

# CASE MANAGEMENT FOLLOWING ONWARD MOVEMENT OF APPLICANTS

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## Glossary

## 1. Introduction

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### 1.1 Purpose

Applicants managed by the regional asylum teams may move from their accommodation for a variety of reasons - e.g. to change from UK Border Agency accommodation and subsistence to subsistence only support and private accommodation; or they move from one private address to another. The new accommodation may be in another UK Border Agency region. This guidance sets out the process for maintaining the onward management of these cases.

### 1.2 Audience

This guidance is aimed at:

- Asylum workflow managers within the regions;
- Asylum case owners within the regions.

### 1.3 Application of this Instruction in Respect of Children and those with Children

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

The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

## 2. Change of Address

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Applicants are required to reside at the address detailed on the IS.96 or IS.248 as a condition of their reporting regime. If an applicant fails to comply, they would be in breach of their conditions and would therefore be liable to detention, in accordance with Paragraph 21 of Schedule 2 of the Immigration Act 1971. Failure to inform the UK Border Agency of a change of address could lead to the applicant being unable to access subsistence support or result in the suspension or termination of any ongoing support.

Case owners must inform applicants who relocate to another UK Border Agency region without prior permission, that they are in breach of their restrictions and are liable to detention or a revised reporting regime. Applicants should be reminded that accommodation is allocated on a 'no-choice' basis.

### 2.1 Applicant Requests a Change of Address

Applicants who wish to move from a private address into support accommodation or support accommodation to alternative support accommodation must outline their reasons for wanting to be relocated in a written signed request.

Applicants in asylum support accommodation would have been informed that accommodation is offered on a 'no choice' basis and that relocation would only be granted in exceptional circumstances. Cases which involve domestic violence, harassment or anti-social behaviour, may be referred to an Investigations Officer for further consideration.

Applicants moving from one private address to another or from support accommodation to a private address must submit a written declaration of the changes and include written confirmation that there are no costs the applicant would need to meet, i.e. rent or utility bills. Any costs associated with the accommodation will not be paid by the UK Border Agency.

### 2.2 Applicant Fails to Provide Advanced Notification of Change of Address

Applicants are instructed to notify the UK Border Agency in writing, if they are planning to move to a different address, **before** the move takes place. If the applicant fails to do this and relocates, they are in breach of their reporting restrictions and therefore their reporting regime and suitability for detention will be reviewed. Failure to report a significant change in circumstances is a breach of the conditions of support which are outlined to the applicant in the asylum support agreement issued to them at their Initial Accommodation or on allocation of support.

Where applicants notify a case owner of a new address following a change of location, the case owner must instruct the applicant to submit a written declaration of the relocation and written confirmation that there are no costs, for the private accommodation.

Applicants who were granted accommodation and subsistence in order to avoid a breach of their convention rights under s55(a), should have that decision reviewed.

Applicants who were allocated accommodation in one region and then move to another region and are reassessed and re-allocated support, must be moved back to the original region if accommodation is available. For cases where this is not possible, workflow managers from both regions must discuss and base their decision on how far the case has progressed and whether there are any extenuating circumstances which might prevent the

case from moving back to the original region. Such decisions must be made on a case by case basis.

### 2.2.1 Checking Accommodation and Support Payments

Where case owners learn an applicant has moved without permission, an Accommodation Maintenance Check must be carried out to establish whether the new accommodation is appropriate. Case owners must confirm whether the new address is in fact private, support accommodation or a commercial property.

Case owners should also check the applicant will have or did have access to their subsistence support during the relocation. In some cases support may need to be stopped and emergency payments issued. Following a change of address case owners must reassess support and if appropriate allocate it to the applicant's new address. If the applicant requests any missed support payments as a back payment, case owners should be aware that, if the reason an applicant was unable to collect their support is owing to their own actions, a back payment would not normally be paid.

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### 3. Assessing When to Transfer Case Ownership

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Where the applicant's new address is in the same UK Border Agency region, they will remain the responsibility of the same asylum team.

#### 3.1 In-time Asylum Cases (i.e. Cases Still Within 6 Months of the Application Raised Date)

If the applicant's new confirmed address is located in another UK Border Agency region the applicant's case must be transferred if it meets the following criteria:

- Actions defined as 'Reasonable Progress' have been;
- It is not within 2 months of day 182 of the application raised date.

If the case does not meet the above criteria the holding region must retain ownership until after day 182 of the application raised date and resubmit a transfer request to the receiving region.

Once the case has been transferred, the receiving region must initiate contact with the applicant or their representative.

##### 3.1.1 Explanation of 'Reasonable Progress'

Cases must be accepted by the receiving region if they have been reasonably progressed by the holding region in line with the Key Performance Indicators (KPIs). Specifically, these are:

- Substantive interview conducted within 20 days of allocation to region;
- Decision served within 10 days of substantive interview;
- Emergency Travel Document (ETD) interview completed within 30 days of allocation to region and application pack submitted at earliest opportunity as per nationality, except in relation to issues of non-compliance (which have been recorded on CID);
- Further submissions completed within 15 days of submission.

However, where 'reasonable progress' has not been made for legitimate reasons, the receiving region cannot refuse the case transfer. The accepted legitimate reasons are:

- Medical Foundation/Helen Bamber Reports (decision must be made within 10 days of receipt of report);
- TCU interest (decision must be made within 10 days of resolution of interest);
- Applicant moved to new address before substantive interview could take place;
- Medical condition that results in applicant not being interviewed;
- Applicant 8 months pregnant at point of allocation to region.

