



FOREWORD

For almost two decades, UNHCR and the UK Home Office have been working in partnership to improve the quality and efficiency of the UK asylum system, first through the Quality Initiative Project, which began in 2004, and now through the Quality Protection Partnership (QPP). This close, collaborative relationship is one of the strongest expressions of the cooperation between States and UNHCR envisioned in Article 35 of the 1951 Convention on the Status of Refugees and in UNHCR's Statute. It is a relationship of which both sides are rightly proud.

In early 2021, UNHCR and the Home Office agreed that the QPP would conduct an in-depth audit of the UK's asylum registration and screening system, starting from when an asylum-seeker first approaches the Home Office – whether at an airport or sea port, or by telephoning or walking in to Home Office premises across the four nations of the UK – through the initial registration of their claim, the completion of identity and security checks, and onward referral to support services and accommodation and into the refugee status determination process.

Registration and screening are fundamental tools of international protection. They affect whether asylum-seekers are able to access a process for having their protection needs formally recognized, whether that process operates fairly and humanely, and whether those recognized as refugees can enjoy their rights thereafter, including the right to family reunification. For host countries, they are the foundation of an efficient asylum system.

This report makes 30 recommendations, covering all aspects of the registration and screening system, from staffing to administrative efficiency to triaging and interviews. UNHCR is grateful to the Home Office for their considered response to these recommendations, which has been included in Annex G of this report. We are pleased that many of the recommendations have been wholly or partially accepted, and we look forward to continuing to work together to implement them.

Vicky Tennant
UNHCR Representative to the UK
May 2023

2

CONTENTS

EXECUTIVE SUMMARY	5
INTRODUCTION	9
Quality Protection Partnership	
Background	
GUIDING PRINCIPLES	12
METHOD	14
STRUCTURE OF THIS REPORT	15
PART ONE: CROSS-CUTTING OBSERVATIONS	16
The response of Home Office staff to recent challenges	17
Resources	18
Staffing levels	18
Decentralisation	19
Facilities	19
Training	21
Registering a claim	22
Informal barriers to registering a claim	26
The standard registration and screening process	27
Case study – Gender of interviewer	31
The beginning of the screening interview	31
Pre-screening interview / initial introduction	34
Identifying and responding to vulnerability	36
Case study: safeguarding response to an allegation of sexual assault against a child	40
Identifying and responding to victims of trafficking	
Case study: Challenges in protecting potential victim of trafficking	43
Establishing the claimant's immigration status (the "contention")	45
Obtaining an outline of the claimant's travel history	51
Eliciting the basis of the claim	
Particularizing the claim	
Criminality and security	
Ending the interview	
Collecting unnecessary information	
The abbreviated registration and screening process	
The enhanced screening pilot - Glasgow	69

Accuracy of the information collected	75
Role of the interpreter	76
Case study: Claimant refused an interpreter	77
Case study: Interview conducted by interpreter	78
Telephone interviews	80
Access to legal advice	83
Quality assurance	84
Administrative inefficiencies	87
CHILDREN AND YOUNG PEOPLE	89
Age assessments by Immigration Officers	89
Age assessments by KIU social workers and local authorities	91
Case studies: unaccompanied children assessed as over 25 by a CIO	91
Welfare interview and routing	93
Case study: welfare interview – child friendly manner	94
Welfare interviews – basis of claim	95
Case study: Welfare interview – not child friendly	97
Children – referral to local authorities	98
PART TWO: THE RESPONSE TO SMALL BOAT ARRIVALS	100
The intake process	102
Overall observations	104
Summary of observation at Tug Haven	
Summary of observations at KIU	
Observations of onward processing of asylum claimants who had disembarked at Tug Have	en114
PART THREE: AIRPORTS	118
PLANS FOR CHANGE	120
CONCLUSION	121
LIST OF RECOMMENDATIONS	122
Annex A: Glossary	136
Annex B: Sources consulted	139
Annex C: Observations of screening interviews	147
Annex D: Preliminary observations and recommendations from desk review, July 2021	156
Annex E: Questionnaire for screening interview – "GVG 2021 Main App Screening Form"	158
Annex F: Unaccompanied child welfare form - blank	173
Annex G: Home Office response to the recommendations following the audit	181

EXECUTIVE SUMMARY

Fair and efficient registration and screening procedures are an essential part of a well-functioning asylum system. For refugees, they ensure access to status determination procedures and to the support and services necessary to live in dignity and safety while their claims are being processed, as well as laying the foundation for future integration and applications for family reunion. For state authorities, they make possible the effective deployment of resources and the triaging of claims where appropriate, and protect against fraud, abuse and risks to public safety.

Responsibility for registering and screening asylum-seekers in the UK lies primarily with the National Asylum Intake Unit, located within the Home Office, working together with Border Force and Immigration Enforcement. Registration and screening take place in a range of settings across the country, from ports of entry by sea and air, to Home Office premises in each of the four nations, and in police stations and prisons.

UK Home Office guidance sets out the following objectives of the registration and screening process:

- providing the means for an individual to lodge an asylum claim in person
- establishing, and as far as possible, confirming their identity
- ensuring mandatory security checks are completed to confirm identity, link identity to their biometric details for the purpose of immigration, security and criminality checks
- ensuring that claims are only routed into the UK asylum decision-making process if they are
 particularised and amount to a claim for international protection, or assist the UK in identifying
 whether a claim may be considered inadmissible
- capturing basic details about the claim and basic information that will aid an individual's transition onto mainstream services and support integration if they are granted status, such as details for a National Insurance number (NINo), in relation to their immediate family members for family reunion, or to support the returns process if they are refused leave or considered inadmissible
- creating a secure and positive environment that supports claimants to disclose as much relevant information as possible, including medical conditions, disabilities or experience of trauma that may make the person vulnerable
- ensuring that those who are particularly vulnerable are signposted to and or given help in accessing appropriate services over and above those aimed at all asylum seekers.¹

Thus, although the process is often referred to by the single term "screening" as a form of shorthand, it includes a range of processes including initial contact, intake, registration, screening and routing, and Home Office documents use all of these terms at different times. It incorporates a combination of what UNHCR refers to as registration and screening, two distinct, though often interconnected processes. Unlike UNHCR registration and screening processes, moreover, it also – at present - involves collecting information that

¹ UK Home Office, Asylum Screening and Routing, Version 7.0, 28 June 2022, pp. 8-9, (ASR guidance 7.0) available at <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/s

² For UNHCR, registration, which generally precedes screening, includes the recording, verifying and updating of information for asylum-seekers, refugees and stateless persons with the aim of protecting, assisting and documenting them and of implementing durable solutions. UNHCR, *Guidance on Registration and Identity Management*, available at: https://www.unhcc.org/registration-quidance/chapterl/introduction-to-the-guidance-on-registration/. Screening, by contrast, refers to processes for identifying the needs of, and differentiating between, categories of persons. It should take place as soon as possible after a person's arrival in a host State, but not necessarily at the same time as registration. Its core aims include providing information to claimants, establishing a preliminary profile for each person, and counselling and referring individuals to the authorities, services or procedures that can best meet their needs and manage their cases See UNHCR, *The 10-Point Plan in Action, 2016 Update, Chapter 5: Mechanisms for Screening and Referral*, December 2016, p. 114, available at: https://www.refworld.org/docid/5804e0f44.html.

may have a significant impact on access to international protection in the UK, including information that forms the basis of decisions on admissibility to the UK's asylum system and that may impact the assessment of the credibility of those claims that are admitted or the type of permission to stay granted. Some aspects of the current UK "screening" procedures should thus be considered part of the refugee status determination process, and therefore require appropriate procedural safeguards to ensure the fairness and integrity of the process.

For ease of reference, we will refer to below to the entire registration, intake, screening and routing process as "screening", in keeping with common usage in the UK.

Over the past two years, the UK's screening procedures have faced a series of challenges. These included continuing to provide access to the UK asylum system while protecting the health of asylum-seekers and staff during the COVID-19 pandemic, adapting to the multiple effects of the UK's exit from the European Union, and responding to significant increases in the number of asylum-seekers arriving in the UK by small boat across the Channel and across the land border with the Republic of Ireland. Many of these challenges continue, indicating that screening will need to continue to be flexible and adaptable for the foreseeable future.

During the same period, new rules making an asylum claim "inadmissible" in the UK depending on a person's travel route and, more recently, plans to remove some asylum-seekers to Rwanda shortly after their arrival in the UK, made the reliability of the information collected at screening and the fairness of the screening process more important than at any time since the discontinuation of the Detained Fast Track in 2015.³ At the same time, the Home Office has embarked on an ambitious Transformation programme based in part on the early triaging of asylum claims. This, too, depends on a screening process that is reliable, fair and efficient.

In March 2021, the Home Office and UNHCR, working together through the Quality Protection Partnership,⁴ agreed that UNHCR would carry out an audit of current registration and screening procedures to assess their effectiveness and make recommendations for improvement. Between March and July 2021, UNHCR conducted a desk review of existing policies, standard operating procedures and caselaw and presented initial recommendations to the Home Office. Between June and November 2021, UNHCR staff visited registration and screening locations across the UK, spoke to more than 70 members of Home Office staff at all ranks, and observed 32 screening interviews, seven child welfare interviews, and four truncated interviews. This was followed by an audit of the records of those cases, as well as of 50 randomly selected files of asylum claims made during the same period.

The results of these efforts are set out in detail below. In summary, UNHCR observed Home Office staff working very hard under difficult conditions, driven by a commitment to support each other and to promote, as far as possible, the welfare of the asylum-seekers for whom they were responsible. They were expected to complete a wide range of important tasks – from security checks to accurate data entry to interviewing to making legally significant decisions – in a single appointment. This often proved impossible, due to lack of staff or training or the simple numbers of applicants. Administrative and information systems were underresourced and poorly designed, leading to hours of wasted or duplicated work. Different locations found different methods for squaring the circle, sometimes inventing creative solutions, but sometimes cutting corners in ways that made staff uncomfortable. Staff worked long hours without breaks, on weekends and on their days off. Although they were proud of what they were accomplishing, many described the situation as "unsustainable" and were planning to leave.

The Detained Fast Track (DFT) was introduced in 2000 and lasted, with several modifications, until 2015. Asylum-seekers whose claims were assessed by the Home Office as being capable of being decided quickly would be detained, and their claims would be decided on an accelerated time scale. A number of applications for Judicial Review challenged the fairness of the DFT, and several were concerned with whether the registration and screening process was adequate to ensure that individuals whose claims could not properly be decided quickly were not detained. See, e.g. MT, R (on the application of) v Secretary of State for the Home Department & Ors [2008] EWHC 1788 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2008/1788.html; JB (Jamaica), R (on the application of) v Secretary of State for the Home Department [2013] EWCA Civ 666, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2013/666.html and Detention Action v Secretary of State for the Home Department [2014] EWHC 2245 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2014/2245.html

⁴ See below at paragraph 1.

