



Passports



National Audit Office

THE HOME OFFICE

Management of Asylum Applications by the UK Border Agency

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Management of Asylum Applications
by the UK Border Agency

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8 January 2009

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CONTENTS

SUMMARY	4
PART ONE	
The New Asylum Model	12
PART TWO	
The application process	16
PART THREE	
Performance against targets	29
PART FOUR	
Facilities to make the process work	32
PART FIVE	
Resolution of Legacy Cases	37
APPENDICES	
1 Study Scope and Methodology	40
2 Previous Public Accounts Committee Recommendations	44
3 Glossary of terms	47



Passports

UK Border

← all other passports → EU 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

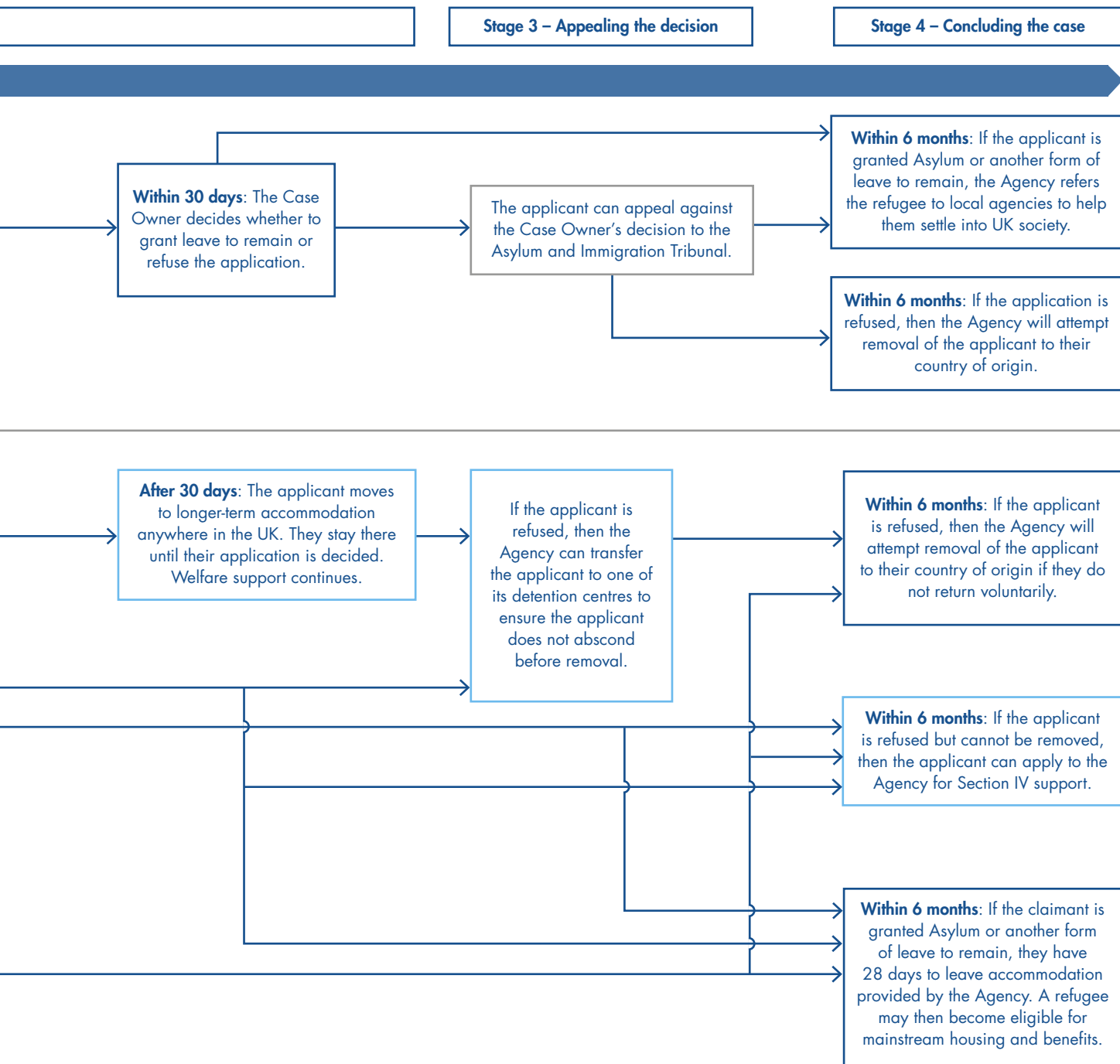
moves into their own accommodation, or with family or friends. They stay there until their application is decided (granted or refused); or

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.

PART ONE

The New Asylum Model

Background to the asylum process

1.1 The United Kingdom is a signatory to the 1951 United Nations Convention relating to the Status of Refugees (the Refugee Convention). To be recognised as a refugee in the UK, an applicant must apply to the UK Border Agency for Asylum, and show that they meet the criteria laid down in the Refugee Convention (see Box 1). To qualify for humanitarian protection, the applicant has to show that they meet the criteria laid down in the European Convention.

BOX 1

What is a refugee?

A refugee is someone who has left their country and is unable or unwilling to go back because they have a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership of a particular social group. The UK also adheres to the 1950 European Convention on Human Rights (the European Convention). Under the European Convention, an applicant may be given temporary permission to stay in the UK for humanitarian reasons, where there is a real risk they would be exposed to torture, or inhuman or degrading treatment or punishment if they were returned to their home country. Criteria for a grant of Humanitarian Protection are laid down in the Qualification Directive (Council Directive 2004/83/EC of 29 April 2004). Under this directive a person may be granted Humanitarian Protection if there is a real risk of them suffering "serious harm" if returned to their country of origin.

1.2 The Agency assesses asylum claims on the basis of the individual circumstances of each case including the applicant's credibility, the current political situation in their country, evidence of the country's human rights record and, if applicable, medical evidence of torture and abuse. The number of applications for Asylum has fallen considerably from a peak of over 84,000 in 2002 to over 23,000 in 2007 (see Figure 2).

1.3 In our 2005 report on the removal of failed asylum applicants¹, we concluded that, "...the application, support and enforcement processes operated as largely separate systems, leading to poor communication and co-ordination within the Immigration and Nationality Directorate (now the Agency) thereby reducing the prospect of quick removal of newly failed applicants." We recommended that clearer responsibility and ownership should be assigned to caseworkers for managing the return of failed applicants, including the speed with which they are returned, and that the Department should better integrate the application, support and removal procedures. A summary of the recommendations made by the Committee of Public Accounts together with the Department's responses is at Appendix 2.

1.4 The United Nations High Commissioner for Refugees (UNHCR), through the Quality Initiative Project run jointly with the Department, has also made recommendations for improving the quality of decision-making to the Agency

¹ Report by the Comptroller and Auditor General, *Returning failed asylum applicants* (HC 76, Session 2005-06).

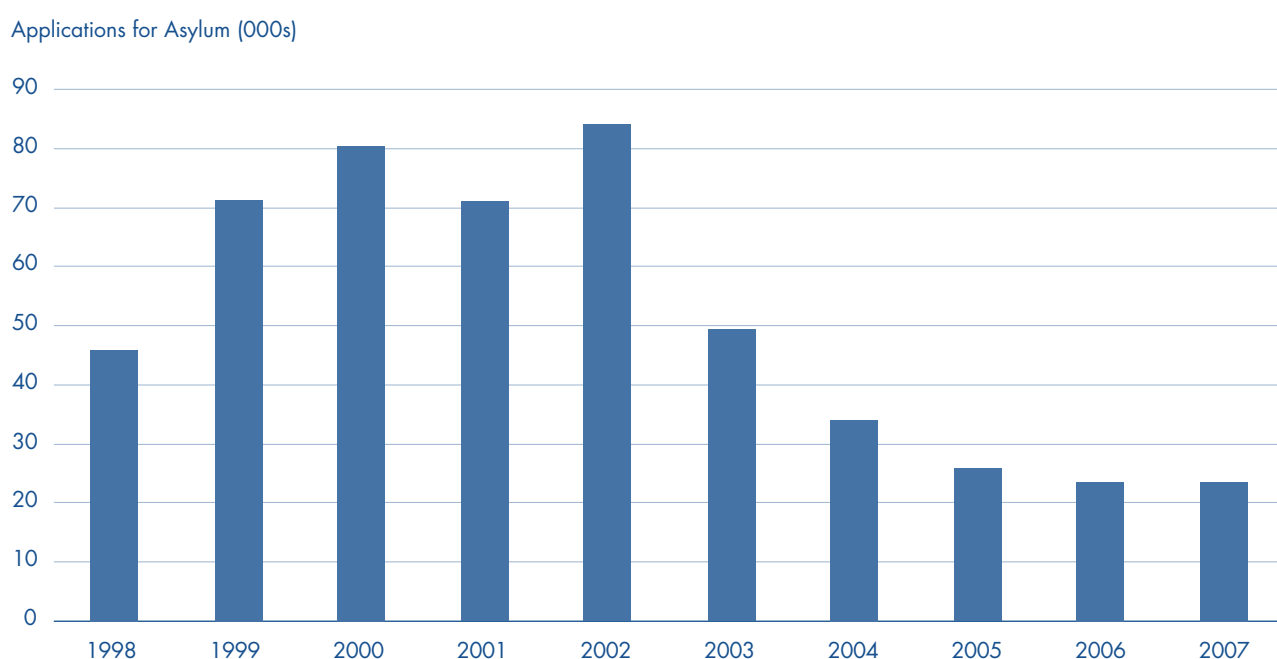
in five reports since the project started in 2004. From the auditing of asylum interviews and decisions, its findings have highlighted a number of areas for improvement, including workload and targets, standards for recruitment and training, the application of the refugee definition, the approach to establishing facts and the conduct of interviews.

1.5 The Agency has developed a new process for managing asylum applications in response to these recommendations (see the process in detail in **Figure 3 overleaf**). The Agency began to introduce the new process, known as the New Asylum Model, in 2006. All new asylum applications have been managed using the new process since March 2007. At the same time as

introducing the new process, the Agency established new teams and recruited Case Owners at a higher grade to manage asylum applications located in offices in London, Cardiff, Solihull, Leeds, Liverpool and Glasgow.

1.6 We estimate that the cost of the New Asylum Model in 2007-08 was £176 million (see breakdown in **Figure 4 on page 15**). This was the first year of operation, and not all parts of the process were in full operation for the whole year. As an illustration, we estimate that the cost in 2007-08, had the model been fully operational, would have totalled £223 million. We were unable to compare this with the cost of the old process because the Home Office did not hold the necessary information.

2 Applications for asylum 1998-2007



Source: Home Office statistical bulletins

NOTE

Excludes dependants.

3 The New Asylum Model

Stage 1 – Starting the process
 Days 0–2 (process)
 Days 0–20 (accommodation)
 Cost of this stage of the process: £53.9 million in 2007-08

- The applicant makes a **claim** for Asylum at one of three entry points to the process.
- Port of entry
 - Asylum Screening Unit: Croydon or Liverpool
 - Local Enforcement Office

The applicant is then **screened** by personnel at the location where the claim is made. This is an interview where the applicant is asked basic questions about themselves how they arrived in the UK and the basis of their claim.

Based on the information obtained during screening, the applicant is then sent, or **routed**, to wherever their claim will be considered. They will be routed to:

- a regional asylum team – if an applicant has nowhere to stay they will be provided with accommodation; or
- a detention centre – applicants in detention are managed by fast-track teams so their cases can be considered quickly.

Responsibility of Case Owner

Stage 2 – Processing the claim
 Days 2–30
 Cost of this stage of the process: £38.1 million in 2007-08

Applicants attend a **first reporting event** at the regional office. This initial meeting is intended to allow the applicant to meet with their Case Owner and to have the process explained to them.

Following the first reporting event, the Case Owner will invite the applicant to the regional office for a **substantive interview**, where they will ask questions on all aspects of the asylum claim. UKBA provides an interpreter, but the claimant is not usually accompanied by a Legal Representative. The interview can typically last from two to six hours.

Following the substantive interview, the Case Owner will make their **decision** on whether to grant or refuse Asylum, and write the decision letter.

The decision is then **served** to the applicant. The applicant is advised what will happen next and given any necessary forms.

Stage 3 – Appealing against the decision (70 per cent of asylum decisions are appealed)
 Days 30–100+
 Cost of this stage of the process: £38.0 million in 2007-08

If an applicant decides to appeal against the Case Owners' decision, they fill in the forms given to them when the decision was served and send them to the Asylum and Immigration Tribunal. The Asylum and Immigration Tribunal sets a date for a **case management review** hearing, where all parties discuss any important issues prior to the main hearing.

The applicant's appeal is then heard at the local tribunal centre by an Immigration Judge at the **substantive hearing**. The client's legal representatives will argue the case against either the Case Owner, or a UK Border Agency Presenting Officer.

The Judge will then make their **determination** and promulgate it, usually sending it by post to the UK Border Agency, which will disseminate it to all parties.

If the applicant's appeal is dismissed, then **further appeals** can take place. The usual route is via the High Court – the High Court Filter assesses whether a High Court Reconsideration is warranted, and if it is then the case proceeds to the High Court. The claimant can also apply for a Judicial Review.

Stage 4 – Concluding the case
 Days 30–100+
 Cost of this stage of the process (removals only): £45.9 million in 2007-08

If a claim has been accepted, then the applicant will be given information on how they can receive help on **integration** into UK society. Case Owners provide the claimant with information leaflets explaining how the claimant can apply for services and education, and also details of integration loans. After 28 days the UK Border Agency stops providing benefits to the applicant who would then become entitled to mainstream benefits and housing if they need it.

If the claim for Asylum has been rejected, the UK Border Agency will attempt **removal** of the applicant to their country of origin. The Case Owner will hand over the case to the dedicated removals team, which will coordinate escorts, flights and reception arrangements. Once removal directions are set, the applicant is informed of the arrangements, and removal is carried out.

If the applicant is refused Asylum but cannot be removed from the UK for whatever reason, they may receive **Section IV** support from UK Border Agency.

Asylum applicants can also **withdraw their claim** at any time and return home voluntarily. They can make use of the Voluntary Assisted Return programme, or make their own travel arrangements.

