there was no formal quality assurance process for screening interviews.

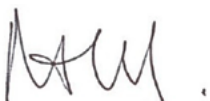
On 31 December 2020, new Immigration Rules were introduced regarding the admissibility of asylum claims from individuals who had passed through, or had a connection to, a ‘safe third country’. By 18 May 2021, the Home Office had issued notices to 3,379 claimants to inform them that their case was being considered for inadmissibility action. However, few bilateral or multilateral return agreements were in place, including with France (accounting for 2,022 of the 3,379 claims), Germany (307), Belgium (213), Spain (191) and Italy (176). Consequently, none of the 3,379 claimants had been returned. Without returns agreements, the inadmissibility process is simply deferring consideration of claims.

In most cases, the issues identified during this inspection were already known to managers, and had been documented in previous inspections, stakeholder reports and internal assurance reports. The Home Office had produced an ‘Asylum Operations Transformation’ plan, which would overcome the problems with workflow and case progression, increasing the number of decisions it made by 14-22% by 2023. This included, among other things, introducing a digital case progression platform and a substantive interview booking tool. It also had plans to almost double the number of DMs it has from 571 to 1,000 by the end of the 2021-2022 financial year. However, inspectors were told that ‘transformation’ plans were still in draft form, are subject to change, and reliant on funding.

An efficient and effective asylum casework system is in the interest of all parties. Not only would it ensure that those who are in need of protection are granted it at the earliest possible opportunity, but it would relieve pressure on other areas of the Home Office and Other Government Departments.² Where decisions are delayed and quality is poor, there is a significant cost, including financial, to others.

Ministers have described the asylum system as “broken” and have pointed to the ‘New Plan for Immigration’ as the remedy. But whatever changes this brings, there will still be a need to ensure that the Home Office is properly resourced, equipped and organised to make timely and good quality asylum decisions. This report looks to identify where improvements to the efficiency and effectiveness of asylum caseworking are required and makes nine recommendations, focusing on case progression, workplace culture, and training and skills. These are not ‘quick fixes’, but equally their implementation should not be delayed because of the prospect of other changes.

This report was sent to the Home Secretary on 23 July 2021.



David Neal

² Such as the Home Office’s Asylum Support and Accommodation team, or the Ministry of Justice, who are responsible for asylum appeals.

1. Purpose and scope

1.1 This inspection examined the efficiency and effectiveness of the Home Office’s asylum casework system, which is managed by the Asylum & Protection Directorate.

1.2 It looked at the asylum casework system, from an application being raised via screening interview up to the service of an initial decision. It focused on:

- resourcing, training, workflow, and the prioritisation of claims in the absence of a formal service standard
- the quality of substantive interviews, including the use of Video Conferencing (VC), which increased throughout 2020, in part due to the pandemic
- the quality of decision making
- quality assurance and feedback to decision makers (DMs)
- progress in implementing recommendations from the 2017 ICIBI inspection report on asylum intake and casework.

1.3 The following areas were excluded from the scope:

- Appeals, further submissions and fresh claims
- Interpreters and language services; which were considered in a 2019 inspection into the Home Office’s use of language services in the asylum process³
- Asylum accommodation:
 - Asylum accommodation was considered in the ICIBI’s 2018 inspection of the Home Office’s management of asylum accommodation provision⁴
 - The ICIBI announced an inspection into the Home Office’s use of hotels and barracks as contingency accommodation in January 2021.⁵

³ <https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-use-of-language-services-in-the-asylum-process>

⁴ <https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-management-of-asylum-accommodation-provision>

⁵ <https://www.gov.uk/government/publications/an-inspection-of-contingency-asylum-accommodation-hmip-report-on-penally-camp-and-napier-barracks>

2. Methodology

2.1 Inspectors:

- Conducted research using open source material, including published reports and Home Office guidance available to staff, such as Asylum Policy Instructions (API), Country Policy Information Notes (CPIN)
- Between 16 and 22 July 2020, undertook familiarisation sessions with representatives from various Home Office teams involved in the asylum process, including National Asylum Intake Unit, Business Support Unit, Customer Experience Team, regional decision making teams, Transformation Team, National Transfer Scheme, Chief Casework Team
- Between 4 and 14 August 2020, held meetings with relevant stakeholders from non-governmental organisations (NGOs) and an academic, to help define the scope of the inspection
- Published a call for evidence on 14 July 2020 and analysed 46 stakeholder submissions received in response, from NGOs, legal representatives, those with first-hand experience of the asylum system and local authorities
- Between July 2020 and March 2021, analysed over 528 pieces of documentary evidence⁶ which had been requested from the Home Office pertaining to workflow, casework quality assurance, workforce and training, performance management, workplace and culture, governance and specific data requests on the nature of the initial decision WIP,⁷ and on decisions that had been made since 2017
- Designed and distributed an ICIBI survey on 2 October 2020 to all asylum Decision Makers (DMs) and Technical Specialists (Tech Specs) in position at UKVI at that time, seeking their views on their role and workplace. The Tech Spec ICIBI survey received 43 responses, representing 50% of the workforce, and 212 from DMs, representing 39% of the workforce at the time
- Examined 100 asylum case files where the claimant had received an initial decision between January and March 2020,⁸ broken down by 50 decisions to grant protection and 50 to refuse
- In December 2020, reviewed 29 cases which had been quality assured between January and March 2020 through UKVI's 'first-line' assurance system
- In October 2020, held four focus groups with 22 individuals with first-hand experience of the asylum system

⁶ These evidence requests were sent on three separate occasions and received in three tranches: Preliminary, Formal and Final.

⁷ The WIP (work in progress) is the backlog of cases that are awaiting an initial decision.

⁸ The decision to use cases from this time frame was because, at the time, decision making was heavily disrupted in Asylum Operations (AO) due to COVID-19.

- In January 2021, conducted 89 interviews and focus groups with Home Office staff at different grades from UKVI, Border Force and Immigration Enforcement, and two with representatives from the commercial supplier,⁹ who, at the time, were involved with a “third-party proof of concept” for outsourcing substantive interviews
- In February 2021, presented the inspection’s emerging findings to the responsible Home Office Senior Civil Servant and the recently appointed Director General of Asylum & Protection, outlining areas of the asylum process which were assessed to be working well, and where improvements were needed.

2.2 A copy of the report was sent to the Home Office on 30 June 2021 for factual accuracy checking. The Home Office responded on 15 July 2021.

⁹ In its factual accuracy response, the Home Office requested: “This name of the contractor is contractually commercially sensitive and should not be disclosed into the public domain.” References to the supplier have been amended throughout this report.

3. Summary of conclusions

Initial decision WIP and removal of service standard

- 3.1** Between March 2020 and March 2021, 26,903 claims for asylum were registered by the Home Office. In the same period, 12,968 initial decisions were made. The latter figure was affected by the COVID-19 pandemic. In the previous year ending March, 35,230 claims were registered and 20,552 initial decisions were made.
- 3.2** The number of those awaiting a decision has increased year-on-year since 2010, reaching an all-time high of 52,935 as of 31 March 2021. The length of time that asylum claimants have to wait has also risen, with the average number of days increasing from 233 in 2017, to 351 in 2019, and 449 in 2020.¹⁰ For unaccompanied asylum seeking children, it peaked at 550 days for those who received a decision in 2020.
- 3.3** Asylum Operations (AO) removed its service standard, to decide 98% of “straightforward” cases within six months, in January 2019. In the absence of an official service standard and while a new service standard was being developed, it said it was prioritising claims where the claimant was vulnerable, a UASC and/or was in receipt of asylum support. However, inspectors only found evidence of those in receipt of asylum support being prioritised in 2019, by an average of 40 days over the year, and only by 1.5 days in 2020.
- 3.4** The lack of service standards undermines the substantial stakeholder consultation undertaken by the Home Office and has exacerbated delays. In July 2019, following consultation with more than 100 organisations across the UK, a proposed “stock and flow” model was submitted to ministers. Stock cases would be decided within three years, and flow cases within four months. Flow cases would be processed in order of claim.
- 3.5** As at June 2021, there was no service standard in place.

Workflow and case progression %

- 3.6** AO has a dislocated workflow process, with workflow teams’ reliance on off-the-shelf Excel spreadsheets being susceptible to human error and potential loss of data. Further, anyone on the workflow teams can input ‘case barriers’ and set case review dates without sign off from a senior manager. Inspectors saw examples of cases where erroneous barriers had been applied, causing unnecessary delays.
- 3.7** Efforts to remove case barriers were sluggish. Sometimes barriers were minor, such as not having the claimant’s address on file, but Excel spreadsheets with review dates showed that even then, case reviews were being set for three months ahead.

¹⁰ While the 2020 figure was impacted by COVID-19, it followed the same pattern of the previous two years.

- 3.8** The most common barrier to a decision was a referral to the National Referral Mechanism (NRM). Efforts had been made to reduce the number of claims affected by these referrals, such as a pilot in which AO DMs were temporarily seconded to the Single Competent Authority (SCA),¹¹ to assist with the latter’s backlog. The Home Office said that this resulted in approximately 350 additional conclusive grounds decisions. However, the pilot was not extended and there was no long-term plan in place to overcome this barrier, such as exercising AO’s ability to grant decisions while the NRM decision is pending.

Workforce

- 3.9** The Home Office has not found a solution to the longstanding issue of high levels of attrition among DMs. Through focus groups, interviews and the ICIBI survey, inspectors found that morale among DMs was low. DMs cited pressure to meet targets and a lack of career progression within the role as key contributors to this.
- 3.10** Notwithstanding progress and work completed around culture as a result of Wendy Williams’ Lessons Learned Review (WWLLR),¹² such as the introduction of ‘face behind the case’ training and ‘good news stories’ about refugees, there remained issues. Some DMs told inspectors they worked in an environment in which they felt quantity was more valuable than the quality of substantive interviews and the decisions they made, and that they did not have the time to consider the ‘face behind the case’.

Training

- 3.11** In 2017, ICIBI’s report on Asylum Intake and Casework recommended the Home Office “conduct a thorough training needs analysis (TNA) for all staff and managers involved in the asylum process”. Following feedback from DMs that they would benefit from a consolidation period between the decision and interview training, AO had adapted the way in which the Foundation Training Programme (FTP) was delivered by allowing five weeks between the two. However, the content remained largely unchanged. This inspection found that it had made slow progress in updating the training delivered to asylum DMs.
- 3.12** Many DMs told inspectors, either through the inspection survey or interviews, that the training did not adequately equip them with the skills to conduct a substantive interview or make decisions.

Screening

- 3.13** In March 2020, measures were introduced due to COVID-19 to reduce contact time between staff and claimants. Immigration Officers (IOs) were told to omit section three (journey to UK) and section four (reasons for claiming asylum) of the screening proforma when screening asylum claimants. The Home Office was subject to legal challenge for this abridgement and, on 13 November 2020, an interim court judgement ordered that the questions in

¹¹ The SCA is a Home Office department responsible for the National Referral Mechanism process which identifies and supports potential and confirmed victims of modern slavery.

¹² <https://www.gov.uk/government/publications/windrush-lessons-learned-review>

section three must be asked.¹³ The Home Office subsequently updated their guidance on 31 December 2020.¹⁴

- 3.14** Also on 31 December 2020, the Home Office published guidance on claims which “may be treated as inadmissible”,¹⁵ the same day the new rules came into force, not allowing time for training or preparation.
- 3.15** Generally, inspectors found that staff in the intake units, who screen asylum claimants, were motivated and took pride in their work. This approach was reflected in interviews with inspectors, where they cited their commitment to safeguarding. However, inspectors found examples of safeguarding actions that had not been carried out by screening officers, and further training is required for identifying vulnerability and safeguarding.
- 3.16** Additionally, as at June 2021, no formal quality assurance was routinely carried out on the quality of screening interviews, despite poor quality having been raised in two previous ICIBI inspection reports on asylum intake and casework in 2015¹⁶ and 2017.^{17, 18}

Preliminary information questionnaire (PIQ), substantive interview and decisions

- 3.17** The Home Office states that the purpose of the PIQ is to help DMs to: “identify material facts before the interview; identify areas where further information is required; focus interview preparation more effectively; and conduct focused, shorter interviews”. In practice, however, inspectors found that DMs were not regularly referring to it during the substantive interview, and “admin errors” meant that the PIQ was not always linked to the claimant’s file. DMs told inspectors that they did not have sufficient time to prepare for substantive interviews and therefore to read it in full, or at all.
- 3.18** Asylum claimants have 20 working days to complete and return the PIQ to the Home Office, and often do not have legal advisers when it is issued. This was said to cause additional, unnecessary stress to claimants, who struggled to complete it without legal advice.
- 3.19** The Home Office recognises in its guidance and training that confrontational or insensitive questioning within the substantive interview is not conducive to a full or accurate disclosure, yet inspectors found examples of both in case files they examined. However, there was also evidence of good practice, where DMs adhered to the guidance contained in Asylum Policy Instructions (APIs), were sensitive in their questioning, and followed up on safeguarding concerns with referrals.

13 “The Defendant shall ensure as soon as possible but at the latest by 4pm Monday 16 November 2020 that Asylum Screening Interviews in all cases must involve asking Question 3.1 (“why have you come to the UK?”) and Question 3.3 (“please outline your journey to the UK”) set out at pages 66-67 of the Asylum Screening and Routing Guidance (version 5, 2 April 2020).” Available at: <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3080.html>

14 The guidance states: “Outside of those individual cases where a full screening process is not possible, for example where the claimant is taken ill, the screening process may be abridged where this is necessary in order to deal with (i) an increased level of intake and/or (ii) to protect the health of the claimant, other claimants or staff... Where the screening interview has been abridged the claimant should still be issued with a copy of their partially completed interview. Claimants should be given a Preliminary Information Questionnaire to complete that includes any questions they have not been asked.” Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967262/screening-and-routing-v6.0ext.pdf

15 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947897/inadmissibility-guidance-v5.0ext.pdf

16 <https://www.gov.uk/government/publications/inspection-report-on-asylum-casework-february-2016>

17 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

18 In its factual accuracy response, the Home Office said: “The Screening marking standards have now been incorporated into Calibre, but they are currently in a testing phase so have not yet been fully rolled out. The test phase started on 5 April 2021 and was scheduled to last for 3 months. The quality assessment tool is being used within NAIU but does not currently cover any asylum screening activity undertaken by Border Force or Immigration Enforcement teams.”

- 3.20** The key concern raised by managers and in internal quality assurance reports was DMs' ability to establish and then probe information that was material to the claim. Where this was done poorly, it adversely affected the quality of the decision, with potential consequences for its sustainability and/or the need to reinterview.
- 3.21** Substantive interviews were paused due to the COVID-19 pandemic between 19 March and July 2020, and the use of video conferencing was instrumental in the resumption of interviews, whereby staff could conduct interviews from their own home or from a Home Office building, and the claimant would have a shorter distance to travel (to a nearby Home Office building with a VC interview suite). Prior to the pandemic, VC was used in 15% of interviews for decisions made, and by February 2021, in over 70%.¹⁹
- 3.22** The Home Office argued that its use would allow a more efficient process because the interviewer and claimant need not be in the same geographical location, but also to comply with Public Health guidance. However, practical issues inherent in conducting interviews in this manner were raised by Home Office staff and stakeholders, such as the difficulty in reading a claimant's body language, building a rapport, and with working remotely with an interpreter. There were also frequent issues with internet connectivity, which resulted in interviews being interrupted, paused, or taking longer than they would if they were conducted face-to-face.
- 3.23** The most commonly identified issues with refusal letters (RFRLs) related to: establishing the material facts of the claim and differentiating them from insignificant details; appropriately assessing the credibility of the claim; applying the correct standard of proof; and assessing documentary evidence provided in support of the claim.
- 3.24** Asylum claims based on sexual orientation were acknowledged by many staff to be complex in nature, and some DMs said that they had neither the confidence nor skills to investigate these claims. The issues DMs faced with establishing material facts were exacerbated when the validity of the claim was reliant on a personal account rather than grounded in documentary evidence, and, where evidence was given, it was said to be more likely to be deemed and dismissed as 'self-serving'.

First line quality assurance

- 3.25** The two methods of first line quality assurance employed by AO are Second Pair of Eyes (SPoE) and Calibre, a systematic quality assurance tool.
- 3.26** AO was frequently hitting its target to "ensure random sampling of 3.5% decisions", but not to "achieve a rating of DQ1 or DQ2 in 75% of agreed quality audit samples with no assessments being rated DQ4 or DQ5". The latter target is unambitious given that to achieve it, one in four decisions would have to be rated as DQ3, meaning it contains "one or more" significant errors.
- 3.27** SPoE feedback is not recorded centrally, meaning it cannot be analysed, nor can its outcomes be measured or evaluated, limiting AO's ability to identify themes or trends to improve systemic issues. There is no regular review process to assess the 14 mandatory case types that require a SPoE. SPoE was further hindered by the inconsistent advice received from Technical Specialists (Tech Specs) carrying out the checks on interviews and decisions, whereby Tech Specs would interpret decisions and interviews differently from one another, frustrating DMs.

¹⁹ These figures contain internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

- 3.28** However, a key advantage of SPoE checks was that they were completed prior to the decision being served on the claimant, whereas almost half of the Calibre assessments were completed after the decision had been served.
- 3.29** Multiple recommendations, including from internal assurance reports and the UNHCR, referenced the need for those conducting Calibre and SPoE assessments to have training. In June 2021, this was still work in progress.

Risks and looking forward

- 3.30** Staff in AO often had a detailed understanding of most of its risks, as detailed in its risk assessments, which were discussed in monthly Senior Leadership Team meetings. From June 2021's risk register, most risks related to well-known and long-standing, indicating that the mitigation, where possible, was not sufficient nor effective, or that the risk appetite was too high.
- 3.31** Additionally, there were undocumented risks, such as the lack of Equality Impact Assessments to accompany significant policy changes, and the risk of claimants who have had their cases considered for possible inadmissibility action being returned into the AO WIP due to not having returns agreements with safe third countries.
- 3.32** In the absence of any bilateral or multilateral removal agreements in place with EU countries, the Home Office risks that rather than decrease the WIP, all cases which are so far being considered for inadmissibility action will instead likely be added to the WIP after a minimum of six months, adding to claimants' delay.
- 3.33** Lastly, plans for Asylum Operations Transformation (AOT) sought to increase the number of decisions made by 2023 by 14-24% through three main strands: enhanced screening, introducing digital platforms, and increasing use of VC and utilising an 'interview and decide model'. However, there were no specific timelines for implementation and many of the plans were in draft and still 'work in progress' at June 2021.

4. Recommendations

- 4.1 Introduce, as a matter of urgency, a published service standard.
- 4.2 Prioritise claims for unaccompanied asylum seeking children (UASC), as per the Immigration Rules.²⁰
- 4.3 Conduct a detailed and rapid analysis of every asylum claim awaiting an initial decision in the WIP by reviewing each decision making unit's 'Workflow Tracker', focusing on identifying and removing erroneous casework barriers and identifying cases where a grant would be possible without an interview.
- 4.4 Revisit recommendation four from the 2017 ICIBI inspection of asylum intake and casework, with specific reference to:
 - a. **Screening**

Ensure standardised training for all those conducting screening interviews across Immigration Enforcement, Border Force and UK Visas and Immigration, with a focus on identifying vulnerability and safeguarding.
 - b. **Substantive interviews and decisions**

Design – in consultation with stakeholders – deliver and provide regular refresher training for all Decision Makers (DMs) and Technical Specialists (Tech Specs).
 - c. **Quality assurance**

Urgently finalise and implement training for Tech Specs and others who conduct quality assurance.
- 4.5 To address workplace culture, create a mandatory regular 'face behind the case' style training course focused on asylum.
- 4.6 To help improve retention, ensure there is clarity among DMs on opportunities for progression and, in consultation with DMs, conduct a review of InSight weekly targets.
- 4.7 Introduce Calibre assurance assessments for screening interviews.
- 4.8 Ensure all first line quality assurance takes place before asylum decisions are served. Ensure that trends in Second Pair of Eyes (SPoE) feedback are identified and analysed, and that the list of decisions requiring mandatory SPoE is reviewed quarterly.
- 4.9 Expedite 'Transformation' plans specifically relating to the creation of a new digital case prioritisation and allocation tool, and the substantive interview appointment booking tool.

20 350: "Unaccompanied children may also apply for asylum and, in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases". Available at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

5. Background

- 5.1** Asylum is protection given to someone who is fleeing persecution in their country of origin. The 1951 United Nations Convention relating to the Status of Refugees (“the Refugee Convention”), to which the United Kingdom is a signatory, requires an individual seeking asylum to show that they have:

“a well-founded fear of persecution owing to their race, religion, nationality, political opinion or membership of a particular social group. They must also show that the authorities in their country of origin are unable to provide protection or that they are, owing to their fear, unwilling to avail themselves of the protection of that country”.²¹

- 5.2** In 2019, the UN High Commissioner for Refugees (UNHCR) estimated that there were 25.9 million refugees worldwide. Of these, 20.4 million come under UNHCR’s mandate, and 5.5 million Palestinian refugees come under the mandate of the UN Relief and Works Agency (UNRWA). Around a third (6.7 million) of UNHCR refugees were from Syria, followed by Afghanistan (2.7 million) and South Sudan (2.3 million).

Route to refugee status

- 5.3** A claim for asylum must be made from inside the UK. A claim is made under Paragraphs 328-333B of the Immigration Rules and considered in accordance with the Refugee Convention and the 1967 Protocol.²²
- 5.4** An asylum seeker (“claimant”) is anybody who has made a claim for asylum and is awaiting a decision on whether they should be granted refugee status. A claimant who does not qualify for asylum based on the Refugee Convention may be granted leave in the form of Humanitarian Protection, or other leave.²³
- 5.5** There are two main routes to obtain refugee status in the UK: by claiming asylum in-country through the Home Office’s Asylum Operations (AO) command, or by being resettled through the Home Office’s resettlement scheme.²⁴ Individuals can also apply for Family Reunion as the spouse or dependent child of a family member who has already been granted refugee status, but they do not receive refugee status.

²¹ <https://www.unhcr.org/4ae57b489.pdf>

²² <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>

²³ There are five possible grants of leave: ‘Grant asylum’; ‘Refuse asylum and grant Humanitarian Protection (HP)’; ‘Refuse asylum and HP but grant leave under the Article 8 Family/Private Life Rules’; ‘Refuse Asylum and HP but grant Restricted Leave’; or ‘Refuse asylum, HP, and Article 8 but grant Discretionary Leave outside the Rules’.

²⁴ Resettlements to the UK were put on hold in March 2020, and only began to resume at the end of the 2020.

The Home Office has said it intends to launch a new UK Resettlement Scheme, yet at June 2021, no announcements had been made. <https://commonslibrary.parliament.uk/research-briefings/cbp-9017/>

Resettled refugees

- 5.6 UNHCR publishes annual statistics for resettlement, which it defines as “the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement.” These statistics show that between January 2017 and February 2021, a total of 210,096 refugees were resettled to 37 countries.
- 5.7 Resettled refugees in the UK are refugees who were granted refugee status prior to their arrival, while they were outside of their country of origin and in a ‘host’ country. Since 2015, the UK has resettled over 25,000 refugees.²⁵

Home Office responsibilities for asylum claimants

- 5.8 The Home Office manages the end-to-end process for asylum claims through Asylum Operations (AO), one of the commands under the newly formed Asylum & Protection (A&P) Group.²⁶
- 5.9 AO is responsible for “dealing with the claims of all those who seek asylum in the UK...the management and processing of claims from initial screening to decision, by granting or refusing leave.” AO has four core functions:

1. Asylum intake

Registration of claims and completion of the screening process, mostly done by Asylum and Protection’s Asylum Intake units, but may also be done by Immigration Enforcement and Border Force staff.

2. Asylum initial decision casework

Deciding asylum claims, normally following a substantive interview of the claimant. Both tasks are carried out by asylum Decision Makers (DMs) and in some cases the same DM conducts the interview and makes the decision.

3. Non-Suspensive Appeals

The Non-Suspensive Appeal (NSA) team assess decisions from claimants who are entitled to reside in one of the listed states designated in Section 94(4) of the Nationality, Immigration and Asylum Act 2002.²⁷

4. Family Reunion

AO also consider and decide Family Reunion applications, whereby dependent family members of individuals who have been granted asylum or Humanitarian Protection (‘sponsors’) may apply to the Home Office to be reunited in the UK, providing they formed part of the family unit before the sponsor fled their country of origin or habitual residence.²⁸

25 The ICIBI published an inspection into the Refugee Resettlement Programme in 2020, in which further information can be found: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933956/An_inspection_of_UK_Refugee_Resettlement_Schemes.pdf

26 In February 2021, Asylum and Protection group was formed to bring together Resettlement, Asylum Support and Integration (RASI) and Immigration and Protection (I&P). It is overseen by one Director General.

27 The effect of certification under Section 94 is to restrict the right of appeal against refusal so that the claimant can only appeal once they have left the UK (referred to as a Non-Suspensive Appeal).

28 More detail on Family Reunion can be found in the 2019 ICIBI inspection report: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924812/An_inspection_of_family_reunion_applications_June_December_2019.pdf

Asylum intake: ‘Screening’

- 5.10** The National Asylum Intake Unit (NAIU), part of A&P, is made up of three units, based: Asylum Intake Unit (AIU), Croydon; Kent Intake Unit (KIU); and Midlands Intake Unit (MIU). Screening officers based at the Intake Units are responsible for completing the registration and screening process for asylum claimants, referred to as a ‘screening interview’. For unaccompanied asylum seeking children (UASC) claimants, the Home Office conducts ‘welfare interviews’ to obtain necessary information about the welfare of the child in lieu of a ‘screening interview’.²⁹
- 5.11** Individuals encountered by Border Force (BF) may claim asylum at ports of entry to the UK. In these cases, claimants may have their screening interview carried out by a BF officer. In the year ending December 2020, 16% (4,631) of screening interviews were undertaken by BF officers.³⁰
- 5.12** Screening interviews are designed to “capture basic information about the individual’s protection claim, details about their family members and their immigration history... ensuring any reasonable adjustments and safeguarding needs are considered”.³¹
- 5.13** The screening interview provides the Home Office with the information required to determine whether the claimant may be destitute and therefore need accommodation or financial support (asylum support)³² while their claim is being processed. The interview also assesses “whether what a person is saying amounts to a protection claim and if so, whether the claim is admissible to the decision making process.”³³

Routing an asylum claim

- 5.14** Once an asylum claim is registered, and provided it is not being considered for inadmissibility action, UKVI’s National Asylum Allocation Unit (NAAU) determines which decision making unit (DMU) will be responsible for managing the claim. If the NAAU determines that:
- under current international agreements, the claim should be considered by another safe third country, it will pass it to the National Removals Command (NRC), part of IE, to manage (whether or not the claimant is held in immigration detention)
 - if the claimant is in immigration detention, and the National Returns Command (NRC) unit considers that detention remains lawful and appropriate, the case will be passed to Detained Asylum Casework (DAC) to manage
 - the claimant is from a designated Non-Suspensive Appeal (NSA) state, NAAU will pass the claim to the NSA unit to manage.
- 5.15** Prior to 23:00 hours on 31 December 2020, the Home Office could decline to consider an asylum claim where it identified that the “individual already enjoys sufficient protection in another country, or another country is responsible for considering the claim”.³⁴ These claims

29 Welfare Interviews replaced Screening Interviews for children in 2016. The interview is not used to examine the basis of the claim. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947812/children_s-asylum-claims-v4.0ext.pdf

30 Asylum and Resettlement - Applications, Initial decisions, and Resettlement <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

31 Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878626/screening-and-routing-v5.0ext.pdf

32 ‘Asylum support’ is the provision of accommodation and financial assistance to claimants who are destitute. Guidance on asylum support available at: <https://www.gov.uk/asylum-support>

33 Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878626/screening-and-routing-v5.0ext.pdf

34 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878626/screening-and-routing-v5.0ext.pdf

were referred to the NRC Glasgow TCU, part of the National Removals Command under the Dublin Regulations.³⁵

- 5.16** At 23:00 hours on the 31 December 2020, the Home Office was bound by new legislation on inadmissibility.³⁶ The result of the legislative change was for UKVI to enhance its capacity to “treat as inadmissible to the UK asylum system claims made by those who have passed through or have connections with a safe third country”.³⁷
- 5.17** The screening proforma was updated in January 2021, with six additional questions in section 3 to ascertain whether a claimant has spent time in a “safe third country”. The routing team were responsible for referring any cases it thought could be deemed as ‘inadmissible’ to IE’s NRC.³⁸

Workflow

- 5.18** Once an asylum claim has been routed to a DMU to manage (if it has not been processed as potentially inadmissible), the local workflow team is responsible for arranging a substantive interview. Prior to this interview, it will send a ‘Statement of Evidence Form’ (SEF) to all UASC and issue a ‘Preliminary Information Questionnaire’ (PIQ) to adult claimants.

Preliminary Information Questionnaire

- 5.19** The PIQ, a paper-based form, was introduced in April 2018 and last updated in May 2020.³⁹ It requests information from claimants about the basis of their claim prior to their substantive interview. It also asks for details of their background, including sections relating to family members, health, and national insurance details. Claimants are advised that the completed form must be returned within “20 days from the date [of their] claim for asylum was made”.
- 5.20** The PIQ, according to the Home Office, is a neutral information gathering exercise akin to the SEF in UASC claims. The SEF, however, has a more generous deadline for completion of “60 working days from the date your claim for asylum was made”.⁴⁰

Substantive interview

- 5.21** The substantive interview is “an important part of the asylum process because it is the main opportunity for the claimant to provide relevant evidence about why they need international protection”.⁴¹ All asylum claimants, including UASC over the age of 12, will be invited for an interview, unless there are significant barriers.⁴²

35 The Dublin Regulation is a European Union law, which member states are signatories of. It determines which country is responsible for examining an asylum application. Member states can make requests to another country if it is evidenced through Eurodac, a biometric storage database, that a claimant has passed through another state.

36 This was as a result of the UK’s departure from the European Union https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943127/CCS207_CCS1220673408-001_Statement_of_changes_in_Immigration_Rules_HC_1043_Web_accessible_.pdf

37 Explanatory Memorandum to the statement of changes. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943128/CCS207_CCS1220673408-002_Explanatory_Memorandum_to_HC_1043_Web_Accessible_.pdf

38 Statement of changes to the Immigration Rules, published on 10 December 2020, provides rules on ‘inadmissible’ claims. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943127/CCS207_CCS1220673408-001_Statement_of_changes_in_Immigration_Rules_HC_1043_Web_accessible_.pdf

39 <https://www.gov.uk/government/publications/preliminary-information-questionnaire-for-asylum-claims>

40 <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-statement-of-evidence>

41 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

42 These include specific vulnerabilities, or disabilities that would mean a claimant would be unable to be interviewed.

- 5.22** Asylum DMs are responsible for conducting interviews and making initial decisions on asylum claims. It may not be the same DM conducting the substantive interview that subsequently makes the initial decision.
- 5.23** During the substantive interview, and with any supporting evidence, the claimant must demonstrate “to a reasonable degree of likelihood” that they are in need of protection.⁴³ Their claim should be “assessed to a relatively low standard of proof”, which is far below the criminal standard of “beyond reasonable doubt” and less than the civil standard of “the balance of probabilities”.⁴⁴
- 5.24** There are various Asylum Policy Instructions (APIs) which DMs should refer to when preparing for and conducting asylum interviews. The ‘Asylum Interviews’ API provides principles and standards that the DM should adhere to when investigating a claim, including: making an “individual assessment”, remaining “objective and impartial”, “focus on material facts”, and “testing of potentially significant adverse credibility findings”.⁴⁵

Decision

- 5.25** Once a substantive interview has been conducted, the Home Office can make a decision. The API states that the DM must obtain the relevant evidence to decide the claim, and so they can seek further information from the claimant if required.
- 5.26** There are six possible outcomes, as listed in the ‘Assessing Credibility and Refugee Status’ API.⁴⁶

Figure 1	
Possible outcomes	Explanation
Grant of asylum	If a DM concludes that protection under the Refugee Convention is applicable, a grant of asylum will be made for five years’ Leave to Remain (LTR).
Refuse Asylum, but grant of Humanitarian Protection (HP)	Leave will similarly be granted for five years. This leave is granted where a claimant needs international protection but does not qualify for protection under the Refugee Convention. ⁴⁷
Refuse Asylum and HP, grant under Article 8 Family/Private Life Rules	Where an Article 8 (family or private life only) claim is made, leave under Appendix FM (family life) and paragraphs 276ADE (1) to 276DH (private life) of the Immigration Rules will be granted.
Refuse Asylum and HP, grant Restricted Leave	All individuals excluded from the protection of the Refugee Convention by virtue of Article 1F but who cannot be immediately removed from the UK due to Article 3 of the ECHR will have their claims dealt with under the Restricted Leave policy (RL). ⁴⁸

43 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

44 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

45 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

46 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

47 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597377/Humanitarian-protection-v5_0.pdf

48 <https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction>

Figure 1

Possible outcomes	Explanation
Refuse asylum, HP, and Article 8; grant Discretionary Leave outside the Rules	Leave outside the Rules would be granted where there may be “exceptional and/or compassionate reasons for allowing them to remain here”. ⁴⁹
Refuse	Refusals fall into two categories: certified and non-certified. If a claim is not certified, the claimant will be able to appeal the decision in-country at the First Tier Tribunal. If a claim is certified under section 94 of the 2002 Act, a claimant would have no right of in-country appeal. ⁵⁰

Service standards

5.27 Domestic immigration law at May 2021 (Immigration Rule 333A) provides that:

“333A. The Secretary of State shall ensure that a decision is taken on each application for asylum as soon as possible, without prejudice to an adequate and complete examination.

Where a decision on an application for asylum cannot be taken within six months of the date it was recorded, the Secretary of State shall either:

(a) inform the applicant of the delay; or

(b) if the applicant has made a specific written request for it, provide information on the timeframe within which the decision on their application is to be expected. The provision of such information shall not oblige the Secretary of State to take a decision within the stipulated time-frame.”⁵¹

5.28 Gov.UK’s published guidance for asylum claimants, last updated in November 2014, states that:

“Your application will usually be decided within 6 months. It may take longer if it’s complicated, for example:

- your supporting documents need to be verified
- you need to attend more interviews
- your personal circumstances need to be checked, for example because you have a criminal conviction, or you’re currently being prosecuted.”⁵²

5.29 In response to criticism from the Home Affairs Select Committee, which considered it “unacceptable that anyone should have to wait longer than 6 months for an initial decision”,⁵³ the Home Office introduced a service standard on 1 April 2014. The service standard was to decide 98% of straightforward cases within six months.

49 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658372/discretionary-leave-v7.0ext.pdf

50 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919737/certification-s94-guidance-0219.pdf

51 <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

52 <https://www.gov.uk/claim-asylum/decision>

53 <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>

- 5.30** In December 2018, informal engagement began with stakeholders through the Strategic Engagement Group (SEG) and the National Asylum Stakeholder Forum (NASF) to develop a new service standard.
- 5.31** Following this, key external stakeholder organisations were invited to attend one of a series of 12 workshops in Solihull, Newcastle, Cardiff, Belfast, Liverpool, Glasgow, Leeds, Croydon and London. Workshops were attended by representatives from more than 40 organisations. Five workshops with staff from across UKVI were also held “to ensure organisational learning was incorporated to the developing options”.
- 5.32** The six month service standard was withdrawn on 1 January 2019.
- 5.33** When the service standard was withdrawn, so too was the categorisation of asylum claims as straightforward and non-straightforward. In March 2019, the then Immigration Minister said that cases would no longer be categorised in this manner and would instead be replaced with a new system which had not yet been agreed.⁵⁴ Interim internal guidance, published in May 2019, provides guidance to Home Office staff on the administrative process for managing previously named ‘non-straightforward’ asylum cases, now referred to as ‘complex’. It states:
- “a complex category should be applied to all cases where a decision will either need to be delayed for longer than four weeks [either before or after the substantive interview]... or where specific additional vulnerabilities need to be addressed in the claimant’s case that will require specialist teams or individuals to be involved.”
- 5.34** A new service standard, created in consultation with over 100 external stakeholders, was proposed to ministers for their endorsement in July 2019. It proposed:
- “The introduction of a new service standard based on resolving new ‘flow’ cases within four months and clearing the asylum ‘stock’ of cases in a maximum of three years from 1 October 2019.”
- 5.35** As at June 2021, there was no published service standard.

The impact of COVID-19 on Asylum Operations

- 5.36** AO had to adapt its ways of working in response to the COVID-19 pandemic, in particular to reduce the risks to staff and to claimants from office-based activities and face-to-face contact. Like other parts of the HO, where staff could work from home they were encouraged to do so, and they were provided with laptops and other equipment. When introduced, the assumption was that some of these changes would be temporary. However, it remains to be seen which of the current working practices are retained once the COVID-19 restrictions are relaxed. Figure 2 lists the key changes.

⁵⁴ Letter from then Immigration Minister to Home Affairs Select Committee. Available at: <https://www.parliament.uk/documents/commons-committees/home-affairs/Correspondence-17-19/190315-Letter-from-Immigration-Minister-Asylum-Operations-Service-Standard.pdf>

Figure 2

Process	Associated response to COVID-19
High speed scanners	In March 2020, 300 staff attended offices to assist with scanning paper-based case files, enabling caseworkers to work from home. To do this, AO procured 23 high speed scanners across 11 casework locations.
Intake and screening	Prior to March 2020, most claimants already in the UK had screening interviews conducted at the Asylum Intake Unit (AIU) in Croydon. From 22 April 2020, screening interviews were supported by Home Office units in Glasgow, Belfast, Liverpool, Leeds, Solihull and Cardiff, reducing the distance claimants needed to travel in order to raise their claim.
Substantive interviews	Face-to-face substantive interviews were paused on 19 March 2020. On 15 June 2020, the Home Office confirmed that substantive interviews would resume from the end of June 2020 via video conferencing, where possible.
Asylum decisions	An internal announcement was made on 29 April 2020 that the focus was on 'decision ready' cases that had a completed substantive interview. There was a 'case progression' exercise, which allowed AO to understand the "obstacles, address bottlenecks and progress cases towards being decision ready." AO also liaised with external stakeholders to agree a process whereby they could serve decision letters digitally via email, instead of requiring staff to go to the office and print decisions to prepare them for posting.
Remote training	The Asylum Operations Training Team (AOTT) adopted an online version of the Foundation Training Programme (FTP) to ensure that new DMs could continue to be trained.

Previous inspections

- 5.37** An ICIBI inspection of Asylum Casework (March to July 2015),⁵⁵ published in February 2016, considered the efficiency and effectiveness of the Home Office's asylum casework operations and the quality of decision making. It examined the registration, screening, and routing process; how substantive asylum interviews were conducted, whether material facts were captured and probed; and whether decision making was in accordance with the Immigration Rules and Home Office guidance. It also examined routing of applicants for consideration under the Detained Fast Track (DFT) procedures; the TCU's management of cases; and the process for considering further leave applications by UASC.
- 5.38** The inspection found that the Home Office had made significant improvements in its management of asylum casework during 2014-15, meeting its aim of deciding all straightforward claims made on or after 1 April 2014 within six months, while successfully clearing all straightforward claims lodged before 1 April 2014 by 31 March 2015.
- 5.39** Non-straightforward cases were "being monitored effectively and decided quickly once barriers had been removed". ICIBI concluded that this provided the Home Office with a solid base from which to respond to the challenge of the rising asylum intake in 2015-16. This inspection identified certain areas for improvement. These included aspects of the screening process, which the Home Office's own internal quality assurance processes had also identified.

