

Evaluation Service



Evaluation of the UNHCR Quality Integration Project In the United Kingdom

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Acronyms

API	Asylum Policy Instruction
COI	Country of Origin Information
DFT	Detained Fast Track
EASO	European Asylum Support Office
GA	Grant Agreement
HO	Home Office
ICI	Independent Chief Inspector of Borders and Immigration
LGB	Lesbian, Gay, Bisexual
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
OPB	Operational Project Board
PB	Programme Board
QAT	Quality Audit Team
QIP	Quality Integration Project
RBE	Regional Bureau for Europe
RRWE	Regional Representation for Western Europe
RSD	Refugee Status Determination
SGBV	Sexual and Gender-Based Violence

Executive Summary

The United Nations High Commissioner for Refugees (UNHCR) is “charged with the task of supervising international conventions for providing for the protection of Refugees.”¹ UNHCR’s supervisory role is elaborated in Article 35 of the *1951 Convention relating to the Status of Refugees* (Convention) and Article II of the *1967 Protocol relating to the status of Refugees* (Protocol).² This role is essential to fulfilling its mandate. The correlative obligation of States Parties to the Convention, Protocol or both is to cooperate with and facilitate UNHCR’s exercise of its mandate. One of the most cogent means for such cooperation is a close and collaborative relationship between UNHCR and the state that provides UNHCR access to its asylum system in an open and constructive environment.

The UNHCR office in the UK (UNHCR UK) and the UK Home Office (HO), the government department responsible for adjudicating first instance asylum claims, initiated its collaborative Quality Initiative Project in 2004. In recognition of the value and significance of this joint effort, the Quality Initiative became the Quality Integration Project (QIP) and its work was expanded to cover a broader range of issues. The QIP has been in place since 2010.

The principal goal of the QIP is to work with the HO to promote and develop a fairer and more efficient asylum system with built-in quality assurance mechanisms. The QIP is funded by the HO and is partly housed in one of its offices in Croydon. The basis for the funding, housing, goals, activities and outcomes is a HO – UNHCR Grant Agreement (GA). The funding amount for the QIP component of the GA is GBP 191,500 per year, of which staff costs amount to approximately 97%. The first QIP grant period covered January 2010 to December 2012, and the second, the one under review, covered 2013-2015. A third GA is in effect, covering January 2016-December 2018. Three UNHCR staff implement the QIP under the supervision of the Senior Legal Officer and the Legal Officer with regular reporting to the UNHCR Representative. The QIP staff has access to HO asylum decisions, files relating to applicants, case information databases, HO intranet and internal versions of policy documents.

This evaluation is of the UK QIP for the 2013-2015 period and was undertaken at the request of UNHCR UK.³ The evaluation is not of the UK government or the HO. In measuring the effectiveness and success of the QIP, however, it is essential to examine the responses of the HO to the work of the QIP. It is in this context that the UK asylum system is discussed.

The evaluation team comprised one Evaluation Service (ES) staff member and one independent consultant.

The evaluation is an assessment of the methods of engagement, activities and achievements of the QIP towards fulfilling the goals and objectives under the 2013-2015 GA. The objective of this evaluation is to provide insight and make recommendations to inform UNHCR UK in operational and strategic decision-making. It is also hoped that some of the lessons learned may impact the development and implementation of quality projects in other states.

¹ *1951 Convention relating to the Status of Refugees* (Convention), Preamble, July 28, 1951, 189 U.N.T.S. 150. UNHCR’s mandate was later expanded to include stateless individuals. See, e.g., GA res.49/169 24 February 1995, ¶ 20, available at <http://www.unhcr.org/3ae69efa14.pdf>.

² *1967 Protocol relating to the Status of Refugees*, Jan. 31, 1967, 606 U.N.T.S. 267, 19 U.S.T. 6223 (*Protocol*) respectively. The supervisory role of UNHCR is also stated in the UNHCR Statute, U.N. Doc. A/RES/428(V), Article 8 (Dec. 14, 1950). The Preamble to the Convention also states that UNHCR “is charged with the task of supervising international conventions providing for the protection of refugees” and recognizes the need for the cooperation of States with UNHCR.

³ A significant number of QIP achievements were accomplished prior to the period evaluated and as such, some consideration will also be given to the evolution of the project since its inception.

The QIP objectives delineated in the 2013-2015 GA⁴ are to work with the HO to:

- Develop protection-sensitive processes for identifying persons in need of international protection and addressing their situation, and to develop safe and secure and credible screening and routing procedures which are able to identify applicants with specific needs or protection needs as early as possible;
- Promote and develop fair and efficient asylum determination procedures which provide applicants with adequate opportunity to fully present their claims and facilitate full consideration of an application;
- Promote and develop well-reasoned first-instance asylum decision-making;
- Continue to develop robust quality assurance mechanisms within refugee status determination (RSD) procedures; and
- Develop fair procedures and well-reasoned decisions for ceasing, revoking or cancelling refugee status, or for lifting the protection from non-refoulement for refugees pursuant to Article 33(2) of the 1951 Refugee Convention.⁵

Activities to achieve the objectives include conducting audits of asylum decisions; commenting on policy developments; commenting on training materials and participation in the delivery of trainings; producing reports and recommendations based on observation of pilots and processes in practice; commenting on quality assurance tools and mechanisms.

The objectives of the QIP changed from the initial Quality Initiative Project, reflecting its achievements and providing an expanded role for the QIP. The 2013-2015 objectives were identical to those for 2010-2012, but thematic categories and specified activities changed. For example, the 2013-2015 GA added the issues of statelessness determination procedures and credibility assessments and identified activities to address them.

The 2013-2015 GA provides that, based on mutual agreement, objectives and activities may be changed to meet new or newly arising issues that are determined to take priority and that any negative impact on other activities that may result will be accepted.⁶ The HO and UNHCR made decisions on which priorities to focus on—in some instances by express agreement, in others more implicitly as the work progressed.

The changes in the GAs are positive developments and reflect the evolving nature of the QIP, and its continued relevance and contribution to the UK asylum system. Moreover, there was agreement among the HO and UNHCR respondents that the QIP continues to add value even with the internal HO Quality Assurance Team (QAT) in place since 2007.

The evaluation used the following criteria: relevance; effectiveness; connectedness and coverage. The two primary bases of this evaluation were: (1) a desk review; and (2) interviews with forty-eight stakeholders: the UK HO and other current or former UK government officials; UNHCR staff at its Headquarters and its London office including members of the QIP; staff of NGOs, a former immigration judge, and a barrister.

The evaluation team concluded that the objectives of the QIP are broadly and demonstrably appropriate and relevant to the HO and to UNHCR's protection mandate and supervisory role with regard to asylum, although it is important to recognize the limitations of what can be achieved through a relatively small-scale advocacy project. However, a concern raised by a large majority of HO respondents, as well as UNHCR UK respondents, was the need for more consistent, ongoing communication, particularly with the higher-level policy and decision-makers in the HO. The 2016-18

⁴ Unless noted otherwise, the 2013-2015 GA is referred to as the GA. References to any other GA will be identified by the time period of the grant, i.e., 2016-2018 GA. All references to the GA are to Schedule 1—The Project, Sections 1–3, pages 12 – 20.

⁵ Through mutual agreement between the HO and UNHCR, and pursuant to the terms of the GA, the QIP did not address this last objective during the 2013-15 grant period.

⁶ GA pp. 17 – 20 Section 3.4.

GA seeks to improve accountability and communication mechanisms, in particular by enhancing the role of the Steering Committee and establishing an Operational Project Board, and it is hoped that these new provisions will be implemented effectively.

Overall, the QIP effectively carried out its activities and moved towards meeting its objectives. Although difficult to measure, the QIP has made some valuable and demonstrable contributions to promoting and developing a fairer asylum system and stateless determination procedure.

There are two decisive elements in the ability of the QIP to make positive change in the UK asylum system. One is the HO acceptance of the recommendations made by the QIP. The other is the effective implementation of the accepted recommendations. While the QIP and the HO have stated their commitment to these components, ultimately, both the acceptance of the recommendations and their effective implementation reside with the HO as well as with UNHCR and the QIP. This underscores the importance of the QIP to continue to use its engagement with the HO and its access to staff to influence the implementation of the recommendations accepted by the HO.

There are a number of indications the QIP contributed to some of improvements in the UK asylum system. Among them is the 2015 HO Asylum Policy Instruction (API) on credibility assessments, which reflects UNHCR standards. The QIP also worked closely with other stakeholders in areas such as improving the adjudication of asylum claims brought by Lesbian, Gay and Bisexual (LGB)⁷ individuals and developing a mechanism for identifying survivors of sexual and gender-based violence (SGBV) at the earliest stage possible and signposting them for appropriate support services. Some civil society stakeholders expressed the view that communication mechanisms could be improved through more regular and consistent outreach by the QIP to them.

There is some evidence of indirect results which appear to further the objectives of the QIP in improving the quality of asylum screening and decision-making for asylum-seekers, refugees and the asylum system as a whole. These include advancing the protection priorities of the UNHCR UK office, and it may serve as a model for other European states in improving the quality of asylum systems. The work on statelessness also contributed to improving the procedure, and work continued on other issues, including on the Regional Bureau for Europe study on the implementation of the Dublin III regulations, detention, credibility and family and child asylum- seekers.

⁷ UNHCR uses the term LGBTI, Lesbian, Gay, Bisexual, Transgender and Intersex. The HO states in its recent Asylum Policy Instruction on assessing asylum claims based on sexual orientation that it does not address claims based on being transgender or intersex. In view of this, the QIP worked with the HO only on LGB issues.

