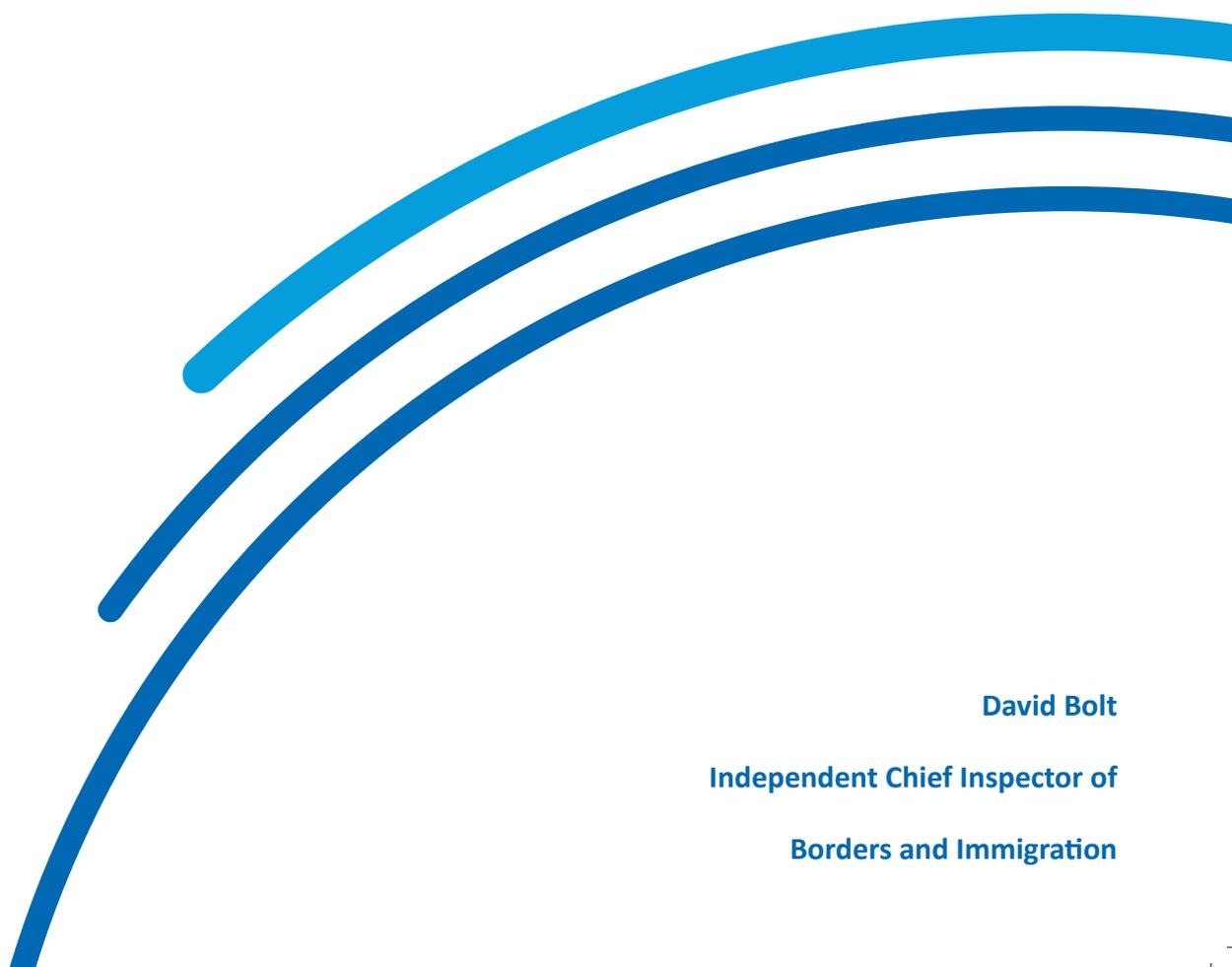




# An inspection of asylum intake and casework

April – August 2017



**David Bolt**  
Independent Chief Inspector of  
Borders and Immigration



# **An inspection of asylum intake and casework**

**April – August 2017**

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

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# Foreword

Processing and deciding asylum claims is a large and important part of the Home Office's Borders, Immigration and Citizenship business. It is important not just because of the UK's formal obligations as a signatory to the 1951 UN Convention and 1967 Protocol,<sup>1</sup> but also because each decision it makes is life changing.

This inspection looked at the asylum process from registration of a claim through to the initial decision, taking in the timeliness and quality of decisions. It also looked at the progress made by the Home Office in implementing the improvements recommended in the previous inspection of Asylum Casework in 2015<sup>2</sup> (published on 4 February 2016) and the 2016 inspection of 'lorry drops'.<sup>3</sup>

The Home Office devotes significant numbers of staff and other resources to managing asylum claims, and it is clear from successive inspections of these functions that the vast majority of the staff involved are committed and hard working. Nonetheless, as this latest inspection of Asylum Casework has again shown, the Home Office struggles to keep on top of the volumes of claims it receives.

In business year 2016-17 (1 April 2016 to 31 March 2017), the Asylum Intake and Casework (AIC) unit's challenge was not made easier by a large turnover in staff (particularly decision makers), by lengthy staffing gaps, and by high levels of inexperience once new staff were recruited. In this, it was not helped by the Home Office's HR policies and practices, which give managers little control over staff departures and are laborious and slow for those trying to backfill vacancies.

Together with the abstraction of staff in autumn 2016 to deal with children cleared from the Calais camps, this affected AIC's performance. 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 were set outside the published service standard of 6 months for a decision. The inspection found issues with quality as well as with timeliness.

The Home Office has described the asylum system as "in transition", and I am aware of plans to transform it and enable it to cope better with peaks in demand. These include the Next Generation Casework project referred to in this report, which because of staffing delays was not sufficiently advanced at the time of this inspection to demonstrate its value. My message is the Home Office needs to accelerate these plans and put itself in effective control of the asylum process as soon as possible. Otherwise, the next peak in asylum intake, or trough in staffing levels, will see it fall further behind.

This inspection makes 7 recommendations for improvement. It was sent to the Home Secretary on 25 September 2017.

**David Bolt**

**Independent Chief Inspector of Borders and Immigration**

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<sup>1</sup> 'UN Convention Relating to the Status of Refugees' and 'UNHCR Convention and Protocol relating to the Status of Refugees'.

<sup>2</sup> [An Inspection of Asylum Casework, March – July 2015](#). Published 4 February 2016.

<sup>3</sup> [A Short Notice Inspection of the Home Office response to 'Lorry Drops'](#) Published 21 July 2016.

# 1. Purpose and scope

1.1 This inspection examined the efficiency and effectiveness of the handling of asylum claims by the Home Office's Asylum Intake and Casework unit, part of UK Visas and Immigration directorate.

1.2 The inspection focused on 4 areas:

- registering an asylum claim, including the quality of screening interviews and the routing of claims, interviews and decisions to casework units
- the decision making process, in particular performance against Home Office service standards and the identification and handling of 'non-straightforward' cases
- decision quality, including decisions in respect of members of Particular Social Groups; the use made of evidence from the screening interview; and use of the assisted decision making tool
- progress in implementing recommendations from previous inspections

1.3 The inspection also looked at how gender affected the screening and routing process, and how it affected decision making, including where the claimant had dependents.

1.4 The following areas were excluded from scope:

- appeals and further submissions; which were briefly considered in parallel inspections of the Home Office's use of Country of Origin Information and, Learning from Litigation
- fresh claims, which were also briefly considered as part of the inspection of the Home Office's use of Country of Origin Information
- asylum claims from minors - the inspectorate commissioned a literature review of the Home Office's treatment of children, which reported in August 2017, and will inform a children-focused inspection later in 2017/2018
- asylum accommodation; an inspection of commercial contracts is planned for later in 2017/18
- Detained Asylum Casework, pending the Home Office's decision regarding Detained Fast Track which it has signalled its intention to reinstate

## 2. Methodology

### 2.1 Inspectors:

- on 24 April 2017, convened a meeting of stakeholders (attended by representatives from Amnesty International, Asylum Aid, Refugee Council, UK Lesbian & Gay Immigration Group, and the United Nations High Commissioner for Refugees) to inform the scope of the inspection
- on 11 May 2017, visited the Asylum Intake and Casework (AIC) unit at Lunar House, Croydon, for a familiarisation briefing by the Senior Management Team and a walkthrough of AIC's functions and processes
- reviewed the findings and recommendations from previous ICIBI inspections, in particular the 2015 inspection of Asylum Casework<sup>4</sup> and 2016 inspection of A Short Notice Inspection of the Home Office response to 'Lorry Drops'.<sup>5</sup>
- researched and analysed relevant open source material, including Home Office guidance available to asylum claimants
- examined policies and staff guidance available on the Home Office intranet, and performance data and management information provided by the Home Office
- examined 87 Home Office case records, focusing on the decision making process, of which, 30 were subject to a more extensive review of the quality of decisions
- called for evidence from stakeholders, including those who attended the initial scoping meeting, plus the British Red Cross, Freedom from Torture, Immigration Law Practitioners' Association, and Refugee Women
- visited the non-detained decision making units at Croydon, Sheffield and Solihull, and the Asylum Intake Unit at Croydon, to observe staff undertaking screening and substantive asylum interviews and to interview and hold focus groups with staff
- visited the Next Generation Casework project at Bootle to interview and hold focus groups with staff

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<sup>4</sup> Please see footnote 2

<sup>5</sup> Please see footnote 3

## 3. Summary of conclusions

### Asylum Intake and Casework

- 3.1 Between 1 April 2016 and 31 March 2017 (2016-17), the Home Office registered 29,549 asylum claims, a reduction of 5,981 (19.7%) on the previous year.
- 3.2 In the same period, the Home Office carried out 16,965 screening interviews,<sup>6</sup> 13,255 (78%) of which were completed by the Asylum Intake and Casework (AIC) unit.
- 3.3 AIC works to an internal performance target of 10 days from the claimant informing the Home Office they wish to claim asylum (through the telephone booking service or in person) to registration of the claim (including, where appropriate, completion of a screening interview). Data for 2016-17 showed that having started the reporting year behind target, AIC recovered in May 2016 and remained well under 10 days on average until October, when dealing with the arrival of minors from France as part of the Calais camp clearance became the priority. The knock-on effect was that average times for screening interviews peaked at 17 days, and AIC was not able to get the average back below 10 days until February 2017.
- 3.4 AIC's dedicated screening officers told inspectors they felt that they were being "pushed to the limit" in order to meet the 10 day target, with appointments routinely overbooked and shifts extended. Their individual targets did not take account of the different types of claimants – families typically require more time and effort than single adults. Despite this, the screening officers believed their training and experience meant that interviews were completed to a high standard.
- 3.5 The Home Office's internal quality assurance checks assessed that 80% of AIC's screening interviews in 2016-17 were "satisfactory" (a 6% improvement on the 2014-15 average). Data on timeliness and quality was not being routinely captured for other units conducting asylum screening interviews (for example Border Force at ports of entry, and Immigration Enforcement in-country), despite their poor quality being identified as a particular concern in the 2016 Asylum Casework inspection report. This is a backward step.
- 3.6 'Substantive' interviews<sup>7</sup> and 'initial' decisions<sup>8</sup> are completed by 1 of 12 regional casework units. The Home Office aims to send claims to the nearest casework unit to the claimant's place of residence, but does not capture this data. Again, this is unhelpful. Some claims are reallocated where another unit is understood to have greater capacity. Typically, the flow is outward from Croydon. Also, some claims are forwarded to casework units without a screening interview having been completed. This is inefficient as time is wasted at the substantive interview establishing basic details.

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<sup>6</sup> Registration of an asylum claim involves a short 'screening' interview to establish the claimant's personal details, capture biometric information, record in brief their reason(s) for claiming asylum, capture information on the claimant's method of entry to the UK, and identify any vulnerabilities. Some claimants are not required to undergo a screening interview, for example Unaccompanied Asylum Seeking Children (UASC) and vulnerable adults.

<sup>7</sup> The Asylum Policy Instruction (API) describes the substantive interview as 'the main opportunity for the claimant to provide evidence about why they need international protection'. The interview will be conducted by a Home Office decision maker. API available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410098/Asylum\\_Interviews\\_AI.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410098/Asylum_Interviews_AI.pdf)

<sup>8</sup> An asylum decision made by the Home Office is generally referred to as an initial decision because, in the majority of cases, there will be a right of appeal attached to any refusal decision.