⁵⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547699/ICIBI-Asylum-Report-Feb-2016.pdf

- 5.40** A further inspection was conducted in 2017 (April to August 2017).⁵⁶ This also looked at the asylum process from registration of a claim through to the initial asylum decision, taking in the timeliness and quality of decisions. It examined the progress made by the Home Office in implementing the improvements recommended in the 2015 inspection. The 2017 inspection found that the Home Office was struggling to keep on top of the volume of claims it received. In 2016-17, the AIC (now referred to as 'Asylum Operations') unit's challenge was exacerbated by a large turnover of staff, especially DMs, lengthy staffing gaps, and high levels of inexperience once new staff were recruited.
- 5.41** The inspection found that the number of claims awaiting an initial decision rose during the year, as did the proportion deemed "non-straightforward" and therefore exempt from the six months service standard. The inspection also found issues with quality as well as with the timeliness of decisions. The Home Office described the asylum system as "in transition" with plans for transforming and enabling it to cope better with peaks in demand. These included the 'Next Generation Casework' project, aimed at reducing the numbers of "non-straightforward" claims and developing and testing new ways of working. However, because of delays in staffing it, the project was not sufficiently advanced at the time of the inspection to demonstrate its value. The ICI warned that if there were another peak in asylum intake, the department was at risk of falling further behind. It made seven recommendations for improvement, six of which were accepted, and one partially accepted.⁵⁷

Next Generation Casework

- 5.42** Next Generation Casework (NGC) was set up in Bootle, Merseyside, in April 2017 with an objective of making 10,000 asylum initial decisions on older, non-straightforward cases by March 2018, "while piloting new ways of asylum caseworking".⁵⁸ This was expected to reduce the number of cases that were awaiting a decision, known as the 'Work in Progress' (WIP).
- 5.43** While the primary objective of NGC was to drive down the WIP and generate asylum support cost savings, emphasis was placed on the NGC operating as a "model office", where good practice and new ways of working, such as the use of video conferencing for substantive interview, could be implemented in other DMUs across the UK.
- 5.44** In September 2017, the ICIBI made a recommendation for the Home Office to:
- "As a matter of urgency, provide appropriate support for Next Generation Casework managers and staff in capturing and communicating lessons learned, and in identifying and testing new ways of working, and agree how the success of the project will be measured."
- 5.45** The Home Office 'accepted' the recommendation and it was subsequently 'closed' in April 2018, stating that a "comprehensive 'lessons learnt' process had been undertaken", through which lessons had been "identified, captured and communicated".
- 5.46** An internal review of the NGC, drafted in July 2018, emphasised that it was "the wrong decision" to ask NGC to process older, non-straightforward cases, given that these are inevitably more complex and therefore better suited to experienced DMs. The paper quoted

⁵⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

⁵⁷ See Annex C for a table of recommendations.

⁵⁸ "New ways of caseworking" included: using video conferencing technology to conduct interviews; embedding presenting officers to provide feedback to DMs.

a DM from NGC as saying: “how can you expect brand new caseworkers to do the work that experienced caseworking units found too complex to clear?”

5.47 By December 2017, NGC had recruited 150 DMs for a fixed term of 12 months. By the time it closed in November 2018 and was rebranded a ‘business as usual’ DMU, known as ‘Asylum Mersey’, a total of 5,278 decisions had been made, just over half of the 10,000 target.

Intake and output

5.48 Asylum intake peaked in 2002 at 84,132 claims, before falling sharply to a low point in 2010 (17,916). Intake then began to rise again to a 10-year high of 35,737 in 2019.⁵⁹

5.49 In 2020, intake fell slightly to 29,456, as illustrated in figure 3.

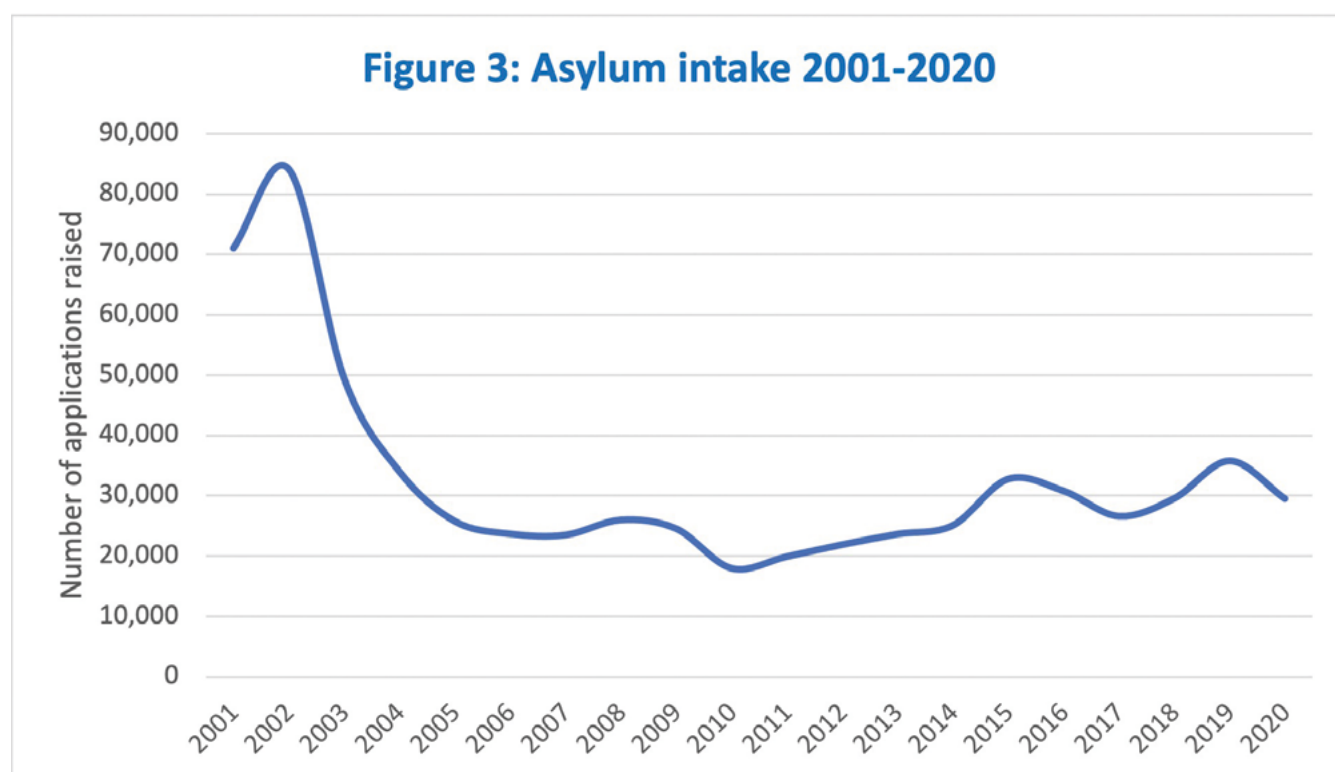


Figure 4

Year	Grant of protection	Grant of other leave	Refused	Total
2001	11,449 (9%)	20,192 (17%)	89,308 (74%)	120,949
2002	8,272 (10%)	20,136 (24%)	55,132 (66%)	83,540
2003	4,002 (6%)	7,072 (11%)	53,867 (83%)	64,941
2004	1,721 (4%)	3,837 (8%)	40,463 (88%)	46,021
2005	2,063 (8%)	2,676 (10%)	22,654 (82%)	27,393
2006	2,226 (11%)	2,254 (11%)	16,462 (78%)	20,942
2007	3,657 (17%)	2,083 (10%)	16,033 (73%)	21,773

⁵⁹ <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

Figure 4

Year	Grant of protection	Grant of other leave	Refused	Total
2008	3,820 (20%)	2,078 (11%)	13,505 (70%)	19,403
2009	4,282 (18%)	2,461 (10%)	17,545 (72%)	24,288
2010	3,579 (18%)	1,619 (8%)	15,066 (74%)	20,264
2011	4,393 (25%)	1,258 (7%)	11,731 (68%)	17,382
2012	5,223 (31%)	836 (5%)	10,715 (64%)	16,774
2013	5,789 (33%)	875 (5%)	11,001 (62%)	17,665
2014	7,334 (37%)	817 (4%)	11,632 (59%)	19,783
2015	10,085 (35%)	1,337 (5%)	17,201 (60%)	28,623
2016	7,324 (29%)	1,141 (5%)	16,430 (66%)	24,895
2017	6,103 (29%)	676 (3%)	14,490 (68%)	21,269
2018	6,139 (29%)	792 (4%)	14,153 (67%)	21,084
2019	10,038 (48%)	758 (4%)	9,970 (48%)	20,766
2020	6,263 (44%)	306 (2%)	7,796 (54%)	14,365

5.50 Figure 4 illustrates the number of decisions that were made per year,⁶⁰ including their outcome. As some asylum claimants who are initially refused asylum can appeal, the number of applicants granted leave to remain at initial decision does not reflect the number who are ultimately successful.

5.51 The WIP is the backlog of cases that are awaiting a decision. Migration Statistics datasets show the number of claims that are still awaiting a decision at the end of each quarter.⁶¹ As at the end of December 2020, the number of claimants awaiting a decision was 51,321, around double the number that were awaiting a decision in December 2018, as illustrated in figure 5.

Figure 5

Year	Intake	Decisions	WIP
2014	25,033	19,783	17,067
2015	32,733	28,623	18,111
2016	30,747	24,895	21,475
2017	26,547	21,269	22,234
2018	29,504	21,084	27,256
2019	35,737	20,766	40,032
2020	29,456	14,365	51,321

⁶⁰ These claims might not have necessarily been raised in the year that a decision was made.

⁶¹ <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>

6. Inspection findings: WIP, case progression and delays

Workflow

- 6.1 Once screened, if an individual indicates that they are destitute and in need of asylum support and emergency initial accommodation (IA), their case is referred to the National Asylum Allocations Unit (NAAU).
- 6.2 If, on the other hand, they have their own accommodation and sufficient means to support themselves, their case is auto-allocated by ATLAS⁶² to a decision making unit (DMU), based on the claimant's postcode. The process is the same for an unaccompanied asylum seeking child (UASC) case, as they are in the care of social services.
- 6.3 NAAU is part of the Asylum & Protection Directorate's Resettlement, Asylum Support and Integration (RASI).⁶³ It is staffed with Executive Officers (EOs), who are responsible for intake, initial accommodation validation and routing.
- 6.4 Once a screening interview has taken place, it is referred to the NAAU intake team. The NAAU intake team ensures that all Operating Mandate (Op Mandate) checks⁶⁴ are complete, and assess whether the application is being considered for inadmissibility action, based on the information provided in the screening interview and from other sources at that time.⁶⁵ This might be, for example, that the claimant has 'self-declared' this information, through naming countries that they passed through in their screening interview, whether any documents have been provided which indicate their presence in a third country, or whether 'pocket litter'⁶⁶ has been found on their person, linking them to another safe country.⁶⁷
- 6.5 Based on this assessment, and following the inadmissibility guidance, if they deem there to be sufficient evidence to suggest the claim may be inadmissible, the team will pass the case to the NAAU routing team for referral to Immigration Enforcement's (IE) National Removals Command (NRC). Otherwise, the case will be allocated to an UKVI asylum DMU for casework, based usually on where there is accommodation available at that time.

Workflow limitations

- 6.6 The Workflow and Admin Team, part of AO, is staffed with Executive Officers (EOs) who are responsible for facilitating and supporting all caseworking actions to "maintain the flow, progression and clearance of asylum cases." From the point of a claim being raised, this

62 Prior to November 2020, all cases were referred to NAAU to allocate.

63 RASI Resettlement, Asylum Support and Integration (RASI) directorate of UK Visas and Immigration runs the UK's transfer, refugee resettlement and asylum dispersal systems, including a number of other safeguarding functions.

64 Operating mandate checks are minimum mandatory identity and security checks which should be carried out on all claimants. The given identity and aliases (declared or revealed from the biometric checks) must be checked against relevant Home Office systems and police criminality databases.

65 Previously assessing whether asylum claims could be considered by a third country under the Dublin Regulation.

66 'Pocket litter' is a term used to describe evidence, such as train tickets, which would indicate a claimant had passed through a different country, if, for example, it identified a journey that had taken place in Germany.

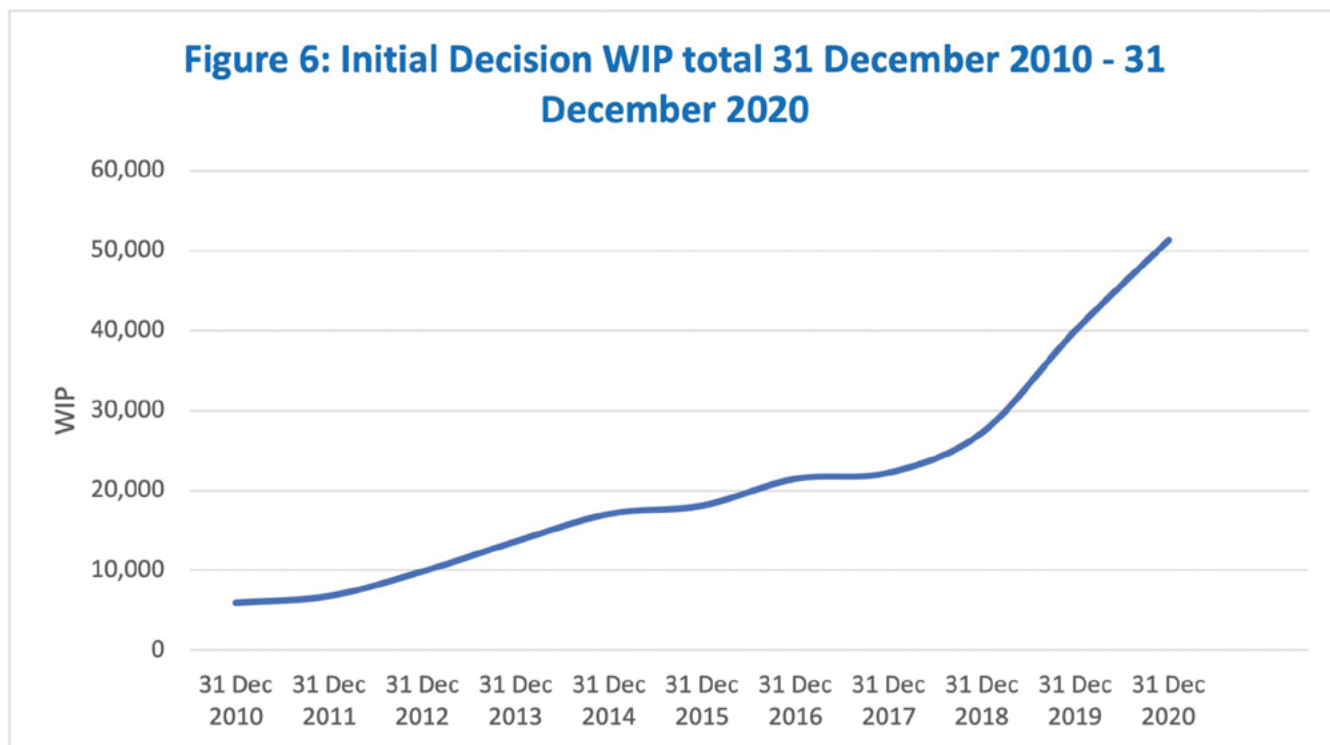
67 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947897/inadmissibility-guidance-v5.0ext.pdf

includes arranging biometric enrolment, completing security checks, booking substantive interviews, updating workflow trackers, assessing and monitoring casework barriers, and serving decisions.

- 6.7** Each DMU has its own ‘workflow tracker’, an Excel spreadsheet containing details of all cases in the work in progress (WIP) which are waiting for an interview or decision at that time. It contains claimants’ personal information; stage of case, such as whether a Preliminary Information Questionnaire (PIQ) has been received or whether interview preparation has taken place; notes on outstanding actions or booking interview notes; and whether there are any barriers to interview or decision. These spreadsheets contain a large amount of data with over 100 columns of data entry options per claim. One workflow tracker for a mid-sized DMU contained over 94,637 data entries as at February 2021.
- 6.8** Once a case has been allocated to a regional DMU, the National Workflow Team is responsible for inputting cases into the workflow tracker of that region and updating them daily. A manager from the National Workflow Team said: “the way we update the trackers is a manual process, I have a macro that runs thousands of calculations... a more powerful computer would make this a lot quicker”. Another, said: “ideally this would not be on Excel, it is not designed for the quantity of cases we deal with in the backlog, a specific database would be better”.
- 6.9** Due to the size of the Excel spreadsheets, there is a tendency for them to crash, and inputting into them is very time-consuming. An internal document outlining Asylum Workflow Management proposals under ‘Transformation’ stated that there is a “definite” loss of time, and a “potential” loss of data. A manager from National Workflow said that the fact they were reliant on Excel was “still a bugbear”, but at least for the foreseeable future they would “still have workflow trackers... there doesn’t seem to be anything to replace it at the moment”.
- 6.10** When inspectors asked whether staff in the workflow team were aware of any prioritisation of cases, they broadly referred to the ‘Tasking Priorities,’ although no explanation as to how this happened practically was provided.
- 6.11** Part of the workflow team role involved booking substantive interviews. Due to the extensive reliance on Excel spreadsheets to manage administrative processes and the absence of digital platforms, work was inefficient and time consuming. The same document on workflow proposals said that it took between 20 and 40 minutes for admin staff to book a substantive interview. The process required frequent cross referencing to a total of seven different Excel spreadsheets, liaison with legal advisers, DMs, the claimant and interpreters, with data being inputted multiple times into different spreadsheets. This also included booking transportation and childcare, if required.

The initial decision WIP

6.12 The Home Office publishes quarterly⁶⁸ immigration statistics including data on, among other areas, asylum claims in the United Kingdom that are yet to receive an initial decision.⁶⁹ This is referred to as the initial decision WIP (Work in Progress).



- 6.13** The increasing size of the initial decision WIP has received much criticism from the Home Office’s stakeholders, owing to the adverse effect that awaiting a decision has on claimants, particularly those who are vulnerable and/or unaccompanied asylum seeking children (UASC).
- 6.14** The Asylum Operations (AO) risk register, as of 25 February 2021, included the risk of “Asylum Initial Decision WIP increasing to unaffordable and unsustainable levels”. This risk was rated as black, indicating a risk that is both ‘highly likely’ and has ‘very high impact’. When asked about performance, a senior manager told inspectors “it mortifies me that the WIP is 50k”.
- 6.15** A later, June 2021 Risk Register described the same risk as a “failure to decide planned cases (33,000) during the 2021-2022 Financial Year”. This was also rated as black.
- 6.16** On 27 May 2021, when the Home Office published its quarterly immigration statistics, the Refugee Council stated:

“We remain deeply concerned by the record high numbers of people waiting in limbo on news of their fate, unable to begin new lives. This could easily be resolved through additional resourcing and more effective decision making, however, we fear it is only set to worsen as the new rules continue to have an impact on asylum cases.”⁷⁰

⁶⁸ Calendar quarters not financial.

⁶⁹ <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release#history>

⁷⁰ <https://www.refugeecouncil.org.uk/latest/news/asylum-applications-fall-in-2020-as-the-backlog-of-cases-awaiting-a-decision-reaches-a-new-high/>

- 6.17** Although there have been spikes in the volume of asylum claims being registered in 2015 and 2019, the increase of the initial decision WIP has grown consistently over the last ten years. The amount of asylum applications received by the Home Office has exceeded the amount of decisions made every year since 2011. Until this trend is reversed, the initial decision WIP will continue to increase.
- 6.18** In the year ending December 2020, the number of initial decisions made (14,365) was at a 10-year low, largely due to the negative impact the COVID-19 pandemic has had on the work of AO. However, in 2019, prior to the COVID-19 pandemic, and the same year in which the six-month service standard was withdrawn, 20,766 initial decisions were made, the lowest figure since 2014.

Initial decision WIP as at 18 May 2021

- 6.19** The Home Office's Performance Reporting & Analysis Unit (PRAU) provided inspectors with an Excel spreadsheet setting out the number of asylum cases in the initial decision WIP, including UASC, awaiting an initial decision as at 18 May 2021. There were 55,047 asylum claimants in the spreadsheet, 5,704 (10%) of whom were UASC.
- 6.20** Of the 55,047 claims in the initial decision WIP, 13,053 (24%) were identified on ATLAS⁷¹ as being in receipt of Section 95 or Section 4 asylum support.⁷² However, when examining internal workflow trackers, inspectors noted that some claimants listed as being in initial accommodation, including contingency accommodation, such as hotels and military barracks, were not marked as being in receipt of asylum support. Regular reporting does not accurately record how many were in receipt of support and this has to be done manually.
- 6.21** 32,355 (58%) of the claimants in the initial decision WIP had at least one 'special condition' marker, indicating a vulnerability. These are usually entered into CID by an Interviewing Officer (IO) during the screening process, by a DM after an interview, or at any time by any staff member who has been alerted to (by representations) or identified, a vulnerability. Some claimants had multiple special conditions markers.⁷³
- 6.22** From the date of a claimant's application to 18 May 2021,⁷⁴ the average length of time a claimant had been in the initial decision WIP was 443 days, but the majority were from 2019 and 2020, as illustrated in figure 7. For those whose applications were raised from 2007 to 2013, most had a complexity flag relating to being referred to the Special Cases Unit,⁷⁵ or to Criminal Casework, and were likely serving prison sentences.

71 Case Information Database (CID) was the Home Office's main caseworking and operational database. It is used throughout the Home Office to record personal details of all foreign nationals who pass through the immigration system. It is being superseded by ATLAS, a new Home Office IT system intended to replace all existing caseworking databases.

72 <https://www.legislation.gov.uk/ukpga/1999/33/part/VI/crossheading/provision-of-support>

73 The most common vulnerability reason was 'Safeguarding referral process' (in 46% for claims, followed by 'claimed medical condition' (17%), special needs (13%) and infectious disease (10%).

74 The date PRAU provided inspectors with the data.

75 Special Cases Unit (SCU) is part of the National Security Directorate within the Homeland Security Group (HSG). SCU is responsible for handling highly sensitive immigration cases, where there are implications for national security, counter terrorism, political or diplomatic sensitivities, or issues relating to war crimes, crimes against humanity and other serious criminality.

Figure 7⁷⁶

Year claim raised	Number in WIP as at 18 May 2021
2007	1
2008	1
2009	2
2010	2
2011	1
2012	8
2013	14
2014	39
2015	85
2016	231
2017	1,023
2018	4,448
2019	15,566
2020	22,863
2021	10,763
Total	55,047

6.23 As at 18 May 2021, 43,951 (80%) asylum claimants in the initial decision WIP had not had a substantive interview.

Initial decisions made between 1 January 2017 to 18 May 2021

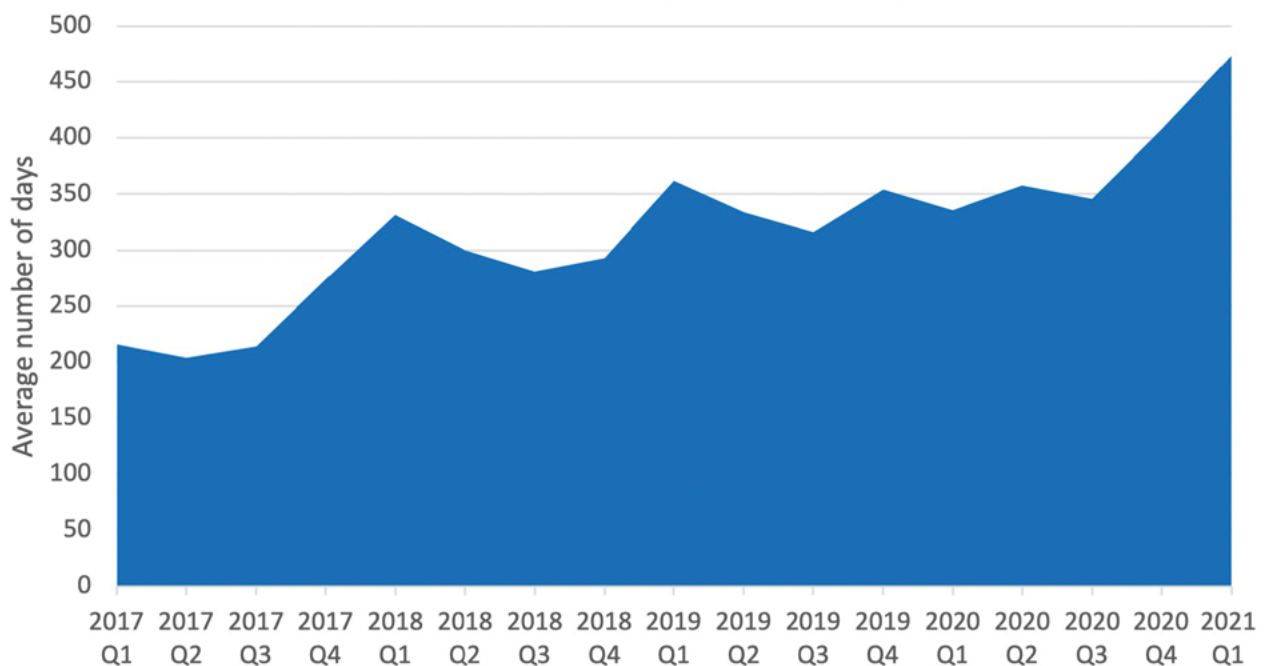
6.24 PRAU provided inspectors with data for all decisions made by AO between 1 January 2017 and 18 May 2021, showing 101,824 initial decisions in total.⁷⁷ Figure 8⁷⁸ demonstrates the average number of days from when an application was raised until an initial decision is made. The average time rose year-on-year and peaked in Q1 of 2021, where it took an average of 473 days.

⁷⁶ Figure 7 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

⁷⁷ This includes those that were 'withdrawn', and those recorded as 'other', which include those routed to Immigration Enforcement's National Removal Command.

⁷⁸ Figure 8 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

Figure 8 : Average number of days from application raised to decision between Q1 2017 and Q1 2021



Removal of service standard and interim prioritisation

- 6.25** The ICIBI made two recommendations relating to service standards in its 2017 ‘inspection of asylum intake and casework’. These were to:
- “Review the criteria and process for categorising asylum claims as non-straightforward, ensuring that the former are entirely outside the Home Office’s control, are gender neutral, and do not disadvantage particular social groups, and that the latter is quality assured so that claims are not categorised inappropriately.”
 - “Introduce and publish a 12 month customer service standard for non-straightforward asylum claims, subject to any barriers having been removed, both as a counterweight to any perverse consequences for the quality of asylum casework and for staff morale of having a single external performance target, and to ensure that claims categorised as non-straightforward are reviewed, progressed and claimants kept informed.”
- 6.26** The Home Office ‘accepted’ the first recommendation and by June 2018 had closed it, stating that the “non-straightforward (NSF) guidance has been re-circulated and a process put in place to ensure approval for every flag must be sought from a minimum of SEO level”.
- 6.27** It ‘partially accepted’ the second recommendation, committing to carry out a “review of current service standards and whether they are appropriate in the current climate”.
- 6.28** The six-month service standard, colloquially referred to as ‘Day 182’ by staff, was withdrawn on January 2019. Ministers announced that they were no longer using the six month target to better enable them to prioritise “older claims and those made by more vulnerable individuals, whose claims are more complex”.⁷⁹ The intention was also to create some “headroom” in the

⁷⁹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-02-12/220305/>

supported population⁸⁰ by reducing the number of undecided cases that receive the greatest level of support (including UASC cases), and therefore prioritise cases on the basis of cost as well as vulnerability.

- 6.29** The ICIBI’s 2017 inspection identified that this six-month service standard put exceptional pressure on Decision Makers (DMs) and encouraged, in extreme cases, perverse behaviour, as it incentivised arbitrarily categorising cases as ‘non-straightforward’ in order to sidestep the deadline. The removal of the six-month service standard was generally welcomed by Home Office staff, not least by DMs.
- 6.30** An interim prioritisation process for cases, known as ‘tasking priorities, as illustrated in figure 9, was introduced on 1 January 2019. The Home Office subsequently published interim internal guidance for staff on 2 May 2019.

Figure 9

Tasking Priorities

Tasking Priorities that all units must follow are as below:

1. Top 4*
2. UASC
3. Supported
4. Supported second outcomes
5. Released from detention and DAC excess**
6. Unsupported cases

* Top 4 includes high harm and vulnerable cases e.g. cases with a criminality aspect, cases with a PVOT, MLR, and/or vulnerable flag.
** These were previously included in the Top 4 category, however they are now a category in their own right.

Outside of the above list, it is accepted that some decisions will need to be made for other reasons, such as:

- PAPs and JRs (for litigation cost avoidance)
- Withdrawn, Voided and Deceased
- High Profile cases (e.g. cases under media spotlight)
- To comply with court directions
- Cases over 3 and 5 years old

- 6.31** The interim period in which cases as illustrated in figure 9 were prioritised was due to run until September 2019 “whilst new service standards are agreed”, with the caveat that this period could be extended. As at June 2021, these priorities were still in place.
- 6.32** In the internal guidance, non-straightforward cases were subsequently referred to as ‘complex cases’.⁸¹ The reasons listed included claims with one or more of the following:
- Medical issues (torture, illness etc.)
 - Special Cases Unit, where the case meets the criteria for a referral to Special Cases Unit (SCU) and a referral has been made for their consideration
 - Criminality, where the claimant has a criminal conviction and deportation is being, or will be, pursued
 - Pregnancy

⁸⁰ ‘Supported population’ refers to claimants who are in receipt of Home Office asylum support.

⁸¹ “A complex category should be applied to all cases where a decision will either need to be delayed for longer than four weeks for any of the above reasons, or, where specific additional vulnerabilities need to be addressed in the claimant’s case that will require specialist teams or individuals to be involved. In most cases, both will be true, however, a case will not necessarily be delayed as a result of one of these complexities.”

- Vulnerability, where the claimant’s vulnerability is such that it directly impacts on how/when the claim is considered
- PVOT, where the claimant is a potential victim of modern slavery
- ‘Blocked’, where the claim is dependent on an outcome in relation to operational, policy, and/or legal decisions

6.33 According to the guidance, documenting a complexity flag will mean that a case “can be properly categorised for reporting, reviewing and prioritisation”. While the guidance stipulates the practicalities of adding a complexity flag on CID, it does not detail how the case should be reviewed or how, in practice, it is prioritised other than to say it is the responsibility of the DMU who ‘owns’ the case to monitor it.

6.34 It states that there is “no set internal asylum target for deciding complex cases” but that if a case remains complex and a decision cannot be made within six months then the responsible DMU should consider sending a “case delay letter”.

6.35 Once a case has been marked ‘complex’ this marker remains on the case file until the case becomes ‘decision ready’. A case can also have multiple complex case markers. The decision to remove a complex case marker must be SPoE’d (Second Pair of Eye’d) by another member of staff at the same grade or higher.

Impact of the interim prioritisation on initial decision wait times

6.36 Inspectors requested details of any evaluation of the effectiveness of the prioritisation of certain claims in the absence of a service standard, for example, evidence that those who were UASC were receiving decisions more quickly than adult claimants.

6.37 The Home Office was not able to demonstrate that certain claims said to be prioritised, except for those in receipt of asylum support.

6.38 In a submission to ministers on 2 August 2018, UKVI senior managers argued that the previous service standard did not allow the prioritisation of supported cases, therefore driving up financial costs for the Home Office. The Home Office argued that prioritising those who were in receipt of asylum support was beneficial from a cost saving perspective.

6.39 Inspectors analysed an internal Home Office Excel spreadsheet titled “Prioritisation Savings Workbook”, which set out the estimated financial savings that could be made by prioritising those cases in receipt of asylum support. The Excel document focused on the financial implications and set out whether those in receipt of asylum support received an initial asylum decision more quickly than those who were not. The summary states:

“Measuring the benefits of prioritisation from Jan 19 to Jan 20, the current supported population is approximately 6,774 people lower than if pre implementation rates had continued. This has reduced costs by £23.5m over the year.”

6.40 Through analysing PRAU data, inspectors identified that during 2019, asylum claimants in receipt of asylum support did receive cases quicker than those who were not, by an average of 40 days.

6.41 Figure 10 demonstrates the average waiting time for decisions made from 2017 to 2020, broken down by adult claimants and UASC.⁸² It details that, on average, UASC claimants wait significantly longer for a decision than other claimants. For all claimants, the wait for a decision increased year-on-year, peaking for those who received a decision in 2020.

Figure 10⁸³

	Non-UASC Number of decisions made	Average number of days	UASC Number of decisions made	Average number of days
2017	17,480	233	2,093	359
2018	16,502	317	2,252	485
2019	16,393	351	3,172	502
2020	10,143	449	1,393	550

6.42 Inspectors found that, of the tasking priorities, it was only supported cases that were being prioritised.

The impact of delays on claimants

6.43 The impact of uncertainty on claimants while they wait for a decision on their asylum claim has been well documented by individual claimants and stakeholders,⁸⁴ both in their own reports, and in response to the inspection’s call for evidence (CFE). Two thirds of submissions in response to the CFE highlighted concerns about the delay in decisions, many drawing links between long waiting times and deteriorating mental health.

6.44 Inspectors spoke to many organisations during this inspection and, through them, with asylum claimants. The wait for a decision was described by one claimant as “gruelling” while another stated that a delay “causes mental health problems, causes many problems.”

Figure 11

Snapshot of comments from asylum claimants and their legal representatives

“The length of time that many claimants must wait for an initial decision and then for their appeal – sometimes totalling years – is a cause of much distress, as during this period people are generally unable to study, work, secure family reunion or move forward in any way with their lives.”
“The effect the wait has had on my mental wellbeing is not something I can explain. My whole life has been on hold for the past 2 years.”
“Lack of consideration that is given to the vulnerabilities of clients and how these may be exacerbated by the uncertainty that accompanies a delay in a determination.”
“[my client, owing to delay in a decision] is suffering from undue stress, anxiety and fear.”

⁸² Includes grants, refused (certified) and refused with right of appeal. This is the number of days on average from an application being raised (screening) to an initial decision.

⁸³ Figure 10 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

⁸⁴ Organisations such as Refugee Action, available at: <https://www.refugee-action.org.uk/resource/waiting-game-impact-delayed-asylum-decisions/>; Lift the ban coalition, available at: <http://lifttheban.co.uk/wp-content/uploads/2020/07/Lift-The-Ban-Common-Sense.pdf#:~:text=Lift%20the%20Ban%20for%20the%20purposes%20of%20this,the%20asylum%20system%20across%20the%20country.%20Three%20focus,the%20Independent,> available at: <https://www.independent.co.uk/news/uk/home-news/asylum-seekers-delay-waiting-decision-home-office-priti-patel-a9363061.html>;

Impact on UASC

- 6.45** The impact of delays on all claimants is significant, though more acute for UASC, who are vulnerable by virtue of their age, and risk ‘aging out’.
- 6.46** Numerous social workers and charities contributed to a report, published in 2021, by the Greater Manchester Immigration Aid Unit (GMIAU). GMIAU had supported 307 children to claim asylum between September 2018 and September 2020. Chiming with the inspection’s findings around delays and increasing waiting times, the report said that of these children – who were between 13 and 17 years old at the time of their asylum claim – 75 were awaiting a decision for an average of 410 days, the longest of which was 564 days.⁸⁵
- 6.47** The report detailed the impact of asylum delays on these children, citing examples of where delays were causing children to “physically and emotionally falling apart”. A spokesperson for GMIAU made the following statement regarding the severe impact of delays, exacerbated by COVID-19, on UASC:

“Let’s be clear – right now there are children in bedrooms pushed towards self-harm, suffering persistent insomnia, losing their hair, unable to concentrate and giving up on the future. It’s happening because our children are stuck, waiting while adults struggle to work out how to decide their asylum claims during a pandemic. This has to change.”

Case progression

- 6.48** As a result of the COVID-19 pandemic, and the need to provide decision ready cases for the DMs to work on during lockdown, “existing processes were reviewed and enhanced, with amended guidance and a new Standard Operating Procedure (SOP) put in place to support the work”. The case progression work started in March 2020 and was managed by each DMU. It allowed DMs who were not able to conduct interviews to use their time identifying which cases in the WIP were ‘decision ready’, and which ones had ‘barriers’. One manager of a DMU told inspectors:

“During lockdown, to make sure people had enough work to do, we reviewed the WIP and set up the case progression review process”

- 6.49** There are a number of factors why an asylum may have barriers, only some of which are in the Home Office’s control. AO use a Black, Red, Amber, Green rating system to decide how close to being ‘decision ready’ a case is. This is known as a BRAG rating. Though a BRAG rating is distinct from a ‘complexity’, there is overlap in the categories. Figure 12 shows a summarised version of the AO Standard Operating Procedure Case Progression Review Process.

⁸⁵ <https://gmiau.org/new-report-wasted-childhoods-the-impact-of-covid-19-asylum-delays-on-children/>

Figure 12

BRAG status	Example barriers
Green 0 months	None
Amber 1-3 months	Awaiting SPoE [Second Pair of Eyes] Awaiting further representations Medical illness Pregnancy Difficulty sourcing appropriate interpreter
Red 3-6 months	Medico Legal Report UASC age assessment Referral to CPIT for COI Special Cases Unit referral National Referral Mechanism [NRM]
Black 6 months+	Criminality / prison sentence
Other	None of the above

6.50 Where the BRAG barrier does not fit into the list of examples as set out in figure 12, workflow staff can select “other” as an option. When this option is selected, the staff member can then add notes to a cell and select their own BRAG rating, setting out the reasons manually in free text Excel cells. Examples of “other” reasons provided on the spreadsheet by the workflow team included those below:

Amber: review after 1-3 months

- “SEF to be issued to social services, awaiting file”:
- “Does this need an IV[?]”
- “Full file cannot be accessed electronically”
- “Please ask for Pax to provide new-born child’s birth certificate”
- “Awaiting outcome of custody of dependent child”
- “Needs fingerprints taken”
- “Photo needed on CID – Admin emailed”
- “Failed to attend last IV, whereabouts of applicant unknown”

Red: review after 3-6 months

“impending prosecution”

“possible absconder”

“app is in initial accommodation”

“no address on file”

“pregnant, due on 20/02/2021”

“applicant is mute and suffers from mental health issues... case is linked to other family members who are in London & South East. Case to be passed over for consideration as a family unit”.

Black: review after 6 months

“possible absconder enquiries to be made to confirm”

“decision drafted, awaiting service”

“blind – may need accompany to IV”

- 6.51** Some barriers are relatively quick to resolve, but the processes in place would render long delays even if overcoming it was a simple administrative task. For example, one case on a workflow tracker was rated “amber” with a “review” date of three months because the workflow team were “awaiting confirmation of a new address”. Even if, for example, an enquiry was made and the claimant informed the Home Office of their new address immediately, the case would not be reviewed until another three months owing to its ‘review’ date.
- 6.52** Further, some of the reasons listed, as illustrated in figure 12, are not barriers to case progression, and had been erroneously applied. Inspectors noted that at least 30 cases from workflow trackers in February 2021, with a review date of 1-3 months, were because the individual was in initial accommodation. Inspectors shared this information with the Home Office, who stated in April 2021 that this “shouldn’t appear as a barrier”, and that because workflow trackers are updated manually, “some anomalies do appear”.
- 6.53** There were also concerns around the vulnerability of those who have case barriers, such as the claimant recorded as “blind”, and another who was recorded as “mute”. It is not clear why more proactive measures were not being taken for these cases.
- 6.54** The Home Office explained that it recognised workflow trackers were “limited” and that a digitised workflow tool is being developed as part of the plan for asylum “transformation”.

National Referral Mechanism

- 6.55** The case progression SOP states that if a positive asylum decision is proposed, the conclusive grounds decision is not required and the case can progress to decision.⁸⁶ In practice, it appeared that claims were often put on hold once an NRM referral was made. DMs, Technical Specialists (Tech Specs) and Senior Caseworkers (SCWs) told inspectors they felt the biggest barrier to making a decision, whether positive or negative, was cases going through the National Referral Mechanism (NRM) process.⁸⁷

⁸⁶ The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support [Modern slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland \(publishing.service.gov.uk\)](#)

⁸⁷ The NRM is a framework for identifying victims of modern slavery and trafficking.