Recommendations

Recognising that a number of lessons from the 2013-15 GA have already been incorporated in the ongoing 2016-18 GA, four recommendations for the UNHCR UK Office emerge from this evaluation:

Recommendation 1: As already acknowledged in the 2016-2018 GA, strengthen the QIP's governance structure and its implementations. The joint-work plan is useful and further planning could benefit from an explicit articulation of a theory of change approach.

Recommendation 2: While overall very positive, it is critical that UNHCR proactively manage expectations, both with the HO and amongst other stakeholders, in order to help mitigate the disparity between the ambitious objectives of the QIP and limited scale of available resources and contribution to intended results.

- Continue to reflect on whether UNHCR's engagement with the HO through the QIP poses any political or reputational risks to UNHCR, particularly concerning its integrity and independence.

Recommendation 3: To maximise the potential effectiveness of the project, UNHCR should conduct an assessment of existing QIP recommendations and review the most effective way to draft and share recommendations from the QIP with the HO, including reflection on the level of recommendations produced and intended audience.

- In terms of added value and with regard to the supervisory role, UNHCR should advocate for a review of the implementation status of all outstanding recommendations that have been accepted.
- Explore the possibility of placing QI audit reports, recommendations and their status in the public domain systematically.

Recommendation 4: Enhance communication mechanisms to ensure that interactions with civil society stakeholders occur on a more regular and inclusive basis, and explore options to more proactively reach out to other stakeholders and partners, including EASO and the Independent Chief Inspector.

- Explore further communication and coordination with UNHCR offices regionally in order to maximise the learning from the QIP beyond the UK.

I. Introduction, Background and Rationale for the Evaluation

Introduction

1. The evaluation of UNHCR's Quality Integration Project in the United Kingdom (UK) was commissioned by the UNHCR Evaluation Service at the request of the UNHCR Country Office in the UK (UNHCR UK). The principal goal of the Quality Integration Project (QIP) is to promote and develop a fairer and more efficient UK asylum system with built-in quality assurance mechanisms. It is funded by the UK Home Office (HO).

Background

2. UNHCR's core mandate is to ensure the protection of refugees. To fulfil this responsibility UNHCR is charged with overseeing the efforts of states to provide protection for refugees at or within their borders. The QIP is a mechanism to implement UNHCR's supervisory role pursuant to Article 35 of the *1951 Convention relating to the Status of Refugees* (1951 Refugee Convention) and Article II of the *1967 Protocol relating to the status of Refugees* (1967 Protocol). These provisions also obligate States Parties to co-operate with UNHCR "in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention."⁸ The QIP was initiated as a means of contributing to UNHCR's exercise of this supervisory role in the context of the HO first-instance asylum adjudication process.
3. UNHCR UK administers the QIP by agreement with the UK HO, the government department with responsibility for adjudication of asylum claims at first instance. The QIP arose out of the Quality Initiative Project, which ran from 2004-2009. The first QIP grant period covered January 2010 to December 2012. The second grant period, the one under review in this evaluation, covered 2013-2015. A third Grant Agreement is now in effect covering January 2016-December 2018; most of its provisions mirror those of the previous grant.
4. The QIP is implemented by the QIP team, which is part of the UNHCR UK Protection Unit under the supervision of the Senior Legal Officer and the Legal Officer with regular reporting to the UNHCR Representative. The QIP staff have access to asylum decisions, files relating to applicants, case information databases, HO intranet and internal policy documents, and the possibility to observe screening and substantive asylum interviews. The QIP is funded by the HO, which also provides office space in its Croydon location at Lunar House, where QIP staff are present two to three days per week.
5. This evaluation is of UNHCR's QIP and not of the UK asylum system. Nevertheless, in measuring the effectiveness and success of the QIP, it is essential to examine the responses of the HO to the activities and recommendations of the QIP.

Quality Initiative Project 2004-2009

6. In 2002, the UK experienced a peak in asylum applications. Also in 2002, new legislation, the Nationality, Immigration and Asylum Act, came into effect, which, among other provisions, restricted the right to appeal the rejection of an asylum claim. UNHCR was concerned about the growing backlog of pending asylum claims and the lack of procedural safeguards. In this context, in October 2003, UNHCR offered to support and collaborate with the HO in developing and implementing reforms to the asylum system. The HO accepted this invitation, making the Quality

⁸ *1967 Protocol relating to the Status of Refugees*, Jan. 31, 1967, 606 U.N.T.S. 267, 19 U.S.T. 6223. The supervisory role of UNHCR is also stated in the UNHCR Statute, U.N. Doc. A/RES/428(V), Article 8 (Dec. 14, 1950). The Preamble to the Convention states that UNHCR "is charged with the task of supervising international conventions providing for the protection of refugees" and recognizes the need for the cooperation of States with UNHCR.

Initiative Project the first formalized collaborative quality assurance project between UNHCR and a government of a country.⁹

7. The Quality Initiative Project formally began in December 2004, following a June to December 2004 pilot phase, and was renewed until 2009. The Quality Initiative focused on improving first-instance asylum decisions and creating quality assurance mechanisms. The objectives of the Quality Initiative were to:
 - Improve the overall quality of decision-making through the monitoring of asylum procedures;
 - Encourage less reliance on lengthy and costly appeals;
 - Increase public confidence in the asylum system; and
 - Create an environment conducive to durable solutions.
8. The Quality Initiative produced six reports based on audits of various components of the HO asylum system. The first four reports focused on the quality of first-instance decision-making in general and were issued during 2004-2006. The fifth report, issued in March 2008, focused on the quality of decision-making in the Detained Fast Track (DFT) process, an accelerated procedure for detained asylum-seekers. The sixth report, issued April 2009, addressed the quality of decision-making in claims brought by unaccompanied child asylum-seekers.¹⁰ The recommendations contained in these reports included recruitment, training and accreditation of staff involved in RSD; interviewing techniques; use of interpreters; use of country of origin information; and monitoring and assessments of asylum interviews and decisions. Some of these recommendations were accepted and implemented at least in part, and this work influenced the direction of the 2013-2015 grant agreement.
9. In July 2007, with support and input from the Quality Initiative, the HO set up the Quality Audit Team (QAT), its own quality assurance mechanism. The QAT has worked collaboratively with the Quality Initiative and the QIP. There are some differences in that the QAT reviews HO policy as it relates to UK law, while the QIP focuses on whether HO policy is consistent with its international obligations. The QAT works internally only and its reports are confidential whereas some of the QIP reports are publicly available.¹¹ In addition, the QIP provides a broader and more independent perspective than the QAT.

Quality **Integration** Project 2013-2015

10. In 2010, as a reflection of its effectiveness and progress, the Quality Initiative was renamed the Quality Integration Project and its role was expanded in order to assist in the implementation of existing recommendations made to the then Minister for Borders and Immigration and to engage in quality assurance issues across other areas of the 'Asylum Business.'¹² The Quality Integration Project was managed through two separate GA covering 2010-12 and 2013-15 respectively, and although the overarching objectives remained the same across both, a specific focus on statelessness was introduced during the 2013-15 GA. The latest 2016-2018 GA introduces some further changes, which build on lessons from the 2013-15 GA but are outside the scope of this evaluation.

⁹ RefWorld Quality Assurance, <http://www.refworld.org/qualityassurance.html>.

¹⁰ Reports available at <http://www.unhcr.org/uk/what-we-do-in-the-uk/quality-initiative-and-integration.html>.

The UK responses to the recommendations in these reports are available at <http://webarchive.nationalarchives.gov.uk/20100503160445/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/unhcrreports/>.

¹¹ Only the two most recent reports, *Untold Stories* and *Best Interests* were issued publicly based on agreement between the HO and UNHCR at the outset. Most of the work of the QIP remains confidential, and it was only after review and a Ministerial Decision that *Untold Stories* and *Best Interests* were published. The two assessments of the statelessness determination procedures remain confidential.

¹² 2010 – 2012 GA p.15, ¶3.1.4.

11. In addition to its refugee protection mandate, UNHCR is mandated to provide protection to stateless individuals and to engage in prevention and reduction of statelessness.¹³ This mandate stems from the two international instruments addressing statelessness: the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.¹⁴ UNHCR has also been tasked to provide technical advice to States Parties on the implementation of the two Conventions, so as to ensure consistent implementation of its provisions.¹⁵ The UK is a party to both the 1954 and 1961 Stateless Conventions.
12. Until April 2013, the UK did not have a discrete procedure for assessing whether an individual might be stateless.¹⁶ An important change in the law required the UK to establish a statelessness status determination procedure and to grant leave to remain for those individuals found to be stateless, and set forth the criteria for making statelessness determinations. Therefore, the HO established and implemented a statelessness determination process, and as such it was agreed to include statelessness determination procedures in the thematic areas of work in the 2013-15 time period.
13. The overarching goal of the QIP supports HO strategic objectives by seeking to improve the quality of asylum screening and decision-making through the development and implementation of a fairer and more efficient asylum system that includes quality assurance mechanisms.¹⁷ The GA states that “[t]he aim of the [QIP] has been to assist the Home Office to develop better processes, operational policies and instructions to ensure high quality first-instance decision-making through the monitoring of refugee status determination procedures and the application of the 1951 Refugee Convention criteria.”¹⁸ The GA sets out the objectives of the QIP and activities to undertake to achieve them. Because the QIP depends on agreement between the HO and UNHCR, the QIP team alone cannot set priorities; the GA requires mutual agreement between the two entities.
14. This overall goal of the QIP is an ambitious one, and the assumptions underlying the principal goal of the QIP are as follows:
 - The UK Asylum System could be improved to be fairer and more efficient;
 - A UNHCR Quality Integration Project could facilitate such improvements;
 - Working closely with the UK HO on issues of mutual concern is an appropriate and useful approach to bring about needed improvements;
 - The HO will accept and implement at least some of the recommendations made by the QIP.
15. Although the GA does not include a theory of change or hierarchy of objectives, several objectives are included in the GA¹⁹ in order to achieve the overall goal.²⁰ These are to work with the HO to:
 - (1) Develop protection-sensitive processes for identifying persons in need of international protection and addressing their situation, and to develop safe, secure and credible screening

¹³ See, e.g., U.N. Secretary General, Guidance Note of the Secretary General: The United Nations and Statelessness, June 2011 at 3 (“The U.N. General Assembly has entrusted [UNHCR] with a mandate relating to the identification, prevention and reduction of statelessness and protection of stateless persons.”), available at <http://www.unhcr.org/refworld/pdfid/4e11d5092.pdf>; GA res.49/169 24 February 1995, ¶ 20, available at <http://www.unhcr.org/3ae69efa14.pdf>.