##### 3.1.2 Imminent Casework Actions

The applicant's case must be transferred if it meets the criteria specified above. However, in some cases there will be circumstances in which, for the benefit of the applicant and the UK Border Agency, the holding region should complete a decision, which could be done within a few working days, before the case is transferred to the receiving region.

This would be when a decision, whether substantive or further submissions, is due before the transfer is requested. If a decision is outstanding it should be completed within the timescales identified above, before the transfer takes place.

### 3.1.3 Arranging Transfer of Case Ownership

Each region must have a dedicated inbox and named contacts to which other regions must submit transfer requests. It is the responsibility of each region to monitor their dedicated inbox and ensure that named contacts are kept up to date. Each region must also have a central CID Allocation Unit for the holding region to use.

If a holding region considers that a case meets the above transfer criteria, they must email the appropriate receiving region's inbox and state all of the following details:

- HO Reference;
- Application Raised Date;
- Date of allocation to holding region;
- Name;
- Nationality;
- DoB;
- Current Postcode;
- Date interview completed;
- Date decision completed;
- ETD Progress;
- Mitigating circumstances if above is not complete.

The receiving region must formally respond to the transfer request within 5 working days. If it does not, then it forfeits the ability to reject the transfer and the holding region can reallocate the case on CID, with an appropriate note to indicate what action has occurred (including the date of transfer request). This must then be followed by another email to the receiving region to confirm what action has been taken.

### 3.2 Out of Service Cases (i.e. Cases Post 6 months of the Application Raised Date)

If the applicant's new confirmed address is located in another UK Border Agency region the applicant's case must be transferred within 5 working days – without exception. The receiving region must accept the case, even if they consider that the holding region has not, during the period of their ownership, progressed the case in accordance with KPIs, published policy and process instructions.

If, after the case has been transferred, the receiving region feels aggrieved, an appropriate regional senior manager should be notified. If they then feel it is warranted they should raise their concerns with the holding region to try and prevent the issue arising again. However, the notification of a senior manager cannot prevent these cases from being transferred.

Once the case has been transferred, the receiving region must initiate contact with the applicant or their representative.

### 3.3 UASC Active Review Cases

It remains the responsibility of the asylum team which initially granted leave to maintain contact with the child, their representative and social services during their period of leave and especially when the applicant reaches the age of 17. Case owners must establish whether the applicant is still residing in the region and if not the case must be transferred without undue delay to the UK Border Agency region where the applicant now resides. If

the child has relocated during the previous leave being granted and submission of the new application, the new receiving region must contact the applicant's previous case owner to request the file from the holding region. Case owners must ensure that liaison with the applicant's social worker (or any other services provided for children) is maintained in order to sustain the ongoing development of the child.

### **3.4 Section 4 Support**

An applicant must submit their section 4 application to their case owner. Where an applicant has moved to a different UK Border Agency region and makes a section 4 application, the case owner in the holding region must still consider the section 4 application. If accommodation is to be granted the applicant must be moved back to the holding region unless there are exceptional reasons that prevent this action, e.g. a lack of supported accommodation or medical provision in the holding region.

Applicants who have been granted section 4 support might be required to move to accommodation in a new location, which may fall within another UKBA region. Prior to an applicant being accommodated in the new region, agreement must be sought from the appropriate Grade 7 within the receiving region (when the case is transferred depends if it is an in-service or out of service case).

### **3.5 Post Detained Fast Track Cases**

In certain circumstances, an applicant may be released from the Detained Fast Track (DFT) process and their claim will be considered by a regional asylum team. All cases must be referred to the Asylum Routing and Initial Accommodation Team (ARIAT) in the first instance who will then decide which regional team will have responsibility for the case. ARIAT will make all the arrangements for routing the applicant to a regional asylum team.

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## 4. Arranging Transfer of Case Ownership

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The details and practicalities of the transfer, including the new case owner and reporting arrangements, must be agreed between workflow managers from the respective asylum teams within the different regions, taking into consideration section 3. Assessing when to Transfer Case Ownership. The IS.96/248 must also be revised to reflect the new reporting location, any changes to the frequency of reporting and the applicant's new address.

Confirmation of the transfer must then be given to ARIAT by the receiving region in **all** cases. Case owners of the holding region and the receiving region must ensure the case is allocated to the receiving region on CID, minute CID and the applicant's file appropriately.

Where there is more than one asylum team in a UK Border Agency region, the workflow managers should set up a rota system to evenly distribute the cases.

### 4.1 Applicant Fails to Travel/Arrive

Where an applicant notifies the ASU they will not be travelling or the applicant failed to travel from overnight accommodation to the allocated region, ARIAT must be contacted. ARIAT will then allocate the case file to the asylum team which is best placed to take the case, dependent on any required further arrangements regarding dispersal.

Case owners in the holding and receiving regions must then minute CID and the applicant's file accordingly.

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## Glossary

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<b>Term</b>	<b>Meaning</b>
ARIAT	Asylum Routing Team
ASU	Asylum Screening Unit
CID	Case Information Database
DFT	Detained Fast Track
IS.248	Reporting restrictions for applicants with leave to enter
IS.96	Reporting restrictions for applicants with temporary admission
KPIs	Key Performance Indicators

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## Document Control

### Change Record

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1.0	J.Rozario	26/02/07	Re-formatted for Website Publication
2.0	M-A.M	06/06/2007	Amendments to instructions.
3.0	M-A.M	20/12/2007	Amendments to Hyperlinks
4.0	CB	13/11/2008	Re-branding
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6.0	M-A.M	21/09/2009	Addition of Children's Duty wording, Further submissions process change amendments.
7.0	BN	08/06/2010	Amendments made to style and the removal of discretion / ambiguity, where possible.
8.0	BN	19/08/2010	Amendments to section 3 - added 'reasonable progress' criteria.

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