- 6.56** 'Asylum Operations Case Flow' reports were shared with inspectors for May 2021. These are weekly reports with headline information about the BRAG categories from a national perspective and for each decision making unit.
- 6.57** For all the post-interview claims (7,249) that had a BRAG category applied week ending 16 May 2021, 38% (2,730) were in the NRM. The NRM represented 80% (857) of the total rated as 'black' and 81% (1,515) of the total rated as 'red'. Only 6% (170) of cases in the NRM were rated 'green' and therefore 'decision ready'.
- 6.58** Five of 46 submissions to this inspection's call for evidence referred to the NRM being a barrier to a decision. One non-governmental organisation (NGO), which supports refugees and asylum seekers, encouraged the Independent Chief Inspector to:
- "Examine the approach of the Home Office in delaying asylum decisions pending NRM decisions as it is not clear from published guidance when the delay is in the best interests of a child and when a decision could be made on asylum grounds alone e.g. if there is a clear reason to grant asylum, the NRM decision should not delay a grant being issued."
- 6.59** Another organisation supporting victims of trafficking stated that "NRM and Asylum claim shouldn't be linked unless they are involved in both claims".
- 6.60** One organisation which specialises in immigration and asylum legal advice described the interaction between NRM decision making and asylum decision making as "a cause for great concern". They stated that victims of trafficking are placed at a significant disadvantage by the Home Office, given that "they will not consider whether or not to grant a victim of trafficking discretionary leave to remain until such time as their asylum claim has been determined [...] [creating] a significant disincentive for victims of trafficking/modern slavery to enter the National Referral Mechanism at all".
- 6.61** Staff in workflow and DMs told inspectors in January 2021 that the NRM barrier and the length of that delay is compounded by a backlog of cases in the NRM unit, the Single Competent Authority (SCA).⁸⁸ A senior manager in a North West DMU stated that the NRM process was one of the "major blockers".
- 6.62** Inspectors were told by a senior manager of a DMU that there was "limited engagement" with the NRM team, but if there were urgent cases then they may, informally, ask for a decision to be expedited.
- 6.63** AO appointed a lead to work with the SCA in early 2020 to unblock cases as part of the case progression programme. In July 2020, it seconded 20 DMs to the SCA for a period of three months for a pilot, with the aim of assisting it to clear its backlog. The pilot was extended until the end of November. Of the 20 DMs seconded, only 14 were available to make decisions due to a combination of annual leave, attrition, and promotion. These DMs made a total of 274 conclusive grounds decisions. The Home Office told inspectors that the pilot resulted in "approximately 350 of the most vulnerable customers getting a decision on their claims".
- 6.64** The pilot was not extended, and there are no long-term measures being taken to reduce the NRM as a barrier to asylum decision making, such as exercising its right to grant decisions while the NRM decision is pending.

⁸⁸ The SCA is a Home Office department responsible for the National Referral Mechanism process which identifies and supports potential and confirmed victims of modern slavery.

Estate and infrastructure

- 6.65** The Home Office told inspectors that its estate, infrastructure, and the geographical distribution of claimants contribute to the delay in interviewing and making asylum decisions. AO casework is split over 11 DMUs in 14 locations in the UK, with around c.43% of all applicants based in London and South East and over 80% of DM resource based elsewhere, presenting challenges for interviewing capacity and workflow.
- 6.66** A senior manager responsible for two DMUs told inspectors: “pre-Covid, we had 40 DMs to do interviews but only six rooms to work with. London and the South East was the opposite, only a few DMs but a huge interview suite that was pretty much sitting empty”. This is not new or a localised issue, with one senior manager commenting that they had been “moaning” about the lack of interview suites for 15 years.
- 6.67** Inspectors noted, however, that in the resourcing strategy from February 2019, AO estimated that there were a possible 5,369 interview slots per month.⁸⁹ AO were not making efficient use of the interviewing facilities. In the previous year, the strategy noted state that AO utilised 29.98% of available interview slots per month.⁹⁰
- 6.68** The impact of a lack of interview end points and the geographical location of claimants has been reduced by the increasing use of Digital Interviewing and Video Conferencing (DIVC) from July 2020. This has given AO greater flexibility to use the interview suites as a national, rather than a unit or regional, resource. It also allowed the interviewer to work from home during the pandemic, as per government advice, and therefore break the geographical divide. A manager responsible for workflow explained this to inspectors:

“Mersey has more DMs than London. The physical interview rooms in Lunar House [in London] have actually been assigned to Mersey as they have much more capacity to do interviews than the London teams.”

Third Country Unit

- 6.69** Prior to 31 December 2020, the Home Office had access to European Dactyloscopy (Eurodac), an EU fingerprint database,⁹¹ and was able to make use of the Dublin Regulation (EU) No.604/2013 (Dublin III), an EU law that determines the State responsible for deciding an asylum claim lodged in an EU Member State, Iceland, Norway, Switzerland or Liechtenstein.
- 6.70** Where there was a Eurodac match with a member state, the claim would be routed to the Third Country Unit (TCU), part of Immigration Enforcement, in Glasgow. TCU’s role was to make formal requests to the state deemed responsible under the Dublin III Regulation for considering the individual’s claim for asylum.
- 6.71** Since the Dublin Regulation III came into effect in 2008, only a small percentage of requests have resulted in transfers.
- 6.72** In 2015, the ICIBI made a recommendation for the Home Office to:

⁸⁹ 170 interview rooms/booths nationwide, 2 interviews per room/booth per day, 189.5 working days per year, 64,430 interview slots per year or 5,369 per month.

⁹⁰ 1,605 interviews.

⁹¹ “European Dactyloscopy (Eurodac) is the EU fingerprint database for identifying asylum seekers and irregular border-crossers. Asylum applicants and irregular border-crossers over the age of 14 have their fingerprints taken as a matter of EU law. These are then sent in digitally to a central unit at the European Commission, and automatically checked against other prints on the database.”

“Improve the routine capture and analysis of data and management information in respect of asylum cases managed by the Third Country Unit (TCU) in order 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.”

The Home Office ‘accepted’ the recommendation and committed to improving their data capture, as well as to carry out “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.”⁹²

- 6.73** The Home Office since “closed” this recommendation. However, the number of requests to result in transfers since 2015 decreased.
- 6.74** In January 2021, staff in the National Removals Command (NRC) in Glasgow, now responsible for TCU cases, told inspectors this was not due to requests being refused by member states, but often due to practical barriers to removal within Dublin Regulation timeframes, such as claimants being in the NRM or legal challenges to proposed transfers within the stipulated timeframes.⁹³
- 6.75** Claims referred to the NRC were not in the official Asylum Operations ‘WIP’, but were effectively ‘Pre’ WIP. They would only enter the WIP once they had formally dropped out of the TCU process, usually between six and 12 months after they entered it. This resulted in a large delay for the claimant, who would have a more than 90% chance of having their case heard substantively in the UK, as illustrated by figure 13.⁹⁴

Figure 13

Number of requests/transfers		Percentage of whom are transferred
2015		
Request	3,492	
Transferred	510	15%
2016		
Request	4,239	
Transferred	362	9%
2017		
Request	5,712	
Transferred	314	5%
2018		
Request	5,510	
Transferred	209	4%

92 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497768/Formal_Response_Asylum_Final.pdf

93 Dublin Regulations III had a number of timeframes: submitting a request to a member state had to be done within three months of receiving an asylum application or within two months of a EURODAC hit. Member states had to reply to any request within two months of receiving it, and transfers had to take place within six months of the acceptance of the request or the final decision on appeal/review of any refusal: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909412/dublin-III-regulation.pdf

94 Transparency data: Dublin Regulation Dub_D01: Transfers and requests for transfer under the Dublin Regulation, by EU member state and article: <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#dublin-regulation>

Figure 13

Number of requests/transfers		Percentage of whom are transferred
2019		
Request	3,258	
Transferred	263	8%
2020		
Requests	8,502	
Transferred	105	1%

6.76 Minutes from a senior leadership meeting in January of 2020 indicate that staff and ministers knew, and expected, that those who were subject to Dublin Regulations would likely drop out of the TCU process and end up in the WIP. They predicted that the WIP would “go over 50k by the end of the year” – as it did by December 2020.

Inadmissibility

6.77 Since 23:00 on 31 December 2020, requests to transfer a claimant to member states are no longer under the Dublin III Regulations.⁹⁵ Revised processes were introduced at that time, along with new Immigration Rules. Where the Home Office believes there is evidence of presence or connection to a safe third country, screening units must refer cases to TCU. If TCU determines that a case meets the criteria set out in paragraphs 345A to 345B of the Immigration Rules,⁹⁶ attempts must be made to promptly secure a safe third country’s agreement to admit that person. However, unlike with the Dublin Regulations, there is no access to Eurodac, and so proving a connection to a country is reliant on other means of evidence, such as ‘pocket litter’.

6.78 As at 18 May 2021, 3,901 referrals have been made to the NRC under the inadmissibility guidance. Of these, 3,379 had been accepted by NRC, and 259 were rejected and transferred back to the National Asylum Allocations Unit for referral to a DMU, and 293 had not been decided.

6.79 Of the 259 claims that were rejected, 65 were due to claimants having arrived in the country before 23:00 on 31 December, 129 were due to lack of evidence, and the remainder for reasons such as health issues, being age assessed as a child, or safeguarding issues.

6.80 Guidance to NRC caseworkers states:

“When making an asylum inadmissibility decision under these rules, TCU caseworkers must be able to demonstrate that the criteria in the Immigration Rules are met. The standard of proof applicable to a decision in relation to whether a person is recognised as a refugee in,

⁹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947897/inadmissibility-guidance-v5.0ext.pdf

⁹⁶ Inadmissibility of non-EU applications for asylum.

345A. An asylum application may be treated as inadmissible and not substantively considered if the Secretary of State determines that:

(i) the applicant has been recognised as a refugee in a safe third country and they can still avail themselves of that protection; or
 (ii) the applicant otherwise enjoys sufficient protection in a safe third country, including benefiting from the principle of non-refoulement; or
 (iii) the applicant could enjoy sufficient protection in a safe third country, including benefiting from the principle of non-refoulement because:

(a) they have already made an application for protection to that country; or

(b) they could have made an application for protection to that country but did not do so and there were no exceptional circumstances preventing such an application being made, or

(c) they have a connection to that country, such that it would be reasonable for them to go there to obtain protection.

has travelled through, made an application to, could have made an application to or has a connection to any particular country is the balance of probabilities.”

6.81 Where TCU accepts cases for further consideration as to whether inadmissibility action may be appropriate, claimants were sent a ‘notice of intent’, in which they are informed that:

“We [the Home Office] have evidence that before you claimed asylum in the United Kingdom, you were present in or had a connection to [name the safe country]. This may have consequences for whether your claim is admitted to the UK asylum system.

If your claim is treated as inadmissible, we will not ask you about your reasons for claiming asylum or make a decision on your protection claim. We will attempt to remove you to either the [named safe country/countries] in which you were present or have a connection, or any other safe country that will receive you.”

6.82 The guidance states that “return may be arranged through a general returns agreement/ arrangement with a particular country, or by case-by-case agreements based on individual referrals”.⁹⁷

6.83 In January 2021, inspectors were told by a senior manager that there were no formal agreements in place, other than for Ireland, which is not a common country for claimants to have passed through and/or have a connection with. Further agreements were said to be “unlikely” to be agreed within six months and a senior manager said that they would be “surprised” if any were reached in 2021.

6.84 Of the 3,379 claims accepted by NRC, all had received a ‘notice of intent’ but only 51 official requests had been made. Of these, 47 were to Ireland: 24 were rejected, 2 were accepted, and 21 were awaiting a response. Four requests were made to Switzerland, all of which were rejected. Inspectors did not request detailed breakdown of the reasons for rejection or approval. None of those who had been accepted had been returned.

6.85 Inspectors requested an update on progress on bilateral agreements for the purposes of removing asylum claimants under the inadmissibility rules in May 2021. The Home Office responded:

“The UK is in discussions with several EU countries about the returns of asylum seekers, particularly with France, Switzerland and Ireland. We have had the first 2 returns agreed to Ireland and are tentatively confident we will have further agreements in place over the coming months.”

6.86 In the absence of official bilateral or multilateral return agreements with countries, guidance stipulates that NRC can make requests on a “case by case” basis. However, a senior manager in the NRC told inspectors in January 2021:

“We were given a steer by policy and ministers that we could make case by case requests but we’ve now been given advice from Policy that we shouldn’t go down that route, that it might be seen by receiving countries that we’re trying to push them under the radar when returns agreements haven’t started.”

⁹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947897/inadmissibility-guidance-v5.0ext.pdf

- 6.87** If, after six months, a case has not been accepted for return by a third country, guidance stipulates that the case must be transferred back to NAAU, who in turn will refer it to a DMU to be considered substantively in the UK.

‘Interview - decide’ model

- 6.88** AO’s ‘interview-decide’ model is the principle that the same DM who conducts the substantive interview also makes the decision. AO ‘Transformation’ objectives include the goal to be at ‘interview-decide as default’ by 2021/22. This model would make the process more efficient, with the DM who conducted the interview being able to make a decision on a case that they are already familiar with and have already done the preparation for.
- 6.89** Staff and managers agreed that this is the optimum model to work towards. They told inspectors that it is “definitely quicker” and “could save you hours” to decide a case if they had conducted the interview, as “when you’re interviewing, you’re partly writing it in your head anyway”.
- 6.90** However, there are limits to how often this model can be applied in practice as it relies on the pace of interviews to be aligned with the pace of decisions being written. Since new DMs do not receive interview training until six to eight weeks after they have completed training on decision making, there will always be more capacity to decide than to interview, particularly where AO has a high turnover and large numbers of new joiners. Additionally, some DMs are not able to conduct interviews for reasons of health or other HR issues.
- 6.91** A July 2019 Independent Review of Asylum Decision Making by Myrtle Lloyd (Chief Operating Officer – Her Majesty’s Passport Office) (the Myrtle Lloyd review) found that, although long-term plans were in place for a case allocation process that allows for teams within units to operate on an ‘Interview & Decide’ model, the previous workflow system routinely disconnected interviews from decisions.
- 6.92** Of the 100 case files examined by the inspection team, 44 of the decisions had been made by the same person who conducted the interview. The average number of days from screening to decision for these cases was 275 days. For the remaining 56, the average number of days from screening to decision was 406 days. Though not a representative sample size, it illustrates points made by multiple Home Office staff that this model is more efficient.

7. Inspection findings: Workforce

Overview of staff structure

- 7.1** Asylum Operations (AO) is led by the Director General for the Asylum and Protection Group. The AO senior leadership team (SLT) comprises one Senior Civil Servant (SCS) and five Grade 6 managers. Each Grade 6 manager is responsible for one or more decision making units (DMUs) and overarching areas of work within AO. Grade 7 managers, of which there are 14, and a further three on temporary promotion as at 31 May 2021, report in to Grade 6 managers.
- 7.2** There are 11 decision making units (DMUs) located across the UK. The DMUs are titled: Leeds, Sheffield, Non-Suspensive Appeals (NSA),⁹⁸ Detained Asylum Casework (DAC),⁹⁹ Mersey, Cardiff, Croydon Asylum Team (CAT), Solihull, Liverpool, Newcastle, and Scotland (Glasgow) and Northern Ireland (Belfast), which are regarded as one DMU. Each DMU has a responsible Grade 7.
- 7.3** All DMUs comprise staff responsible for interviewing and decision making, quality assurance, technical advice, DM management, as well as administrative and workflow support.¹⁰⁰ These functions are carried out by AO grade administrative staff (admin staff), EO DMs, HEO Team Leaders (TL), HEO Technical Specialists (Tech Specs), Senior Executive Officer (SEO), Operations Managers and SEO Senior Caseworkers (SCWs).¹⁰¹ A summary of key responsibilities is set out in Figure 14 below.¹⁰²

98 NSA work from Home Office buildings in Hounslow, Folkestone and London.

99 DAC are predominately based in Harmondsworth but have a presence in Yarl's Wood, Bedfordshire and Eaton House, London.

100 With the exception of Sheffield and Belfast, which do not have an on-location SCW, but instead refer to SCWs based in Leeds and Glasgow, respectively.

101 These grade structures are used across the Home Office and most government departments.

102 As summarised by ICIBI inspectors.

Figure 14

Role	Grade	Summary of key responsibilities
Admin and workflow (Admin)	AO	To facilitate and support all casework actions in order to maintain the flow, progression and clearance of asylum cases into the unit.
Decision Maker	EO	To conduct asylum interviews, carry out case working functions in order to make decisions on asylum and produce a set number of asylum decisions both weekly and monthly.
Team Leader	HEO	To manage DMs and provide performance management to ensure that the team produces the required productivity output each week. This includes managing day-to-day casework issues, including those relating to HR, such as staff deployment, availability and allocation, and to pro-actively tackle issues of under-performance.
Technical Specialist	HEO	To act as a technical adviser for DMs, providing advice, guidance and support on interviewing processes, and to coach through the decision making process and provide verbal and written feedback on draft decision letters. To conduct quality first line assurance and identify any learning and development needs.
Senior Caseworker	SEO	To manage Tech Specs and have overall responsibility for the quality and efficiency of the decision making of the unit and the ongoing support and development of DMs.
Operations Manager	SEO	To support Team Leaders managing their teams, monitor performance, quality and productivity and understand and act on reasons for any underperformance. To ensure their teams are suitably supported, trained and equipped to fulfil their duties.

7.4 The job roles within each DMU are broadly similar across all regions. However, there are variations in the distribution of each role across DMUs. For example, and as detailed in figure 15¹⁰³ below, Non-Suspensive Appeals unit (NSA) and Detained Asylum Casework (DAC) have higher proportions of Tech Specs than other units. This is due to a legal requirement, as set out in Section 94(1) of the Nationality, Immigration and Asylum Act 2002, which stipulates that all certified decisions “must be authorised by an accredited caseworker”,¹⁰⁴ which, in the NSA, is a Tech Spec. All grant decisions made by DAC are also authorised, therefore requiring a greater Tech Spec provision.¹⁰⁵

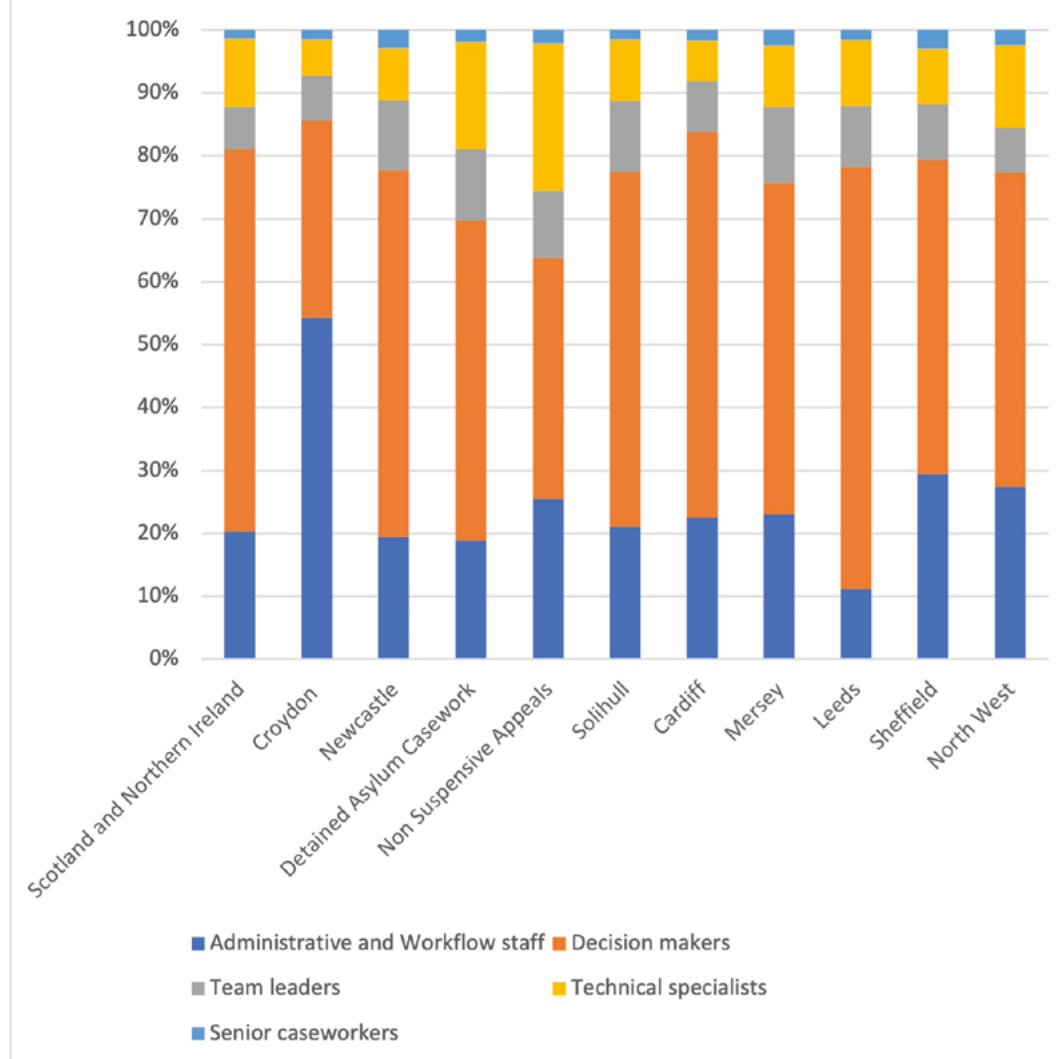
7.5 Each DMU consists of a number of ‘cells’, which are teams of DMs (from 8-15) who all share the same line manager (Team Leader) and Tech Spec.

103 Figure 15 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

104 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919737/certification-s94-guidance-0219.pdf

105 In its factual accuracy response, the Home Office stated: “It is standard practice across all decision-making units including DAC that all grant minutes go through a Tech Spec for checking until the DM is signed off 100% checks, or it is a decision from an NSA designated state. Historically in DAC all decisions were checked. However, now the majority of decision-makers in DAC are signed off for non-certified refusals and they have signed off approximately a quarter of decision-makers on grant decisions.”

Figure 15: Chart showing staffing proportions in each DMU, as at 31 May 2021

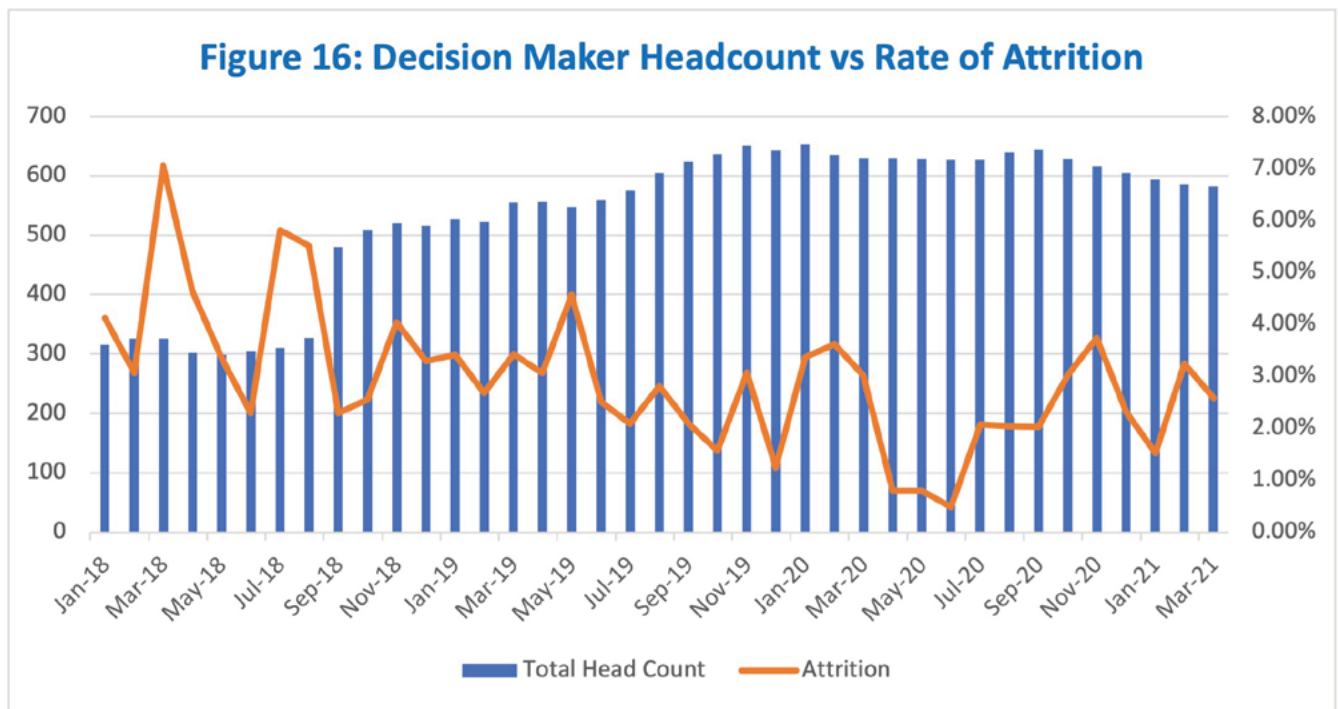


Attrition of DMs

- 7.6** AO has suffered from a long-term shortfall against its funded headcount in the number of asylum DMs.
- 7.7** As illustrated in Figure 16,¹⁰⁶ the rate of attrition¹⁰⁷ peaked at 7% in March 2018 and fell to a low point of under 1% at the beginning of the COVID-19 pandemic, before returning to usual levels, fluctuating between 1-4%.

¹⁰⁶ Figure 16 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

¹⁰⁷ attrition rate (%) = (Number of leavers ÷ number of employees) x 100



- 7.8** According to staff, DMs leave for two main reasons. The first is the perception that the targets they are set are unachievable. As a result, DMs seek roles elsewhere in the Home Office or Other Government Departments (OGDs) where, at the same EO grade, they could earn the same salary in a less pressurised and demanding role. The second is the limited opportunity for career progression due to the structure of AO.
- 7.9** Exacerbating issues of high attrition is the loaning of DMs to other parts of the Home Office, for example, to support administration teams, or as temporary secondments. Of the 571 DMs in post at February 2021, 24 were on ‘detached duty’ to other areas of the Home Office, such as workflow, administration in AO, or Her Majesty’s Passport Office (HMPO). Another 11 were on ‘loan’ to other areas, including the Asylum Intake Unit (AIU), Border Force (BF) or the Department of Health.

Shortage of Tech Specs and administrative support

- 7.10** DMs consistently reported to inspectors during interviews that, over time, their DMUs had lost administrative staff (who are responsible for workflow and progression of cases) where there was already a staff shortage, and that these staff had not been replaced. The impact of varying administrative support resulted in DMs being seconded to maintain admin duties, such as booking interviews and registering claimants upon arrival for their substantive interviews, or simply having to do their own DM job as well as more administrative tasks. Staff told inspectors that the admin teams were therefore under “immense pressure”.
- 7.11** The Belfast DMU had not had any administrative support since March 2020 as all their admin resource was located in the Glasgow DMU as a shared resource. Another senior manager in a DMU said that the more claims that are in the WIP, the more admin support they need, arguing that the ratio of DMs to admin staff is incorrect, further stating that admin staff were “on their knees”. They argued that having more admin staff would increase the capacity, and therefore the productivity, of DMs.

- 7.12** ICIBI surveyed DMs in October 2020. Over a third of DMs in post at that time responded (206 out of 528). In response to the question: “Do you believe that there are enough Technical Specialists (tech specs) available if you have a question or need advice?” 115 (56% of respondents) believed that there were not enough Tech Specs available to help with their queries. Just under 33% (62) felt that were enough and the 14% (29) were not sure.
- 7.13** ICIBI also surveyed Tech Specs: 46 out of 83 responded. When asked the same question, the majority of Tech Specs disagreed, with 57% (24) saying that they did have enough time to support DMs. For the remainder that said they did not, this was attributed to the frequency of DM queries and the variety of factors that contributed to this, such as the level of experience of the DMs in a particular area or team, departmental priorities at any given time, competing priorities in their job description, and an increase in what is being expected of Tech Specs generally. Tech Specs described “always having to prioritise and firefight”, with “more and more being asked [of them]”, meaning that “1-1 queries fall by the wayside”.
- 7.14** The AO 2020/21 capacity plan is produced each year by the Head of Finance and Planning. It attempts to forecast the financial and headcount needs of AO and is regularly revised as required. According to the 2020/21 capacity plan, there were no plans to increase the number of Tech Specs or administrative roles, although there was a planned 14% increase for DMs from 571 to 651 by March 2022. Though in a further update provided in June 2021, the ‘People and Estates’ strand of the AO transformation plan was instead “currently looking to increase” the number of DMs to approximately 750 by September 2021 and then again to approximately 1,000 DMs by March 2022. In light of these new numbers, the plans also include “a number of support campaigns (i.e. HEO and AO) to assist with the outputs from the decision makers”.

Senior leadership

- 7.15** Senior leadership, which is those at Grade 7 and above, have been affected by frequent personnel moves of their managers. One Grade 7 manager who inspectors spoke to, for example, had six line managers over the last two years.
- 7.16** As at June 2021, AO was being managed by a Grade 6, with over 20 years’ experience of asylum work, who was on temporary promotion to SCS. The temporary arrangement had been in place since August 2020, while AO’s substantive SCS was temporarily promoted to the Head of what was then known as Immigration and Protection, but now known as Asylum and Protection. However, not all senior managers in AO had the same depth and breadth of experience.
- 7.17** Many spoke of being frustrated at ‘Transformation’, as well as the appointment of leaders with good intentions but offering solutions to longstanding issues that had already been tried. One senior leader said that the high turnover of staff had led to a culture of “reinventing the wheel”. They described how decisions to “overhaul” the system were made without consulting staff, who, had they been consulted, would likely have pointed out that the proposed solutions had already been tried and had failed. This feeling was common throughout communications with staff. One DM in the ICIBI survey said: “All we do is recycle tired, tried, tested and failed procedures and policies... we need 21st Century leadership”.
- 7.18** Frustration was threaded through conversations with senior managers, who were irritated by issues with the structure, staffing and output of AO. One senior manager summarised:

“We’ve tinkered with the end-to-end but we’ve never got there. Other priorities come in... we have different Immigration Ministers and different Home Secretaries each have different agendas – we’ve never had continuity to see something through.”

Impact of staffing issues

- 7.19** The high attrition of DMs is AO’s greatest staffing issue due to the associated loss of productivity and expertise. New DMs have lower targets as, due to the complexity of the role, they require support and mentoring from other DMs and Tech Specs, which in turn has a knock-on effect of impacting the capacity of competent DMs. It can take a DM on average 12-18 months to become “fully proficient”, and inspectors were told that it is unlikely that DMs stay in the role beyond 24 months.
- 7.20** Due to the way in which DMs are trained, they are also unable to complete substantive interviews until at least two months after starting the job.¹⁰⁸ This means that new DMs are unlikely to be able to make an immediate impact on cases in the WIP that are pre-interview, a pinch point already identified by AO.¹⁰⁹
- 7.21** The 2017 ICIBI inspection of ‘Asylum Intake and Casework’ recommended that AO should resource the asylum process with enough staff to be able to manage claims efficiently and effectively, without the repeated need for remedial measures to reduce backlogs and with sufficient resilience built in to minimise the impact on ‘business as usual’ of surges in demand or staff vacancies.¹¹⁰
- 7.22** This recommendation was accepted and “closed” by the department in January 2019, stating: “HO Science calculate the intake figures for the year, these are used to work out staffing needs. The size of the ID [initial decision] WIP is static and therefore there isn’t a need to re-examine staffing levels through the year. Recruitment is done to fulfil the staffing forecast”.

Efforts to address staffing issues

- 7.23** Inspectors requested evidence from the Home Office on updates to the previous recommendations, and specifically on details of the efforts made to address staffing issues. Since 2017, this has included:
- introducing a large-scale, national recruitment strategy
 - introducing a retention bonus
 - creating a contingency workforce.
- 7.24** According to the Home Office, as at June 2018, there were plans to “develop a people strategy to look at ways to reduce attrition within the decision maker role”.
- 7.25** It also said that by November 2018, a weekly report was being produced to track the number of DMs in post, which was said to be “supported by a central agreed capacity plan and a monthly staffing finance forecast”.

¹⁰⁸ Discussed more in chapter 10.

¹⁰⁹ Explored more in chapters 7 and 8.

¹¹⁰ Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

Recruitment

7.26 Concerns have been raised about the competency of some of the DMs, with numerous staff making reference to their low standards due to mass recruitment. Explaining this, a senior manager in a DMU told inspectors:

“We made a decision to increase the amount of DMs because [the] WIP was growing. For example, if we had ten vacancies, we’d put a job out we’d get 100 applications and give jobs to the top 10%. If you recruit 60, you’re recruiting the top 60%. By the time you get to the 60th person you might not have recruited them if you weren’t after so many. We have struggled with that nationally.”

7.27 Minutes from the January 2021 Recruitment and Retention People Board referenced that because of the large size of the WIP, there will be “compromises” on recruiting standards: “it’s better that we get the right people through the door to get the best quality and retain people for a reasonable period”. The SLT felt that they need to set a higher bar, by introducing a “verbal reasoning” or “writing test” to get the highest calibre of people [DMs].

Retention bonus

7.28 Announcing the retention bonus (the Scheme) to staff in an email on 27 September 2019, the Head of AO stated that increasing the workforce was taking a significant amount of “time, energy and cost”. The email acknowledged that while the overall number of DMs had increased, AO faced “ongoing issues around the retention of asylum decision makers”.

7.29 The Scheme ran from November 2019 until April 2020. Over this period, staff were eligible to a quarterly payment of £600 if they met the following criteria:

- “Have passed any probationary period and been signed off as ‘fully effective’ on or after 1 November 2019
- Not be serving notice during the eligible period for payment
- be achieving quality and quantity indicators:
 - decision quality assessed as Decision Quality (DQ) level 1 or 2; and
 - two interviews and two decisions a week pro rata to their individual working pattern and taking account of any reasonable adjustments.”

7.30 During the lifetime of the initiative, 174 payments were issued, and approximately 70% (126) of recipients were in the role one year later (March 2021). The total number of those who were issued a retention payment represented circa 30% of the entire DM cohort at that time.

7.31 Staff told inspectors that the Scheme was not viewed as a retention payment but instead a performance bonus. One senior manager summarised:

“If you didn’t hit them [targets], it created the reverse effect. People were just thinking ‘I’m never going to hit it’. It was a performance payment rather than a retention payment and there were too many caveats in terms of how to achieve it.”

7.32 On 14 April 2020, the Scheme was withdrawn due to the COVID-19 pandemic, as quantity eligibility requirements were impossible to meet due to interviews being paused and decision

making being stalled. Minutes from the Recruitment and Retention Board¹¹¹ from November 2020 state that:

“It was evaluated and didn’t achieve what it was supposed to achieve; motivate performance or improve retention.”

- 7.33** As at June 2021, there were no plans to reintroduce the Scheme and inspectors were told that AO were “continuing to work with HR to reduce attrition”. No further details were provided.

Contingency workforce

- 7.34** In order to work on “recovery” following the pausing of substantive interviews during the first lockdown of the COVID-19 pandemic in March 2020, AO identified and implemented a contingency workforce to conduct substantive interviews. When interviews recommenced in July 2020, there were circa 39,500 asylum cases that were awaiting an interview. There were two strands to the contingency workforce plan: the temporary redeployment of staff from other parts of the Home Office, and the outsourcing of some interviews to a third-party supplier.
- 7.35** For the first strand, the Home Office was able to identify a training team to train redeployed Home Office staff using bespoke foundation training, focusing on the interview section of the Foundation Training Programme (FTP). The senior manager responsible for contingency workforce stated that they had some “good results” from these staff being deployed to do substantive interviews, likely because of their “background in immigration” and having had “immigration law around them”. A senior leader said “They have shown that you can be effective in doing interviews without making the decisions”.
- 7.36** For the second strand, AO submitted a proposal to the Home Secretary in August 2020 outlining a “Third-Party Proof of Concept”, in order to test whether the idea of using an external company to conduct substantive interviews was feasible. Internally, this was referred to as ‘Operation Diamond’.
- 7.37** The submission outlined that, due to the growing number of outstanding asylum claims, increased asylum support costs, and the risks of a ‘second wave’ of COVID-19, AO had been considering commercial options. It said that by engaging a commercial partner, AO would be able to increase the number of asylum interviews undertaken. The submission stated that one of its existing third-party suppliers had surplus resource, with a large pool of “highly trained contact centre operatives with the right competency and recent experience of conducting sensitive interviews”. The profile of these operatives was considered reflective of the skills required of an asylum DM conducting substantive interviews with asylum claimants.
- 7.38** On 10 September 2020, the then acting Head of AO informed the unions of the ‘proof of concept’ and said that staff were going to be told the following day, on 11 September 2020. Stakeholders, who were informed on 22 September 2020 via a Q&A document, told inspectors that there had been a “total lack of consultation” and that the process will be “shrouded in secrecy” due to commercial sensitivity.
- 7.39** Permission for an “eight week controlled mobilisation” (proof of concept) was granted by ministers, and by October 2020, a third-party supplier had been confirmed.

¹¹¹ The Recruitment and Retention Board meet monthly to “provide oversight, direction and an understanding of how Asylum Operations can work towards improving recruitment and retention, whilst considering the current business environment, proposed business changes and the impact on Asylum Operations going forward.” It is attended by senior members of the AO workforce.

- 7.40** Through interviews, focus groups and in surveys, staff raised the following concerns regarding the proof of concept:
- Interviewing Officers would not be trained in decision making, and DMs felt that these interviewing officers would not be able to conduct an effective interview without having a broader understanding of the decision making process
 - DMs were required to complete ‘pre interview’ work on behalf of the third-party Interviewing Officers which they were concerned would add to their workload
 - DMs were concerned about the quality of interviews that Interviewing Officers would conduct, and the need for ‘re-interviews’, again, adding to their workload.
- 7.41** The AO project lead for the proof of concept acknowledged that while the virtual nature of recruitment, training and interviewing removed geographical challenges, the learning curve experienced by the third-party supplier’s Interviewing Officers was the project’s “biggest challenge”.
- 7.42** Between 9 November and 11 December 2020, the team of third-party Interviewing Officers was reduced from 10 to three people. Staff departed for reasons relating to illness, poor performance, and deciding the role was “not for them”. Consequently, a further ministerial submission was made on 4 January 2021, requesting an extension of the proof of concept until the end of February 2021.
- 7.43** Recruitment for 12 further Interviewing Officers commenced in December 2020, although only five (4.6 full time equivalent (FTE)) recruits were onboarded. They were trained, had passed security clearance and were in post by 12 January 2021. However, between 12 January 2021 and the end of February 2021, two of the new recruits were withdrawn from post by third-party supplier. Therefore, as of 19 February 2021, there were only four (3.4 FTE) Interviewing Officers in post after two recruitment campaigns through which 22 Interviewing Officers were originally recruited. Reasons for this attrition were cited as: “other job offers, delays with go-live, personal circumstances, and the inability of staff to meet the capability requirements”.
- 7.44** The Home Office has concluded that the “proof of concept... has not been successful/proven”. It identified the retention of Interviewing Officers as the key reason for its failure. It said the “fundamental obstacle” for the third-party supplier was their inability to “effectively demonstrate capability in recruiting and retaining sufficiently capable interviewing officers... this has been the root cause of issues and ultimately the reason for the failure of the proof of concept project”.
- 7.45** In terms of output of the proof of concept, 200 interviews were expected, but only 62 were completed between 9 November 2020 and 15 February 2021. Of these, 15 (25%) required re-interviewing due to the first interview being assessed as “ineffective”, risking distressing claimants, as well as delaying the initial decision. Another 14 interviews had to be carried out over two days, which was burdensome for the claimant, and of all the interviews completed, 31% ‘failed’ (DQ3 to DQ5) as per AO’s internal assurance mechanism. The main failure was “identifying and probing material facts in sufficient depth”, tallying with AO DM performance in general.
- 7.46** Members of the project team felt that some of the Interviewing Officers were “unsuited” to the role, and that their experience in call centre interviews was very different to that required for an asylum interview.