¹⁴ Sept. 28, 1954, 360 U.N.T.S.117 and Aug. 30, 1961, 989 U.N.T.S.175 respectively.

¹⁵ ExCom Conclusion No 78 (XLVI) 1995, ExCom Conclusion 90 (LII) 2001, ExCom Conclusion No 106 (LVII) 2006,

¹⁶ In its decision to establish a statelessness determination process, the UK relied on the UNHCR report, prepared jointly with an UK NGO partner, Asylum Aid, *Mapping Statelessness in The United Kingdom*, 22 November 2011, available at: <http://www.refworld.org/docid/4ecb6a192.html>.

¹⁷ GA p. 13 ¶ 2.3 states: “One of the Home Office’s strategic objectives includes the making of ‘fair and firm’ asylum decisions.” (Emphasis added).

¹⁸ GA p. 14 ¶ 3.1.1.

¹⁹ GA p.15 3.1.5.

²⁰ The Evaluation team constructed a theory of change post-facto, and the theory of change matrix is attached as Annex B.

- and routing procedures which are able to identify applicants with particular vulnerabilities or protection needs as early as possible;
- (2) Promote and develop fair and efficient asylum determination procedures which provide applicants with adequate opportunity to fully present their claims and facilitate full consideration of an application;
 - (3) Promote and develop well-reasoned first-instance asylum decision-making;
 - (4) Continue to develop robust quality assurance mechanisms within RSD procedures; and
 - (5) Develop fair procedures and well-reasoned decisions for ceasing, revoking, or cancelling refugee status, or for lifting the protection from non-refoulement for refugees pursuant to Article 33(2) of the 1951 Refugee Convention.
16. Although objective 5 is specified in the 2013-15 GA as above, by tacit agreement work on this issue was not undertaken as the QIP team devoted their time to working towards the other objectives. However, the UNHCR protection team provided comments on Home Office proposals to cancel, cease and revoke status based on the grounds provided for in Article 33(2).
17. As noted above, the goal of the QIP is quite ambitious, and requires joint effort to achieve it. For example, on objective (1), (2) and (3), it is the HO and not the QIP team that implements the asylum system, so even if the QIP develops a protection-sensitive process it is the HO that must implement it.
18. The GA allows for flexibility in the objectives and activities of the QIP. One such provision states: "Subject to mutual agreement it is permissible for [the] objectives to be changed to meet new needs and accepting any adverse impact on other activities resulting."²¹ Another paragraph provides: "The Home Office and UNHCR may agree on any other objectives and activities which may be deemed appropriate."²² The activities listed in the GA²³ include:
- Review, comment and advise on mechanisms for identifying persons in need of international protection (to achieve objectives 1,2 and 3);
 - Comment and advise on initiatives to improve the asylum decision-making process (to achieve objectives 2 and 3);
 - Support the development of guidance and training for asylum decision-makers and efforts to ensure consistency and quality of training (furthering objectives 2,3 and 4);
 - Review and advise on withdrawal of protection procedures and decision-making (to achieve objection 1);
 - Support the revision of credibility assessment policy and training (to achieve objectives 2 and 3);
 - Comment and advise on implementation of previous QIP recommendations (to achieve all objectives)
 - Undertake a quality audit review of statelessness determination procedures;
 - Assist in exchanging and promoting quality assurance expertise in the EU and beyond.

Budget for the 2013-2015 GA²⁴

19. The 2013-2015 GA includes three components: the QIP, managing asylum in Greece and resettlement.²⁵ The total grant amount is GBP 600,000 per year, of which the QIP component is GBP 191,500 per year. Most of UNHCR UK's activities under the QIP are included under the UNHCR category ("population planning group" in the UNHCR results-based management framework) of asylum-seekers in the UK and the "rights groups" of "fair protection processes and

²¹ GA p. 13, ¶2.5.

²² GA p. 15, ¶3.1.6

²³ GA pp. 17 – 20 Section 3.4.

²⁴ The information in this section was obtained from UNHCR internal documents including Country Operations Plans and review of FOUCS reports.

²⁵ This evaluation only addresses the UK QIP.

documentation” and “favourable protection environment”. In addition, a few work areas fall under the category of “stateless persons.”

The overall UNHCR UK budget for operations and expenditures for 2013-2015 was as follows:

Table 1

QIP Budget 2013 – 2015

Year	Budget	Expenditures (USD)	QIP Contribution (exchange rate as of Jan 1 each year)	QIP contribution as % of Budget
2013	1,497,296	1,554,411	310,230	21%
2014	1,737,053	1,493,380	315,975	18%
2015	1,528,825	1,417,178	296,825	19%

20. The majority of spending on the QIP is for salaries of the three QIP staff and administrative costs associated with staffing. Staff costs for the QIP account for GBP 186,053 per year, i.e., 97% of the grant amount. The staffing cost may fluctuate if there are staffing gaps.
21. The QIP team is part of the Protection Unit, and contributes to achieving the objectives of the Protection Unit, which according to the Country Operations Plan include:
 - Developing and strengthening law and policy;
 - Improving access to the territory and reducing the risk of refoulement;
 - Improving access to and quality of status determination procedures;
 - Improving the public attitude towards persons of concern to UNHCR; and
 - Developing durable solutions such as resettlement opportunities and local integration.
22. Some of the activities undertaken by the Protection Unit during 2013-2015 included: commenting on legislation and policy developments; delivering training; submitting Third Party Interventions to UK courts including the UK Supreme Court, the Court of Appeal, and the Upper Tribunal Immigration and Asylum Chamber; submitting comments to Parliament and other UK governmental bodies; and commenting on notifications of proposed revocation, cancellation and cessation of refugee status.

Overview of EU and UK Asylum Applications

23. An overview of asylum applications filed in the EU as a whole is presented along with some basic UK asylum statistics in order to put the UK asylum system in a broader European context.²⁶ At the time of the evaluation mission, there was considerable political concern about the numbers of asylum-seekers arriving in the UK. While there was a marked increase throughout Europe from 2014 to 2015, the UK’s share of the overall numbers was relatively modest.
24. The total number of asylum applications filed in the European Union in 2015 was estimated at 1,225,000, more than double the 590,000 applications lodged in 2014. Estimated figures show that the UK had the ninth highest number (39,000) of asylum applications within the EU in 2015. Germany (431,000), Sweden (163,000) and Hungary (163,000) were the three EU countries that received the highest number of asylum applications, together accounting for 62% of asylum applications in the EU.

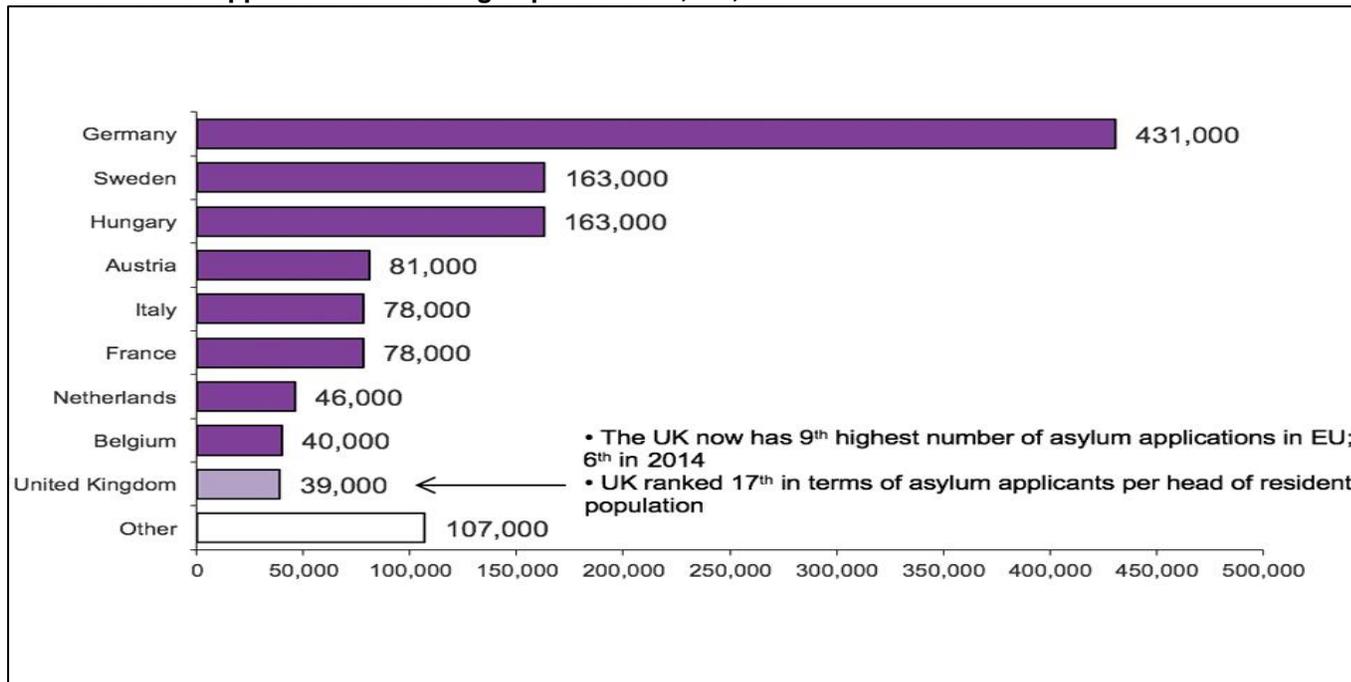
²⁶ Unless stated otherwise, the UK asylum statistics were based on the UK National Government HO Asylum Statistics website, available at <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/asylum>. <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/asylum#key-facts>.