- 3.7 In 2016-17, the Home Office made 28,557 initial decisions – 8,182 grants and 16,308 refusals.<sup>9</sup> Roughly a third of these (9,161) were claims the Home Office had categorised as non-straightforward. In business year 2015-16 (1 April 2015 to 31 March 2016), the Home Office made 26,618 initial decisions – 10,549 grants and 16,069 refusals. Just over a quarter of these initial decisions (6,988) were claims the Home Office had categorised as non-straightforward.
- 3.8 The ‘intake’ of asylum claims exceeded the number of initial decisions made in each of the first 3 quarters of 2016-17, with the effect that the number of claimants awaiting an initial decision, referred to by the Home Office as ‘Initial Decision Work in Progress’ or the ‘Initial Decision WiP’, increased by 2,586 between April and December 2016. Between 1 January to 31 March 2017 this trend was reversed, and by the end of 2016-17 the ‘Initial Decision WiP’ stood at 20,385. This was 1,530 more than it had been at the beginning of the reporting year.
- 3.9 Since April 2014, the Home Office has worked to a published customer service standard of providing an initial decision on asylum claims within 6 months of registration of the claim. Non-straightforward claims are excluded, but have an internal performance aim of a decision within 12 months. During which time the claim “must be regularly reviewed”, action taken to clear barriers to a decision, and the claimant kept informed of progress.
- 3.10 The target for the customer service standard is 98% of claims, and Home Office data shows that this has been achieved in every month since April 2014. The data for 2016-17 shows an average of almost 99%. However, this needs to be set in context.
- 3.11 Home Office data indicates that from October 2015 the number of asylum claims registered reduced quarter by quarter (October-December 2015: 10,341; January-March 2016: 8,412; April-June 2016: 7,991; July-September 2016: 7,326). Over the same period, the number and percentage of claims categorised as straightforward also reduced. The equivalent quarterly figures were 6,829 (66%); 5,407 (64%); 4,857 (61%); 4,289 (59%).
- 3.12 Meanwhile, in 2016-17, the number of claims within the ‘Initial Decision WiP’ categorised as non-straightforward rose by 2,434, and as at March 2017 represented almost half (48%) of the ‘Initial Decision WiP’. Moreover, of 9,664 non-straightforward cases at 31 March 2017, more than half (5,128) were over 12 months old, and less than a quarter (2,379) had had a review.
- 3.13 The inspection looked for any evidence of gender bias. However, the data is insufficiently detailed to enable any assessment of the validity of stakeholders’ view that the Home Office finds female asylum claims more complex.<sup>10</sup>
- 3.14 Home Office guidance lists pregnancy as one of 7 case types that might require a claim to be categorised as non-straightforward. The numbers are relatively low, although they do suggest that pregnant asylum claimants may be disadvantaged. As at 31 March 2017, 121 asylum claimants had been categorised as non-straightforward on the basis of pregnancy. Of these, 67 had still not had an initial decision 1 year after having registered their claim, while 17 of the 121 had not had an initial decision more than 2 years after claiming asylum.
- 3.15 According to AIC managers, for much of 2016-17 casework units carried a significant number of decision maker (DM) vacancies. The number of DM who were available to conduct interviews

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<sup>9</sup> The remaining 4,067 initial decisions were classed as ‘other’. ‘Other’ relates to refusals on the basis that another EU Member State is responsible for assessing the asylum claim in accordance with the Dublin Regulations, withdrawn claims, void claims and claims where the original application is to be reconsidered by the Home Office.

<sup>10</sup> At the factual accuracy checking stage of this report, the Home Office stated that the female claimants accounted for 31% of the ‘Initial Decision WiP’ and 32% of the non-straightforward case cohort. In their view, this indicated that the Home Office did not find female claims more complex as these percentages broadly matched the overall proportion of female to male claims.

and make decisions, referred to by the Home Office as ‘active’ DMs,<sup>11</sup> fell from 319 in January 2016 to 228 in July 2016. New DMs were recruited throughout the year, such that there were 352 active DMs by March 2017. These ‘new’ DMs told inspectors that their initial training had not prepared them adequately to do their job, and they had relied on the guidance and support from more experienced colleagues and “on the job” learning to develop the necessary skills and knowledge. While informal mentoring and “on the job” learning are common-place, and new DMs are more closely managed until assessed to be “fully effective”, their comments about the 5 week initial training programme raise questions about its effectiveness.<sup>12</sup>

- 3.16 “Fully effective” DMs have a personal target of 225 completed ‘events’ (substantive interviews, or writing and serving an initial decision) in a reporting year. DMs said that they were often scheduled to complete 2 interviews in a day, leaving them insufficient time to prepare, and leading to “clock-watching” rather than allowing the claimant time and space to open up about their experiences.<sup>13</sup>
- 3.17 DMs described a “relentless” focus on meeting the 6 month customer service standard (known as the ‘Day 182’ target) which, combined with the recruitment and retention issues, meant they felt under extreme pressure to deliver their individual ‘events’ target. They reported that the informal quality benchmark for decisions would be reduced from “good” to “good enough” where a claim was at, or very close to, Day 182 and, in one location, some claimed that there were threats of disciplinary action if a Day 182 deadline was missed. Managers at that location later confirmed that this option had been discussed.
- 3.18 AIC managers recognised that there were quality issues with substantive interviews and with the quality of asylum decisions (the Home Office’s internal quality assurance process had found that 25% of decisions were below “satisfactory”). However, they disputed that this was the result of Day 182 pressures. They cited DMs’ inability to focus on the ‘material facts’ and key points of claimants’ accounts, so that interviews became unnecessarily protracted, which they regarded as a training issue. Regarding decision quality, which they accepted needed to improve, they argued that AIC had moved away from the idea of “gold plated” decisions to a more realistic aim of “good” decisions.
- 3.19 While DMs and managers disagreed about the root cause of the problems with the quality of interviews and decisions, both saw the need to improve DM training, which is clearly the case. However, improvements need to focus not just on the technical skills DMs require – including, planning, interviewing, time-management, analysis and assessment – but also on AIC’s vision, its aims and objectives, and the standards of performance expected of DMs. Meanwhile, the starkly different perspectives presented to inspectors about the effects of Day 182 suggest that, as a minimum, communication between managers and DMs needs to be greatly improved.

## Next Generation Casework project

- 3.20 During 2016-17, AIC senior managers had recognised the need for remedial action to reduce the size of the ‘Initial Decision WiP’, and a plan (the Next Generation Casework project) was developed to recruit 140 new DMs for a period of 12 months to concentrate on the non-straightforward claims. The project was also intended to develop and test new ways of working.

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<sup>11</sup> Active DMs refers to the number of DMs available to conduct interviews and make decisions. Throughout 2016-17 there were around 50 DMs categorised as ‘non-active’, meaning that they were conducting other duties, attending training courses or on leave.

<sup>12</sup> At the factual accuracy checking stage of this report, the Home Office advised inspectors that it was aware of the concerns and had secured EU funding to support the redesign of the Foundation Training Programme. The Home Office further stated that “a revised training programme has been compiled”.

<sup>13</sup> At the factual accuracy checking stage of this report, the Home Office advised that “Our internal figures suggest that approximately one third of interviews are conducted on the basis of two in one day”. The Home Office further stated that there was “no evidence provided in case studies to indicate that such interviews or the subsequent decisions are of a lower quality”. Home Office records did not indicate whether an interview or decision related to a case in which the interview was conducted on “the basis of two in one day”, so inspectors were not able to verify the Home Office statement.

3.21 Delays in the recruitment process pushed the start date back to August 2017 with the unit expected to be fully operational in September 2017, and therefore inspectors were not able to observe the project in operation. However, reviews by managers of claims that had been categorised as non-straightforward, in preparation for the arrival of the new DMs, confirmed its significant over-use and “bad practice” in failing to resolve inappropriate or out of date barriers. A review in early 2017-18 by Next Generation Casework managers of the non-straightforward caseload revealed that a significant number of claims that “should have never been categorised as non-straightforward”, and it was accepted that the justifications for categorising a claim as non-straightforward had been interpreted “generously”.

3.22 If the Next Generation Casework project succeeds in reducing the size of the asylum ‘Initial Decision WiP’ to “frictional levels” as hoped, the challenge for the Home Office will be not to allow it to grow again to the point where it is beyond its capacity to manage as ‘business as usual’. This emphasises the importance of learning from the project, and of properly evaluating any new ways of working it identifies. This has not been a Home Office strength, and the fact that AIC managers were uncertain about how this would be done was not reassuring.

## 4. Recommendations

### The Home Office should:

1. Review all asylum-related recommendations from previous ICIBI inspection reports<sup>14</sup> that have been accepted by the Home Office, fully or in part, and report the action(s) taken and planned (with timescales) to satisfy each recommendation.
2. Ensure that the data captured regarding the asylum process covers all of the Home Office directorates and units involved in receiving and registering claims, making initial decisions, and dealing with appeals, and is sufficient to drive and evidence process and performance improvements.
3. Resource (staff) the asylum process so that it is capable of managing 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.
4. Conduct a thorough training needs analysis (TNA) for all staff and managers involved in the asylum process; revise and deliver training in light of the TNA results, amending guidance, mentoring and performance management as necessary, and putting in place the means to evaluate the changes.
5. 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.
6. 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.
7. 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.

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<sup>14</sup> Chapter 10 of this report refers.

## 5. Background

### Asylum

- 5.1 The term ‘asylum’ is normally used to refer to the protection provided by a country to someone fleeing persecution in their country of nationality or habitual residence.
- 5.2 The 1951 United Nations Convention Relating to the Status of Refugees<sup>15</sup> (‘the Convention’), to which the UK is a signatory, requires an individual seeking asylum to demonstrate that they have:

“a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of his country of nationality and is unable, or owing to that fear, is unwilling to avail themselves of the protection of that country”
- 5.3 The UK opted in to the European Union Asylum Qualification Directive 2004 (‘the Directive’),<sup>16</sup> which seeks to establish minimum standards and common criteria on asylum for all European Union Member States.
- 5.4 In the case of the UK, claims for asylum are made under Paragraphs 328-333B of the Immigration Rules,<sup>17</sup> and may be made on or after arrival in the UK. Claims are considered in accordance with the 1951 Convention and the 2004 Directive.

### Home Office responsibilities

#### Asylum Intake and Casework Unit

- 5.5 In January 2017, the Home Office reorganised the business areas responsible for managing asylum claims and the removal from the UK of unsuccessful claimants and created a new directorate, Immigration and Protection Directorate (IPD), within UK Visas and Immigration (UKVI).
- 5.6 At the time of the inspection, IPD consisted of 5 commands, 1 of which, Asylum Intake and Casework (AIC) was “responsible for managing and processing asylum claims from initial screening to decision, granting or refusing leave and assisting with the removal process in some cases”.<sup>18</sup>
- 5.7 Within AIC, the intake function includes the National Asylum Intake Unit (NAIU), while the casework function comprises the detained and non-detained decision making units, Non-Suspensive Appeals Hub (NSA),<sup>19</sup> and Third Country Unit (TCU).<sup>20</sup>

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<sup>15</sup> Available at: <http://www.unhcr.org/pages/49da0e466.html>.

<sup>16</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0083>.

<sup>17</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>.

<sup>18</sup> Information published on ‘Horizon’, the Home Office Intranet.

<sup>19</sup> A claimant from a designated NSA state can appeal against refusal of asylum only when they have left the UK. This is different to the normal in-country appeals process and is aimed at reducing the cost of support for claimants and the financial burden on the Home Office. The NSA hub deals predominantly with NSA designated states.

<sup>20</sup> Under international agreements, TCU will consider whether the claim should be considered by another EU Member State.

5.8 Another 2 of the 5 IPD business areas have asylum-related responsibilities. The first, Appeals, Litigation and Subject Access Requests (ALS), prepares and presents asylum appeals at tribunals and courts. The work of ALS is examined in 'An inspection of Learning from Litigation', which ran in parallel with this inspection.