7.47 In addition, the Home Office concluded that there was very limited evidence indicating that the continuation, or further extension of the proof of concept, would produce successful results in the future. It had no evidence to suggest that doing anything differently would ensure that capable and suitable staff could be found to successfully and robustly resource the work on a permanent basis.

Management of DMs

7.48 While Team Leaders (TL) are direct line managers of DMs, Tech Specs are also in the 'direct line' of report. TLs are responsible for supporting the productivity of DMs (quantity of decisions), while Tech Specs are concerned with the quality. While these responsibilities are distinct, one TL told inspectors that it was like a "tug of war" between them and a Tech Spec who were in the same 'cell' of DMs. A Senior Caseworker (SCW) stated that, in the end, "[quantity of decisions] will win because that's the only one that gets reported to ministerial level. It is very political".

7.49 In the ICIBI survey, 69% (29) of Tech Specs felt that the quantity of output was the priority of AO as a whole. DMs felt similarly, with 71% (99) of respondents reporting that AO prioritised the quantity of their output over the quality. 18% (25) felt that it was both quality and quantity, and 4% (6) felt that quality was prioritised. The remaining 5% (7) were undecided.

7.50 Tech Specs were frustrated by the quality of interviews and decisions that DMs made, and felt that TLs did not tackle performance in this regard resulting in them often being regarded as the "bad guys" by pointing out quality errors. Echoing the sentiments of others, one surveyed Tech Spec stated:

"Speaking to DMs, they feel [the pressure] is relentless. Countless productivity meetings... it is rarely mentioned that this is for the benefit of people in the process of seeking asylum, rather than to make the unit/Home Office/government look good."

7.51 In terms of productivity and the quantity of decisions made by DMs, one senior manager told inspectors that productivity had been difficult to manage after the removal of the published service standard, which they argued made them "toothless". Another, in the ICIBI survey, stated:

"SEO Ops managers and HEO team leaders do not push staff for performance. While at Grade 7 and above there is recognition that we are not processing enough cases, this message is lost by the time it gets down to Decision Makers. My perception is that managers are more concerned with maintaining personal relationships with their staff than challenging poor work."

'InSight'/Targets

7.52 As at August 2020, there were "no DM daily event targets"; instead, UKVI use a system called "InSight" that ensured that all DMs worked to a weekly "productivity target", sometimes referred to as a Key Performance Indicator (KPI), of 1.0, which accounts for 444 minutes (7.4 hours) of their time per day. The target is calculated by measuring the predicted time taken to complete a specific event (i.e. interview, grant, or refusal). DMs have personalised targets, which account for things like part-time working, additional duties outside of the role, being new to the role, and/or any other workplace adjustments.

- 7.53** InSight was originally introduced in 2017 to replace the old target structure, whereby DMs were expected to complete “255 events per year”, in order to make it easier to measure the productivity of individuals, DMUs, and AO as a whole. As at June 2021, DMs were permitted 25% (111 minutes per day) ‘downtime’, which is split into two categories:
- “10% ‘standard downtime’. This is for e-mail management, return to work interviews, 1-1s, coaching, IT issues, training, meetings with line managers (this is not an exhaustive list).”
 - “15% casework activities not recorded on CID such as specialist unit work, barrier clearance, supplementary letters, NRM referrals, flagging, failed/cancelled asylum interviews, further questions, supplementary interviews, etc (this is not an exhaustive list).”
- 7.54** To calculate how the remaining 75% (333 minutes per day) is divided, a “time and motion”¹¹² study was conducted over a three-week period in November 2018, using a sample of 118 DMs across all DMUs. Recommendations were then made based on the averages of how long it took those DMs to complete certain tasks involved in the determination process, with outliers disregarded. The findings are detailed in figure 17. Including the 25% ‘downtime’, which is calculated against a daily total of 444 minutes (7.4 hours), the ‘productivity values’ are illustrated below at a day rate of 333 minutes.

Figure 17

Event	Timing (mins)	Productivity value
Interview	335	1.01
Refuse Asylum	615	1.85
Refuse Asylum (Outright UASC Refusal)	615	1.85
UASC (refuse asylum grant UASC Leave/DL/HP)	615	1.85
Certified Refusal	542	1.63
Grant Asylum	360	1.08
NSA Grant Asylum	360	1.08
UASC Grant Asylum	360	1.08
Withdrawn	44	0.14

7.55 For example, if a DM worked full time, and had completed two refusals and one grant in a week, the following calculation would be used to formulate their InSight score:

$$1.85 \text{ (refusal)} + 1.85 \text{ (refusal)} + 1.08 \text{ (grant)} = 4.7 / 5 \text{ (number of days worked)}$$

$$= 0.94, \text{ meaning the DM would be below their KPI of 1.0.}$$

7.56 Further to the usual 1.0 weekly InSight target, there are also “reduced targets” for new starters, which range from 10% to 90% of the full KPI. For example, if a DM was on reduced targets of 50%, and they had completed two refusals and one grant, as above, they would have received a KPI of 1.9.

¹¹² A ‘time and motion’ study is the evaluation or analysis of the time spent going through different motions of a job or a series of jobs.

7.57 There is an exhaustive list of ‘exceptions’ for which any work outside of permitted ‘downtime’ and the events listed in figure 17 above can be recorded. These fall into the following three categories:

Figure 18

Exception category	Examples of some exception types
Scheduled offline	<p>‘Staying in touch’ meetings. Used to reflect an additional meeting/ wellbeing event specifically organised to ensure DMs working remotely, stay connected.</p> <p>Used if a DM is scanning correspondence or posting decisions.</p> <p>Travel undertaken in the working day.</p>
Flexi	<p>For awarded flexi for Reward and Recognition purposes.</p> <p>For travelling to and from substantive interviews.</p> <p>For time off in lieu.</p>
Casework Non-CID activity	Barrier clearance casework.

Perception of targets and workplace culture

- 7.58** In April 2019, the AO Business Support Unit presented key considerations and recommendations from the timings exercise conducted in November 2018 to the ‘InSight working group’. It stated that “DMs are content that the timings are reflective of the work they do” and that some felt it would assist with retention and wellbeing through being more realistic and achievable.
- 7.59** However, in October 2020, the ICIBI survey found that only 17% (34) of DMs felt that their InSight target was at the right level, with the majority, 82% (166), feeling that their target was too high. Only two respondents felt that their InSight target was too low. Furthermore, 46% (94) of DMs who completed the ICIBI survey wanted to leave their job “as soon as possible”.
- 7.60** DMs were given the opportunity to add further comments in free text boxes at the end of the survey. 137 comments were provided using this function, most of which concerned the stress and pressure that DMs felt to meet their targets and how management were most concerned about quantity, rather than the quality of decisions. It showed that morale among DMs was low.
- 7.61** One DM stated that they were “under pressure to churn decisions out, irrespective of quality”. This was said to contribute to a “toxic environment” because, according to DMs, they did not have time to consider each case on its own merits, contrary to the guidance they receive.¹¹³

113 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

Figure 19

Snapshot of DM comments indicating low morale and working in a pressurised environment

“There is no morale amongst DMs, we are exhausted, undervalued and overworked.”

“The constant focus on stats means that DMs feel the need to take shortcuts and make hastier decisions than if they were allowed to properly ruminate on each case and do proper research... each case is different and should be treated as such. I would much rather the focus shifted to quality rather than quantity, which would be far more beneficial to the asylum process in the long run.”

“The workload is too much. No matter how diligently or hard we work, it is never enough! The job is way too stressful.”

- 7.62** ‘Lessons Not Learned’, a report Freedom from Torture,¹¹⁴ an organisation providing psychological therapy to asylum seekers and refugees, was published in September 2019. It reviewed 50 reports from 17 organisations that had previous experience of the Home Office’s asylum determination process. It highlighted several drivers behind what it found to be “15 years of poor decision making”. This included: “targets”, “a highly pressured working environment”, “burnout” of staff, a “culture of disbelief” and a “refusal culture”. It advocated for a systemic overhaul and a genuine learning culture.¹¹⁵
- 7.63** Wendy Williams, in her Lessons Learned Review, published in March 2020, stated that “UKVI staff overwhelmingly believed that the pressure they felt as a result of “throughput targets” – numbers of decisions they were expected to make each day – meant there was no time to exercise the right level of judgement.”¹¹⁶
- 7.64** These reports both raise themes reflective of those who responded to this inspection’s call for evidence and Home Office staff, especially relating to the positive correlation between a workplace culture that is target-driven, and one where this pressure often falls on caseworking staff. One senior manager within AO said that performance meetings with senior leaders were solely “about numbers because that is the focus of immigration ministers’ questions”.
- 7.65** Comments from DMs in their responses to the ICIBI survey and during focus groups strongly indicated that they felt under pressure due to targets, and that they were “instructed to focus on numbers, and not people”, contrary to what the messaging behind the ‘face behind the case’ training encourages.¹¹⁷

114 The report was co-branded by a group of organisations, including the Helen Bamber Foundation, The Jesuit Refugee Service UK, Joint Council for the Welfare of Immigrants, Refugee Action, Refugee Council, Survivors Speak OUT, and Rainbow Migration.

115 https://www.freedomfromtorture.org/sites/default/files/2019-09/FFT_LessonsNotLearned_Report_A4_FINAL_LOWRES_1.pdf

116 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874022/6.5577_HO_Windrush_Lessons_Learned_Review_WEB_v2.pdf

117 ‘Face behind the case’ is a mandatory e-learning course, introduced as a response to Wendy Williams, Lessons Learned Review. More details on the training are provided in the chapter on training.

Figure 20

Snapshot of comments from DMs who indicated that targets and timings were negatively affecting their ability to assess asylum claims

“Sometimes I need to remind myself I’m dealing with real human beings not only the cases and try to maintain empathy all the time. But the stats pressure is haunting us, sometimes we may forget that.”

“The focus at all meetings and from higher ups is always about targets, business needs and InSight goals. You are never praised on the quality of a decision but, you are rewarded on the quantity. The general way people in the office refer to the asylum seekers is usually in a desensitised way. Also, sometimes we have to sit through a traumatic interview but, there is no time or support provided after such an interview.”

“The nature of the job is negative, people are either lying to you, or telling you terrible accounts of suffering at the hands of other people – due to the high targets, I don’t feel like we are given adequate time to fully explore each claim and make the right decision or consider the person behind the application number.”

“With all the pressure for stats and targets, I look at a case and see a refusal or a grant and how quick I can do the work, not the person. Too many times I have seen an Iranian KDPI or Bangladesh Awami League claim and thought “here’s the same story another refusal”.

Lack of career progression

- 7.66** DMs expressed frustration at the lack of career progression within AO and cited this as another major contributing factor to high attrition. Many believed the role should be graded at HEO and not EO, which it was prior to being downgraded in 2014, when the decision was made that DMs would not defend decisions in court.¹¹⁸ One stated: “We need more time to write decisions. We need to be paid more... we need to have career progression options”. Another said “this could be a good job and career path, if it were better rewarded... people will never stay long in this role because of the way they are managed”.
- 7.67** One DM, specifically citing the connection between career progression and retention, observed that:
- “There are no incentives for retention. We keep being told it's being ‘looked into’ but I’ve been here for two years and nothing has happened. We’ve lost a lot of good DMs.”
- 7.68** Another said that when they ask why people are leaving, they always receive the same answer: “I can work in another department for more money, less work and more annual leave”.
- 7.69** An internal review from 2019 found that re-grading the role to HEO would have been a “significant step towards improving retention rates” and would help to ease the difficulties of recruiting into an EO role that is “generally recognised as being more demanding than most other case working roles at the same grade, both in the Home Office and in Other Government Departments”.
- 7.70** Tech Specs said that the high turnover of staff meant that their DMs were largely inexperienced and subsequently needed more support from them. This had a knock-on effect for recruiting Tech Specs, as there is a smaller pool of experienced staff who could apply.

¹¹⁸ Prior to 2014, DMs would defend decisions, similar to the role of a Home Office Presenting Officer, at the First Tier Tribunal.

- 7.71** Minutes from the recruitment and retention meeting in February 2021 demonstrated that this is something senior leaders were already aware of and seeking to address. It was said that a “three tiered” approach to the DM role was being considered, whereby there would be a senior DM role, perhaps at HEO grade which would consider complex claims, and two other roles for a DM at EO grade. The minutes stated: “Group felt this would be a radical change but needed careful thought i.e. what is a complex case? [Name] stated it is aimed at leading to better retention/wellbeing/job satisfaction etc. but may not get developed for HR reasons, so just an idea for now but fingers crossed”.
- 7.72** In a further update provided in June 2021, the AO People Strategy included the goal to create a clear career path in the decision making process. One of the steps identified to achieve this was to “scope out [a] 3-tier decision making process”, though it provided no timescales.

Senior management response

- 7.73** Inspectors raised the DMs’ concerns with senior management and the AO SCS in interviews in January 2021, most of whom felt the concerns raised about targets were unjustified. Most of those interviewed had personal experience of being a DM, and those who had were even less likely to sympathise with DMs because, “back in their day”, targets were higher than they are now. One senior manager stated:
- “They get 25% downtime factored in... I think it is very generous. It is based on timing exercises, not plucked out of thin air.”
- 7.74** Another, echoing this sentiment, said:
- “it’s not an unachievable target... I did ten cases [per week]... it is within their gift, it’s about managing their own time and productivity.”
- 7.75** One senior manager argued the issue was not the target itself that was unachievable but that a negative culture had been created where DMs do not believe it is attainable. Rather than change the target, they said the issue was about changing the culture to “make DMs realise” that targets they believe to be unachievable are, in fact, achievable. They concluded by saying this was the “biggest challenge” that they were facing in their role as a senior manager.
- 7.76** Only one senior manager who inspectors spoke to sympathised with the role of the DM. They described DMs as “battle worn” and acknowledged that they were asking a lot of their staff in “difficult circumstances”.

8. Inspection findings: Training and guidance

Screening interviewing officers

- 8.1** Screening interviews are carried out by staff from UK Visas and Immigration (UKVI), Border Force (BF) and Immigration Enforcement (IE). Given that those conducting screening interviews may encounter people who are not claiming asylum, their training is not limited to the asylum process.
- 8.2** Some agency staff are also relied upon to carry out these interviews in the Croydon (AIU) and Midlands (MIU) intake units. Managers in the AIU told inspectors that they were not aware of the training programme for agency staff, but that they believed it consisted of them having to just “sit and watch a screening for a few hours then try it themselves”.
- 8.3** All staff conducting screening interviews must undergo both port and enforcement training. This course contains very high-level training on the asylum process, which takes up just five and a half hours of a two-week training programme, illustrated at figure 21.

Figure 21	
Week one Port training	
Day 1	The Island ¹¹⁹ Introduction to travel documents
Day 2	Granting Leave to Enter EEA control Identifying main names Continuing leave Endorsements and signals
Day 3	Entry clearance Passengers in transit Visitors and capability Points Based System
Day 4	Port TSA ¹²⁰ Forgery

¹¹⁹ A training exercise where officers discuss the concept of immigration control, the advantages and disadvantages of immigration control and the basic structure of the United Kingdom’s immigration control.

¹²⁰ Technical Skills Assessment (TSA).

Figure 21

Day 5	Forgery TSA Assessment results
Week two Enforcement training	
Day 1	Illegal entry – entry without leave Illegal entry- NELE ¹²¹ Deportation Illegal entry- deception
Day 2	Breach of conditions EEA (in country) Claimed UK and EEA nationals Powers PNB ¹²²
Day 3	Gathering evidence
Day 4	Enforcement TSA Customer service training Introduction to asylum Modern day slavery
Day 5	The screening process Bail

- 8.4** This two-week training is supplemented by three mandatory and eight essential e-learning modules, including ‘Keeping Children Safe’ and ‘Human Rights Act’.
- 8.5** Training slides on the screening process provide IOs with an overview of the checks that should be completed, as well as the purpose of the interview and their role in the process. On the Operating Mandate (Op Mandate) checks, IOs are told that they “play a critical role in distinguishing between those who are entitled to come to and/or stay in the UK and those who are not”. They are also told that “the screening process must provide a positive and secure environment in which the claimant feels able, as far as possible, to disclose relevant sensitive and other information necessary to register their asylum claim”, they “must act professionally and sensitively to engender trust with asylum claimants to help encourage them to give full disclosure to the questions asked, including any special needs they or their dependants may have”.
- 8.6** One and a half hours of the training is allocated to modern slavery. The training slides and accompanying trainers’ notes were sent to inspectors. They contained a list of indicators and instruction to refer potential victims to the National Referral Mechanism (NRM).

121 No Evidence of Lawful Entry (NELE).

122 PNB – Personal Notebooks: this is the book in which the officer records information to justify why they have, or have not, taken action.

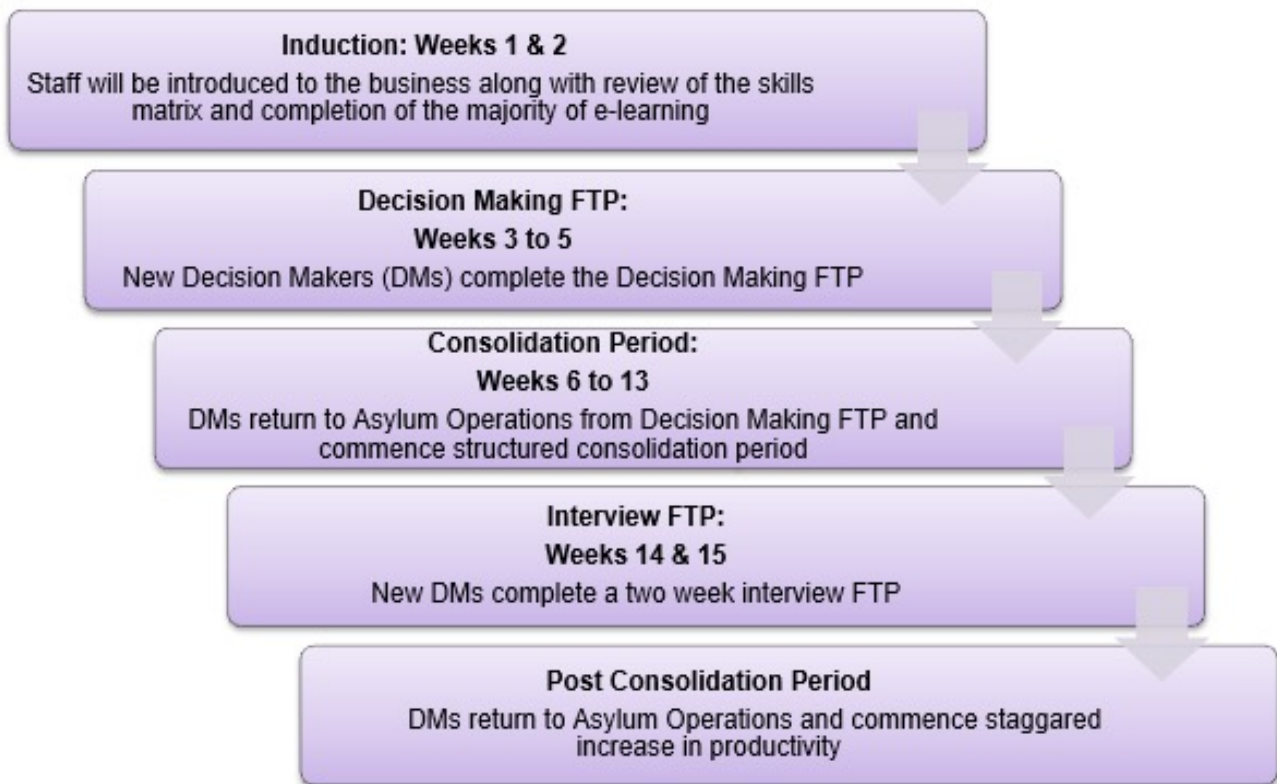
- 8.7** When the inspection team asked the Home Office to provide information about safeguarding-specific training provided to staff, the response explained that the ‘Safeguarding General Awareness’ training is available “primarily to DMs and asylum decision making unit support staff who interact with asylum applicants. However, this training is also delivered to new staff in the Safeguarding Hub and has previously been delivered to Asylum Support staff.” There was no specific training for interviewing officers.
- 8.8** Although they are not based in intake units, BF staff who enter a public facing role and who may encounter asylum claimants must complete several e-learning modules on: ‘Keeping Children Safe’, ‘Section 55 safeguarding responsibilities’, ‘Recognising and Preventing FGM’, ‘Forced Marriage and Modern Slavery Training for First Responders’, covering trafficking indicators and the NRM. They also have a mandatory classroom-based module on ‘Protecting the Vulnerable’.
- 8.9** There is also a network of ‘Safeguarding and Modern Slavery’ (SAMS) officers who are trained to respond to safeguarding concerns. Following the 2017 ICIBI inspection of asylum intake and casework, the training these officers receive was updated. ICIBI’s 2019-20 inspection of ‘The work of Border Force, Immigration Enforcement, and UK Visas and Immigration to identify, investigate, disrupt and prosecute perpetrators of modern slavery and human trafficking’ highlighted that the ‘Border Force Safeguarding and Modern Slavery Training Delivery Plan 2020’ would be evaluated in October 2021.¹²³
- 8.10** For IE staff, the same e-learning is mandatory. They also receive a two-day ‘baseline vulnerability’ package, which was developed by the ‘Vulnerability Team’, which covers safeguarding.

Decision Maker training overview

- 8.11** Once new DMs have successfully passed the recruitment process, they attend a 15-week training and consolidation programme. Prior to October 2017, this training was delivered in a single five-week block. As a result of staff feedback, which said it was “too much information to learn in five weeks” and that it would be beneficial to have a break in the training, the structure and delivery of the training was changed.
- 8.12** The training is now split into five sections: introduction, decision making, consolidation, interviewing and a final consolidation period, as illustrated in figure X.
- 8.13** The induction period forms the first two weeks of the 15-week training and consolidation period. During these two weeks, the new DMs are introduced to Asylum Operations, “essential important HR and admin processes, introduce staff to the work they will undertake, the case types as well as case progression. Along with delivery of the UKVI Corporate Induction, this will also be specific to the region or unit in which the staff member will be based”.

¹²³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966139/An_inspection_of_the_work_of_BF_IE_and_UKVI_to_identify_investigate_disrupt_and_prosecute_perpetrators_of_modern_slavery_and_human_trafficking.pdf

Figure 22 Taken from Home Office training materials



Decision making FTP

- 8.14** The decision making section of the FTP in weeks three to five is classroom based, or virtual, and taught by staff from Asylum Operations Training Team (AOTT).
- 8.15** Inspectors sought an update on progress made against recommendation 4 of the 2017 inspection of the Home Office’s Asylum Intake and Casework, that the Home Office should conduct a thorough training needs analysis (TNA). Inspectors were provided with an Excel spreadsheet containing seven worksheets, one for each of the 2017 recommendations. The worksheet for recommendation 4 sets out the assignment of a project manager in July 2018, and a May 2019 assessment and review of the TNA information. This worksheet was last updated in December 2019 with the last ‘Action taken’ listed as “Work to develop and implement a new training plan has continued”.
- 8.16** In February 2021, inspectors were told that there had been “no further update to the action plan... A request to close outstanding action 4 (training needs analysis) was sent in September 2020, but there has not been any further update on this to date”.
- 8.17** Inspectors were also provided with the May 2020 ‘DRAFT remote FTP DM Course Pilot’, a report providing an “overview of how the FTP can be restructured to deliver a learning package to enable new Decision Makers (DMs) to begin their career journey within UKVI”.
- 8.18** The three-week decision training section is split into two modules. Module one lasts three days, and module two takes place over the remaining 12.

Figure 23

Module One	
Day 1	Introduction to asylum UK Obligations and relevant Legislation The 1951 Refugee Convention Inclusion within the Convention Exclusion from the Convention
Day 2	Human Rights / Humanitarian Protection / Sufficiency of Protection Protection offered by the European Convention on Human Rights Articles 2 and 3 ECHR Articles 15 European Qualification Directive (339C Immigration Rules) Article 3 ECHR case studies Exclusion from Humanitarian Protection Sufficiency of Protection and Internal Relocation
Day 3	Decision outcomes and Asylum Process Immigration Rules Article 8 ECHR UK and EU Legislation Decision Outcomes Inadmissibility Third Country Unit Certification under S94 and S96 The asylum process Court Structure
Module Two	
Day 4	Evidence, Material Facts & Standard of Proof
Day 5	Credibility
Day 6	Asylum Case Studies & CID E-Learning
Day 7	Writing a Decision, Paragraph Writing & ADM Tool ^{124, 125}
Day 8	Iranian Case Study
Day 9	Modern Slavery, FGM & Gender Issues
Day 10	LGB Claims

124 The Assisted Decision Making (ADM) tool was introduced in Asylum Operations as a pilot in 2016 and for DMs in October 2016. It was designed to facilitate “a more efficient asylum decision making process and improve the consistency of decision letters”. The tool posed a series of questions requiring responses from the Decision Maker that will “assist in generating a grant or refusal letter”. Upon final review of ADM in January 2020, it was “concluded there was not enough evidence to identify any benefits for the use of ADM in Asylum Ops”. ADM was withdrawn in July 2020 and replaced with template letters.

125 The ADM module has been replaced in the May 2020 training slide with a template decision exercise.

Figure 23

Days 11 & 12	Kenyan Case Study (a woman from Kenya with medical issues)
Day 13	Jamaican Case Study (LGB case)
Days 14 & 15	Bangladesh Case Study (a more complicated case with nationality and religious issues)

- 8.19** DMs told inspectors in onsite focus groups and in the ICIBI survey that the decision making FTP was “very intense” and that it was “good to get background information of the job and a general understanding” but that it is “like when you learn to drive, you do your lessons then learn on the job more”.
- 8.20** During the FTP, time is set aside for guest speakers. Inspectors saw a schedule of guest speakers for the remote FTP decision making module, including staff from other Home Office units, such as the Presenting Officers Unit, the Country Policy and Information Team (CPIT) and the Customer Experience Team. The training material also includes accounts from claimants of their experiences of the process. One example included a claimant describing the moment they first claimed asylum, how they were treated and how that made them feel. Although the voices of people who have been through the asylum process are used on the training PowerPoint slides, there were no guest speakers who had been through the asylum process. Inspectors were also told of plans, partly as a response to the Windrush review, to include recordings of lived experience voices in the FTP DM training.
- 8.21** DMs now have to complete the mandatory ‘Face behind the case’ training as part of the Home Office’s implementation of Wendy Williams’ Lessons Learned Review recommendations. This is an e-learning course, launched in September 2020, that takes an estimated 65 minutes to complete for anyone in UKVI, but is most applicable to those in decision making or case working roles. The training consists of three modules, ‘Our Customers’, ‘Culture Change’ and ‘Communication’. The aims and objectives of the course are to:
- “Remind ourselves that a human being sits behind every case file and reference number.
 - To understand consequences of our interactions with customers – both for the individuals and the organisation.
 - To improve customer relations and satisfaction.
 - To be able to explain what it means to ‘put the customer at the heart of what we do’ and define ‘excellent customer service’.
 - To understand how this learning contributes to the wider Home Office priorities and
 - assist colleagues to deliver sustainable decisions.
 - To understand when there is scope to apply discretion.”
- 8.22** The course includes an assessment in which staff must score 80% or more to pass.
- 8.23** The ‘Face behind the case’ training does not include reference to asylum claimants, and uses language such as ‘customer’, ‘customer service’ and ‘customer satisfaction’, which are more suitable to fee-paying immigration routes, than asylum. All case studies were relevant to Windrush victims.
- 8.24** Inspectors were told by a senior manager that, in response to staff sessions, a practical skills workshop (PSW) concept had been created. It was envisaged that these PSWs could be

delivered to DMs by Senior Caseworkers (SCW) or Technical Specialists (Tech Specs). As part of this concept they had “reached out to UKLGIG”,¹²⁶ a charity promoting equality for LGBTQI+ people seeking asylum in the UK, as AO “would really like some customers' voices in there”. The same senior manager said that “we were conscious of not wanting to tread on the training team’s toes”. As at June 2021, inspectors had not seen any details of the PSW concept.

Consolidation post decision making FTP

- 8.25** After completing the decision making FTP, DMs have a ‘consolidation period’. This period runs for six to eight weeks¹²⁷ and is designed to embed and help develop decision making skills and help prepare the DMs for the interview FTP, as well as to learn the administrative systems and processes. During this time, the DM is not subject to any formal performance targets.
- 8.26** As a result of feedback AO, as of May 2020, assigned a ‘consolidator’ who is another DM, ideally from the same ‘cell’¹²⁸ in order to help new DMs. A consolidator must meet the following minimum requirements:
- “Signed off all mentoring for a minimum of 6 months, (this however is a strong recommendation and will depend on availability of staff in each case working unit);
 - Achieving the minimum required standard as set by quality and performance targets;
 - Not on any Improvement Plan;
 - Good written and verbal communication;
 - Have that personable element and be approachable. A good consolidator will make people feel at ease, part of the team and explain things well to improve the learning experience and hopefully get people competent quicker; and
 - Fully endorsed by their Line Manager.”
- 8.27** The consolidator can assist up to four new DMs at once. The consolidator’s normal workload is reduced by 25% for each new DM they are responsible for assisting. The consolidator follows a structured process for the eight-week period, during which the new DM completes an Excel based form called the ‘decision making skills matrix’. The decision making skills matrix allows the DM to rate their level of ‘capability and confidence’ on a 1-5 rating, one being the lowest, five the highest. The skills matrix is also used for the interview FTP. During interviews and focus groups, some DMs told inspectors that the provision of a consolidator was inconsistent and was dependant on how busy their unit was.
- 8.28** The importance of this role was summed up by one DM who stated: “we were told we would have a buddy with us, I never had that but others did. I felt that I suffered by not having them. The others on my training had one and they seemed to pick the role up better. I didn’t know if that was because I didn’t have a buddy”.

Interview FTP

- 8.29** The interview FTP is a two-week, classroom-based course led by staff from the Asylum Operations Training Team (AOTT). The aim of the course is to:

¹²⁶ Now Rainbow Migration: <https://www.rainbowmigration.org.uk/>

¹²⁷ The length of this period can vary dependant on when the interview FTP takes place.

¹²⁸ The cell system is explained in chapter 14.

“Ensure that DMs conduct asylum interviews using appropriate interview techniques and methods for gathering evidence in accordance with International, European & Domestic law and Home Office Asylum Policy; namely the Asylum Policy Guidance on asylum Interviews and Assessing Credibility & Refugee Status when interviewing claimants.”

Figure 24

Interview FTP

Day 1	Purpose of Interview, Shared Burden, Questions about the Asylum Interview, Cross Cultural Communication, Interview Techniques, Controlling an Interview, Interviewing Vulnerable Persons, Impact of Trauma & Non-Trauma related complaints on the Asylum Interview
Day 2	Dialogical Communication Method, Vicarious Trauma, Video Conference Interviews, Asylum Interview Preparation, Preparation for Internal Relocation (IR) Sufficiency Of Protection (SOP) / Art 3/8 Interviews
Day 3	IR/SOP interview Practice, Art3/8 Interviews
Day 4	Credibility in interviews, Evidence in Interviews & Sufficiency of Detail, Interview Exercises, Testing Nationality/Religion/Questioning Exercises, Adverse Credibility Findings, Inconsistency Exercises, Biometric Matches, Gender In Asylum Interview Recap, FGM, Modern Slavery & LGB Issues in Asylum Interview
Day 5	Religion or Belief Day
Day 6	Interview preparation and Practice Interview Case Study (Iranian religious case)
Day 7	Interview preparation and Practice Interview Case Study (Ethiopian political case)
Day 8	Interview preparation and Practice Interview Case Study (Pakistan LGB Case)
Day 9	Interview preparation and Practice Interview Case Study (Pakistan gender case)
Day 10	Group and Individual Feedback, Trainee self-evaluations and practice decision(s) outline(s)

- 8.30** Once a DM has completed the interview FTP, the role of the consolidator changes slightly and the consolidator becomes a ‘buddy’. The buddy is there to provide support and the expectation is that DMs are able to work with minimal assistance. A Tech Spec will observe the DM’s first interviews.
- 8.31** In the ICIBI survey, 49% of DMs either strongly agreed or agreed that the interview training equipped them with the practical and technical skills to conduct an asylum interview. Some felt that the training was “too complex” and some were left feeling “overwhelmed” by the amount of information, whereas, others felt the training was too vague. A consistent theme raised by DMs was that the training focused on the legal aspects of an interview rather than the practical day-to-day processes around the use of Home Office systems, such as how to use the recording and IT equipment.
- 8.32** AO expects that a DM achieves sign off, where they no longer need the assistance of a buddy, after just over seven months, though it ranges from person to person. Inspectors learned that the FTP does not make a DM fully effective, as the role of a DM is one you “learn on the job”, with a senior manager stating: “FTP is what it is in name – a foundation and a way to get DMs started”.

Consolidating learning post interview FTP

- 8.33** Prior to May 2020, the only DMU with a formal consolidation programme after the interview training was the one in Cardiff. Here, it was termed the ‘learning academy’. DMs who had taken part said it was “good as we had training buddies... we can ask the dedicated Tech Spec questions”.
- 8.34** In January 2021, the head of training in AO told inspectors AO were in the process of developing a ‘training academy’ for new DMs, although an official title was yet to be decided. Inspectors were provided with an undated ‘work in progress draft’ PowerPoint slide pack titled ‘Asylum Operations Consolidation and Professional Development Academy’.
- 8.35** To improve the experience of new DMs, inspectors were told that the academy would work with the national workflow team so that DMs could start with easier cases, get the support of the training team and progress to more difficult cases as they gained more experience “... almost like a career pathway...”. New DMs would remain in the virtual academy setting after the completion of the FTP training until graduation, around 25 weeks after the DM joined AO. During this time the DM would be line managed by the academy managers and it would be these managers that would make the decision as to whether the DM had passed their probation.
- 8.36** One slide titled “why have an Academy”, set out the aims of the academy:
- “Responding to feedback on lack of support
 - Standardised and consistent learning
 - Supportive, safe learning environment
 - Continuously improve quality of outputs
 - To improve attrition as DMs feel invested
 - To create a career pathway in AO
 - To improve the experience of our new DMs”
- 8.37** The anticipated impact for DMs was that they would feel more prepared through what was planned to be “a safe and supportive environment”, before being “handed over to the business” after the period of training.
- 8.38** An update in June 2021 from the Home Office confirmed that in March 2021, the Asylum Operations: Consolidation and Professional Development Academy (AO – CPDA) was launched, introducing “a virtual academy for new Decision Makers (DMs) who join Asylum Operations”. The update stated that the AO – CPDA aimed “to continuously up skill staff on their 25 weeks [sic] development journey, enabling the seamless transition into our business as capable DMs who have passed probation, having met all quality and performance targets”. As at June 2021, inspectors were told that three cohorts of DMs had joined the AO – CPDA, although it was not clear how many DMs this included.
- 8.39** The new 25-week consolidation programme is structured as follows:
- Weeks 1-2: Corporate induction
 - Weeks 3-7: Foundation Training Programme (decision making)
 - Weeks 8-12: Decision making consolidation

- Weeks 13-14: Foundation Training Programme (Interview)
- Weeks 15-20: Interview consolidation
- Weeks 21-25: Interview and decide consolidation.

Technical Specialist and Senior Caseworker training

- 8.40** Tech Specs provide technical advice and feedback to DMs on their interviews and decisions. In October 2020, a training programme was being developed by a Tech Spec and had been sent to the Chief Caseworking Team and Training Team “on consultation”. By January 2021, it had received “mixed feedback”, but there was no clear indication of when it might be finalised or implemented.¹²⁹
- 8.41** In responses to the ICIBI survey, Tech Specs referenced having to undergo “on the job learning”, with ad hoc mentoring from SCWs or a “buddy”. The role relied on knowledge gained through working as a DM. Many observed that they would have benefitted from training on providing feedback.
- 8.42** One Tech Spec said: “There is no training when moving from the DM role to the Second Pair of Eyes role. It is automatically expected that you know what to do when this is not the case otherwise there would not be a need for this role and experienced DMs could just check other DMs’ work”.
- 8.43** Although Tech Specs have to be accredited to check Non-Suspensive Appeal (NSA) decisions, or where a medico-legal report (MLR) has been provided by the claimant, the ICIBI survey responses indicated that training for this accreditation had to be proactively sought out by them.¹³⁰
- 8.44** In the March 2004 to January 2005 Quality Initiative Project (QIP), the UNHCR made a key recommendation that “accreditation is a key to the overall improvement in quality”. The UNHCR added “all newly recruited/transferred casework staff and senior casework¹³¹ staff should be provided with training which would culminate in an accreditation...”.¹³²
- 8.45** As at June 2021, inspectors were informed that a one-day course for both new and existing Tech Specs had been piloted at the end of May 2021. No further information on the success of the pilot were provided except that the course would be “extended to the wider business in coming months”.

Licence to Operate

- 8.46** In 2019, the Professionalisation Hub, which is part of the Chief Caseworker Unit, explored ways in which roles across UKVI could ‘professionalise’, “in line with the department’s vision to transform into a learning organisation” and for staff to be able to develop skills which would assist their career progression.

¹²⁹ In its factual accuracy response, the Home Office said the training had been finalised and that all Tech Specs were to be trained by September 2021.

¹³⁰ In its factual accuracy response, the Home Office said “the number of Tech Specs required to service this function in each unit is considerably smaller than the full Tech Spec complement. Not all Tech Specs are required to complete this training for this reason. Should Tech Spec wish to complete this training as part of this development, or if the Senior Caseworker requires more capacity, additional training may be requested.”

¹³¹ At the time of this report, Senior Caseworkers were carrying out a similar role to Tech Specs.

¹³² <https://www.unhcr.org/uk/576017e77>

- 8.47** One initiative of the Hub was the ‘Licence to Operate’ (LtO), which allows staff to demonstrate their skills against a set of key criteria in order to be deemed “operationally competent following appropriate and robust assessment”.
- 8.48** The LtO pilot went live in AO on 21 October 2019 and ran until 21 August 2020. As of January 2021, six DMs and 33 Tech Specs had already achieved the licence, and 20 were undergoing or coming up to assessment.
- 8.49** Staff told inspectors that the LtO was good in principle but was time-consuming, which limited the number of DMs who could engage. Inspectors were told that there was a “tension” between the volume of work AO has and the amount of time needed to complete the LtO portfolio. A senior manager told inspectors that “Sometimes speed and need overtake development in terms of DMs”.