⁵ They recognised that their work also played a role in assuring eventual access to international protection, but for the most part they trusted their colleagues later in the asylum procedure to recognise and address protection needs.

In spite of their dedication and hard work, moreover, UNHCR observed or was told about numerous risks to the welfare of asylum-seekers, including instances of trafficking and vulnerability being overlooked and teenage children and victims of torture and trafficking being detained. Registration and screening records were often incomplete, inaccurate, or unreliable, and laws and published policies were not complied with. Central aspects of the screening interview were routinely delegated to interpreters. There were no formal quality assurance systems in place, and managerial oversight was limited. Within and between screening locations, finally, significantly different practices were followed. For all of these reasons, there is a real risk that decisions based on information collected at screening will be flawed.

In short, the current registration and screening systems expect staff to do too much, too quickly, and with inadequate training, facilities, guidance and oversight. As a result, much of their hard work is wasted, and the system frequently fails to achieve its goals.

Based on our experience conducting registration and screening in different countries throughout the world, and drawing on best practice in other countries, as well as the good practices and creative solutions of the Home Office staff that we observed during this investigation, UNHCR sets out below a number of recommendations for making the UK's registration and screening procedures more resilient, efficient, reliable and fair. These recognise that in the present UK context, the "screening" process is about far more than registration and safeguarding, but is also the basis of significant decisions about access to international protection in the UK.

Our recommendations cover all aspects of the registration and screening system, from staffing to administrative efficiency to triaging and routing policy, and include suggestions for:

- Redesigning the registration and screening process so that distinct tasks are carried out by more specialized staff, allowing staff in each role to receive the necessary training to carry out their duties both fairly and efficiently;
- Developing a standardized and consistent contingency procedure in which registration, screening for vulnerability and security checks are carried out at initial contact, with further screening tasks scheduled for a later date;
- Investing in the efficiency and interoperability of multiple Home Office IT systems to eliminate duplication of work and increase the accuracy of records;
- Providing training to interviewing officers on best practice in investigative interviewing, drawing on the PEACE model;
- Redesigning the screening interview questionnaire so as to encourage disclosure by claimants and the collection of reliable information;
- Expanding some sections of the screening interview in order to increase the possibility of triaging
 claims (drawing on the positive aspects of the enhanced screening pilot undertaken in Glasgow in the
 autumn of 2021) and responding to failures of the current screening process to identify vulnerabilities
 and victims of trafficking;
- Shortening other aspects of the screening process by eliminating screening questions and practices
 that are not operationally useful, including the collection of information that is unnecessary at this stage
 and the pursuit of inefficient triaging modalities, such as inadmissibility processes in the absence of
 relevant international agreements;
- Providing training, guidance and oversight to harmonize standards and introduce essential safeguards, including accurate record keeping and word-for-word interpreting;

- Recognizing that information collected in a rapid registration and screening process cannot, practically or legally, support the making of highly consequential decisions, such as findings of inadmissibility or illegal entry by deception, and that these should be explored in more targeted procedures and with greater safeguards;
- Introducing the use of interpretation at points of initial contact to increase the reliability of the information collected and the identification of urgent medical and welfare needs;
- Introducing Safeguarding and Modern Slavery Officers at points of initial contact, including at Manston and Dover in Kent;
- **Promoting the protection and welfare of children and youth** by ensuring that age assessments and welfare interviews are conducted to a higher standard;
- Protecting the rights and welfare of individuals in short term detention by requiring that the Short Term Holding Facility Rules are complied with wherever people are regularly detained for more than 24 hours.

UNHCR is grateful to the many Home Office staff and stakeholders who contributed their time and ideas to our work on this project, and we stand ready to assist in taking these recommendations forward.

INTRODUCTION

QUALITY PROTECTION PARTNERSHIP

- 1. Set up in 2019, the Quality Protection Partnership (QPP) is the successor to the Quality Integration Project and Quality Initiative Project, which respectively ran from 2010 to 2018 and from 2004 to 2009. The QPP has its basis in Article 35 of the 1951 Refugee Convention, which stipulates that signatory States will undertake to co-operate with UNHCR to facilitate its duty of supervising the application of the provisions of the Refugee Convention.⁶ Under the QPP, the UN Refugee Agency (UNHCR) and the UK Home Office work together in partnership to ensure the quality of asylum decision-making and statelessness leave determination.
- 2. In March 2021, the Home Office and UNHCR agreed that UNHCR QPP staff would conduct an audit of current asylum intake and screening procedures. The purpose of this project was to review the impact, quality and effectiveness of the Home Office's asylum screening and intake process and ensure accordance with UK law and policy and international standards by:
 - (i) Reviewing the extent to which the UK's current screening procedures are capturing the necessary information to effectively and efficiently:
 - a. Respond to individuals' needs (both immediate and longer term) and identify those who present vulnerabilities that need effective management;
 - b. Establish individual identity (to the extent possible), register individuals and conduct relevant checks (e.g. ID, medical and security); and
 - c. Enable routing to and support decision-making within specific case-processing modalities and recommending areas where the Home Office may be able to improve its approach.
 - (ii) Identifying good practice or areas for improvement across the various Home Office operations and geographic locations where screening and intake is conducted.
 - (iii) Considering how the screening process and subsequent triage may best serve new or modified caseprocessing modalities to improve the quality and efficiency of decision-making in line with international standards.
 - (iv) Reviewing the effectiveness of adaptations made to the screening process in response to the COVID-19 pandemic and whether any such changes should be carried forward.
 - (v) Making recommendations for existing and future quality assurance initiatives or other changes to ensure that screening and intake is conducted at the highest possible standard.

BACKGROUND

3. The processing of asylum claims in the UK begins with the registration of an individual's claim. As set out in the current Home Office guidance, *Asylum screening and routing*:

'Screening' is the general term for the process of registering the asylum claim, completing an initial contact and asylum registration questionnaire (during the screening interview) in the case of adults (children claiming asylum will have a welfare interview instead). This process includes:

- capturing the claimant's fingerprints and facial image
- completing mandatory security and identity checks both to establish, as far as possible [sic] the claimant's identity, and to biometrically link them to their given biographic identity

The screening process is designed to capture basic information about the individual's protection claim, their immigration history, and details about their family members including in the case of a dependent child, if the child has the same grounds for asylum as their parent, their own grounds or no independent claim for asylum. This supports an efficient and effective asylum process for the UK and ensures that the claim is subsequently handled in a manner that is appropriate to the individual, including ensuring any reasonable adjustments and safeguarding needs are considered.⁷

- **4.** In the years immediately preceding the COVID-19 pandemic, screening was typically carried out in the following settings:
 - (i) For in-country asylum claimants in England, Wales, and Scotland, screening was normally conducted at the Asylum Screening Unit in Croydon. As continues to be the case, this was normally by appointment, but claimants who arrived without an appointment could be screened on the day if they were assessed as destitute or vulnerable, or if their existing leave was about to expire;
 - (ii) The Kent Intake Unit (KIU) screened individuals who had arrived in Kent, either clandestinely or by small boat:
 - (iii) The Midlands Intake Unit (MIU), located in Bedford, screened individuals who were referred to it by the Immigration Enforcement (IE) National Command and Control Unit. Mostly, these were people who had recently arrived in the UK clandestinely and been encountered in-country by the police or Immigration Enforcement. They would typically have entered the UK in the back of a lorry (and are often referred to as "lorry drops").⁸ From some time in 2019, the MIU also began screening single men who had arrived in Kent by boat, when Kent did not have capacity to do so; individuals being screened were detained at Yarl's Wood Immigration Removal Centre, which is adjacent to the MIU offices;
 - (iv) In Scotland, unaccompanied children and particularly vulnerable adults were screened at the premises of the Refugee Council in Glasgow;
 - (v) In Northern Ireland, initial registration was carried out by a third sector partner in central Belfast, with the screening interview conducted afterwards by appointment at Home Office premises at Drumkeen House;
 - (vi) At an airport or other port of entry;
 - (vii) At a police station or in immigration detention following an encounter with Immigration Enforcement; or
 - (viii) In prison.

ASR Guidance 7.0 (n 1), p.7. The version in effect at the time of our audit was Home Office, Asylum screening and routing (Version 6.0, 31 December 2020), p.7, available at: <a href="https://webarchive.nationalarchives.gov.uk/ukgwa/20220128104051/https://www.gov.uk/government/publications/asylum-screening-and-routing This was the same, except that it did not include the phrase "including in the case of a dependent child, if the child has the same grounds for asylum as their parent, their own grounds or no independent claim for asylum." Further citations are to the current guidance, Version 7.0, abbreviated as ASR Guidance 7.0.

⁸ They told us that most of their referrals had been from local ICE teams, but some came from as far away as Liverpool, Leeds, or the Southwest. During this period, they normally had 18 detainees awaiting screening, but often fewer, and they prided themselves on being able to screen and release detainees within 24 hours.

- 5. In November 2019, the Home Office decentralised screening in Scotland as part of a proof of concept of a single front-end for public facing services. This consolidated Asylum screening operations into the existing Home Office Service and Support Centre (SSC) in Glasgow.
- 6. In the course of 2020 and 2021, several significant changes had a profound impact on screening procedures:
 - (i) In response to the COVID-19 pandemic, the Home Office decentralised screening in England and Wales, allowing screening appointments to be offered in existing Home Office premises in Cardiff, Solihull and Liverpool, in addition to Croydon;
 - (ii) In Northern Ireland, registration was taken in-house, and both registration and screening began to be conducted at Home Office premises in Drumkeen House; these were now by walk-in, rather than by appointment;
 - (iii) Towards the end of 2020, the number of asylum-seekers reaching the UK by small boat across the Channel began to climb significantly, placing unprecedented demand on registration and screening resources in Kent;⁹
 - (iv) Around the same time, the number of asylum-seekers in Northern Ireland increased significantly;10
 - (v) At the end of the Brexit transition period on 31 December 2020, the UK lost access to the EURODAC database and at the same time introduced new rules making asylum claims inadmissible based on travel through and connections to third countries deemed safe; as a result, it became necessary to collect more detailed information about asylum-seekers' travel route to the UK from the asylum-seekers themselves;
 - (vi) On the same date, the UK withdrew from the "Dublin" system, which sets out criteria for determining which Member State (including all EU Member States, Iceland, Norway and Switzerland) is responsible for an individual claim for international protection. This limited the UK's ability to return asylum-seekers and refugees to other Dublin Member States, as well as closing legal routes for asylum-seekers in other Member States to join family members in the UK;
 - (vii) As the number of asylum-seekers who had arrived by small boat in Kent continued to increase throughout 2021, staff in other locations began regularly assisting with their registration and screening, and registration and screening began to take place while asylum-seekers were housed in hotels or detained in immigration removal centres (IRCs) (most regularly in Yarl's Wood, but also in Harmondsworth, Colnbrook and Tinsley House in the Greater London area and Dungavel in Scotland).