25. Graph 1 indicates the nine EU Member States that received the highest number of asylum applications filed in 2015. The UK was ninth on the list in 2015 with 39,000 applications filed, sixth in 2014 and fourth in 2013.

Graph 1²⁷

EU Member States with Highest Number of Asylum Applications 2015

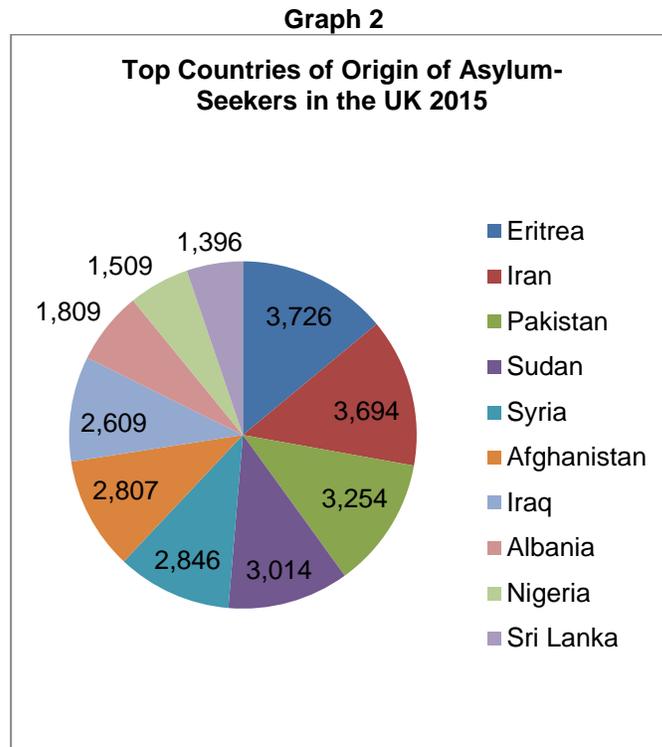
Total number of applications including dependents: 1,225,000



Source: Home Office, Immigration Statistics

²⁷ UK Home Office Asylum Statistics, National Statistics: Asylum, Section 6 (updated 3 March 2016) (some data estimated; numbers are rounded off to the nearest thousand), available at <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/asylum#key-facts>.

26. The number of asylum-seekers filing claims in the UK in 2015 by country of origin is shown in Graph 2. Further detail on the countries of origin of asylum-seekers within the EU is available in Annex G.

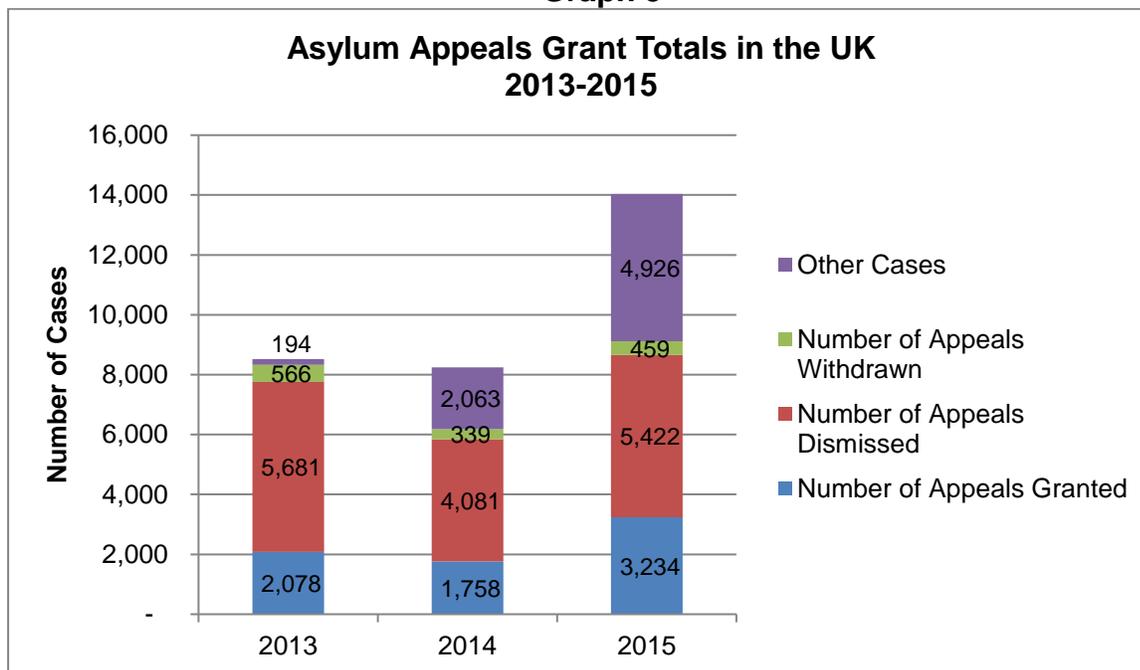


27. Asylum grant rates in the UK at the first instance level varied between nationalities. For example, in 2015, 86% of claims brought by Syrian nationals were granted, compared with 27% for Pakistani nationals. Graphs 2-4 in Annex G provide the percentages of first instance asylum grants by top ten countries of origin from 2013 to 2015. The asylum grant rate for Syrians was the highest of all nationalities in all three years. The grant rate for claims from Eritreans by contrast was second highest in 2013 and 2014 at 82% and 87%, respectively, then dropped precipitously in 2015 to only 41%.²⁸ This change was linked by respondents to a change in HO policy and guidance, and a move towards including country policy as well as country of origin information (COI) in assessing claims.

²⁸ This drop has been widely attributed to a highly criticized report issued by Denmark, Danish Immigration Service, *Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return. Country of Origin Information for Use in the Asylum Determination Process* (November 2014), available at <https://www.nyidanmark.dk/nr/rdonlyres/b28905f5-5c3f-409b-8a22-0df0dacbdaef/0/eritreareportendeligversion.pdf>, that, contrary to overwhelming evidence, found country conditions in Eritrea had greatly improved. See, e.g., UNHCR, *Fact Finding Mission Report of the Danish Immigration Service: Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return. Country of Origin Information for Use in the Asylum Determination Process, UNHCR’s perspective* (December 2014). A report by the HO also concluded that human rights in Eritrean had improved, *Report of a Home Office Fact-Finding Mission—Eritrea: Illegal Exit and Military Service*, (Conducted February 7 – 20, 2016) (concluding in part: “We put forward the assertion that the Eritrean Government has a fundamental and unwavering commitment to the human development of its people. We assert that since 2000 and in the light of the most extreme political and economic stress, the Eritrean government has continued to exhibit that commitment.” This is despite the fact that the report further states: “The severity of the Eritrean government’s policy on civil liberties and human rights since 2000 should be views {sic} in the context of the colossal burden imposed by the border war and its aftermath.”) (emphasis added) Id. at 283, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543863/Report_of_UK_FFM_to_Eritrea_7-20_February_2016.pdf.

28. The number of appeals of rejected first instance claims filed increased by almost 70% from 2014 to 2015, rising from 8,241 to 14,041. The number of asylum claims granted on appeal increased from 28% to 35% in the same period. This may indicate that the first instance decisions rejecting those claims were not well reasoned, or that the COI used was not up to date, or was not reliable, and indicate a need for continued HO engagement with quality assurance mechanisms, including internally and through the QIP. Graph 3 illustrates the asylum appeal grant rate in the UK from 2013 to 2015.

Graph 3



II. Objective, Purpose and Scope

Objective

29. The objective of the evaluation is to inform the future direction of the QIP by identifying its successes and achievements as well as areas for improvement. The evaluation seeks to provide strategic insight and make recommendations that will assist UNHCR UK in determining whether and how best to move forward with the QIP. The findings and conclusions may also be of interest for other country operations when considering how best to engage in quality assurance.

Purpose

30. The evaluation will examine both accountability and learning. This involves an examination of the performance and results of the QIP, and includes reflection on why certain results were, or were not, achieved.

Scope

31. The scope of the evaluation is the 2013-2015 GA period, with consideration of the evolution of the QIP since its inception and its origin in the Quality Initiative Project.

Users

32. The primary audiences for the evaluation are the UNHCR UK Country Office, the Regional Bureau for Europe (RBE), the Regional Representation for Western Europe (RRWE), and the Division of International Protection, in particular senior management, staff and managers involved in UK protection work and those involved in the QIP, and HO staff and officials involved in or whose work is related to the QIP. A secondary audience is UNHCR protection staff more broadly, in particular within Europe, where the UK QIP Project has served as a model for initiating and implementing quality assurance programs. It may also be of interest for similar projects aiming at strengthening national asylum systems, that are currently being initiated or implemented, for example in the Americas, Europe and Africa.