Removal of local guidance

- 8.50** In October 2018, the then Home Secretary commissioned Darra Singh, a former civil servant and the Head of Government and Public Sector at EY,¹³³ to review the Home Office’s response to the mandating of DNA evidence for immigration purposes. In February 2019, the independent review was published.¹³⁴ The report made 16 recommendations. Recommendation 10 was: “The Home Office should ensure all decision making units in BICS establish mechanisms to assure, review and maintain the content of their local hubs regularly and take steps to remove all archived guidance documents.”¹³⁵ The Home Office accepted this recommendation, and has since stopped the production and use of local guidance in asylum DMUs.¹³⁶
- 8.51** Staff, particularly managers, expressed frustration about this, telling inspectors that it limited their ability to respond to training needs, as all training proposals now had to go through the central training team and required sign off from the policy team, which made the process very protracted.
- 8.52** This was said to “delay the disseminating of key messages”, as it “stopped ad hoc training straight away” and meant training either “had to go through the Chief Casework Team or be presented in the form of a workshop so [managers do not] get a slap on the wrists for it”.
- 8.53** SCWs said: “It had a negative impact on us, that we couldn’t make specific crib sheets for DMs... We used to keep a record of decisions that were very good so people could see what they were like, not to copy, but for people to see how it was structured, but weren’t allowed to keep it anymore as it was then considered local guidance”.

Masterclasses

- 8.54** Tech Specs and SCWs told inspectors about ‘masterclasses’, which were shorter training sessions on specific topics that responded to training needs.

133 Formerly known as Ernst & Young.

134 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807453/Independent_review_of_the_Home_Office_response_to_the_mandating_of_DNA_evidence.pdf

135 <https://www.gov.uk/government/publications/use-of-dna-evidence-in-immigration-applications/darra-singhs-review-of-home-office-response-to-mandating-of-dna-evidence-accessible-version>

136 At the factual accuracy stage, the Home Office stated: “non-published guidance is quality assured and signed off at G5 level [Senior Civil Servant], to ensure the same information is being relied upon nationally”.

- 8.55** Since the ban on local guidance, there appeared to be conflicting understanding across regions on how much this impacted managers' ability to deliver these masterclasses. In one region, managers said: "When the Iraqi caselaw changed, we weren't able to sit them all down to talk to them about it because of the ban on local guidance." Another, described being "absolutely hamstrung" by the ban, where they otherwise would "look to make a little guide or masterclass on something that would nip so many things in the bud but because we don't want to fall foul of that, not a lot we can do".
- 8.56** In other regions, however, inspectors were told that "the way to get round" the lack of local guidance, was to deliver masterclasses.
- 8.57** The AO training team told inspectors that a "programme of masterclasses" was "still in development" and still needed to go through "proper sign off processes".

Medico Legal Report training

- 8.58** In 2018, AO worked with the Helen Bamber Foundation¹³⁷ and Freedom from Torture¹³⁸ to develop a training programme on the use of Medico Legal Reports (MLR) in asylum casework. The training aimed to "ensure that decision makers determining an asylum claim involving an allegation of torture and ill treatment consider medico-legal report evidence in accordance with the agreed international and domestic standards".
- 8.59** Inspectors saw the training slides and materials which were thorough and provided clear explanations of the information presented. There was significant detail on the standard of proof and how to assess credibility. By the end of April 2019, four training sessions had been delivered to DM in Croydon, Liverpool, and Newcastle.
- 8.60** In December 2019, the UKVI Central Operations Assurance Team (COAT) produced an assurance report on the impact of the MLR training. COAT looked at a random sample of 15 cases that had been decided prior to the MLR training and 15 cases that had been decided post MLR training. It concluded that AO could have some "increased confidence" in the decision making in cases involving MLRs and there were some "clear benefits to the training package", but noted that some areas of concern remained, including the consideration of MLR evidence in the assessment of risk to the claimant on return to their home country.

¹³⁷ The Helen Bamber Foundation is an organisation which supports refugees and asylum seekers who have experienced extreme human cruelty, such as torture and human trafficking.

¹³⁸ Freedom from Torture is an organisation which supports and provides therapy to torture survivors.

9. Inspection findings: Screening

Screening process

9.1 'Screening' is the general term for the process of:

- registering the asylum claim
- completing an initial contact and asylum registration questionnaire (during the screening interview) in the case of adults
- completing a welfare interview for unaccompanied asylum seeking children (UASC) claimants, to obtain necessary information about the welfare of the child in lieu of a 'screening interview'.

9.2 The process includes:

- capturing the claimant's fingerprints and facial image (biometrics) if they are an adult
- capturing the claimant's fingerprints and facial image (biometrics) if they are a child over five and they should be accompanied by a responsible adult
- completing mandatory security and identity checks both to establish, as far as possible, the claimant's identity, and to biometrically link them to their given biographic identity.

9.3 The screening proforma, which is filled in by an Immigration Officer (IO) from either UK Visas and Immigration (UKVI), Border Force (BF) or Immigration Enforcement (IE) contains 7 sections:

Figure 25

Section	Description
Part 1: Personal Details and Identity	Consists of 20 questions to ascertain the person's identity to ensure security and immigration checks can be completed, and that identity can be confirmed.
Part 2: Health and Special Needs	Consists of six questions about the mental and physical health of the claimant and their dependants. It also asks about whether there is a history of exploitation, to attempt to ascertain whether the claimant is a victim of modern slavery, trafficking or sexual exploitation.
Part 3: Travel and Third Country	Consists of 11 questions, updated from five questions in January 2021 to align itself with the inadmissibility guidance. These questions are to establish the journey to the UK and whether there is a third country connection that might make the claim inadmissible.

Figure 25

Section	Description
Part 4: Basis of asylum claim	Consists of two questions to establish the basis of the claim. It requires a 'brief' description of all the reasons why the claimant cannot return to their home country. It also asks whether the claimant would prefer a man or woman to interview them at the substantive interview stage.
Part 5: Criminality and security	Consists of seven questions around prior criminality and/or security risks, such as whether the claimant has been involved in terrorism and war crimes.
Part 6: Detention suitability	Part 6 needs to be completed if the case is to be referred for detention. It asks three questions to ascertain reasons why the claimant should not be detained, such as personal health or family circumstances.
Part 7: Declaration	Consists of two questions to confirm that the claimant has understood everything and that they have nothing further to add.

Purpose of the screening process

- 9.4** Home Office guidance states that the purpose of the screening process is to capture information about the protection claim and immigration history. It describes a need to “assess whether what a person is saying amounts to a protection claim and if so, whether the claim is admissible to the decision making process”.¹³⁹
- 9.5** From speaking to staff in UKVI, BF and IE, inspectors found that there was differing understanding regarding the purpose of the screening interview.
- 9.6** A manager in IE said that they felt there was a need to “continuously challenge” the questions being asked at this stage, to “ensure questions being asked are relevant in the process”. They said: “we absolutely need to be checking identity and admissibility for security reasons, but there are some questions which are less relevant”.
- 9.7** UKVI intake staff who conducted screening interviews mostly understood the purpose to be a practical mechanism to establish a claimant’s identity, to identify any safeguarding issues and to establish the ‘contention’,¹⁴⁰ subsequently knowing which paperwork to issue. They were less focused on the importance of the basis of the asylum claim.
- 9.8** Asylum Decision Makers (DMs) and their managers, however, generally agreed that capturing more information on the basis of the claim at screening interview would help them to better prepare for the substantive interview. They described the screening interview as “required reading, whether or not the screening form is as good as it can be”. DMs in one region commented on the fact that screening interviews had recently been “coming back half completed”,¹⁴¹ without them having been advised of the reason behind this. Referring to the questions on the basis of the claim, they said that it “seems [IOs] chose to omit the most important part”, leading to DMs going to the substantive interview ill-prepared, and without

139 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947899/screening-and-routing-v6.0ext.pdf

140 The ‘contention’ is what basis the claimant is here on and determines which papers should be served to them, outlining the conditions of their stay and/or bail.

141 This refers to ‘abridged interviews’, whereby IOs were instructed to omit certain questions. This will be discussed in greater detail later in the chapter.

basic information on the claimant, some of which can aid their independent research based on the contents of the screening, for example, by reading a Country of Origin Information (COI) report.¹⁴²

- 9.9** Staff at the Asylum Intake Unit (AIU) expressed frustration about what was required of them, citing inconsistent messaging from managers about how much information to obtain from claimants at this point. This was summed up by one IO:

“I feel like saying “do you actually want us to find out about these people?” Our bosses need to decide, do we want to find out about these people and dig a bit deeper into their story, or just process them as quick as possible.”

- 9.10** Stakeholders raised concerns that IOs are not consistent when it comes to the level of detail they elicit from claimants at the screening interview. One legal professional said that there could be “issues in subsequent stages of the asylum process when clients wish to add information, as the blame is shifted to them for not disclosing information earlier”, even where certain questions were not asked of them or where the information they provided was not probed.
- 9.11** A claimant who had been through the asylum process told inspectors about their experience of the screening interview:

“They say you don’t need to elaborate, just provide a small picture of your claim... when I tried to elaborate they say “keep it short” and you will have a big interview and you can explain. Then when you get to the big interview, they say that you have not mentioned this in the screening. This screening is like a shadow that follows you all the way.”

Other issues

- 9.12** The screening process is a priority area of Asylum Operations’ (AO) ‘Transformation’ programme, which seeks to “focus on triaging asylum seekers as early as possible, streamlining processes for the more straightforward and focusing expertise on the most complex”, through “enhanced screening”. Inspectors were told by senior leaders that an “enhanced screening” process would look to gather more information from the claimant at the point of screening, in order to be able to triage and “differentiate” cases more effectively and make decisions sooner on those which are highly likely to be granted.
- 9.13** In June 2021, when inspectors asked for an update on any work in progress on ‘Transformation’, the Home Office provided the inspection team with a project initiation document (PID) for the ‘customer and enhanced screening’ strand, which contained an objective to “Understand and explore allocation of resourcing requirements” and a ‘deliverable’ to “identify and agree resource flexibility between sites and roles (Encounter & Screening) at short notice in preparedness for any demand surges.” No further details or timescales were provided.

¹⁴² This refers to the abridged screening interviews, which will be discussed later in the chapter.

Lived experience

- 9.14** People who have been through the asylum system, and stakeholder organisations who work with them, frequently commented that where the screening interview takes place immediately after they have arrived in the UK or have first been encountered by the authorities, they are unlikely to feel comfortable revealing intimate details about themselves and their experiences. The interview setting is also likely to affect a claimant’s willingness to open up, as is a wariness about anyone in authority, particularly those in uniform. ICE officers told inspectors they recognised the latter point, and that the fact they wore a uniform “maybe would affect what they tell us”.

Figure 26

Snapshot of comments from those who have experienced screening interviews

“To be honest, at my screening, it was like I was a criminal the way that they asked the questions. The first impression of the immigration officer, the way he asked questions, I felt threatened.”

“I have seen lots of corruption that ended up in me taking to fly to the UK to seek asylum, when we arrive here, we are seeking security, if you come from a broken system, it’s difficult to trust the first officer or immigration police on the first day we come here.”

“You need to receive people carefully, you don’t know what happened to these people. On the first day, to expect people to say what happened is too much.”

“My first issue was hostile environment – in my case the officer threw the passports to the floor and said why am I claiming asylum... [it] felt like interrogation and not an interview...”

“My screening interview at the airport was very scary [...] I made lots of mistakes because of this. I tried to explain why I had made these mistakes at my substantive interview. When I tried to explain that it was because I was scared they didn’t believe me.”

- 9.15** Other individuals who had been through the asylum system told the inspection team in focus groups and written submissions that they believed the screening interview should be used as an opportunity to provide information to the claimant about what to expect from the rest of the process. A leaflet on the GOV.UK website titled ‘Information about your asylum application’ is available in 15 languages,¹⁴³ but inspectors found that this was not routinely being provided to claimants at the screening interview, nor were they being signposted to the website.
- 9.16** In January 2021, the inspection team was told that AO was reviewing the Asylum Intake Unit information packs which should be provided to customers at the point of claim. Engagement had taken place with “customers”,¹⁴⁴ who, according to the Customer Experience Team, said the original leaflets were “too long and too wordy”. This team were working to make these leaflets more “customer friendly”, more of a “nice colourful booklet with inserts showing each stage of the journey”.
- 9.17** In March 2021, a new ‘point of claim information booklet’ was published on the GOV.UK website.¹⁴⁵ This was only available in English and contained similar information to the previous iteration, with the addition of some information on ‘inadmissible claims’ and the Preliminary Information Questionnaire (PIQ). It is predominantly text, which means for those with limited English it would be difficult to understand.

143 Available in English, Amharic, Arabic, Chinese, Farsi, French, Kurdish, Ndebele, Pashto, Punjabi, Shona, Somali, Tamil, Urdu, Tigrinya.

144 The Home Office refer to asylum claimants as “customers”.

145 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/979565/Asylum_Point_of_Claim_Booklet_-_April_2021.pdf

Screening quality

- 9.18** Staff views on the quality of screening interviews varied. Senior leaders acknowledged that the screening process lacked consistency as a result of screening interviews being carried out by IE and BF, as well as between UKVI intake units.
- 9.19** NAIU managers told inspectors that generally, staff in the intake units were motivated to do the best they could for the claimants, and that “each officer takes real pride in their job”. Managers described IOs as “diligent”, with “everyone [coming] to work wanting to do a good job and give people the service they deserve”, and “see themselves having a protection role”.
- 9.20** In 2017, IOs had told inspectors that they were being “pushed to the limit” with the volume of appointments and “arbitrary” targets that they were pushed to achieve.¹⁴⁶ While staff were no longer working to targets in January 2021, in the AIU staff still reported feeling “a relentless pressure in the office”, being “stretched to the limit” and having “long working days”.
- 9.21** The quality and assurance of screening interviews was a concern raised in both ICIBI’s 2015 and 2017 inspections of asylum intake and casework. In 2015, inspectors noted that “for the first three quarters of 2014/15, excluding those conducted by the AIU, 40% of the screening records quality assured were assessed as ‘weak’ or ‘fail’, and by Quarter 4 the figure was over 50%”.
- 9.22** The Quality Analysis Team (QAT)¹⁴⁷ also found that the quality of AIU screening records was generally better, with between 72% and 83% assessed as ‘satisfactory’ in Quarters 1-3. However, AIU performance also dropped in Q4. A recommendation was made to:
- “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.”
- 9.23** Despite this, inspectors were then told during the 2017 inspection that quality assurance data for screening interviews conducted outside the National Asylum Intake Unit (NAIU) was no longer collected.
- 9.24** An ‘action tracker’ was created by the Home Office to monitor actions and progress against recommendations made by ICIBI and internal assurance. It was updated in March 2019 with a note saying it would “continue to review” progress on the recommendation made in 2015 to “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”.
- 9.25** In January 2020, AO ceased using QATRO¹⁴⁸ as the tool for quality assurance of screening interviews and moved to Calibre.¹⁴⁹ Managers explained that even when they had previously been using QATRO, it was “centred around the operating mandate... not so much the content of the interview.” Inspectors were told that as a result of the COVID-19 pandemic and an increase in intake, formal quality assurance mechanisms using Calibre had “fallen by the wayside”.

¹⁴⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

¹⁴⁷ There have been multiple name changes (including Quality Analysis Team and Operational Assurance & Security Unit) to the team responsible for assurance, but all are terms for the UKVI’s Central Operations Assurance Team.

¹⁴⁸ QATRO was the quality assessment tool which was previously in use by Asylum Operations.

¹⁴⁹ Calibre is the quality assessment tool currently in use by Asylum Operations.

- 9.26** The last Calibre assessments for screening interviews took place in March 2020, according to assurance reports which were sent to inspectors. Even then, only 12 assessments took place in MIU and none in AIU or KIU had taken place since December 2019 (Q3 2019/20).
- 9.27** Assurance from this point was therefore limited to the local management checks provided by Chief Immigration Officers (CIOs) in the intake units, who should read each screening interview before signing them off and send the IO back to gather further information, as required. Some other informal assurance processes were in place. In the KIU, for example, inspectors were told that “on a quiet day [IOs] might go through data assurance and check files from previous days”, but inspectors did not hear of this elsewhere. However, despite NAIU’s ‘three sites, one team’¹⁵⁰ model, there was no national approach. In another of the intake units, CIOs said that, due to time constraints, if they trusted the IO who brought them the screening form to check they “might just take their word for it and sign it off”.
- 9.28** Inspectors asked the Home Office for an update on whether, as at May 2021, screening interviews had been incorporated into the Calibre system to be routinely quality assured. The Home Office response was that although the screening process had been added, a three month “testing phase”, which began in April, was still ongoing and would need to complete before it could be “fully rolled out”.
- 9.29** Home Office ‘Asylum screening and routing’ guidance, published on 31 December 2020, states that where screening interviews (and welfare interviews in the case of children claiming asylum) are countersigned for local management quality checks:
- “it is the responsibility of the counter-signing officer to ensure:
- that all appropriate sections of the interview are completed
 - where appropriate, the interview is sufficiently probing and credibility warnings are issued
 - CID checks are made on the people mentioned during the interview, such as family members or sponsors in the UK
 - that all aspects of a case have been considered such as referring for third country inadmissibility processes suitability for consideration by Detained Asylum Casework and whether nationality, age, personal details should be disputed
 - any special needs have been noted and the appropriate action taken”.
- 9.30** The guidance also states: “if the screening questionnaire is not countersigned by a manager, it does not render the screening interview flawed”.¹⁵¹
- 9.31** The inspection team examined 100 case files for asylum decisions that were made between January and March 2020, 89 of which had a screening interview record on file. Of the 100 claimants, 44 had been encountered by UKVI, 31 by IE and 25 by BF.
- 9.32** A vulnerability was identified in 52 cases during the screening interview. In 38 of these cases, further action was taken by the Home Office in relation to that vulnerability. In the other 14, there was no evidence that any further action was taken.
- 9.33** In 96 cases, all operating mandate checks had been conducted. In one case, three had been completed and in the remaining three cases it was not possible to tell.

150 ‘Three sites one team’ was a national model which sought to standardise approach across the three UKVI intake units.

151 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947899/screening-and-routing-v6.0ext.pdf

Changes to screening as a result of COVID-19

- 9.34** Claimants who do not claim asylum at the port of entry would ordinarily, pre COVID-19 pandemic, lodge a claim at the AIU in Croydon, by walking in (if destitute) or by booking an appointment in advance.
- 9.35** However, in response to the COVID-19 restrictions and recognising government guidance on travel, UKVI introduced additional locations for people to be able to register their asylum claim closer to where they live. The locations were: Glasgow, Belfast, Liverpool, Leeds, Solihull, and Cardiff.
- 9.36** The Home Office told the inspection team: “the AIU and the regional registration locations will facilitate social distancing for the safety of claimants and officials.” It has repeatedly stressed that these contingency measures are temporary and “do not represent a new operating model”.
- 9.37** However, this introduction of regional screening hubs was welcomed by stakeholders, who recognised that it prevented asylum claimants having to make long and expensive journeys to Croydon to lodge their claims, and with children, in the case of families.
- 9.38** Many staff also acknowledged the benefits for claimants, saying that it felt “ridiculous” for them to have to “travel the length and breadth of the country just to come to Croydon to register their claim”. One said that to completely close the regional hubs would be an “opportunity lost”.

Abridged screening

- 9.39** An ‘abridged asylum screening interview’ was introduced by UKVI on 30 March 2020 as part of the ‘reduced contact asylum intake process’.¹⁵² The Home Office told the inspection team that this was an additional measure taken in response to COVID-19, to reduce the time a claimant would have to spend with a staff member. The questions to be omitted in this abridged format were those relating to a claimant’s reasons for coming to the UK, and the journey they had taken.
- 9.40** While UKVI staff at intake units were aware of these changes, many had been told by their managers that the reason behind it was due to the high number of claimants, as well as a precautionary measure for COVID-19. In some areas, the reasons behind this decision seemed to have reached them by hearsay, rather than by formal communication. The decision was not shared with BF and IE, and staff conducting screening interviews from these departments had never been made aware that they should be leaving out certain questions. A senior leader in IE said: “I wasn’t aware of abridged screening until that instruction [to return to asking all questions] came out. IE hadn’t started asking an abridged version, the expectation was that we continued to ask all questions”.
- 9.41** Concerns were raised by stakeholders, and in an unannounced Her Majesty’s Chief Inspector of Prisons (HMIP) inspection of ‘Detention facilities: Tug Haven, Kent Intake Unit, Frontier House, Yarl’s Wood and Lunar House’,¹⁵³ that this abridged format reduced the Home Office’s ability to identify safeguarding issues, particularly trafficking indicators.

¹⁵² <https://committees.parliament.uk/publications/4359/documents/44295/default/>

¹⁵³ https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/10/Dover-detention-facilities-web-2020_v2.pdf

9.42 The Home Office was subject to legal challenge on this abridgement, and on 13 November 2020, an interim court judgement ordered that:

“The Defendant shall ensure as soon as possible but at the latest by 4pm Monday 16 November 2020 that Asylum Screening Interviews in all cases must involve asking Question 3.1 (“why have you come to the UK?”) and Question 3.3 (“please outline your journey to the UK”) set out at pages 66-67 of the Asylum Screening and Routing Guidance (version 5, 2 April 2020).”¹⁵⁴

9.43 New guidance on ‘Asylum screening and routing’ was subsequently published for Home Office staff on 31 December 2020, with the inclusion of contingency measures for screening interviews:

“Outside of those individual cases where a full screening process is not possible, for example where the claimant is taken ill, the screening process may be abridged where this is necessary in order to deal with:

- (i) an increased level of intake and/or
- (ii) to protect the health of the claimant, other claimants or staff.

Approval is required at Grade 6 level within the area wanting to abridge the interview and requires the agreement of the asylum operations Grade 6 for intake. Once the abridged screening process is completed the case must still be referred for routing.”¹⁵⁵

9.44 This new guidance also contained the addition of instructions on “minimum requirements”:

“Mandatory checks relating to identity and biometrics must be completed. In respect of the screening questionnaire, the questions in parts 1 (personal details and identity), 2 (health/special needs) and 5 (criminality and security) must be asked plus from part 3 (travel and third country), the questions, ‘Why have you come to the UK?’ and ‘Please outline your journey to the UK’. These two questions in part 3 (travel and third country), are asked for more than one reason, including to help identify the claimant who is potentially a victim of modern slavery (including trafficking) ...”

Where the screening interview has been abridged the claimant should still be issued with a copy of their partially completed interview. Claimants should be given a Preliminary Information Questionnaire to complete that includes any questions they have not been asked.”

9.45 In a letter sent to the Home Affairs Select Committee on 18 January 2021, the Director General of UKVI advised that the “full asylum screening interviews [were] now being completed.”¹⁵⁶

9.46 As at January 2021, although IOs were now asking the questions about the claimant’s journey to the UK, they told inspectors that they were still not asking the basis of their claim, which is part four of the screening form. In lieu of this, they were issuing a Preliminary Information Questionnaire (PIQ) for the claimant to fill out and return to them.

9.47 Despite the reasons provided by UKVI initially for the abridgement of screening interviews, which was to reduce contact time with claimants, the latest screening proforma, which has

154 <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3080.html>

155 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947899/screening-and-routing-v6.0ext.pdf

156 <https://committees.parliament.uk/publications/4359/documents/44295/default/>

been in use since the publication of the inadmissibility guidance on 31 December 2020,¹⁵⁷ contains an additional six questions which must be asked about the claimant's journey to the UK.

Screening for arrivals by 'small boat'

- 9.48** The ICIBI's 'inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving by 'small boats' provided the background to the increase in small boats arrivals between 2018 and 2019.¹⁵⁸
- 9.49** Throughout the course of this inspection, multiple stakeholders raised concerns relating to the handling of claims of those arriving via this route. The inspection team asked the Home Office to provide a narrative description of processes in place or planned for small boats arrivals, highlighting where they differed to 'business as usual' treatment of asylum claimants. Its response in October 2020 indicated that there was no difference, except for the referrals process to IE Third Country Unit (TCU) for those who had a Eurodac match, as they were "more likely" to be detained than people who had arrived by other means.
- 9.50** However, inspectors were told by staff at KIU and MIU that there had been changes to the screening process for those who arrived by boat in Kent. This had also been highlighted in the 'clandestine and small boats' inspection. Arrivals by small boat who were recovered by Border Force South East and Europe Command's General Aviation/General Maritime (GA/ GM) team, or who landed in Dover, were taken to a welfare unit, at the Tug Haven in the Port of Dover, where they were triaged by BF staff.
- 9.51** Inspectors were told that a 'red day' was the term used for when there were good weather conditions and therefore likely to be more people attempting to cross the Channel by boat. On these days, single men who arrived by small boat would be taken on a coach directly from Tug Haven to Yarl's Wood Short Term Holding Facility (STHF), bypassing KIU entirely. On 'green days',¹⁵⁹ arrivals would be initially taken to KIU to have their fingerprints taken and then transported to Yarl's Wood STHF, where staff at MIU would complete their screening interview, or Tinsley House STHF, where their interviews would have to be completed by staff at AIU.
- 9.52** Staff at all grades of UKVI expressed concerns about this fragmented process. NAIU staff were primarily concerned about "what happens at Tug Haven", before claimants arrived at the intake unit. They told inspectors that they were particularly concerned about the data capture process because, due to connectivity issues at Tug Haven, BF staff were frequently having to carry out biometric fingerprint collection with 'grabbas',¹⁶⁰ which inspectors were told only worked on a "sporadic basis". This, according to UKVI staff, led to issues further down the line. One NAIU manager said that BF staff at Tug Haven were "doing bare bones of what they needed to". They also said: "claimants were arriving [at the intake units] and we had no idea who they were, they had not been searched, families were split up, detention papers hadn't been properly done".
- 9.53** MIU staff told inspectors that when claimants arrived in the Midlands, they would be held in the Yarl's Wood STHF for five to seven days, during which time they would have their screening interview and Op Mandate checks carried out. Staff told inspectors that the number of screening interviews being carried out by MIU staff had "been at least double from last year".

157 More information in Chapter 6 and Chapter 11.

158 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933953/An_inspection_of_the_Home_Office_s_response_to_in-country_clandestine_arrivals_lorry_drops_and_to_irregular_migrants_arriving_via_small_boats.pdf.

159 When weather conditions were bad and therefore few people were anticipated to cross the Channel by small boat.

160 'Grabbas' is a hardware device that can be attached to smart phones to collect biometric data, in this case, fingerprints.

10. Inspection findings: PIQ and substantive interview

10.1 Referring to the “substantive interview”, Home Office guidance instructs asylum Decision Makers (DMs) that they should “carry out focused and probing asylum interviews to obtain relevant information to establish, as far as possible, whether the claimant meets the threshold for an asylum or human rights claim to succeed”.¹⁶¹ In making a decision, the DM should consider the information gathered from the substantive interview, together with the information provided at the screening interview, plus where they exist, the Preliminary Information Questionnaire (PIQ), witness statement and any supporting evidence.

Preliminary Information Questionnaire

- 10.2** The PIQ was introduced across the UK in April 2018, following a pilot which trialled the use of the then ‘Preliminary Information Form’ (PIF) between December 2015 and February 2016 in Glasgow and further pilots in Croydon and Liverpool.
- 10.3** The PIQ, like the original PIF, requests information from claimants about the basis of their claim ahead of their substantive interview. It also asks them for their personal details, including about medical history, family members and their journey to the UK. The form tells the claimant that they may submit documents in support of their claim alongside this form. It has grown in length since the original PIF and the most recent iteration, published 27 May 2020, is 13 pages long.
- 10.4** The stated aim of the PIQ, according to the Home Office, is to provide information to DMs conducting interviews which will enable them to prepare for and conduct “shorter, more focused interviews” and to enable “better... identification and support of vulnerabilities”.
- 10.5** The Home Office also states that the PIQ would enable claimants to be “better prepared for their interview”, “benefit from shorter interviews” and that they “may find it easier to deal with sensitive issues (as they are more prepared to discuss them)”.
- 10.6** A PIQ is not sent to UASC claimants, who will have completed a SEF following their initial welfare interview, which collects more information about their claim than the screening interview for adults.
- 10.7** Although it was previously not sent to all claimants, where it was, it was served following the screening interview, usually within two months of the initial claim and before the substantive interview took place. Since the introduction of the ‘abridged asylum screening interview’ in March 2020, inspectors were told that claimants had been given a PIQ when they claimed asylum, in lieu of being asked questions about the basis of their claim at the screening interview.

¹⁶¹ The guidance referenced throughout this chapter is ‘version 7’ of the Asylum Policy Instruction, ‘Asylum Interviews’, published on 5 June 2019. An archived version can be found at: <https://webarchive.nationalarchives.gov.uk/20190903105312/https://www.gov.uk/government/publications/conducting-the-asylum-interview-process>. An updated version of the guidance was published on 3 June 2021.

- 10.8** On 19 January 2021, a letter was sent to stakeholders advising that “with immediate effect PIQs will be issued to applicants at their screening interview, rather than being issued directly to yourselves from our office”.
- 10.9** Until March 2020, failure to complete the PIQ could lead to a claim being treated as ‘implicitly withdrawn’, pursuant to Immigration Rule 333C.¹⁶² The PIQ contained the following wording:

If you do not complete and return this questionnaire and you have not provided an explanation before or immediately after the date noted above, your asylum claim may be treated as withdrawn in accordance with paragraph 333C of the Immigration Rules.

- 10.10** However, owing to complaints by the Immigration Law Practitioners Association (ILPA) and other stakeholders, the Home Office updated the PIQ and removed the wording relating to withdrawal for non-completion. The form no longer contains an explicit warning of implicit withdrawal. However, it still provides a date by which to complete it, with the word ‘must’ in uppercase, bold and underlined, illustrated in Figure X.¹⁶³

This form MUST be completed in English and returned to the Home Office address below by xx/xx/xxx

- 10.11** In August 2020, UNHCR produced a ‘review of the use and implementation of the Home Office Preliminary Information Questionnaire’ for the Home Office, which found that there was still a “lack of understanding amongst NGOs and legal representatives that the PIQ is not mandatory”. This message was echoed in conversations between the inspection team and stakeholders. Some believed that it could still “terrify people” to receive the form containing this wording.

PIQ use in practice

- 10.12** In theory, and as per the Home Office’s stated aims, the PIQ should afford the claimant an opportunity to better prepare for their substantive interview. In order to do this effectively, it is most likely that they would require the assistance of a legal professional. However, in practice, there are numerous practical barriers which prevent legal advice being sought by a large proportion of asylum claimants.
- 10.13** Firstly, not all claimants have legal representation. A data set provided to inspectors by the Home Office showed that of decisions made between 1 January 2017 and 25 February 2021, 18,613 did not have a legal representative on file and/or did not have legal representation at all.

¹⁶² Rule 333C, Immigration Rules, Part 11: Asylum states that:

“333C. If an application for asylum is withdrawn either explicitly or implicitly, consideration of it may be discontinued. An application will be treated as explicitly withdrawn if the applicant signs the relevant form provided by the Secretary of State. An application may be treated as impliedly withdrawn if an applicant leaves the United Kingdom without authorisation at any time prior to the conclusion of their asylum claim, or fails to complete an asylum questionnaire as requested by the Secretary of State, or fails to attend the personal interview as provided in paragraph 339NA of these Rules unless the applicant demonstrates within a reasonable time that that failure was due to circumstances beyond their control. The Secretary of State will indicate on the applicant’s asylum file that the application for asylum has been withdrawn and consideration of it has been discontinued.”

Available at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

¹⁶³ In its factual accuracy response, the Home Office stated that the ‘must’ is intended to relate to the requirement to complete in English, rather than the return date. This may not be clear to the claimant as it is in the same sentence.

- 10.14** For those, their ability to understand the form and complete it to a high enough standard to, at best, add value to their claim, or at worst, inadvertently provide information which may damage their credibility, is reliant on a number of factors: their level of English, whether they are connected with support services or friends who could assist, and whether those support services or friends advise them correctly.
- 10.15** Second, there is no guarantee even for those who do have a legal representative, that the legal representative would be able to assist them with completing it. This is due to the nature of Legal Aid payments, which are paid as a fixed fee to cover all the work involved in an asylum claim and, according to some legal practitioners, do not reflect the extra work that completion of a PIQ entails. Inspectors were told that Legal Aid solicitors are under significant pressure as it is to complete all the work involved in an initial asylum claim. Completing the PIQ thoroughly with a claimant may rely on their own goodwill, as it is unlikely that their time would be financially remunerated within the current fixed fee allowance. Solicitors told the inspection team that this could take a number of hours to complete and that there “needs to be payment for additional work”.
- 10.16** The UNHCR report highlighted the concerns of NGOs and legal representatives, which were also raised with inspectors, that because claimants “were often still in initial accommodation (IA) and had not been dispersed when they received the PIQ, [this] may present difficulties to sourcing and securing legal advice.” Stakeholders told inspectors that many asylum seekers they had come into contact with had been actively advised by Migrant Help, an NGO sub-contracted by the Home Office to provide advice and support to claimants, to wait until they are dispersed before looking for a legal representative, in case they are dispersed far from the IA, as legal aid solicitors should only generally represent those to whom they are the closest.¹⁶⁴
- 10.17** Staff in AO told inspectors that the PIQ is of most use to the DM if it has been fully completed and particularly if a witness statement¹⁶⁵ is attached, providing thorough details of the basis of the person’s claim. Stakeholders said that without a legal representative or the advice of someone familiar with the system, this is unlikely to be done. 25 of the 100 case files inspectors examined for this inspection contained a completed PIQ, 20 of which had been completed by a legal representative. Those completed by a legal representative were significantly more comprehensive than those that were not.
- 10.18** Another intended purpose of the PIQ, which is to provide the DM with information about the basis of the claim to enable them to conduct a more focused interview, in theory would be beneficial both to the DM and the claimant.
- 10.19** A representative from an NGO told inspectors that the PIQ can only be a useful tool to consider the claim in advance and tailor the substantive interview if sufficient time is allowed for the DM to analyse its contents before the interview. They said that it should not be used “simply to compare information with the substantive interview record” or to look for discrepancies. However, they and other legal professionals and non-governmental organisations (NGOs) raised concerns that the PIQ can act “as a reason for the Home Office to base their refusals on”, and adversely impact a credibility assessment.
- 10.20** Of the 25 case files examined by inspectors which contained a PIQ, 20 also had a record of the substantive interview on file. There was no reference to the PIQ in 14 of these 20 substantive

¹⁶⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953010/Guidance_on_authorities_and_legal_aid_for_cases_in_courts_outside_England_and_Wales_Jan2021.pdf

¹⁶⁵ A witness statement is not compulsory, but some claimants choose to submit in support of their asylum claim, providing a first-hand testimony in support of their claim.

interview transcripts. In two, it was only mentioned at the beginning, to check the claimant understood its contents. In four cases, it was referred to during the interview.

Case study 1

Timeline

The claimant was an adult male and Pakistani national who was claiming asylum on the basis of his sexual orientation. He had no dependants on his claim. His screening interview took place in June 2018. During this, he disclosed that he suffered with depression. The Home Office followed up with a letter to the GP and assessed him as a 'vulnerable adult'.

A substantive interview was arranged for October 2018. However, the claimant was unable to attend due to illness.

A PIQ was issued in June 2019 with a deadline to return it within 15 working days. The claimant's legal representative completed the PIQ and attached supporting evidence.

The substantive interview took place in September 2020. During this, the interviewer asked at the beginning of the interview whether the claimant was aware of the contents of his screening interview, but did not ask about the PIQ.

There was no further mention of the information or evidence that had been provided with the PIQ during the interview.

Outcome:

In November 2020, the claimant was sent a refusal letter. Discrepancies which had arisen from the PIQ were raised in this, despite these not having been put to the claimant during the substantive interview.

The refusal letter cited information which had been provided in the PIQ:

"You have stated that your uncle in the UK sent the photograph of you in a gay club to your father. You spoke to your father and told him you were gay, your father burst into extreme anger and swore at you (PIQ 11)".

It then stated that it was inconsistent with the information provided at the interview:

"alternatively, your father swore at you and said that you should be embarrassed and ashamed, he said when you return to Pakistan he will shoot you (AIR 188, 190)".

It then concluded:

"Although this inconsistency was not put to you during your substantive interview, it is reasonable to expect you to remain consistent with your accounts, given that your father threatening to kill you is fundamental to your claim for asylum."

The claimant lodged an 'out- of- time' appeal in March 2021. As at June 2021 the hearing had not been arranged.

Home Office's response:

Inspectors asked the Home Office to comment on the lack of reference to the PIQ during the interview and clarify whether the expectation is that the DM should have read it in advance and refer to it during the interview.

"We agree with ICIBI that the Interviewing Officer should be mentioning the PIQ and the claimant's recollection of its contents within the introductory statements (there is an automated statement within the Pre Interview actions but it was not ticked in this case and that refers to all other statements but not specifically PIQ). Additionally, should inconsistencies become apparent from those statements, they should accordingly be put to the claimant so they are in a position to explain the differences and not held against the claimant if not put to them (if not at IV then most definitely post IV). As a result of this information we will feed it back to both caseworkers involved in the case to inform their case working actions going forward.

It is expected that the DM should read the PIQ in advance if it is received pre interview (in this case it was received pre IV).

The key issue is about giving the claimant a reasonable opportunity to address inconsistencies and not relying on them to refuse the claim."

ICIBI's comment:

As indicated by the Home Office's response, the DM should have read the PIQ in advance of the interview, to be able to refer to it and conduct a more focused interview, putting inconsistencies to the claimant if and when they arise. In this case, the DM did not address the inconsistencies in the account to provide the claimant an opportunity to clarify, despite Home Office guidance, which instructs them to "explain or clarify any significant inconsistency with information the claimant previously provided in writing or at the screening interview".¹⁶⁶ These inconsistencies were then used against them in the decision.

Case study 2

Timeline:

The claimant was a single adult female Somali national. Her screening interview took place in October 2019. Following this, her legal representative sent a letter containing amendments to the contents of the screening interview and informed the Home Office that the claimant had been raped and forced into marriage at a young age.

A PIQ was issued shortly after the screening interview. In December 2019 and with the assistance of a legal representative, the claimant submitted a PIQ with an accompanying witness statement, outlining the reasons for having fled Somalia.

The substantive interview took place in February 2020. During this, the interviewer

¹⁶⁶ <https://webarchive.nationalarchives.gov.uk/20190903105312/https://www.gov.uk/government/publications/conducting-the-asylum-interview-process>

asked the claimant at the beginning of the interview whether they were aware of the contents of their screening interview but did not ask the same of the PIQ. There was no further mention of the information contained in the PIQ and questions were again asked about the reasons for claiming asylum, without acknowledging that answers had already been provided in the PIQ.

Outcome:

The claimant was granted refugee status in February 2020.

Home Office's response:

Inspectors asked the Home Office to comment on the lack of reference to the PIQ during the interview. They also asked how much information it would expect the claimant to have to repeat in the interview that they had already provided in the PIQ.

“There are multiple possible scenarios. As the ICIBI have noted, the DM asked the claimant if the contents of the screening interview were accurate but did not mention the PIQ or witness statement (WS). While it is not ideal, there is a possibility that the DM did not have sight of the information held within the PIQ/WS at the time of the interview. This can be down to admin issues. In these scenarios, it is prudent to proceed with the interview and to fully explore the claim with a view to negate the possibility of any further interview or cancellation, which could prove stressful for the claimant.

“However, in this specific case, the PIQ was noted to have been linked to the temporary file, indicating that the PIQ was available and if this was not in file it should have been requested by the DM. Having looked over the PIQ itself, there is limited information held in this document regarding the issues that have led the claimant to seek international protection. The accompanying WS is also relatively short, highlighting the main/general issues. The asylum interview is an opportunity to test/explore the claim in full and also the consistency of the information that they have provided across the various pieces of evidence submitted to the Home Office, therefore, overlapping questions can be expected. With this in mind, while we would not look for a claimant to repeat the exact information held in the PIQ/WS, we would however, look to test the consistency of the information and also question around the information which has already been provided in order to get a fuller picture of the claim. As a result of this information we will feed it back to the interviewing officer to ensure they understand the importance of seeing the PIQ prior to conducting the substantive asylum interview.”

