

## **QUALITY INITIATIVE PROJECT**

### **KEY OBSERVATIONS AND RECOMMENDATIONS**

**MARCH 2004 – JANUARY 2005**

#### **Introduction**

UNHCR has consistently stressed the importance of having a high quality refugee determination procedure at the initial stage. High quality systems assist Governments to better meet their international obligations, are beneficial to refugees and reduce costs to the tax payer.

UNHCR recognises the challenges inherent in conducting refugee status determination. These are faced by all states providing international protection in the global context of forced migration.

In early 2004, UNHCR was invited to assist the Home Office to achieve an improvement in the overall quality of first instance decision making, through auditing existing practice, and providing recommendations. This project is called the Quality Initiative (QI).

The initial implementation phase of the project was March - April 2004. During this period, UNHCR conducted a needs assessment through a review of the Home Office's first instance decision making systems. The review included, *inter alia*, training programmes, interpretation and application of the Convention, interview practices and the use of interpreters.

The second stage of the implementation phase ran until the end of January 2005. UNHCR placed a small team of staff within the Home Office's premises in Croydon. During this period the team reviewed 267 first instance decisions (approximately 2% of decisions made), selected on a random basis from both of the Home Office's sites of operation in both Croydon and Liverpool. UNHCR also provided direct feedback to caseworkers and their managers.

#### **Key observations**

UNHCR has mandate responsibilities to assist Governments with the improvement of status determination procedures. The approach of the Quality Initiative elaborated together with the Home Office and the full cooperation which the UNHCR team has

received from Home Office officials has enabled the project to proceed in an effective and cost efficient manner.

In UNHCR’s view, refugee status determination is a highly specialised area of work demanding specific skills and abilities. UNHCR’s Handbook states that an application for asylum should “be examined within the framework of specially established procedures by qualified personnel having the necessary knowledge and experience, and an understanding of an applicant’s particular difficulties and needs.”

UNHCR’s preliminary findings concerning the quality of first instance decision making reveal a mixed picture. The organisation is pleased to note that efforts are already under way to apply the required standards by Home Office officials. However problems remain. These include instances of claims for asylum, both well founded and ill founded, which had been subjected to flawed procedures, such as unsustainable reasoning; misapplications of the law; failure to refer to country of origin information (COI); misapplication of COI and failure to consider obvious European Convention on Human Rights issues. UNHCR also noted frequent inaccuracies and errors in drafting. It is clear that a proportion of these claims will come before the Immigration Appellate Authority. UNHCR considers this to be both inconsistent with the requirements of the Handbook and a waste of public resources.

### **Key recommendations**

UNHCR makes the following recommendations with the aim of alleviating some of the principal gaps identified as part of the audit:

#### **Accreditation**

UNHCR believes that accreditation is a key to the overall improvement in quality.

UNHCR welcomes the Government’s insistence on the accreditation of all publicly-funded legal representatives to ensure consistency in the quality of advice given. Results of the implementation phase sampling exercise show that there is a similar lack of consistency in the quality of first instance decision making which could be remedied in the same way.

UNHCR recommends that from 1 April 2005, all newly recruited/transferred casework and senior casework staff should be provided with training which would culminate in an accreditation equivalent to the respective entry and senior levels of the asylum component of the Law Society/Legal Service Commissioner Accreditation scheme. All existing casework and senior casework staff should attain the relevant levels of accreditation by the end of March 2006.

### **Country of origin information (COI)**

UNHCR believes that access to good quality, up-to-date COI together with the knowledge of how to apply such information to the claim to asylum are the cornerstones of good quality decision making.

UNHCR recommends that a broader range of COI information should be made available to caseworkers. The COI should be sufficiently up-to-date and detailed to facilitate an accurate determination.

UNHCR recommends a complete overhaul and upgrading of IT based research tools used by caseworkers.

It is UNHCR's opinion that caseworkers should be skilled and trained to do their own country research. They should be encouraged to consult a variety of COI sources and assess its relevance to the applicant's claim. They should also be trained to source all references to COI.

UNHCR recommends that external experts (academics, UNHCR field staff, NGO field staff) should regularly provide briefings on the latest COI to caseworkers, senior caseworkers and Country Information Policy Unit staff.

### **Stress management**

UNHCR believes that the identification and management of stress is essential for the retention of asylum caseworkers. Ignoring stress can result in staff burn-out, compassion fatigue and leads to a reduction in the quality of decisions and to high staff turnover.

It is recommended that stress indicators be monitored on a regular basis, for example, to examine and analyse absence and turnover figures. Stress management training would usefully be incorporated as part of the regular work routine. UNHCR further suggests that senior caseworkers attend stress supervision training.

UNHCR recommends that caseworkers are regularly rotated off decision making duties; such as one week on other duties every five to six weeks.

### **Phase three**

UNHCR will produce its second report in August/September 2005. The report will assess the overall level of quality in decision making, as well as the progress made by the Home Office in implementing these and other recommendations made through the Quality Initiative Project.