Evaluation Criteria and Key Evaluation Questions

33. To assess the extent to which progress has been made towards the objectives of the QIP, the evaluation team used the following criteria: relevance; effectiveness; connectedness; and coverage. The ToR (Annex A) proposed a set of evaluation questions that were refined during the inception phase to the following:
 - Are the objectives of the QIP appropriate and relevant to UNHCR's protection mandate and supervisory role with regard to asylum? The evaluation team also considered relevance to the HO in general.
 - How has the QIP contributed to achieving its objectives of promoting and developing a fairer and more efficient asylum system? Have the right activities been pursued?
 - Have there been any unintended results which may further the objectives of the QIP in improving the quality of asylum screening and decision-making for asylum-seekers, refugees and the asylum system as a whole?

III. Methodology and Limitations

Methodology

34. The evaluation employed a mainly qualitative approach, using multiple data sources. The evaluation was participatory and collaborative in approach.
35. The evaluation team comprised one Evaluation Service (ES) staff member and one independent consultant. The evaluation team reviewed a broad array of documents, including the three QIP GAs; QIP reports based on audits of aspects of the HO asylum system; the QIP semi-annual summary reports to the HO from 2012 through 2015; the matrices of pending and closed recommendations with comments from the HO; and asylum statistics.
36. Forty-eight individuals were interviewed for the evaluation. The respondents included UNHCR staff, Home Office staff, the current and former UK Independent Chief Inspectors of Borders and Immigration,²⁹ a retired immigration judge, a barrister, a representative of a UK national association of barristers, solicitors and advocates practising in all areas of immigration law including asylum law; staff of nine NGOs; and two academics, as detailed in Annex E.

Limitations

37. It is crucial to note the inherent disparity between the limited scale of the QIP project, and the scale of the UK asylum system. This is essentially an evaluation of an advocacy project, which is intrinsically difficult to evaluate. It is difficult to attribute, or measure contribution to, changes in HO policy and practice to the interventions of the QIP, and changes can occur over a longer time period than the grant period.
38. The evaluation did not include interviews of asylum-seekers or those who had already been through the asylum system. The reasons for this were the nature of the evaluation and its time frame, and an inability to identify a sufficient number of individuals. As the QIP has very limited direct interaction with asylum-seekers, largely through observation of interviews for auditing purposes, there was no base of potential interviewees to draw from. In addition, it is very unlikely that asylum-seekers would have knowledge of the QIP. The evaluation team interviewed individuals who provide legal representation and other services to asylum-seekers and relied on these individuals for proxy data.

²⁹ The Independent Chief Inspector reports directly to the Home Secretary and has the mission to ensure independent scrutiny of the UK's border and immigration functions.

IV. Findings

UNHCR's Protection Mandate and Supervisory Role

39. The basis of the QIP since its inception has been the UNHCR's supervisory role under 1951 Refugee Convention Article 35 and the obligation of the UK to facilitate UNHCR exercising that responsibility. All HO and UNHCR respondents agreed that the QIP is consistent with UNHCR's protection mandate and appropriate to its supervisory role. They were of the view that the QIP provides a collaborative and cooperative platform with the HO to obtain first hand, direct observation of the day-to-day workings of the asylum system and the application of the refugee definition. This, in turn, maximizes the ability of UNHCR to exercise its supervisory role. A UNHCR respondent stated: "The QIP is the kind of work UNHCR is meant to do." A HO respondent expressed the view that the QIP "is doing exactly what it should be doing—challenging us and holding true to their views."
40. Moreover, some UNHCR respondents stated that even if the HO would no longer fund the QIP, it would be necessary to engage with the asylum system and if funds permitted, UNHCR should continue the project in order to exercise its supervisory role, though in reality the activities would probably have to be curtailed due to lack of funding.
41. As the QIP is funded by and partly housed in the HO, this might call into question the integrity, independence or reputation of the QIP, UNHCR UK or UNHCR more broadly. All respondents were asked about this concern and all expressed the view that it was not the case, due largely to the professionalism of the QIP team. However, some of respondents recognized this as a potential risk.
42. Among the concerns expressed by many civil society respondents were the 2015 change in the UK government; the much more politically based policies concerning refugees and asylum-seekers; the proposed overall cap on migration; the greater focus on keeping numbers of refugees and asylum-seekers as low as possible; ongoing efforts to curtail the number of refugees and asylum-seekers entering the UK spontaneously; and "shrinkage" of policy staff in the HO. One NGO respondent described the current climate in the UK towards asylum-seekers and refugees as "toxic." Based on these factors, this respondent advised that UNHCR carefully consider whether, in these circumstances, it should continue with the QIP as there was a risk that UNHCR could be perceived to not be independent. A UNHCR respondent echoed this view, stating: "We need constant, critical reflection about the merits, value, most effective combination of tools and [whether] we can continue to evolve [the QIP]."
43. At the same time, some respondents expressed the view that, in light of what they saw as an increasingly hostile environment for refugees and asylum-seekers, there is an even greater need for the QIP to continue working with the HO. One UNHCR respondent said: "There is huge value to having [the QIP], especially in the current context. No other mechanism could replace that." The evaluation team also found that the QIP was an appropriate and relevant mechanism to realize the supervisory role.

Staffing and Resources

44. The resources devoted to the QIP are mainly staff with approximately 97% of the grant allocated to staffing costs. The activities undertaken require skilled professionals, and frequent engagement with the HO at all levels. During the 2013-15 GA, three UNHCR staff were dedicated to the work of the QIP, and the HO and UNHCR agreed that fewer than three full time staff would not be sufficient to carry out the work. The HO includes 409 asylum casework staff in several locations in the UK, which makes it very challenging for the QIP team of 3 to be available to the extent needed.

45. Both the HO and UNHCR UK saw that being partly housed in the HO was critical to the day-to-day functioning of the QIP, and that providing access to case files, observation of interviews, HO intranet and other resources, exposure to ongoing issues and access to HO staff enhanced the QIP's effectiveness. One HO respondent said that it is "really important to have the QIP embedded. If it's embedded it becomes real, not theoretical—UNHCR can see how we do business." An NGO respondent stressed the importance of UNHCR's voice in the HO and noted that "having the QIP embedded in the HO gives it greater access and opportunity for direct and ongoing exchange."

Communication and Coordination Mechanisms/Governance Structures

46. Many respondents stressed that there is joint accountability between UNHCR and the HO for achieving the objectives of the GA. As the QIP's primary goal is to improve the UK asylum system, communication with the HO is integral to its ability to achieve this goal and associated objectives. As such, all HO and QIP respondents were asked about the effectiveness of the lines of communication and of the governance system set up in the GA. Both the HO and UNHCR expressed the view that ongoing, regular communication at all levels is an essential for the effectiveness and success of the QIP. Notwithstanding the importance paid to communication, a review showed that there is room for improvement at different levels.
47. The GA calls for two governance bodies: the Programme Board (PB), co-chaired by the UNHCR Representative and an unspecified HO official, to convene in September of each year;³⁰ and the Steering Group, co-chaired by the UNHCR UK Senior Legal Officer and the HO Deputy Director of the Asylum, Operational Policy and Rules Unit, to convene semi-annually. One of these meetings should be held prior to the September PB meeting.³¹ During the grant period, some of the meetings were held, but not necessarily on a regular basis. For example, in 2014, the Steering Group met twice,³² but did not meet in 2015. The Programme Board met most recently on 18 August 2015 and minutes were taken, which the evaluation team reviewed.
48. Overall, a number of respondents from both the HO and UNHCR UK expressed concern that communication between the HO and UNHCR needed improvement across the board—from the front-line QIP team with HO first-instance decision-makers and technical specialists to high level policy-makers. One UNHCR respondent said that "staff level communications are very good and set the tone for engagement" but went on to say that "the HO respondents used to be fairly high and senior, but now they have been delegated down." Another UNHCR respondent stressed the importance of having "a principal focal point for the QIP who [is able to be] fully engaged" in the QIP. In general, almost all UNHCR respondents who commented on this issue expressed concern about a lack of regular communication at the higher levels within the HO. There was some acceptance of this view within the HO. For example, one HO respondent expressed the view, shared by others that: "Probably the biggest gap is keeping in touch better with each other as to what we are doing. Moving forward we need to consolidate our engagement formally."
49. The 2016-2018 GA contains provisions enhancing communication mechanisms, among them, the establishment of an Operational Project Board to meet quarterly and one of whose principal roles is to "review progress on the implementation of previous recommendations on a quarterly basis."³³

³⁰ GA 6.1. The GA does not specify who besides the co-chairs are to be the members of the Programme Governance Board. At the most recent meeting, the Representative of UNHCR UK and the Legal Officer attended; from the HO the Director and a Deputy Director of Asylum Operations, the Head of Family and Asylum Policy, and the Chief Caseworker attended.

³¹ GA 3.3.1. As with the Programme Governance Board, the GA does not specify who besides the co-chairs are to be the members of the Steering Group. In practice, members of the QIP team have attended Steering Group meetings. HO attendance has varied and has included the Head of Family and Asylum Policy, the current Head of Asylum Business Strategy and senior asylum operations staff.

³² No official minutes were taken at these meetings held on 24 April 2014 and 16 December 2014, but the QIP provided its internal notes of the meetings to the evaluation team.

³³ 2016-18 GA p. 18, 3.3.3.