ICIBI's comment:

The Home Office's response has raised another issue with the use of the PIQ, which is the “possibility that the DM did not have sight of the information held within the PIQ/WS at the time of the interview”, due to “admin errors”. This undermines the intended purpose of the PIQ. The PIQ should always be appended to the primary file, which isn't always the case. Even when it was in the primary file, DMs said they did not have adequate time to prepare. If the DM only reads the documents on the file on the day of the interview, it is unlikely they would have time to request the PIQ to be linked to it. It would be more meaningful for the PIQ's contents to be read as soon as it was received, as this may negate the need for an interview or at

least inform how it should be conducted. In this case, the claimant had referred to the threat of forced marriage by Al-Shabab and as a lone female in Somalia (in a particular social group), both of which were key to her claim.

10.21 The UNHCR report makes a series of recommendations relating to the use of the PIQ. Other than the removal of the explicit warning that a claim may be treated as withdrawn if not completed, it is not clear what, if any, progress has been made:

1. “Further to the Home Office’s abovementioned commitment, it should withdraw the 333C warning and not treat PIQ completion as mandatory.
2. The timeframe for submission of the PIQ should be extended. One suggestion is for the PIQ to be issued closer to the substantive asylum interview, and for the dates for the return of the PIQ and the asylum interview to be communicated at the same time.
3. The Home Office should update the point of claim leaflet to include information on the PIQ for applicants, NGOs, legal representatives and other practitioners to help them better understand its purpose.
4. Access to legal advice and legal aid funding for PIQ completion should be available to applicants and solicitors. The LAA should review funding for asylum claims to ensure it is adequate and takes into account the PIQ process. This may in turn, improve return rates.
5. The Home Office should strengthen procedural and decision making standards through the revision of training and guidance on the PIQ.”

Substantive interview

10.22 The Asylum Policy Instruction (API) ‘Asylum Interviews’, published on 5 June 2019, provides guidance to DMs on how to conduct the substantive interview. It provides six principles to adhere to when investigating a claim:

1. Understanding “shared responsibility”
2. Making an “individual assessment”
3. Remaining “objective and impartial”
4. “Focus on material facts”
5. “Establish nationality”
6. “Testing of potentially significant adverse credibility findings”.¹⁶⁷

10.23 Separate guidance provides in-depth instruction on ‘Assessing credibility and refugee status’,¹⁶⁸ and on the low standard of proof required in asylum claims.¹⁶⁹

10.24 Credibility should also be considered under Section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, which states:

¹⁶⁷ <https://webarchive.nationalarchives.gov.uk/20190903105312/https://www.gov.uk/government/publications/conducting-the-asylum-interview-process>.

¹⁶⁸ <https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>

¹⁶⁹ “The level of proof needed to establish the material facts is a relatively low one – a reasonable degree of likelihood – and must be borne in mind throughout the process. It is low because of what is potentially at stake – the individual’s life or liberty – and because asylum seekers are unlikely to be able to compile and carry dossiers of evidence out of the country of persecution.

Reasonable degree of likelihood’ is a long way below the criminal standard of ‘beyond reasonable doubt’, and it is less than the civil standard of ‘the balance of probabilities’ (i.e. ‘more likely than not’).”

“In determining whether to believe a statement made by or on behalf of a person who makes an asylum claim or a human rights claim, a deciding authority shall take account, as damaging the claimant’s credibility, of any behaviour to which this section applies.

(2) This section applies to any behaviour by the claimant that the deciding authority thinks—

(a) is designed or likely to conceal information,

(b) is designed or likely to mislead, or

(c) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant.”

10.25 Referring to the behaviours set out in the 2004 Act, the API states that DMs:

“Must consider certain behaviours when assessing general credibility... provide the claimant with an opportunity to explain the reasons for such behaviour during the interview.”¹⁷⁰

10.26 There is further guidance for specific types of claim, which DMs should refer to when conducting interviews and making decisions, including: ‘Gender issues in the asylum claim’,¹⁷¹ ‘Sexual orientation in asylum claims’,¹⁷² and ‘Processing children’s asylum claims’.¹⁷³

10.27 As part of this inspection, inspectors examined 100 asylum case files where the claimant had received an initial decision between January and March 2020, broken down by 50 decisions to grant protection and 50 to refuse asylum. When doing so, they were looking for evidence of the DM having adhered to the guidance in the 2019 ‘Asylum Interviews’ API. They assessed each case file against a set of questions pertaining to various elements of the guidance.

Probing

10.28 Stakeholders acknowledged that the 2019 API provided useful instruction and welcomed the improvements made because of the Home Office’s consultation with civic society when developing it, from the previous iteration. Despite this, many observed that in practice, the Home Office and DMs frequently “fall short of guidance given in policy”.¹⁷⁴

10.29 Inspectors found DMs’ adherence to guidance to be inconsistent in the 100 case files they examined. Technical Specialists (Tech Specs) and Senior Caseworkers (SCWs) agreed that the quality of substantive interviews by DMs varied, as did their ability to apply the principles of the guidance in practice.

10.30 The ICIBI survey asked Tech Specs what they perceived to be the most common errors in substantive interviews. 42 out of 43 responded. They had the option to tick all that they believed applied, or ‘other’, if it wasn’t listed, out of the following:

¹⁷⁰ <https://www.legislation.gov.uk/ukpga/2004/19/section/8>

¹⁷¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699703/gender-issues-in-the-asylum-claim-v3.pdf

¹⁷² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf

¹⁷³ <https://www.gov.uk/government/publications/processing-an-asylum-application-from-a-child-instruction>

¹⁷⁴ This was a finding in a report by Freedom from Torture, available at: https://freedomfromtorturestories.contentfiles.net/media/documents/Beyond_Belief_report.pdf

Figure 27

Common error:	Response percent	Response total
The interviewer did not identify, investigate or probe each material fact to fully test credibility.	95.24%	40
In relation to credibility, significant inconsistencies and discrepancies were not put to the claimant, and they were therefore not provided with an opportunity to explain before the decision is made.	85.71%	36
The interviewer did not explore the relevance and provenance of any documents or written information submitted to support the claimant's claim.	52.38%	22
The line of questioning was sometimes irrelevant.	52.38%	22
The interviewer did not establish the material facts of the claim.	45.24%	19
CID fields were not up to date for all processes prior to the Asylum Interview and CID had not been updated with relevant information on the progress of the case throughout the interviewing stage.	26.19%	11
The interviewer did not establish nationality (or claimed statelessness), or any other countries to which the claimant could safely return.	19.05%	8
The interviewer unnecessarily asked the claimant to repeat information already submitted.	16.67%	7
Breaks were not offered and/or recorded correctly.	11.90%	5
Safeguarding concerns were not identified and/or dealt with appropriately.	11.90%	5
The interview record was not legible/accurate.	4.76%	2
Language used by the interviewer was not sensitive or appropriate.	7.14%	3
Other (please specify):	16.67%	7

10.31 Of the seven respondents who provided 'other' common errors, answers varied from interviewers "accepting answers at face value" to appearing "afraid to challenge/ask questions on sensitive subjects", both of which relate to the DMs, ability to effectively probe claimants during interviews.

10.32 Similarly, the issue with DMs' ability to probe in the interview was raised in a large proportion of focus groups with Tech Specs and SCWs. In one area, Tech Specs said: "DMs don't really probe at interview as much as they used to". In another area, the SCW said: "The main issue is the probing. The majority of DMs probe, but not enough. They can't establish which bits to dig out and which bits to leave alone." The managers broadly expressed frustration about what more they could do to improve this, with some concluding that perhaps it just was not in everyone's nature: "If you don't naturally enquire or have an inquisitive nature then you won't get to the bottom of the asylum claim".

Insufficient preparation

- 10.33** Home Office staff and stakeholders referenced a positive correlation between the time spent preparing for a substantive interview and the subsequent quality of that interview. This is also highlighted in the 2019 API, which instructs caseworkers to “prepare broad lines of enquiry, to focus the interview on important issues and avoid wasting time on irrelevant questions; consider any evidence already available and the brief information provided at screening about the individual and family... any evidence or indication of vulnerability or trauma, such as being a survivor of torture, and prepare your interview approach”.¹⁷⁵
- 10.34** In response to the inspection team’s ‘call for evidence’, a legal representative provided positive examples of where a DM had clearly prepared in advance and thus had been able to focus “not on basic background facts, but on key issues in the claim”, which “made the client feel respected, and facilitated an open discussion of difficult issues”.
- 10.35** Staff told inspectors that the key documents in preparing for an asylum interview were Country Policy and Information Notes (CPINs),¹⁷⁶ the screening interview, a witness statement and the PIQ, if provided. While these were acknowledged to be useful tools for preparing a DM with the interview and providing them with a basis for their questions, DMs said that they did not usually have enough time to prepare for substantive interviews. In responses to the ICIBI survey, one DM commented:
- “I have frequently been told that I need to reduce my preparation time but am then complimented for the quality of my interviews. The reason why I produce good interviews is because of the time I take to prepare despite pressure to the contrary.”
- 10.36** In files examined by inspectors, there was some evidence of good practice, with examples of interviewers being sensitive in their questioning, offering breaks, exploring the claim thoroughly, and offering the claimant an opportunity to explain any discrepancies in information provided in their screening interview.
- 10.37** However, there was little evidence of interviewers having prepared for the interview, with very few references to information which had been provided in the PIQ, where one had been submitted, or other documents which had been submitted in advance of the interview. In one case, a medical report had been submitted in advance of the interview but the interviewer made no reference to it, nor did they appear to account for any of the mental health issues raised in the report. When inspectors asked the Home Office for comment on this, their response was:
- “I am unable to confirm whether the interviewer had read the psychiatric report prior to the interview. Our records indicate the report was received prior to the interview so the interviewer should have read the report prior to the interview. Assuming the interviewer had read the report prior to the interview, inconsistencies between the report and the claimant’s account at interview should have been put to the claimant.”
- 10.38** Where DMs had prepared and made reference to information contained in previously available information contained in the screening interview, PIQ or other supporting documents, there were plain benefits, an example of which is illustrated in the example below.

¹⁷⁵ <https://webarchive.nationalarchives.gov.uk/20190903105312/https://www.gov.uk/government/publications/conducting-the-asylum-interview-process>

¹⁷⁶ CPINs are documents produced by the Home Office’s Country Policy and Information Team (CPIT) and provide information on the situation in asylum source countries. UKVI staff use them to assist with the determination of asylum and human rights applications.

Case study 3

Timeline:

The claimant was an adult male Libyan national. His wife and four children were dependants on his claim. In December 2019, he contacted the Home Office to book an appointment to claim asylum. Two weeks later he attended a screening interview with his family. A PIQ was sent to him and his family on the same day.

The claimant had benefited from assistance from his legal representative to complete and return the PIQ. It contained significant detail about the claim, which it identified as being for Humanitarian Protection.

Upon receipt of the PIQ, the Home Office arranged the substantive interview the following week.

The interview was very short as the claimant had already established in the PIQ that he had no specific fears, other than the general situation in the country, which the interviewer had clearly read in advance. The claimant was provided with an opportunity to raise any further personal issues. None were provided. There were examples of the interviewer clarifying information provided in the screening interview.

The claimant mentioned that he had depression and anxiety. The interviewing DM then referred him to the Safeguarding Team.

The decision was made by the same DM that conducted the interview ('Interview + Decide model'). The grant paperwork was prepared and sent to the legal representative just four days after the interview took place.

Outcome:

The claimant and his family were granted Humanitarian Protection in January 2020.

ICIBI's comment:

This case study is illustrative of the advantage of the DM reading the PIQ and screening interview thoroughly before the substantive interview, and soon after it had been received by the Home Office. In this case, the duration of the interview was just 40 minutes and the interview was very focused. A decision was reached quickly afterwards. It is also a good example of the 'interview and decide' model improving efficiency.

10.39 On 3 June 2021, the Home Office published an updated 'Asylum Interviews' API, which contained more detailed guidance on the importance of preparing for the substantive interview than the 2019 iteration. It states:

"Preparing for an interview by reading any written evidence will enable you to ask focused and probing questions that address the issues raised in the statement or PIQ, allow the claimant to explain any apparent discrepancies, and test their knowledge of the contents."

It also states:

“If the claimant is unable to remember significant elements of their written evidence or contradicts such evidence, it may call into question the veracity of the information in those documents, though you must give the claimant an opportunity to explain any such discrepancies. However, you should try to avoid simply asking the claimant to repeat information that they have already provided in the statement or PIQ.”

Identifying vulnerability

10.40 In 53 out of 82 interview records which were on file and reviewed by inspectors, at least one vulnerability was identified by the claimant. In 80% of these cases, further action was taken by the Home Office. For example, this could have been a case of signposting to a GP, making a referral to the Home Office safeguarding team, or a referral to the National Referral Mechanism (NRM) team.¹⁷⁷ In the remaining 20% of cases, however, no further action was taken by the interviewer. This could be because the action was not recorded on CID, or that it did not take place. In one of the cases, the claimant had referred to being a victim of sexual violence in the form of rape. Another two cases referred to having been tortured.

10.41 The 2019 API instructs caseworkers to “try explaining to the claimant that you understand the difficulty they may be facing in recalling and disclosing sensitive information”.¹⁷⁸ The inspection team found some positive examples of this, such as:

“I understand that this is really hard for you but you are doing really well. If at any point you would like a break just let me know whenever, okay?”

10.42 Another interview dealt with the subject matter of suicide with tact and sensitivity, acknowledging that it would not be easy to talk about:

“This will be difficult to talk about but I really do feel it is important, you mentioned you have tried to commit suicide, how many times has this happened?”

After discussing the suicide, the interviewer said:

“Okay I feel we can move on in relation to your health but I would like to say if you ever feel distressed again please use the avenues open to you, your GP, these numbers and you can even go to Accident and Emergency.”

10.43 Another claimant was a victim of sexual violence and Female Genital Mutilation (FGM). The interviewer approached this information with sensitivity and followed up with appropriate referrals, encouraging them to speak to their GP about their experience of FGM:

“I am now going to move on to talk about the incident that happened to you which may be difficult to talk about, would you like a break before we continue.”

The interviewer then encourages the claimant to speak to their GRP, saying:

“They can help you if you tell them, there is nothing to be afraid of.”

¹⁷⁷ The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.

¹⁷⁸ <https://webarchive.nationalarchives.gov.uk/20190903105312/https://www.gov.uk/government/publications/conducting-the-asylum-interview-process>

10.44 However, inspectors also found some areas of concern. In 18 out of 49 (37%) cases where sensitive subjects, including torture, gender-based persecution, modern slavery and mental illness, arose, the interviewer was found, in inspectors' opinion, not to have handled the topic sensitively. Where inspectors answered 'partially', this was where the interviewer had responded sensitively or appropriately to some areas of the interview, but not others.

Case study 4

Timeline:

The claimant was an adult male Bangladeshi national. He had no dependants on his claim. He had his screening interview in March 2018. During the screening he disclosed previously having suicidal thoughts and that he was a potential victim of trafficking. A referral was made to the NRM, as well as to adult social services.

The substantive interview took place in September 2018. The claimant made several references to having been forced to work and beaten by his employer, whose house he was also staying in, for example: "I stayed in his house, he tortured me in his house".

When the DM asked how many hours a day the claimant worked, he replied: "No fixed time because the restaurant was run by the owner and done so I was there working the whole time".

He also said: "The owner he used to hit me, once I had a boil under my arm and that day because I did not work, he hit the boil, and another day he hit me in his house" and later: "I had to sleep on a sofa in a room, there was some days he did not let me have a shower for 15 to 16 days".

When discussing the claimant's previous experiences of having been forced to work and beaten, the interviewing DM did not make any attempt to reassure him.

Later in the interview, there are further examples of insensitive questioning on the topic of sexual abuse the claimant had suffered, with no acknowledgement that it might have been difficult to talk about.

In December 2018, the claimant received a positive reasonable grounds decision on his trafficking claim. However, he received a negative conclusive grounds decision in November 2019.

A second interview had to be arranged for February 2020 as information had been provided in a statement of additional grounds, dated February 2018, where the claimant had raised a different convention reason which had not been discussed in the original interview.

Outcome:

In March 2020, two years after the screening interview took place, the asylum claim was refused and a letter was sent to the claimant via their legal representative.

An appeal was lodged two weeks later. As at June 2021, the appeal was ongoing.

Home Office response:

Inspectors asked the Home Office to comment of the lines of questioning highlighted above.

“The decision maker should have responded appropriately, the follow up to this answer fell short of what is expected from an interviewing officer in line with the policy instruction both in the relevance of questions asked (failure to explore the issue raised) and in the tonality of the questions. The manner of questioning... is not conducted sympathetically. Whilst the interviewing officer has a duty to explore the issues around ill treatment, having listened back, the questions are not posed empathetically in a manner that would encourage and support the claimant’s disclosure. Before this line of questioning commenced, the interviewing officer should have signposted that the line of questioning was about to begin and offered the opportunity for the applicant to take breaks, the questions were blunt.”

ICIBI’s comment:

This case study highlights a number of issues which have been raised throughout the inspection report. Firstly, the initial interview was insensitive and did not follow guidance. Secondly, the interviewing DM either had not read the statement of additional grounds or did not ask about the second convention reason raised within it, meaning that a second interview had to be rearranged. This further delayed a decision being made on a claim which had already been delayed by the NRM process.

- 10.45** In the cases examined, inspectors also looked at whether the interviewer had remained “objective and impartial”, as directed by the 2019 API, which also states that they “should not prejudge the claim or approach the interview with scepticism; be aware that [their] own values, beliefs, prejudices and views can affect the objectivity of [their] assessments to avoid them influencing the conduct of the interview”. In their assessment of this, inspectors looked for, for example, evidence of leading questions or comments on what ‘most’ people in the claimant’s situation may do or how they might behave. In 18 (22%) of the 82 cases which had a substantive interview record on file, inspectors found the interviewer did not remain objective during the whole interview. See case study 5 as an example:

Case study 5

Timeline:

The claimant was an adult male, who was a Sudanese national. He had no dependants on his claim. He entered the UK in October 2018 and had his screening interview on the same day.

The claimant had a fingerprint match in France, so was identified as a TCU case. The deadline for a formal request to France was December 2018. The claimant's legal representative sent a letter to get an update on the claim in May 2019. A note on CID in July 2019 said that the case had been dropped out of the TCU process as the return had not been actioned in time.

The claimant's substantive interview took place in December 2019.

At times during the interview, the DM was not objective and seemed to openly disbelieve the claimant on certain aspects of his account. Rather than simple open and closed questions, the interviewer asked questions which seemed to be more of a veiled comment, with a value judgement, such as:

"I cannot accept that reason because there are many people that are from African tribes that have documentation, I do not understand why this was not possible for you".

The DM asked an excessive number of questions to confirm the claimant's nationality. A hostile questioning style was used when asking the claimant details about his tribe. There was repetition of the same question despite the claimant clearly being confused. The interview appeared confrontational in the way discrepancies were put to them, for example:

"I have asked you if you had a Sheikh in your area and you said no, so why are you now saying you did have a Sheikh in your area?"

And:

"You have literally just repeated the question that I have asked you so please can you help me understand what you did not understand about this question considering you repeated it to me twice?"

When the claimant is describing an occasion where he was blindfolded and detained, the DM makes assumptions about how he might have behaved:

"Surely being frightened gives more reason to ask why something is happening?"

There was further insensitive questioning about torture, where the interviewer offered no reassurance or acknowledgement that it might be difficult for the claimant to talk about, contrary to guidance contained in the API to "investigate allegations of torture or modern slavery or other forms of ill-treatment with appropriate sensitivity".

Outcome:

The claimant was granted asylum in March 2020.

Home Office's response

Inspectors asked the Home Office to comment on the appropriateness of the interviewer's questions during the interview.

"Interview at times aggressive and often unnecessarily argumentative/adversarial. Feedback to DM advising he must improve his interview style confirming this is not to be an adversarial process, it's a fact finding process."

ICIBI's comment

The phrasing of some of the questions asked by the interviewer was openly disbelieving and did not adhere to the guidance on objectivity and impartiality. While the guidance advises that interviewers should "explore credibility issues as the interview progresses", it also says that they should be aware "that it will not be possible to make a balanced assessment until all the evidence is considered in the round".¹⁷⁹ While it is important to put inconsistencies to the claimant, this should be to assist them to clarify. The way the interviewer challenged information in this case was inappropriate and had the potential to confuse or distress the claimant.

Although the Home Office have committed to providing feedback to the individual DM in this case, this was not a one off.

- 10.46** Inspectors held focus groups with people who had been through the asylum process. The key message from these sessions was the importance of the interviewer creating a reassuring environment, where the claimant felt comfortable sharing their account. However, the experience of most of the people who participated was largely negative in this respect:

"It would be good if I was welcomed into my interview like a human being, it would have made the difference. To acknowledge I am here seeking help... It would be good portray a positive tone and not an aggressive tone. [That] would put people at ease."

"I was there too long being asked the same questions, 20 or so were repeated in a slightly different way. This made me more confused and anxious, I think that [they] should consider us all as vulnerable people, you are so vulnerable, the longer you are there it's like torture, ask straight questions and get straight answers."

Video conferencing for substantive interviews

- 10.47** The use of digital interview/video conferencing (DI/VC) was an initiative of the Next Generation Casework project, which sought to trial new ways of working.¹⁸⁰ The Home Office had been steadily increasing the volume of interviews being carried out remotely since then, from 2% to 15% between 2018 and 2020. After the pandemic, it rapidly increased and in February of 2021, 73% of substantive interviews were being conducted remotely.

¹⁷⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967262/screening-and-routing-v6.0ext.pdf

¹⁸⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

10.48 Figure 28 shows the increase in the use of VC since 2019 in decisions made.

Figure 28 ¹⁸¹		
	Total substantive interviews	Video Conferencing
2019 Q1	5,237	124 (2%)
2019 Q2	4,739	113 (2%)
2019 Q3	4,824	362 (8%)
2019 Q4	4,924	558 (11%)
2020 Q1	5,021	758 (15%)
2020 Q2	2,244	427 (19%)
2020 Q3	1,553	442 (28%)
2020 Q4	2,705	1,724 (64%)
2021 Q1	3,688	2,877 (78%)

- 10.49** Managers and senior leaders told inspectors that they were pleased with their COVID-19 response and the move to home working. One said: “in terms of moving rapidly to mobilise digital interviewing... the innovative solutions we have come up with make me very proud”.
- 10.50** Broadly, staff agreed that a move to increased use of VC had the potential to increase efficiency in the process and ultimately reduce the WIP. However, the use of VC generally and the rollout of its use during the pandemic were not without issue. These broadly fall into two categories: practical issues, including technology and interviewing facilities in the office; and human issues, including building rapport with the claimant and consequently, to identify vulnerabilities and safeguard effectively.

Limitations of Video Conferencing

- 10.51** DMs’ experience of conducting VC interviews from the office was largely dependent on how well equipped their region was, and it was clear that this was variable. Most DMs had experienced technical issues with POISE¹⁸² or with the office equipment. Some told inspectors in January 2021 that they had found the transfer to VC “really shambolic”, and others claimed to now “spend most of [their] day trying to resolve IT issues when it comes to logistics of interviewing remotely” because “equipment within the office is outdated”.
- 10.52** Few had received any training on using the technology, although inspectors were told by the ‘Transformation’ lead that there were plans underway to add further DI/VC training to the FTP. The inspection team saw training materials to this effect. In January 2021, DMs said: “a lot of it isn’t intuitive, the use of VC for interviewing really needed comprehensive and thorough guidance and training, which was lacking”.
- 10.53** The inspection team frequently heard of issues with miscommunication between the interviewer, the interpreter and the claimant, as a result of poor-quality sound or connection issues. Staff bemoaned having to “constantly” ask the interpreter to repeat themselves, which

¹⁸¹ Figure 28 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

¹⁸² Home Office laptop software.

was disruptive to the flow of the interview. Referring to the written transcript, one said: “I’ve written ‘Repeated for interpreter’ more in the last few months than I have in six years.”

- 10.54** A commonly held opinion among DMs was that interviews conducted by VC took longer.
- 10.55** The ICIBI’s ‘inspection of the Home Office’s use of language services in the asylum process’¹⁸³ also highlighted this. Inspectors heard that this could be a question of 10-15 minutes “if you are lucky”, but often it was said to add up to one hour, taking into account the time needed to set up equipment, and allowing for connection or sound issues. Staff said connection issues made them look unprofessional and led to further issues with transcribing.
- 10.56** Stakeholders have raised concerns both to inspectors and the Home Office around the suitability of interviewing vulnerable claimants remotely and the interviewer’s ability “to sense and respond appropriately to their emotional state”, or for claimants “to build the level of trust in the caseworker that is required for them to make highly sensitive disclosure”.
- 10.57** Staff also highlighted, as in the ‘language services’ inspection, that there was potential to “lose the personal aspect as you are not there with the applicant to reassure them” and said that “people also speak with body language”, which could be lost if they are not in the same room as the claimant. On this, one DM said: “I don’t think I am performing to the same standard as I would be if I was sitting in the room with the interpreter... please, let me sit in the room with my interviewee and my interpreter”.
- 10.58** Asylum seekers raised their concerns via an NGO in a submission to the call for evidence, one of whom stated that they were “really, really scared and frightened” that they would have to do a VC interview, because they “cannot sense your feelings and emotions and you cannot make a relationship with the person in front of you”.
- 10.59** When asked about safeguarding through VC, one DM told inspectors:
- “I think it’s fine – there are processes in place... one thing is when an applicant gets teary, I can split my screen with the TV monitor so I can have my camera on, otherwise their face is just a small square as you’re typing away. Sometimes the interpreter will prompt you because you’re so concentrating on typing that you might not notice [the claimant] is silently crying. You have to make sure you keep looking to make sure that when you’re talking about something sensitive, or else you might not notice that they’re upset.”
- 10.60** Stakeholders expressed concerns about whether a claimant could provide informed consent as to whether they were comfortable to have their interview carried out over VC. This could be due to not fully understanding that this was going to be the case or a lack of reassurance by the Home Office that refusal to agree to the use of VC would not delay their claim further.
- 10.61** The letter inviting a claimant to a substantive interview now contains the following text:

183 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933930/An_inspection_of_the_Home_Office_s_use_of_language_services_in_the_asylum_process.pdf Page 65-6

Video conferencing interviews

Your asylum interview will be conducted by video conferencing. This means that you may not be in the same room as the interviewing officer or interpreter (if you need one) but you will be able to see them. If you have a reason why your interview should not be carried out by video conferencing you must call the number above to let us know as soon as possible.

- 10.62** Stakeholders have raised the issue of this being in English which, for most claimants, is not their first language, and around the ambiguity of what might constitute a legitimate ‘reason’.
- 10.63** In light of the increasing use of VC both at the Home Office and in a Tribunal setting, a number of reports have emerged, including one by the charity Transform Justice titled, ‘Defendants on video – conveyor belt justice or a revolution in access?’, which argues that that the use of video technologies, in this case in a court hearing setting, carries significant risks. This report stresses that “psychological studies have established the importance of body language and tone of voice in communication” and that those who do not speak English would be at greater risk of being negatively impacted by a remote hearing. A testimony gathered for the report also suggests that appearing on video can “increase defendants’ feelings of isolation and stress.”¹⁸⁴
- 10.64** Another report, titled ‘In defence of the hearing? Emerging geographies of publicness, materiality, access and communication in court hearings’, highlights that VC can also increase feelings of alienation and stress, and that difficulties with their ability to build rapport arise “especially” for vulnerable appellants.¹⁸⁵
- 10.65** In summer 2020, the Home Office commissioned a piece of social research through the ‘Asylum Analytical Steering Group’. The Home Office told the inspection team that following a scoping stage, fieldwork had been carried out in August and September 2020, followed by analysis and reporting, although they were not able to share any conclusions as at June 2021.

Video Conferencing and sampled files

- 10.66** Inspectors examined 100 case files. 82 of these contained a record of the substantive interview, 32 of which had been conducted using VC. In these, there were numerous references within the transcripts to disruptions to the interview due to technical problems, for example:
- In one case, the screen showing the interviewer stopped working or froze three times during the interview, which had to be temporarily suspended each time. In the same interview, the interviewer asked the claimant at one point whether they were looking at their phone. The claimant said they were scratching their hand.
 - In another case, there were four separate instances of connection failure noted in the interview transcript, which resulted in breaks in the interview.
 - Another claimant had a total of three interviews. The first was suspended due to connection failures. The second took place over six weeks later and midway through it the claimant began having a panic attack and the interviewing DM had to call a staff member in London (where the claimant was) to go and assist them. The interview then resumed

¹⁸⁴ <http://www.transformjustice.org.uk/wp-content/uploads/2017/10/Disconnected-Thumbnail-2.pdf>

¹⁸⁵ <https://onlinelibrary.wiley.com/doi/full/10.1111/gec3.12499>

after a break. However, it had to be suspended as, due to the previous disruption and then break, there was not enough time to complete it. The final interview took place two weeks after the second. Each of the three interviews used a different interpreter.

- Another interview transcript contained four examples of technical issues. In one instance, the interviewer said “we had technical issues, the video might go out but as long as we can hear each other” and when the claimant said they could not see them, the interviewer’s response was “as long as we can hear each other, we should be ok to continue”.

Internal assurance of Video Conferencing

- 10.67** UKVI’s Assurance Compliance and Improvement Team¹⁸⁶ initiated a review of VC interview quality in asylum claims in September 2020, in which they examined a random sample of 30 interviews. The final review stated that “due to conflicting priorities and time constraints”, which were not explained any further, only 17 cases were ultimately reviewed. The internal review reported not to have found “any negative impact on the quality of VC interviews compared with those conducted face-to-face”. However, they did warn that “caution must be taken with this comparison as the number of those routine assessments is very low” and it would “be disingenuous to suggest that the move to DI has led to better interviewing”.
- 10.68** The review assessed each case on ‘process’ and ‘quality’. For the process score, 14 of the VC interviews sampled were assessed as satisfactory. The remaining three cases were assessed as DQ3 and “encountered significant errors”. The review found that “issues do exist with regard to the use of the DI [Digital Interviewing] software and the recording of breaks, the use of the pause facility with the possibility of data incidents occurring”, and provided examples of interviews where the recording had not been paused during breaks or following the interview “which resulted in the recording of inappropriate or unprofessional language, inappropriate conversations and the disclosing of personal details of Home Office staff and interpreters”. The review explained that data incidents had been reported to AO and the Office for Data Protection. Two reminders on the correct personal conduct and use of DI software were also sent to all staff following this.
- 10.69** The updated ‘Asylum Interviews’ API, published on 3 June 2021 contains more detailed guidance on using VC to carry out interviews than the 2019 iteration. It instructs DMs to conduct VC interviews from a “suitably quiet and private area” and to be mindful of what the claimant and other attendees will be able to see and hear in the background. It also acknowledges that cues of communication can be lost through the remote setting, encouraging DMs to “look at the claimant regularly” and “make eye contact and nod and smile when appropriate”.¹⁸⁷

¹⁸⁶ UKVI’s Assurance Compliance and Improvement Team sits within UKVI Central Operations and provides 2nd line assurance to UKVI.

¹⁸⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/991608/asylum-interviews-v8.0ext.pdf

11. Inspection findings: Asylum decisions

Asylum decisions

- 11.1** The 2015 Asylum Policy Instruction (API) ‘Drafting, implementing and serving asylum decisions’¹⁸⁸ sets out practical instructions that DMs should consider when making a decision.
- 11.2** The 2015 API ‘Assessing credibility and refugee status’, provides further instruction on assessing credibility. It provides that claims should be considered “in the round” and that the DM need not be “certain’, ‘convinced’ or even ‘satisfied’ of the truth of the account”, stressing that it is the credibility of the claim as a whole which is relevant, not the personal credibility of the claimant.”¹⁸⁹

Decision quality

- 11.3** The inspection team requested to see all Calibre Data Quality (DQ) scores¹⁹⁰ from internal quality assurance on decision casework, broken down by the outcome in FY 2020/21:

Figure 29¹⁹¹

2020/21 Totals	DQ1	DQ2	DQ3	DQ4	DQ5	Total	Total DQ3-5	% of DQ3-5
Asylum Refused	165	66	77	40	23	371	140	38%
Asylum Refused-Certified	29	3	6	2	1	41	9	22%
Total refusal	194	69	83	42	24	412	149	36%
Grant Asylum	269	100	51	23	12	455	86	19%
Grant Discretionary Leave	1		1			2	1	50%
Grant Humanitarian Protection	12	4	5	3	1	25	9	36%
Grant Leave to Remain based on Family Life	8	2	2	1	1	14	4	29%
Grant Leave to Remain based on Private Life								

188 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428551/Implementing_Substantive_Asylum_Decisions_v11_0.pdf

189 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

190 Calibre is the quality assurance tool used in Asylum Operations to record the outcome of quality assessments. Interviews and decisions are scored DQ1-DQ5, with DQ1 being good and DQ5 unsatisfactory. This will be explained in greater depth in chapter 14.

191 Figure X contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics so should be treated as provisional and therefore subject to change.

Figure 29¹⁹¹

2020/21 Totals	DQ1	DQ2	DQ3	DQ4	DQ5	Total	Total DQ3-5	% of DQ3-5
Grant UASC Leave	1	1	2			4	2	50%
Total grant	291	107	61	27	14	500	102	20%
Total	485	176	144	69	38	912		

- 11.4** The quality assurance scores from both the 2019/20 and the 2020/21 financial year indicate that decisions to refuse are generally of lower quality than those to grant.
- 11.5** Stakeholders have consistently identified three persistent issues with the Home Office's refusals: flawed credibility assessments, misapplication of the standard of proof and poor use of country of origin information (COI).
- 11.6** The ICIBI survey asked Technical Specialists (Tech Specs) to identify common errors they found in DMs' decisions to refuse claims. 42 out of 43 responded. They were given the option to tick all that applied. The top five responses, as illustrated in figure 30, align with stakeholder concerns, with the addition of the material facts not having been fully considered.

Figure 30

Common error:	Response percent	Response total
The material facts had not been fully considered.	90.48%	38
The decision did not consider or give due weight to all oral, documentary supporting evidence and relevant COI in support of the claim.	59.52%	25
The incorrect standard and burden of proof was applied.	50.00%	21
The decision was not professionally drafted.	47.62%	20
The decision is speculative.	45.24%	19
The decision did not set out all the key material facts of the basis of claim.	35.71%	15
The standard paragraphs used were not appropriate to the claim and were not tailored to the decision.	30.95%	13
There was an inaccurate summary of the claimant's immigration history.	28.57%	12
When relevant, Section 8 behaviours were not identified or explained.	26.19%	11
The basis of claim did not identify future fear elements.	26.19%	11
The finding on nationality was not supported with sound or sufficient reasoning.	16.67%	7

Figure 30

Common error:	Response percent	Response total
The benefit of the doubt was not applied where material facts were deemed uncertain.	9.52%	4
The decision did not state the claimant’s details correctly.	7.14%	3
Where age was disputed, there was not a sound rationale.	4.76%	2
Other (please specify):	23.81%	10

11.7 Of the ten Tech Specs who ticked ‘other’, four cited “sufficiency of protection” and “internal location” as common errors, with DMs struggling to assess or explain the risk to the claimant upon return. Two made reference to CPINs. One pointed to “out of date” CPINs being used, while another said that there seemed to be “inconsistency across units as to how they are interpreted”.

Material facts consideration

11.8 In the asylum determination process, a decision should be made based on whether a claimant has “such a well-founded fear or faces such a risk [and] is informed by the findings of fact on points that are material – that is, relevant – to the asylum claim”.¹⁹² As such, the starting point of any decision should be to determine what information is material to the claim.

11.9 The inspection team sought to understand whether the issues identified by stakeholders and Tech Specs were evident in case files they examined. As with their assessment of substantive interviews in the case files, inspectors answered a number of questions which related to Home Office guidance. In the sample of 50 refusals, 47 had the refusal letter (RFRL) on file. Of those, inspectors assessed whether:

“In the RFRL, where the material facts were established and were consistent and coherent, was the claim accepted, or did the decision focus on small and insignificant inconsistencies?”

11.10 To answer this, they considered whether the DM had relied on, for example, small errors in date or timeline, when something material to the claim, such as torture, had already been clearly established, or should have been. Where this reliance on insignificant details had the effect of changing the decision outcome and distracting from the established material fact, inspectors answered “decision focused on small inconsistencies”. Where they had relied on and referred to insignificant details but the material facts had still been accepted and the outcome of the decision was unchanged, they answered “partially”. Where the claim had focused solely on the material facts, they answered “accepted”:

- In three cases, the “decision focused on small inconsistencies”
- In 12 cases, the RFRL “partially” focused on small inconsistencies
- The remaining cases were either “accepted” or “not applicable”

¹⁹² <https://www.unhcr.org/51a8a08a9.pdf>

- 11.11** The Home Office’s internal quality assurance reports also highlight that poor quality decisions have often not succeeded in establishing material facts. Inspectors requested Calibre reports for all cases where the overall score of the decision had been assessed as DQ3-5 between 1 January 2020 and 31 March 2020. The Home Office provided the inspection team with 15 Calibre reports. In 12 of the 15 cases, the assessor found that material facts had not been “correctly identified and assessed as to credibility”.
- 11.12** One of these decisions was assessed as being “probably incorrect” and three were “not possible to conclude”. The remaining 11 were “probably correct”.
- 11.13** The assessor’s comments on the “probably incorrect” decision, were:
- “Little confidence can be placed on the findings of the material facts. The considerations are extremely poor and have not taken into account the COI and no research undertaken on the answers given in the interview. Considerations are weak and in parts wholly inappropriate. No consideration given to whether the applicant could be an undocumented Bidoon ... On the balance this case should have accepted he was undocumented and a different decision made.”
- 11.14** This assessment took place in February 2020, after the decision had already been sent to the claimant. The Home Office told inspectors that this outcome had been withdrawn to be reconsidered in March 2020, but there was a delay in issuing the new decision due to COVID-19. From CID¹⁹³ records, inspectors learnt that the claimant and their legal representative found out that the decision had been reconsidered and would be changed to a grant through the Presenting Officer (PO) when they went to the Tribunal, rather than being informed by the UKVI decision making unit (DMU).
- 11.15** The case study below is an example of a case file examined by inspectors where the decision “focused on small inconsistencies”:

Case study 6

Timeline:

The claimant was an adult male, who was an Afghan national. He had no dependants on his claim. He arrived in the UK and claimed asylum in December 2017.

His case was delayed because it was initially identified as a TCU case as he had passed through Germany when travelling to the UK. It was eventually dropped out of the TCU process due to “pragmatic reasons based on the particular circumstances of the case”, which are not explained on CID notes. The Home Office arranged a substantive interview for November 2019.

The claimant’s legal representative wrote to the Home Office to request that the interview, which was due to be carried out via video conferencing, was cancelled due to the claimant’s mental illness. A face-to-face interview was arranged for February 2020.

¹⁹³ Case Information Database (CID), is the case-management database in use by the Home Office.

Outcome:

The claim was refused and the RFRL was sent to the claimant's representative two weeks after the interview.

The RFRL relied on small inconsistencies in the asylum interview record (AIR) to reject the claimant's account, for example:

"You claim that you work for a construction company and you would travel to Pakistan to recruit new employees and bring them back to Afghanistan (AIR Q25, 52 & 53).

You claim that on 19 July 2015, the authorities arrested two of your employees and accused them of spying on Afghanistan (AIR Q26-28).

You claim that you were accused of employing these individuals, so you were also arrested (AIR Q25).

However, it should be noted that later in your asylum narrative, you also claim you informed the police that you were responsible for those employees and you had hired them (AIR Q83). This aspect of your claim is considered to be internally inconsistent."

Later in the interview, the DM refers again to minor inconsistencies between information provided in the screening interview (SCR) and the substantive interview:

"It should also be noted that during your screening interview, you claim that you were accused by the government of 'sheltering' the Pakistan nationals (SCR Q4.1). However, during your asylum narrative, it should be noted that you informed the interviewing officer that you were accused of employing these individuals. This internal inconsistency has been noted."

