



Home Office

# Asylum decision-making prioritisation

Version 2.0

# Contents

|  |    |
|--|----|
| Contents.....  | 2  |
| About this guidance.....   | 3  |
| Contacts .....   | 3  |
| Publication .....  | 3  |
| Changes from last version of this guidance .....                               | 3  |
| Background.....  | 4  |
| Relevant Legislation .....   | 4  |
| Nationality and Borders Act 2022.....  | 4  |
| Immigration Rules .....  | 5  |
| Workflow and allocation .....  | 6  |
| Legacy casework (adults) .....   | 6  |
| Streamlined Asylum Processing (SAP).....                                       | 6  |
| Albania.....   | 6  |
| Cohorting.....   | 6  |
| Flow casework (adults).....  | 8  |
| Streamlined Asylum Processing for claims lodged on or after 28 June 2022 ..... | 8  |
| Secondary and children’s casework.....   | 9  |
| Children .....   | 9  |
| Children’s streamlined asylum processing.....                                  | 9  |
| Secondary asylum casework .....  | 9  |
| Inadmissibility drop-out cases.....  | 10 |
| Case by case prioritisation .....  | 11 |
| Requests for prioritisation .....  | 11 |
| Delay-related litigation .....   | 13 |
| Making and serving asylum decisions to claimants in Home Office accommodation  | 14 |
| Advice for claimants .....   | 15 |
| Updating contact details and circumstances.....                                | 15 |
| Requesting updates on an asylum claim .....                                    | 16 |

# About this guidance

This guidance is to help you understand the prioritisation of initial asylum decision making within Asylum and Human Rights Operations.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or think that the guidance has factual errors, then email the Asylum Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **06 October 2023**

## Changes from last version of this guidance

Review of content related to progression of cases with barriers.

### Related content

[Contents](#)

# Background

The Prime Minister pledged to clear the legacy asylum backlog by the end of 2023 by pursuing a wide range of programmes that will transform the current asylum system: [PM statement on illegal migration: 13 December 2022](#). This transformation aims to speed up asylum decision-making for the benefit of all involved in the asylum system.

The Illegal Migration Act was introduced on 7 March 2023 and received Royal Assent on 20 July 2023. Claims that fall within the duties and powers of the act are declared inadmissible and will not be admitted to the UK asylum system. Claims that are admitted to the UK asylum system will have their claims prioritised in line with this guidance.

Some of the processes outlined in this guidance may change following the commencement and implementation of the Illegal Migration Act. This guidance and any other relevant guidance will be updated to reflect these changes.

For further guidance on the decision-making process, please see guidance on:

- Screening and routing
- Inadmissibility
- EEA and EU asylum claims
- Asylum interviews
- Assessing credibility and refugee status - claims lodged before 28 June 2022
- Assessing credibility and refugee status – claims lodged on or after 28 June 2022
- Clearly Unfounded Claims- Certification under section 94 guidance
- Discretionary Leave
- Humanitarian protection – claims lodged before 28 June 2022
- Humanitarian protection – claims lodged on or after 28 June 2022
- Medical evidence in asylum claims
- Refugee and humanitarian protection leave
- Permission to stay on a protection route
- Late claims: certification under section 96 of the Nationality, Immigration and Asylum Act 2002
- Streamlined Asylum Process
- Withdrawing Asylum Claims

## Relevant Legislation

### Nationality and Borders Act 2022

The asylum-related provisions of the [Nationality and Borders Act 2022](#) (2022 Act) went 'live' on 28 June 2022.

In accordance with the 2022 Act, all asylum claims made on or after 28 June 2022 will be considered and processed under the 2022 legislation (also referred to as 'flow claims'), whilst claims made before 28 June 2022 (also referred to as 'legacy claims') will be considered under previous legislation and asylum policies.

There is no legislative provision specifying a particular time within which an asylum claim must be determined.

## Immigration Rules

Paragraph 333 of the Immigration Rules explains how a claimant is informed of their decision in writing either directly or via their legal representative (if applicable).

Paragraph 333A of the Immigration Rules explains that a decision must be made as soon as possible, without prejudice to an adequate and complete examination.

Paragraph 350 of the Immigration Rules explains how priority and care should be given in the handling of claims from unaccompanied children because of their potential vulnerability.

For further guidance on the Immigration Rules please see [Immigration Rules - Immigration Rules part 11: asylum](#).

### **Related content**

[Contents](#)

# Workflow and allocation

In line with the [Prime Minister's statement](#), asylum claims will be considered in accordance with the strategy set out below. There may also be claims considered outside of this general approach on a case-by-case basis. Please see section [Case by case prioritisation](#) for further information.

