



National Audit Office

THE HOME OFFICE
Management of Asylum Applications
by the UK Border Agency

LONDON: The Stationery Office
£14.35

Ordered by the
House of Commons
to be printed on 19 January 2009



Passports

UK Border

← all other passports → UK Passports including UK European Economic Area

SUMMARY

Background

1 The Home Office (the Department) is responsible for managing and assessing claims for Asylum through its shadow agency, the UK Border Agency (the Agency). In 2007 the Agency received over 23,000 applications for Asylum, continuing a declining trend since a peak of over 84,000 applications in 2002.

2 In response to recommendations by the National Audit Office and the House of Commons Committee for Public Accounts, in 2006, the Agency introduced a new business process, the New Asylum Model, to manage asylum claims more effectively. A Case Owner manages each asylum case from application to conclusion, at which point the applicant is either allowed to stay in the UK as a refugee or for humanitarian protection reasons,

or returns to their country of origin. If refused Asylum, an applicant can appeal to the Asylum and Immigration Tribunal, which is independent of the Agency.

3 By March 2007, all new cases were being managed in this way and, by the end of 2011, the Agency aims to conclude 90 per cent of new asylum claims within six months from application. We estimate that the cost of the New Asylum Model in 2007-08 was £176 million, of which £80 million (45 per cent) was accounted for by accommodation and welfare support. A separate process has been established to clear, by 2011, a backlog of some 400,000-450,000 cases that were unresolved before the introduction of the New Asylum Model. We estimate that this backlog cost nearly £600 million in 2007-08, of which £430 million (72 per cent) was accounted for by accommodation and welfare support.

4 Through the New Asylum Model (see **Figure 1 overleaf**), in practice, after application and initial interview, a Case Owner takes charge of the case from start to finish. The Case Owner is responsible for all stages of the process and for maintaining contact with the claimant throughout. For those granted Asylum, this responsibility extends to connecting the claimant with agencies to help them settle in the UK. For those refused Asylum, it extends to securing the claimant's voluntary return or enforced removal to their country of origin. While their claim is being considered, asylum applicants who would otherwise be homeless and destitute, are provided with accommodation and welfare support funded by the Agency. The length of the application process, therefore, has a direct impact on costs.

5 This report examines whether the Agency:

- is managing its workload more effectively through the new Model (parts 1 and 2);
- is achieving performance targets (part 3);
- has enablers in place to make the system work for all applications (part 4);
- has a realistic plan for managing and concluding legacy cases (part 5).

Key Findings

6 Asylum is a global and intractable issue.

In particular, it is not easy to manage the changing volume of Asylum applications, which is dictated by world events. The Agency now has an improved grip on the problem since our previous examination. The Agency is better organised than before and has improved both the management of individual applications and the leadership of the process as a whole. Nevertheless, there are areas for improvement and our key findings are set out below.