The RFRL also failed to recognise the material fact of the claim to have been identified in the substantive interview, which is that the claimant had been arrested for employing Pakistani "spies", and for being involved with Pakistani intelligence. This should have been considered under the 'imputed political opinion' Convention reason.

Change in outcome:

The claimant lodged an appeal and the Home Office's decision was subsequently withdrawn, following a Presenting Officer's triage which took place in May 2020 and a Technical Specialist's review, which took place in July 2020. It is unclear why there was such a delay in the Technical Specialist's review taking place.

Grant paperwork was sent to the claimant via their legal representative in July 2020.

ICIBI's comment:

This example, as with the example above, illustrates not only the importance of establishing the material facts, but also of the potential knock-on effect that failure

to do so can have. In both cases, vulnerable claimants were told their asylum claims had been refused, only to find later that they should have been granted asylum.

Standard of proof

- 11.16** According to the 2015 Home Office API ‘Assessing credibility and refugee status’, there is a “low standard of proof” in asylum claims, which should be assessed to a “reasonable degree of likelihood”.¹⁹⁴ However, stakeholders continue to raise the issue of DMs’ misapplication of a higher standard of proof than necessary in initial asylum decisions through published reports and in submissions to this inspection.
- 11.17** Staff responses to the ICIBI survey were strongly supported by what Tech Specs and Senior Caseworkers (SCWs) told the inspection team. Although they said the quality of decisions was a “mixed bag” and would “depend on the DM”, the recurring issue they pointed to was the standard of proof, which was frequently “still too high”.
- 11.18** Through the Quality Protection Partnership,¹⁹⁵ the UNHCR conducted a review of ‘Home Office understanding and approach to standard of proof’, findings of which were presented to the Home Office in April 2020. It found that within Asylum Operations (AO) there was “an overall lack of consistency and some confused reasoning as to how to explain and conceptualise the low standard of proof at all [grades]”. It also highlighted that among staff there was a “recognition/repeated conversation as to the complexity and subjectivity of what ‘low’ means in practice and how challenging many found this”.
- 11.19** Managers told inspectors that the standard of proof was “drilled into” DMs during the Foundation Training Programme (FTP),¹⁹⁶ but that it was easier for newer DMs, who had more recently been trained, and “as time goes on it does go the opposite way”, owing to casehardening. Many managers blamed DMs for this issue. However, as highlighted in the UNHCR review, “more formalised SOP [Standard Operating Procedure] consolidation training with ongoing support, would be welcomed by everyone at all levels”.

Credibility

- 11.20** The Home Office’s 2015 ‘Assessing credibility and refugee status’ API instructs that a claimant’s oral testimony and supporting documents relating to the material facts of the claim should be “coherent and reasonably consistent”. It also says that “any differences between statements made at screening, in any written statements and at interview should have been put to the claimant at interview, as should any conduct prior to the claim which may have a bearing on the claimant’s general credibility”, such as a delay in claiming asylum. It is the DM’s responsibility to “distinguish major inconsistencies from minor ones and focus on those which matter”, rather than focusing on small inconsistencies, should they arise.

194 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

195 The UNHCR Quality Protection Partnership (QPP) has been ongoing since 2018. The project is operated by a small team of UNHCR staff who have Home Office security clearance and access to Home Office files for auditing purposes. They provide assurance to improve the UK asylum system. Further details can be found here: <https://www.unhcr.org/uk/quality-initiative-and-integration.html#:~:text=A%20key%20part%20of%20the,to%20improve%20its%20asylum%20system.&text=The%20project%20is%20operated%20by,Office%20files%20for%20auditing%20purposes.>

196 Foundation Training Programme is the training provided to all new asylum DMs.

- 11.21** However, stakeholders referred to an “excessive” focus on credibility, which can become “a distraction from the real issue under the Refugee Convention: whether there is a well-founded future risk of being persecuted”.¹⁹⁷
- 11.22** Freedom from Torture’s ‘Lessons not learned’ report, published on 18 September 2019, examined 50 published reports, including previous ICIBI reports, which had examined asylum casework. 38 of the 50 reports identified ‘flawed credibility assessments’ as a driver of refusals, whereby excessive weight was placed on personal credibility based on small inconsistencies, contrary to Home Office guidance. Amnesty International indicated in 2013 that claims were being refused on credibility grounds without adequate reason being provided in the refusal letter. They described it as a “domino effect”, whereby “case owners made flawed credibility assessments based on one aspect of the claim, and then used this to undermine other aspects of the claim”.¹⁹⁸
- 11.23** In the files examined by the inspection team, 53% (25) of the 47 refusals were on credibility grounds.
- 11.24** The 2015 ‘assessing credibility’ API instructs DMs that they should “ focus first on the credibility of the claim rather than on the personal credibility of the claimant”.¹⁹⁹ Inspectors found that in 19 out of 47 (40%) refusal letters they examined, there was at least a “partial” focus on the personal credibility of the claimant, rather than the credibility of the claim as a whole.
- 11.25** Issues with credibility assessments were a finding of ICIBI’s 2017 inspection of asylum casework, which highlighted that there was “room for improvement” in DMs’ consideration of the claimant’s credibility.²⁰⁰
- 11.26** Home Office guidance also states that “caseworkers must take into account any personal factors which may explain why a claimant’s testimony might be inconsistent with other evidence, lacking detail, or there has been late disclosure of evidence.” Personal factors, according to the guidance, might include “age; gender; variations in the capacity of human memory; physical and mental health; emotional trauma; lack of education; social status and cultural traditions; feelings of shame; and painful memories, particularly those of a sexual nature”.²⁰¹
- 11.27** However, inspectors found evidence of this not being adhered to. For example:

Case study 7

Timeline:

The claimant was a male UASC, who was an Afghan national. He claimed asylum in March 2019.

197 <https://www.freemovement.org.uk/the-problem-with-credibility-as-a-concept-in-asylum-cases/>

198 Amnesty International, A question of credibility. Available at: https://www.amnesty.org.uk/files/a_question_of_credibility_final_0.pdf

199 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

200 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf

201 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

In September 2019, the claimant submitted his SEF through his legal representative with an accompanying witness statement, which provided details of him having been imprisoned and interrogated.

Their substantive interview took place in November 2019. During the interview, the claimant explains that he suffers with “a lot of illnesses”. He said: “I don’t have sleep... I have a lot of stress, sometimes my brain doesn’t work properly”.

When the interviewing DM asks him if he has ever had feelings of self-harm or suicide, he said described having previously self-harmed, and referred to frequent thoughts of suicide.

A subsequent safeguarding referral was made by the DM.

The claimant also tells the DM that they cannot read or write, never having gone to school, other than at the mosque. The claimant indicates that they struggle to remember dates on a few occasions, for example, when asked the year and month he had left Afghanistan, he responded: “At that time I was 14 years and 6 months old”.

The DM then asked for an approximate date, and he said: “I haven’t been to school”.

Later, when asked to confirm the timeline for a series of events, he replied: “Yes, it is possible. I don’t know about the dates”.

Throughout the interview, there are a number of examples of the interviewer leading the claimant to give a date, despite him saying he did not know.

Outcome:

The claim was refused in January 2020. The refusal letter relied on inconsistencies in the dates provided in the interview, and gave no consideration for the claimant's age, or the fact that he repeatedly said he could not remember the exact dates.

The claimant lodged an appeal which was reviewed by the Presenting Officer’s Unit in May 2020. The decision was taken to withdraw the decision to refuse the claim and grant the claimant five years' refugee leave. The reasons provided were:

“Claimant’s nephews were granted on similar facts and he arrived in the UK after them, relocation to Kabul is also inappropriate due to the appellant’s vulnerable mental health and suspected learning difficulty.”

A Technical Specialist then reviewed the case and authorised the decision to withdraw the refusal in June 2020.

Grant paperwork was served to the claimant via their legal representative in July 2020.

Home Office response:

Inspectors asked the Home Office to comment on whether the child’s personal circumstances (lack of education and age, for example) had been properly considered in the interview and RFRL.

“The credibility findings made in the RFRL were based on conflicting information provided in the claimant’s internal accounts. There does not appear to be a consideration for the claimant’s age at the time the events occurred in Afghanistan though, which is an important factor.

It is noted that following a review of the case by the Presenting Officers Unit, the local authority stated that the claimant had difficulty understanding instructions and timings, and a letter from a GP declared the claimant had PTSD. It would appear this information was not available to the interviewing officer / decision-maker at the time which would have aided both the interview and decision when considering the account that was submitted. On reflection of this information it was decided that the claimant would not be able to support himself on return to Kabul which resulted in the reconsideration of this case.”

ICIBI’s comment:

In the final section of the interview transcript, it indicates that the claimant was asked whether they or their legal representative have any questions or comments about the interview.

Inspectors note that in response to this, the claimant raised the difficulty they may face in obtaining medical evidence. The interviewer first asked them: “Is there any reason why you haven’t produced these documents sooner?”

The claimant explained that they had only found out that day that they would be required to provide documentary evidence or evidence of the medication.

When the DM asked how long they needed, the legal representative suggested eight weeks and the DM said: “it is unlikely we could give you that long”. They agreed on five days.

The Home Office’s response that information was not available to the interviewer therefore does not seem reasonable. Both the claimant’s age, and mental state, should have been given more consideration, in line with the Home Office guidance. It is stated in the SEF that the claimant has “potential PTSD” and it is evident throughout the interview that they suffer with mental illness, which was acknowledged by the DM in their subsequent safeguarding referral. Agreeing a more reasonable time to obtain medical evidence would have avoided the case going to appeal and further delay. The credibility of the claimant was incorrectly assessed in this case, because no consideration had been given to his mental state or age.

- 11.28** In their submission to the call for evidence for this inspection, a refugee who was originally refused asylum before it was overturned at the First Tier Tribunal, told inspectors: “during my interview I explained that my memory is poor due to my age and mental health [...] This was used to undermine my credibility, despite the fact that I made clear I could not remember the dates exactly and have memory problems”.
- 11.29** Again, the personal circumstances of the claimant were not adequately considered in this case, resulting in their credibility being doubted and affecting the outcome of the claim. The impact of trauma on memory is well documented, not least in the Home Office’s own guidance, and in the MLR training.

11.30 Of the 100 files examined, 47 had reasons for refusal letter (RFRL) on file. Of those, inspectors found that 31% (15 cases) contained elements of speculation or assumption.

11.31 The guidance provides that “caseworkers must provide the claimant with an opportunity to explain their actions or inaction; failure to do so will result in the caseworker being unable to rely on the provision”, or the action. Inspectors found examples of this not being adhered to, as highlighted in the case study below:

Case study 8

Timeline:

The claimant was an adult male, who was an Ethiopian national. He came to the UK to work in 2015 and had an entry clearance visa which provided leave to remain in the UK until its expiry at the end of October 2019.

He subsequently claimed asylum in November 2019.

His substantive interview took place in December 2019 and no questions were asked about the reasons for not having claimed asylum until just over two weeks after the expiration of the work visa.

Outcome:

The claim was refused in March 2020. In the RFRL, the claimant’s credibility was doubted because of the delay in claiming asylum, as demonstrated in the extract below:

“Your visa expired on 29 October 2019, however you did not claim asylum until 15 November 2019. You therefore failed to claim asylum at the earliest opportunity, delaying handling of your application. This damages your credibility under section 8 (2c) of the Act.”

This was a contributing factor to the rationale to refuse the claim, with the letter stating that the claimant had “failed to establish [their] general credibility”.

Home Office response:

Inspectors asked the Home Office to explain why the claimant had not been provided with an opportunity to explain this.

“There are no reasons why this was not asked at either asylum interview nor through correspondence with representatives post interview. DM feedback has been provided by Technical Specialist regarding this issue and to advise revision of asylum credibility.”

ICIBI’s comment:

The delay in claiming asylum, although not the sole issue deemed as damaging to the claimant’s credibility, should have been discussed with them during the interview. Failing this, as the Home Office’s response indicated, it could have been raised with

the legal representative afterwards, if it was going to be relied on in the refusal, in line with Home Office guidance to “give the claimant an opportunity to explain anything that appears to be implausible or inconsistent”.²⁰²

Use of documentary evidence

- 11.32** A witness statement had been provided in 32 of the cases examined by inspectors. Another form of documentary evidence had been provided in 61 cases, in addition to or instead of a witness statement. For example: death certificates of family members, photographs, or articles to corroborate accounts. Of these, in 13 (21%) cases, inspectors were not satisfied it had been given adequate consideration.
- 11.33** Stakeholders told inspectors that in some cases, “the Decision Maker justifies having given independent evidence “little weight” because the claimant’s credibility has been damaged by something else. This is, they explained, in “violation of the principle that credibility must be assessed in the round and in the country context, and of the requirement of paragraph 339J of the Immigration Rules to take all relevant evidence into account”.
- 11.34** Medical evidence, including medico-legal reports, was received by the Home Office in 27 of the cases which inspectors examined. In five of these cases (19%), it was not, in the view of the inspection team, given adequate consideration or weight.

Use of COI/CPINs

- 11.35** Country of Origin Information (COI) should be used by DMs to assist them to prepare for substantive interviews and to make decisions.
- 11.36** In response to the ICIBI survey of DMs, 97% (198) of respondents said they referred to CPINs when they were drafting a decision. Despite this, some felt that the content of CPINs was often “contradictory” and expressed frustration that they were not available for every country. DMs also told inspectors that many CPINs were “quite old” and in some cases, “you have to look at the news” to get information about a country.
- 11.37** A manager in the Country Policy and Information Team (CPIT) told inspectors that they were in need of more “appropriate funding and oversight”, and more senior staff with analytical skills, which “the decision making process would benefit from overall”. ICIBI made a recommendation in 2016 in its inspection of country information, which was then reiterated in 2018, referring to the need for CPIT to be better resourced.²⁰³ Further, in ICIBI’s 2020 thematic report on country of origin information, ICIBI highlighted that the small and under-resourced CPIT team, “points to an under-investment by the Home Office in COI. Given that the department is dealing with increasing numbers of asylum claims, this is neither sensible nor acceptable”.²⁰⁴
- 11.38** Inspectors heard from the same CPIT manager and DMs in different regions that there have been recent improvements in communication between AO and CPIT, as CPIT have responded to feedback from their ‘product users’, on what they want to see included in CPINs.²⁰⁵

²⁰² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807031/asylum-interviews-v7.0ext.pdf

²⁰³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/761740/Inspection_of_Country_of_Origin_Information_May_2018..pdf

²⁰⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

²⁰⁵ For example, decision makers.

- 11.39** Ultimately, as highlighted by a CPIT manager, “policing of the use of CPINs in decision making falls to asylum operations... [CPIT] can’t prescribe every possibility or individual claim – there will always be exceptions to general rules and that is the purpose of the Decision Maker – they need to apply facts to each individual case”.
- 11.40** Stakeholders aired frustration around the use of out-of-date CPINs in decision letters, which was particularly problematic when DMs have a tendency to, “consider CPINs to be the definitive source of information”.
- 11.41** One group said: “If the CPINs do not state the law accurately, decision makers are more likely to misapply the law and fail to ask the right questions when considering a claimant’s case”. They also highlighted that inconsistent use of terminology in CPINs had the effect of “altering the meaning or purpose of established legal principles and case law”. ICIBI’s thematic review also found examples of CPINs which should “better reflect the law” in information about certain countries.²⁰⁶
- 11.42** A legal representative said that they had noticed “a widespread problem” of “random and unstructured internet research by caseworkers”. They provided a number of examples, including one client’s decision letter, which “asserted that internal relocation to Lahore would be reasonable based on research carried out on a holiday and tourism website and an online directory of local businesses”, leading the DM to conclude the claimant would be able to find employment as a dairy farmer, mentioned in this directory, despite no previous experience in this type of work.

Claims on the basis of sexual orientation

- 11.43** The inspection team did not request case references of claims based on sexual orientation specifically, but eight of the 100 files they examined were on this basis. None of the cases provided to the team were on the basis of a claimant’s gender identity or expression, although it is acknowledged that this is also an area of concern for many stakeholders and the Home Office’s guidance on this cohort has previously been found to be inadequate, having last been updated in 2011.²⁰⁷

Interviews

- 11.44** Inspectors found that interviewers adhered to guidance where the instruction was prescriptive. For example, the 2016 API on ‘sexual orientation in asylum claims’ states: “In all instances, caseworkers should establish the terminology preferred by the claimant.”²⁰⁸ In seven of the eight case files examined by inspectors where the claim was based on the person’s sexual orientation, the interviewer explicitly asked near the beginning of the interview which terminology the claimant would prefer they use to describe them. In the eighth case, the interviewer asked how they defined themselves, but not whether they were happy for the DM also to use the term.
- 11.45** However, stakeholders raised concerns about the quality and fairness of interviews of people whose claims were based on their sexual orientation. Some reported that DMs exploit “small

²⁰⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

²⁰⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257387/genderissueintheasylum.pdf

²⁰⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf

mistakes clearly relating to language barriers or simple memory issues when recalling events from childhood... exploiting little inconsistencies between first kiss and first 'sexual experience', for example". Stakeholders told inspectors that they had seen "many instances of unnecessarily confrontational questioning, potentially upsetting questions, excessive focus on perceived inconsistencies, questions seeking out adverse credibility points of no evidential value".

11.46 In August 2016, the Home Office issued an API that explicitly advised that there were "no circumstances in which it will be appropriate for the interviewer to instigate questions of a sexually explicit nature". This element of the guidance was well received by stakeholders. The API advises that questioning should enable the claimant "to express their self-realisation of their sexual orientation (and through subsequently exploring this to facilitate a better indication of how a claimant may have experienced 'differences' [from other, straight people in their community] in relation to the development of their sexual orientation)".²⁰⁹ Stakeholders are concerned, however, that the shift from defining sexual orientation by behaviour to recognising it as identity has "gone too far, as has the expectation that claimants demonstrate an inner journey, a moment of discovery that is both culturally and perhaps class specific".

11.47 Stakeholders argued that when interviewing, DMs can apply an "excessive focus on someone's feelings" and assume that "claimants are able to articulate sophisticated accounts of self-realisation." The inspection team were provided with an example of this in a claimant's decision letter, which stated:

"Aside from feeling afraid and fearful of others harming you, you make no mention of your emotions of being gay in a homophobic society. It is considered that you would have some trouble coming to terms with your sexuality given the environment you were brought up in (AIR Q76) however you make no mention of this and simply state that you felt thrilled."

11.48 DMs told inspectors that "because there was a lot of scrutiny and focus on the sexual aspect, people submitted things they shouldn't have [evidence of a sexually graphic nature]. So now the shift to feelings means not everyone will have those journeys and so are lacking in being able to evidence it.

11.49 On the issue of 'self-realisation', one organisation supporting LGBTQI+ asylum seekers told inspectors that: "The Home Office continues to have an expectation that LGBTQI+ people make reference to key milestones or 'trigger points' in respect of their self-realisation. More recently, the Home Office has been finding claimants not credible because they failed to provide an account of an individual 'emotional journey of self-realisation'. The expectation that LGBTQI+ people seeking asylum have undergone such journeys or gone through milestones is problematic as it is based on stereotypes".

11.50 Inspectors found evidence of this in one refusal letter that they examined, which stated:

"You claim that you realised you were bisexual when you were 14 and felt that you were gay (AIR2 Q40). However, you claim that you could not tell anybody about the way you felt, and you could not express yourself (AIR2 Q41, 66). You claim that you did not have any same sex relationships in Pakistan, and nobody was aware that you had feelings towards boys (AIR2 Q67, 68). You stated that you first had feelings towards boys from the end of your 13th year, but you could not identify those feelings (AIR2 Q42). You claim that you came to identify your feelings shortly afterwards when you were 14, after seeing boys bathing at

209 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf

the canal (AIR2 Q41, 42). You were asked to elaborate on how you came to identify those feelings at 14, bearing in mind this was a significant milestone in your life. It is considered that your response was vague and lacking in detail (AIR2 Q60, 61).”

11.51 Another doubted the claimant’s feelings as they were unable to articulate the “emotional aspects” of their relationship with a childhood friend, as demonstrated in the extract below:

“You said you liked him ‘because he was very feminine’ (AIR 68). You were asked for more details about your attraction to him, you said, ‘I just liked him, when I kissed him... he was ok with it’ (AIR 69). When asked directly what you liked about his personality, you described further physical attractions, ‘good looking... clean and tidy... feminine walk’ (AIR 70). You were further asked what you liked about his personality, you said, ‘he was very happy and never took offence to anything’ (AIR 70). You were given many opportunities to describe your feelings for [name], your answers, in the main, refer to the physical aspects of your relationship and those expressing your feelings are vague and lack sufficient detail when describing the emotional aspects of your relationship.”

Neither of these examples show consideration for the fact that not everyone is comfortable or able expressing their emotions articulately, including to a DM who they do not know, or through an interpreter.

11.52 DMs told inspectors that they found claims on the basis of sexual orientation “quite subjective” and that they were not confident in knowing which questions to ask during interviews. They acknowledged that there is no “typical journey” for a claimant to go through to discover their sexual orientation and they felt uncomfortable making this kind of assessment.

11.53 An internal Home Office review, completed in July 2019, found that there had been a widespread failure to elicit the necessary material facts to enable a robust decision to be made in cases based on a claimant’s sexual orientation, where the validity of the claim must usually be demonstrated through a personal account, rather than being grounded in factual evidence.

11.54 The review highlighted that claims based on sexual orientation are often complex, and that a full investigation and assessment of the claim may require an extensive interview and/ or a longer period of analysis and reflection, compared to more straightforward cases, before a decision is reached. It stated that the expectations placed on DMs to fulfil a weekly productivity target are often not favourable to their being able to take the space to deliberate in this way.

11.55 In responses to the ICIBI survey, both DMs and Tech Specs identified claims based on sexual orientation as an area they would benefit from better training on.

11.56 In April 2021, in a written answer to a question by Neil Coyle MP about what steps the Home Office was taking to consult representatives of LGBT+ organisations for an internal review, the Minister for Immigration Compliance and the Courts said:

“The Home Office continue to work with organisations specialising in sexual orientation/ gender identity to further our work for LGBT+ people, including the development of a new interview training workshop that is being developed in consultation with UK Lesbian Gay Immigration Group (UKLGIG) [now Rainbow Migration]. It is hoped that, if successful, this training will be rolled out in the next few months.”

Decisions

- 11.57** Stakeholders were concerned with the frequency with which the Home Office dismissed evidence provided in support of a claimant’s application when it pertained to their sexual orientation. Inspectors were told that, too often, these kinds of claims were held to a higher standard of proof than the “reasonable degree of likelihood”, which is the standard required in asylum claims.²¹⁰
- 11.58** An organisation that supports LGBTQI+ people seeking asylum in the UK said they believed the Home Office “routinely addresses documentary evidence as an afterthought, dismisses it without engaging with it in substance or simply labels it as ‘self-serving’ without any evidential basis for doing so.” Examples of evidence which might be provided were: support letters from LGBTQI+ support groups; photos of claimants with their partner; and photos taken at LGBTQI+ events.
- 11.59** They argued that, in fact, “such evidence can have a corroborative effect in the context of the totality of evidence and should be afforded some, or even decisive, weight.” They also commented that: “The Home Office dismisses evidence from LGBTQI+ people if it post-dates the asylum claim, which ignores the fact that many LGBTQI+ people will be able to access support services only after they enter the asylum process. On the other hand, lack of evidence is deemed as damaging the claimant’s credibility”.
- 11.60** Inspectors saw evidence of this in the case files examined. Two decision letters on claims based on sexual orientation described evidence as ‘self-serving’, where the claimant had submitted photos or receipts from time spent in gay bars, or support letters from a partner or friends. Inspectors sought clarification on the use of this term and asked the Home Office what the benchmark should be for evidence to be deemed as “self-serving”, and how a claimant might be able to demonstrate living as openly gay without evidence being dismissed as such. In the first case, the Home Office response was:
- “When demonstrating whether a claimant is living openly, many claimants will often provide evidence of previous relationships, photographs, letters of support from friends and LGBT support groups. Evidence or the absence of such evidence is not considered in isolation and is considered in the round as part of the claim as a whole. The term ‘self-serving’ is poor choice of phrasing from the decision maker. It was considered that the claimant’s letters of support from friends could not be considered reliable when considered within the context of all available evidence and the claim as a whole.”
- 11.61** However, in the other case the DMU argued that in their view it had been “reasonable to apply the principles of R (self-serving) caselaw” to the evidence.²¹¹
- 11.62** An internal Home Office review of quality assurance mechanisms, from December 2020, concluded that: “Areas of deficiency remain in relation to assessing credibility and the

210 The low standard of proof is outlined in the ‘assessing credibility’ API, which states that “Reasonable degree of likelihood’ is a long way below the criminal standard of ‘beyond reasonable doubt’, and it is less than the civil standard of ‘the balance of probabilities’ (i.e. ‘more likely than not’)”. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

211 ‘Self-serving’ case law:

R (on the application of SS) v Secretary of State for the Home Department (“self-serving” statements) [2017] UKUT 00164 (IAC)

(1) The expression “self-serving” is, to a large extent, a protean one. The expression itself tells us little or nothing. What is needed is a reason, however brief, for that designation. For example, a letter written by a third-party to an applicant for international protection may be “self-serving” because it bears the hallmarks of being written to order, in circumstances where the applicant’s case is that the letter was a spontaneous warning.

(2) Whilst a statement from a family member is capable of lending weight to a claim, the issue will be whether, looked in the round, it does so in the particular case in question. Such a statement may, for instance, be incapable of saving a claim which, in all other respects, lacks credibility.

application of the standard of proof, but this is not unique to LGB cases... The LGB policy guidance is also being updated with the aim of further improving how these cases are dealt with”.

- 11.63** The issue of ‘discretion’ was also raised with inspectors, which is the “assumption that if you have been private here you would be discreet on return”. This derives from the ‘HJ (Iran) and HT (Cameroon) v SSHD [2010] UKSC 31’ caselaw, which is a key case in asylum claims based on SOGIE (sexual orientation and gender identity and expression). It found that no one should be expected to conceal their identity, including their sexual orientation, in order to avoid persecution. Initially, the inclusion of this caselaw in the 2016 API was broadly welcomed, but stakeholders told inspectors that it had since been misinterpreted in decisions, with the incorrect legal test applied when assessing the “relevance and reasons for concealment of sexual orientation”.
- 11.64** Finally, stakeholders highlighted a need to improve the quality and consistency of information about LGBTQI+ claimants in CPINs, which inspectors were told “vary in the way HJ (Iran) is addressed”.
- 11.65** In ICIBI’s thematic report on CPIT products dealing with claims based on sexual orientation and gender identity or expression, commenting on the issue of risk on return, an Independent Advisory Group on Country Information (IAGCI) reviewer highlighted that to “accurately assess risk”, “COI reports need to identify sources specifically with those who choose to be, or are identified as, ‘open’”.²¹² The Home Office’s response to this, while ‘accepting’ the recommendation, said:

“We already do this. We collate information about the treatment of LGBTI people generally and, where it is available, about specific ‘profiles’. However, the treatment of individuals may not always be representative of that faced by a group more generally – which is what a CPIN aims to cover – and further context may be needed to explain the individual’s particular experiences.”²¹³

Stakeholders also told inspectors that there was a need for CPIT to produce more extensive reports on countries where these issues were less known about. The ICIBI thematic review identified countries for which there was no SOGIE/SOGIE-related CPIN, also “highlighting those where there was known to have been a SOGIE protection claim and/or relevant legislation/ caselaw: Cameroon; Egypt; Ethiopia; Lebanon; Sudan; and Syria”.

²¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

²¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

12. Inspection findings: First line quality assurance

UKVI Strategy

- 12.1** The foundation for Asylum Operations (AO) assurance is set out in the ‘UKVI Operational Assurance Strategy’ (the Strategy). The Strategy explains the purpose, scope, background, aims, principles, roles and responsibilities, and governance of the assurance process. The fundamental aim of the assurance strategy is: “...[to] ensure that we are doing the right things, in the right way, at the right time. Areas of concern and poor practice will be identified early and addressed. Good practice will be highlighted and shared...”
- 12.2** The Strategy sets out the assurance model, explaining that first line assurance is the responsibility of each business area and specifies that “SCWs [Senior Caseworkers] will undertake 2% random sampling as the minimum position”.²¹⁴

Asylum Operations strategy

- 12.3** AO uses two processes for first line assurance: the ‘Second Pair of Eyes’ (SPoE) process and the Calibre decision quality assessment tool. AO have an internal target – higher than the UKVI target of 2% – that 3.5% of asylum decisions will be assessed by a SCW or a Tech Spec using Calibre. There is no formal target for the Calibre assessment of substantive interviews.
- 12.4** AO interview and decision quality targets are as follows:

Figure 31	
Target	Explanation
Ensure random sampling of 3.5% of decisions.	3.5% of decisions will be assessed using the Calibre quality assurance tool.
Achieve a rating of DQ1 or DQ2 in 75% of agreed quality audit samples with no assessments being rated DQ4 or DQ5.	An assurance tool called Calibre returns a DQ (Data Quality) score – DQ1 is the highest, DQ5 is the lowest.
Nil re-interviews.	It is the aim of AO that no asylum claimant has to be re-interviewed about their asylum application.
Appeals win rate of 60-65%.	The ‘win rate’ relates to the amount of appeals the Home Office ‘win’ at the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC). A ‘win’ is where the FTTIAC does not overturn a Home Office decision.

²¹⁴ In Asylum Operations, both the Technical Specialists (Tech Specs) and Senior Caseworkers carry out these checks.

Figure 31

Target	Explanation
Nil withdrawn appeals.	A withdrawn appeal is where a Presenting Officer (the Home Office representative at the FTTIAC) considers the asylum decision to be unsustainable and withdraws it prior to the hearing. ²¹⁵

- 12.5 As set out in the quality performance framework for DMs, a document setting out quality standards expectations, the minimum requirement is that one check using Calibre or a SPoE is to be completed for each DM every two months. This minimum will be exceeded if the DM conducts an interview or makes a decision on a case type that requires a mandatory SPoE check.
- 12.6 DMs also have quality targets set out in the Quality Performance Management Framework (QPMF). A DM is expected to consistently achieve DQ1 and DQ2 scores within a four-month period of employment, which equates to their work containing either no errors or a small number of minor errors.
- 12.7 If a DM does not meet the expected quality standards set out in the framework, “this should be treated as a prompt for considering performance action. All performance action must be taken in line with policy and should receive written approval from SEO Operations Managers and SEO Senior Caseworkers.” If the DM does not make the required improvements set out in the QPMF, the ultimate course of action is, in line with Home Office HR policies, dismissal.

Second Pair of Eyes (SPoE)

- 12.8 SPoE checks are conducted by a Tech Spec or a SCW and are done after a DM has conducted an interview or drafted a decision letter, but prior to despatch so that, where appropriate, errors can be addressed, and improvements made to the decision prior to service.
- 12.9 The Home Office conducted a Targeted Assurance Review (TAR) into the SPoE process in December 2016. The review concluded that “the requirement to conduct a SPoE review on particular case types was an appropriate mitigation to the risk of the types of errors which caused reputational damage to UKVI and potential risks to the claimant if a decision to refuse was incorrect”.
- 12.10 Inspectors were provided with a list of 14 asylum case working areas that require a SPoE as listed in figure 32. Inspectors were also told by staff in Detained Asylum Casework (DAC) that any grant decision they made also had a SPoE check.^{216, 217}

215 For more information on the Presenting Officer's role, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951120/An_inspection_of_the_Home_Office_Presenting_Officer_function_November_2019_to_October_2020.pdf

216 Inspectors were informed that “Historically, DAC saw very few grants due to the case types they received, so their management wanted to be assured that the decisions were of the correct standards. However, this is a local arrangement and is not seen as a mandatory SPoE type.”

217 In its factual accuracy response, the Home Office stated: “It is standard practice across all decision-making units including DAC that all grant minutes go through a Tech Spec for checking until the DM is signed off 100% checks, or it is a decision from an NSA designated state. Historically in DAC all decisions were checked. However, now the majority of decision-makers in DAC are signed off for non-certified refusals and they have signed off approximately a quarter of decision-makers on grant decisions.”

Figure 32

SPoE checks (all captured on local feedback logs):

1	100% checks – all cases are checked during mentoring period until a new DM achieves sign-off.
2	Lesbian, gay & bisexual (LGB) cases – read-over of interview, decision checked as required on case-by-case basis. ²¹⁸
3	Religious conversion cases – read-over of interview, decision checked as required on case-by-case basis.
4	Female Genital Mutilation (FGM) cases – require a Calibre check (thematic).
5	s.94 and s.96 certification – full SPoE as required by law.
6	s.94 non-certified cases – read-over of interview, agreement that certification is not appropriate.
7	UASC refusals – all decisions must be cleared by a Tech Spec or a SCW.
8	Foundation Medico-Legal Report (MLR) cases – MLR SPoE process (as laid out in MLR training).
9	Medical condition grants – read-over and approval of decision.
10	Extradition, deportation or non-qualified EEA regs cases – read-over and approval of decision.
11	Asylum refusals for British Army members (or their family members) – read-over and approval of decision.
12	Locally engaged staff in Afghanistan – referral to Asylum Chief Casework Team.
13	Palestinians/Article 1D grants – read-over and approval of decision.
14	Grants in cases with Police National Computer (PNC) trace – Authorisation and CID person note.

12.11 Inspectors were told that the ‘100% checks’ for new DMs could be a combination of SPoE checks or a Calibre assessment, it did not need to be both.

12.12 A case type can be added to the SPoE list due to a legal requirement (as in the case of Non-Suspensive Appeal (NSA) cases), due to quality issues (as in religious conversion cases), as a recommendation (as in FGM cases²¹⁹) or where AO feels there is a need for additional assurance on a specific case type.

SPoE: Improving Decision Maker quality and feedback

12.13 Although DMs found the SPoE process useful as a learning tool, the effectiveness of this process at improving overall decision making is hampered by the way in which SPoE feedback is recorded and delivered. SPoE checks and the accompanying feedback is recorded on local feedback logs and not on a centralised system, making it difficult to identify and address problematic trends or themes.

²¹⁸ Asylum, Operations told inspectors that: “There are no specific criteria to decide which decisions would need a SPoE. If after the interview read-over, the Technical Specialist and Decision Maker are happy that they know what the decision should be and there are no complicating factors in the case, then a decision check is unlikely to be necessary. If the DM feels that they are having any difficulty with the decision, they can request a check, or if the Tech Spec has noted any problems with previous decisions, etc”.

²¹⁹ <https://www.gov.uk/government/publications/inspection-report-on-asylum-casework-february-2016> In the case of recommendation 5, the Home Office had extended the ‘Second Pair of Eyes (SPoE)’ process to those asylum claims that were based on female genital mutilation (FGM).

- 12.14** The Central Operations Assurance Statement 2019-2020 (the Central Operations statement) covering April 2019 to March 2020, stated that discussions were “ongoing” for a centralised tool to be developed to record checks which would improve consistency and aid trend analysis. It also states that this “would help to analyse the detail of the checks to establish if there are common errors occurring and reasons why cases require more than one SPoE check, to identify areas for improvement and to further develop mentoring and training”.

SPoE: Inconsistencies

- 12.15** Inconsistent advice was frequently raised as a key issue by DMs in the ICIBI’s survey and in interviews and focus groups. One DM said:
- “One tech has looked at it and said it was fine, and another looked at it and they said it was the wrong decision; if they can’t decide what the right decision is, how am I supposed to?”
- 12.16** This sentiment was repeated in decision making units (DMUs) across the country: “I have had it in the past where two different Tech Specs gave me two different types of feedback. Sometimes it is only little things, sometimes it can be a change of decision”. Another said: “You get the Tech Spec’s advice, do the decision then another Tech Spec would say ‘no, that’s wrong’.”
- 12.17** The Central Operations Assurance Team statement covering April 2019-March 2020 stated that the lack of training causes issues with inconsistent advice from Tech Specs, and raises questions around the reliability and rigour of advice given to DMs. It said that while the development of a training package for Tech Specs is needed, consideration is also needed to be given to the creation of a “formal, consistent mentoring programme” for Tech Specs.
- 12.18** The same statement suggested that, given the complexity of asylum decision making, “it is essential that formal mentoring of Technical Specialists is developed and rolled out”. An earlier internal review also recommended that AO “provide training to mentors and TSs [Tech Specs] to improve quality and consistency of support to new DMs and build associated resource requirements into workforce plans”.
- 12.19** A policy adviser at an NGO supporting asylum claimants questioned whether there is any genuine learning (and therefore improvement) occurring from SPoE feedback:
- “Are they learning from the quality assessments going back to the Decision Makers and are they getting meaningful learning from their own errors and learning from appeals? It should be a circle back to the Decision Maker. Senior Caseworkers [and Tech Specs] are not the last line of defence.”

SPoE: Effectiveness

- 12.20** Most DMs recognised the importance and value of the SPoE process and felt it was an important part of the process of filling in some of the gaps in the Foundation Training Programme (FTP): “It’s not until you start doing decisions and get a SPoE assigned to you that you realise you’re missing something”.
- 12.21** In theory, the SPoE process should safeguard against poor quality decisions reaching claimants. It is resource intensive, and both DMs and Tech Specs felt that there were too many decisions

on the mandatory SPoE list. Conducting SPoE checks formed a large part of a Tech Spec's role, often at the expense of supporting DMs with ad hoc queries.

- 12.22** A Tech Spec told inspectors that: "FGM SPoE was brought in a long time ago as a temporary thing but is still in place and is not really needed anymore but hasn't been taken off the list." A SCW in a different DMU voiced a similar opinion, telling inspectors "the mandatory SPoE list is getting bigger and bigger – nothing is coming off it."
- 12.23** One SCW said: "from summer 2019 we have had to SPoE every religious conversion interview, which has a massive impact on our resourcing. I think that is perhaps a little bit excessive. There's some merit in it, but it needs to be tailored or streamlined."
- 12.24** In response to the ICIBI survey Tech Specs commented that the large number of checks they had to complete also adversely impacted the development of DMs: "As a Tech Spec the current role is checking heavy, which means we don't have time to develop staff as we need to focus on the speed of feedback rather than the development of the DM."
- 12.25** This was reaffirmed by another Tech Spec who, in an ICIBI survey response, commented:
- "There are far too many other things in place which do not allow me to spend time to support Decision Makers, which I feel should be the most important part of my job. There are so many different types of decisions that require a mandatory SPoE, such as LGB, FGM etc, on top of that we have checks for Decision Makers who are on 100% checks, now we're required to check all religious conversion interviews and LGB interviews, and then we have the dip sample, plus we now have to check interview preps which is a new thing. On top of this, there are so many different operations/projects ongoing that take techs away from their role, meaning the other techs are left to cover their work. With all this, we get almost no time to support Decision Makers."
- 12.26** This was echoed by a senior manager, who stated that because new starters have 100% of their decisions checked, AO were "probably SPoE'ing 30-40% of cases", stating that they need to get better at sampling fewer cases and get better at giving feedback.

SPoE: evaluations

- 12.27** As at June 2021, there was "no specific review process" of the SPoE list. Inspectors were told by a senior manager that they were "looking to put one in place".
- 12.28** ICIBI's 2015 'inspection of asylum casework' recommended that the Home Office extend the SPoE process for asylum claims based on membership of a particular social group (PSG).²²⁰ The Home Office partially accepted the recommendation, stating:
- "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 Particular Social Group. In the first instance, we will apply this process to cases relating to Female Genital Mutilation."