The number of people arriving in the UK by small boat since 2018 was reported by the Independent Chief Inspector of Borders and Immigration (ICIBI) as follows: 2018 -286; 2019 -1,834; 2020 - 8,486; and 2021 - 28, 526. In 2021, 91% were brought ashore at Tug Haven in Kent by Border Force or the Royal National Lifeboat Institution (RNLI). Only 9% arrived in "beach landings" by coming ashore in their own crafts. ICIBI, An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil, December 2021 - January 2022 (Tug Haven and WJF), pp.12-13, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092487/E02726679_ICIBI_Tug_Haven_and_Western_Jet_Foil_Web_Accessible.pdf

Disaggregated statistics showing the number of asylum applications made in Northern Ireland are not available. However, the Home Office and other stakeholders in Belfast confirmed the significant increase. Publicly available asylum support statistics show that on 30 June 2021 there were 810 asylum-seekers in Northern Ireland in receipt of either Section 98 or Section 95 support. By 31 December 2021 this figure had increased to 1,357 and on 30 June 2022 it was 2,413. Home Office, Asylum and resettlement datasets, Asylum seekers in receipt of support, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098067/asylum-seekers-receipt-support-datasets-jun-2022.xlsx

¹¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (recast), available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R0604

¹² Readmission remained possible in a small percentage of cases. According to information released on 03 March 2022, in 2021: "9,622 asylum claimants were identified for consideration on inadmissibility grounds; 8,593 'notices of intent' were issued to individuals to inform them that their case was being reviewed in order to determine whether removal action on inadmissibility grounds was appropriate and possible; 64 individuals were served with inadmissibility decisions, meaning the UK would not admit the asylum claim for consideration in the UK system, because another country was considered to be responsible for the claim, owing to the claimant's previous presence in, or connection to a safe country; There were 11 enforced returns of individuals considered for removal on inadmissibility grounds [to Denmark, Germany, Ireland, Italy, Slovenia, Spain, Sweden and Switzerland]; [and] 5,269 individuals were subsequently admitted into the UK asylum process for substantive consideration of their asylum claim." https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/how-many-people-do-we-grant-asylum-or-protection-to

GUIDING PRINCIPLES

- 7. The approach outlined in this report is in line with the Global Compact on Refugees (GCR),¹³ which aims to strengthen the functioning of refugee regimes and reinforce the fair and efficient determination of international protection claims in accordance with applicable international and regional standards.¹⁴
- 8. The importance of fair and efficient asylum procedures has been acknowledged by UNHCR's Executive Committee (ExCom), which has adopted Conclusions reiterating the importance of such procedures in ensuring that persons in need of protection are identified and can access their rights under international law, including protection against refoulement.¹⁵ These Conclusions have set out a number of minimum procedural requirements, including that competent officials have clear instructions for dealing with potential refugee claims, and that claimants receive necessary guidance as to the procedures to be followed and the necessary facilities, including the services of an interpreter, for submitting their case to the authorities.¹⁶ Further, ExCom Conclusions have recognised that procedures for determining refugee status expeditiously as well as fairly not only protect the rights of refugees but also mitigate the burdens on States of responding to large numbers of refugee applications, including those that may be abusive or unfounded.¹⁷
- 9. In particular, ExCom Conclusion No. 91 (LII) on *Registration of Refugees and Asylum-Seekers*¹⁸ recognises that registration is a tool of protection, including protection against refoulement and protection of access to basic rights including family reunification, and identification of those in need of special assistance. It is also an essential tool for quantifying and assessing needs and implementing appropriate durable solutions.
- 10. It recommends that registration be guided by the following basic considerations:
 - (i) Registration should be a continuing process to record essential information at the time of initial displacement, as well as any subsequent demographic and other changes in the refugee population (such as births, deaths, new arrivals, departures, cessation, naturalization, etc.);
 - (ii) The registration process should abide by the fundamental principles of confidentiality;
 - (iii) The registration process should to the extent possible be easily accessible, and take place in a safe and secure location;
 - (iv) Registration should be conducted in a non-intimidating, non-threatening and impartial manner, with due respect for the safety and dignity of refugees;
 - (v) Personnel conducting the registration should be adequately trained, should include a sufficient number of female staff and should have clear instructions on the procedures and requirements for registration, including the need for confidentiality of information collected;
 - (vi) Special measures should be taken to ensure the integrity of the registration process;
 - (vii) In principle, refugees should be registered on an individual basis with the following basic information being recorded: identity document and number, photograph, name, sex, date of birth (or age), marital status, special protection and assistance needs, level of education, occupation (skills), household (family) size and composition, date of arrival, current location and place of origin.

¹³ Available at: https://www.unhcr.org/5c658aed4

Established as a special initiative under the Global Compact on Refugees, the Asylum Capacity Support Group (ACSG) mechanism provides support to individual countries to meet their asylum capacity needs.

ExCom Conclusion No. 71 (XLIV) 1993, para. (i), ExCom Conclusion No. 74 (XLV) 1994, para. (i), ExCom Conclusion No. 82 (XLVII) 1997, para. (d)(iii), ExCom Conclusion No. 85 (XLIX) 1998, para. (q), ExCom Conclusion No. 102 (LVI) 2005, para. (r). UNHCR, Conclusions on International Protection, Adopted by the Executive Committee of the UNHCR Programme, 1975-2017 (Conclusion No. 1-114), available at: https://www.refworld.org/type,EXCONC,UNHCR,5a2ead6b4,0.html

¹⁶ ExCom Conclusion No.8 (XXVIII) 1977, para. (e).

¹⁷ ExCom Conclusion No. 30 (XXXIV) 1983, para. (f)(i).

¹⁸ See also ExCom Conclusions No 99 (LV) (2004), para. (f), No. 100(LV) 2004, and No. 102 (LVI) 2005, para. (y), recalling and reaffirming these principles.

- 11. Later ExCom Conclusions have noted that age, gender and diversity concerns should be mainstreamed throughout the asylum process, in order to ensure that the particular protection needs of all refugees are addressed effectively and they are able to participate fully and on an individual basis in matters affecting them and receive protection against abuse and exploitation.¹⁹
- 12. With regard specifically to the collection of information from applicants for international protection, this report draws on accepted international best practice in investigative interviewing. This is based on the PEACE model, first developed for use by police forces in the UK and now taught and employed worldwide, including by UNHCR. PEACE stands for the five stages of an investigative interview: Plan and Prepare, Engage and Explain, Account, Close and Evaluate. The model does not set out a rigid checklist, but is intended to be flexible and adaptable. Nonetheless, it rests on a number of basic principles: ²⁰
 - (i) Planning and preparation are often key to the success of an interview, allowing the interviewer to identify beforehand what relevant information is already known and what topics remain to be explored, as well as to consider any adaptations to the conduct of the interview to take into account the interviewees' vulnerabilities or specific needs;
 - (ii) Establishing rapport between the interviewer and interviewee at the outset of the interview is essential to the quality and quantity of reliable information obtained; this requires, among other things, explaining to the interviewee at the outset what the purpose of the interview is, the role of each of the participants (the interviewer, the interviewee and the interpreter), and what is expected of them, and then confirming their understanding;
 - (iii) Initial information about each topic should be collected by prompting the interviewee to provide a free narrative account in their own words;
 - (iv) Further clarification should be sought at first through non-specific prompts, such the 'is there more you can tell me?'
 - (v) Further questioning should, whenever possible, commence with open-ended questions, asking the asking the interviewee to tell the interviewer more about a specific topic, or describe or explain what happened; these are called "TED (tell, explain, describe) questions";
 - (vi) These may be followed by specific closed questions, such as who, what, where, when and why;²¹ these should not, however, precede or interrupt the account, because this risks disrupting the flow of the interviewee's memory and distorting their account;
 - (vii) Every interview should have a closing phase. This may include reviewing or recapitulating what the interviewee has said, and should always include an invitation to the interviewee to ask question or raise concerns, and advice on next steps.
- 13. A screening interview is not, of course, a full refugee status determination interview (called a "substantive interview" in the UK). It covers a different range of issues, from simple biographical data to health concerns to past experiences of trafficking or persecution. Nonetheless, as noted in more detail below, there are a number of stages in the screening interview where elements of the PEACE model would, in our view, promote the collection of more complete and reliable information and thereby contribute to the greater efficiency of the asylum system overall.

¹⁹ ExCom Conclusion 100 (LV) 2004, para. (d), ExCom Conclusion No. 107 (LVIII) 2007, para. (e), ExCom Conclusion No. 100 (LXI) 2010, para. (c).

The principles listed here are drawn from UK Ministry of Justice and National Police Chiefs' Council, *Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures* (January 2022) (MOJ and NPCC, *ABE guidance*), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1051269/achieving-best-evidence-criminal-proceedings.pdf; see also College of Policing, *Investigative Interviewing*, available at: <a href="https://www.college.police.uk/app/investigation/investigative-interviewing/investigative-interviewi

²¹ Although the question "Why?" should be avoided where it risks encouraging speculation or implies a sense of blame or judgment. MOJ and NPCC, Ibid. para. 3.57.