## Legacy casework (adults)

Decision-making units are currently working on legacy asylum claims (those lodged before 28 June 2022). These claims are expected to be determined by the end of 2023 in line with the [Prime Minister's statement](#).

## Streamlined Asylum Processing (SAP)

The Streamlined Asylum Processing (SAP) guidance was introduced on 23 February 2023 to increase efficiencies in the processing of asylum claims that met certain criteria and were therefore considered to be manifestly well-founded.

For further details on how asylum claims are assessed and decided within the Streamlined Asylum Processing framework see separate guidance: Streamlined asylum processing.

## Albania

In order to meet the parts of the [Prime Minister's statement](#) relating to claims from Albanian nationals, the Home Office set up a dedicated unit prioritising Albanian asylum claims. This unit continues to process claims from Albania, a country listed as a designated state under Section 94 of the Nationality, Immigration and Asylum Act 2002. Claims will continue to be assessed on a case-by-case basis in line with the Clearly unfounded claims- certification under Section 94 guidance and relevant country information.

## Cohorting

To help clear the backlog of claims lodged before 28 June 2022 for other asylum claims that do not fall into the categories above, Asylum and Human Rights Operations have grouped outstanding asylum claims into 'cohorts'. This means grouping claims together by nationality or multiple nationalities with similarities based on volume of claims (intake), grant rate, compliance rate, and proportion of those in receipt of asylum support.

'Cohorting' is a key tool to develop decision-maker expertise. Familiarity will be increased by assigning cohorts to decision-making units which aims to increase efficiency and quality.

In order to assess an asylum claim, evidence will be gathered in the most appropriate and efficient way, depending on the cohort.

For some cohorts a questionnaire will be utilised to gather further information about their claim following screening and ahead of an asylum interview, if required. Cohorts issued with a questionnaire can complete it digitally via an online Home Office form or return via post/email. In the first instance, adult claimants of Iranian and Iraqi nationality will receive a bespoke questionnaire. This is because they make up the highest number of outstanding asylum claims within the legacy backlog. Should anyone not return the questionnaire, they will be invited to an asylum interview to gather the relevant additional information, as required. Persistent failure to engage with this process may lead to an asylum claim being withdrawn. See the withdrawing asylum claims for further guidance.

The remaining cohorts will be invited for an asylum interview where a decision cannot be made on the available evidence already provided. All interviews will be conducted in line with the Asylum Interview guidance. You must follow all the relevant guidance in relation to matters such as safeguarding, security concerns, and assess claims on a case-by-case basis.

The cohorts and the methods used to gather evidence will be kept under review.

#### **Related content**

[Contents](#)

# Flow casework (adults)

The Home Office is currently focused on deciding the legacy asylum claims (from those who have been waiting the longest). Flow claims will be prioritised from 2024 onwards once the legacy claims are decided by the end of 2023.

Individual claims lodged on or after 28 June 2022 may be prioritised on a case-by-case basis due to exceptional and compelling circumstances. Please see section [Case by case prioritisation](#) for further information about how individual asylum claims may be prioritised.

## Streamlined Asylum Processing for claims lodged on or after 28 June 2022

The Streamlined Asylum Process (SAP) will also apply to claimants who meet the relevant eligibility criteria whose asylum claims were lodged on or after 28 June 2022.

For further details on which asylum claims are eligible and how asylum claims are assessed and decided within the Streamlined Asylum Processing framework see separate guidance: [Streamlined asylum processing](#).

### Related content

[Contents](#)

# Secondary and children's casework

## Children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions or override existing functions.

Children's casework refers to asylum claims lodged by unaccompanied asylum-seeking children (UASC) and accompanied asylum seeking children (AASC) who are under the age of 18 years old and claim in their own right (not as dependant on a lead adult claiming asylum or as part of a family asylum claim).

It is recognised that children who claim asylum may be vulnerable due to their age. Claims lodged by unaccompanied and accompanied asylum-seeking children are prioritised and considered by 2 dedicated decision-making units specialising in children's asylum claims.

## Children's streamlined asylum processing

On 16 March 2023, guidance was published which outlined the streamlined asylum processing model for children. This will initially focus on legacy claimants (claims lodged before 28 June 2022) from high grant countries for children's casework. The countries included are subject to change so will be regularly reviewed. These countries have been specified for inclusion in the trial of streamlined asylum process for children, which introduces the Preliminary Information Meeting (PIM), on the basis of their high-grant rate of protection status (refugee status or humanitarian protection).