Source: National Audit Office

4 Cost of the New Asylum Model 2007-08

Cost area	Description	Estimated total cost for 2007-08 (£m)	Percentage of total cost
UK Border Agency Operating costs (excluding enforcement)	Comprising staff costs for the New Asylum Model, screening and routing teams and Presenting Officer units.	55.1	31
UK Border Agency Support costs	Cost includes initial and dispersed accommodation and welfare support.	80.3	46
UK Border Agency Enforcement costs	Cost includes enforcement staff, the Judicial Review unit and the cost of Voluntary Assisted Returns.	16.5	10
Detention and removal escort contractor costs	Comprising detention centre contractor costs and removal escort contractor costs.	11.3	6
Asylum and Immigration Tribunal costs	The estimated cost of New Asylum Model cases appealed through the Asylum and Immigration Tribunal.	12.7	7
Total		175.9	

Source: National Audit Office analysis of UK Border Agency data

NOTE

A further £12 million per annum is paid by the UK Border Agency to Local Authorities to cover the costs of supporting unaccompanied asylum-seeking children who have been granted leave to remain in the UK until aged 17½ through the New Asylum Model process.

PART TWO

The application process

2.1 This part of the report considers whether the Agency is improving the effectiveness with which it manages asylum applications.

Stage 1 – Starting the process

Making the application

2.2 An application for Asylum in the UK must be made in person as soon as possible after arrival and can be made at the port of entry. In most cases, applications are made after arrival in the UK at one of two Asylum Screening Units in Croydon or Liverpool. Applications are also made at Local Enforcement Offices (local UK Border Agency offices where immigration staff responsible for enforcement are located), typically following an immigration enforcement operation or after contact with the police. At the place where they make their claim, which might be the port of entry, Asylum Screening Unit or Local Enforcement Office, the asylum applicant is then interviewed as part of a process known as ‘screening’, to establish their background, reasons for applying for asylum and their route into the UK, and is then allocated to a Case Owner in one of the regional offices or at a detention centre, a process known as ‘routing’. Whilst no decision is made at the screening and routing stage about whether or not the application should be accepted or not, it is important as claims may be suitable for different processes, including the fast-track processes managed whilst the applicant is in a detention centre (see Box 2 for different processes involving detention).

Screening

2.3 We found that of the 49,834 asylum applicants over the period January 2007–August 2008, 13,684 (27.5 per cent) had not had a full screening interview within two days of their application. In their own review of screening, the Agency found that 76 per cent of cases

where the screening interview was not complete were claims made at Local Enforcement Offices. Staff told us that the main reasons that screening did not take place were pressure to refer applicants to Case Owners (without having been screened in advance) within two days and a lack of understanding of the process. On some occasions, there were not enough immigration officers on duty ‘out-of-hours’ to process applications arising from operations or police action. The Agency is conducting a trial at Oakington to conduct screening interviews for asylum applications arising from out-of-hours operations in the Midlands and East of England.

2.4 Without establishing the applicant’s background, reasons for claiming Asylum and route into the UK there is potential to miss cases that should be managed through the much quicker third-country or Non-Suspensive Appeal processes. There is also a risk that applicants are put in detention inappropriately. The Agency told us that from January 2007–August 2008, 842 cases had to be taken out of the Detained Fast-Track process to be managed by one of the regional asylum teams, because the case became more complex. A total of 384 were taken out at Yarl’s Wood, a drop-out rate of nearly 50 per cent, and 458 from Harmondsworth, a drop-out rate of some 30 per cent. If the Agency gathered more information about the potential complexity and appropriateness of cases for detention at the start of the process, these reallocations could be avoided.

2.5 The screening interview is also a good time to start assessment of the potential for harm posed by an applicant, for example, if they have a history of offending. From our file review, we found 34 out of 145 cases (24 per cent) had a risk assessment carried out at some stage. From 1 April 2008, the Agency has introduced a tool to assess the risk of harm posed by each asylum applicant.

The cost of stage one

2.6 Screening and routing, where it is decided how and where the case will be managed, takes up to two days. It takes longer, however, to assess whether or not an asylum applicant is entitled to accommodation provided by the Agency. For an average of 20 days, applicants are therefore provided with short-term accommodation (initial accommodation) whilst their entitlement is assessed before then being moved to longer-term accommodation (dispersed accommodation).

2.7 This initial stage of the process accounted for some £54 million, some 30 per cent of the cost of the process in 2007-08, primarily because of the time that is still spent in initial accommodation, which accounted for £26 million. In 2007-08, with around 1,200 applicants in initial accommodation each week, initial accommodation cost an average of around £60 per person per night. This includes the cost of meals and support services. The longer-term dispersed accommodation cost on average £13 per person per night for the accommodation only and, if entitled, cash support is provided in addition.

BOX 2

Different Asylum processes involving detention

Detained Fast-Track: A Fast-Track process for considering an asylum application. While the application is considered, the applicant is held at an Immigration and Removal Centre, either at Harmondsworth near Heathrow (males) or Yarl's Wood in Bedfordshire (females and families with children). Any asylum claim may be considered suitable for the Detained Fast-Track process where it appears, after screening, to be one where a quick decision could be made. Cases may be excluded from this process for a number of reasons including medical reasons, pregnancy, victims of trafficking or torture and unaccompanied asylum seeking children.

Third Country Cases: Under the 'Dublin II' regulations¹ if an applicant has arrived in the UK by travelling through another country within the European Union, or another country considered safe, the Agency may require the applicant to pursue their claim with the country that they travelled through. The applicant will be sent back to that country. While in the UK, applicants are put in a detention centre.

"Non-Suspensive" or out-of-country Appeal Cases: Asylum applicants whose claims are certified to be "clearly unfounded" by the Agency may only appeal against that decision after removal. The Agency has a list of countries considered to be safe and from where applications for Asylum are likely to be clearly unfounded. Such claims are managed by a team at Oakington Immigration Removal Centre, near Cambridge, where applicants are also held in detention.

NOTE

¹ The Dublin II Regulation (European Council Regulation No 343/2003) established a set of hierarchical criteria for determining the EU member state responsible for examining an asylum application lodged in one of the member states by a third-country national.

Stage 2 – Processing the claim

First Reporting Event

2.8 The first reporting event is a short meeting where it was intended that the applicant would meet their Case Owner for the first time. Case Owners told us that this meeting is usually delegated to more junior staff because of time pressure. The meeting is very short, can involve participants travelling long distances, and applicants typically do not meet their Case Owner. The Agency has given more flexibility to regional asylum teams as to who conducts the meeting and what actions are carried out. Nevertheless, the first reporting event incurs a cost, which it has not been possible to quantify from the available information, and creates inconvenience to those involved for little benefit.

Quality of decision-making – review by management

2.9 Legal representatives and staff responsible for representing the Agency in court told us that decision letters written by Case Owners are in general of better quality than in the past. There is no documented systematic process for a review by senior team members or line management of the decisions made by Case Owners. Out of the 145 files reviewed, we found evidence on only seven files that management review had taken place. We did not find evidence of advice given by management, and found only one example where a decision had been changed.

2.10 For new Case Owners, all decisions are reviewed by a Senior Caseworker, but the review of decisions by experienced Case Owners is inconsistent. In Cardiff and Harmondsworth all decisions are reviewed, while in Solihull and Central London the approach is unclear. From interviews with staff, some Senior Caseworkers do review a selection of grants and refusals, but managers tend to advise on more complex cases on request, rather than conduct a systematic review of a sample where each case has an equal chance of being checked. In Central London, staff told us that they rely more on the central Quality Assurance Team.

Quality Assurance Team

2.11 The Agency has had an asylum Quality Assurance Team in place since September 2007, independent of the regional Asylum teams. The UNHCR has been involved with capacity-building exercises with the Quality Assurance Team since its creation, to help ensure consistency in its findings, and is helping to develop quality assessment tools. The results of the quality audits since March 2007 are shown in **Figure 5**. Scores are defined as follows:

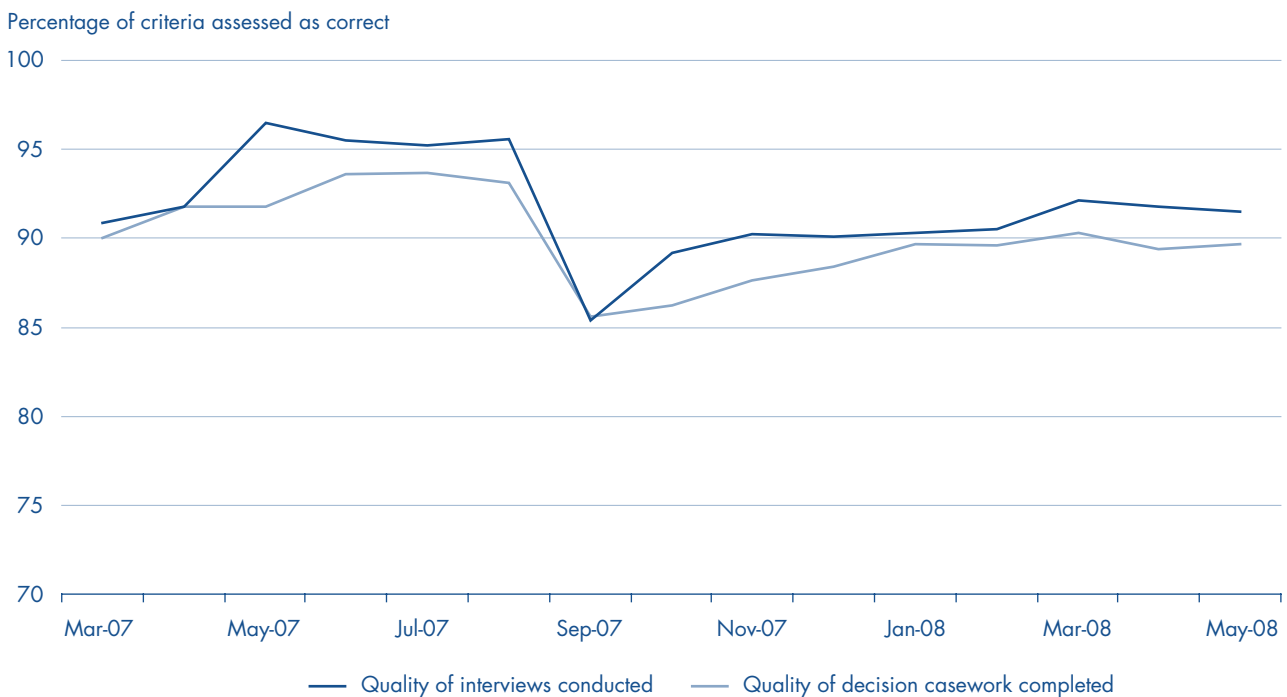
- a decision that is excellent scores 97 per cent;
- fully effective scores 87 per cent;
- not fully effective scores under 87 per cent; and
- poor scores under 75 per cent.

There was an understandable drop in rated performance in September 2007 as the new Quality Assurance Team took over, but thereafter quality scores improved through to March 2008, followed by a slight reduction.

2.12 We found that Case Owners value the direct feedback that they receive from quality assessors. The Agency does not, however, systematically disseminate lessons to all Case Owners. The audit report for April 2008 reported that the same problems are recurring each month. For example, reports have consistently stated that over 20 per cent of Case Owners fail to identify in the decision letter the asylum applicant’s future fear as part of the basis of claim. The May 2008 report stated that often Case Owners have not seen guidance contained in the quality audit report.

2.13 Whilst the Quality Assurance process examines the decision-making process, and the extent to which it has been followed by the Case Owner in interviews and decision letters, it is not followed up with an assessment of whether or not the decision that has been made is robust. The Agency’s quality assessors found that out of 1,085 cases sampled, 136 applicants (13 per cent) were refused Asylum based on decision letters that were rated as poor or not fully

5 Quality Assurance scores March 2007–May 2008



Source: National Audit Office analysis of UK Border Agency data

NOTE

The Quality Auditor rates the Case Owner’s decision according to 52 distinct, weighted criteria. Not all criteria will be applicable in all cases.

effective (Figure 6). A similar proportion of interviews in cases that were refused Asylum were also rated as poor or not fully effective. Without a documented process which can be demonstrated to take corrective or preventative action, there is a risk that poor decisions will be missed. The only route available to identify where an asylum application has been incorrectly refused and to reverse it is the Asylum and Immigration Tribunal. However, the process should be effective in itself, aim to make a robust decision first time and minimise recourse to appeals. The Tribunal will not pick up decisions to grant Asylum which were incorrect and which should have been refused. An appeal can also double the cost of an asylum claim.

Speed and Volume of Decisions

2.14 Initially, to operate the New Asylum Model, the Agency set up 25 new asylum teams each with 12 Case Owners. When some cases started to be progressed through the model in late 2006, the number of decisions made by Case Owners rose to the extent that in early 2007, decisions exceeded the number of applications for asylum (see Figure 7 overleaf). Since March 2007,

when all new asylum applications were managed through the new process, the number of applications rose from 4,960 in the second quarter peaking at 6,870 in the fourth quarter before falling back to 5,720 applications in the second quarter of 2008. This increase was largely accounted for by a doubling of applications for Asylum from Iraq and Eritrea, to 1,255 and 1,205 respectively, and a 50 per cent increase in applications from Zimbabwe to 1,055. The number of decisions made by Case Owners fell over the same period, and the backlog of decisions more than doubled from 4,200 in the second quarter of 2007 to 8,700 in the second quarter of 2008. The number of decisions made by Case Owners rose slightly in the second quarter of 2008.

2.15 There is therefore a risk posed by changes in intake, and the system may not be sufficiently robust to react to sustained increases in applications. The New Asylum Model had only been in full operation for three months, however, when the number of applications started to rise. The New Asylum Model can in theory be easily adjusted to match demand. In response to an increase in workload, and turnover of staff, the Agency has increased the number of Case Owners on each team and is currently recruiting to fill those posts. The ability to react quickly to increases in applications is limited by the period of recruitment and training. The majority of the cost of an asylum application is directly related to the length of time it takes to conclude, because of the cost of accommodation and welfare support. For example, a family that is provided with accommodation, goes all the way through the process and is then refused and removed can cost between £26,000 and £60,000.

2.16 The Agency aims to give half of all asylum applicants a decision within one month of application and to give 80 per cent a decision within two months. From our analysis of the Agency's data we found that in August 2008, of 27,702 asylum decisions made between January 2007 and June 2008 in cases managed by regional asylum teams, one third of applicants had received decisions within two months. The Case Owner had made a decision within 30 days in only 16 per cent of cases, with a further 17 per cent decided within 30 to 60 days.

