



**THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR'S REPORT
ON ASYLUM: A THEMATIC INSPECTION OF THE
DETAINED FAST TRACK**

January 2012

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report. The Detained Fast Track (DFT) represents an important part of the asylum process, not least the part it plays in the timely removal of those who do not qualify for asylum. The quality of decisions made within DFT is high; the UK Border Agency's Quality Audit Team regularly records the standard of casework within the unit as among the highest of any asylum unit in the country. DFT is also very successful in defending its decisions within the appellate process, with 93% of refusals being upheld by the courts. This is a fact that the Chief Inspector recognises within his report.

An asylum applicant will be detained for fast track processes only if, based on the information available at the asylum screening stage, it appears that a quick decision will be possible on the application, and if the applicant does not fall into one of the general exclusions for reasons of vulnerability (for instance, children, heavily pregnant women, those with acute medical problems, or those with independent evidence of torture). Given that the DFT process involves depriving individuals of their liberty it is crucial that the process operates flexibly. In cases where it becomes apparent that the claim cannot be determined fairly within a quick time scale, where there is a need to obtain medical or documentary evidence for example, or where there is credible evidence of torture, then the claimant is released from detention, with the case taken out of the DFT process, and placed into the non-detained route. We are committed to making improvements to the DFT process and we are grateful to the Independent Chief Inspector for his considered recommendations. Our response to each is set out below.

The UK Border Agency response to the ICI's recommendations:

Recommendation 1: Reduces the number of people allocated incorrectly to the detained fast track by enabling and encouraging applicants to disclose personal information at screening interviews affecting their suitability for the detained fast track.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

We are committed to ensuring that only those who are suitable are allocated to DFT. The Asylum Screening Reform Programme was scoped to design and deliver a new approach to screening in the Asylum Screening Unit in Croydon, which can be adopted and adapted for use by all UK Border Agency staff that screen asylum applicants. The Programme focussed on

three elements: 1) the process 2) the physical environment, and 3) the people that administer the process and those that access it.

We are confident that the changes we are making to the Screening Process and the screening environment will enable us to identify applicants' individual needs, and those who are unsuitable for the DFT at the earliest opportunity, ensuring that they are routed appropriately.

Work to substantially improve the physical environment of the Lunar House public offices aims to create flexible and improved user friendly accommodation, which will enable us to treat individuals according to their particular circumstances. This includes improving the effectiveness of existing facilities to conduct interviews in increased privacy. We expect to complete these refurbishment works by March 2013.

Design improvements to the screening process should be seen and felt by the applicant as part of an improved service. We are providing clearer information to the applicant, in advance, on what to expect of the asylum process and what support is available. The new process is fairer and more flexible and will make better use of the time spent in the Screening Unit. This will be supported by the provision of detailed guidance on national screening, guidance on registering an asylum claim in the UK, along with reviewed and republished DFT guidance, which includes instructions to staff on DFT suitability, exclusion and flexibility criteria.

The final element of the Asylum Screening Reform Programme focuses on how best to improve skills and knowledge. For example, the programme has focused on awareness-raising/training to support improved interview skills, customer focus, diversity awareness and identification of victims of trafficking.

We have also changed the way in which we monitor and record DFT releases, to better differentiate between those that are rightly released due to a change in declared circumstances, and those who could reasonably have been identified as unsuitable for the process from the outset. Lessons learned from this exercise are shared both with the National Asylum Intake Unit (NAIU), who make the DFT selection decisions, and with policy and process colleagues, so that we can continually improve the DFT process.

Recommendation 2: Improves its treatment of applicants by providing information at screening about how asylum claims are managed, including the possibility of allocation to the detained fast track.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

The existing “point of claim” information, which is given to applicants when they first register their asylum claim, already contains reference to the liability to detention. However, further improvements to this information are well-advanced, and these include the provision of clearer information about liability for detention and the potential for claims to be managed under the DFT process. It will also include more information on what to expect of the asylum process, as well as applicants’ rights and responsibilities, and sign-posting to where additional help and advice can be found. This information will be available in 17 different languages and will be published on the UKBA website by the end of February 2012.

Information available via the public information pages on the UK Border Agency’s website is also being reviewed to make clear that the potential exists for applications to be dealt with under DFT process. The asylum instruction relating to Screening, which is currently being prepared, will include greater clarity about the possibility for case consideration under the DFT process. This will be released by the end of March 2012.

Recommendation 3: Improves its complaints handling by informing applicants at all screening locations of how they can make a complaint; and by ensuring that all complaints are recorded and resolved.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

We are currently undertaking a UK-wide review of the way in which complaints information is provided to customers at public-facing locations such as Public Enquiry Offices, Reporting Centres, major ports, etc. Where it is identified that information is not sufficiently available or accessible we will make all improvements that are reasonable for that specific location. For example, there has been a recent reprint of the “How to Complain” leaflet (which includes a complaints form) and therefore adequate supplies of these should be available at all UK Border Agency locations.