For further information on considering children's claims, including the streamlined asylum process or children's casework please see the relevant guidance.

## Secondary asylum casework

Secondary asylum casework includes reconsiderations of initial asylum decisions. This can include a consideration of an asylum claim for example if:

- an asylum claim has been reinstated after initially being withdrawn
- cases that were considered under the pre-28 June 2022 inadmissibility decision process (Third Country Unit cases) and found suitable for assessment substantively in the UK
- a claim is remitted back to a decision-maker for a reconsideration at the pre-appeal review stage

These claims are considered in chronological order and determined by this specific decision-making unit. Claims may be prioritised on basis of vulnerability in line with [Case by case prioritisation](#) in this guidance.

## **Inadmissibility drop-out cases**

Cases initially considered for inadmissibility (post 28 June 2022) but subsequently admitted for substantive assessment in the UK will be considered in legacy/flow workstreams in line with the application raised date and any other prioritisation outlined in this guidance.

### **Related content**

[Contents](#)

# Case by case prioritisation

The Home Office recognises there are exceptional cases outside of the above operational programmes which may require prioritisation due to the specific circumstances of the claimant.

Cases may be prioritised by the Home Office, on identification of the below factors. A claimant or their legal representative can also request their case is prioritised by emailing or writing to the relevant decision-making unit responsible for their claim. Please see [requests for prioritisation](#) for further information.

The following are examples of cases which may be prioritised by the Home Office outside of operational programmes:

- cases involving The Hague Convention, which deals with claims involving children where there are concurrent family court proceedings in UK high courts - these cases seek to combat the abduction of children from the state they normally inhabit (these claims are normally completed within 30 days of the Home Office being notified) - please see Hague Convention cases caseworker guidance for further detail
- extradition cases where the requested individual has claimed asylum
- cases involving deportation relating to Foreign National Offenders
- complex or severe physical health cases – examples include but are not limited to those who have a diagnosis of terminal illness, HIV, multiple sclerosis (MS), chronic heart, lung, liver or kidney disease, serious brain injuries or impairment and cancer
- complex or severe mental health cases – examples include those who have been detained or sectioned under the Mental Health Act
- cases of severe vulnerability- examples include but are not limited to severe safeguarding concerns such as previous incidences of suicidal ideation or victims of torture as evidenced by relevant medical evidence, for example a Medico-Legal Report (MLR)

This list is indicative and not exhaustive.

## Requests for prioritisation

If a claimant (or immigration advisor) needs their asylum claim considered for prioritisation they must contact the asylum decision-making team by email on [Asylumcentralcommunicationshub@homeoffice.gov.uk](mailto:Asylumcentralcommunicationshub@homeoffice.gov.uk). When contacting the Home Office, they must explain the reason they want to have their claim prioritised and supply relevant evidence. This evidence must be supplied within 10 working days of submitting a request. If evidence is not supplied within this timeframe (without good reason) the request must be declined.

Expedition and prioritisation requests must be considered on a case-by-case basis by Home Office staff. You must consider all requests to prioritise asylum claims including the reasons provided and any documentary evidence submitted in support

of requests. If you need to seek further advice, please consult a workflow manager or where necessary a Senior Caseworker (SCW). Where a case has been considered for prioritisation and it does not meet the threshold to be expedited on a case-by-case basis, it is unlikely to be reconsidered without a material change in circumstances.

You must inform the claimant (and their immigration advisor if applicable) the outcome of the request to prioritise and expedite their claim. You may provide an indicative timeframe; however, this does not oblige the Home Office to consider the claim within that timeframe.

There may also be circumstances which may prevent progression of a case, for example:

- waiting for evidence that is of importance in deciding a claim
- Medico-Legal Report (MLR) where it is necessary to make a decision
- a pending prosecution
- change in country situation requiring an update in country information note leading to a pause in deciding cases from a particular nationality

Regular reviews must be undertaken. As soon as the reason why the claim cannot be progressed is lifted, consideration of the claim should be continued.

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## Delay-related litigation

Sometimes claimants who are awaiting a decision on their asylum claim may raise a challenge. This will be in the form of Pre-Action Protocol (PAP) which may progress to Judicial Review (JR), in relation to a delay in deciding their asylum claim or request of prioritised decision on their claim on the basis of exceptional and compelling circumstances.

The Litigation Operations team write the responses to PAPs and instruct the Government Legal Department in respect of JRs. With reference to legal advice where appropriate, litigation caseworkers will assess whether there are exceptional circumstances which would warrant the prioritisation of the case and deciding it at the earliest opportunity.