On the Agency's management of its workload

- a)** In our 2005 report on the removal of failed asylum applicants we recommended that the Department should assign clearer responsibility and ownership to caseworkers for managing the return of newly failed applicants and should better integrate the application, support and removal procedures. The Agency has responded by introducing a new business process (the New Asylum Model).
- b)** The introduction of the New Asylum Model entailed the recruitment and training of large numbers of staff, the creation of new processes and procedures and the creation of a new structure of regional offices. The New Asylum Model was in place by March 2007, one month ahead of schedule.
- c)** Case Ownership has improved the process for managing asylum applications. By giving responsibility for concluding an application to one person without the need to pass it from office to office, and by giving clear targets for them to work to, the Agency has created a strong incentive for cases to be progressed and concluded.
- d)** Not all parts of the process, however, are working for every case. We found that the full screening interview, carried out at the point where Asylum is applied for, is not happening in over one quarter of cases, running a risk that key information about an asylum applicant's claim is missed. One consequence, exacerbated by a lack of detention space, is that people who could be held in detention and have their cases resolved quickly may not be detained. Those who should be excluded from detention, because their cases are too complex to be resolved quickly or should otherwise be excluded (for example on medical grounds), may nevertheless be put in detention and have to be released at a later date.
- e)** Expenditure on the initial stage accounts for 30 per cent of the cost of the entire process. Applicants are housed for an average of 20 days in short-term initial accommodation whilst their entitlement to support and accommodation is decided. In 2007-08 this short-term accommodation cost on average £60 per night, which includes the provision of meals and support services. Where entitled, applicants are then provided with longer-term dispersed accommodation, at a cost of £13 per night for accommodation only, and cash support.
- f)** The first reporting event is a short meeting where it is intended that the applicant meets their Case Owner. This meeting, which can involve participants travelling long distances, is usually delegated to more junior staff and is of little benefit.
- g)** The Agency has established a new Quality Assurance Team to assess decision-making by Case Owners. Their reports show that quality has been improving. Lessons from their audits, however, are not being shared with all Case Owners. We also found that, whilst audits may show the need for improvements in some areas of decision making, the Agency does not follow up these findings to identify and reverse incorrect decisions. The only route available to correct a decision is the Asylum and Immigration Tribunal. Over 70 per cent of applicants appeal against the decision to refuse Asylum and some 20-25 per cent of appeals are upheld. There is no means of identifying decisions to grant Asylum that were incorrect. Review by management is not being applied systematically, or results formally recorded.

1 The New Asylum Model

Stage 1 – Starting the process

Stage 2 – Processing the claim

Time

UK Border Agency

Day 1-2: Once an applicant has claimed Asylum, they are interviewed or screened. This allows staff to decide the most appropriate method for processing the application.

Within 30 days: An Agency Case Owner interviews the applicant to judge the basis of their asylum application.

The Applicant

Day 1: The applicant claims Asylum at either their port of entry, an Asylum Screening Unit, or a Local Enforcement Office.

Day 1-2: Based on information given during the initial screening interview, the applicant is accommodated depending on their circumstances. Applicants who are homeless are provided with accommodation. The applicant either:

is provided with short-term accommodation and welfare support anywhere in the UK; or