METHOD

- 14. The first stage of the screening audit was a desk review of:
 - (i) Published Home Office guidance documents;
 - (ii) Home Office publications and forms;
 - (iii) Home Office standard operating procedures;
 - (iv) Relevant reports by the Independent Chief Inspector of Borders and Immigration (ICIBI); and
 - (v) UK caselaw.
- **15**. The desk review was completed in July 2021 and provided to the Home Office. It contained a number of preliminary observations and recommendations, which are contained at Annex D.
- **16.** Following the desk review, QPP staff conducted a series of in-person visits to screening premises across the UK, as follows:
 - (i) Cardiff, 22-23 June 2021;
 - (ii) Belfast, 2-3 August 2021;
 - (iii) Tug Haven and Kent Intake Unit, Dover, Kent, 17 September and 09 November 2021;
 - (iv) Gatwick Airport, North Terminal, 25 October 2021;
 - (v) Midlands Intake Unit, Bedford, 02 November 2021;
 - (vi) Croydon, 04-05 November 2021;
 - (vii) Glasgow, 16 November 2021; and
 - (viii) Heathrow Airport, Terminal 5, 30 November 2021.
- 17. Approval was not obtained for QPP to visit the detained estate where screening interviews were being conducted, such as at Yarl's Wood and Harmondsworth Immigration Removal Centres. However, we were able to listen live to screening interviews conducted by telephone with detainees in Yarl's Wood and Harmondsworth IRC.
- 18. During the course of our site visits, QPP was given unrestricted access to Home Office premises and was able to observe all stages of the screening process, including initial contact, data entry, the registration of biometrics, interviews, and (where relevant) the granting of bail or transport to detention facilities. In addition, we were able to engage in both structured interviews and focus groups with Home Office staff at all ranks, and in more informal conversations.²² We spoke to more than 70 front-line staff involved in carrying out or managing the registration and screening process, as well as to staff in senior leadership positions and those responsible for an internal "root and branch review" of the screening process. In order to encourage open discussions, we assured staff that they would not be personally identified in our report. In some cases, this has required omitting the name of the particular screening location.
- 19. Home Office staff at all levels were open, cooperative and as responsive and as generous with their time as their workload allowed.
- **20.** UNHCR was able to review either the live interview or the screening file (and for many cases, both) for 115 asylum-seekers. This included directly observing 43 interviews, comprising:
 - (i) 24 adult screening interviews conducted face-to-face;
 - (ii) 8 adult screening interviews conducted over the telephone;
 - (iii) 6 child welfare interviews conducted face-to-face;
 - (iv) 1 child welfare interview conducted remotely; and
 - (v) 4 truncated screening interviews, in which the minimum necessary questions were asked and a full screening postponed to a later date.

²² Due to the pressures of staff workloads and the diversity of practices across screening locations, we were unable to conduct structured interviews at all locations or to ask precisely the same questions. Although this limits comparability across sites, many common themes nonetheless emerged.

- 21. At Heathrow Terminal 5, we spot-checked 15 files awaiting final quality assurance checks, and at Gatwick North, we spot-checked seven recent asylum files.
- 22. We subsequently reviewed the Home Office records in these cases in the Home Office casework databases, the Case Information Database (CID) and Atlas.
- 23. In addition, in the course of our site visits, UNHCR was provided with further documents, including locally developed training materials, standard operating procedures, and "desk aides", as well as the versions of Home Office forms and informational materials for asylum-seekers that were in use in the particular location.
- 24. The Home Office provided UNHCR with a spreadsheet containing basic details of 5,581 cases screened between March and September 2021, from which 50 were randomly selected. Eight were welfare interviews and 42 were adult screening interviews.²³ Of the 42 who were treated as adults, four had been assessed as adults following a visual assessment; three were later accepted to be under 18, and the fourth went missing before the age dispute was resolved. UNHCR read the welfare and screening interview records in each case, and reviewed the case records in CID and Atlas.
- 25. Registration and screening conducted by Immigration Enforcement and procedures at police stations and in prisons were not included within the scope of the audit for operational reasons.²⁴
- 26. During our site visits, UNHCR was able to speak with around 20 asylum claimants directly to ask them about their background, current situation, and impression of the screening process. More generally, we were also able to observe claimants' journeys through the screening process by witnessing first-hand their interactions with Home Office staff in different screening locations: how they were treated and questioned, how comfortable their surroundings were and how they responded verbally and through their body language. We were unable, however, to systematically include structured interviews with claimants as part of our review. This was for several reasons, both logistical and ethical. So, whilst our findings contain some reflections from claimants themselves, their further participation and feedback in reforms of the registration and screening process should be sought, either by UNHCR or another party external to the Home Office.

STRUCTURE OF THIS REPORT

- 27. As noted above, UNHCR observed the registration and screening process in a wide variety of settings. Each presents its own challenges and staff have in some respects responded with their own, locally designed solutions. At the same time, the registration and screening process pursues the same objectives and includes many of the same processes regardless of where it is carried out.
- 28. This report has sought to emphasise observations and recommendations that apply across all screening locations. These are set out in Part One: Cross-cutting Observations. However, we recognise that the registration and screening of asylum claimants who have arrived in the UK by small boat across the Channel raises particular challenges and, given the increasing proportion of asylum-seekers who arrive in this way, we have addressed those separately in Part Two: The Response to Small Boat Arrivals. Finally, in Part Three we address issues that are specific to registration and screening at airports.

²³ One person who was given a welfare interview had been assessed by social workers as 21, but was being treated as a child pending a full assessment. The assessment eventually confirmed that age.

In both Northern Ireland and Glasgow, stakeholders advised UNHCR that asylum-seekers who approached the police out of normal working hours were being detained in police custody overnight and expressed some concerns about detainees' welfare and about the legal basis for the detention See, for example, the official UKVI document, Claiming Asylum in Northern Ireland (September 2020), which includes a flow chart showing "PSNI [Police Service of Northern Ireland] detain claimant and refer to UKIE [UK Immigration Enforcement]" as the result if the claimant either is not vulnerable and requesting accommodation, or if the claimant is considered by the National Asylum Allocation Unit [NAAU] to be ineliable for initial accommodation.

These reasons included that several of the registration and screening environments we visited were under significant operational pressure, and many of the asylum-seekers who were present had immediate unmet welfare needs or were anxious and confused. In our judgment, it would not have been appropriate or productive to interrupt the process for the time necessary to enable them to understand the nature of our review and provide informed consent to participate. We also observed that given the range of personnel whom asylum claimants are dealing with at screening, it was a challenge for those to whom we did speak to understand UNHCR's independent role and provide open responses to questions. Finally, at many locations screening was conducted spontaneously on a walk-in basis, meaning it was not possible to pre-arrange UNHCR interviews with claimants. Selecting claimants to speak with after the screening appointment, however, would have depended on referrals from lawyers and charities, producing a highly unrepresentative sample as only a small number of people will be in contact with NGOs or have been able to access legal advice this early in their asylum journey.

PART ONE: CROSS-CUTTING OBSERVATIONS

- 29. This report is based on the registration and screening process as we observed it in practice and as it was described to us by Home Office frontline and leadership staff. Where relevant, we refer to published Home Office guidance. However, none of the staff we spoke to proactively referenced the *Asylum screening and routing* guidance document as a source of information to help answer any questions about the screening process. They referred instead to the information on the screening interview template, local guidance documents, or local practices. When UNHCR specifically raised the guidance, many staff said they were unaware of it. Therefore, providing new or better guidance is unlikely to be sufficient to address the concerns raised below.
- **30.** We nonetheless refer at various points in this report to the *ASR guidance* and make observations on its strengths, omissions and potential areas for improvement, where relevant.
- **31.** We recognize that the *ASR guidance* is not the only guidance product available to screening staff and that it contains an instruction at the outset that it must be read in conjunction with all other relevant guidance:

You will find the component parts of the screening process such as fingerprinting, determining immigration status, setting immigration bail and determining nationality where nationality is doubted are set out in detail in the asylum guidance, the A-Z of immigration guidance for Border Force, and the Immigration Enforcement: general instructions. This screening guidance complements these sources but does not replace them. It also provides specific advice on the initial contact and asylum registration questionnaire (screening questionnaire) and related asylum-specific parts of the process.

This guidance must be followed by anyone carrying out asylum screening to ensure consistency in all screening locations.

This guidance must be read in conjunction with all other applicable guidance, including:

- Liability to administrative removal under section 10 (non-European Economic Area (EEA)
- · Dependants and family members in asylum claims
- Family asylum claims
- Nationality: disputed, unknown and other cases
- Biometric data-sharing process (Five Country Conference (FCC) data-sharing process)
- · Multiple applications
- Visa matches: handing asylum claims from UK visa applicants
- Requests made to the UK under the Dublin III Regulation prior to the end of the Transition Period at 11:00pm on 31 December 2020
- EU / EEA asylum claims
- Inadmissibility
- Assessing age
- · Detained asylum process
- · Detention guidance
- The family returns process (see the section 'family welfare form')
- Children's asylum claims
- Victims of modern slavery (home page)
- Victims of modern slavery: a guide for frontline staff [hyperlinked]
- Modern slavery victims: referral [hyperlinked]
- Country information and guidance (home page)
- Further submissions
- Identifying people at risk
- Identity management (enforcement)
- Immigration bail

This is not an exhaustive list.²⁶

The practical effectiveness of this instruction is likely to be limited by the fact that it appears at the beginning of the guidance and is presented in general terms, leaving it to individual caseworkers to identify which other guidance may be relevant to specific aspects of their work, and to locate the relevant sections within it.

THE RESPONSE OF HOME OFFICE STAFF TO RECENT CHALLENGES

- **32.** This report contains both recognition of good practice and recommendations for improvement. Some of those recommendations are based on practices we observed that fell short of international standards or were, in our view, inconsistent with UK law or Home Office policy. It is necessary, however, to put these recommendations in context and begin by recognizing the extraordinary dedication of frontline line staff throughout the Home Office.
- **33.** The overwhelming majority of the staff UNHCR observed during the audit were respectful, professional, and patient in their interactions with claimants. Many displayed empathy and offered reassurance when discussing distressing matters with interviewees, and when vulnerabilities were recognized, these were explored with tact, individuals were signposted to relevant services, and appropriate referrals were made promptly.²⁷
- 34. Staff spoke to us compassionately about the welfare needs of people who had recently arrived in the UK, and they took seriously their obligation to process claims as quickly as possible so that people could access accommodation and welfare support or be released from detention. When UNHCR asked one officer whether she had had a break on a particularly busy day, she replied that the most important thing is that they move people through quickly, commenting, "They've had it worse than we have."
- 35. Many staff went beyond their required duties to offer assistance. In Belfast, for example, staff helped an elderly man who had been assessed as financially ineligible for initial accommodation to find a reasonably priced Bed & Breakfast. They also described sometimes waiting with vulnerable asylum-seekers outside Home Office premises after hours until their transportation to their accommodation arrived. In Cardiff, staff not only took care to advise asylum-seekers that they were eligible to register with a GP and receive free care on the NHS but also researched and provided a list of GP practices near their accommodation. Staff at MIU reported working in the office for more than 10 hours without breaks, going home to their families, and then logging back on to Home Office systems at night to complete administrative tasks.
- **36.** Staff were supportive of each other across most screening locations. When we had the opportunity to hold focus groups, they were able to express doubts and uncertainty openly and to disagree with each other respectfully. They are proud of their team spirit -- with one officer noting that they had "never worked for a team that always wanted to help each other out as much" -- and of doing the best they can with the limited resources they have.
- 37. UNHCR met with staff who had stayed in screening for more than 10 years because they saw their job as one where they were directly helping people and viewed their pay as decent. Long-term staff at one location said, however, that they were "finding it difficult to cope" and the situation was "not sustainable"; five people had left recently, and every one of them was thinking of leaving or actively looking for other work. They said that by the predicted surge in arrivals the following summer, they had no idea who would still be left. At another location, a recent recruit described being a screening officer as one the most enjoyable jobs she had ever had, but had nonetheless already applied for a transfer to a different Home Office role.
- 38. Frontline managers were protective of their staff and showed considerable initiative, in some cases designing local operating procedures or offering additional training in response to staff needs, as well as carrying out frontline screening work themselves. Several expressed frustration with Home Office leadership, however, saying that their complaints had been ignored or that the system had been poorly designed and as result "my staff are getting hammered."
- **39.** Most of the shortcomings identified in this report should therefore be taken as reflections on training, guidance and resources, and not on individuals.