6 Quality assurance scores by rating category and case outcome September 2007–May 2008

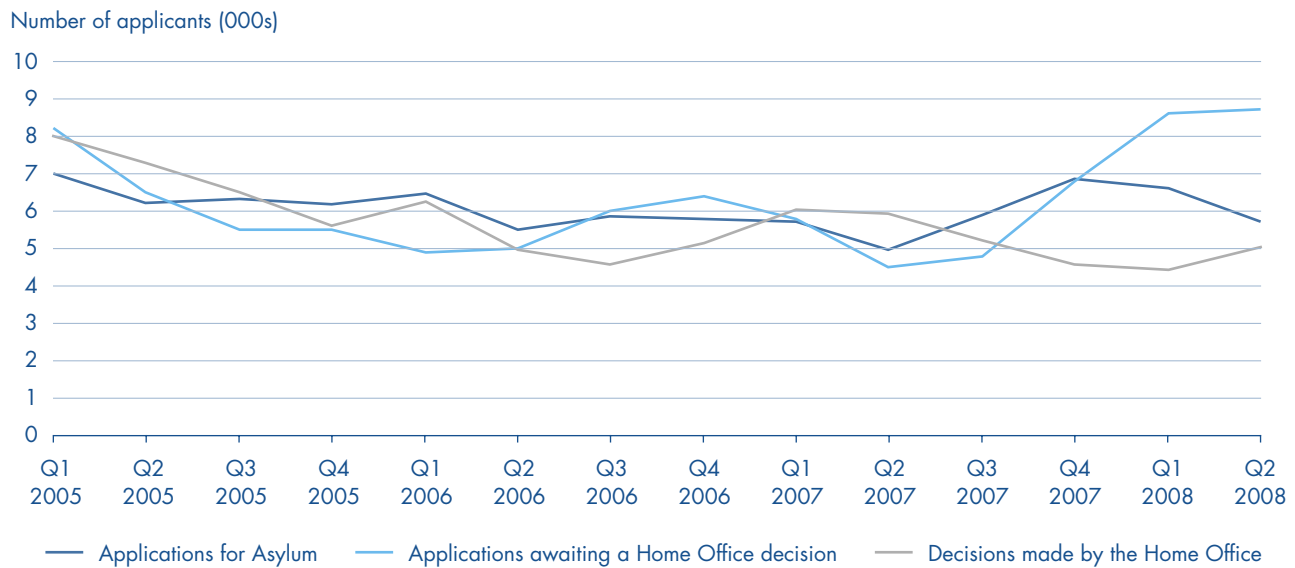
Quality audit rating	Decision letters achieving each rating		Number where the decision was to refuse Asylum
	Number	Percentage	
Excellent	88	8	55
Fully effective	603	56	389
Not fully effective	194	18	120
Poor	38	4	16
Case not completed	162	15	
Total sampled	1,085	100	

Source: National Audit Office analysis of UK Border Agency data

NOTES

- 1 Percentage does not add up to 100 due to rounding.
- 2 This table summarises the quality audit rating for 1,085 decision letters sampled by the Quality Audit Team over the period September 2007–May 2008.

7 The number of applications for asylum, decisions made by the Home Office and decisions outstanding



Source: Home Office quarterly asylum statistics

NOTE

The decision is that made by a Home Office official, now the responsibility of a Case Owner within the UK Border Agency, prior to any subsequent appeal, on the basis of the asylum application.

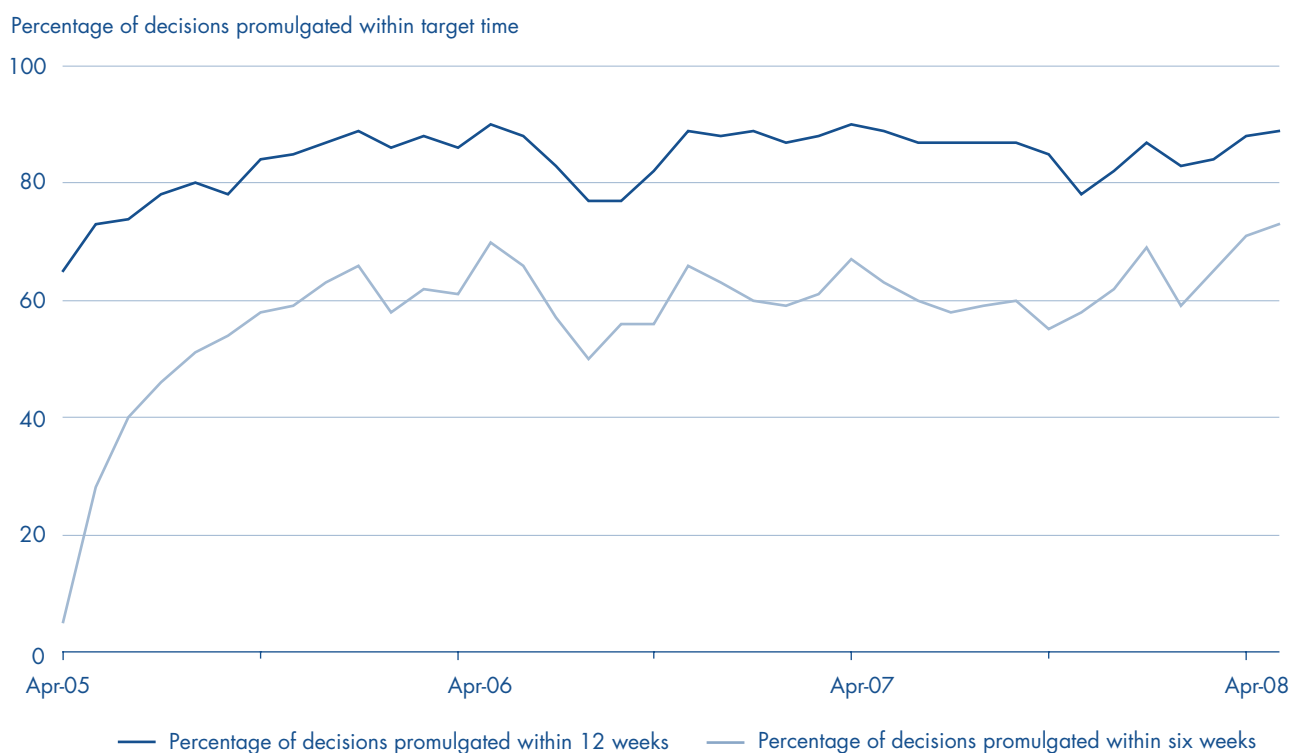
Stage 3 – Appealing against the decision

2.17 Around 70 per cent of asylum applicants appeal against the decision by the Case Owner. The appeal is the longest element of the process from asylum application to conclusion, which the Agency aims to complete in six months. For cases being managed through the New Asylum Model process, the Asylum and Immigration Tribunal has a performance target to promulgate 75 per cent of its decisions at the first stage of appeal within six weeks of receipt of an application for appeal, and 85 per cent within 12 weeks. **Figure 8** shows that performance has improved, but the six-week target had not quite been achieved up to May 2008 (73 per cent). There are no targets for concluding onward rights of appeal.

2.18 The Tribunal has 10 days from the substantive hearing to make its decision and to pass the decision to the Agency. The Agency then has up to 24 days to serve the decision to the asylum applicant, either in person or by post. Prior to serving a decision, the Agency decides whether or not to apply for reconsideration. The Agency now intends to issue the appeal decision to the asylum applicant within 48 hours and has issued instructions to this effect.

2.19 Since the end of 2005, some 20-25 per cent of appeals to the Asylum and Immigration Tribunal have been upheld (see **Figure 9 on page 22**). In 2007, 23 per cent were allowed. This can occur for reasons beyond the Case Owner's control such as a change of circumstances in the country of origin since they made their decision.

8 Asylum and Immigration Tribunal performance against targets to promulgate appeal results within 6 and 12 weeks 2005-2008



Source: National Audit Office analysis of Asylum and Immigration Tribunal data

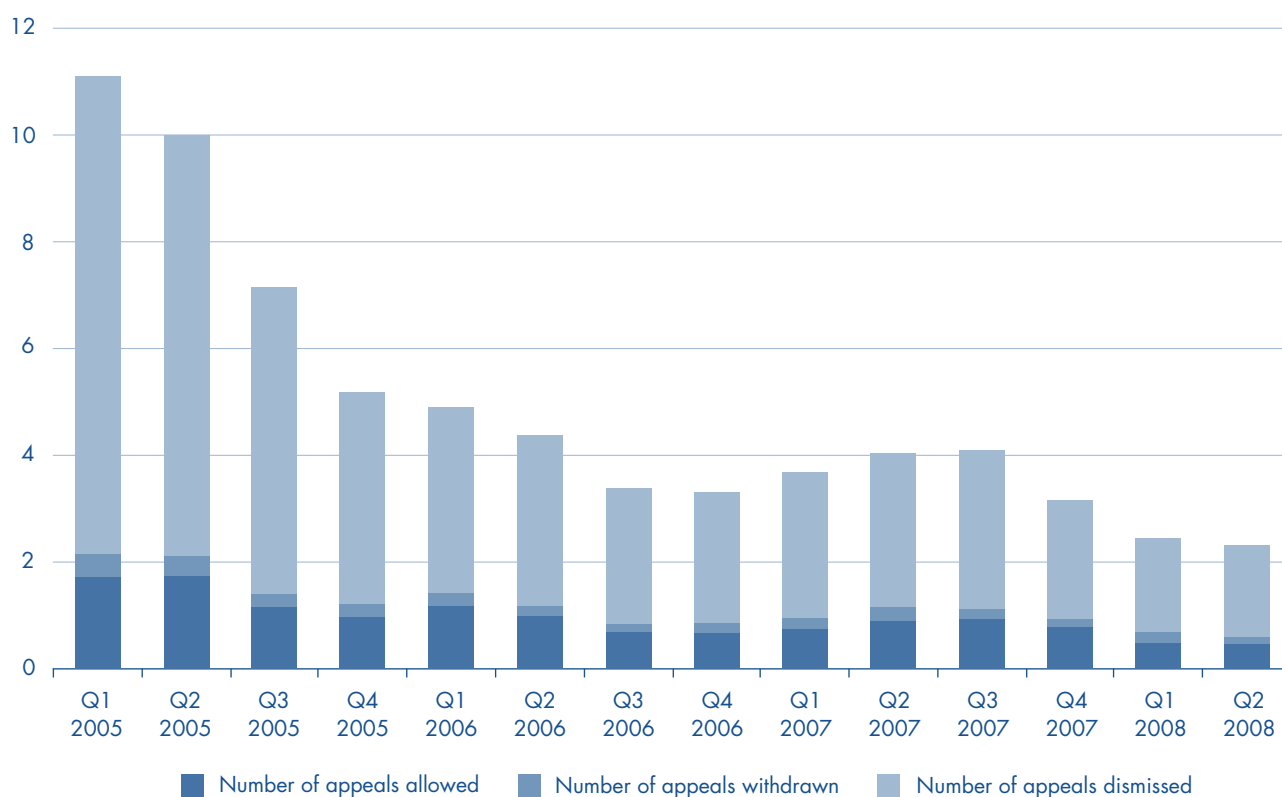
Appeals may also be upheld because the Case Owner has not presented sufficient evidence to support their decision. Presenting Officers sometimes provide feedback to Case Owners on how the evidence supporting the case can be improved, for example, by not conceding points of argument without supporting evidence or using information that was out of date. There is, however, no formal way of identifying where appeals may be failing because of errors in Case Owners' decision-making.

2.20 Applications for Judicial Review in asylum cases typically come at the end of the process, prior to removal, and impact on the length of time taken to conclude a case. As shown in **Figure 10 overleaf**, there are on average 230 applications for Judicial Review per month, of which less than 10 per cent are granted permission to proceed.

A very small number of Judicial Reviews are successful (only one during the period January 2008–April 2008) and the majority of substantive decisions take more than six months. During the period January to April 2008, the number of applications for Judicial Review represented some 20 per cent of the number of individuals subject to a removal direction. In April 2008, 157 escorted removals (20 per cent) were cancelled because of Judicial Review or other legal action, 25 after the escort had collected the failed asylum applicant but prior to leaving the UK. The low level of success and impact on removals suggests that the Judicial Review is used to block the Agency from taking removal action. The Agency is working with the Ministry of Justice to find a solution where an application for Judicial Review no longer prevents the removal of a failed asylum applicant.

9 Outcome of appeals determined by the Asylum and Immigration Tribunal 2005-2008

Number of people who appealed (000s)



Source: Home Office quarterly asylum statistics

10 Judicial Reviews in Asylum cases January–April 2008

	January 2008	February 2008	March 2008	April 2008
Number of removal directions set by the UK Border Agency (count of individuals) ¹	1,270	1,134	1,234	1,000
Number of Asylum applications for Judicial Review	228	238	229	213
Number of Asylum applications granted permission to proceed with Judicial Review	13	21	13	32
Number of successful Judicial Reviews at substantive hearing	0	1	0	0
Percentage of substantive decisions made within six months of receipt of the application for the Judicial Review	0	13	33	0

Source: UK Border Agency and Administrative Court Office data

NOTE

¹ This data shows the number of individuals subject to removal directions. Removal directions can be set against an individual on more than one occasion due to cancellations. Data on removal directions is based on provisional internal management information and is subject to change.

Stage 4 – Concluding the case

Removals

2.21 The number of removals of failed asylum applicants achieved by the Agency has fallen over the period 2006-2008 (see Figure 11).

2.22 Figure 12 overleaf shows the number of asylum applicants between January 2007 and February 2008, the number refused Asylum and the number and proportion of those subsequently removed by August 2008. The data show that the majority of removals have been achieved by the teams managing asylum applications in detention. Of those who applied for Asylum over the period January 2007–February 2008 and then refused Asylum by the new regional asylum teams, only seven to nine per cent were removed by August 2008. In contrast, 97-98 per cent of those refused Asylum in the Detained Fast-Track or Non-Suspensive Appeal processes were removed by August 2008.