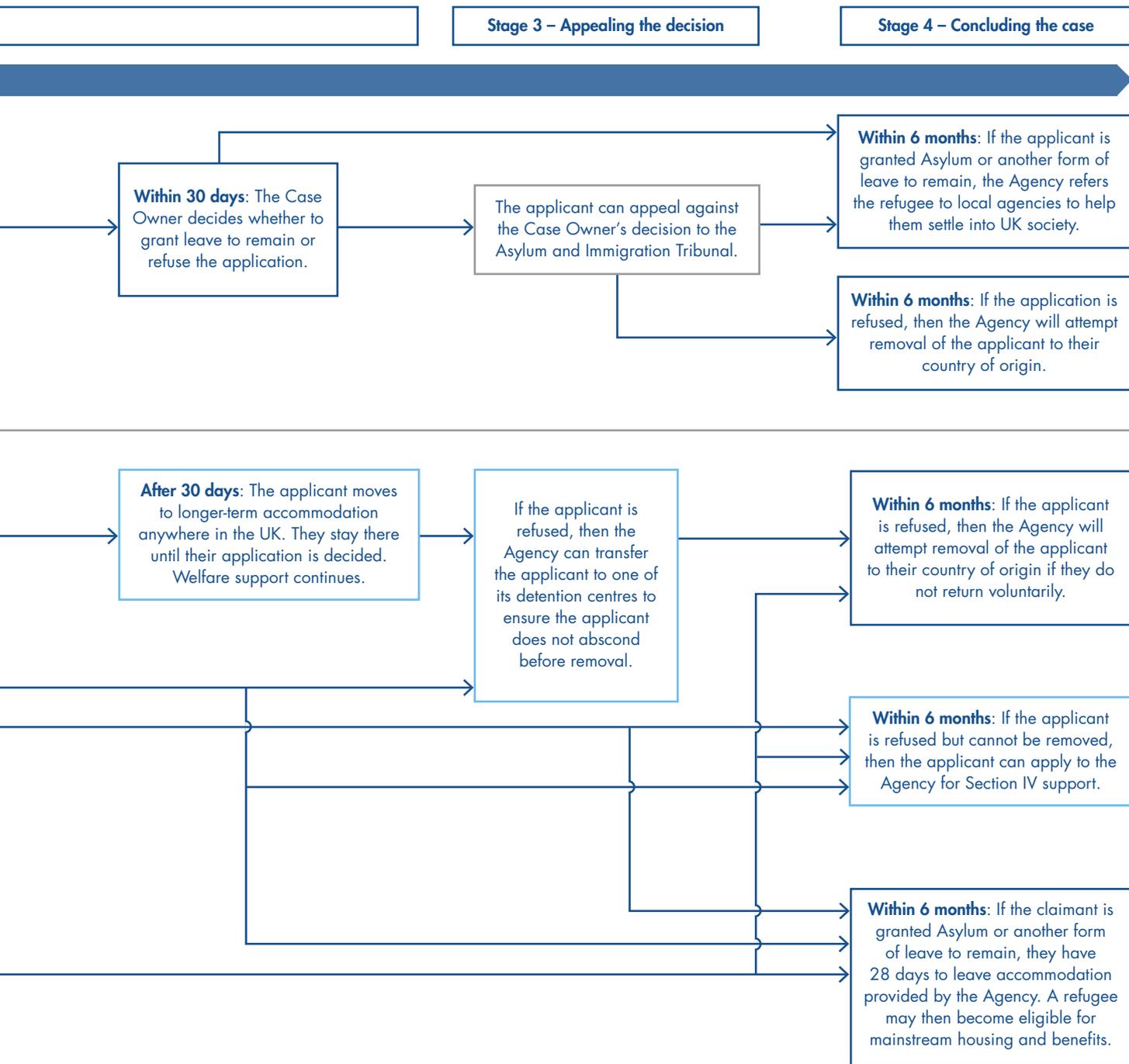
moves into their own accommodation, or with family or friends. They stay there until their application is decided (granted or refused); or

is transferred to one of the Agency's detention centres. They stay there until their application is decided.

