

PROCEDURES FOR ISSUING A NATIONAL INSURANCE NUMBER (NINO) TO ASYLUM CLAIMANTS GRANTED LEAVE TO ENTER OR REMAIN IN THE UNITED KINGDOM.

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Introduction

This instruction applies to **all** asylum staff handling and processing NINo applications.

Following a success trial in ACG(N), since 5 April 2004 we have been able to arrange for a claimant to complete an application for a NINo, and if they are granted leave, issue notification of the NINo. This is done after their asylum interview, provided they are granted asylum, Humanitarian Protection (HP) or Discretionary Leave (DL).

Previously, if the claimant applied for a NINo, but they were not granted leave, the NINo application form was marked 'VOID'. However, if the asylum claimant successfully appeals against our decision, the claimant will be entitled to a NINo if they have applied at the asylum interview stage. Phase II of the NINo project dealt with the expansion of the process to include these cases. In preparation for Phase II, caseworkers were asked not to 'VOID' the NINo application in any circumstances **unless** there is no right of appeal against the decision to refuse asylum, HP or DL (e.g. if we are certifying under s96).

Case Owner Action *before* the Substantive Asylum Interview

From the information held on the case file and A-CID, the officer should complete as much of the NINo application section of the interview record as possible (see pages 2-4), prior to the interview. Pages 1-4 should be completed electronically, as they will need to be legible in order for a NINo to be issued.

IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE DATA PROTECTION ACT, COPIES OF THE NINo APPLICATION FORM *MUST NOT* BE STORED ON INDIVIDUAL (U) DRIVES.

Officer Action at the Substantive Asylum Interview

During the asylum interview, the officer should:

1. Read out the explanation of procedures on page 1 of the combined SEF form.
2. Check the details on pages 2-4 of the SEF form (the NINo application) with the claimant. When confirming the claimant's personal details on the NINo application, the officer should obtain any details that have not yet been recorded. Any additions or alterations should be recorded **IN BLOCK CAPITALS, and initialled by the claimant**, but changes should not normally be made to the claimant's personal details unless it is clear that an error has been made by UK Border Agency. Once the application form has been checked, the interpreter should read out the declaration on the form. The claimant should then be asked to sign and date pages 2-4 of the SEF (Interview) form. If the claimant does not sign both pages of the application form the NINo application will be rejected by the DWP.
3. If the claimant refuses to sign the NINo application form, or does not want to apply for a NINo, then no further action should be taken during the interview. The officer should not try to persuade the claimant to sign the NINo application if they are reluctant to do so, or are advised not to by their representative. However the officer should minute the case file to this effect in case of future queries.
4. If the claimant does not attend an interview the front sheet of the interview record should be crossed through, and 'no show' written across the page and also on the NINo checklist at the end of the SEF Interview Record. The remainder of the interview record together with the NINo application should be destroyed and disposed of in a confidential/secure waste bin/sack. The officer should update the CID Notes field to indicate the claimant did not attend the interview and therefore did not apply for a NINo (see *Action at the decision stage*).

Officer action after the substantive asylum interview

Immediately Following the Interview While in the Interview Suite

The officer should photocopy pages 1-7 of the combined SEF (Interview) form and any continuation sheets used, and give the copy to the claimant or representative as appropriate at the end of the interview. Page 8 of the combined SEF (Interview) form **should not be copied**, as it is for Home Office/DWP/Inland Revenue use only. Page 9 should also not be copied as this is the NINo checklist and is for internal use only.

On Return to the Unit

On return to their decision making unit, the officer **MUST** prepare the NINo application by completing the actions listed in Part One of the NINo Checklist (which appears as the final page on the SEF - Interview record).

It is extremely important that the NINo application is correctly prepared on the case file. If this is not completed correctly it causes delays for the claimant to obtain a NINo and may lead to a complaint. If officers are unsure about how to correctly prepare a NINo application they must contact their Team Leader or APPU. Team Leaders are required to check the presence and quality of a NINo application as part of their routine sampling of case files (see *Sampling Officer Actions*).

Where a NINo was not applied for at the interview, the officer must update the CID notes field to reflect this.