50. During the focus group meeting with first-instance decision-makers and technical specialists who review asylum decisions, it became apparent that some of them had very little—if any—knowledge of the QIP. This seemed to be due in part to staff turnover at the decision-maker and specialist level, and also due to the fact that the QIP team had moved from open office space shared with the decision makers to a more private room on a different floor. The focus group members expressed the view that “it would be very helpful to have a unit-wide introduction to the QIP staff and what the project is about.”
51. Having private office space may provide benefits such as a quiet working environment and limited distractions. However, several respondents noted that when the QIP was located closer to the asylum operational policy team as was the case in the past there was greater communication and cooperation between the two. The evaluation team is of the view that further engagement of the QIP team with caseworkers would be beneficial in terms of achieving objectives.

Achieving Objectives

52. As detailed in Section I above, in order to reach the overall goal of improving the quality of asylum screening and decision making, the objectives in the GA³⁴ are to work with the HO to:
 - (1) Develop protection-sensitive processes for identifying persons in need of international protection;
 - (2) Promote and develop fair and efficient asylum determination procedures which provide applicants with adequate opportunity to fully present their claims;
 - (3) Promote and develop well-reasoned first-instance asylum decision-making;
 - (4) Continue to develop robust quality assurance mechanisms within RSD procedures;
 - (5) Develop fair procedures and well-reasoned decisions for ceasing, revoking, or cancelling refugee status.
53. As noted, these objectives are ambitious and depend on the HO as well as the QIP team. Respondents observed that progress had been made towards achieving these objectives in the time period under review.
54. The QIP team undertook a number of activities to address protection-sensitive processes for identifying and responding effectively to persons in need of international protection, as well as for those individuals with specific needs. Among these efforts were:
 - Participating in a pilot project to enhance the ability of the HO to identify women survivors of SGBV and signposting them to support services;
 - Working with the HO on age assessment procedures;
 - Engaging with the HO in discussions about its possible involvement in a number of issues concerning detained asylum-seekers, including reviewing procedures for assessing their protection claims and developing mechanisms to ensure the identification of asylum-seekers who should not be detained.
55. Respondents agreed that the QIP has contributed to a fairer and more efficient system for several categories of asylum-seekers. In the words of one HO respondent, the QIP has “certainly had an impact on key Asylum Instructions [and has been] very influential [and there is] quite extensive collaboration [between the HO and the QIP]”. Another emphasised that the QIP “has had an impact on developing a fair and efficient asylum system.” An NGO respondent asserted that the QIP “has managed to generate value [and] has made a difference.” Examples given include the signposting to services for survivors of SGBV and the determinations of LGB based asylum claims.

³⁴ GA p.15 3.1.5.

56. The work on children led the HO to focus more attention on its approach to addressing the best interests of the child in the asylum procedure. According to respondents, these have led to greater awareness and sensitivity to asylum-seekers with specific needs as well as of asylum-seekers more generally and thus are an indication of achieving the first objective.
57. The number of appeals from rejection at first instance of asylum claims increased by 70% from 2014 to 2015, and the percentage of claims granted on appeal also increased in that time period. This indicates that there remain shortcomings in the quality of asylum decision-making, and therefore continued audits at the first instance and of appeals would be useful.
58. The QIP's responsiveness to requests from the HO regarding issues that may not fall squarely within the four objectives of the GA, for example work on detention, makes a contribution to the usefulness of the QIP and indicates the value that the HO places on the QIP. This flexibility and cooperation reinforces the collaborative basis of the QIP and demonstrates a willingness to address issues of priority to the HO.
59. The presence and work of the QIP have served as a platform for constructively offering the views of UNHCR to the HO on a broad range of protection issues. For example, the QIP contributed to the successful pilot project to develop a referral procedure for survivors of SGBV. In discussing collaborating with the QIP on the development of a more effective system for identifying women survivors of SGBV and signposting them for support services, an NGO respondent stated: "The work [we've] done on SGBV with the QIP has been the most productive work [we've] ever done with the HO—the most response from the HO through dialogue with some concrete results." This is an example of working towards achieving Objective 1.
60. An example that many NGO and HO respondents raised with enthusiasm was the collaborative work of the QIP with civil society stakeholders on LGB asylum claims, which led to the HO development of a more appropriate approach to assessing protection claims based on sexual orientation, including credibility assessments, and thereby improvements in decision-making. In January 2015 the HO issued a new Asylum Policy Instruction (API) on assessing asylum claims based on sexual orientation.³⁵ The respondents agreed that these efforts had a very positive impact. These achievements furthered the objectives of the QIP of promoting and developing fair and efficient asylum determination procedures and promoting well-reasoned first-instance decisions.
61. Several UNHCR respondents noted that the QIP served to open doors to HO officials in ways that went beyond the QIP itself. This meant that UNHCR could advocate for protection concerns in other fora, and it was felt to be a valuable outcome for overall protection strategies.

QAT

62. The 2013-2015 GA states that, even with its own QAT in place, "continued co-operation with UNHCR is nonetheless valuable to continue to develop Home Office's own quality assurance mechanisms"³⁶ These provisions convey the HO view that the QIP remains a useful project. One HO respondent expressed the view that, while the QIP has had a positive impact in developing a fair and efficient asylum system, "there is always room for improvement in quality." This view was echoed by several NGO respondents. Many respondents stated that the QIP is not only valuable standing alone, but that it also facilitates the greater effectiveness of the HO QAT, and therefore continues to be relevant. It also furthers objective 4 above.

³⁵ Home Office, Asylum Policy Instruction, *Sexual Orientation in asylum claims*, 3 August 2016, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf.

³⁶GA p.15 3.1.4. This language is reiterated in the 2016-2018 GA pp.15-16 3.1.4.

63. This was acknowledged in the 2016-2018 GA, which echoes the 2012-2015 GA, stating that, even with the QAT in place, “continued co-operation with UNHCR is nonetheless valuable to continue to develop Home Office’s own quality assurance mechanisms as regards first-instance decision-making and its planned expansion into other areas of the ‘end to end’ asylum process”.³⁷ The 2016-2018 GA also provides that the QIP “will continue for a further three years to assist in the implementation of existing recommendations made to the Minister for Immigration and to engage in quality assurance issues across other areas of the ‘Asylum Business.’”³⁸

Audits and Recommendations

64. The audits the QIP conducts of various aspects of the UK asylum system and the resulting reports are a central component of its work and the primary source of its recommendations to the HO. These further the first three objectives of the QIP.
65. One HO respondent identified the main achievement of the QIP as that it “helps us develop better guidance to decision-making and improve what needs to be done, and to think through all the factors to assess before reaching a [asylum] determination.” Another put it this way: “We want support in transforming the asylum system to be fair, quick, no abuse, right outcomes, fair use of public money, and we want UNHCR to remain as a critical, independent friend.” The need for continuation of the QIP was underscored by yet another HO respondent who asserted that while the QIP “has had an impact on developing a fair and efficient asylum system...even now that isn’t fully realized.”
66. From 2004-2012, 32 recommendations were made to the HO. While it appears that the HO values the recommendations made by the QIP, it has not accepted all of them nor has it fully implemented all the recommendations that have been accepted. Seventeen recommendations made before 2013 (some dating back to 2007/08) that were accepted wholly or in part were still being implemented during the 2013 – 2015 grant period.³⁹ The reason for this is that some relate to ongoing training needs and have been impacted by rotation of staff, including changes at the leadership level in the HO. This underscored the need for the QIP to monitor implementation, and to continually engage in dialogue with the HO.
67. The QIP conducted three audits and produced four reports during the period under review. Two of the reports addressed “families” in the asylum procedure. The first, *Untold Stories ... families in the asylum process* (June 2013) (*Untold Stories*), assessed the quality of the asylum system for families; and the second *Considering the Best Interests of the Child Within a Family Seeking Asylum* (December 2013) (*Best Interests*), assessed the quality and appropriate timing of making best interest determinations of children in families seeking asylum.⁴⁰ *Untold Stories* focused on issues relating to families as a whole and included discussion of the needs of family members besides the principal asylum-seeker focusing on women and children. *Best Interests* discusses best interests of the child determinations in the context of family asylum claims. The 2013 *Untold Stories* report, the most recent one for which the HO has provided written responses, contained thirteen recommendations. Of these, the HO accepted five, accepted in part another five, and did not accept three.

³⁷ 2013-15 GA p.15, ¶3.1.4; and 2016-2018 GA pp.15-16, ¶3.1.4.

³⁸ 2016-2018 GA p.16, ¶ 3.1.4. This is also provided in the 2013-15 GA p.15 ¶ 3.1.4.

³⁹ At the time this evaluation was completed, the HO had not yet submitted written responses to the twelve recommendations made in the *Best Interest of the Child* report. The HO also had not yet responded in writing to the nine recommendations made in the 2014 statelessness determination procedures audit, nor to the single recommendation made in the 2013 statelessness audit, although these were discussed with the HO at several meetings. In addition, the HO provided written responses to the recommendation made in a 2016 QIP report on the statelessness status determination process. The report and the HO responses remain confidential at the discretion of the HO.

⁴⁰ Reports available at <http://www.unhcr.org/en-us/quality-initiative-and-integration.html>. At this writing, the UK had not made public its responses to the recommendations in *Untold Stories* report and had not yet responded to *Best Interests* recommendations.