Accommodation and support funded by UK Border Agency

Asylum and Immigration Tribunal responsible for handling appeals process

Source: National Audit Office



- h) Whilst decisions are beginning to be made more quickly, with some 40 per cent of cases concluded within six months, implementation of the decision remains a problem. The New Asylum Model has not yet resulted in an increase in the removal of failed asylum applicants. Most removals are achieved by teams managing cases in detention, but there is a shortage of detention space in which to detain people to prevent them from absconding prior to removal. As a consequence, and because of the priority being given to remove foreign national prisoners, the Agency is not meeting its tipping point target, which is to remove more failed asylum applicants than the number who make new unfounded applications. Through the second half of 2007, the gap between unfounded applications and removals has increased and for the year as a whole the target was missed by over 20 per cent.
 - i) There are other significant barriers to removing failed asylum applicants. Obtaining Emergency Travel Documents is a major challenge for the agency, particularly from nations that are not readily prepared to recognise their nationals. We also found, however, that the Agency have applied for and been offered some 13,000 Emergency Travel Documents which have not been used, some of which it has paid for. A number of these cannot be executed because they are time-expired, are for individuals who have absconded, or there are other issues to address before a removal can be effected. There are, however, up to 5,000 documents which could potentially be used to remove people now.
 - j) Seventy per cent of escorted removals are cancelled, resulting in additional work and costs. A large number of these are outside of the Agency's control, such as legal action, but we found that a lack of coordination between booking escorts and flights is adding to the problem.
 - k) Although the asylum applicant appeals directly to the Tribunal, the outcome is sent to the Agency first. There is then an unnecessary delay of up to 24 days in issuing the result to the asylum applicant while the Agency considers whether or not it wishes to appeal against the decision. The Agency now intends to issue the appeal decision to the asylum applicant within 48 hours and has issued instructions to this effect.
 - l) Since 2005, refugee status is granted for a period of five years and for children until they reach the age of 17½. Over 23,000 applicants have been granted Asylum since 2005 and, of these, nearly 8,000 refugees will need to have their status reviewed in 2010. At this point, there are a number of options including returning someone home because the situation has improved in their home country or applying for UK citizenship. However, the Agency has no process to keep track of refugees after they have been granted Asylum and no plans in place to review these cases.
 - m) The Agency has a clear, well-understood target to conclude asylum applications within six months. It exceeded its target to conclude 35 per cent of cases within six months by April 2007, and to conclude 40 per cent of cases within six months by December 2007.
 - n) Following a 39 per cent increase in applications from 4,960 in the second quarter of 2007 to 6,870 in the fourth quarter, the backlog of decisions to be made by Case Owners has more than doubled since the second quarter of 2007 to 8,700 in the second quarter of 2008. The Agency will therefore find it challenging to conclude 60 per cent of cases within six months by December 2008. Increasing the number of Case Owners takes time. The New Asylum Model is not able to cope with sudden changes in demand and there is a risk of a new backlog.
 - o) The longer a case takes to conclude the more expensive it becomes, because of the cost of the accommodation and welfare support provided by the Agency. For example, with accommodation and support, the cost of a family going through the process from application to removal after appeal can range from £26,000 to £60,000 depending on the length and complexity of the case. The Agency's conclusion target does not, however, incentivise staff to progress cases that have missed the target, to improve quality of decision-making or minimise costs.
- On facilities to make the process work
- p) The estate is not ideally suited for the new process. The process is working better where both asylum teams, and immigration teams responsible for enforcement, are located in the same building with easy access to interview rooms and other facilities. The Agency is also short of detention space, so cannot detain all the applicants it should, but plans to expand it. It currently has 2,533 detention bedspaces (half allocated to foreign national prisoners) against its identified medium-term requirement of 4,000.
 - q) In setting up the New Asylum Model, the Agency has recruited new Case Owners at a higher grade and level of qualification and is putting staff through a 55-day training programme. The Agency is developing training to enable Case Owners to receive more practical experience in addition to the 55 days training programme to better prepare them for the job.

- r) A large amount of the work is based on manual records, with information about the cases then re-entered into a database. Fax machines are routinely used by the Agency to send large documents both internally and externally to third parties. Staff use two different computer systems which do not communicate, leading to duplication. The Agency is developing a new IT system in support of an Integrated Caseworking Programme.
- v) We estimate that the cost of the legacy cases totalled nearly £600 million in 2007-08, of which £430 million (72 per cent) is for the accommodation and support provided by the Agency to destitute applicants whilst their applications are being considered. The remainder is for the cost of the new directorate, detention, and enforced and voluntary returns and appeals. For asylum cases as a whole, support costs have reduced from over £1 billion in 2003-04 to some £500 million in 2007-08.

On concluding legacy cases

- s) In its 2006 report on the removal of failed asylum applicants, the House of Commons Committee for Public Accounts recommended that the Department should tackle the backlog. In June 2006, the Department estimated that there was a backlog of 400,000-450,000 cases that had not been concluded and undertook to clear the backlog by 2011. To meet this challenge, the Agency has established the Case Resolution Directorate to handle all the cases not concluded prior to the introduction of the New Asylum Model, known as legacy cases. The Directorate is focused clearly on the task of reducing the backlog.
- t) Since the scale of the problem was identified in June 2006, the Agency has estimated that some 60,000-70,000 dependants were included within the 400,000-450,000. They are also finding a considerable number of errors, where there are discrepancies between its database and the paper-based records, including a large number of cases that had actually been completed. In December 2007, therefore, some 335,000 legacy cases were allocated to 61 new teams of 10-15 caseworkers to conclude.
- u) The Agency is prioritising the legacy cases by those who potentially pose risk to the public, those who have the highest support costs, and cases that can be concluded more easily. It has concluded 90,000 cases to date. Of these, just over 40 per cent have been granted Asylum and over 20 per cent removed. The remaining 40 per cent are mostly cases where it was found that no action was required, for example, because the applicant's country had joined the EU or because they had already been granted Asylum or had been removed but the Agency's database had not recorded the fact. Of the cases yet to be concluded, the Agency estimates that a fifth of the remaining cases cannot currently be resolved as there are external factors which prevent the Agency from either removing the applicants or allowing them to stay in the UK. The Agency is exploring options to conclude these cases.