5.9 The second, Refused Case Management Command, is responsible for documenting and referring asylum seekers whose claim has been refused and have no right to remain in the UK to Immigration Enforcement for removal. This Command contains the Status Review Unit (SRU), which considers:

- deprivation of citizenship on the basis it may have been fraudulently obtained
- deprivation of citizenship on non-conducive grounds on the basis of serious criminality
- cancellation of Indefinite Leave to Remain on the basis it may have been fraudulently obtained
- cancellation of refugee status on the basis it may have been fraudulently obtained
- cessation of refugee status on the basis that conditions in the home country have changed

The work of SRU was also examined in parallel with this inspection and included in 'An inspection of the review and removal of immigration, refugee and citizenship "status" (April-July 2017)'.

### Registering an asylum claim

5.10 Between 1 April 2016 and 31 March 2017, the Home Office received 29,549 asylum claims.

5.11 Asylum claims can be lodged on arrival at a UK port of entry, in-country with a local Immigration, Compliance and Enforcement team, typically when the individual is encountered during an enforcement operation, or at 1 of the 3 asylum intake units, located in Croydon, Kent and Bedfordshire. Claims may also be made through 'other routes', for example where the claimant is in prison or has a severe medical condition and the Home Office has agreed to accept a postal claim.

5.12 The 3 intake units together form the NAIU. Of the 3, the Asylum Intake Unit in Croydon registers the majority of claims. Claimants can use a dedicated telephone line to make an appointment or, if they are vulnerable or destitute, can attend in person without an appointment, which is commonly referred to as a 'walk in'.

5.13 The Kent Intake Unit is responsible for registering claims from individuals encountered in Kent by Border Force (BF), by Immigration Enforcement (IE), or by Kent Police. The Midlands Intake Unit was created in 2012 to register claims from individuals encountered by IE or by police forces having travelled beyond Kent.

5.14 Registration of a claim involves the Home Office conducting a short 'screening' interview to establish the claimant's personal details, capture biometric information, briefly record the individual's reason(s) for claiming asylum, collect information on the claimant's method of entry to the UK, and identify any vulnerabilities to enable appropriate referrals for support to be made. The registration process should also provide the Home Office with the information required to determine whether the claimant is in need of accommodation or financial support while their claim is being processed.

5.15 Home Office figures for screening interviews carried out between 1 April 2016 and 31 March 2017 show that, of 16,965 interviews in total,<sup>21</sup> 13,255 (78%) were carried out by NAIU, 1,873 (11%) by BF, and 984 (6%) by IE. The remainder, 853 (5%), were recorded as ‘other’, which includes Criminal Casework for claimants who were screened in prison, plus those records where it was unclear which unit had conducted the interview.

### Workflow and decision making

- 5.16 Once an asylum claim is registered, UKVI’s National Asylum Allocation Unit (NAAU) determines which decision making unit will be responsible for managing the claim.
- If NAAU determines that under current international agreements the claim should be considered by another EU Member State, it will pass it to the TCU to manage (whether or not the claimant is held in immigration detention)
  - If NAAU determines that the claim does not fall to be considered by another EU Member State, the claimant is in immigration detention, and the Detained Asylum Casework (DAC) unit consider that detention remains lawful and appropriate, the case will be passed to DAC to manage
  - If the claimant is from a designated NSA state, NAAU will pass the claim to the NSA hub in London to manage
  - NAAU will pass most<sup>22</sup> other asylum claims (the majority) to 1 of 12 Asylum casework units. These are located in Belfast, Bootle, Cardiff, Croydon, Folkestone, Glasgow, Hounslow, Leeds, Liverpool, Newcastle, Sheffield and Solihull.
- 5.17 The NAAU looks to route asylum claims to the Asylum casework unit nearest to where the claimant is living. Unless the claimant has particular needs or vulnerabilities, for example a medical condition requiring treatment at a specific hospital, accommodation provided by Home Office contractors is rarely in London or the South East, due to the Home Office’s long-established dispersal policy. Most of the claimants routed to the London and the South East decision making unit in Croydon will therefore be ones who have made their own accommodation arrangements.
- 5.18 When a claim is passed to one of the casework units to manage, the local workflow management team is responsible for arranging a ‘substantive’ interview, at which the claimant will have the opportunity to provide a full account of their situation and why they consider that they require protection in the United Kingdom. Following the substantive interview, the Home Office considers the claim, seeking further information if required, and makes an ‘initial’ decision.<sup>23</sup> The Home Office refers to this as the ‘interview-decide’ model.
- 5.19 Interviews are conducted and decisions made by decision makers (DMs). DMs are supported in each casework unit by specialists providing advice on interviews and decisions, referred to as ‘technical specialists’,<sup>24</sup> and by Senior Case Workers (SCWs) who have in depth knowledge and experience of asylum casework. SCWs provide advice and guidance and in certain cases, such as

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21 Not all claimants who made an asylum claim in 2016-17 received a screening interview. See paragraph 7.16.

22 Certain claims, for example those made from prison, are managed by other caseworking units.

23 An ‘initial’ decision is a letter issued to a claimant by the Home Office that communicates the outcome of the asylum claim. There are 6 possible decision outcomes: ‘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’; ‘Refuse asylum, HP, and Article 8 but grant Discretionary Leave outside the Rules’; or ‘Refuse asylum and all other forms of leave’. This decision is described as ‘initial’ because refusal of asylum usually carries a right of appeal.

24 Technical Specialists provide advice on interviews and decisions, counter signing detention reviews, monitoring of and ‘Second Pair of Eyes’ for complex or country specific cases, and implementation of the ‘Adults at Risk’ Policy.

claims based on sexual orientation, act as a 'second pair of eyes' and approve decisions. SCWs will also review and approve decisions where the DM has not yet completed their induction.

- 5.20 The principles of asylum interviewing and decision making are set out in Asylum Policy Instructions (API), which serve as guidance for DMs. The asylum interview is considered to be key to the process of gathering and assessing information about a claim, and the API state that "a fair assessment of credibility is usually dependent on the quality of the interview". In relation to decision making, the API set out that DMs must obtain the relevant evidence to decide the claim, identifying the material facts and whether the claim falls under a Convention reason.<sup>25</sup> In making a decision, DMs are required to apply "the correct burden of proof"<sup>26</sup> and to assess the claimant's credibility "in the round".

### Customer Service Standard

- 5.21 UKVI's published guidance for asylum claimants 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."<sup>27</sup>

- 5.22 The 6 months customer service standard was introduced on 1 April 2014, in response to criticism from the Home Affairs Select Committee about delays in providing asylum decisions. The Home Office performance measure for the customer service standard is that 98% of straightforward claims will be decided within 6 months.

- 5.23 At the same time, the Home Office introduced the category 'non-straightforward cases', covering cases where factors outside of the Home Office's control mean it is not possible to make a decision within 6 months of the claim being lodged, and are therefore not measured against the customer service standard. The internal Home Office guidance document 'Asylum customer service standards: non-straightforward cases' sets out a number of reasons why a case may need to be categorised as non-straightforward. These fall into 7 broad case types:<sup>28</sup>

- the claimant claims to be a victim of torture and is awaiting a medico-legal report from 1 of the 2 Home Office recognised providers<sup>29</sup>
- the claimant is pregnant, or has a verified medical condition which hinders progression of the case
- the claimant has a particular vulnerability, such as a mental health condition, which requires careful handling
- the Home Office is awaiting information from another Home Office unit or other government department or agency in order that all the evidence relating to the claimant is available, for

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<sup>25</sup> See paragraph 5.2 of the API 'Asylum Interviews'. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410098/Asylum\\_Interviews\\_AI.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410098/Asylum_Interviews_AI.pdf).

<sup>26</sup> The API states: "The level of proof ... 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')."

<sup>27</sup> <https://www.gov.uk/claim-asylum/decision>.

<sup>28</sup> Taken from 'Asylum customer service standards: non-straightforward cases'; an internal Home Office guidance document.

<sup>29</sup> The two are the Helen Bamber Foundation and Freedom From Torture.

example where the claimant is a potential victim of modern slavery

- the claim is identified as one that may fall to be considered by another EU member state under the provisions of the Dublin Regulation<sup>30</sup>
- it would not be appropriate to make a decision on the claim, or cohort of claims, until legal or policy considerations have been resolved
- the claimant has caused delay to the case, for example in not providing supporting documentation or failing to attend their substantive interview

5.24 The guidance sets out the Home Office’s aim that “we will try to decide non-straightforward cases within 12 months of application, where the reason for the non-straightforward nature of the case has been resolved.” The guidance also makes clear that:

“Non-straightforward cases must be regularly reviewed in line with the individual timescales and specifics of the case. It is the responsibility of the case working team that owns the case to monitor the reason for delay. This includes making contact with legal representatives to gain progress updates in cases awaiting a medical report or other evidence, and making sure the decision is completed as soon as possible in line with priorities. The claimant must be kept informed of progress, at least every 6 months, using the ‘case delay letter’.”

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<sup>30</sup> The Dublin Regulation is the basis for determining responsibility for third country cases. The Regulation has established a set of hierarchical criteria for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a non-Member State national.

## 6. Inspection findings – Performance

### Adherence to the customer service standard for straightforward claims

- 6.1 Speaking in July 2017, managers from the Asylum Intake and Casework (AIC) unit told inspectors that the published customer service standard of providing an initial decision in 98% of straightforward asylum claims within 6 months had never been missed since it was introduced on 1 April 2014.
- 6.2 Figure 1 shows AIC's performance against the 6 months customer service standard for claims registered between October 2015 and September 2016.

**Figure 1: Percentage of straightforward asylum claims registered between October 2015 and September 2016 and decided within the 6 months service standard**

Month the claim was registered	Number of claims registered in that month	Number of claims registered in that month categorised straightforward	Percentage decided within 6 months
October 2015	4,553 <sup>31</sup>	2,812 (67.16%)	98.51%
November 2015	2,929	2,041 (69.68%)	98.29%
December 2015	2,853	1,954 (68.49%)	98.82%
January 2016	3,025	1,999 (66.08%)	99.10%
February 2016	2,766	1,788 (64.64%)	99.22%
March 2016	2,615	1,598 (61.11%)	99.44%
April 2016	2,803	1,653 (58.97%)	99.09%
May 2016	2,673	1,654 (61.88%)	99.03%
June 2016	2,504	1,538 (61.42%)	99.15%
July 2016	2,351	1,367 (58.15%)	98.90%
August 2016	2,453	1,432 (58.38%)	99.23%
September 2016	2,520	1,481 (58.77%)	98.65%
<b>Average percentage of 'straightforward' cases decided within 6 months<sup>32</sup></b>			<b>98.95%</b>

<sup>31</sup> Intake during October 2015 was at a similar rate to preceding months but higher than subsequent months. This was as a result of the 'summer surge' in the number of clandestine entrants (that is those who concealed themselves in vehicles, typically lorries, to evade immigration controls) during the summer of 2015. The Home Office's measures to address that surge were examined in 'A short notice inspection of the Home Office response to 'lorry drops'', available at: <https://www.gov.uk/government/publications/inspection-report-on-lorry-drops-july-2016>.

<sup>32</sup> Mean of the cases registered in the period 1 October 2015 to 30 September 2016 categorised as straightforward.

- 6.3 The data indicates that from October 2015 the number of asylum claims registered reduced quarter by quarter (October-December 2015: 10,341; January-March 2016: 8,412; April-June 2016: 7,991; July-September 2016: 7,326). Over the same period, the number and percentage of claims categorised as straightforward also reduced (the equivalent quarterly figures were 6,829 (66%); 5,407 (64%); 4,857 (61%); 4,289 (59%).
- 6.4 As at 31 March 2017, AIC had 60 straightforward claims that had not received an initial decision within 6 months of registration. Managers told inspectors that this cohort of straightforward claims was closely monitored and the claimants would receive an initial decision as soon as possible. Based on the data provided, a third (21) of these claims were already over 12 months old.