In its report on asylum casework, ICIBI reported instances of hostile or threatening behaviour by screening staff. We did not witness similar incidents. ICIBI, An inspection of asylum casework (August 2020 – May 2021) (Asylum Casework 2021), p. 72, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034012/An_inspection_of_asylum_casework_August_2020_to_May_2021.pdf.

RESOURCES

Staffing levels

- 40. UNHCR observed that the intake and registration process was significantly under-resourced in terms both of staffing and facilities in Belfast, Croydon, the Midlands Intake Unit, and in Kent. Although staff at Cardiff were handling a manageable caseload during our visit, we were told that in other periods significant backlogs had built up because they had been asked to support with the remote processing of small boat arrivals.
- 41. As set out above, staff rose to the challenge as far as possible, displaying considerable dedication to the welfare of asylum claimants and commitment to supporting their colleagues. However, staff at all levels recognized that the situation was "unsustainable".
- 42. UNHCR heard inconsistent reports of the volume of casework that screening officers were expected to achieve; this may reflect the wide diversity of caseload and experience between and within screening locations. One unit manager explained that staff screening remotely were expected to do "do 2 interviews each on that day, but at least one". Another new staff member in the same unit said they could conduct 3-4 interviews in a day; each one takes an hour, including wrapping up the paperwork, but they have been told this is too long. At KIU, one staff member estimated in September that three cases could be processed by one staff member during a 9-hour shift, including biometrics, security checks, screening and processing bail. However, two other staff members declined to estimate how many claimants they could process in a day. At MIU, we were told that screening officers can do five full screenings a day, although this can be challenging, especially if safeguarding or trafficking referrals need to be made, and 12 truncated MVP interviews (see paragraphs 245-265 for a discussion of MVP interviews).
- **43.** Many screening units were, in the words of a senior manager, constantly "robbing Peter to pay Paul", taking staff off of decision-making roles to conduct screening interviews, or seconding staff to conduct screening interviews over the telephone for other locations.
- **44.** Since UNHCR's observational visits, the National Asylum Intake UNIT (NAIU) has engaged in large scale recruitment expanding the headcount of the unit from 261 staff in January 2022 to 746 staff in July 2022.²⁸

National Asylum Intake Unit – headcount of staff					
Total headcount					
As at 14/01/2022	As at 28/03/2022	As at 23/05/2022	As at 25/07/2022		
261	526	715	746		

- **45**. As of July 2022, roughly two-thirds were agency staff, although many were being encouraged to apply for permanent positions. Staff were also recruited through the Department of Work and Pensions (DWP) Kick Start programme, and through internships.
- 46. UNHCR welcomes the increase in staffing levels and looks forward to learning more about how the new staff are trained and deployed, and how different types of screening work are allocated between them. We have made specific recommendations below regarding training, specialization, work allocation and efficiencies, and we believe many of these will continue to apply even with significantly increased staffing levels.

Decentralisation

- 47. As noted above, screening had been decentralized to Glasgow in November 2019, and then in response to the COVID-19 pandemic, to Cardiff, Liverpool and Solihull as well.²⁹ UNHCR visited two of these locations, Cardiff and Glasgow. In both cases, staff were very positive about the change. They recognized the benefit to claimants in not having to travel long distances in order to register their claims. UNHCR also observed staff drawing on their local knowledge about NGOs, GPs and other services in order to understand claimants' situation and signpost them to support.
- 48. In both locations, some staff combined screening work with other Home Office roles. In Cardiff, several asylum decision-makers had stepped into screening roles either temporarily or permanently, while in Glasgow, screening officers divided their time between asylum screening and human rights (managed migration) casework.³⁰ In each of these different contexts, staff who combined roles said that they enjoyed the variety this brought to their work and felt they could draw on existing skills and legal knowledge. In Belfast, where some staff also combined roles, operational managers expressed the view that a permanently flexible workforce would be an appropriate local response to the unpredictability in their screening intake (which was walk-in only).
- **49.** In Glasgow, refugees, NGOs and legal advocates had been arguing in support of decentralization for some time, primarily because of the challenges asylum-seekers faced in travelling to Croydon without funding or support.³¹ Their response to decentralization was unanimously positive.

Facilities

- 50. We observed registration and screening being carried out in a wide range of facilities, including Home Office buildings, airports, and the Western Docks in Kent. Detailed observations about each of these premises fall outside the scope of this report. UNHCR is also aware that many of the limitations in existing facilities reflect the need suddenly to adapt existing structures to new uses when the COVID-19 pandemic required the decentralization of screening out of Croydon. Nonetheless, we offer a few limited observations and recommendations.
- 51. The new regional screening centres in Belfast and Cardiff were located in existing Home Office premises that been designed for scheduled interviews and reporting events. They had no facilities designed to meet the welfare needs of people who had recently arrived in the UK or were destitute or vulnerable, and limited provision of food and drink. They also had limited interview rooms, which had to be shared with substantive asylum interviews.
- **52.** At the Asylum Intake Unit in Croydon, interviews are carried out in booths that are closed towards the waiting area but open onto a staff corridor at the back. This created a noisy and distracting environment.
- **53.** Although the Glasgow screening office had also been designed for face-to-face conversations³² and applications, it had previously operated as a "premium service centre" for claimants on managed migration routes, and its facilities were to a higher standard, with private interview rooms and a more comfortable waiting area.

²⁹ Registration was taken in-house in Belfast around the same time, but screening interviews had always been conducted locally there.

Human rights applications are applications for leave to remain in the UK on the basis of the applicant's family or private life. They are normally decided entirely on the papers. Applicants are normally required to pay a fee, but it is possible to apply for a fee waiver.

³¹ The Home Office did not provide funds for asylum-seekers to travel from Scotland to Croydon, although charities might provide a bus ticket. Asylum-seekers would normally need to take an overnight bus journey of more than eight hours, departing between 10:00 and 11:00PM and arriving in London at 7:00AM. They then might not be able to register their claim in Croydon if they were judged not destitute enough to qualify for a walk-in appointment and be stranded in London without a support network.

³² The Home Office uses the term "face-to-face conversations" rather than "interviews" to describe the customer interactions in Service and Support Centres (the successors to Premium Service Centres).

- 54. No offices had separate waiting areas for single women, children, families, or claimants who were otherwise vulnerable. Staff in Belfast were aware that the waiting area can be a confronting space for female asylum-seekers arriving on their own, given that it is small and often busy with single young men. They tried to seat women and children in an alcove set slightly apart from the rest of the waiting area, but sometimes the numbers of arrivals did not permit this.
- 55. They also acknowledged that there were not enough resources for children such as toys and play areas to keep them occupied whilst while families were being screened.³³
- 56. Several offices, including Belfast and Glasgow, had larger rooms that were designed to interview children and families. However, there did not appear to be a clear procedure for looking after children while their parents were being interviewed. UNHCR observed a woman being interviewed, including about a sexual assault which her daughter had suffered, whilst that daughter and another of her children slept on the floor next to her.
- 57. The limited facilities were particularly challenging in Belfast, where the switch to a system of walk-in registration and screening meant that the number of claimants each day was unpredictable and the premises could become significantly overcrowded. Staff there explained that when there are more arrivals than can be accommodated in the waiting area, claimants have to wait outside where there is no shelter from the cold and rain. Staff repeatedly mentioned the poor facilities, which they felt put pressure on them to move people out and into accommodation as quickly as possible. This pressure had necessitated the development of a two-stage process whereby claimants have a shortened "walk-in" interview (see paragraphs 254-260) before having their full screening interview by phone at a later date.
- **58.** Although we did not specifically investigate staff break rooms across the different facilities, staff at MIU brought up their absence and mentioned the negative impact it had on their wellbeing.
- **59.** The limited facilities at new regional screening locations are not, however, grounds for returning to a system of centralized screening at Croydon. In UNHCR's view, this would increase the pressure on the limited facilities in Croydon while eliminating the benefits of decentralization.

I. RECOMMENDATIONS REGARDING FACILITIES

- (i) Ensure that all registration and screening facilities have safe and appropriate waiting areas for women, families and children, and child-friendly interview rooms.
- (ii) Where new facilities are designed, create private interview rooms, rather than half-open ones, as in Croydon.
- (iii) Consider a formal separation between registration and welfare checks (including assessment for initial accommodation) and screening, especially where numbers of arrivals exceed capacity in terms of staff or facilities, to reduce waiting times for claimants and the pressure on staff (See Recommendations XVI and XVII).

³³ They said that they had offered to donate toys that their own children had outgrown but had been told that was not possible for health and safety reasons. They were pleased to have a few soft toys left over from the Syrian resettlement scheme that they could give to younger children.

Training

- **60.** Staff told us that they received limited formal training and mainly learn through shadowing. Operational managers at two locations expressed the view that current training was not sufficient.
- 61. Across all screening locations other than airports, staff told us that their training focused on carrying out necessary identity and security checks, operating Home Office databases, and issuing the paperwork that is expected to be served at the end of a screening appointment. They told us that they receive no specific training on the purpose of the screening interview or on interviewing technique; training on the interview focuses on the questions on the form.
- **62.** Staff also said that they had received very little training on recognising vulnerabilities, and instead relied on experience and intuition. At airports, by contrast, staff could rely on the support of Safeguarding and Modern Slavery (SaMS) officers, who have received specific additional training.
- **63.** Overall, it appeared that there was no uniform and structured training programme being provided to screening officers. UNHCR heard a wide variety of accounts of what training people had received. These included:
 - (i) New staff member at the Asylum Intake Unit in Croydon (AIU) 3-4 days training, of which two were e-learning. They had then sat with someone for one day, observing interviews.
 - (ii) Glasgow four of six staff had been trained on the entire registration process, and two on just conducting interviews.³⁴ Training consists of a Power Point presentation which has been developed by staff in Glasgow with input from NAIU. The training was the only specific asylum screening training we saw in all our observational visits; the content on asylum was very limited, and there was nothing on interviewing technique. Mainly, staff learn through shadowing. Some staff had attended Immigration Enforcement training in 2019, which they said had focused on processes.
 - (iii) MIU Regular screening staff do not have any screening-specific training. They do e-learnings on the NRM, Modern Slavery, counter-terrorism, suicide and self-harm awareness, and Female Genital Mutilation (FGM). They get no training on how to interview, or on how to spot indicators of vulnerability or trafficking; this is learned through shadowing and mentoring. Newly recruited agency staff said that most training was "on the job"; however, their experience of what this entailed depended on the supervisor or mentor.³⁵
 - (iv) Cardiff Screening was conducted by agency staff at the time of our visit. They had received two days of remote training from the NAIU in Croydon covering "how to screen", how to issue paperwork, and the reasons behind screening. Their direct supervisor then gave them training on Home Office databases and fingerprinting. She felt that their official training had focused on how to issue mandatory paperwork, but they lacked training on how to interview and when to ask more questions.
 - (v) Border Force staff Gatwick No training specific to asylum, although they must observe a screening interview as part of their on-the-job observation training and they are then shadowed during their first few screening interviews. One officer said that they had attended a training provided by an NGO that had told them to look for flags of exploitation, including run-down clothes, travelling with barely any clothing, or a person being "stuttery" and "nervous". Safeguarding and Modern Slavery (SaMS) officers have an additional five-day training course.
 - (vi) Border Force staff at Heathrow Lack of training was identified by one higher officer as a "big issue", leading to significant backlogs, mandatory steps not being completed, and excessive demands on the staff who are fully trained. Many officers lack training in specific competencies such as fingerprinting, taking biometric photographs, or using the Atlas database.