Action at the decision making stage

Decision Maker

In cases which are being refused outright and **do not have a right of appeal** (i.e. certified under s96), officers should void the NINo application by putting a line through the form.

In case where leave is being granted or where an outright refusal **does** attract a right of appeal, provided that the NINo application has been prepared properly in accordance with the NINo checklist, there is no further action which needs to be taken at the decision stage. The NINo application can be stored on file. It will then be used by the NINo co-ordinator and submitted to DWP either at the service of decision stage where leave is granted or by the Appeals Implementation Unit following a successful appeal (where cases are dealt with by Presenting Officer Units).

The officer should ensure that the application is sealed within the brown envelope and that the 'N' is marked on the front of the case file. It is essential that the CID notes are updated to reflect that a NINo has been prepared.

Where a NINo was not applied for at the interview, or there are other reasons why the NINo application has not been prepared on file, the officer must update the CID notes field to reflect this.

When implementing decisions, officers using standard 'Decision making minute sheets' are required to complete the NINo section. This ensures that it is clear whether or not a NINo is prepared and if not, the reasons for it. Below is a guide for decision makers using standard minute sheets where no NINo application has been prepared.

It is important that the 'N' is endorsed on the front of the case file and the CID notes are updated as this will enable the Appeals caseworker to establish that there is a NINo application contained on the file. Keeping the NINo application in the sealed brown envelope will ensure that it is as secure as possible and the integrity of the form is not compromised when the form reaches the appeals stage. No other means of storing the NINo application is acceptable. Units handling asylum and NINo applications are responsible for ensuring adequate stocks of brown envelopes are supplied.

Reason for 'no NINo'	Drop down item in minute sheet	Explanation
Claimant has a NINo	No - Claimant has NINo	In some cases a claimant may already have been issued with a NINo.
Claimant is a UASC	No - UASC	Children are not routinely interviewed in connection with their application, so will not normally be offered the opportunity to apply for a NINo. However the NINo application is contained on the Children's interview record for cases where they are interviewed.
Claimant did not apply for a NINo at the interview	No - Not applied for at IV	Some applicants do not want to apply for a NINo so won't sign the form. Sometimes if a representative is not present they advise their clients not to sign anything - so this could include the NINo application.

Claimant did not attend an Interview	No - Not Interviewed	If someone is invited to attend an interview, and they do not turn up, they lose their chance to apply for a NINo. (If they subsequently have a successful appeal, there will be no NINo application to process). Alternatively someone may not have been invited to attend an interview because they failed to return a SEF or their address is unreliable (and they do not have a representative).
The interview predates the combined NINo application process	No - IV predates NINo process (04/04)	Some claimants may have been interviewed before the combined asylum and NINo interview was introduced. The process began on 5 April 2004 .
Application is Void	No - Void (S96 no roa)	Claimants who are refused outright may have their cases certified under s96 - e.g. where dependants later claim in their own right. The NINo application is marked 'void' as there is no avenue to appeal and so no other opportunity to submit the application.
There was an administrative error	No - Admin Error	The interviewing officer may have made a mistake on the form, which cannot be rectified and so would invalidate it. If this option is being used, add further details to in the text box.
Other reasons why the NINo application was not processed	No - Other	There could be other reasons why no NINo was prepared. If this option is being used, add further details to in the text box.

Team Support Actions

Support staff should check that the NINo section of the minute sheets have been completed. Where a NINo has been prepared, staff should check that the checklist has been completed and that responding actions in the checklist (5-7) have also been completed. Where no NINo is prepared, staff should be satisfied that there is a valid reason for this before arranging for the service of decision. This will act as a secondary quality check and will prevent delay of cases being returned to rectify errors at the service of decision stage.

Staff based at Oakington should ensure that the case file is sent to the decision serving unit, in good time so that the NINo application can be processed.

Sampling Officer Actions

Where cases are being sampled (e.g. for LDQM purposes), the NINo actions **MUST** also be checked. Where a NINo has been prepared, officers should check that the checklist has been completed and that responding actions (5-7) have also been completed. Where no NINo is prepared, sampling officers should be satisfied that there is a valid reason for this before returning the file for other actions to be completed.