## Internal performance measures

- 6.5 In addition to the published customer service standard, AIC told inspectors that it works to 3 internal performance measures:
- registration of an asylum claim (including, where appropriate, completion of a screening interview) within 10 days of the claimant contacting AIC's telephone booking service to make an appointment, attending the Asylum Intake Unit in Croydon as a 'walk in', or being referred to the Kent Intake Unit or Midlands Intake Unit
  - all cases that drop out of the Third Country Unit (TCU) process, because an other EU Member State has satisfied the UK that it is not responsible for managing the asylum claim in accordance with the Dublin III Regulations,<sup>33</sup> will receive a decision within 6 months
  - non-straightforward claims will be decided within 12 months of registration of the claim, subject to the reason the claim was categorised as non-straightforward having been resolved

## Screening interviews

- 6.6 'An inspection of asylum casework March – July 2015', published in February 2016, noted that Home Office performance against the 10 day screening target was inconsistent. The report recommended that the Home Office:

"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."<sup>34</sup>

- 6.7 The Home Office partially accepted this recommendation. In its published response it stated "we already record and monitor performance internally, and we will consider publishing data: on screening performance, as part of a move to increased transparency."<sup>35</sup>
- 6.8 Since February 2016, the 10 day target for screening interviews has remained an internal target, and the Home Office has not published any data regarding its performance against the screening interview target.<sup>36</sup> It had continued to record and monitor performance for internal use, but only in relation to screening interviews carried out by the National Asylum Intake Unit (NAIU).<sup>37</sup>

<sup>33</sup> In accordance with Article 19 of the Dublin III Regulations, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>.

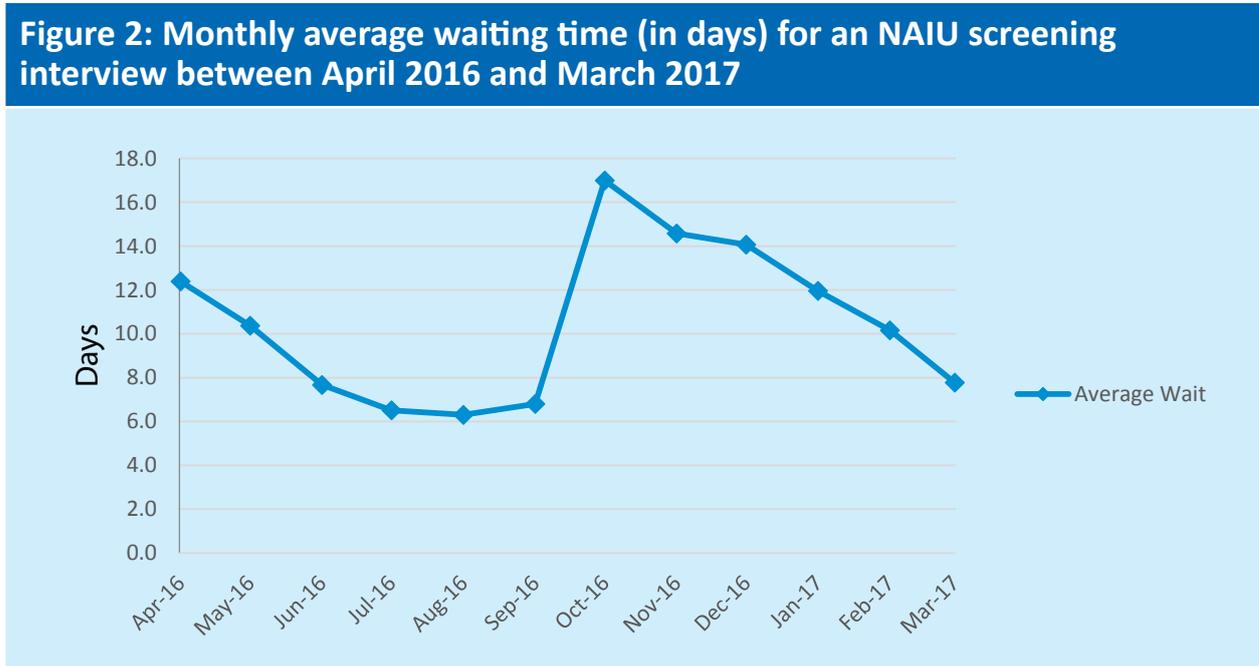
<sup>34</sup> 'An inspection of asylum casework March – July 2015'; available at: <http://icinspector.independent.gov.uk/wp-content/uploads/2016/02/ICIBI-Asylum-Report-Feb-2016.pdf>.

<sup>35</sup> 'The Home Office response to the Independent Chief Inspector's report: an inspection of asylum casework'; available at <https://www.gov.uk/government/publications/home-office-response-to-the-report-on-an-inspection-of-asylum-casework>.

<sup>36</sup> At the factual accuracy checking stage of this report, the Home Office stated that "performance against the screening service standard is planned to be published in relation to the final quarter of this financial year (Jan – March 2018)".

<sup>37</sup> The Home Office did not routinely capture waiting times for screening interviews carried out at ports of entry by Border Force officers, or by Immigration Enforcement officers encountering individuals in-country. The circumstances of such encounters mean that where a screening interview is carried out it is likely to be completed within hours rather than days.

6.9 Figure 2 details the monthly average waiting time (in days) for an NAIU screening interview between April 2016 and March 2017.



6.10 As Figure 2 shows, the average waiting time peaked at 17 days in October 2016 and continued to exceed the 10 day target until February 2017. The Home Office told inspectors that the spike around October 2016 coincided with the arrival of minors from France as part of the Calais camp clearance. Dealing with these arrivals had been a priority, and this had had a knock-on effect.

### Third Country Unit cases

6.11 TCU is responsible for managing those cases where the Home Office considers that another EU Member State may be responsible for managing the asylum claim, in accordance with the Dublin III Regulations. Dublin III sets out the criteria by which Member States may refuse to accept responsibility for a claim, most commonly because the claimant had left the European Union area before submitting their asylum claim in the UK. For example, the individual may have had an asylum claim refused in another Member State and been removed to their country of origin before travelling to the UK.

6.12 Cases where another EU Member State refuses to accept responsibility are referred to colloquially within the Home Office as “TCU drop outs”. Home Office data indicated that 3,903 asylum cases ‘dropped out’ of the TCU process between 1 April 2016 and 31 March 2017, of which 2,135 (around 55%) had received an initial decision on their asylum claim within 6 months of the other Member State’s response, in accordance with the internal performance measure. A further 943 (24%) claimants were awaiting an initial decision, but the claim was still within the 6 months as at 31 March 2017.

6.13 Of the remaining 825 (21%) cases, 189 claimants had received an initial decision by 31 March 2017 but had had to wait more than 6 months since “dropping out” of the TCU process, while 636 claimants had not yet received an initial decision more than 6 months after having “dropped out”.

### Non-straightforward claims

6.14 Data provided by the Home Office indicated that, between 1 April 2016 and 31 March 2017, 9,161 non-straightforward claims received a decision. As at 31 March 2017, 9,664 claims

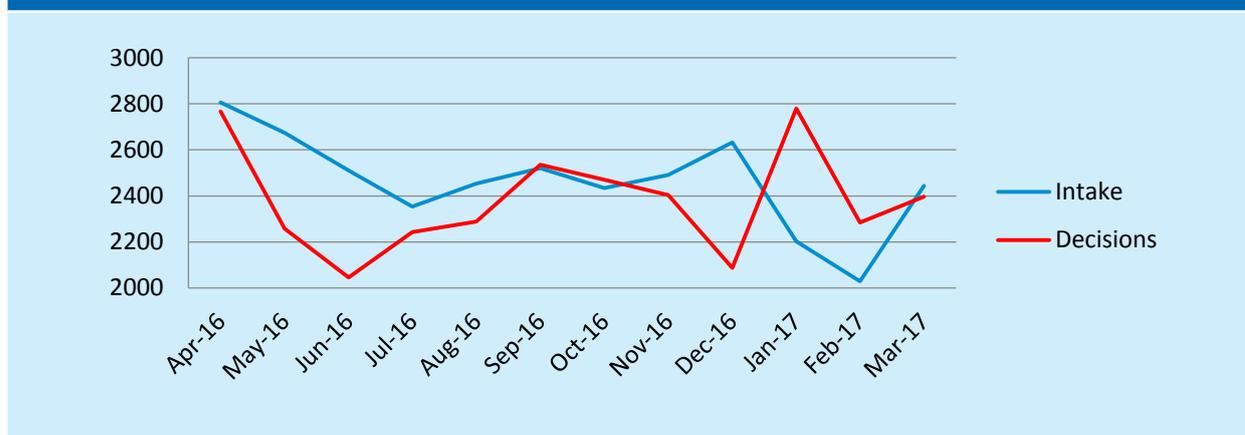
categorised as non-straightforward were still awaiting a decision. Of these, 5,128 (53%) were over 12 months old.

- 6.15 Home Office guidance, ‘Asylum customer service standards: non-straightforward cases’, requires that non-straightforward claims “must be regularly reviewed in line with the individual timescales and specifics of the case.” Data provided to inspectors indicated that, as at 31 March 2017, of the 9,741 claims categorised as non-straightforward, 2,379 (24.42%) had been reviewed.
- 6.16 The 12 months performance measure applies only where “the reason for the non-straightforward nature of the case has been cleared”. Of the 2,379 claims reviewed, the “reason for the non-straightforward nature of the case” had been cleared in 1,630 cases, but the claim still awaited a decision as at 31 March 2017. The data was insufficiently granular to identify precisely how many of these cases were more than 12 months old at that point, but inspectors were able to determine that 1,082 of them had been registered before 2016.

### Asylum claims registered and initial decisions made in 2016-17

- 6.17 Home Office data indicates that 29,549 asylum claims were registered (the ‘intake’) between 1 April 2016 and 31 March 2017, a reduction of 5,981 (17%) on the previous year. Over the same period, the Home Office made 28,557 initial asylum decisions – see Figure 3. Of these decisions, 8,182 were grants, 16,308 were refusals, and the remaining 4,067 were classed as ‘other’.<sup>38</sup>

**Figure 3: Asylum intake and initial decisions made between 1 April 2016 and 31 March 2017**



### Asylum Intake and Casework ‘Initial Decision Work in Progress’

- 6.18 The Home Office refers to the asylum claims it has registered but where it has yet to make an initial decision as ‘Initial Decision Work in Progress’ (the ‘Initial Decision WiP’).
- 6.19 Figure 4 shows the monthly size and composition of the asylum Initial Decision WiP between April 2016 and March 2017. As at 31 March 2017, the number of registered asylum claims awaiting an initial decision stood at 20,385.

<sup>38</sup> Cases classed as ‘other’ included those which are withdrawn by the claimant, withdrawn by the Home Office as the individual had absconded, or were refused due to another EU Member State accepting responsibility for managing the asylum claim.

**Figure 4: Size and composition of the monthly asylum Initial Decision WiP between April 2016 and March 2017**

Month	Total size of Initial Decision WiP	Straightforward claims	Non-straightforward claims
April 2016	18,855	11,541 (61%)	7,314 (39%)
May 2016	19,722	11,981 (61%)	7,741 (39%)
June 2016	20,300	12,179 (60%)	8,121 (40%)
July 2016	20,462	11,477 (56%)	8,985 (44%)
August 2016	20,956	11,413 (54%)	9,543 (46%)
September 2016	21,068	11,326 (54%)	9,742 (46%)
October 2016	21,247	11,256 (53%)	9,991 (47%)
November 2016	21,097	11,165 (53%)	9,932 (47%)
December 2016	21,441	11,277 (53%)	10,164 (47%)
January 2017	20,965	11,093 (53%)	9,872 (47%)
February 2017	20,631	10,747 (52%)	9,884 (48%)
March 2017	20,385	10,637 (52%)	9,748 (48%)

- 6.20 The intake of claims exceeded the number of initial decisions made in each of the first 3 quarters of 2016-17, with the effect that the size of the Initial Decision WiP had increased by 2,586 between April and December 2016 (roughly equivalent to the total monthly output of initial decisions).
- 6.21 Between 1 January to 31 March 2017 this trend was reversed. However, by the end of 2016-17 the Initial Decision WiP was still 1,530 cases bigger than it had been at the beginning of the reporting year.
- 6.22 Over the same period, the number of claims within the Initial Decision WiP categorised as non-straightforward (and therefore set outside the 6 months customer service standard for an initial decision) had risen by 2,434, and as at March 2017 represented almost half (48%) of the Initial Decision WiP.