As noted below, our understanding is that this includes the content and process of the interview, but not interviewing technique.

One staff member was listening in on eight screening interviews per day during their induction and gradually allowed to conduct their own interviews while being observed. This process continued for around two weeks during which time they were paired up with a mentor. One agency staff member said they were deliberately paired up with an experienced interpreter during their first weeks to make things easier, as the interpreter was familiar with the questionnaire. Alternatively, another staff member only listened to one or two interviews per day of training (for a total of 5-6 interviews) and did not have anyone listen to or provide feedback on their first interviews. Staff noted that the people training them were training around six people per week and so they got limited attention. As a result, some felt they "had been doing things a bit blind without feedback". Staff were, however, keen to point out that their MIU colleagues were very friendly and approachable.

- **64.** In Glasgow, we were shown the local training materials that had been developed with the input of NAIU. This sets out the purposes of screening as follows:
 - 'Screening' is the term for the process of registering an asylum application. This includes capturing biometrics, completing all mandatory checks and conducting a screening interview.
 - Screening is designed to obtain basic information about the individual's protection claim, details about their family members and travel route to the UK.
 - It supports an efficient asylum process to allow asylum claims to be handled in a manner that is appropriate to the individual, ensuring any reasonable adjustments and safeguarding needs are considered.
- 65. This is followed by 25 slides, covering the following topics:
 - (i) Initial steps in the screening process (1 slide)
 - (ii) An overview of identity and security checks (1 slide)
 - (iii) Topics to be covered in an initial interview with the claimant (a procedure unique to Glasgow) (1 slide)
 - (iv) The contents of the screening interview (1 slide)
 - (v) Establishing the claimant's immigration status ("the contention") (8 slides)
 - (vi) How to carry out tasks in Home Office databases (6 slides)
 - (vii) Referrals to initial accommodation (2 slides)
 - (viii) Handling valuable documents (1 slide)
 - (ix) Allocation of work within the team (1 slide)

II. RECOMMENDATIONS REGARDING TRAINING

- (i) New staff should receive consistent and comprehensive training, including:
 - (a) Basic principles of asylum law;
 - (b) Non-refoulement and the right to access asylum procedures;
 - (c) Interviewing techniques;
 - (d) Working with interpreters; and
 - (e) Recognising and responding to indirect and non-verbal indicators of vulnerability and trafficking.
- (ii) Existing staff should be offered refresher training in specific areas, as noted in other recommendations.

■ Registering a claim

- **66.** For individuals who approach the authorities to claim asylum after entering the UK, the first step should be to telephone the Home Office to make an appointment for registration and screening.
- 67. Of the locations we visited, in Cardiff, Croydon, and Glasgow asylum-seekers are allocated screening appointments through a telephone booking process centralized in the NAIU, based in Croydon. Claimants call a central hotline called the "Asylum intake unit appointments line" which is staffed by around 15 staff from NAIU. The officer with overall management responsibility for bookings described the process as follows:
 - (i) Claimants call the bookings line and express their intention to claim asylum. An interpreter is normally not necessary for this part of the process, but if required, staff will call back to speak with the claimant through an interpreter.
 - (ii) Staff collect the claimant's full name, date of birth, gender, nationality, and phone number, and the phone number of their legal representative, if any. They ask if they have a passport or valid visa and, if they have a visa, when it expires. Claimants are asked for their address and whether it is safe for them to remain there and whether they have any medical conditions. No information is collected on dependants except for the number and whether they are adults or children.

- (iii) Claimants in need of accommodation are instructed to call Migrant Help, a charity that is contracted by the Home Office to provide advice and support to asylum-seekers, including by assisting them with applications for accommodation and financial support and signposting them to other services.³⁶
- (iv) Staff can mark cases as a priority if they fall into one of several categories in a drop-down menu on the database: homeless, pregnant, medical needs, victim of trafficking and "visa" (meaning their visa is about to expire).
- (v) The information is recorded in an Access database which is not connected to any other Home Office system.
- (vi) Claimants are provided a five-digit reference number and advised that the Home Office will call them back at a later date to confirm their interview date. Claimants are asked to call and update the Home Office if their situation changes.
- (vii) At the second stage, claimants are called back once there is a confirmed date for their screening interview.
- (viii) During the second call, staff confirm that the person would still like to claim asylum. It is explained that a letter will arrive in the post with further details.³⁷ At this stage Home Office systems are checked to confirm whether the person is known to the Home Office, but no new records are created.
- **68.** The head of the bookings team told UNHCR that in rare cases the phone bookings service make their own safeguarding referrals.³⁸
- 69. There did not seem to be a practice of providing claimants with detailed information about what to expect at the screening appointment. When UNHCR observed claimants being provided with the *Information booklet about your asylum application* (commonly called the Point of Claim leaflet), this was at the end of the screening appointment, not before it.³⁹ When we spoke to applicants both at Heathrow and in Kent, they all expressed confusion about what was happening to them, including the nature of the procedures that had already been concluded and what the next steps were.⁴⁰
- 70. The appointment booking system is not connected to the central asylum record. This means that the date on which an individual called the Home Office is not automatically recorded in the Home Office's two case management databases, the Case Information Database (CID) and Atlas. In some cases, the date and time at which the claimant was called back by the bookings team (i.e. the second call) is recorded in CID and Atlas. However, UNHCR understands that the timing of the original call by the claimant to the bookings line is not recorded. UNHCR observed a number of cases where the information concerning the booking of the appointment is limited to the information below:

"The customer has contacted NAIU to request an appointment to register their asylum claim. Reference number [XXXX].

The application/raised date on CID reflects the date that this data was entered on CID and NOT the date the person called the appointment line."

[CID entry was dated: 5.11.2021 – the date of the asylum screening interview rather than the date the claimant first called to claim asylum.]

³⁶ See https://www.migranthelpuk.org/what-we-do

³⁷ Staff advised that they would soon be able to send an email appointment, and in Glasgow, where many claimants have already been in contact with Migrant Help or are in Initial Accommodation, we observed that appointments might be communicated through Migrant Help or the accommodation provider.

³⁸ They gave as examples two cases in which they had called the police: one when the caller was saying very little but was worried about her husband, who was abusing her, and another when a woman said she was a victim of trafficking and was locked in a house.

³⁹ See ICIBI, Asylum Casework 2021 (n 27), para. 9.15-9.17, noting that the Point of Claim leaflet was not routinely provided at the screening interview and reporting that Asylum Operations staff believed it was in any event "too long and too wordy". In ICIBI's view, as it is available only in English and is predominantly text, it may be difficult for many asylum-seekers to understand. The ASR Guidance is ambiguous on this point, stating at page 15 that "As part of the screening process all asylum claimants must be provided with the leaflet 'Information about your asylum claim', known as the 'point of claim leaflet'". ASR Guidance 7.0 (n 1).

⁴⁰ This included, for example: a group of young people who had been in a STHF at KIU for more than 24 hours, who told UNHCR they did not know what they were waiting for; detainees released from the KIU SHTF who were being boarded onto a bus without understanding the nature of their destination; and a man who had been bailed from an airport and requested to return for a screening interview weeks later whom we spoke to after his screening interview. He said that he had been told that the screening interview was part of the asylum process and that the decision did not depend on it, but he did not know what the purpose was.

At lass was designed to replace CID entirely, but the transition from one database to another has been longer than hoped and is now planned to be completed by the end of 2023. At present, cases must be processed in both systems. The systems are not interoperable, as discussed in more detail below.