68. A concern raised by a number of respondents was the slow rate of implementing the accepted recommendations, including those dating back several years. A UNHCR respondent stated: "Audits are very time-consuming and take a lot of work but actual, concrete responses from the HO to these audits and recommendations often take a very long time." Another, reflecting the same concern, said: "Some... [recommendations] take so long to implement that the situation has changed and they no longer fit the context." A HO respondent, expressing the view of many respondents, stated: "It's important to focus on implementing the recommendations that the HO have accepted."
69. There are a number of recommendations that focus on training as one means of addressing implementation of some of the recommendations is through improved training materials and training delivery, and addressing training needs has been included in the recommendations from the audits. A number of respondents raised the concern that the trainings for asylum decision-makers did not always include a protection-oriented perspective and in some cases did not even reflect the HO's APIs.
70. The QIP developed a matrix that provides a written overview of recommendations and responses, and progress made in implementing those recommendations that are accepted, accepted in principle or accepted in part. Reinforcing previous recommendations made and the extent to which they have been implemented in later reports, audits and updates to the matrix serve to underscore the importance of the concerns addressed. However, the utility of the matrix is somewhat unclear. Some recommendations overlap each other but are listed under different headings; some address similar topics but are listed under different headings; some are recurrent and may or may not be listed under the same heading. The arrangement of recommendations within a given category could also be improved for example by organizing the recommendations by sub-topic under each heading.
71. Overall, while some progress has been made towards achieving the objectives, it remained a source of frustration for some UNHCR respondents that not all accepted recommendations were implemented. In addition, it is challenging for the relatively small QIP team to monitor implementation in a structured way as well as undertaking new audits.

Statelessness

72. During the period under evaluation, the QIP Team conducted two audits of the new statelessness determination procedure, the first in November 2013, the second in August 2014. As these reviews were carried out early in the implementation of the process, each was based on a very limited pool of cases: five in the first audit and nine in the second. The written submissions based on these audits, though short, are thorough and well-written. The two preliminary reports the QIP prepared remain confidential as decided by the HO.⁴¹ The value and relevance to the HO of these observations is evident in the 2016-2018 GA, which continued with the objective of working with the HO to promote and develop well-reasoned first-instance stateless status determinations. It also reiterates the 2013-2015 GA objective to continue to work with the HO to develop robust quality assurance mechanisms in the procedures.
73. Concerning the QIP's work on statelessness determinations, one civil society respondent echoed the concern expressed about the asylum system that "there is a disparity between policy and practice." This same respondent went on to underscore the contribution of the QIP to the statelessness determination process stating that the QIP created "an environment that enhanced the scope of statelessness research [and] facilitated access to resources for statelessness; we would not have had that access without the QIP."

⁴¹ The preliminary reports were submitted November 2013 and August 2014 respectively.

74. Aside from the statelessness determination procedure, Part 14 of the 2013 Immigration Rules, the basis for the implementation of the statelessness determination procedure, does not address many important concerns. Among the gaps in Part 14 are the need for establishing an independent appeal mechanism, financial support during the determination process, and provision of legal aid. The provision also contains restrictive exclusion clauses. Thus, there are several activities that could be undertaken to improve the statelessness procedure.

Other activities

75. The audits and reports constitute only one component of the work of the QIP. Other activities include commenting on policy developments; commenting on training materials and participation in the delivery of trainings; producing reports and recommendations based on observation of pilots and processes in practice; commenting on quality assurance tools and mechanisms; and working on issues as they arise. Written products of these endeavours are not in the public domain.

76. For example, the QIP addressed credibility determinations in a number of its reports with recommendations. Although the HO did not implement per se these recommendations, in 2015 it published a new API for asylum decision-makers on making credibility assessments.⁴² Before finalizing the API, the HO sought the views of the QIP. The QIP provided extensive comments and recommendations. The HO incorporated a number of these recommendations in the final API, which led towards achieving objectives (2) and (3).

77. One NGO respondent stated: “Implementation of policy is a challenge. There are often gaps between policy and practice.” Some respondents identified this gap as being due to lack of trainings on policy changes or shortcomings in the content of trainings as they did not adequately translate policy into instructions at the operational level. Others were of the view that, in at least some instances, the new or revised policies were in themselves insufficient to make a meaningful change. One HO respondent said: “We need to ensure policy is reflected in practice [and that] new policy [is implemented] well and correctly.” In such cases, UNHCR both through the QIP and its general protection work should continue to work closely with the government to ensure that the practices do in fact reflect changes to policy, in order to increase the effectiveness of the interventions.

78. The QIP has also worked with the HO on the Dublin III Rule and their further input could have a positive impact on the UK’s implementation of that rule.

Detention

79. The work of the QIP on expedited proceedings for detained asylum-seekers, the Detained Fast-Track (DFT) were used by NGOs in court procedure. The QIP issued two reports on the DFT identifying concerns and providing recommendations to the HO for improvement.⁴³ Some time after the second report was issued in 2010, the UK NGO Detention Action filed a court challenge to these procedures and submitted the two reports as part of the documentary evidence. NGO respondents reported that the court viewed the QIP reports as key factors in deciding to allow the case to move forward. Ultimately, the claim was successful, and the HO temporarily suspended the DFT procedures. Although the DFT work pre-dated the current GA, work on detention continued and this furthered the objective of developing protection-sensitive processes to identify asylum-seekers in need of international protection.

⁴² HO, Asylum Policy Instruction Assessing credibility and refugee status (6 January 2015), available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf.

⁴³ One report was issued in 2008 by the Quality Initiative Project; the other, issued in 2010, was prepared by the QIP.

80. Following the suspension of the DFT, the HO requested the QIP work on a variety of issues concerning asylum-seekers in detention. Among its efforts are developing mechanisms for ensuring those who should not be detained are identified and released, and ensuring that detention is used only as a last resort in exceptional circumstances, both of which are contained in the 2016 – 2018 GA. The specific needs of and difficulties faced by asylum-seekers in detention make this a particularly important opportunity for the QIP to express the views and concerns of UNHCR in the UK context, and it aligns with the UK’s participation in the global strategy “Beyond Detention.”

Partnerships

UNHCR – UK Government

81. The QIP team works in the Home Office several days a week, and have individual security clearances. The QIP worked closely with the UNHCR Protection Unit and with the broad range of stakeholders in the asylum system. Several UNHCR respondents noted that the QIPs close cooperation with the HO opened doors at many levels for other protection or management staff to have access to government officials, as the project established UNHCR as a trusted partner to the HO.
82. While the QIP Team is involved to some extent in the activities of the Protection Unit, its focus is on improving access to and quality of status determination procedures. The QIP is intended to complement the overall work of the Protection Unit. One example of the close connection between the QIP and the Protection Unit as a whole is that QIP staff are the focal points on several key issues that both teams are working on such as the Dublin 3 Regulation, child protection and statelessness.
83. The UK Independent Chief Inspector of Borders and Immigration (ICI) serves as an independent governmental oversight mechanism for the HO. This role is not as close as that of the QIP; the ICI issues reports on the HO Asylum System every few years as it also covers other aspects of immigration. Yet, the two entities do have some common interests. For example, in 2014, the ICI issued a report on LGB claims,⁴⁴ and the QIP with other stakeholders had been instrumental in bringing about significant improvements in this area. Further communication and information sharing might have been useful in order to garner further support to ensure that the recommendations made by the QIP are accepted and implemented.

NGOs and other stakeholders

84. Other than the GA no formal partnerships were established with civil society or other actors with the purpose of supporting the QIP. However, the QIP team as well as the UNHCR team in general worked closely with civil society and other stakeholders to further the objectives of the GA. UNHCR’s protection mandate brings considerable access to government officials, along with mutual responsibilities and obligations, which include respect for confidentiality between UNHCR and governments. All respondents recognized the unique role of UNHCR in working with governments, including the degree of confidentiality and discretion it must maintain. Recognizing this role and limitations, some NGOs stated that the QIP Team worked closely with them and that the QIP’s work often facilitated and enhanced their own advocacy. One NGO respondent said: “Overall, [we’ve had] a very positive experience with the QIP—it brings a lot of expertise and supports NGOs to have a voice with the HO.” In the words of another NGO: “The QIP is one of the first ports of call as to whether and how to raise certain issues [with the HO].”

⁴⁴ The report, *An Investigation into the Home Office’s Handling of Asylum Claims Made on the Grounds of Sexual Orientation*, March-June 2014 (23 October 2014) is available at <http://icinspector.independent.gov.uk/inspections/inspection-reports/2014-inspection-reports/>. The most recent ICI report on the UK asylum system, *An Inspection of Asylum Casework, March – July 2015* (4 February 2016), is available at <http://icinspector.independent.gov.uk/inspections/inspection-reports/2016-inspection-reports/>.

85. At the same time, a number of NGOs expressed a concern that the QIP did not always seem inclusive in discussing its work. Others expressed the view that the reports of the QIP could be disseminated more proactively. One respondent said he would “very much like more regular discussions with QIP and other stakeholders about priorities and [areas of] focus”.
86. Members of the QIP Team and others in UNHCR UK stated that the office convenes meetings with stakeholders, including the HO, to share, as appropriate, developments, priorities and the progress on implementation of the recommendations. They also confirmed that the QIP reports are available on the UNHCR UK web page devoted to the QIP and that the release of new reports that the HO has not designated as confidential are shared at meetings with stakeholders. At the same time, the QIP team expressed concern that at least some civil society stakeholders felt they had not been inclusive enough.