### The Next Generation Casework project

- 6.23 During 2016-17, AIC senior managers had recognised the need for action to reduce the size of the WiP, and a plan (Next Generation Casework project) was developed to recruit 250 new staff for a fixed term of 12 months to reduce the Initial Decision WiP, by concentrating on the non-straightforward claims. Senior managers explained that this would reduce the size of the Initial Decision WiP to “frictional levels”, in the process reducing asylum support costs.<sup>39</sup>
- 6.24 The new decision makers (DMs) would be based at a new Home Office site in Bootle which, inspectors were told, would enable new ways of working to be developed, tested and refined. The plan was to have these staff in post and ready to start this work on 7 July 2017, with an end date for the Project of 31 March 2018.

<sup>39</sup> The original plan was for the Next Generation Casework project to reduce the Initial Decision WiP to 10,000. This was later revised to 6,000.

6.25 In the event, only one new DM was in post on 7 July 2017. Managers explained that there had been delays in the recruitment process, mostly in obtaining security clearances for the new staff. As a consequence, as at July 2017, the project was not expected to be fully operational until the end of August 2017. However, managers told inspectors that they still expected the project to deliver its objectives on time, as project plans had been updated on 11 July 2017. In the revised plan, the number of new staff had been reduced to 211, and the project end date moved to May 2018. This revision was based on productivity assumptions, expected gains from new ways of working and the triaging of Initial Decision WiP claims by managers in preparation for the arrival of the new DMs.

## 7. Inspection findings – Registration of asylum claims

### Published guidance

- 7.1 Guidance for individuals wishing to claim asylum is available on the GOV.UK website. ‘Claim asylum in the UK’ states that

“You register your asylum claim at a ‘screening’. This is a meeting with an immigration officer where you tell them about your case. You’ll have your screening at the UK border if you claim asylum as soon as you arrive. You can also be screened once you’re in the UK if you become eligible for asylum.”

### Screening interview data for 2016-17

- 7.2 Home Office figures for the business year 2016-17 (1 April 2016 to 31 March 2017) show that 16,965 screening interviews were conducted.
- 7.3 Figure 5 shows the number of screening interviews carried out by each Home Office business area between 1 April 2016 and 31 March 2017.<sup>40</sup>

**Figure 5: A breakdown of screening interviews conducted between 1 April 2016 – 31 March 2017**

Month 2016-17	National Asylum Intake Unit	Border Force (at port)	Immigration Enforcement	Other <sup>41</sup>
April	1,357	141	57	72
May	1,162	121	68	117
June	1,093	115	63	104
July	1,034	109	65	111
August	1,082	152	120	50
September	1,144	216	79	64
October	1,069	176	99	41
November	1,117	209	137	17
December	1,153	197	162	30
January	1,022	167	33	67
February	871	123	42	91
March	1,151	147	59	89
<b>Total</b>	<b>13,255</b>	<b>1,873</b>	<b>984</b>	<b>853</b>

<sup>40</sup> Not all claimants who made an asylum application in the reporting year 2016-2017 were subject to a screening interview. See paragraph 7.17.  
<sup>41</sup> ‘Other’ refers to claimants who were screened in prison by the Home Office’s Criminal Casework team and those instances in which records were unclear as to which unit had conducted the interview.

## National Asylum Intake Unit 'screening'

- 7.4 The data shows that, between 1 April 2016 and 31 March 2017, 78% of screening interviews were carried out at 1 of the 3 intake units that form the National Asylum Intake Unit (NAIU). NAIU has dedicated screening officers, who are trained to conduct screening interviews in line with Home Office internal guidance on 'Registering an Asylum Claim in the UK'.
- 7.5 Screening officers at the Asylum Intake Unit (AIU) in Croydon told inspectors that they worked to the internal target of completing screening interviews within 10 days of the claimant calling the UK Visas and Immigration (UKVI) booking service to make an appointment, attending the AIU as a "walk in" or being referred to Kent Intake Unit (KIU) or Midland Intake Unit (MIU).<sup>42</sup> They said that during 2016-17 the 10 day target had been relaxed only once, when a cohort of screening officers was deployed to screen individuals from the migrant camps in Calais who were seeking to be resettled in the UK.
- 7.6 The screening officers told inspectors they felt that they were being "pushed to the limit", with appointments routinely overbooked. They had to work beyond their shift times to meet the demand. They thought their individual targets of 5 screening interviews per day were "arbitrary" and failed to take into account the difference in the time, work and effort required to complete a screening interview with a family compared with that of a single adult.
- 7.7 Screening officers said they felt overworked and unsupported by managers. AIU staff told inspectors that senior managers were not sufficiently visible, and did not understand the pressure screening officers were under.
- 7.8 In response, Asylum Intake and Casework (AIC) senior managers told inspectors that, although there had been additional demands on the NAIU as a result of the work in Calais, overall intake levels had reduced since the summer of 2015 while staffing levels within NAIU<sup>43</sup> had remained broadly constant. As a result, staff should be under less pressure than they were before. They disputed that they were not sufficiently visible or aware of the demands on NAIU staff.
- 7.9 Despite the pressures, screening officers believed that their training and experience meant that screening interviews were completed to a high standard. NAIU's own quality assurance measures recorded a "satisfactory" score for 80% of screening interviews in 2016-17, and this had been validated by UKVI's Quality Assurance team.
- 7.10 Inspectors examined 40 randomly-selected records where a screening interview had been completed by NAIU staff between August 2016 and October 2016, and observed 3 interviews conducted at AIU on 5 July 2017. In this small sample, the screening interviews were all carried out in accordance with guidance.

## 'Screening' by other units

- 7.11 Where an asylum claim is lodged with Border Force (BF) at a port of entry to the UK, or with Immigration Enforcement (IE) when an individual is encountered or detained by IE officers, it is normally the responsibility of BF or IE to screen the claimant.<sup>44</sup> Between 1 April 2016 and 31 March 2017, 3,710 (22%) of screening interviews were conducted by units other than NAIU, the bulk of these by BF (1,873) or IE (984).

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<sup>42</sup> An application for asylum can be made by an individual at their port of arrival, upon encounter by Immigration Enforcement (IE), or at the NAIU via the telephone booking line or as a "walk-in". Applicants must make their application 'in person'. That is, they must verbally inform a Home Office member of staff of their claim.

<sup>43</sup> Figures relate to staff who undertake or support the screening process at the AIU in Croydon, KIU and MIU. As outlined at paragraph 8.2, staffing figures across the rest of AIC were more fluid.

<sup>44</sup> If the asylum claimant is encountered by IE in Kent or between London and the Midlands responsibility for the screening interview passes to the KIU or MIU.

- 7.12 In ‘An inspection of asylum casework – March – September 2015’,<sup>45</sup> inspectors noted that the Home Office’s internal quality assurance checks indicated that screening interviews completed by AIU staff (including those based at KIU and MIU) was of a higher quality than those completed by other units. For the first 3 quarters of business year 2014-15 (1 April 2014 to 31 March 2015), over 40% of the non-AIU screening interviews that were quality assured were assessed as ‘weak’ or ‘fail’, and by quarter 4 this had risen to over 50%. AIU performance had also dropped in quarter 4 of 2014-15 to where almost a third of screening interviews did not get a “satisfactory” score.
- 7.13 This resulted in a recommendation, accepted by the Home Office, that it should “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.”
- 7.14 The 80% “satisfactory” score for NAIU screening interviews showed a small improvement (approximately 6%) on AIU’s average score for 2014-15. However, inspectors were told that quality assurance data for screening interviews conducted outside the NAIU was no longer collected.
- 7.15 Examination by inspectors of 44 randomly-selected asylum case records where the screening interview had been completed by other units identified 15 cases where there was room for improvement. The 15 cases included:
- 6 cases where the incorrect screening proformas had been used
  - 6 cases where the start and/or end time of the interview had not been recorded
  - 3 cases where there were questions against which no answers had been recorded. Inspectors were unable to determine whether this meant that the question had not been asked or that the claimant had not provided an answer

### Routing without screening

- 7.16 Some asylum claims are routed to a casework unit for a substantive interview and initial decision without the claimant having had a screening interview. In such cases, the substantive interview will need to capture the information (personal details, biometric data, reason(s) for the claim, method of entry to the UK, and information on vulnerabilities) that would normally be provided at the screening interview.
- 7.17 During 2016–17, 16,945 screening interviews were completed against an asylum intake of 29,549. This suggests that around 12,000 (approximately 40%) of the asylum claims lodged between 1 April 2016 and 31 March 2017 were routed to a casework unit without a screening interview. Of these, roughly a quarter (2,999) were from unaccompanied asylum-seeking children (UASC) or other vulnerable claimants, for whom there is no requirement for a screening interview.
- 7.18 The Home Office provided a breakdown for a further third, 4,523 cases, where the claim is known to have been routed without screening, showing where it was lodged – see Figure 6.

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<sup>45</sup> Available at: <https://www.gov.uk/government/publications/inspection-report-on-asylum-casework-february-2016>.

**Figure 6: Breakdown of claims routed without screening between 1 April 2016 and 31 March 2017, by location of claim**

Location	Number
Asylum Intake Unit	789
Criminal Casework (by post)	155
Criminal Casework (prison visit)	145
Immigration Enforcement Immigration Compliance and Enforcement Team	2,722
Port	703
Postal	9
<b>Total</b>	<b>4,523</b>

- 7.19 According to Home Office data, 53 of these 4,523 claimants failed to attend for a screening interview and were thus recorded as absconders.<sup>46</sup> Of those, 41 had claimed asylum when they were originally encountered by IE or when in detention.
- 7.20 The Home Office was unable to confirm whether a screening interview had been conducted for the remaining applicants. Inspectors were told that it was likely that many of these claimants had been interviewed at locations outside the usual NAIU process, for example in prisons, at police stations or while held in immigration detention pending removal, but electronic databases did not reflect this and no work was being done by the Home Office to verify whether screening interviews had been conducted in those instances. AIC managers told inspectors that IE did not always have the resources to complete screening interviews in the detained environment and instead they advised claimants to contact the NAIU telephone booking service to make an appointment.
- 7.21 AIC senior managers were aware that where there had not been a screening interview, or the screening interview had not been “satisfactory”, it had an adverse impact on the efficiency of casework units. Substantive interviews typically took longer to complete, particularly where there was the need to carry out security checks or referrals to other units or agencies that should have been done during the screening process. This meant that fewer substantive interviews could be scheduled.
- 7.22 Senior managers told inspectors that the identification of claimants who had not been screened had improved, although conceded that more needed to be done, and NAIU was working through these cases. Also, agreement had been reached with IE to ensure that security checks were conducted, thus reducing the burden on AIC staff. In addition, NAIU and IE would liaise to ensure an appointment to attend NAIU had been arranged before a claimant was released from detention, which would provide greater oversight of the number of asylum claimants who required a screening interview. At the time of inspection, it was too early to assess whether these measures had reduced the number of claims routed without screening.

<sup>46</sup> The Home Office defines an absconder as an individual who “breaches one or more of the conditions imposed as a condition of Temporary Admission (Temporary Release), bail or release on a restriction order served to them on the appropriate notice and, in all cases, whose whereabouts are unknown and all mandatory procedures to re-establish contact with the migrant have failed.” Home Office guidance: ‘Non-compliance and absconder process’; Version 7.0. Published on 15 December 2016. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/581034/non-compliance-and-absconder-process-.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/581034/non-compliance-and-absconder-process-.pdf)

## 8. Inspection findings – Asylum decisions

### Casework units

- 8.1 With the exception of those cases managed by Detained Asylum Casework, the Third Country Unit and the Non-Suspensive Appeals Hub, responsibility for the carrying out substantive interviews of asylum claimants and making initial decisions on claims falls to one of Asylum Intake and Casework (AIC) casework units. These are located in Belfast, Bootle, Cardiff, Croydon, Folkestone, Glasgow, Hounslow, Leeds, Liverpool, Newcastle, Sheffield and Solihull.