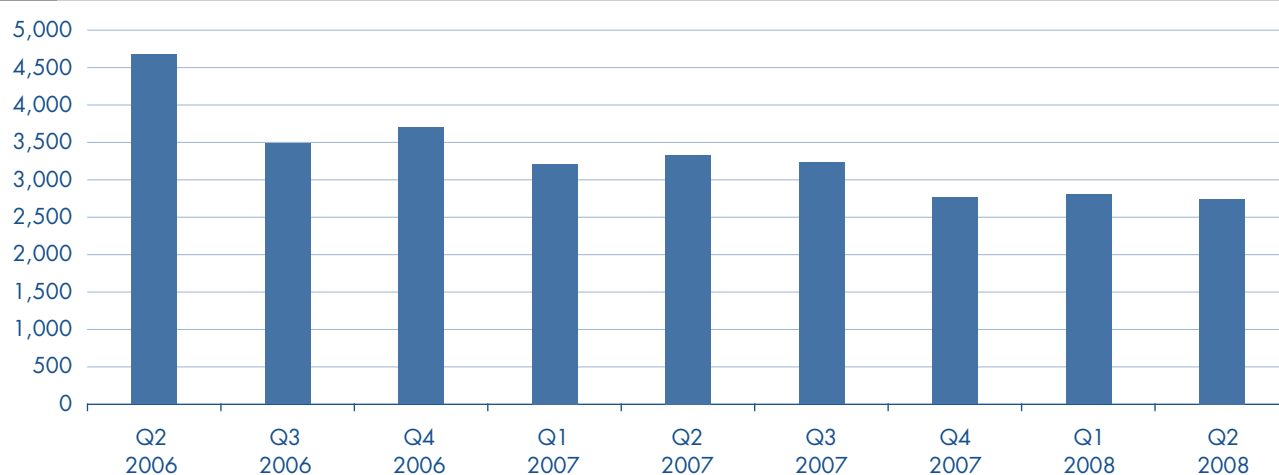
2.23 As the New Asylum Model has been in full operation for only a year it is not surprising that removals from cases managed through the model should be relatively low. The situation is, however, aggravated by a lack of detention space (see sections 4.4-4.8) in which to detain failed asylum applicants in the days prior to removal to reduce the risk of absconding. A low rate of removals means removal is not a credible incentive for applicants to comply with the process and is not a sufficient deterrent

for those who might make an unfounded claim. These factors will make it difficult for the Agency to meet its targets for concluding cases. A rising backlog of cases refused Asylum but not removed, who nonetheless remain eligible for support, will increase the cost of providing accommodation and support.

2.24 The cost of the end stage of the New Asylum Model process from the notification of a rejected appeal to departure from the UK totalled £46 million. We estimate that this stage would have cost £72 million for a full year of operation. The largest element is accommodation and cash support. Better value for money could be achieved if more removals were effected quickly and support cost savings achieved.

2.25 A significant barrier to removal is the availability of Emergency Travel Documents and, in some cases, nations which do not recognise and accept back their nationals. Work is being done by the Agency and the Foreign and Commonwealth Office to negotiate with embassies, High Commissions and foreign governments. These negotiations take time and agreements have been reached with some nations, including China. For some nations there is currently a legal barrier to removal or no safe route for people to return home. For example, removals to Zimbabwe are currently deferred until the appeal process over whether it is safe to return Zimbabweans has been completed.

11 Removal of failed asylum applicants



Source: Home Office quarterly asylum statistics

NOTE

Includes enforced and voluntary departures. Excludes dependants.

12 Asylum applications January 2007–February 2008, the number refused asylum, and the number and proportion subsequently removed by region

New Asylum Model Region	Total number of asylum applicants	Total number of applicants refused asylum	Applicants refused asylum and removed by August 2008	
			Number	Percentage
Non-Suspensive Appeal cases, Oakington	411	408	394	97
Detained Fast-Track	1,025	1,001	977	98
Third Country Unit	1,955	1,741	1,166	67
North East and Humber	5,101	2,678	242	9
Midland and East	4,161	1,977	179	9
Central London	3,685	1,724	157	9
West London	985	420	38	9
North West	4,325	1,949	139	7
Scotland and Northern Ireland	2,013	1,132	94	8
Wales and South West	1,868	839	69	8
Grand Total	25,529	13,869	3,455	25

Source: National Audit Office analysis of UK Border Agency data

NOTE

Excludes dependants and voluntary returns.

2.26 The Agency has a central unit responsible for applying to embassies and High Commissions for travel and other identity documents to enable asylum and other immigration applicants to be returned. Typically, the unit will apply for an Emergency Travel Document so that an applicant can be sent back home when their claim has been rejected. Some of these documents are paid for by the Agency. Case Owners told us that it can take a long time to obtain travel documents through the central unit and that there is no formal way to speed up the process for applicants held in detention. Internal management information shows that the Agency had, however, applied for and been offered up to 13,000 Emergency Travel Documents by overseas governments which it has not used, 10,000 of them for Asylum cases. Of the 10,000 potentially available documents, over 7,000 are related to cases for which there are no remaining barriers that should prevent the applicant from being removed. Of the 10,000, however, 987 (10 per cent) have expired and cannot be used without revalidation and 1,465 (15 per cent) are in the process of being used and removal action is being taken, 1,263 (13 per cent) have been granted Asylum and 1,338 (13 per cent) have absconded. The remaining 5,000 documents could potentially be used now to support the removal of failed asylum applicants.

Escorts

2.27 In interviews, Case Owners and staff responsible for removals identified failures in escorted removals as a barrier to removal. Escorted removals are undertaken under contract by G4S. Seventy per cent of escorts are being cancelled, the majority by the Agency due to legal action, such as Judicial Reviews, and flight issues (see Figure 13). Flight issues arise for a number of reasons, for example, airlines refusing to allow the Agency to use a particular flight and the wait for connecting flights being too long in an unsafe location. To cope with this level of cancellations, G4S double book tasks. Where cancellations do not arise G4S has to cancel one of the tasks it has double-booked and, where the task cannot be carried out by alternative contractors from an approved list, is penalised through contract monitoring.

2.28 There is also a lack of coordination between escort booking and flight booking. Case Owners cannot reserve airline seats for the period of time that it takes to book escorts and cannot change the name of an escort on a flight without cancelling and rebooking. Consequently, Case Owners and removals staff have to book escorts first, so that they have the names of escorts before they book

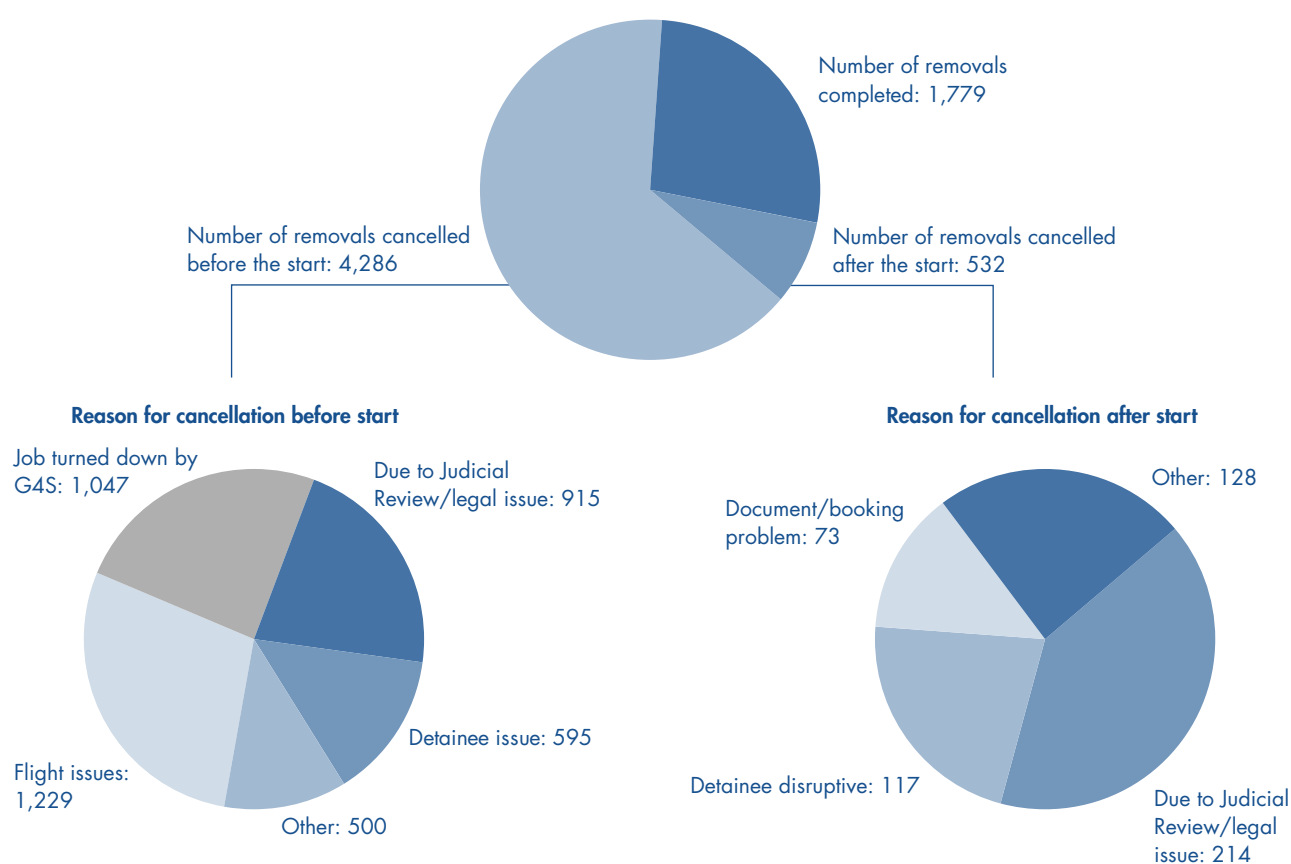
flights. Frequently, flights become fully booked or the space allowed by the airline for immigration removals has already been booked by another part of the Agency. Staff then have to cancel the escorts and go through the process again.

The Agency is aware of the problem and is conducting a pilot to book flights and escorts at the same time, although the nature of the problem and the measures being taken to address it have not been communicated to staff.

Voluntary Assisted Return and Reintegration Programme

2.29 The Voluntary Assisted Return and Reintegration Programme is designed to help people return home. It is open to all applicants, those whose application has been refused, and those who have been given permission to stay in the United Kingdom temporarily. The programme is paid for by the Agency and from the European Refugee Fund and run by the International Organization for Migration.

13 Cancellation of escorts October 2007–June 2008



Source: National Audit Office analysis of Agency data

NOTES

- Jobs are turned down by G4S because they are not viable or because G4S does not have the resources to carry out the task for reasons including double booking.
- Reasons for cancellation before the start: 'Other' includes Agency administrative issues and name changes on flight bookings.
- Reasons for cancellation after the start: 'Other' includes airport and airline delays, traffic delays, vehicle breakdown, medical incidents and a detainee not being ready for collection.

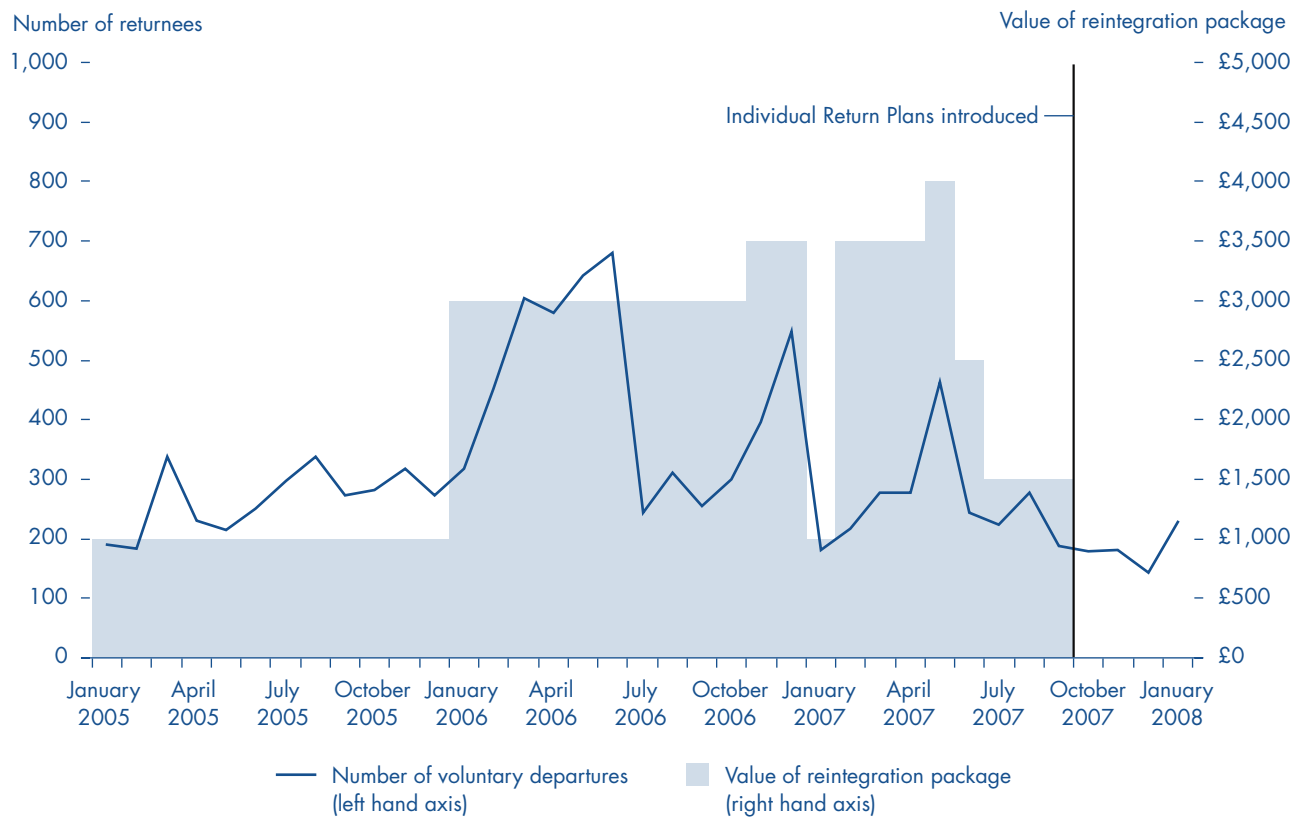
2.30 Our 2005 report recommended encouraging more voluntary returns. In 2006, the Agency introduced incentives where the monetary value of the benefits from the programme was increased for a limited period of time. Returns peaked at 5,328 in 2006, nearly one-third of all removals in that year, when benefits offered increased to £3,000. Returns have fallen since then. The Agency concluded that whilst there were a range of factors influencing take-up of the Voluntary Assisted Return and Reintegration Programme, incentives had delayed voluntary returns and that each subsequent incentive period had less of an impact as applicants wait for a better package (see Figure 14).