²²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497768/Formal_Response_Asylum_Final.pdf

12.29 In July 2018, the Operational Assurance & Security Unit (OASU),²²¹ a separate team within UKVI, conducted a review into the SPoE process for FGM cases, in which it was noted that:

“The partial acceptance of the ICI’s recommendation and the terms agreed are clear that the SPoE processes were not intended to be indefinitely in place for any single Particular Social Group (PSG) and that the aim was to improve Decision Maker capability of handling sensitive cases rather than to provide a permanent ‘safety net’... SPoE processes were to be evaluated regularly to ascertain if they were proving effective.”

12.30 A review of the SPoE process and its effectiveness was added to the AO quarterly first line assurance report in February 2019, with a start date of March 2020. A review of SPoE effectiveness was also added to AO’s quality action plan in April 2020²²² and was completed by the Asylum Chief Casework Team in December 2020.

12.31 The review proposed a “future temporary SPoE plan”:

- Initial quality benchmarking to be undertaken at the start of the process
- An agreed timeframe to be laid out for the checks to be carried out (for example, 8 weeks, 12 weeks, etc) which will depend on the severity and profile of the issue identified
- An initial quality review will be carried out at the end of the agreed period
- If no improvement has been seen, additional measures can be implemented at this stage (further training, etc)
- If improvement is evident, a sign-off process can be implemented. Three satisfactory interviews or decisions mean a DM can be signed off, and this can be retrospectively applied if they have completed them within the initial SPoE period
- Further review will take place after six months to decide if the requirement can be fully lifted or the sign-off process needs to remain.

12.32 The review did not state when this process would be introduced.

Calibre

12.33 A Central Operations Assurance Team PowerPoint presentation described Calibre, a decision quality tool, as being “the technical solution which supports the Assurance framework”. It can be tailored towards the needs of a particular Home Office department. The presentation described it as enabling the following four aims:

- Provides “efficient and consistent case sampling at first and second line across all UKVI business areas”
- Provides detailed feedback to DMs and managers on “where they are doing well and where they can improve”
- Produces reports for team leaders and Directors, not only on high level scores, but across themes, highlighting areas of concern and best practice
- Produces cross-command reporting to the UKVI Board and high level bi-annual reports.

²²¹ There have been multiple name changes (including Quality Analysis Team and Operational Assurance & Security Unit) to the team responsible for assurance, but all are terms for the UKVI’s Central Operations Assurance Team.

²²² The quality action plan is appended to the quarterly interview and decision quality reports. It is a list of issues, progress updates and who is the ‘owner’ of the issues.

- 12.34** The previous decision quality assessment tool, QATRO,²²³ was replaced by Calibre in January 2020. Calibre is a tool that Tech Specs, SCWs and quality auditors use to record the outcome of quality assessments. It can be used to identify patterns, produce reports, and identify development needs. It is the “in-house IT solution” for all quality assessments and is used for both first and second line assurance.
- 12.35** Each Calibre assessment receives a DQ score on three separate areas of a decision or interview:
- OM score (Operating Mandate)
 - CW score (Casework)
 - Process score
- 12.36** Within each area, there are five potential scores which can be returned. Calibre calculates a score based on the answers and information entered by the assessor. DQ1 is the highest/best score, DQ5 is the lowest/worst score.
- 12.37** Calibre assessments form a key role in AO’s first line quality assurance process. It seeks to achieve a rating of DQ1 or DQ2 in 75% of agreed quality audit samples with no assessments being rated DQ4 or DQ5. Figure 33 and 34 set out the Calibre scores and error definitions, as set out in the Central Operations Assurance Team (COAT) slide pack dated September 2020

Figure 33 A snapshot of first line assurance scoring definitions

Quality Scoring

Quality assessments are done on the Calibre system, which calculates a score based on the questions answered by the assessors

DQ1 – less than 20% minor errors
DQ2 – 20% or more minor errors, no significant errors
DQ3 – 1 or more significant errors
DQ4 – 1 or more fail errors, decision is probably correct/not possible to conclude
DQ5 – 1 or more fail error, decision is probably wrong

Each assessment receives 3 DQ scores, for Operating Mandate (covering the mandatory security checks), Casework and Process

UK Visas & Immigration 3

223 QATRO was a Home Office assurance tool used to monitor interview and decision quality at both the screening and substantive interview stages; based upon an Excel spreadsheet, it was used to record a mark of “Correct”, “Minor errors”, “Significant errors” or “Fail errors” against different elements of the asylum process.

Figure 34 A snapshot of quality assurance error definitions

Error Definitions

Minor: An error which does not detract from the consideration and would not affect the outcome of the decision, and should be quickly rectified – there are no apparent risks/negative impact on the customer, Home Office or the UK as a result.

Significant: An error which detracts from the quality of the consideration of the decision and requires attention to address serious weaknesses or omissions. There are potential risks/negative impact on the customer, Home Office or UK as a result.

Fail: An error which not only detracts from the consideration but also affects the decision such that the outcome cannot necessarily be relied upon and immediate attention is required to address the critical failure(s) – there are significant risks / negative impact on the customer, Home Office or the UK as a result of this error.

UK Visas & Immigration 12

12.38 AO anticipated that the introduction of Calibre would make it easier to pinpoint, and therefore address, errors in interviews and decisions due to the separation of scores into casework and processes – something that was not possible under QATRO. Some Tech Specs felt that Calibre was an improvement on QATRO, telling inspectors it was “a lot better” and more “user friendly”. Others felt it was very structured, very clear and added to the consistency of marking.

Calibre: Timing of assessments

12.39 Unlike the SPoE process that takes place prior to decision dispatch, some Calibre assessments take place after a claimant has received an asylum decision.

12.40 The timing of Calibre assessments has been raised in internal assurance reviews. In its 2017/18 OASU Quarterly Assurance Report it was reported that 18 out of 65 cases (27.7%) sampled were assessed at first line after the decision had been served on the claimant, “meaning the chance to rectify any quality issues was missed”.

12.41 Inspectors requested full Calibre assessments for cases that were quality assured between 1 January 2020 and 31 March 2020, with an assessment score of DQ 3, 4 or 5. Inspectors were provided with 29 Calibre assessments in an Excel spreadsheet consisting of two worksheets: one for interview assessments the other for decision assessments.

12.42 In the 29 assessments that were provided to inspectors, 14 related to the substantive interview and 15 to decisions. Of those that were in relation to the interview, eight of the Calibre assessments took place after the decision was sent to the claimant. For decisions, of the 15 decisions, 13 of the Calibre assessments took place after the decision had been sent to the claimant. Only one of the decisions was considered ‘probably incorrect’. This was subsequently withdrawn, and a new decision was issued.

- 12.43** A SCW told inspectors that “the majority of Calibre assessments happen post decision service and generally DQ5s are not reversed as they are two months down the line”. Tech Specs in a different area also stated that it “is rare for a decision to be revoked”, even if it is assessed as “probably incorrect” at Calibre assessment.
- 12.44** A Calibre ‘user guide’ and ‘desk aide’ supplied to Tech Specs and SCWs did not provide guidance on the timing of Calibre assessments.

Interview Casework Calibre assessment timings 2019-2020/2020-2021

- 12.45** In 2019-20, ²²⁴ 55% of interview Calibre assessments took place after the decision had been sent to the claimant; 19% of those ‘post service’ assessments scored DQ3-DQ5. In 2020-21, 24% of interview assessments took place ‘post service’ and at least 19% of those assessments scored DQ3-DQ5, meaning that 19% of post service interviews contained, at best, “one or more significant errors” and, at worst, contained one or more “fail errors”.

Figure 35²²⁵

2019/20 totals	Pre service	Post service	Not recorded	Grand total
Total	127	154	0	281
Percentage of grand total	45%	55%	0%	100%
Percentage DQ3-DQ5	20%	19%	0%	20%
2020/21 totals	Pre service	Post service	Not recorded	Grand total
Total	242	79	3	324
Percentage of grand total	75%	24%	1%	100%
Percentage DQ3-DQ5	19%	19%	33% ²²⁶	19%

Decision Casework Calibre assessment timings 2019-2020/2020-2021

- 12.46** In 2019-2020, ²²⁷ 53% of Calibre decision assessments were conducted after a decision had been dispatched to a claimant. As a result of the timing of these assessments and the DQ scores, at least 27%²²⁸ (50) of claimants received a decision that contained, at best, “one or more significant errors” and, at worst, contained one or more fail errors, with the decision they received being “probably wrong”. In 2020-2021, 40% of Calibre decision assessments took place after a decision had been dispatched to a claimant. 27% of those had been quality assessed as a DQ3-DQ5.

²²⁴ Data for 2019-2020 Q4 only. Data prior to the introduction of Calibre was not available.

²²⁵ Figure 35 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

²²⁶ Due to the small sample size this figure is not significant.

²²⁷ Data for 2019-2020 Q4 only. Data prior to the introduction of Calibre was not available.

²²⁸ This figure could be higher as the timing of the Calibre assessment (pre or post service) was not recorded by AO.

Figure 36²²⁹

2019/20 totals	Pre service	Post service	Not recorded	Grand total
Total	132	188	36	356
Percentage of grand total	37%	53%	10%	100%
Percentage DQ3-DQ5	12%	27%	25%	21%
2020/21 totals	Pre service	Post service	Not recorded	Grand total
Total	534	370	10	914
Percentage of grand total	58%	40%	1%	100%
Percentage DQ3-DQ5	28%	27%	40%	28%

12.47 A UKVI senior manager who did not work in AO said it was “horrifying to hear” that decisions were being sent to claimants that were subsequently assessed as a DQ5. They added “assurance should happen before the decision goes out the door. It can’t be right for it to be assured post this... That is wrong on every level”.

12.48 This sentiment was repeated by a senior manager in AO who stated that they “should be sampling cases before they go out the door... there is no point servicing more decisions if they are not up to standard”.

QATRO/Calibre: Quality assessments

12.49 The Deputy Chief Caseworker and Chief Caseworker produce a first line quarterly assurance report which provides analysis of how AO is performing against the five interview and decision quality targets. The report is split into two sections for analysis, “Casework Measures” (ensure 3.5% random sampling, DQ scores and re-interview rates) and “Appeals Measures” (appeals win rates and withdrawn appeals).

1. Ensure random sampling of 3.5%

12.50 Figure 37 shows that between Q2 2019 and Q1 2020, AO exceeded its target to ensure random sampling of 3.5% of decisions. The changes to the quality marking system, from QATRO to Calibre, were tested in Q3 2019 and Calibre was launched in January 2020.

²²⁹ Figure 36 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

Figure 37²³⁰

Period	Performance against 3.5% target ²³¹
July to September 2019 (Q2)	5.1%
October to December 2019 (Q3)	5.7%
January to March 2020 (Q4)	6.6%
April to June 2020 (Q1)	5.5%
July to September 2020 (Q2)	3.8%
October to December 2020 (Q3)	4.5%

12.51 Some DMUs struggled to meet this target every month. The Central Operations Assurance Team (COAT) operational assurance report covering April-September 2020 detailed the issue of sample rates being inconsistent between units, and across different months.²³² AO’s decision quality reports state that the reason for this was due to having a relatively inexperienced DM workforce who required 100% of their decisions to be checked, which could therefore reduce the time available for routine checks.

2. Achieve a rating of DQ1 or DQ2 in 75% of agreed quality audit samples, with no assessments being rated DQ4 or DQ5

12.52 Inspectors were provided with the decision quality reports from July 2019 to December 2020. In these reports, AO also provide data quality scores for both interviews and decisions. As illustrated in figure 38²³³ and 39²³⁴, at no stage during this period did AO achieve its target for casework. In some quarters, the 75% target was not reached, and, in every quarter, there were interviews and decisions assessed at DQ4 and 5.

230 Figure 37 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

231 Due to reduced decision numbers during the COVID-19 lockdown period, the sample rate for April 2020 to December 2020 (Q1, Q2, Q3) was calculated against a “normal” average decision number to ensure that there was still a reliable pool of samples during this quieter time. The average decision number was calculated based on monthly decisions done between January and March 2020.

232 In its factual accuracy response, the Home Office said: “Since the end of the period covered by the report, DQ1&2 scores have been consistently over and above target (with the exception of a dip in decision casework scores in January 2021). A monthly quality performance call began in April 2021, where each unit discusses their results for the month, and details improvement activity taken where poor-quality scores are identified. All units met the 3.5% sampling target for Q4 20/21 and Q1 21/22, and performance against this target is also discussed at the monthly call.”

233 Figure 38 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

234 Figure 39 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

Figure 38: QATRO and Calibre decision casework assessment data

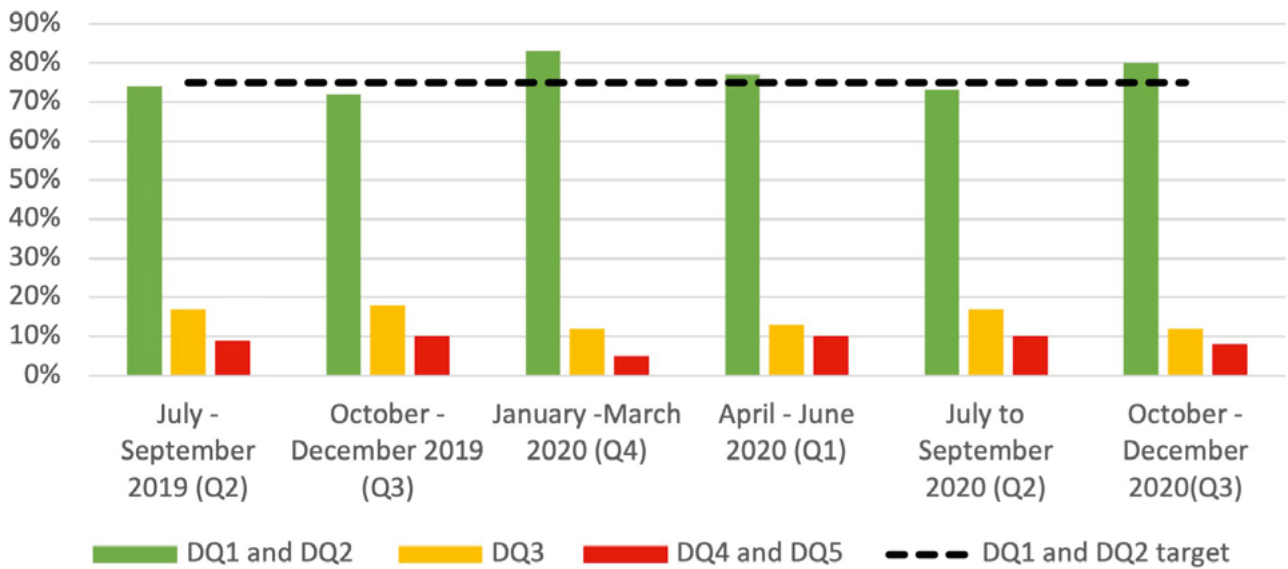
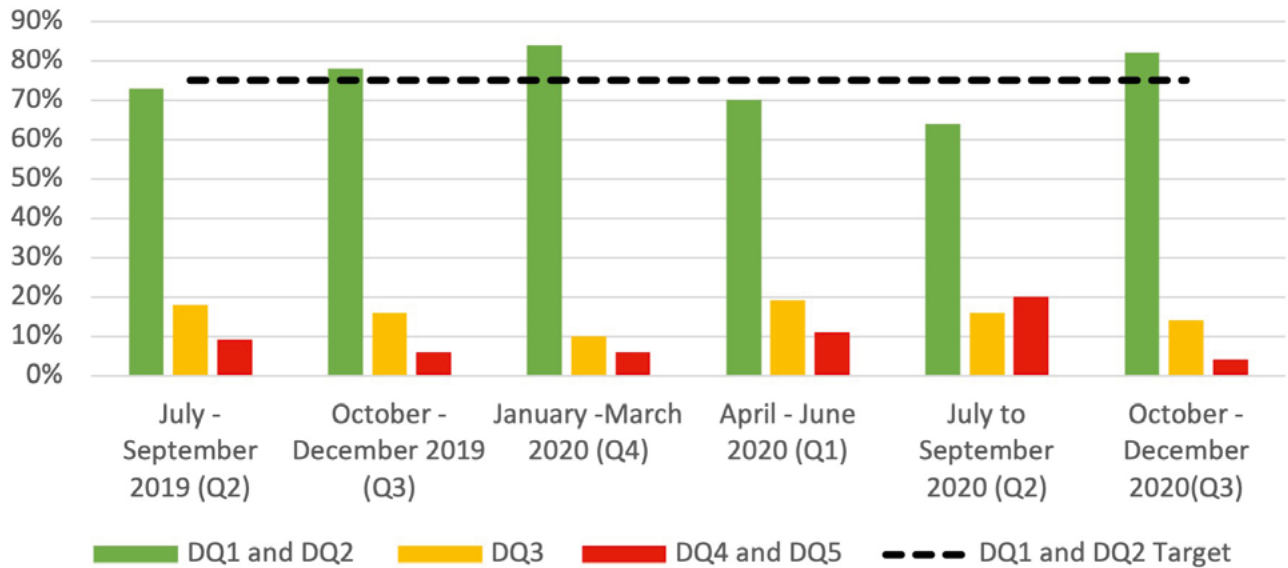


Figure 39: QATRO and Calibre interview casework assessment data



3. Nil re-interview rate

12.53 AO has a 'Nil' target for re-interview and its aim is that no claimant has to be interviewed twice, which would indicate that the first interview was so problematic that a sustainable decision could not be made based on its content. A second interview has the potential to re-traumatise claimants for whom the interview may already have been a daunting experience. It also causes further delay for the claimant, and further adds to the existing WIP.

12.54 Due to the cessation of asylum interviews as part of the Home Office COVID-19 response, this data was not collected between March and October 2020. It was not possible to produce direct comparisons to previous quarters as the data was not consistently produced in the reports provided to inspectors.

Figure 40²³⁵

Period	Total interviews	Re-interviews	% of total interviews
July to September 2019 (Q2)	6,149	127	2.07%
October to December 2019 (Q3)	6,192	103	1.66%
January to March 2020 (Q4)	6,355	164	2.58%
April to June 2020 (Q1)	N/A	N/A	N/A
July to September 2020 (Q2)	N/A	N/A	N/A
October to December 2020 (Q3)	N/K	41	N/K

12.55 Where figures have been provided, over 70% of re-interviews were assessed by AO as being “avoidable”, including failures to explore evidence, identify material facts, or adequately cover protection and relocation issues. In Q3 2020, this rose to 80%. It is noted in the October to December 2020 (Q3) report that reporting of re-interview rates was ‘self-reported’ by the decision making regions and is not done on a consistent basis. The Asylum Chief Casework Team were looking into this and a “new reporting spreadsheet [had] been compiled which will allow fuller analysis”.

4. Appeal ‘win rates’

12.56 AO aims for a ‘win rate’ of 60-65%. This means it expects 60-65% of refused decisions that are appealed and heard by the FTT the First Tier Asylum and Immigration Appeals Chamber judge finds in favour or agrees with the Home Office decision.

Figure 41²³⁶

Period	Appeal ‘win rate’ target: 60-65%
July to September 2019 (Q2)	52%
October to December 2019 (Q3)	51%
January to March 2020 (Q4)	54%
April to June 2020 (Q1)	58%
July to September 2020 (Q2)	58%
October to December 2020 (Q3)	54%

12.57 From the data provided, AO has never met this target. There are many variables that can affect the outcome of an appeal, for example, a claimant may provide new evidence at appeal

235 Figure 40 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

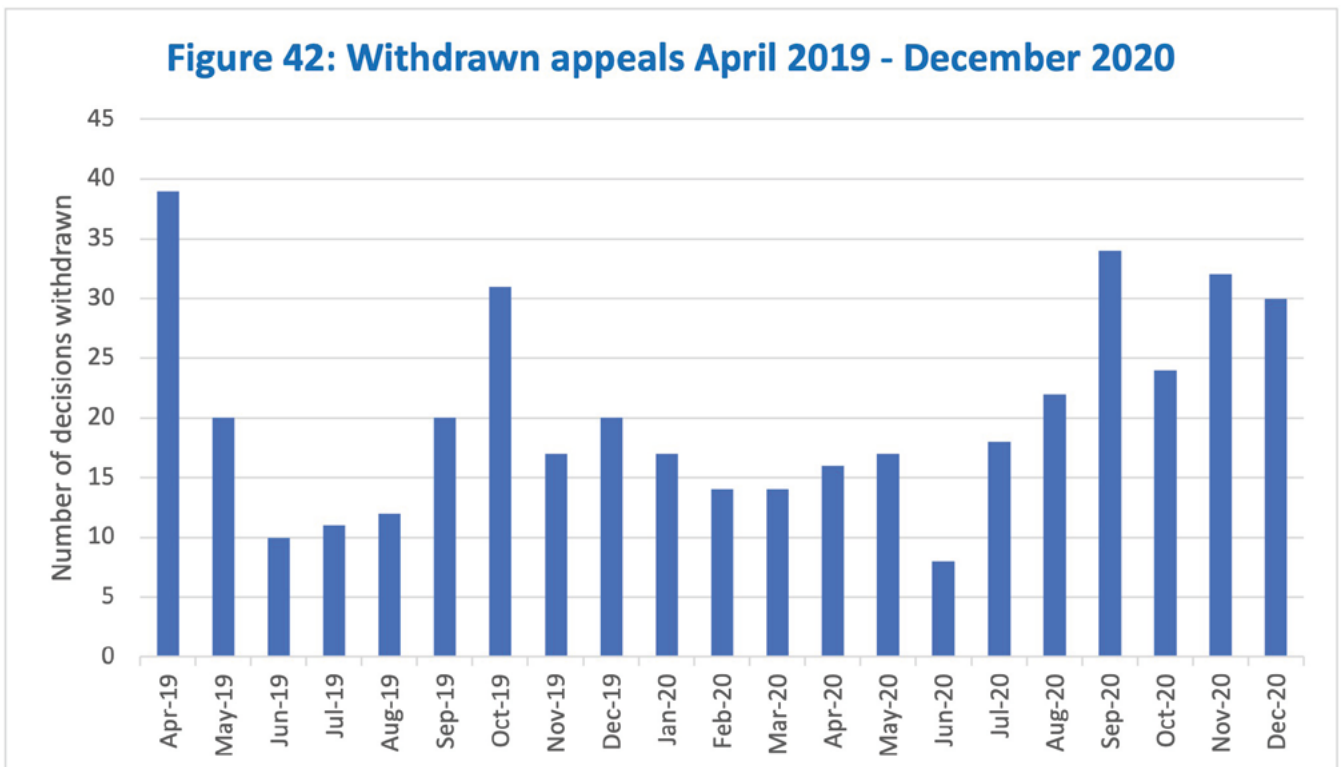
236 Figure 41 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

stage, or the country situation and caselaw may change in the period between initial decision service date and appeal hearing date. Looking at how many of the Home Office’s decisions are overturned at appeal, however, is key if it is to effectively learn from litigation, particularly if this data is used to identify patterns or trends to inform better training of DMs.

- 12.58** The Q3 October to December 2020 interview and decision quality report states that there are “monthly meetings between Asylum Operations, ALAR, CPIT and ACI” to focus on “improvement in interview and decision quality”. It also noted that there was “collaborative work” underway, and a “deep-dive” into low win rate countries was due for completion in February 2021.
- 12.59** In the ICIBI’s ‘inspection of the Home Office Presenting Officer function’ (November 2019 to October 2020), it was noted that in response to the inspection survey of Presenting Officers (POs), “Of the 111 respondents, 104 (92%) said that feedback loops existed between Asylum Operations and the Presenting Officers Unit, but only 9 (8%) thought that they were effective”.²³⁷

5. Withdrawn appeals

- 12.60** AO measures the number of decisions withdrawn by the Presenting Officer Units (POUs) where the decision cannot be sustained and has been withdrawn prior to the First Tier Tribunal hearing. Figure 42²³⁸ illustrates the volume of withdrawn appeals from April 2019 to December 2020.



- 12.61** Both 2019 and 2020 peak in September and October, though there is insufficient data to draw any conclusions from this. It is also not possible to causally link withdrawn rates directly to the

²³⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951120/An_inspection_of_the_Home_Office_Presenting_Officer_function_November_2019_to_October_2020.pdf

²³⁸ Figure 42 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics, so should be treated as provisional and therefore subject to change.

DQ scores as there is a delay from the decision being served to the claimant, the time the case is Calibre assessed, and the appeal hearing date or the time the POU looks at the decision. As with appeal ‘win rates’, the decision to withdraw a decision could be as a result of further evidence produced by the claimant for their appeal, or a change in the country situation, or, for example, that a relative of the claimant had a positive decision based on the same claim.

12.62 The numbers of withdrawn cases are not representative of all cases that could or should have been withdrawn. Some POs felt “disincentivised to withdraw cases as they will then have to prepare a case from the ‘float list’ on the day of the appeal hearing, which one PO described as “hurting yourself” and “it is much easier to prepare [the case], perform it and lose it than to withdraw it”.²³⁹ A decision withdrawn at the appeal stage adds to the length of time a claimant is in the asylum process, and could result in adding to any trauma a claimant may already have, as well as meaning a case returns to the WIP.

Second line assurance

12.63 The UKVI Operational Assurance Strategy’ (the Strategy) explains that all second line assurance is undertaken by the Operational Assurance and Security Unit (OASU), now known as the Central Operations Assurance Team (COAT). The team provides “a second line oversight of decision quality, undertaking routine sampling of cases, ‘check the checker’ sampling (that is, sampling the work of first line assurers) and targeted and deep dive reviews of high risk and cross cutting issues. Bi-annual reports are produced for each command, as well as specific targeted/deep dive reviews.

12.64 In addition, “OASU monitors progress against second and third line assurance recommendations”.

“The Assurance and Compliance Team will work with decision making teams to maximise the effectiveness and rigour of first line assurance, and encourage a culture of continuous improvement at individual, unit and directorate level by providing thematic and targeted reviews.”

12.65 In October 2020, Inspectors were provided with a table (figure 43) produced by the assurance team, showing details of AO’s progress against five outstanding recommendations and a list of second line assurance work that was taking place or being conducted at the time.

Figure 43

Report name	Date published	Recommendation	Business progress update
Operation Sillath ²⁴⁰ Baseline Report	16/07/19	Implement training and support (for example, coaching) to Decision Makers to enable them to make well-reasoned findings on material facts.	“Asylum Ops launched the Consolidator role to support new DMs in the decision making process. A standalone consolidation training course on material facts is in development.”

²³⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951120/An_inspection_of_the_Home_Office_Presenting_Officer_function_November_2019_to_October_2020.pdf

²⁴⁰ For information on Operation Sillath, please see: [An inspection of the Home Office’s response to in-country clandestine arrivals \(‘lorry drops’\) and to irregular migrants arriving via ‘small boats’ \(www.gov.uk\)](#)

Figure 43

Report name	Date published	Recommendation	Business progress update
Operation Sillath/ Iranian Christian Convert follow-up Report	18/06/20	Consideration of facts in the round and not in isolation to be encouraged via ongoing training and Technical Specialist Support.	“Tech Spec training/Material facts masterclass to be developed – end of year 31/12/2020. To be included in quality action plan.”
		Technical Specialist understanding of the importance of case conferences and good decision making to be confirmed. Dip sampling of cases which have been subject to the Case Conference Pilot to be undertaken to measure effectiveness, in conjunction with the use of any new grant template.	“This was scheduled for September [2020], time for template to embed and hopefully back to working more normally at that point – to be reviewed if we aren’t. We need to review once we have rolled out Tech Spec training and consider current position on these cases types.”
P12 Operational Assurance Statement: Asylum Operations	18/06/20	Recent discussions around the development of a training package for Technical Specialists has established that there is no formal consistent mentoring programme for newly recruited or promoted Technical Specialists. To ensure the quality of advice given to DMs and the reliability of first line assurance data, development of a consistent mandatory mentoring system should be implemented for Technical Specialists.	“Ongoing, Tech Spec training is in draft, aim to have it ready by December 2020.”

Figure 43

Report name	Date published	Recommendation	Business progress update
Asylum Operations – Medico Legal Reports Benchmarking	24/02/20	Ensure the focus of the SPoE is sufficiently wide-ranging so that the SPoE identifies any weakness in the decision outside of the consideration of the MLR itself and ensures the MLR is taken into account when assessing both past events (and the impact that trauma may have on the applicant's ability to recount events) and future fear (including the impact of issues raised in the MLR which may impact on the applicant's ability to either access protection or to relocate).	“Needs to be addressed through the Tech Spec training.”

12.66 Four of the five outstanding issues either relate to, or are directly dependent on, the implementation of Tech Spec training.

13. Inspection findings: Risks and looking forward

Documented risks

- 13.1** As at June 2021, there were 15 documented risks on the register, all of which were rated as either amber, red, or black. These risk scores derive from an assessment of the severity of the potential impact and the likelihood of its occurrence.²⁴¹ The register designates each risk an ‘owner’, and details the causes, effects and impacts of each risk, as well as mitigation actions and contingency plans, which have a separate, additional ‘owner’. All risks were assessed either to be ‘stable’ or ‘increasing’.
- 13.2** The register, updated at least monthly, demonstrated a detailed understanding of significant risks to both AO and asylum claimants. Most of the risks recorded in the register were identified not only in this inspection but in previous ICIBI inspections, internal assurance reports and external stakeholder reports, such as a low productivity and the age of cases in the WIP increasing; failure to make the ‘right decision’ on cases due to DMs incorrectly applying policy, guidance and/or legislation; and high attrition among DMs.

Undocumented risks

- 13.3** In addition to this, inspectors identified several undocumented or unanticipated risks. For example, the risk register does not refer to the Home Office’s ability to uphold its PSED, nor does it reference the likelihood of human error impacting the progression of cases due to its reliance on Excel spreadsheets, or the impact on the implementation of the inadmissibility guidance.

Public Sector Equality Duty

- 13.4** In order to assess how AO was upholding its obligation to consider the impact of its policies on those protected under the Public Sector Equality Duty Act (the Act), inspectors sought information on AO’s Equality Impact Assessments (EIA). Inspectors asked for copies of all EIAs relevant to the work of AO. In its initial response, the Home Office provided a seven page draft Policy Equality Statement (PES),²⁴² dated 11 July 2019, that accompanied a ministerial submission regarding the planned service standard, which is yet to be published.²⁴³
- 13.5** Inspectors sought further clarification that this was the only EIA relevant to AO. In its response on 9 September 2020, it said that it was updating an EIA in relation to an interim service standard in light of COVID-19. Inspectors did not receive this. However, two further EIAs were provided to inspectors in October and November 2020. The first related to an updated Home Office policy for applications for leave to remain on the grounds that removal from the UK would be a breach of human rights, contrary to the UK’s obligation under Article 3 and/or 8

²⁴¹ The Risk Assessment is based on a likelihood vs impact matrix, whereby green is the lowest risk and black is the highest.

²⁴² Similar to an Equality Impact Assessment, a PES considers an organisation’s PSED in relation to a specific policy.

²⁴³ For more information on the service standard submissions, see chapter 5.

of the European Convention on Human Rights (ECHR). It was signed off on 30 July 2020. The second related to guidance on the resuming of interviews during the COVID-19 pandemic, specifically focused on the use of Video Conferencing (VC).²⁴⁴ It was not signed off and was still in draft form.

- 13.6** One senior manager in asylum policy said that the Home Office was getting progressively better at doing EIAs, “recognising that some of the policies on the books were not supported by particularly good EIAs”. They stated that they “absolutely have to do impact assessments and look at PSED” for all new policies and amendments to policies.
- 13.7** When inspectors asked for an EIA to accompany the decision to run a third-party proof of concept to conduct substantive interviews, the Home Office responded that it did not have an EIA in place for this.
- 13.8** Inspectors asked a senior leader within AO whether they felt it was upholding its PSED. They responded: “I’d like to think we are [but I] cannot give 100% assurances”.
- 13.9** Where EIAs were completed, they followed a template that was in line with ERHC’s guidance.²⁴⁵ However, one EIA relating to the use of VC for substantive interviews failed to account for its use in claims based on Sexual Orientation, Gender Identity and Expression (SOGIE), which contradicted its own published guidance:
- “Factors that may prevent a claimant disclosing particularly sensitive information in a DI/ VC interview [and] any reasons given by the claimant for not wanting an interview to be conducted by DI/VC... may include, but is not limited to, cases involving sexual orientation or gender identity”.²⁴⁶
- 13.10** The Equality and Human Rights Commission (EHRC) announced on 1 April 2021 that it had signed a legal agreement with the Home Office under section 23 of the Equality Act 2006 (the Act), setting out a plan of action to address the Home Office’s failure to comply with equality law when implementing hostile environment immigration policies. The plan was not published.
- 13.11** This followed the publication of EHRC’s report in November 2020, titled “Public Sector Equality Duty assessment of Hostile Environment policies”.²⁴⁷ The report found that the Home Office repeatedly ignored, dismissed, or disregarded the negative consequences of the hostile environment. EHRC agreed with the Windrush Lessons Learned Review that what happened was both “foreseeable and avoidable”. It concluded that the Home Office did not comply with its PSED in relation to understanding the impact on the Windrush generation and their descendants when developing, implementing and monitoring hostile environment policies. The report concluded that: “There was a lack of organisation-wide commitment, including by senior leadership, to the importance of equality and the Home Office’s obligations under the PSED. Any action taken to record and respond to negative equality impacts was perfunctory, and therefore insufficient”.
- 13.12** There was limited evidence that the Home Office was appropriately considering its responsibilities to uphold PSED. Despite having hired three staff across Borders, Immigration and Citizenship System whose sole responsibility was to complete training around PSED,

244 More of which can be found in Chapter 10.

245 <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

246 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907588/resumption-of-interviewing-v1.0-ext.pdf

247 <https://www.equalityhumanrights.com/sites/default/files/public-sector-equality-duty-assessment-of-hostile-environment-policies.pdf>

support staff to uphold it, and to develop templates for EIAs, it was difficult to ascertain what value this was adding to AO specifically.

Transformation

- 13.13** The Home Office has committed to transform the asylum system in order to support its vision: ‘to be a world leader in assessing international protection claims’. Asylum Operations Transformation (AOT), the name of the plan, was developed in early 2020 and is due to conclude in 2023. It has three key strategic strands:
1. “Customer and enhanced screening”
 2. “Streamlined, digital business”
 3. “People and estates”
- 13.14** By March 2021, of the three AOT strands, only ‘Streamlined, digital business’ has had funding agreed, but only for the ‘alpha’ phase.²⁴⁸ Its focus is on streamlining the caseworking processes and improving workflow, with the ultimate aim of improving productivity and decision quality.
- 13.15** A Project Initiation Document (PID), titled: “Streamlined Digital Business” and dated March 2021, outlined the solutions that will be introduced to provide a modern digitally enabled platform, which would thereby increase the efficiency of the workflow and case progression process. The PID identifies that the slow progression of asylum claims has been compounded to date by “poor IT and manual, paper-based processes and workflow”, which struggles to meet the demands of the system. Acknowledging the wider issues, such as high turnover of staff, the PID cites this as the reason for the large size of the WIP.
- 13.16** The core components of the functionality being introduced include:
- a digital case prioritisation and allocation tool to enhance asylum workflow
 - an appointment booking tool to provide a single, centralised, digital appointment booking service
 - document exchange to support the creation of a digital customer account to improve the exchange of information, for example, by claimants and their legal representatives digitally uploading documents rather than using post
 - document storage to allow the provision of a digital storage solution for asylum documentation.
- 13.17** As at May 2021, a project board and working group had been set up, the former meeting monthly and the latter fortnightly. It had received ‘interim funding’, but its forecasted costs for 2021/22 “exceed the allocated budget” and it was therefore rated as “amber” in terms of delivery confidence. It did not include timelines for specific delivery.
- 13.18** The ‘customer and enhanced screening’ strand included objectives such as “enhance screening to better support asylum decision making; including differentiation and streaming by gathering the right information to support early decision making, specialisms etc”. It included an objective to bring all asylum screening into Asylum & Protection, as opposed to having UKVI, Border Force and Immigration Enforcement responsible for screening. Inspectors were told that these plans were “work in progress” and subject to change.

248 <https://www.gov.uk/service-manual/agile-delivery/how-the-alpha-phase-works>

13.19 The “people and estates” strand was also in draft form and subject to change. A draft of initiatives was shared with inspectors which showed that they are looking to increase DMs to 750 by September 2021.

'New Plan for Immigration' and inadmissibility

13.20 The Home Secretary announced the Government’s ‘New Plan for Immigration’ (the Plan) policy statement in an oral statement to Parliament on 25 March 2021.²⁴⁹ An accompanying online public consultation ran until 6 May 2021.²⁵⁰

13.21 The Plan states that the reason for AO’s inability to make timely decisions on asylum claims is due to the “rapid intake of asylum claims into the outdated system”.²⁵¹ It did not explain how the Plan’s proposals would assist AO in assessing asylum claims in a timely manner, or help to modernise its caseworking system to allow for more efficient and effective processing and decision making.

13.22 The policy proposals focus on addressing the Government’s concerns around abuse of the asylum system, deterring asylum seekers from entering the UK ‘illegally’, and on strengthening enforcement of removal decisions. Many of the measures will require new primary legislation. The proposals include, but are not limited to: ending the use of hotels as contingency asylum accommodation, establishing reception centres, raising the standard of proof and allowing for the processing of asylum claims overseas. Those who arrived ‘illegally’ would also be restricted from accessing refugee status (five years) and after that, Indefinite Leave to Remain. They would instead be given a ‘temporary protection status’ that would expire after 30 months, after which they would be reassessed for return to their country of origin, removal to another safe country or re-granted 30 further months’ of leave if they still require protection.

13.23 The Plan has received widespread condemnation from MPs, NGOs, academics, and faith groups.²⁵² A total of 192 organisations signed a joint letter in April 2021,²⁵³ in which proposals in the Plan were considered as being “vague, unworkable, cruel and potentially unlawful”. On 10 May 2021, the UNHCR, while welcoming the UK’s continued commitment to legal pathways and better integration support offered to resettled and reunited refugee families, raised concerns that the Plan could lead to a “discriminatory two-tier asylum system” and potentially undermine the 1951 Refugee Convention.²⁵⁴

13.24 None of those whose cases have been referred to TCU for inadmissible consideration have been removed as at June 2021. In the absence of return agreements, the process as is will likely add a further six months’ delay to all asylum claims and is simply acting as a barrier to case progression.

²⁴⁹ <https://www.gov.uk/government/consultations/new-plan-for-immigration>

²⁵⁰ <https://newplanforimmigration.com/en/>

²⁵¹ <https://www.gov.uk/government/consultations/new-plan-for-immigration>

²⁵² A summary of reactions to the New Plan for Immigration can be found in this Parliamentary reading list briefing: <https://researchbriefings.files.parliament.uk/documents/CBP-9242/CBP-9242.pdf>

²⁵³ <https://www.refugee-action.org.uk/npi-joint-public-statement/>

²⁵⁴ <https://www.unhcr.org/uk/news/press/2021/5/6097bce14/unhcr-deeply-concerned-at-discriminatory-two-tier-uk-asylum-plans-urges.html>

Annex A: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to him in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which he has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full, except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex B: ICIBI's 'expectations'

Background and explanatory documents are easy to understand and use

(e.g. Statements of Intent (both ministerial and managerial), Impact Assessments, Legislation, Policies, Guidance, Instructions, Strategies, Business Plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (BICS) ‘owner’


- The BICS ‘owner’ is accountable for:
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services
 - stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

The inspection team is grateful to the Home Office for its cooperation and assistance during the course of this inspection and for the contributions from the staff who participated. We are also grateful to the stakeholders who contributed.

Inspection team

Lead Inspector	Tessa Wilson
Project Manager	Hollie Savjani
Inspector	Harriet Ditton
Inspector	Paul Sherratt
Inspector	Paul Whitehead

The background is a solid blue color with several white, curved, overlapping lines that create a sense of motion and depth. These lines are primarily located on the right and bottom-left sides of the page.

978-1-5286-2971-3
CCS0721047150
E02688852