- 71. UNHCR learned that a pilot had previously been run for moving the bookings process over to CID and Atlas, allowing a person's details to be checked on Home Office systems during the initial call. One officer's view was that this was impractical because it required the claimant to be on the phone for much longer, and this in turn would require more Home Office staff. They would also need an interpreter to ensure the name was collected properly.⁴²
- 72. At the time of our audit, there were significant delays between initial telephone requests, the second call back from the asylum bookings team and the screening interview. In November 2021, NAIU staff informed UNHCR that it was taking a minimum of 12 weeks for someone to be called back with an offer for an appointment, and approximately 3,800 individuals were waiting for screening interviews, including some who had called the Home Office to claim asylum in July 2021.⁴³ Of these, the bookings team informed UNHCR that there were 71 individuals with specific vulnerabilities noted during the booking process who would be prioritized for screening. From a brief review of the list, UNHCR observed that most of these were individuals with medical issues.⁴⁴
- 73. There are several potential consequences of this delay. First, because the date of the initial contact by the claimant is not consistently recorded by the Home Office, there is a risk that the timing of the asylum claim is not determined accurately, leading to errors in assessing credibility or eligibility for refugee leave, or in identifying which rules and policies apply to the claimant.⁴⁵
- 74. Secondly, because access to the NHS⁴⁶ and access to financial support and accommodation through the Asylum Support system⁴⁷ often depend on registration of an asylum claim, the delay in accessing registration and screening could place asylum-seekers at increased risk of ill health, homelessness or destitution. NGOs have also recently reported that some law firms are refusing to take on new Legal Aid clients in the absence of paperwork confirming that they are in receipt of Asylum Support.⁴⁸
- 75. In order to mitigate some of these risks, the Home Office has adopted a practice of giving asylum-seekers a reference number for their initial call, which they can then use to contact Migrant Help and apply for accommodation and support prior to their formal registration appointment. In addition, in Glasgow in particular, UNHCR observed that Migrant Help had carried out initial welfare checks and referred asylum-seekers who may have been victims of trafficking into the NRM even before the registration appointment.⁴⁹
 - 42 For the problems that arise when names are taken without the assistance of interpreters, see the discussion at paragraphs 434-436 below
 - 43 Legal representatives reported that in March and April 2022, asylum-seekers who contacted the Home Office were still being told that the wait for screening appointments was 12 weeks
 - The Home Office noted in its fact-checking response: "In Glasgow, following the initial phone call, NAIU pass the customer details to SSC colleagues to book the appointments. Some appointment capacity is reserved to expedite appointments and reduce waiting times for vulnerable customers. . . . vulnerable customers are referred by Migrant Help, or ICE teams and include individuals who are: homeless; destitute; a victim of domestic violence; or have urgent medical needs where they need to register with a GP."
 - On 28 June 2022, a number of rules and policies were introduced, some of which only apply to those who "sought to register" an asylum claim on or after 28 June 2022. See for example Home Office, Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022, v. 11.0 [sic] (28 June 2022) (Assessing credibility after 28 June 2022), available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086137/Assessing_credibility_and_refugee_status_post_28_June_2022.pdf, D. 6 and Home Office, Permission to stay on a protection route for asylum claims lodged on or after 28 June 2022. Version 1 (Permission to stay on a protection route), p. 4, available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083097/Permission_to_stay_on_a_protection_route.pdf, In addition, a delay in claim can be held to be damaging to an asylum-seeker's credibility, or make them Group 2 refugees under Section 12(2) of the Nationality and Borders Act 2022, available at: https://www.legislation.gov.uk/ukpga/2022/36/section/12/enacted.
 - In theory, "Anyone in England can register with a GP surgery.... You do not need proof of address or immigration status, ID or an NHS number." https://www.nhs.uk/nhs-services/gps/how-to-register-with-a-gp-surgery/. The same is true in Scotland and Wales, and in Northern Ireland asylum-seekers are specifically exempt from the general residency requirement. However, GP surgeries are allowed to refuse to register persons who do not live in their treatment area, and many in practice require proof of address (See, for example: https://www.nhsinform.scot/care-support-and-rights/nhs-services/doctors/registering-with-a-gp-practice) or identity documents (see Refugee Council, A note on barriers experienced by refugees and people seeking asylum when accessing health services, March 2021, available at: https://media.refugeecouncil.org.uk/wp-content/uploads/2021/10/29174557/A-note-on-barriers-experienced-by-refugees-and-people-seeking-asylum-when-accessing-health-services. March 2021. https://media.refugeecouncil.org.uk/wp-content/uploads/2021/10/29174557/A-note-on-barriers-experienced-by-refugees-and-people-seeking-asylum-when-accessing-health-services. March 2021. https://media.refugeecouncil.org.uk/wp-content/uploads/2021/10/29174557/A-note-on-barriers-experienced-by-refugees
 - 47 See for example, the advice on the webpage of Migrant Help, under the heading "Accommodation and Asylum Support": "When you are in your screening interview, you will be asked if you need accommodation and support. The Home Office will run credit and other checks to assess your eligibility to support."

 https://ellis.custhelp.com/app/answers/detail/a_id/251/session/L3RpbWUvMTY1ODgzMTcyOC9nZW4vMTY1ODgzMTcyOC9zaWQvZIVoS2IVUWpmcGxaUjFiMnVaQjNVd2pwaEZN VORpelY1VIN2Vm1Od1ZLQ3FmUEF0STByYmNJQXc0WIByNEJZRUZZSXIQSI9fb0NLaThWWjE0WUpQY2p0Zk41Uk0yeDA5cUdUTUc1WkdEbUZWMmpsSllyM0xIUVIRJTIxJTIx
 - 48 In order to open a Legal Aid file, a legal representative must have "evidence of means" proving that the client cannot afford to pay privately. Evidence of receipt of Asylum Support is accepted as sufficient evidence of means. See, Legal Aid Agency, Means Assessment Guidance, April 2022, p. 209, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1067378/Means_Assessment_Guidance.pdf Although in theory, other evidence can be provided, asylum-seekers who have recently arrived in the UK often struggle to provide alternative documentary evidence of their financial situation.
 - 49 Although the only location in which we observed this practice was Glasgow, it may be that it is also happening in other locations

- **76.** However, UNHCR also observed that legal representatives and NGOs were not always aware of this flexibility and, as it is not mentioned on the Home Office or Migrant Help websites, it may not be known to unrepresented claimants.
- 77. UNHCR is not aware of a similar mechanism to facilitate access to other services, such as health care, Legal Aid or education for accompanied children, while waiting for screening appointments.
- 78. The booking process for unaccompanied children claiming asylum is different, because the Home Office bookings team can only make a booking when children call supported by a legal guardian. There is a dedicated booking inbox for unaccompanied children that social services writes to if they are supporting a child who is claiming asylum. Staff explained that sometimes a child will call with someone they claim is an adult family member. The staff member in these cases will ask to speak to the family member, confirm the relationship and if there is "no familial relationship" they will be asked to go to a police station. The Home Office can also ask for an urgent visit by social services at this point. It was unclear what definition of "familial relationship" is used and how the relationship would be established during the booking process. (See paragraphs 382-385 for a discussion of the process for notifying local authorities of unaccompanied and accompanied children).

III. RECOMMENDATIONS REGARDING THE BOOKING IN PROCESS

- (i) Ensure that the date at which a person first contacts the Home Office to claim asylum is properly recorded in centralized Home Office systems.
- (ii) Consider piloting a digital initial contact form or registration form,⁵⁰ with multiple help languages (such as are currently available in visa applications), while retaining the possibility of telephoning for those without digital skills or access. This could potentially:
 - (a) Create an accurate record of the date of the initial contact;
 - (b) Save resources by eliminating the need for two separate phone calls prior to a screening appointment;
 - (c) Increase the accuracy of the information collected, given that the initial phone call is regularly conducted without the aid of an interpreter;
 - (d) Create an initial record on Home Office systems, reducing the need for data entry and file creation at the initial registration and screening appointment.
- (iii) Investigate the impact of delays in registration on access to health care, education, legal advice and other essential services, and in particular the impact on children and vulnerable adults.
- (iv) Consider appropriate mitigating measures for adverse impacts that are identified; in the event that delays in registration have been reduced since early 2022, identifying these measures now would make the system more resilient in the future.
- (v) Ensure clear communication with asylum-seekers, legal representatives and other stakeholders about the possibility of applying for support and financial assistance prior to a formal registration appointment.

In Canada, following a three-year Asylum Interoperability Project, it is now possible for asylum claimants who are in the country to submit an application online through the Canadian Refugee Protection Portal. https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-canadian-refugee-protection-portal.html
This also allows asylum-seekers and their representatives to communicate with the Immigration and Refugee Board and submit further documents, and facilitates the sharing of information within and between different government departments. See UNHCR, Effective processing of asylum applications: Practical considerations and practices (March 2022), p. 10, available at: https://www.refworld.org/docid/6241b39b4.html

Informal barriers to registering a claim

- 79. In two locations, Home Office staff described processes that, in UNHCR's view, created risks that individuals may be improperly screened out of the asylum process or otherwise persuaded by Home Office staff that they should not be making an asylum claim. These processes were not described as formal assessments of whether a claim was "particularised" (as per the screening guidance and as discussed below at paragraphs 225-228), but rather informal ad hoc procedures presenting barriers to the registration of a claim.
- 80. In Croydon, staff explained to UNHCR that walk-in questions would be asked of claimants, including "Why do you need to claim asylum?" If a claimant provides an answer that is not considered an asylum reason, such as that they came to the UK to study, staff will ask whether they have "any other reason" for wanting to stay in the UK. If a person has "nothing to say, they can't claim asylum." They will advise them, "We can't help you. That's not an asylum claim." One staff member then gave an example of what would not count as an asylum claim: "I got married against my mother's wishes and I will be harmed by her, that's not an asylum claim". UNHCR was advised that individuals whose claim is not accepted as an asylum claim do not receive any documentation confirming that their claim was not accepted.⁵¹
- 81. UNHCR is concerned that these comments suggest that people may be turned away without undergoing a full screening interview to determine whether their claim could be considered an asylum claim. In particular, in UNHCR's view, a person who fears harm for having married against their family's wishes may, under many circumstances, be in need of international protection.⁵²
- 82. At one airport UNHCR visited, the senior manager in charge of the shift advocated trying to persuade asylum-seekers to withdraw their claims and was proud that they often succeeded in doing so, especially with younger adults. The officer said they explain to the asylum-seeker that their claim "doesn't meet the 1951 Convention criteria" that "this [the UK] probably isn't the best place for you" and that "we can send you back on the next flight or you can continue with your claim, but if you continue with your claim, you may be detained, and after three months, you will be refused and sent back to [your country] anyway". The officer tells them that things will be harder for them in the future "with a refusal against you" and that they may have problems with their own government when they are sent back. In these cases, there is no screening interview record, but the following is noted on the file: "I spoke to the passenger and explained that the basis of his claim did not meet the Convention criteria and he said he wanted to go home". They said many officers do not make the effort to do this, but named one other officer who is good at it. They described this process in front of all of the officers on duty and a fellow senior manager whose shift was about to begin, suggesting that it is not considered controversial.

IV. RECOMMENDATIONS REGARDING INFORMAL BARRIERS TO ACCESS TO ASYLUM

- (i) Guidance should clearly set out to staff greeting walk-in applicants that it is not their role to assess the reasons a person gives for seeking asylum or give legal advice about the merits of an asylum claim.
- (ii) Appropriate refresher training on these issues should be given to frontline staff, including at airports.
- (iii) Paperwork should be issued to persons turned away, briefly stating the reason for this (e.g. that there was insufficient evidence that an urgent appointment was required due to vulnerability or risk of destitution; applicant still in possession of valid leave).
- (iv) Records should be kept when individuals are turned away, both to ensure oversight of the process, and to prevent duplication of work when they next approach the Home Office.

It is not clear whether the Home Office keeps records of such interactions. In a meeting with the Equalities Strategic Engagement Group on 25 August 2022, a Home Office staff member said that there is a separate walk-in database, not linked to CID, in which notes are made whenever a person is sent away. This was not mentioned to UNHCR during our visit. This would appear to be another example of an inefficient use of multiple databases that are not interoperable.