Value for Money Conclusion

7 The aim of the New Asylum Model is to achieve faster conclusions to cases, to recognise genuine refugees more quickly and to repatriate applicants refused asylum effectively. Realising this aim should reduce the cost of supporting applicants and deter others from making false claims. The model also aims to achieve better quality decisions that stand up to scrutiny, thereby reducing the number and cost of appeals.

8 Aspects of the model are working well: case ownership has created a strong incentive to conclude cases and has reduced the risk of cases getting lost and applications are being concluded more quickly. The new process is not, however, yet working to its optimum efficiency and effectiveness. Few removals are being achieved, hampered by a lack of detention space and problem obtaining Emergency Travel Documents. There is some evidence that the quality of decision-making is rising, but there is no means, as part of the process, to identify and reverse incorrect decisions. The only route open to reverse a decision is for the applicant to appeal to the Asylum and Immigration Tribunal. Around 70 per cent of asylum claims that result in refusal pursue an appeal and of these some 20-25 per cent are upheld.

9 The Agency plans to conclude by 2011 the 400,000-450,000 legacy cases that were outstanding prior to the introduction of the New Asylum Model. 10,000 cases per month would need to be concluded to meet this task, compared with 4,000 per month to date. There are also external factors, such as no safe route home, which prevent the Agency from concluding 20 per cent of the remaining cases, so the target looks challenging on the basis of current plans. The support costs of legacy cases, which totalled some £430 million in 2007-08, mean that value for money is impaired by the time it is taking to conclude them. Many cases will not be concluded for at least another three years, whether or not the target for 2011 is met.

Recommendations

10 The Agency needs to develop the process so that it works for each asylum application. To help make this happen we recommend as follows:

i) Review of decisions by management is not consistent or documented, the same problems keep reoccurring and the asylum application process does not identify and reverse incorrect decisions. Some 70 per cent of applicants refused Asylum appeal to the Asylum and Immigration Tribunal and some 20-25 per cent of appeals are upheld.

- The Agency should put in place a common process for review by line management or senior caseworkers. They should review a sample of all Case Owner decisions, including grants and refusals, and should check whether the Case Owner has made the correct decision based on the evidence. All reviews should be recorded, together with actions taken.
- The Agency should develop quality assurance further so that quality assessors assess whether or not a sound decision, to grant or refuse asylum, has been made. Where an assessment has been made that the decision is unsound, the Agency should conduct a review of the decision and revoke if necessary.
- The Agency should disseminate lessons from Quality Audits to all Case Owners.

ii) Over a quarter of Asylum applicants are not receiving a full screening interview when they make their claims, leading to loss of valuable information and the risk that applications are managed in the wrong way. For example, some applicants are put into detention when their applications are too complex to be managed through the fast-track process and so they are then released to be managed in the community by one of the Agency's regional offices. The Agency should carry out a full screening interview on all Asylum applicants at point of application. At this interview, the Agency should gather sufficient information on the applicant's background, reasons for their claim and route into the UK to enable it to assess whether or not it is appropriate to hold the applicant in detention, or whether they have come through another safe country where they should have applied for asylum.

iii) The Agency's processes are not sufficiently robust to cope with fluctuations in the volume of new asylum applications, such as the 39 per cent increase from 4,960 asylum applications in the second quarter

of 2007 to 6,870 in the fourth quarter of 2007. Delays in concluding cases directly add to the cost of managing them through accommodation and welfare support. Separately, the Agency will also find it challenging to conclude all 400,000-450,000 legacy cases by 2011. The Agency should:

- develop our work further to model the relationship between the number of case workers, their allocation to concluding new and legacy cases and the consequent impact on accommodation and support costs;
- revise its plans for resolving legacy cases in the light of the size of the challenge, progress made to date and the number of cases that cannot currently be resolved;
- in the light of that work, redeploy case workers as appropriate to conclude both new and legacy asylum cases more quickly and reduce the associated cost of accommodation and welfare support; and
- in the move to integrated caseworking, develop its staff so that they are able to work on more than one type of case to increase flexibility to deal with fluctuations in applications for asylum and other immigration cases.

iv) Since 2005, a grant of refugee status is for five years, and a child is granted status until age 17½. There is, however, no process to keep track of refugees after they have been granted Asylum, no plans in place to review some 8,000 cases per annum from 2010 onwards and no clarity around how the cases of children should be reviewed. The Agency should define what its process will be to review the status of refugees after five years and, through performance reporting, monitor the implementation of its new instruction to review the status of unaccompanied asylum seeking children at age 17½.

v) Allocation to a region and Case Owner is now planned to be achieved in two days but a decision on entitlement to accommodation and support takes around 20 days on average. The Agency spent £26 million on short-term initial accommodation in 2007-08, whilst it decided whether or not asylum applicants were entitled to accommodation and support. The Agency should reduce its reliance on initial accommodation by reducing the amount of time it takes to decide whether or not an applicant is entitled to accommodation and support.

- vi) **For the first year operating the New Asylum Model the Agency has used a narrow but well-understood target to conclude 90 per cent of asylum applications within six months by 2011. The target does not include older cases, drive down cost or promote improved decision-making.**
- In addition to its key target to conclude a proportion of cases within six months, the Agency should set targets to conclude a higher proportion of cases within 12 months and to conclude all cases within two years. It should set and publish targets to improve the quality of decisions, based on its quality assurance scores. It should also provide incentives to teams to prioritise the conclusion of cases incurring higher accommodation and support costs.
 - The Agency should develop and routinely analyse cost per case across a range of types of applicants and use this information in decision-making, alongside the information it is using to monitor productivity of staff.
- vii) **Seventy per cent of requests placed by the Agency for escorted removals are cancelled, mostly because of legal action, which is beyond the Agency's control. Ten per cent are cancelled, however, as a result of administrative problems, including a lack of coordination between booking of escorts and flights.** In reletting contracts for transport and escort, and in arranging flights, the Agency should improve coordination of bookings to reduce time spent by Case Owners and removals staff rearranging bookings and to reduce cancellations.
- viii) **Through Case Ownership the Agency has cut the number of times that cases are passed from person to person and reduced the opportunity for delay and error. There are, however, still points in the process which are of little benefit or are slowing things down.** In particular the Agency should:
- scrap the first reporting event in its current form, as it inconveniences all those involved for little benefit;
 - work with the Appellate Authority to promulgate the results of the appeal more quickly, directly to the applicant, and monitor the implementation of its new instruction to issue appeal results within 48 hours; and
 - increase the use of Emergency Travel Documents and introduce a fast-track process for obtaining documents for those in detention.
- ix) **We found that the Agency's estate in some locations is not ideally suited to the new process.** As it reviews its estate strategy the Agency should:
- where possible, affordable and good value for money, co-locate those teams which are involved in the process including asylum and enforcement staff;
 - provide interview rooms in the same building as Case Owners to save time travelling and waiting, or allow Case Owners easy access to buildings where interview rooms are located using existing passes; and
 - locate reporting centres at main transport hubs.
- x) **A considerable volume of work is still handwritten, and effort is duplicated as information has to be put into the Caseworking Information Database. Much business is conducted via fax when other, faster, less expensive, more secure and less error-prone methods are available.** The Agency should:
- increase electronic storage and transmission of information where data security allows, saving in telephone charges and staff time;
 - amend its processes so that Case Owners and support staff only have to record information once electronically; and
 - in developing the Integrated Caseworking Programme, enable Case Owners to access all of the information they need, and the software that they need to do their work, through a single IT system.