Customers and their representatives should also be able to access the UK Border Agency website which provides information on how to complain and explains how their complaint will be dealt with, including subsequent appeal rights.

We will ensure that all asylum applicants are provided with information in writing on “how to complain”, when they initially register their asylum claim. This will be included in the “Point of Claim” information which is given to all applicants when first registering their asylum application, and explains what to expect of the asylum process, as well as applicants’ rights, and responsibilities. This information will be available in 17 different languages and will be published on the UKBA website. The asylum website will also be revised to include links through to the “how to complain” webpage pages.

In order to support staff UKBA has developed a bespoke e-learning package. The e-learning enables staff to look at complaints handling relevant to their business area. It explains exactly what a complaint is, provides some real-life examples and advises on how those complaints should then be handled.

Recommendation 4: Increases the accuracy of its published guidance by changing its indicative timescales for interviews and decisions in the detained fast track in line with the average time taken.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

We are committed to providing accurate information on the process, especially as detention deprives individuals of their liberty, and are therefore looking to change current indicative timescales to reflect that a detainee will have a decision made on their claim within seven to ten working days. In addition it is our intention to manage the DFT process so that an interview will take place no later than 72 hours following induction.

However, we will continue to take into account the needs of each individual and will continue to be flexible when the situation warrants it.

Recommendation 5: Increases assurance that detention is lawful and that processes are efficient by recording in each case the reasons why any timescales for interviews and decisions

are not met.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

We have already implemented this action. The updated Flexibility Asylum instruction states:

Requests for flexibility, and the terms of any flexibility that is exercised must be fully minuted on file and CID notes. Where the decision to exercise flexibility will have an impact that will affect the overall process timetable (e.g., if one or more days will be added to the timescales), the circumstances and reasons for the decision to exercise flexibility must be minuted on file and CID, and where appropriate, the name of the senior officer authorising the action taken must be recorded.

In addition under chapter 55 of the enforcement instructions and guidance, a detainee's ongoing appropriateness for detention must be regularly reviewed. These reviews take place at fixed intervals, but also in response to significant new information about the case. In some cases, the issues that require consideration of whether to exercise timetable flexibility will also be issues that require detention to be reviewed and where appropriate an individual will be released from detention.

We will be working with the UNHCR to support our inclusion of the new flexibility instruction into training.

Recommendation 6: Safeguards the personal information of applicants by ensuring files contain accurate personal data relevant only to the subject of that file.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

All staff are aware of the rules for managing personal information/data. This has been reinforced at team meetings following the Chief Inspectors inspection.

All DFT staff have undertaken and passed the mandatory e-learning course on information management and will be required to undertake a refresher course on an annual basis. DFT managers have also introduced a new audit process to check file compliance with results playing a key part in Caseowner Performance and Development Reviews.

Recommendation 7: Increases public assurance of the detained fast track by publishing information on the quality and timeliness of allocation, decisions and removals with associated costs.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

Statistical information on the DFT can already be found as part of the Immigration Statistics publication on the Home Office website.

We are always looking to improve the information we provide which is why the agency have published information on its full asylum performance framework – with key statistics disaggregated by gender. The performance framework includes metrics on quality, timeliness and cost for the whole asylum system and is published on an annual basis.

Ahead of the next publication in August we will develop the metrics suggested by the Chief Inspector. However, it is important that any data published is robust and meets the agency's information standards so that members of the public can have confidence in what is being provided.

Recommendation 8: Increases the efficient use of detention space by assessing whether decisions on straightforward claims can be made quickly without the need for detention; and whether cases currently managed by regional asylum teams are suitable for the detained fast track.

THE UK BORDER AGENCY ACCEPTS THIS RECOMMENDATION

Since the Chief Inspector's inspection we have introduced the National Asylum Intake Unit (NAIU) to act as a high quality gate-keeper to the DFT and Third Country Unit processes. All asylum applications are referred to this team which ensures that every case is considered for the DFT or TCU process.

As previously mentioned we have changed the way in which we monitor and record DFT releases, to better differentiate between those that are rightly released due to a change in circumstances and those who could reasonably have been identified as unsuitable for the process from the outset which can then be utilised by NAIU.

DFT is not suitable for all cases which is why we have an established criteria for entry into the process and it remains the case that the vast majority of cases are dispersed for regional decisions and are not placed into the DFT. There is a general presumption that the majority of asylum applications are ones on which a quick decision may be made, unless there is evidence to suggest otherwise. Detention space is both limited and costly, so detention resources must be used carefully to achieve the best outcome. Intake to DFT therefore takes into account additional factors which include but are not limited to, the DFT eligibility criteria, the availability of detention space, and the availability of travel documentation for removal.