2.31 In October 2007, the Agency introduced a new package: the Individual Return Plan, which can be tailored to the needs of the individual, including individual family members. The programme provides cash grants of £500 per family member up front and a range of benefits up to a maximum of £4,000 each. These benefits, including business set-up costs, training and education, are mainly provided in kind in the country in which the individual or family is settling and are paid directly to service providers.

2.32 The Agency is doing more to promote the Voluntary Assisted Return and Reintegration Programme. For example, the offer of assistance is a standard part of the first reporting event and is included in information given to the applicant at later stages in the process. But Case Owners told us that if an applicant takes up the option of the Voluntary Assisted Return, they do not get the credit for the removal which reduces the incentive for staff to promote the programme. The Agency proposes to change the performance management regime.

2.33 Nearly half of returns under the programme take place after the decision to refuse Asylum. Around one third take place after an appeal has been dismissed. The time taken to complete a Voluntary Assisted Return is on average 50 days longer than for an enforced return. The delay can be for a number of reasons including availability of travel documents. But a voluntary return is cheaper and the individuals involved have more choice in when they return, allowing them for example to complete education or medical treatment, and it is more positive for those involved. We found that return under the programme cost less than enforced removals by £100-£3,400 for a single adult and by £1,400-£14,600 for a family, despite taking longer and perhaps incurring higher support costs.

14 Returns under the Voluntary Assisted Return and Reintegration Programme, 2005-2008



Source: International Organization for Migration

2.34 Around half of those who apply for the Voluntary Assisted Return and Reintegration Programme currently return home using those benefits. In the period 2006-2007, of those who did not return using those benefits half were cancelled by the applicant and 23 per cent of applications were rejected by the Agency as not suitable. The Agency is evaluating the programme to identify the reasons.

Granting Refugee Status

2.35 The number of applicants granted Asylum by Case Owners has been rising slowly (see Figure 15).

2.36 Whilst Case Owners might conclude early on that an applicant should be granted Asylum, they can leave the formal decision until close to the six-month point and still hit the target. In over 60 per cent of cases, Case Owners working in regional offices take more than two months to decide to grant Asylum (Figure 16 overleaf), while refusal decisions are quicker. This delay in decisions to grant Asylum would result in unnecessary expenditure on accommodation and support and prolong uncertainty for the applicant.

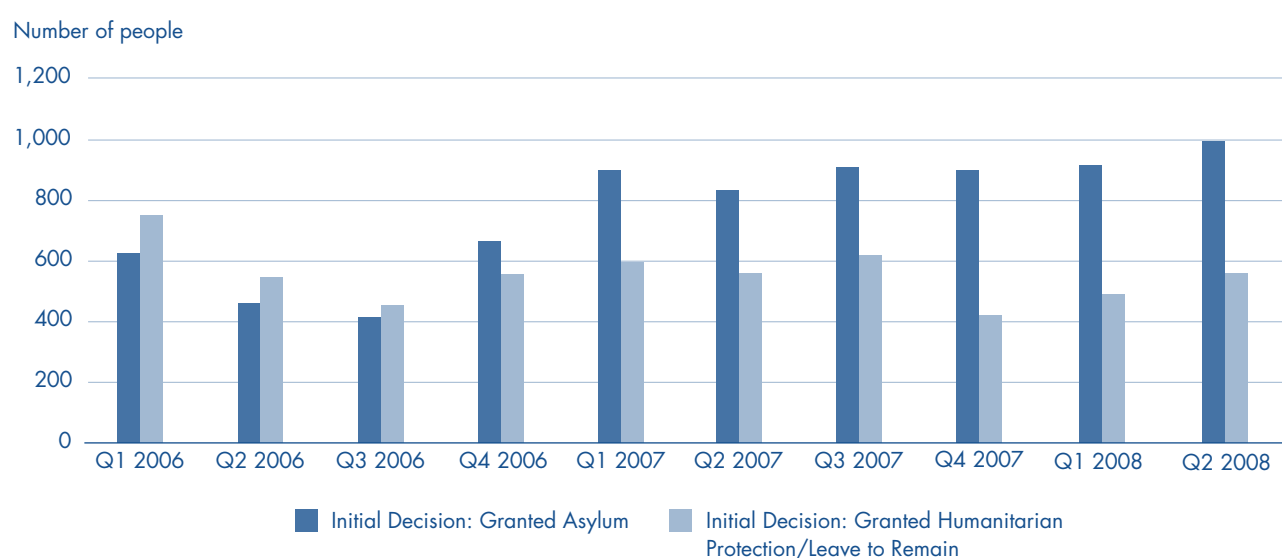
2.37 At the time of our fieldwork, there was no standard package of assistance available to which Case Owners could refer refugees for help to settle in the UK. Stakeholders told us that common barriers to integration are language and a lack of understanding of how services, such as banks and the benefits system, operate. Following a pilot project the Agency has let contracts for a Refugee Integration and Employment Service, which are now operating across the UK. The service provides support to refugees for a period of 12 months, tailored according to their needs, covering three areas:

- an advice and support service offering help in addressing initial critical needs such as housing, education and access to benefits;
- an employment advice service to help the person enter long-term employment at the earliest opportunity; and
- a mentoring service offering the person an opportunity to be matched with a mentor from the receiving community.

Future Risks

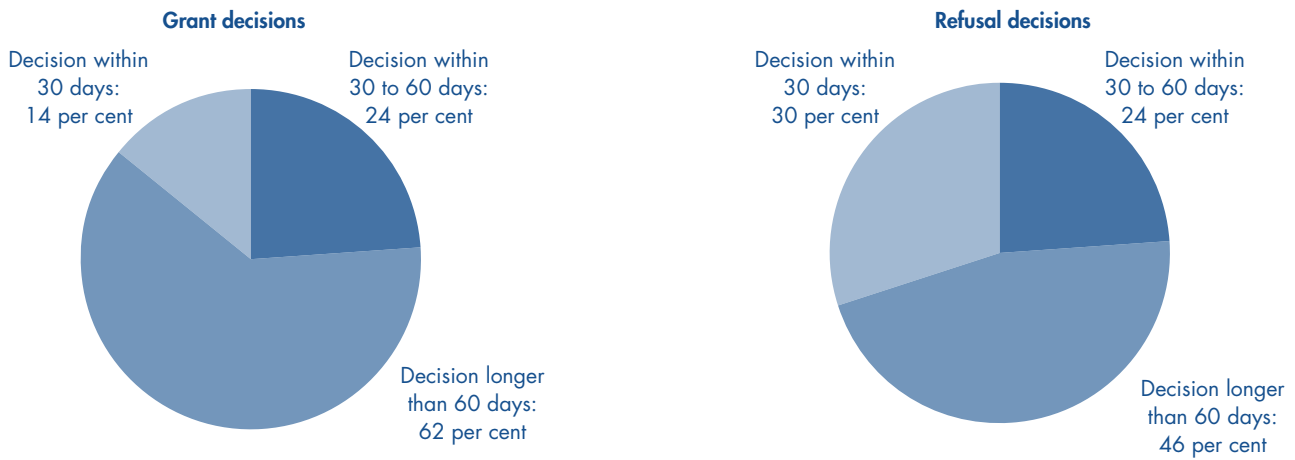
2.38 Since 2005, a grant of refugee status is for five years, not indefinitely. This means that after five years, refugee status will be re-examined and could be revoked and the refugee returned home, because the situation has improved; or the refugee could apply for UK citizenship. There is currently, however, no process in place to keep track of refugees and the resources to conduct the reviews from 2010 have not been planned. Over 23,000 applicants, excluding dependants, have been granted refugee status since 2005, either by the Agency or after their appeal was upheld. Of these, nearly 8,000 were granted refugee status in 2005 and will need to be reviewed in 2010. Similarly, unaccompanied asylum seeking children are typically granted leave to remain until 17½ years old. Case Owners are not necessarily aware of the process for reviewing these cases. The Agency intends to review each case once they reach the age of 17½, to determine whether or not the applicant should be granted further leave to remain in this country or be sent home, and has issued instructions to this effect.

15 Number of applicants granted Asylum, humanitarian protection or discretionary leave to remain 2006-2008



Source: Home Office quarterly asylum statistics

16 Timeliness of the Case Owner's decision to grant or refuse Asylum, discretionary leave to remain or humanitarian protection



Source: National Audit Office analysis of UK Border Agency data

NOTE

These charts reflect all decisions made by New Asylum Model Case Owners in regional offices to grant or refuse Asylum, discretionary leave to remain or humanitarian protection during the period January 2007–August 2008. Cases managed via detained routes are excluded.

PART THREE

Performance against targets

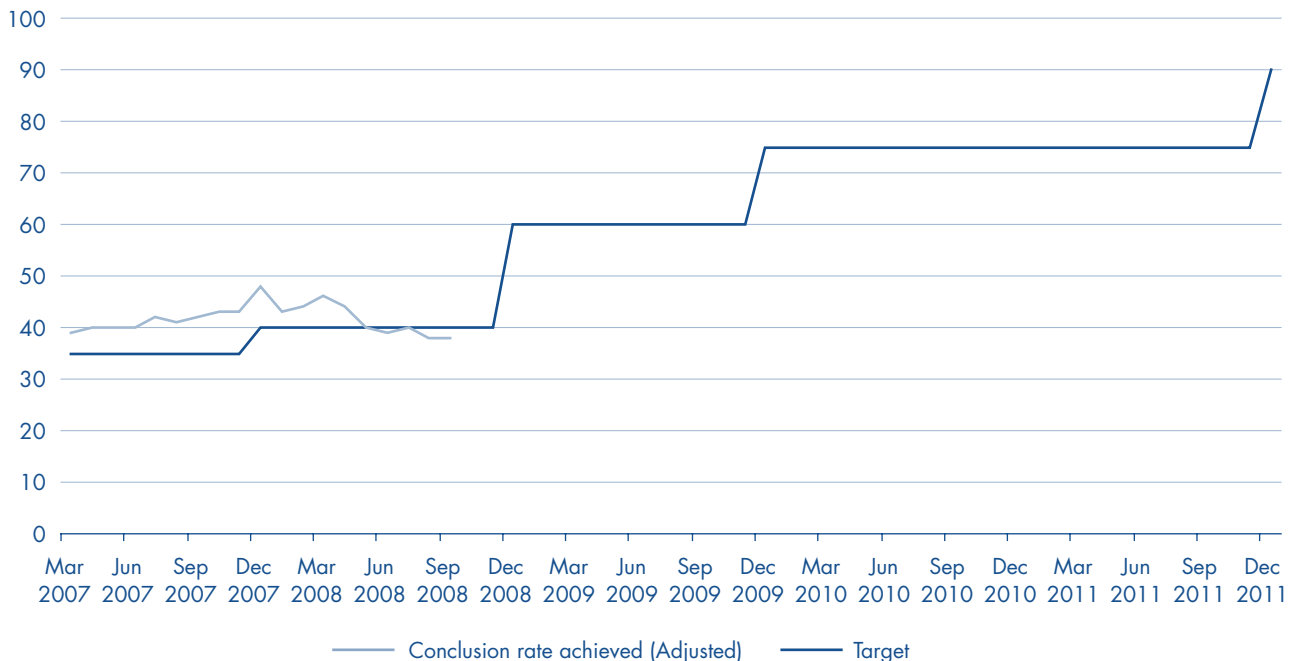
Conclusion target

3.1 The Public Service Agreement states that the Government will ensure that by 2011, within six months of application, 90 per cent of all asylum cases will have been concluded, with applicants either returning to their country of origin or being granted protection in the UK. The Agency has interim targets between now and 2011; to conclude 60 per cent, 75 per cent and 90 per cent of cases in six months by December 2008, 2009 and 2011 respectively (see Figure 17).

3.2 The Agency monitors performance against cohorts of applications received each month. As the six-month conclusion targets are to be reached in December each year, applications received in the preceding June are the primary focus for the Agency. Cases that are older than six months, or applications made in months other than June, and which therefore do not contribute to the conclusion target, are nevertheless being concluded. Whilst the Agency does monitor these cases, there are, however, no corresponding performance targets to provide an incentive to teams to progress them. Some regions have set up teams specifically to progress older cases.

17 Trajectory to reach 90 per cent conclusion rate by 2011

Percentage of cases concluded within six months



Source: National Audit Office analysis of UK Border Agency data

NOTE

The conclusion rate achieved has been adjusted to exclude cases where, having progressed a case as far as possible, there is a legal barrier, outside of the Agency's control, which prevents removal.

3.3 To date the Agency has exceeded its interim targets; in March 2007 to conclude 35 per cent of cases within six months and in December 2007 to conclude 40 per cent of cases within six months. The Agency needs to improve performance considerably, however, to meet its interim target to conclude 60 per cent of cases within six months by December 2008. Many staff are concerned about how achievable the conclusion target is, particularly where the ability to conclude a case is outside of the Agency's control. For example, a Case Owner cannot remove a claimant to Zimbabwe pending the outcome of an appeal hearing, so cannot conclude the case where Asylum is refused. In response, the Government has adjusted the target to remove cases where there is a general legal barrier to removing individuals. However, Case Owners must progress the case to the point at which the barrier stops any further action, for example to where appeal rights have been exhausted.

3.4 As a result of the increase in intake, cases have been prioritised by working on those which are easier to conclude to meet the six-month conclusion target. Consequently, more complex cases will have taken more time than necessary, increasing the amount spent on support. The performance targets do not provide an incentive for teams to minimise costs. Similarly, targets to improve quality of decision-making are not set and monitored alongside conclusion targets.

Tipping point

3.5 The Agency continues to work towards achieving the tipping point objective, whereby more failed asylum seekers are removed than make unfounded claims.