Where it is agreed that a case should be prioritised, the asylum decision-making team will provide a timeframe within which a decision on an asylum claim would aim to be made, for example 6 months. The litigation caseworker, in response to the PAP/JR will notify the litigant of this timeframe.

Where there are no reasons to expedite and prioritise the asylum claim, the case will be considered in line with the current priorities as outlined in this guidance. Litigation operations caseworkers will maintain this position in the PAP response or JR grounds of defence.

Where there are reasons why a claim cannot be progressed and where the claimant may be able to assist with progressing the case, for example, by sending the evidence that the decision-making team is waiting for, this should be conveyed to the claimant.

### **Related content**

[Contents](#)

# Making and serving asylum decisions to claimants in Home Office accommodation

In order to ensure that asylum seekers receive an asylum decision as soon as possible, decisions will be served upon them at the earliest possible opportunity. We recognise by serving decisions as early as possible, we will help asylum seekers move on with their lives. Where (the location) someone is currently accommodated by the Home Office, does not affect how their asylum claim is prioritised. Instead, it is based on the prioritisation strategy outlined in this guidance. If someone is currently residing in initial or contingency accommodation such as Napier, a vessel or one of the ex-Ministry of Defence sites, then they may be moved to a different form of accommodation in order to be served their asylum decision.

Please see the Drafting, Implementing and Serving Asylum Decisions and Asylum Support guidance for further information.

## **Related content**

[Contents](#)

# Advice for claimants

## Updating contact details and circumstances

Paragraph 358B of the Immigration Rules states that asylum claimants must confirm to the Home Office any changes in their contact details. This must be done without delay. It is important that asylum claimants update their contact details including correspondence address and where relevant email and phone numbers.

This is to ensure Home Office essential correspondence related to the asylum claim is issued correctly to the claimant, for example asylum questionnaires, updated reporting events, invite to asylum interviews, requests for further information and decision letters. This will help to speed up the processing of asylum claims and prevent delays.

If a claimant needs to update the Home Office of their contact details or legal representative's details, please use the following form: [UKVI - Change your address or your legal representative's details - When to use the form \(visa-address-update.service.gov.uk\)](https://visa-address-update.service.gov.uk), the full link is <https://visa-address-update.service.gov.uk/>

A person supported under section 95 asylum support must inform the Home Office of any significant change in his circumstances as stated in regulation 15 (1) of the Asylum Support Regulations 2000. Failure to do so without reasonable excuse is an offence under section 105(1) (c) of the Immigration and Asylum Act 1999. Regulation 15(2) of the Asylum Support Regulations 2000 states that a relevant change of circumstances includes where a supported person or a dependant of his moves to a different address or otherwise leaves his accommodation.

It is also the claimant's responsibility to keep the Home Office informed of any changes in circumstances this may include information that impacts their claim to remain in the UK, for example:

- any sur place activity in the UK that may place them at risk
- the birth of a child or children in the UK
- marriage/civil partnership
- separation/divorce from a spouse or partner
- travel or intended travel outside of the UK
- any other relevant information to their asylum claim

Claimants (and/or their immigration advisor) must contact [Asylumcentralcommunicationshub@homeoffice.gov.uk](mailto:Asylumcentralcommunicationshub@homeoffice.gov.uk).

If a claimant wishes to withdraw their asylum claim, they should consult the [Withdrawing Asylum Claims guidance](#).

## Requesting updates on an asylum claim

Paragraph 333A of the Immigration Rules requires decisions to be taken on outstanding asylum claims 'as soon as possible, without prejudice to an adequate and complete examination'.

Where a decision has not been taken within 6-months of the claim or within any other timeframe provided to the claimant, and where the claimant has made a specific written request for an update, the Secretary of State will provide an update on the asylum claim. The update will include information on the timeframe within which the decision on their application is to be expected. The estimated timeframe provided will not oblige a decision to be taken within that timeframe and asylum claims will be prioritised in-line with the prioritisation principles outlined in this guidance.

Unless there are exceptional circumstances, it is encouraged that claimants do not request an update on their asylum claim until the estimated timeframes in this guidance have passed.

If a claimant (or immigration advisor) wants a case considered for prioritisation on the basis of exceptional and compelling circumstances, they must contact the Home Office. Please see section [requests for prioritisation](#) for further detail.

[Information booklet about your application](#) provides further information related to the various aspects of the asylum process, including any available support.

### Related content

[Contents](#)