### Decision maker vacancies in 2016-17

- 8.2 AIC senior managers told inspectors that maintaining performance during business year 2016-17 (1 April 2016 to 31 March 2017) had been difficult as AIC had carried a large number of vacancies. In January 2016, AIC had had 319 “active” decision makers (DM).<sup>47</sup> As at July 2016, this had fallen to a low of 228. Senior managers explained that the asylum DM role equipped staff with the sort of skills that enabled them to secure other civil service roles, often on promotion. Many DMs had done so during 2016-17, leaving a relatively small cohort of experienced DMs in AIC. Meanwhile, because of vacancies at more senior grades, many of the experienced DMs who remained had been temporarily promoted to cover other roles.
- 8.3 A number of new DMs were recruited through 2016-17 to fill these vacancies, and by March 2017 the number of “active” DMs had risen to 352. New DMs attend a 5 week Foundation Training Programme intended to prepare them for the role. ‘New’ DMs told inspectors that they had not felt adequately prepared following their initial training, and had relied on the guidance and support from more experienced colleagues and “on the job” learning to develop the necessary skills and knowledge.
- 8.4 After completing their initial training, DMs have their interviews and decisions checked by managers to ensure that they meet the required standards. This is referred to as being “on checks”. Once they are assessed as “fully effective”, DMs are set a personal target of 225 completed ‘events’ in a reporting year. An ‘event’ is a substantive interview, or writing and serving an initial decision. The target for DMs who are “on checks” is lower, so that they can concentrate on developing their skills. When a casework unit has a high proportion of new DMs its decision making capacity is therefore reduced.

### ‘Day 182’

- 8.5 The overriding priority for casework units is hitting the published customer service standard of providing an initial decision for straightforward asylum claims within 6 months of their registration. This is referred to colloquially in AIC as ‘Day 182’. Inspectors were told by AIC managers and staff

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<sup>47</sup> “Active” DMs refers to the number of DMs available to conduct interviews and make decisions. Throughout the whole of 2016-17 there was an average of around 50 DMs categorised as “non-active”, meaning that they were conducting other duties, attending training courses or on leave.

that the fact that AIC had met or exceeded its performance target of 98% of straightforward cases decided by Day 182 every month since the customer service standard was introduced in April 2014 was a source of pride, especially given the challenges they had faced.

- 8.6 Staff in the casework units told inspectors that there was a “relentless” focus on meeting the Day 182 target which, combined with the recruitment and retention issues, meant they felt under extreme pressure to deliver their own individual ‘events’ and to contribute to the overall performance of AIC. Staff in 2 locations said there would be “investigations” if a straightforward claim had not been decided by Day 182, and that managers in 1 unit had discussed issuing “warnings” to those responsible.
- 8.7 In the view of some staff, the pressure to deliver against the Day 182 target had resulted in a reduction in the quality of the work produced by the casework units, specifically:
- the quality of interviews
  - the quality of decisions
  - the de-prioritisation of non-straightforward and out of service standard cases

#### Location of the substantive interview

- 8.8 Senior managers told inspectors that they tried to keep the number of claimants who are required to travel to another location for their substantive interview to a minimum. As well as being inconvenient for the claimant, transfers increased the costs to the Home Office of additional travel and accommodation for those in receipt of asylum support.
- 8.9 The Home Office does not routinely capture this data, so it is unclear how many claimants are affected. However, inspectors were told by casework unit staff that a significant number of claims are transferred from one casework unit to another where the latter has greater capacity to complete the substantive interview and make the initial decision within the Day 182 target. Generally, the flow is from Croydon to other units, which meant that staff in Croydon had less opportunity to demonstrate their decision making competence.
- 8.10 In October 2015, AIC began a pilot in which a small team based in Sheffield conducted substantive interviews using video conferencing. Managers were pleased with the results, reporting that productivity levels increased while quality standards were maintained. They intended to test the use of video conferencing further as part of the Next Generation Casework project.

#### Quality of substantive interviews

- 8.11 AIC managers and staff agreed that the quality of substantive interviews by DMs varied. Staff suggested that this was the result of Day 182 pressures. Inspectors were told that DMs were often scheduled to complete 2 interviews per day, and they felt they did not have enough time to prepare properly. They also considered that the fact they were often “clock-watching”, rather than allowing time and space for the claimant to open up about their experiences, affected the quality of the interview.
- 8.12 However, managers attributed issues with substantive interviews to DMs’ inability to focus on the ‘material facts’ and key points of claimants’ accounts, so that interviews became unnecessarily protracted. Managers believed that additional training was needed and they were working on a training package that would reinforce best practice.<sup>48</sup>

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<sup>48</sup> At the factual accuracy checking stage of this report, the Home Office advised that such training had commenced.

- 8.13 Written guidance provided to DMs states that substantive interviews must focus on the ‘material facts’; that is “facts which can be identified as key issues in the asylum claim” and that “claimants must be asked to explain contradictions which become apparent in their answers or any significant inconsistency with information previously provided in writing or at the screening interview.”<sup>49</sup>
- 8.14 Inspectors examined 30 randomly-selected case records in which a substantive interview had been completed, to test whether:
- the interview had focused on the material facts
  - the interviewer had explored the basis of the claim in sufficient depth
  - the claimant had been given the opportunity to address any inconsistencies
- 8.15 In 2 cases, there was no interview record in either the paper or electronic case file. Of the remaining 28, inspectors found room for improvement in 9. This included:
- 2 cases where material facts had not been identified, established or tested effectively
  - 2 cases where the basis of the claim had not been explored in sufficient depth
  - 2 cases where the claimant had not been provided the opportunity to explain inconsistencies in their account
  - 2 cases in which material facts had not been identified, established or tested effectively **and** where the basis of the claim had not been explored in sufficient depth
  - 1 case in which material facts had not been identified, established or tested effectively **and** where the claimant had not been provided the opportunity to explain inconsistencies in their account

### Decision quality

- 8.16 The Home Office’s own internal quality assurance process suggested that improvements to decision quality were needed. Of the decisions sampled for 2016-17, 24% were found to be below “satisfactory”.
- 8.17 DMs told inspectors that the Day 182 target impacted on decision quality. They said that informal assessments of quality by senior caseworkers or technical specialists would be more generous with a benchmark of “good” replaced by “good enough” for cases that were at or very close to Day 182. This had a negative effect on resourcing and throughput, as “good enough” decisions were not considered to demonstrate that a DM was ‘fully effective’ and therefore could be “signed off checks”. This had had a disproportionate impact on the Croydon casework unit as all of its DMs had been newly recruited within the last 12 months and, as at July 2017, only one had been “signed off checks”.
- 8.18 Managers disputed that the proximity of Day 182 resulted in lower quality decisions. They argued that AIC had moved away from the idea of “gold plated” decisions to a more realistic aim of “good” decisions. To ensure that decision quality was at a consistent standard, from 4 October 2016 AIC had introduced the Assisted Decision Making (ADM) tool. ADM does not influence the decision outcome, but standardises decision letters. At the time of the inspection, most casework units were using the ADM tool. Staff at different sites had different opinions of it, but most DMs who spoke to inspectors said they felt they needed more training in using the tool before it would improve their efficiency.

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<sup>49</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/410098/Asylum\\_Interviews\\_AI.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/410098/Asylum_Interviews_AI.pdf).

8.19 Inspectors examined 30 randomly-selected case records<sup>50</sup> to assess the quality of the decisions, focusing on 2 key factors outlined in the guidance document ‘Assessing credibility and refugee status’:

- appropriate consideration of all material facts, in accordance with Paragraph 5.1 of the guidance document
- appropriate consideration of the credibility of the claimant, in accordance with Paragraph 5.4 of the guidance document

8.20 Inspectors identified room for improvement in 10 of the cases:

- 2 of the 10 did not contain evidence that all material facts had been considered
- 5 of the 10 did not contain evidence that the claimant’s credibility had been appropriately considered
- 3 cases did not contain evidence that either consideration had been applied

### Case study 1: Limited evidence of consideration of material facts, plus evidence of speculation or assumption.

#### Timeline:

- On 28 July 2017, the claimant, registered his claim for asylum at the Asylum Intake Unit in Croydon
- On 26 January 2017 (Day 171), the Home Office conducted the substantive asylum interview
- On 6 February 2017 (Day 182), a decision was made to refuse asylum. The claim had been made on the basis of the claimant’s imputed<sup>51</sup> political opinion (the claimant alleged they were subject to threats as a result of his criticism of the government of their country of origin) and religion. The Home Office’s decision to refuse was based solely on credibility findings
- On 7 May 2017, the claimant’s appeal was allowed on Human Rights grounds

#### Independent Chief Inspector’s comment:

From the case record, there was limited evidence that the material facts of the claim had been considered.

The DM made a distinction that those threatening the claimant were supporters of the government rather than the government itself, which was based on speculation rather than objective information. The DM also failed to fully examine or consider the credibility of the claimant’s conversion journey from Islam to Agnosticism and relied on an unsupported inference that “nobody is aware” of the claimant’s conversion. This made it unclear whether the Home Office accepted or rejected this aspect of the claim.

<sup>50</sup> 30 case files for decisions made between August and October 2016, with a 50/50 gender split, from a range of decision making units.  
<sup>51</sup> Paragraph 7.1 of the Home Office guidance document ‘Assessing credibility and Refugee status’ states that the “an individual may face persecution because of a Convention ground which is imputed to them by actors of persecution.” Available at: <https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>.

The decision letter did not indicate whether a grant of Humanitarian Protection had been considered. There was no Country Policy Information Note (CPIN)<sup>52</sup> available for the claimant's country of origin, and no evidence that the DM had carried out any independent country research to support their decision.

The interview was conducted on Day 171 and a decision made on Day 182, the deadline for the 6 month customer service standard, which may have affected the quality of the decision letter.

**Home Office's Comment:**

When asked about this case, the Home Office advised inspectors that "the material facts within this claim are considered, albeit concisely."

- 8.21 Inspectors also noted factual inaccuracies, for example reference to the wrong nationality, and over half of the 30 cases contained examples of poor spelling and grammar. Managers told inspectors that because of the large number of new DMs who were "on checks" they had had less capacity to devote to other local assurance checking.

**Non-straightforward claims**

- 8.22 In April 2014, the Home Office introduced the 'non-straightforward' category for asylum claims where factors outside its control meant it was not possible to make a decision within the 6 month customer service standard. 'Non-straightforward' cases are therefore not measured against the Day 182 target.
- 8.23 DMs told inspectors that the Day 182 target incentivised the categorisation of cases as non-straightforward where any delay or action required by the Home Office meant that achieving the target date might be at risk.
- 8.24 Guidance to casework units requires them to monitor and review non-straightforward claims and make a decision as soon as possible. The same guidance requires them to ensure that claimants are contacted every 6 months and informed of progress using a 'case delay' letter. DMs told inspectors that the turnover in staff and the pressure of meeting the Day 182 customer service standard meant that limited attention was paid to these requirements.
- 8.25 In April 2016, UK Visas and Immigration (UKVI) Operational Assurance and Standards Unit (OASU) completed an audit of the use of the non-straightforward category. OASU reported on the rising number of non-straightforward cases and warned that this trend was likely to continue unless checked:

"Overall the number of cases in the NSF cohort is rising as the number of cases entering the cohort is greater than the number of cases being cleared [...] If the current situation continues and changes to the way in which this cohort of cases is managed are not made there is a significant risk that this trend will continue and Asylum Ops will not be able to meet the ICI challenge of taking steps to reduce the number of NSF cases that are more than 12 months old"

- 8.26 While OASU noted that compliance with internal guidance was generally good, it also noted some non-compliance leading to delayed identification, case reviews and resolution of non-straightforward cases.

<sup>52</sup> CPINs are produced by the Home Office. They contain information about the conditions in particular countries which is intended to assist DMs.

- 8.27 Inspectors examined 36 randomly-selected case records for claims that had been categorised non-straightforward between 1 August and 31 October 2016. In 15 of these cases, inspectors noted the absence of any evidence that the DM had considered whether the barrier could be cleared quickly enough for the decision to be made by Day 182. In a further 8 cases, the claimant had not been issued a ‘case delay’ letter informing them that their claim had been categorised as non-straightforward.
- 8.28 Managers conceded that there may have been a more “generous” approach to the interpretation of the non-straightforward criteria prior to the redraft of the non-straightforward guidance in May 2017, but they were confident that this was no longer the case. Inspectors found some evidence of this “generous” approach, for example, 1 of the 36 claims examined was categorised as non-straightforward on the basis of a referral to the Special Cases Unit (SCU).<sup>53</sup> The DM was informed within 3 hours that SCU had no interest in taking ownership of the case and it could be progressed as normal. However, the DM had set a review date of 6 months from the date of the referral and this was not amended when the SCU response was received, and the claim remained categorised as non-straightforward and therefore outside the customer service standard.
- 8.29 Inspectors found limited evidence of management oversight of non-straightforward claims. At one time, these claims had been processed by dedicated teams within the casework units, but reduced decision making resources had resulted in the reallocation of these staff. At the time of the inspection, only those non-straightforward claims where there was external pressure, such as the threat of legal action or an enquiry from the claimant’s Member of Parliament, received close attention.
- 8.30 Inspectors found that in 13 of the 36 case records there was no evidence that the required review had been done. This included 2 claims from unaccompanied minors (see case study 2), 2 family cases, and 1 case in which the claimant was particularly vulnerable, with a history of depression, anxiety and suicide attempts.