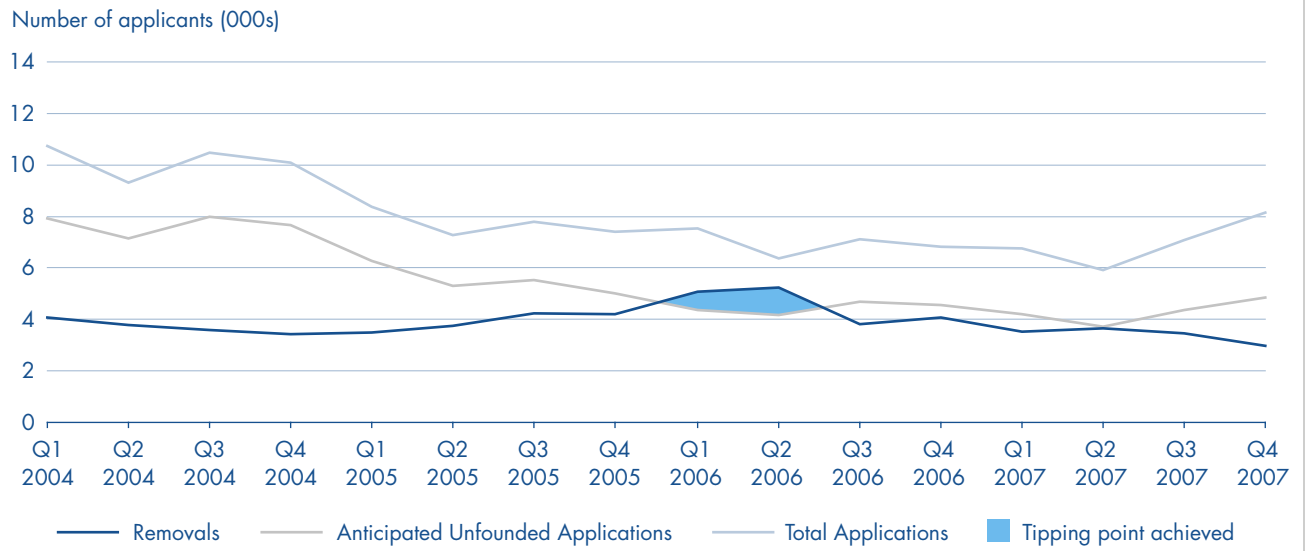
Figure 18 shows that it was achieved in 2006 but not subsequently, as priority has been given to the removal of foreign national prisoners.

Case Ownership

3.6 In the Public Service Agreement, the Agency said it would ensure that a single Case Owner in a regional asylum team manages each new application from the beginning to conclusion to ensure that applicants receive a better service and applications are concluded more quickly. Case Ownership has improved the process through which asylum applications are managed. Case Owners are able to become familiar with the case and can build a rapport with the applicants and their legal representatives. Many staff are also engaged in establishing and improving relationships with external stakeholders. Legal representatives and stakeholders now have someone who they can contact who will know about the case.

3.7 There is, however, concern that the Case Owner is not personally involved throughout the whole process. In the original concept for the New Asylum Model, it was expected that Case Ownership would mean that a Case Owner would personally carry out all the tasks involved in an asylum application, including defending the case at appeal. In reality many Case Owners personally conduct the substantive interview and make the decision whilst other tasks, such as the provision of asylum support, are carried out by administrative and support staff. Representation of the Agency at the appeal is another task that may be carried out by a Presenting Officer, rather than the Case Owner. Whilst this change to the model as originally envisaged may be in part because of the increase in Case Owners' workload, it is also a more efficient use of resources. Importantly, the Case Owner still remains responsible for the case and for ensuring that each action and event occurs.

18 Performance against the tipping point target



Source: National Audit Office analysis of UK Border Agency data

PART FOUR

Facilities to make the process work

4.1 This part of the report considers whether the Agency has the facilities necessary to make the system work for every asylum application.

Buildings and facilities

4.2 In Cardiff the Asylum Teams, Reporting Centre and Enforcement staff are located in the same building together with interview rooms, helping to foster stronger links between the different teams. Coordinated working is promoted by, for example, allowing issues to be quickly resolved through daily face-to-face contact. Not all offices are co-located: in Central London and Solihull, Case Owners are in separate buildings from interview rooms, which are within the Local Enforcement Offices.

4.3 Reporting Centres are not always convenient for asylum applicants. For example, the Reporting Centre in the Midlands and East of England is located in Solihull. Many of the legal representatives are located in Birmingham, and asylum applicants have difficulty travelling to Solihull. As some applicants have their travel paid for by the Agency, time and cost could be saved by locating Reporting Centres closer to main transport hubs.

Detention space

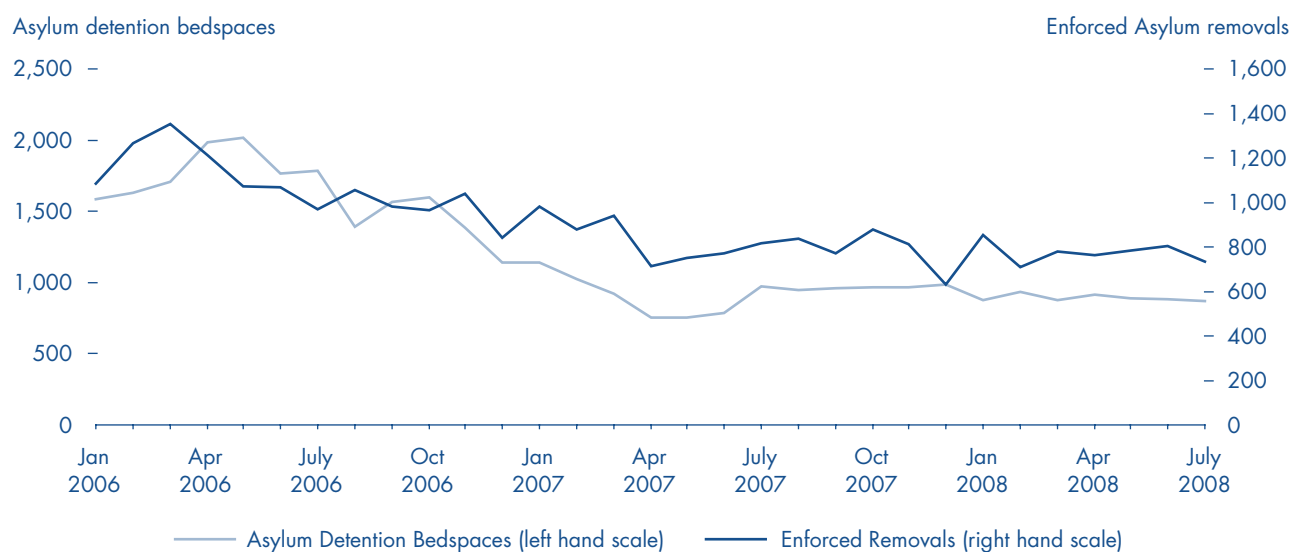
4.4 Lack of detention space is a significant barrier to concluding asylum cases. As **Figure 19** demonstrates, there is a close correlation between the number of detention bedspaces available and the number of enforced removals achieved. Asylum applicants processed through the New Asylum Model may be detained for the few days before removal, to prevent absconding. Detained Fast-Track, Third Country and Non-Suspensive Appeal cases are held in detention for the duration of their application.

4.5 Not all staff are clear whether there are criteria for selecting cases for the Detained Fast-Track process. The Agency has now published guidance, including selection criteria, for assessing whether cases are suitable for either Detained Fast-Track or Non-Suspensive Appeals processes. The key criterion for including a case in the Detained Fast-Track process is whether or not it can be concluded quickly. There are also a number of reasons why an applicant should be excluded from the process, including a number of medical reasons, pregnancy, unaccompanied asylum-seeking children and those where there is independent evidence of torture or trafficking. The ability to correctly assess a case as being appropriate for the Detained Fast-Track process is dependent on sufficient evidence being obtained during screening at the start of the process.

4.6 The Agency's detention strategy states that 800 bedspaces are required for asylum applications being managed through fast-track processes in detention. Currently there are 473 bedspaces available. The Agency estimates that up to 150 cases per month, which would otherwise be appropriate to be managed in detention, are therefore being released and managed by asylum teams in the regions. As shown in **Figure 12**, release significantly reduces the likelihood that a failed asylum applicant will be successfully removed from the UK.

4.7 Overall, the Agency estimates that in the medium-term it needs some 4,000 bedspaces to support all of its immigration removals activity. This number includes the removal of asylum cases managed by the regional asylum teams where detention is necessary to prevent individuals from absconding in the few days prior to their removal. The immigration removal estate, however, currently only provides 2,533 bedspaces at 10 locations (see **Figure 20**). This shortfall is exacerbated by the allocation of 1,200 bedspaces for foreign national prisoners while they are considered for deportation.

19 UK Border Agency detention bedspaces available for Asylum compared to the number of enforced Asylum removals



Source: National Audit Office analysis of UK Border Agency data

NOTE

Records the number of detention bedspaces available for single male and female asylum applicants. Removals are enforced and exclude voluntary returns.

4.8 The Agency has plans to expand the detention estate. For example, Brook House, a new Immigration Removal Centre, is being built near Gatwick and should be completed by February 2009, providing 426 new bedspaces. Detained Fast-Track significantly reduces elapsed time and mitigates the risk of asylum applicants absconding, particularly at the time when an application or appeal is rejected and enforcement action is planned.

4.9 It is Government policy to hold some asylum applicants, including families with children, in detention whilst their asylum applications are considered. The Agency does not plan to expand detention space for families. There are concerns, however, at the length of time children spent in detention. In her recent report following an inspection at Yarl's Wood Immigration Removals Centre², HM Chief Inspector of Prisons expressed serious concerns about the welfare of children, including disabled children who ought not to have been detained, and the detrimental effect on their welfare and behaviour. The average length of stay had increased from eight days to 15 days, although the inspection team found the monitoring figures were inaccurate.

20 Immigration removal centre capacity

Immigration Removal Centre	Capacity
Colnbrook, Heathrow	385
Harmondsworth, Heathrow	259
Yarl's Wood, Bedfordshire (Females and Families)	400
Tinsley House, Gatwick	145
Dover	316
Campsfield, Oxfordshire	215
Lindholme	112
Dungavel, Scotland	189
Haslar, Portsmouth	160
Oakington	352
Total	2,533

Source: UK Border Agency detention strategy

² Report on an announced inspection of Yarl's Wood Immigration Removal Centre 4–8 February 2008 by HM Chief Inspector of Prisons, May 2008.

Technology

4.10 A large amount of business is transacted using fax machines, which poses a greater risk of error than alternative means of communication and is costly. The Agency does not record separately the cost of telephone lines being used by fax machines, but cheaper forms of transmitting documents are available, for example email and internet portals.

4.11 Case Owners make handwritten notes of substantive interviews, recording each question and answer verbatim. Interviews are not routinely tape-recorded, except when requested by legal representatives. With interviews lasting anything between two to six hours, Case Owners told us that writing notes at the same time as conducting the interview is a significant challenge. The Agency is testing digital recording and transcription of substantive interviews with a pilot at its Cardiff office. The Agency estimates that digital recording could cut interview times by as much as half and double the availability of interview rooms.

4.12 When processing a case, Case Owners regularly use two separate databases. The Casework Information Database is used to record information for case management, while the Asylum Support System database is used to record support given to applicants. The databases run on different operating systems, called Indigo and POISE, which are unable to communicate with each other. Time is wasted and effort duplicated in swapping between systems and repeating tasks.

4.13 A large volume of work, including notes and forms, is printed out and hand-written, although electronic versions of the forms are available. This places pressure on storage space, and the resulting storing of files outside Agency offices can lead to delays when Case Owners subsequently request files.

4.14 Case Owners have a strong incentive to keep the Casework Information Database up to date, as they need to record progress on processing claims in order to meet individual performance targets. A dedicated team, based in Liverpool, conducts regular data quality checks and assesses a random sample of cases each week to check how many database entries are completed correctly. Quality check reports indicate that the Agency is achieving an overall accuracy rate of 96 per cent, above its own threshold of 95 per cent. However, the accuracy in recording key events was below average at 84 to 92 per cent accuracy. It can be difficult to establish the status of a case and the actions required to complete it.

4.15 The Agency plans to provide a new IT system through its Immigration Casework Programme. Planned benefits include automation of background checks and reducing the amount of work done on paper. It will be implemented incrementally, with the programme due to start in 2009-2010 for conducting history searches and managing more straightforward cases, and ending in 2013 with a fully operating system.

Training

4.16 All new Case Owners, Senior Caseworkers and some Team Leaders complete a new 55-day training programme designed specifically for the New Asylum Model. The course, which cost some £6 million, was delivered by an external consultant. UNHCR commented on the pilot phase of the training and on the accompanying written material and has made further recommendations for improvement through the Quality Initiative.

4.17 Case Owners give mixed reports about the quality of training they received. As this was a new process, much of the training was necessarily theory-based and staff familiar with the process, who could answer specific questions about how it would work in practice, were not always available. While it did give them necessary grounding in a complex area of law, the training could not adequately prepare Case Owners for the practicalities of doing the job.

4.18 In response, the Agency has changed the training programme, and some is now delivered in-house. This training is now taking place in asylum offices, and includes more practical experience of working alongside Case Owners from the start. Foundation training was previously delivered in one continuous period of 55 days, followed by an assessment prior to a Case Owner taking on live cases. Training is now delivered in two stages, with a formal assessment of competence at the end of stage two. This gap allows the Case Owner to gain practical experience. The Case Owner can, however, work on asylum applications between stages one and two without having undertaken an assessment of competence, which the UNHCR has recommended should be addressed through a competency assessment and close supervision. Training for the later stages of the asylum process – appeals and removals – and in use of the Casework Information Database is not yet seen as adequate by all staff.

Staff supporting the asylum process

4.19 Support staff who closely support the asylum process, including conducting first reporting event interviews, serving decisions and providing administration for accommodation and cash support for asylum applicants, see their training as generally good. However, it is mainly ad hoc, delivered in-house by line managers or other experienced staff. They are experiencing increased workloads, with some reporting that they work at weekends to catch up. In Cardiff, support staff have been pooled to provide support to all teams and Case Owners receive good support. There are also plans to merge teams of support staff in Central London.

4.20 The morale of support staff and enforcement staff has been affected by the introduction of the New Asylum Model. A large number of additional staff were recruited for Asylum, whereas there had been a freeze on recruiting for other areas and grades. Support staff had understood that Case Owners were appointed at a higher grade, in a role traditionally set at Executive Officer level, because of the Case Owner's responsibility for leading appeals at the Tribunal. As they are not doing so in most cases, staff question the need for the higher grade.

Process costing

4.21 In costing the asylum process, we had difficulty getting performance information on some aspects of the asylum process, in particular on the later stages.