Applying for and issuing a NINo

Actions for Units Serving Decisions in Outright Refusal Cases

When files are received in the decision serving unit (which may or may not be the same unit as the decision making unit), officers dealing with outright refusal cases should check whether a NINo application has been prepared on file as instructed in the 'audit' section of the standard 'Service of Decision' minute sheets. Officers should check the 'Decision Making' minute sheets, where there is no NINo application prepared on the case file as the reasons for this should have been clearly recorded using one of the drop down field options on the minute sheet. If this has not been completed, officers should check with the decision making unit to ensure that an error has not been made.

Staff should be particularly alert to cases where the NINo application may be contained on another sub, e.g. in Oakington cases where the main sub is attached later in the process.

NCU Team Support (within Decision Serving Units) Actions in Grant Cases

NCUs (which may be based in decision serving units) have the additional responsibility to check the quality of NINo applications and to liaise with the decision making unit in cases where there are errors on the application (e.g. failure to sign interviewing officer declaration) and returned to the unit where practical to do so.

Mistakes which cannot be rectified should not be returned, but the NCU will be responsible for preparing and issuing an NINo Update Letter (ASL.2560), explaining why the NINo application is not being processed. Staff should also update the CID Notes field to indicate that the application cannot be processed and the reason why.

When the quality checking actions have been completed and the application can proceed, staff should prepare the NINo application for dispatch by completing the actions listed in Part Two of the NINo checklist. After this has been completed, the application is ready to be submitted to DWP and should be submitted in accordance with local procedures.

Staff should be alert to cases where the NINo application may be contained on another sub, e.g. in Oakington cases where the main sub is attached later in the process.

If the NINo is not available by "Day 60", or at the Decision Service Event, the decision should be served, and the NINo should be dispatched separately at a later date. When serving decisions, officers are required to complete the NINo section of the standard implementation 'Service of Decision' minute sheets (where these minutes sheets are being used). Alternatively, officers serving decisions in person may consider arranging another event in order to serve the NINo directly to the claimant.

The NINo Update letter (ASL.2560) can be adapted as necessary to inform the claimant of the progress of their NINo application.

NCUs should contact the DWP where appropriate, in order to check the progress of an individual NINo application.

Department for Work and Pensions (DWP) Action

The DWP will check their records to establish whether the claimant has already applied for a NINo. If they have no record of the claimant, they will return a letter to the NCU. If they have already issued a NINo, they will return a letter. If the NINo cannot be processed, the DWP will also advise us of this by letter. The process is the same whichever letter is sent by the DWP.

The DWP letter should be sent to the claimant. In order to comply with the Data Protection Act, a copy of the letter should **not** be retained on the case file.

NCU Action Following Reply from DWP

When confirmation of the NINo is received from DWP (or other information received by them), NCU staff should:

1. Update the NINo DWP SPREADSHEET v.ADSU and note the date the reply was received (there is no need to record the NINo on the spreadsheet).
2. Prepare the NINo Update Letter (ASL.2560) enclosing NINo confirmation.
3. Pass the NINo Update Letter and NINo confirmation to team support to be served to claimant/representative with the decision if possible*.

*In cases where the decision has already been served, (i.e. the NINo was not available at the time of service of decision), the NINo and 'NINo Update Letter' (ASL.2560) should be dispatched to the claimant or representative by Recorded Delivery. The Recorded Delivery details should be added to CID.

The NINO DWP spreadsheet is available on the units individual drives.

In all cases (except UASCs) where leave is being granted a NINo Update Letter MUST be prepared. Where a NINo is enclosed the letter will act as a covering letter to it and if there is no NINo it will inform claimants the reason why it is not enclosed. This will clarify the situation for the claimant and will prevent any future confusion. Officers preparing the NINo Update Letter should check their records to determine whether DWP has responded to UK Border Agency, and where no NINo has been prepared, officers should check the Decision Making minute sheets to ascertain the reason why and select the relevant option within the letter.

When serving decisions, officers are required to complete the NINo section of the standard implementation 'Service of Decision' minute sheets.

Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	SL	7/02/07	New web style implemented
2.0	SK	03/11/08	Update branding only