### Case study 2: No evidence of a review of a non-straightforward claim, where the claimant was an unaccompanied minor

#### Timeline:

- On 16 August 2016, a 17 year old male was encountered by Immigration Enforcement (IE) and claimed asylum. He was identified as a minor and referred to Social Services on the same day
- On 12 September 2016, the claimant was screened as an adult by an IE officer. No reason was provided by the Home Office for treating him as an adult or for the delay between encounter and screening interview
- On 1 November 2016, an age assessment was carried out by Social Services. The claimant’s date of birth was assessed to be 05/02/1999 (making him 17 years and 8 months)
- On 2 February 2017, the claimant attended his substantive interview and was treated as a minor. The claimant informed the Home Office that he was 16 years old and would be challenging the age assessment provided by Social Services

<sup>53</sup> A unit within the Home Office’s Office for Security and Counter Terrorism Directorate.

- The claimant was given 5 working days to submit further documentation to support his asylum claim, family life or any other exceptional reasons for remaining in the UK. This process is referred to as “further representations”
- On 9 February 2017, the claimant’s solicitor asked in writing for an extension to the deadline for the submission of further representations, which was granted in writing and the claimant was given until 14 February 2017
- On 9 February 2017, the claim was categorised as “non-straightforward -customer delay”. A note on CID indicated that “case to be decided within the next two weeks as there have been various issues with this case throughout the process and we have agreed to make a decision on the case”. The claimant was not sent a case delay letter and no mention was made of the delay in the letter granting an extension for further representations
- On 14 February 2017, the Home Office received the further representations. The case remained categorised as non-straightforward
- On 20 February 2017, the claimant’s solicitors informed the Home Office that new evidence had been provided to Social Services to challenge his assessed age. There was no further recorded contact between the Home Office and Social Services
- On 1 August 2017, the claim remained outstanding and no reviews had been done

**Independent Chief Inspector’s comment:**

The categorisation of a claim from a 17 year old unaccompanied minor as non-straightforward creates the clear risk that the claimant may no longer be a minor by the time the claim is considered. This risk was exacerbated in this instance because it was almost 5 months between the registration of the claim (at the screening interview) and categorisation as non-straightforward (after the substantive interview). Additionally, while ‘customer delay’ is a valid reason why it may not be possible to decide a claim within the 6 months customer service standard, in this case the extent of the delay (2 weeks) was known and this was still within 6 months of registration of the claim.

**Home Office comments:**

The Home Office informed the inspection team that the claim had been allocated for completion (an initial decision) on 20 February 2017. However, on the same date, the Home Office were informed that the claimant was disputing their age assessment, claiming to be 16 rather than 17. The Home Office decided to await the outcome of a further age assessment, since this new age assessment might determine whether the claimant was 17 or 18 at the time of the decision.

## Next Generation Casework project

- 8.31 Inspectors were told by senior management that the Next Generation Casework project would enable AIC to reduce the size of both the WiP and the non-straightforward caseload, albeit the project was time-limited and therefore not a permanent solution to managing non-straightforward cases.
- 8.32 Inspectors visited the site of the project in Bootle in June 2017. At this time, only the managers were in post. They were reviewing claims that had been transferred to the project to process, and

were 'triaging' them to ensure that they were prioritised, decision ready, and appropriate for a new intake of DMs. They told inspectors that the triage process (which at that stage had covered only a relatively small number of cases) had revealed a number of claims that "should have never been categorised as non-straightforward" and, consequently, the project would be "cleaning up bad practice" by resolving inappropriate or out of date exclusion barriers.<sup>54</sup>

- 8.33 Next Generation Casework managers explained that as DMs will have been recruited from outside the Home Office, with no prior experience of asylum or immigration casework, their decision making skills will need to be built up incrementally. Therefore, the more complex cases will be returned to casework units to manage. However, they saw the decision to recruit from outside of the Home Office as presenting an opportunity to experiment with and embed new ways of working, in a culture free of ingrained practices and norms, and were enthusiastic about this. They recognised there were risks, but were confident that the senior management team could manage these effectively. AIC's senior managers largely agreed that the project's senior management team could manage the risks and deliver a successful outcome, but recognised that the latter would need support with evaluating new ways of working, measuring success and identifying lessons learnt that could be shared with other casework units. Meanwhile, inspectors were given no clear idea of how the Next Generation Casework project itself would be evaluated and the lessons learned shared across AIC.

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<sup>54</sup> At the factual accuracy checking stage of this report, the Home Office told inspectors "That is not why the unit was set up".

## 9. Inspection Findings – Gender

### Numbers of female asylum claimants and complexity of claims

- 9.1 Between 1 April 2016 and 31 March 2017, 7,679 (approximately 26%) of the 29,549 asylum claims registered were from females.<sup>55</sup>
- 9.2 Numerous stakeholders who deal specifically or regularly with refugees and asylum seekers told the inspection team they believed females were at a disadvantage within the asylum system due to the nature of many female claims. They explained that female claimants were more likely to be fleeing persecution on the basis of membership of a particular social group,<sup>56</sup> or to have experienced gender-based harm, such as female genital mutilation or sexual violence, and as such their claims were more difficult for decision makers (DMs) to assess and decide.
- 9.3 Inspectors examined the key steps in the asylum process for any evidence of gender bias.

### Interviews

- 9.4 With regard to the screening and substantive interviews, stakeholders stressed the importance of ensuring that the interview environment is conducive to the claimant feeling able to open up about their experiences. While this is important for all claimants, based on the evidence available to stakeholders and the testimony of claimants, this affects female claimants (and other particularly vulnerable groups) disproportionately, and particularly where the claimant has suffered abuse.
- 9.5 In 2015, the Home Office committed, wherever possible, to meet a request from an asylum claimant for an interviewer of a particular gender. This commitment extended to interpreters, where needed. Between 1 April 2016 and 31 March 2017, according to Home Office data, 3.8% of claimants screened within the National Asylum Intake Unit (NAIU) made such a request in advance of their screening interview,<sup>57</sup> all of which were met. In over three quarters of these cases, the claimant requested a female interviewer. The Home Office does not capture equivalent data for screening interviews not carried out by NAIU.
- 9.6 The guidance available on GOV.UK for those wishing to claim asylum states:

“You can ask for a male or female interviewer, but your choice might not always be available”<sup>58</sup>.

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<sup>55</sup> This figure includes unaccompanied minors.

<sup>56</sup> Paragraph 7.6.1 of the asylum instruction ‘Assessing credibility and refugee status’ states that “a group shall be considered to form a particular social group where, for example: a) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it; and b) that group has a distinct identity in the relevant country because it is perceived as being different by the surrounding society.” Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397778/ASSESSING\\_CREDIBILITY\\_AND\\_REFUGEE\\_STATUS\\_V9\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf).

<sup>57</sup> When a claimant contacts the telephone booking line to make an appointment, the NAIU process requires that the operator asks the claimant if they have a preference as to the gender of the interviewer at screening. For those who attend as ‘walk-ins’ the reception staff should ask the same question.

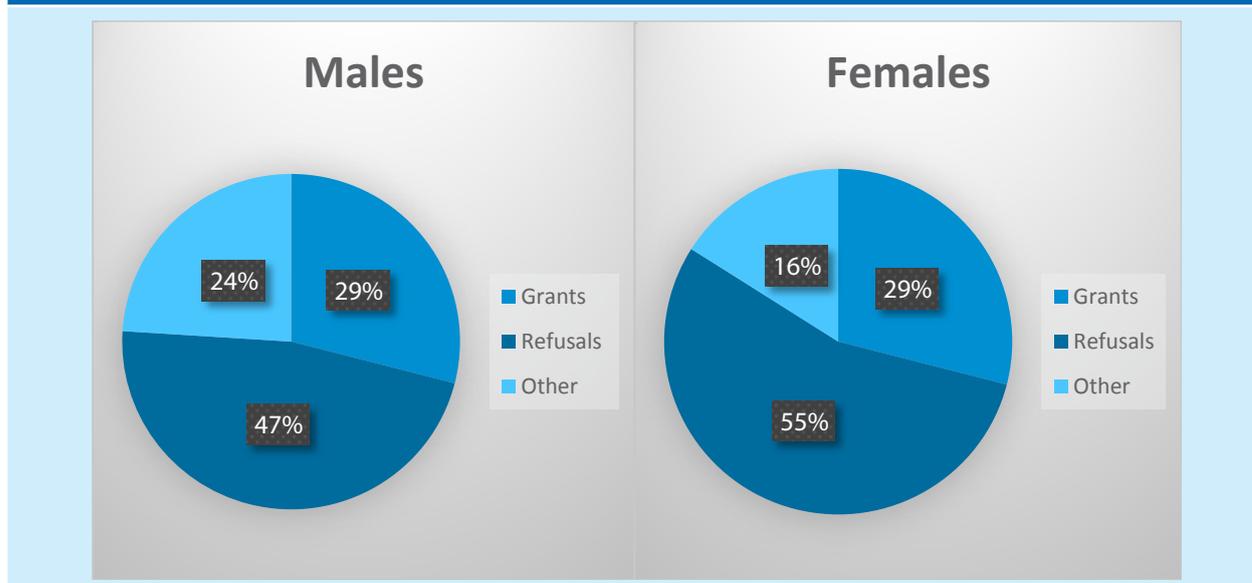
<sup>58</sup> <https://www.gov.uk/claim-asylum/screening>.

- 9.7 The Home Office does not test how well this option is understood by claimants. Anecdotal information from stakeholders and female claimants suggests that the latter do not understand the potential importance until much later in the asylum process.
- 9.8 At the screening interview claimants are informed that they may request that their substantive interview is conducted by a DM of a particular gender. Again, stakeholders were concerned that claimants did not always understand the importance of this question, and that screening officers did not explain the importance. In interviews and focus groups, a small number of NAIU staff told inspectors that they did not explain the purpose of this question in any detail, while a smaller number said that they did not see the relevance of the question.
- 9.9 The Home Office does not capture data about requests that a substantive interviewer be of a particular gender. In a randomly-selected sample of 87 asylum case records, inspectors found 6 such requests, all of which had been met. Inspectors also observed 11 substantive interviews. In 1 of these, the male claimant requested a male interviewer. This request was not met. The DM informed the inspector that there were no male interviewing officers available.

## Decisions

- 9.10 Stakeholders were concerned that female asylum claimants were more likely to have their claims refused than male claimants, as these claims were more likely to raise complex issues.
- 9.11 The Home Office provided inspectors with a dataset relating for initial decisions made between 1 April 2016 and 31 March 2017, which showed the percentages for grants, refusals and 'other'<sup>59</sup> decisions broken down by gender – see Figure 7.

**Figure 7: Asylum grants, refusals and 'other' decisions made between 1 April 2016 and 31 March 2017 as a percentage of claims decided, broken down by gender**



<sup>59</sup> 'Other' relates to refusals on the basis that another EU Member State is responsible for assessing the asylum claim in accordance with the Dublin Regulations, withdrawn claims, void claims and claims where the original application is to be reconsidered by the Home Office.

- 9.12 The data provided did not suggest an obvious gender bias. While the percentage of refused claims from female claimants was higher than that for male claimants, the grant rates were identical. However, as females make up only one quarter of claimants, the number of males granted asylum is much larger than the number of females. The data does not show the number of female dependents granted asylum in the same time period.
- 9.13 The Home Office does not routinely capture data that differentiates asylum claims by Convention reason.<sup>60</sup> Consequently, the inspection team could not carry out an in-depth analysis of how the Home Office handles claims where the claimant has cited a fear of gender-based harm or persecution.