European Asylum Support Office (EASO)

87. Although the QIP’s goals are clearly linked only to the UK, a number of HO and UNHCR respondents stressed the significance of the UK QIP as a model for other European states and elsewhere.⁴⁵ In particular, the UNHCR Liaison Office in Malta and the Regional Bureau for Europe have presented the QIP as a “best practice” and have promoted its approach to EASO in efforts to influence EASO’s quality assurance work. Respondents also identified the value of the positive message sent when a country such as the UK with a developed asylum system has incorporated a quality assurance project into its system.
88. The QIP’s relationship with the EASO has been positive if somewhat ad hoc. EASO is an agency established by the European Union to “help to improve the implementation of the Common European Asylum System [and] to strengthen practical cooperation among Member States on asylum”⁴⁶. The focus of EASO’s work is to help ensure quality asylum systems and consistency within the EU. The QIP has had both direct engagement and indirect communication with it through other UNHCR offices such as the RBE and the RRWE. In consultation with UNHCR, EASO has developed quality materials that cover core aspects of the asylum procedure and are designed for asylum officials throughout the EU. EASO has also developed materials on developing and sustaining quality assurance in asylum systems.
89. The QIP engaged with EASO in several ways, among them: providing substantial comments on the EASO age assessment publication; commenting on EASO training materials and practical tools and guides; discussing quality and thematic issues; and participating in an advisory capacity at EASO meetings on quality in asylum systems. The evaluation team considered this to be a positive outcome that went beyond the GA.

⁴⁵ See, for example, UNHCR, *Further Developing Asylum Quality in the EU (FDQ): Summary Project Report*, September 2011 available at: <http://www.refworld.org/docid/4e85b41f2.html>. (“In 2008 UNHCR, drawing upon the success of the UK [Quality Initiative] project, sought and received funding from the European Refugee Fund (ERF) for the first multi-country Quality Project. The Asylum Systems Quality Assurance and Evaluation Mechanism (ASQAEM) began in September 2008 and ran until February 2010. The countries involved were Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia.”).

⁴⁶ Regulation (EU) No 439/2010 of the European Parliament and of the Council 19 May 2010 establishing a European Asylum Support Office, Chapter 1, Art. 1, (“and to provide and/or coordinate the provision of operational support to Member States subject to particular pressure on their asylum and reception systems.”) (EASO Regulation), <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R0439&from=EN>

V. Conclusions

The objectives of the QIP are broadly and demonstrably appropriate and relevant to the HO and UNHCR's protection mandate and supervisory role with regard to asylum, although it is important to recognize the limitations of what can be achieved through a relatively small-scale advocacy project.

90. The QIP is a relevant mechanism that contributes to fulfilling UNHCR's protection mandate and supervisory authority. Although the HO has the QAT, its internal quality assurance mechanism, there is evidence that the QIP continues to play an important role as an external oversight mechanism of the asylum system and is another means of bringing international standards to the UK asylum system. Virtually all HO, UNHCR and civil society respondents expressed the view that the QIP remains relevant, and continues to add value towards improving the UK asylum system.
91. Many respondents stated, in the face of a less open environment in the UK and elsewhere towards refugees, it is vital to maintain the close, ongoing working relationship between the QIP and the HO. In this context, the QIP team continue to have an impact on maintaining the improvements gained and minimizing negative or regressive changes in the asylum system. Evidence suggests the QIP continues to raise awareness of international protection concerns and provide constructive guidance to the UK for improving its compliance with its obligations under the 1951 Refugee Convention and the 1967 Protocol.
92. Moreover, the changes in the 2013-2015 and 2016-2018 GAs reflect the evolving nature of the QIP and its continued relevance and contribution to the UK asylum system as noted in interviews with HO and NGO respondents. It is therefore fair to say the QIP is demonstrably relevant to the HO, to civil society as well as to UNHCR.
93. Working closely with the HO to identify priorities, approaches and methods of engagement have perhaps proven most central to ensuring at least some degree of success. Being housed part-time in the HO provides a platform for ease of ongoing engagement and contact between the QIP and the HO. Working with other stakeholders on key issues demonstrates to the HO that others share concerns addressed by the QIP and that the QIP values working collaboratively in a variety of contexts.

Although difficult to measure, the QIP has made some valuable and demonstrable contributions to promoting and developing a fairer asylum system and statelessness determination procedure. The extent to which these activities have also resulted in a more efficient asylum system is not easily measured.

94. Overall, the evidence suggests that QIP has contributed to enhancing the fairness of the UK asylum decision-making process and merits continuation, though the evidence on contribution to improved efficiency remains somewhat elusive. The 2016-18 GA introduced an annual joint work plan, which may be useful in contributing to efficiency. It would be useful for UNHCR and the HO to consider how the objectives and activities described in the GA explicitly contribute to achieving the overall goal for example by utilizing a theory of change framework.
95. In general, the QIP team has worked constructively and collaboratively with the HO towards achieving its goal of ensuring the UK asylum system is fairer. It has worked effectively with the HO, civil society stakeholders and UNHCR as a whole, covering a broad range of activities in accordance with the GA. In terms of quality assurance, evidence highlights the importance of maintaining ongoing cooperation to ensure that HO and QIP work in this area is complementary

and does not duplicate efforts, providing the opportunity to exchange ideas and plans for improving the asylum system.

96. Respondents argued that the QIP during the 2013-2015 grant period reflected progress towards achieving its objectives, specifically: developing protection-sensitive processes for identifying persons in need of international protection; promoting and developing fair and efficient asylum determination procedures; promoting well-reasoned first-instance asylum decision-making and developing quality assurance mechanisms. One objective, on developing fair procedures for cessation, revocation or cancellation of refugee status was deprioritized by tacit agreement, as the QIP team concentrated on the other four objectives, and ensuring that the asylum procedures were fair and efficient. Collaborating with the HO on development of APIs was also identified by respondents as a useful area of work.
97. A number of recommendations coming from the QIP audits agreed to by the HO have yet to be fully or effectively implemented. Although the HO has worked collaboratively with the QIP to implement a number of recommendations, and has committed to continue working for further implementation over the period of the next grant agreement, UNHCR should continually reflect on whether there is “added value” brought by the QIP in light of the non-implementation of a number of accepted recommendations, which remains a key constraint to establishing the effectiveness of the QIP. A more detailed consideration, together with the HO, of the usefulness of the recommendations and the means of working towards their implementation, could be considered.
98. Although limited to 3 full time staff, there is evidence that the current level of staffing - and the in-kind resource of being housed in the HO - have enabled effective engagement with the HO. However, it is highly unlikely this would be possible with any fewer resources. Given the size and structure of the HO asylum division, and the corresponding small scale of the QIP team, it is important to continue to recognise the ambition of objectives included in the GA and manage expectations accordingly.
99. Despite this limitation, there is evidence the QIP’s engagement has contributes to a fairer asylum system for several categories of asylum-seekers, including survivors of GBV, LGB asylum-seekers, child asylum-seekers and detained asylum-seekers. The audits on statelessness, while small in scale, led to improvement in the statelessness determination procedure and to an improved system for stateless persons. The audits on statelessness contributed to improving the statelessness determination procedure. As the statelessness determination procedure is still relatively new, this would suggest the QIP could continue to play an important role through further audits. It could also make a valuable contribution to the further development of API’s and training materials for statelessness determination decision-makers.

There is some evidence of indirect results which appear to further the objectives of the QIP in improving the quality of asylum screening and decision-making for asylum-seekers, refugees and the asylum system as a whole the outcomes for asylum-seekers, refugees and the asylum system as a whole, particularly if incorporated in future iterations of the QIP.

100. The QIP is well integrated within the overall protection objectives of UNHCR UK and enables engagement that may serve as a model for other European states, and possibly beyond, for improving the quality of asylum systems.
101. Stakeholders identified a number of examples of the wider contribution of the QIP, among them the HO APIs on credibility assessments and assessing LGB related claims, and the development of mechanisms for early identification of survivors of SGBV with signposting for needed support services.

102. There are a number of issues that have only recently been addressed by the QIP, such as the Dublin III Regulation, and renewed work on issues concerning detained asylum-seekers. There are also important emerging issues such as the HO Transformation Project to modernise the asylum system in which the QIP could play a valuable role. Continued work on credibility and on family and child asylum-seekers, as a follow up to the two reports Untold Stories and Best Interests, would also be useful as a follow-up to the work already undertaken.
103. The QIP has included a review of appeals decisions in some audits, such as in the Untold Stories report, but only on a very small scale. Future audits could do a fuller assessment of appeals decisions, and this would be of particular interest if the number of appeals continues to grow.

Recommendations

Recognising that a number of lessons from the 2013-15 GA have already been incorporated in the ongoing 2016-18 GA, four recommendations for the UNHCR UK Office emerge from this evaluation:

Recommendation 1: As already acknowledged in the 2016-2018 GA, strengthen the QIP's governance structure and its implementations. The joint-work plan is useful and further planning could benefit from an explicit articulation of a theory of change approach.

Recommendation 2: While overall very positive, it is critical that UNHCR proactively manage expectations, both with the HO and amongst other stakeholders, in order to help mitigate the disparity between the ambitious objectives of the QIP and limited scale of available resources and contribution to intended results.

- Continue to reflect on whether UNHCR's engagement with the HO through the QIP poses any political or reputational risks to UNHCR, particularly concerning its integrity and independence.

Recommendation 3: To maximise the potential effectiveness of the project, UNHCR should conduct an assessment of existing QIP recommendations and review the most effective way to draft and share recommendations from the QIP with the HO, including reflection on the level of recommendations produced and intended audience.

- In terms of added value and with regard to the supervisory role, UNHCR should advocate for a review of the implementation status of all outstanding recommendations that have been accepted.
- Explore the possibility of placing QI audit reports, recommendations and their status in the public domain systematically.

Recommendation 4: Enhance communication mechanisms to ensure that interactions with civil society stakeholders occur on a more regular and inclusive basis, and explore options to more proactively reach out to other stakeholders and partners, including EASO and the Independent Chief Inspector.

- Explore further communication and coordination with UNHCR offices regionally in order to maximise the learning from the QIP beyond the UK.