4.22 There is no routine analysis of the cost of different parts of the process or cost per case and the Agency does not collate the costs associated with the New Asylum Model. Estimating a single average cost for an asylum application would be misleading, as the cost of different asylum applications varies significantly depending on the characteristics of each case. Therefore, we selected 12 different applicant profiles covering single adults, families and unaccompanied children, comprising differing processing routes and outcomes. Cost estimates were then developed for each applicant profile (see Figure 21 overleaf). This type of information would enable the Agency to better understand, plan and prioritise workload. For example, this demonstrates the significantly higher cost of cases provided with accommodation and support, a cost which increases as cases take longer to conclude. With further analysis it would permit comparison of the efficiency of regional offices, achieve savings from good practice, and identify where reallocation of resources could achieve greater savings, for example to reduce the number of supported cases.

21 Cost of typical Asylum cases 2007-08

Cost of typical Asylum cases 2007-08	Lower end estimate	Upper end estimate	Lower end estimate	Upper end estimate
	Excluding accommodation and support costs £		Including accommodation and support costs £	
Profile 1 – Single adult, undetained – Granted Asylum by Case Owner	600	1,200	2,500	5,000
Profile 2 – Single adult, undetained – Granted Asylum after successful appeal	1,900	3,500	4,800	9,500
Profile 3 – Single adult, undetained – Voluntary Assisted Return after second appeal	7,100	13,600	11,900	23,700
Profile 4 – Single adult, undetained – Enforced removal after appeal rights exhausted	7,900	17,000	12,000	25,600
Profile 5 – Family, undetained – Granted Asylum by Case Owner	900	1,700	6,200	12,600
Profile 6 – Family, undetained – Granted Asylum after successful appeal	2,100	3,900	10,800	22,400
Profile 7 – Family, undetained – Voluntary Assisted Return after second appeal	9,400	19,900	24,400	52,600
Profile 8 – Family, undetained – Enforced removal after appeal rights exhausted	14,000	34,500	25,800	60,100
Profile 9 – Unaccompanied child – Granted Asylum by Case Owner	400	900	5,100	18,700
Profile 10 – Unaccompanied child – Initial refusal followed by an appeal and leave to remain in the UK	1,600	3,100	13,000	28,600
Profile 11 – Single adult, Detained Fast-Track – Granted Asylum by Case Owner	N/A	N/A	2,100	4,100
Profile 12 – Single adult, Detained Fast-Track – Removal after appeal	N/A	N/A	11,400	23,200

Source: National Audit Office

NOTES

- 1 The typical profiles represent common paths taken through the asylum process and together represent over 80 per cent of all cases.
- 2 There are a range of factors that can affect the cost of a case, including complexity. We have therefore presented a range of costs for each profile (a lower and upper estimate) both with and without accommodation and support.
- 3 It is not possible to conclude from this table that the higher end of the ranges necessarily represent poor value for money or that all cases should be concluded at the cost equivalent to the lower end estimates.

PART FIVE

Resolution of Legacy Cases

The size and cost of the legacy

5.1 In its 2006 report on the removal of failed asylum applicants³, the House of Commons Committee for Public Accounts recommended that the Department should tackle the backlog. In 2006, the Agency estimated that there was a legacy of 400,000-450,000 asylum applications, unresolved prior to the introduction of the New Asylum Model. The Department's Public Service Agreement states that the Agency will clear the legacy of 400,000 to 450,000 unresolved case records by July 2011. It also states that every case would be allocated to a dedicated Case Owner by December 2007, with a target to conclude cases at a rate of 10,000 a month from June 2008. The total cost of legacy cases in 2007-08 was some £600 million (**Figure 22**).

How the legacy is being tackled

5.2 Work started in November 2006. Of the 400,000-450,000 records, the Agency estimated some 60,000-70,000 dependants were included. In December 2007, the remaining 335,000 cases were allocated to 61 new teams of 10-15 caseworkers and support staff led by a Case Owner, around 5,500 cases for each team to conclude by July 2011. Each Case Owner had been recruited and trained over autumn 2007.

22 Cost of Legacy Cases 2007-08

Cost area	Description	Estimated total cost for 2007-08 (£m)	Percentage of total legacy cost
UK Border Agency Operating costs (excluding enforcement)	Largely made up of staffing costs for Case Resolution Directorate teams	43.3	7
UK Border Agency Support costs	Largely made up from the cost of dispersed accommodation, unaccompanied child support, cash support and Section IV support	430.1	72
UK Border Agency Enforcement costs	Largely made up from the cost of the regional enforcement staff, the Judicial Review unit and the cost of Voluntary Assisted Returns	85.9	14
Detention and removal escort contractor costs	Comprising detention centre contractor costs and removal escort contractor costs	34.3	6
Asylum and Immigration Tribunal costs	The estimated cost of the legacy case related Asylum and Immigration Tribunal costs	3.2	1
Total		596.8	

Source: National Audit Office analysis of UK Border Agency data

3 Report of the House of Commons Committee for Public Accounts, *Returning failed asylum applicants* (HC 620, Session 2005-06).

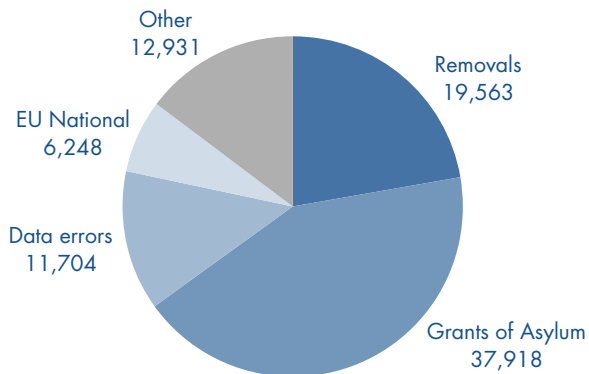
5.3 The Case Resolution Directorate is tackling the caseload according to four priorities:

- where the individuals may pose a risk to the public, from information held on file and regular Police National Computer checks;
- individuals in receipt of public support;
- where it is likely that leave to enter or remain will be granted; and
- where individuals can be removed easily.

Progress so far

5.4 The Agency has reported that nearly 90,000 cases have been concluded between June 2006 and May 2008 (see breakdown at **Figure 23**), which equates to nearly 4,000 cases concluded per month. The Case Resolution Directorate saved £48 million in support costs in 2007-08, largely by tackling families in receipt of public support. This saving equates to £117 million over a full year in 2008-09, in addition to which the Agency plans to save a further £25 million in 2008-09.

23 Legacy cases concluded June 2006 – May 2008



Source: National Audit Office analysis of UK Border Agency data

NOTES

- 1 'Data Errors' are cases where it was found that the applicants had either been removed from the UK or had been granted Asylum or other leave to remain in the UK but the Casework Information Database had not been updated.
- 2 'EU Nationals' comprise applicants for Asylum who originate from countries which have become part of the EU since their claim was made and therefore have the right to live and work in the UK.
- 3 'Other' comprises applicants who are now deceased, cases where no further action is necessary, duplicate files and cases that had been completed but where the file had not been closed and placed in the archives.

5.5 The Case Resolution Directorate has strong leadership in place with a clear and simple vision of "No Backlog". There is good communication within the Case Resolution Directorate, with opportunities for staff at all levels to raise issues with management, share good practice and put innovations into practice. As with the New Asylum Model, a Case Owner is responsible for each case and Case Owners are clear about their responsibility. With the legacy cases, much of the work associated with the application has already been done at some point in the past and the focus is, therefore, on concluding cases.

5.6 The Case Resolution Directorate has put in place useful management tools. The Directorate has a workflow tool that helps Case Owners decide which cases to select and work required to conclude cases within target. It also has a performance management tool to record and report not only conclusions but also team productivity, including time spent doing casework and other activities. These tools should enable the Directorate to manage performance closely and identify where productivity could be increased.

Remaining issues

5.7 In prioritising its caseload, the Agency is dependent on information on the Casework Information Database. The quality of data inherited by the new Case Owners is poor, and when files are received staff frequently find that events have occurred that had not been recorded on the database. For example, an individual may have already been granted Asylum, or been refused and returned home. At the time of our fieldwork staff did not have criteria for the minimum amount and quality of data to be entered into the database, but these have now been put in place.

5.8 From the 335,000 cases allocated to Case Owners in December 2007, the Agency has forecast the rate at which it expects to conclude cases between now and July 2011. It estimates, however, that 20 per cent of the remaining cases cannot currently be resolved due to external factors which mean that the Agency can neither grant Asylum nor remove the individuals. The Agency is exploring options to conclude these cases. The level of data errors has also been much higher than expected, and forecast conclusions will be revised with experience of casework. Because of these factors and prioritisation of cases, the Agency will conclude fewer than the 10,000 cases per month indicated in the Public Service Agreement. Based on its current plans, the Agency will conclude on average some 6,700 legacy cases per month between now and 2011.

5.9 We found that some 87 per cent of the cost of legacy cases directly relates to the length of time taken to make a decision, primarily the cost of accommodation and cash support. It is, therefore, beneficial to give priority to cases receiving support, as the Agency is doing.

5.10 In commencing to resolve legacy cases, the Agency did not take into account knock-on costs for other parts of the public sector. For example, the Agency did not give advance notice to Local Authorities of their potential liability to continue to house and support families granted refugee status or leave to remain on human rights grounds. The Agency did, however, respond positively to stakeholders' concerns, and negotiations have resulted in Local Authorities being able to claim additional costs. The Agency is paying some £3.2 million to Local Authorities for additional expenditure incurred in 2007-08.

5.11 Early in the programme, questionnaires were sent to Asylum applicants whose cases were being considered. These duplicated information that the Agency should already hold and were open to abuse. The Agency now only issues a questionnaire when the information is not already available. Once a case has been selected, letters go to both applicants and their legal representatives to notify them that their case is being considered and inviting them to notify the Agency of any changes. Notifications are not sent to some cases where there is a risk of harm or absconding.

APPENDIX ONE

Study Scope and Methodology

Study scope

1 This study set out to examine whether the Agency is improving the management of asylum applications. Within this scope we considered:

- whether the New Asylum Model is efficient and effective;
- whether the Agency has a realistic plan for managing and concluding the 400,000-450,000 legacy cases;
- whether the Agency's asylum processes are able to cope with demand; and
- where Asylum or leave to remain is refused, whether removal is implemented effectively.

It was not within the scope of this examination to assess the outcome of asylum applications. The report does not therefore comment on whether or not the decisions made by the Agency in individual cases are appropriate. The removal of Foreign National Prisoners was also outside the scope of this study as was the funding and availability of legal advice and representation.

Methodology

Visits and interviews

2 We visited three of the six regional offices across the UK (see [Figure 24](#)). These Areas were selected to cover variations in performance. Results from our three regional visits are not statistically representative of the national picture, but they are indicative of what might be found nationally and they demonstrate the extent of regional variation in practice. We also visited Immigration Removal Centres at Harmondsworth, near Heathrow and Oakington, near Cambridge. Finally, we interviewed a number of central finance and policy staff and senior UK Border Agency staff in Croydon and London.

3 During our visits conducted in spring 2008, we held semi-structured interviews with senior management, team leaders, Senior Caseworkers, Case Owners, workflow managers, support staff and immigration staff responsible for enforcement and removals. These visits improved our understanding of how the asylum process works in practice and helped us identify delivery challenges and areas of good practice. The visits have allowed us to reflect both local and central views on the management of asylum applications in our report.

Analysis of asylum case files

4 We conducted a purposive review of 145 asylum case files (out of 151 requested) across the three regions visited and Harmondsworth Immigration Removal Centre to identify the impact on the applicant, activities undertaken as part of considering the asylum application and challenges to delivery. We did not extrapolate our findings to the national population on the basis of our sample. Of the 151 case files requested, six could not be found by the Agency.

5 We selected files from the cohorts of asylum applications made in June 2007 and September 2007. The June cohort was necessary to meet the target to conclude 40 per cent of cases within six months. The September cohort was the latest where a substantial proportion should have been completed within six months at the time of our review. We selected 151 files (10 per cent of the population) weighted according to the volume of applications handled at each office. We selected 75 per cent of the files from cases which had a conclusion date as we primarily wanted to assess the New Asylum Model from start to finish.

6 In selecting the files for review, they were first sorted by nationality and medical conditions and then by gender and whether the individual was a minor or not. Having done this, cases were selected at random and counted through the list on a pro rata basis to achieve an even selection of cases. The list was then adjusted to ensure we had files that would include cases that were granted and refused, cases that had been to appeal and those which had not, cases with a medical condition and those without, cases from countries that are hard/easy to remove, family groups, adults and minors. This did not necessitate many changes.

Costing work

7 Following a competitive bidding process, we commissioned a team of consultants from Accenture to generate estimates of the costs associated with the management of asylum applications. Our consultants generated two sets of cost data for managing asylum applications.

24 UK Border Agency locations visited

Office Location	Region/Team	Reasons
Liverpool	North West	Preliminary fieldwork and discussions with the Agency's Performance Management and Information Team.
Fleet Street, London	London and South East	Top performer of the regions at the time of selection in terms of conclusion rates. Comprises four Asylum teams. We were told that London had adopted a number of innovative approaches.
Cardiff	Wales and South West	Middle-ranking performance at the time of selection in terms of conclusion rates. Comprises two Asylum teams collocated with the reporting centre, enforcement staff and presenting officers. We were told that Cardiff had adopted a number of innovative approaches.
Solihull	Midlands and East of England	Lowest performing region at time of selection in terms of conclusion rates. Comprises four Asylum teams.
Harmondsworth	Detained Fast-Track	Detention centre for male immigration detainees, including asylum applicants managed by the Detained Fast-Track team.
Oakington	Non-Suspensive Appeal	Detention centre for immigration detainees, including asylum applicants with no right of appeal in the UK, managed by the Non-Suspensive Appeal Team.
Croydon	Third Country Unit	The team responsible for managing cases of asylum applicants who have arrived in the UK by travelling through another country within the European Union, or another country considered to be safe.
Croydon	Case Resolution Directorate	Directorate responsible for concluding the 400,000-450,000 'legacy' asylum applications that had not been concluded prior to the introduction of the New Asylum Model.
Croydon	Asylum Screening Unit	One of two screening units responsible for recording applications for Asylum and for conducting the initial 'screening' interview with the applicant.
Croydon	Directorate of Finance and Business Strategy	Staff responsible for financial management and strategy.
Croydon	Directorate of Central Operations and Performance	Staff responsible for appeals and litigation, policy and guidance, quality assurance and performance management.
Croydon	Central Operations	Staff responsible for the Voluntary Assisted Returns and Reintegration Programme, travel documents, contracts (including for accommodation, escorts and flights) and arrangements for the settlement of refugees in the UK.
London	Immigration Casework Programme	Staff responsible for delivering the new casework programme, including a new IT system.