### **Non-straightforward claims**

- 9.14 Home Office data for 1 April 2016 to 31 March 2017 does show the number of male and female claims categorised as non-straightforward and therefore set outside the 6 months customer service standard. Of 11,844 claims categorised as non-straightforward, 2,849 (24%) were from females and 8,615 (73%) from males. However, the data is insufficiently detailed to allow for any examination of stakeholders' view that female claims are seen by the Home Office to be more complex.
- 9.15 Home Office guidance lists pregnancy as 1 of the 7 'types' of case that might require a claim to be categorised as non-straightforward. As at 31 March 2017, 121 female claimants had been categorised as non-straightforward on the basis of pregnancy. Of these, 67 had still not had an initial decision 1 year after having registered their claim, while 17 of the 121 had not had an initial decision more than 2 years after claiming asylum.

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<sup>60</sup> See paragraph 5.2

## 10. Inspection findings – Previous inspections

- 10.1 A number of previous ICIBI inspections have looked at various aspects of the asylum system. The current inspection considered which of these were most relevant and reviewed what progress the Home Office had made towards implementing those recommendations it had “Accepted” or “Partially accepted”.

### 2015 Inspection of Asylum Casework<sup>61</sup>

- 10.2 Asylum casework was last inspected by the ICIBI between March and September 2015. The inspection focused on the efficiency of the Home Office’s asylum operation and the quality of the initial decision stage. It looked at how UK Visas and Immigration had dealt with the backlog of asylum cases that had built up by 2014, and assessed the efficiency of the registration and screening process and the effectiveness and appropriateness of the routing process.
- 10.3 The inspection report was laid in Parliament on 14 January 2016. It contained 9 recommendations – see Figure 8.

**Figure 8: ‘An inspection of Asylum Casework – March – September 2015’ Full list of recommendations and Home Office responses**

The Home Office should:		Response
1	Identify from the Quality Analysis Team’s work why the screening process was falling short of ‘Satisfactory’ and use the learning to ensure that guidance, training and supervision of interviewers is fit for purpose.	Accepted
2	Replace the internal target for screening interview timeliness with a published service standard and monitor performance against those service standards to reduce risk to overall efficiency and effectiveness.	Partially accepted
3	Improve the routine capture and analysis of data and management information in respect of asylum cases managed by the Third Country Unit (TCU) to understand why Formal Requests (FR) to other States to accept responsibility are unsuccessful and why removals by the TCU fail, and take the necessary steps to reduce both.	Accepted
4	Review the arrangements for handling claims of torture.	Partially accepted

<sup>61</sup> <https://www.gov.uk/government/publications/inspection-report-on-asylum-casework-february-2016>.

5	Extend the 'second pair of eyes' process for asylum claims based on membership of a particular social group (PSG) in order to improve the quality of decision making in all complex and sensitive cases.	Partially accepted
6	(While remaining on top of 'straightforward' asylum claims so that they meet the six month service standard from lodging the claim to providing the claimant with a decision), explore ways to reduce the number of 'non-straightforward' cases that are more than 12 months old.	Accepted
7	Ensure that decision makers follow Home Office guidance when conducting Active Reviews of applications for settlement from individuals who have been granted Discretionary Leave as an Unaccompanied Asylum Seeking Child (UASC), and that they record this in sufficient detail.	Accepted
8	Publish service standards for extension of leave and settlement applications in Unaccompanied Asylum Seeking Child (UASC) cases, and ensure that the Active Review process is managed to provide timely decisions and to maintain appropriate contact with applicants (or their guardian or social worker) pending the decision.	Partially accepted
9	Review roles, responsibilities (including oversight) and resources in relation to the administration of paper files for asylum claimants to reduce the number of misfiled documents and to ensure claimant's original documents are stored securely.	Accepted

- 10.4 The Home Office provided inspectors with a document summarising the progress it had made against each of the recommendations from the 2015 inspection, together with its own assessment of whether action was complete and the recommendation was "closed" or remained "open". The Home Office had sub-divided the recommendations into 49 specific actions. Of those 49 actions, 36 were considered by the Home Office to have been completed, with 13 actions continuing to be progressed.
- 10.5 Overall, this meant that the Home Office considered 7 of the 9 recommendations remained "open". Only recommendations 5 and 7 were "closed".
- 10.6 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) in addition to the SPoE process that was already in place for claims relating to sexual orientation.<sup>62</sup> Audits conducted by the Home Office indicated that this had improved the quality of decisions. However, the Home Office had decided not to extend the SPoE process any further because of the resource implications and the need to monitor the benefits of the SPoE process over a longer period.
- 10.7 With respect to recommendation 7, the Home Office advised that decision letters had been amended and it had conducted quality assurance checks to ensure that decision makers were making decisions in line with guidance and recording that they had done so.<sup>63</sup>

<sup>62</sup> At the factual accuracy checking stage of this report, the Home Office advised that the SPoE process also covered claims in which a Medico-Legal Report had been completed.

<sup>63</sup> At the factual accuracy checking stage of this report, the Home Office advised that "caseworkers are quality assured on a proportion of their cases including those from UASC's and so far we have scored 100% quality compliance in this area". Inspectors did not review those records so were not able to verify this.

- 10.8 Although the Home Office considered those recommendations to be closed, insufficient evidence was provided to inspectors to demonstrate that the actions taken had fully addressed the recommendations and mitigated the issues identified. As such, inspectors could not be satisfied that these recommendations may be considered ‘closed’.
- 10.9 The current inspection looked specifically at the progress the Home Office had made in implementing recommendations 2 and 6.
- 10.10 With respect to recommendation 2, while there was still no published customer service standard for the timeliness of screening interviews the Home Office was monitoring performance against its internal 10 day target more closely (National Asylum Intake Unit only).<sup>64</sup> NAIU’s performance between 1 April 2016 and 31 March 2017 is set out in detail in Chapter 6.
- 10.11 With respect to recommendation 6, data provided by the Home Office indicating a growth in the non-straightforward WiP between 1 April 2016 and 31 March 2017 and the need for the Next Generation Caseworking project indicated that this recommendation could not be considered “closed”.
- 10.12 The current inspection did not look in detail at recommendations 1, 3, 4, 8 and 9, all of which the Home Office itself considers require further work before they may be “closed”.

**‘Short notice inspection of the Home Office response to ‘lorry drops’ – October 2015 – January 2016’<sup>65</sup>**

- 10.13 The short notice inspection of the Home Office response to ‘lorry drops’ made reference to the work of the Asylum Intake and Casework (AIC) unit (then known as Asylum Operations) in responding to the “summer surge” of 2015.
- 10.14 The inspection report was laid in Parliament on 21 July 2016. It contained 6 recommendations. recommendation 4 related to AIC (see Figure 9).

<b>Figure 9: ‘A short notice inspection of the Home Office response to ‘lorry drops’ – October 2015 – January 2016’ AIC specific recommendation and Home Office response</b>		
<b>The Home Office should:</b>		<b>Response</b>
4	Take the necessary steps to ensure that the number of initial decisions made in relation to asylum claims from clandestine entrants is sufficient to prevent the number of outstanding cases from growing to problematic levels.	Accepted

- 10.15 While the ‘lorry drops’ inspection looked specifically at clandestine entrants, the Home Office’s failure to react more quickly to check the growth of the WiP during 2016-17, the increase in claims categorised as non-straightforward, and the knock-on effect of having to respond to the closure of the Calais camp, all suggest it is not geared to dealing with any future surges in asylum claims, whether from clandestine entrants or other sources.

<sup>64</sup> At the factual accuracy checking stage of this report, the Home Office advised that “performance against the screening standard is planned to be first published in relation to the final quarter of this financial year.”

<sup>65</sup> Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/540577/ICIBI\\_inspection\\_of\\_lorry\\_drops\\_July\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540577/ICIBI_inspection_of_lorry_drops_July_2016.pdf)

- 10.16 Because of delays in implementing the Next Generation Casework project, it was unclear at the time of the current inspection whether it will deliver the long-term solution to managing asylum intake. The project will certainly reduce the number of outstanding claims by the end of 2017-18, the ‘business as usual’ challenge for AIC will be to not to allow intake to exceed throughput thereafter.
- 10.17 Recommendation 4 should remain “open” until the effectiveness of the Next Generation Casework project has been assessed.

## Other relevant inspections

### ‘An unannounced inspection of Cardiff Asylum Team – February 2014’<sup>66</sup>

- 10.18 The report of ‘An unannounced inspection of the Cardiff Asylum team – February 2015’ was laid in Parliament on 15 July 2014. It contained 3 recommendations – see Figure 10.

**Figure 10: ‘An unannounced inspection of the Cardiff Asylum team – February 2014’**

#### Full list of recommendations and Home Office responses

The Home Office should:		Response
1	Decide all asylum applications within its published service standards and inform applicants where it is unable to do so.	Accepted
2	Ensure that future targets for deciding asylum claims are regularly reviewed and take immediate action if it identifies that they are resulting in unfair treatment of applicants.	Accepted
3	Evaluate its previous asylum casework change programmes in order to improve its management of future change.	Accepted

- 10.19 The current inspection did not re-inspect the Cardiff Asylum team. However, recommendations 1 and 2 apply equally to all of AIC’s asylum casework. Performance against the published customer service standard (recommendation 1) is covered in detail in Chapter 6. The impact of ‘Day 182’ (recommendation 2) is examined in Chapter 8. Based on the findings, both recommendations require further attention before they can be considered “closed”.
- 10.20 With respect to recommendation 3, AIC senior managers told inspectors that they had taken the experience of previous change programmes into account and would use the Next Generation Casework project to test possible new ways of working. As such, that recommendation should also remain “open”.

## Other asylum-related inspections

- 10.21 Since it was created in 2009, in addition to the inspections referred to above, the ICIBI has produced 9 other asylum-related inspection reports. Each was reviewed in planning this inspection. Figure 11 explains briefly why they were not considered relevant and excluded from scope.

<sup>66</sup> Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/546978/Cardiff-Report-July\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/546978/Cardiff-Report-July_2014.pdf).

**Figure 11: Previous asylum - related inspections excluded from scope**

<b>Inspection title</b>	<b>Date published</b>	<b>Reason(s) for exclusion</b>
'An investigation into the Home Office's handling of asylum claims made on the grounds of sexual orientation – March-June 2014'	23 October 2014	The parallel inspection of the use of Country of Origin information will pay attention to this issue, following which the inspectorate will decide what further work, if any, is required in the short-term
'An inspection of the Non-Suspensive Appeals process for 'clearly unfounded' asylum and human rights claims – October 2013-February 2014'	15 July 2014	The recommendations in this report will be considered when the inspectorate looks at the Non-Suspensive Appeals process, an inspection of which is currently planned for 2019-20
'An inspection of asylum support – September 2013-January 2014'	15 July 2014	This inspection related to decision making by asylum support caseworkers. Asylum support will be inspected separately – date to be decided
'An inspection into the handling of asylum applications made by unaccompanied children – February-June 2013'	31 October 2013	The inspectorate is planning to look at various aspects of the treatment of children within the borders and immigration systems, with the first inspection planned for 2017-18
'An investigation into the progress made on Legacy asylum and migration cases – January-March 2013'	26 June 2013	See below
'An inspection of the UK Border Agency's handling of legacy asylum and migration cases – March – July 2012'	22 November 2012	This inspection related to a specific project to clear a cohort of older asylum cases. That work was completed
'Asylum: A thematic inspection of detained fast track – July-September 2011'	23 February 2012	Detained fast track was suspended at the time of this inspection
'Asylum: Getting the balance right? – July-November 2009'	26 February 2010	The findings and recommendations from this inspection were overtaken by the 2015 inspection of asylum casework
'An unannounced inspection of the Liverpool Asylum Screening Unit – 10 August 2009'	16 September 2009	The Liverpool Asylum Screening unit is no longer in existence

# Annex A: Criteria used in this inspection

Inspectors used all 10 of the ICIBI inspection criteria:

## **Operational Delivery**

- Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration
- Customs and immigration offences should be prevented, detected, investigated and where appropriate, prosecuted
- Resources should be allocated to support operational delivery and achieve value for money
- Complaints procedures should operate in accordance with the recognised principles of complaints handling

## **Safeguarding Individuals**

- All individuals should be treated with dignity and respect and without discrimination in accordance with the law
- Enforcement powers should be carried out in accordance with the law and by members of staff authorised and trained for that purpose
- All border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children
- Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations

## **Continuous Improvement**

- The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions
- Risks to operational delivery should be identified, monitored and mitigated

## Annex B: 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 her 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 she has committed to do within 8 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.

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