Source: National Audit Office

8 Total cost of asylum applications by stage of the process: ‘Top-down’ average asylum staff costs were generated by estimating the percentage of staff time spent on activities involved in processing asylum claims, and applying this proportion to total spending. Workshops were held with Agency staff, including Case Owners, Immigration Officers, supporting staff and middle managers, in the three regions we visited and at Harmondsworth Immigration Removals Centre. Discussions were also held with central staff. The key reasons for these meetings was to identify:

- the staff groups involved in processing asylum applications, both front line and support/central staff;
- the time taken for the delivery of individual tasks required to process asylum applications; and
- the proportion of staff time spent on processing asylum applications, versus other tasks.

9 These estimates of the proportion of staff time spent managing asylum applications were multiplied by total staff costs, using a costing model that incorporated Agency performance information of the volume of work carried out, overall processing times and central budget data for 2007-08, to derive an indicative total cost to the Agency of managing asylum applications.

10 Costs for asylum applicant profiles: Given the fact that asylum applications can vary depending on the characteristics of each applicant, a simple average cost to the Agency of managing an asylum application would be misleading. For example, the cost of processing an asylum application that is granted at initial decision would be very different from the cost of processing an asylum application that was refused, appealed and eventually decided in the High Court.

11 Therefore 12 different asylum applicant profiles were developed with the assistance of the UK Border Agency to illustrate common pathways through the application process. These profiles covered single adults, families and unaccompanied children and examined different final outcomes such as being granted Asylum or being forcibly removed. Two of the profiles looked at the cost of managing asylum applications in detention.

12 The ‘bottom up’ costs were developed through workshops held with a range of staff from different parts of the process including initial accommodation, Case Owners, Senior Case Owners, work flow managers, support staff, removals staff and enforcement officers. A further workshop was held with team leaders and managers. The workshops were used to estimate staff time spent dealing with different applicant profiles and multiplying these time estimates by the staff cost per minute.

13 These cost estimates have been made available to the offices we visited and are available, in addition to a more detailed methodology, in the Accenture report ‘Final Report: Costing Work stream – NAO Asylum Study’ which is available on our website: www.nao.org.uk.

14 The estimated cost figures from both processes (top down and bottom up) differ because of the approximate nature of the methods, and issues (common in this sort of exercise) to do with gathering time data from staff which relies on subjective judgements and assumptions.

Consultation with third party organisations

15 Over the course of our fieldwork, we interviewed or received submissions from the stakeholders listed in **Figure 25**.

Analysis of Casework Information Database and other Agency performance data

16 In addition to reviewing caseload and performance data produced by the Agency, we performed our own analysis to draw out trends and relationships relevant to our study. Data analysed included:

- 49,834 individual asylum case records stored on the Casework Information Database, for applicants who applied for Asylum in the UK from January 2007 to August 2008;
- Agency performance reports. Weekly and monthly performance reports issued to all levels of Agency staff were examined for their content and usefulness;
- data quality reports showing the results of weekly sampling tests of the accuracy of data stored on the Casework Information Database;
- quality audit reports from March 2007 to May 2008 that contained the results of the Agency’s internal testing of the quality of interviews and decisions carried out by asylum Case Owners;
- data provided by staff responsible for monitoring the escort contractor G4S on the reasons for cancellation of removals;
- Asylum and Immigration Tribunal data on the numbers of appeals handled; and
- data from the Interpreter Booking Unit on the number of cancellations.

17 Data Quality: We analysed a sample of the Agency's weekly data quality reports across all regions, completed between December 2006 and July 2008, covering 1,738 individual cases. Of these, nearly four in every five cases (1,328) contained at least one data error. Of a potential 105 different errors, the percentage of accurate entries averaged 96 per cent in those cases we sampled, above the Agency's threshold of 95 per cent. For fields critical to performance monitoring (Calendar and Standard Events

– where the dates of key events are recorded) quality was lower than average, at 92 per cent and 84 per cent respectively. We have not completed an independent validation of quality but the quality reports are consistent with our case file review where we sometimes found it difficult to establish the status of a case and the actions required to complete it. Where possible we have relied on published national statistics. We judge that the quality of data was sufficient for the purposes of this audit.

25 Organisations consulted throughout fieldwork

Stakeholder	Role in the Asylum system
United Nations High Commissioner for Refugees (UNHCR)	UN Refugee Agency that safeguards the rights and well-being of refugees. Runs the Quality Initiative Project in the UK jointly with the Home Office, which has to date produced five reports assessing the Government's system for processing asylum applications.
International Organization for Migration	In the UK, the International Organization for Migration has several programmes which are geared towards assisting migrants to return home. The Voluntary Assisted Return and Reintegration Programme is targeted at asylum applicants.
Department for Work and Pensions	Helps Refugees integrate into UK society through employment (Jobcentre Plus). Also provides integration loans on behalf of the Agency.
Department for Communities and Local Government	Responsible for community cohesion and housing. Is also the sponsor Department for Local Authorities, which can support Refugees.
Asylum Aid	Charity providing advice and legal representation to asylum applicants and refugees.
Foreign and Commonwealth Office	Negotiates with other countries, liaises with High Commission and Embassies around the world.
The London Borough of Croydon	Processes applications and supports unaccompanied asylum-seeking children.
Citizens Advice Bureau	Provides general advice to asylum applicants and refugees.
Implement Consulting	Consultancy carrying out projects for the UK Border Agency.
Immigration Law Practitioner's Association	A professional association of lawyers and academics practising in or concerned about immigration, asylum and nationality law.
Local Government Association	A voluntary lobbying organisation representing the interests of Local Authorities in England and Wales.
Refugee Council	Provides direct help and support to asylum applicants, including training and education, as well as working with asylum applicants and refugees to ensure their needs and concerns are addressed.
Asylum and Immigration Tribunal	Responsible for hearing asylum appeals.
Asylum Support Appeals Project	Provides legal representation and advice and information about entitlement to asylum support, including the right to appeal when this support is refused or withdrawn.
Children's Society	Charity concerned with the welfare of asylum-seeking children.
London Detainee Support Group	Charity providing support and practical assistance to immigration detainees held at Harmondsworth and Colnbrook Immigration Removal Centres.
Bail for Immigration Detainees	Charity that challenges immigration detention in the UK.
Refugee Action	Charity working to enable refugees to build new lives in the UK and providing practical advice and assistance for newly arrived asylum applicants.

Source: National Audit Office

APPENDIX TWO

Previous Public Accounts Committee Recommendations

Summary of Public Accounts Committee conclusions and recommendations

Returning Failed Asylum Applicants

Report of the House of Commons Committee for Public Accounts, *Returning failed asylum applicants* (HC 620, Session 2005-06)
Treasury Minutes on the Thirty-fourth and Thirty-sixth to Thirty-ninth Reports from the Committee of Public Accounts 2005-06 (Cm 686, 28 June 2006).

Asylum applications, support and enforcement treated separately and uncoordinated.

The Department does not know how many failed Asylum seekers there are, or where they are.

The gap between unsuccessful applications and removals has reduced due to falling applications rather than efforts to remove.

Little attention has been given to the backlog where removals are becoming increasingly difficult.

A fundamental review of removals is required as follows:

- A removals strategy with integrated functions, targets and IT.
- Tailor approach to different segments of the population, making appropriate use of detention, monitoring and tagging and good practice from the US.
- Improve effectiveness and awareness of voluntary removals.
- Speed up enforcement through better use of arrests and learning lessons.
- Reduce overhead costs.

Summary of Department's response in the Treasury Minutes

- Introduction of the New Asylum Model for all new cases by the end of 2006.

- Use of new contact management technologies.
- Reporting at police stations.
- Linking requirement to report with payment of support.
- e-borders will improve data.
- Working closely with other Departments.

- The number of removals continues to rise and will exceed unfounded applications in 2006.

- Not accepted. As removals exceed unfounded applications the number of older cases will reduce.

- Introduction of New Asylum Model, to which voluntary returns is integral.
- Arrests have increased and they are monitoring reasons for failed removal.
- There is a programme to reduce overheads and staff numbers in support functions.
- Operational effectiveness is being monitored.

Summary of Public Accounts Committee conclusions and recommendations

Improving the Speed and Quality of Asylum Decisions

Report of the House of Commons Committee for Public Accounts, *Improving the speed and quality of asylum decisions* (HC 238, Session 2004-05)

Treasury Minutes on the First, Second and Fourth Reports from the Committee of Public Accounts 2004-05 (Cm 6496, 6 April 2005)

Compare costs of meeting surges in demand compared with backlogs. £500 million might have been saved if there had been sufficient resources in place to meet the significant rise in asylum applications in 1999 and 2000.

Consider the impact on delivery chains of tackling major shifts in demand for services. Some £50 million was saved by increasing removals but the backlog of applications may have cost some £200 million of the overall £500 million potential savings.

Expand the use of fast-track procedures.

More demanding targets should be set to improve the speed of appeals.

In non-fast track there is a target of 61 days for a decision even though on average a caseworker spends only some nine hours on the case to reach a decision. Need to shorten elapsed time.

Over the last five years, the proportion of appeals allowed has consistently exceeded the Directorate's target of 15 per cent, and has frequently exceeded 20 per cent. The Department should look at reasons for this.

The Home Office should expand the number of caseworkers with expertise on particular countries or regions of the world to improve the quality and consistency of its decision-making.

Summary of Department's response in the Treasury Minutes

- Savings calculations theoretical and could not have been achieved in practice.
- Resources were put into removals to discourage further unfounded applications, which would add to the cost of asylum support.
- the backlog [of initial decisions] in 1997 stood at some 50,000, rose to 100,000 but now stands at under 10,000 cases.
- Significant investment has been made to reduce intake and it is easier to see the financial benefits.
- It was being implemented prior to the NAO report.
- Also adopting some of the Detained Fast-Track case management approaches within the non-detained setting.
- The Asylum and Immigration (Treatment of Claimants, etc.) Act received Royal Assent on 22 July 2004. Section 26 of the Act introduces the new Asylum and Immigration Tribunal, in place of the current two-tier tribunal structure. It also introduces a new system of higher court oversight and powers enabling new legal aid arrangements.
- The new system is to be implemented in April 2005 reducing DCA's appeal process times for new cases to an expected maximum of 18 weeks.
- The Department has already introduced projects to speed up the asylum decision making process in non-detained cases.
- Accepted, but there has been an improvement in the proportion of appeals allowed.
- There is a system of assessment feedback on decision quality and we will increase the frequency of that feedback starting in April 2005.
- Monitoring trends and reasons for appeals.
- Plan to increase the level of Presenting Officer representation at hearings.
- For each country there is a Senior Case Worker who is an expert. Also, caseworkers can turn to specialist country information officers and make use of the relevant country reports and supporting materials.
- The mix changes and caseworkers must be flexible enough to handle claims from a wide range of countries.
- The Department believes it has maintained a reasonable balance between flexibility and specialism, but will keep under close review.

Summary of Public Accounts Committee conclusions and recommendations**Improving the Speed and Quality of Asylum Decisions *continued***

Department should compare legal aid costs with other countries.

The Department has not always acted promptly to investigate concerns raised by third parties about potentially fraudulent claims. There should be a clear contact point within the Directorate for whistleblowers and for following up information received.

Summary of Department's response in the Treasury Minutes

■ Accepted. Aiming to complete comparison work by July 2005.

■ Accepted.

APPENDIX THREE

Glossary of terms

Assisted Voluntary Return	The Voluntary Assisted Return and Reintegration Programme, run by the International Organization for Migration, is designed to help people return home by providing a package of benefits to help them travel and reintegrate into their country of origin.
Asylum and Immigration Tribunal	The Tribunal that hears appeals against the Agency's decisions on asylum applications.
Case Owner	An Agency official responsible for processing an application for Asylum from beginning to the end of the process.
Detained Fast-Track	A process for considering an asylum application quickly. While the application is considered, the applicant is held in detention at an Immigration and Removal Centre.
First Reporting Event	Asylum applicants attend this event at one of the Agency's regional offices, where the intention is they meet with their Case Owner for the first time and have the process explained to them.
Foreign National Prisoner	A foreign national who has been imprisoned in the UK. In this context, it also refers to those prisoners who have come to the end of their sentence and should be or are being considered for deportation.
Integration	The process by which a refugee settles and comes to participate in UK society. The Agency provides assistance under the Refugee Integration and Employment Service contracts which provide help and advice, an employment service and mentoring across the UK.
Judicial Review	An asylum applicant, or their legal representative, can apply for a Judicial Review if they believe there has been an error of law in the handling of their asylum application and/or appeal.
Legacy cases	The 400,000-450,000 asylum applications unresolved prior to the introduction of the New Asylum Model. Rather than reprocess existing applications through the new model, this stock of cases is now being processed by the separate Case Resolution Directorate.
Local Enforcement Office	Regional UK Border Agency offices where immigration staff responsible for enforcement are located.
New Asylum Model	The new process the Agency has developed for managing asylum applications.

Non-Suspensive Appeal	Typically, asylum applicants cannot be removed while they are appealing the Agency's decision. However, those claims from a list of countries established to be safe and certified to be "clearly unfounded" by the Agency may only appeal against that decision after removal.
Refugee	A refugee is someone who has left their country and is recognised by the authorities of the host country as being unable or unwilling to return because they have a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership of a particular social group.
Routing	The process through which an asylum application is allocated to a Case Owner.
Screening	Once an applicant has claimed Asylum, they are interviewed, or screened as soon as possible to allow staff to decide the most appropriate method for processing the application.
Section IV support	If an asylum application is refused but the Agency cannot, for whatever reason, return the applicant to their country of origin, they can apply for financial support under Section IV of the Immigration and Asylum Act 1999.
Substantive Interview	This is where the Case Owner asks the asylum applicant questions on all aspects of their claim, to inform their decision.
Third Country case	Under the 'Dublin II' regulations ⁴ if an applicant has arrived in the UK by travelling through another country within the European Union, or another country considered safe, the Agency may require the applicant to pursue their claim with the country that they travelled through. The applicant will be sent back to that country. While in the UK, applicants are put in a detention centre.
Tipping point target	The Agency objective that more failed asylum applicants are removed than make unfounded claims each month.

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⁴ The Dublin II Regulation (European Council Regulation No 343/2003) established a set of hierarchical criteria for determining the EU member state responsible for examining an asylum application lodged in one of the member states by a third-country national.

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