⁵² See, e.g. UNHCR, Guidelines on International Protection No. 1: Guidelines on Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, HCR/GIP/02/01, 7 May 2002, ("UNHCR Guidelines on Gender-Related Persecution"), available at: http://www.unhcr.org/refworld/docid/3d36f1c64.html and Home Office, Gender Issues in the Asylum Claim, Version 3.0 (10 April 2018), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699703/gender-issues-in-the-asylum-claim-v3.pdf

At UNHCR's request, the officer agreed to show us the file from a case in which they had recently persuaded a young man to withdraw his claim. However, they were unable to locate the file by the end of our visit.

■ The standard registration and screening process

- 83. Whether for walk-ins or individuals with appointments, the standard procedure is to complete registration and an initial screening interview in a single appointment. This procedure continues to be the goal in Belfast, Cardiff, Croydon, Glasgow, KIU and MIU, as well as at Gatwick and Heathrow, although there may be adaptations depending on the volume of intake, as discussed below. UNHCR understands that it is also the goal at the new registration site in Manston, Kent, which opened after the period of this audit.
- **84.** This standard procedure contains a range of discrete tasks, drawing on different skills, and some of which have immediate and significant consequences, including spotting potential security risks and responding to urgent safeguarding needs.
- 85. According to Home Office guidance, each of the following "must be completed" during the screening process:
 - gather biometrics fingerprints and photographs, see system and security checks
 - · carry out, record and act on identity and security checks, see system and security checks
 - · establish immigration status this may happen as part of the enforcement or port encounter
 - establish, as far as possible, any health or medical concerns, disabilities, vulnerability indicators or other
 safeguarding concerns including if they may potentially pose a risk to themselves or others- these are to
 be noted along with any reasonable adjustments made for the claimant to access the asylum procedure
 including provision of suitable accommodation and any safeguarding actions undertaken
 - where such concerns or indicators are established which may require additional provision by the
 accommodation provider or may need a safeguarding referral, the NAAU safeguarding form should be
 completed along with the NAAU referral
 - complete an initial contact and registration (screening) questionnaire (ASL.3211Main), which includes:
 - taking personal details including name, aliases, gender, date of birth, nationality, language and dialect
 - establishing a brief basis of claim by succinctly capturing the main basis of the claimant's fear of return, including who they fear, why and key dates or in the case of a child dependant if the child has the same grounds for asylum as they do, differing and or additional grounds, or no grounds to claim asylum
 - establishing what documents the claimant has and if they relate to their identity, their journey to the UK or supports [sic] their claim
 - obtaining important health information as well as information about the claimant or their dependants that may have access needs, perceived vulnerabilities, safeguarding concerns or modern slavery indicators
 - asking criminality and security questions
 - establishing, where applicable, what the person was doing in the UK prior to claiming asylum, their method of entry and travel route to the UK, including third country (a country that they are not a national of) details for consideration of whether the claim may be inadmissible
 - if they did claim asylum in a third country, what was the outcome, if they did not claim why not, length of time spent in third countries and the basis of their presence there, what other countries do they have connections with
 - establishing details of any partner, children and other relatives and their whereabouts assists with evidence gathering for any future family reunion application or inadmissibility
 - establishing, where applicable, suitability for detention
 - gather information to assist with onward routing including information pertinent to any decision to detain or to continue to detain
 - register an application for a biometric residence permit (BRP)⁵⁴

- **86.** On a practical level, we observed that this translates into the following steps:
 - A claimant's biographical details are entered manually into the two separate Home Office caseworking databases: CID and Atlas;
 - (ii) A physical file is created, except in Cardiff and Glasgow, where they are not required;
 - (iii) A biometric photograph and fingerprints are taken for the purposes of security checks and the issuance of an identity card confirming that the person has claimed asylum (an Application Registration Card, or ARC);
 - (iv) A second biometric photograph and set of fingerprints are taken for the purposes of the eventual issuance of a Biometric Residence Permit (BRP) should the claimant be granted permission to stay on any basis in the future; these are often taken on different equipment;
 - (v) The claimant's passport (if any) is scanned and retained on file;
 - (vi) Other valuable documents, such as national identity cards, may be retained on file but are not normally scanned;⁵⁵
 - (vii) Mandatory checks are done on Home Office systems; some of these are based on the claimant's name and date of birth, and some on their fingerprints; some can be conducted by frontline staff at the screening centre, and some must be requested from staff elsewhere in the Home Office, who send the result by email;
 - (viii) The results of the various identity and security checks are entered into Home Office databases, and, where necessary, further steps are taken, such as contact with the police;
 - (ix) The screening interview is conducted;
 - (x) A decision is made on whether the claimant should be treated as if they were in lawful status at the time of their asylum claim, which in most cases dictates their bail conditions; and
 - (xi) Separate paperwork is generated informing the claimant of the reasons their fingerprints have been taken and the laws governing their retention (Form IS.86 Notice of Requirement to Provide Biometrics); and, normally, their bail conditions (Form BAIL 201 Notification of Grant/Variation of Immigration Bail to a Person Detained or Liable to be Detained) or reasons for detention (Form IS.91R Notice to Detainee: Reasons for Detention and Immigration Bail Rights). Except at airports, two further forms are normally generated, informing claimants of their current immigration status. This is either a Form ILL EN 101 Notification of Liability to Detention, if they are not in lawful status and have not previously been served with an ILL EN 101 (for example following an encounter with Immigration Enforcement), or an IS.248 Notice of Restriction to a Person who has made an In-Country In-Time Claim for Asylum, if they are in lawful status.
 - (xii) This paperwork is served on the claimant, at times together with the Point of Claim leaflet,⁵⁶ the Preliminary Information Questionnaire,⁵⁷ and a "Section 120 Notice" (Form IS.75/76, also called a One Stop Notice).⁵⁸
 - (xiii) Necessary referrals to other Home Office departments are made. These are predominantly safeguarding and trafficking referrals; and
 - (xiv) Passports are placed in separate envelopes before being sent for secure storage.
- 87. When a person has been detained after coming to the attention of the police or Immigration Enforcement, some of these steps should be completed prior to their transfer to a detention centre for screening. These include: taking biometrics, performing checks on Home Office systems, and service of the IS.86 (Notice of Requirement to Provide Biometrics), ILL EN 101 (informing the person that they are liable to detention and the reason), and the IS.91R (Reasons for detention). During the period of our audit, although some checks were performed on the names of people who had arrived at Tug Haven, these were unreliable, as the name was often not recorded correctly. No paperwork was generated except the IS.91, which is served on the detaining agent, not the detainee, and biometrics could not be recorded.

⁵⁵ Cardiff RIU also scan ID cards

Home Office, Information booklet about your asylum application, available at: https://www.gov.uk/government/publications/information-leaflet-for-asylum-applications/information-booklet-about-your-asylum-application (accessed 4 August 2022)

 $[\]textbf{57} \qquad \textbf{Available at:} \\ \underline{\textbf{https://www.gov.uk/government/publications/preliminary-information-questionnaire-for-asylum-claims} \\ \textbf{67} \qquad \textbf{68} \\ \underline{\textbf{10}} \\ \underline{\textbf$

This informs the claimant of their legal duty to inform the Home Office of all of their reasons for remaining in the UK, pursuant to Section 120 of the Nationality, Asylum and Immigration Act 2002, https://www.legislation.gov.uk/ukpga/2002/41/section/120

- 88. On 11 November 2021, the Western Jet Foil opened at Tug Haven. This is a semi-permanent structure described by the Independent Chief Inspector of Borders and Immigration (ICIBI) as "a large portacabin . . . with a capacity to hold 250 migrants". This may allow some enrolment of biometric data at Tug Haven, although the ICIBI reported that the biometric enrolment equipment there was slow and unreliable. 60
- 89. In addition, in many cases screening staff will need to gather information about the claimants' current financial circumstances and make their own assessment of whether they should be considered in need of initial accommodation. If so, they then refer them first to the National Asylum Allocation Unit (NAAU), for a formal assessment of whether they are eligible for initial accommodation (IA) and then to the local third sector or commercial partners that provide accommodation and transportation.
- 90. UNHCR observed that these tasks required a range of skills, including: fingerprinting and photographing; data entry in two different bespoke databases; interacting with asylum-seekers, family members, third-party service providers, local authorities (where relevant) and colleagues throughout the Home Office; interviewing asylum-seekers; identifying indicators of vulnerability and trafficking as well as (more rarely) security and exclusion concerns, and making appropriate referrals; and generating legal documents.
- 91. In addition, staff are expected to analyze the facts presented and make two legally significant judgments:
 - (i) Whether the claimant is lawfully in the UK. In many cases, the claimant will volunteer that they entered clandestinely or Home Office records will confirm that they are overstayers. However, in cases in which a person still has valid leave most commonly, as visitors or students staff are expected to assess whether they were already at risk when they entered the UK and therefore may be illegal entrants, or whether there has instead been a "change of circumstances". This is called "establishing the contention". (For further discussion of "the contention", see paragraphs 163-185 below).
 - (ii) Whether what the claimant has said amounts to an asylum claim (this is called determining whether the claim has been "particularised").⁶¹
- **92.** In spite of the wide range of skills required, under normal circumstances, all staff members are expected to be able to perform all of these tasks.
- 93. In practice, due to lack of training or appropriate security clearance, in many cases staff members were not equipped to perform all of these tasks. In one location, for example, one member of a small team did not have the security clearance to perform one of the necessary checks (although we did not observe that this caused any practical difficulties, perhaps due to the small size of the team). At Heathrow Airport, by contrast, so many officers had not been trained on or were not comfortable with the Atlas data base that the processing of large numbers of files was delayed, sometimes for weeks; others had not been trained on how to take fingerprints or biometric photos. On one of our visits to Croydon, there were significant delays because there were not enough officers present who were authorized to serve legal paperwork on claimants at the end of the process. Finally, full-time screening staff complained that when staff had been loaned from other Home Office departments, they had not been trained on how to complete key tasks, leaving cases incomplete.⁶²
- 94. There is no standard system for allocating tasks between different staff members. In some locations, certain staff would be assigned to specific duties for all or most of their shift. In particular, in a number of offices staff who were working from home would carry out administrative tasks and generate soft copies of the paperwork on Home Office systems. In Glasgow, the allocation of tasks between the Interviewing Officer and the colleague assisting with administration and paperwork (called a "Remote Buddy") was formalized in writing and set out in local training materials.

⁵⁹ ICIBI, Tug Haven and WJF (n 9), para. 4.10, p. 15. A detailed description and photographs of the Western Jet Foil site can be found in that report.

⁶⁰ Ibid., para. 5.31-5.34, p. 29

⁶¹ For a discussion of the task of identifying whether a claim has been particularized, see ASR Guidance, 7.0, (n 1), pp. 19-20.

⁶² See also ICIBI, Tug Haven and WJF (n 9), para. 2.25, p. 8.

- 95. In several other locations, by contrast, staff passed off tasks between them spontaneously during the day, in a spirit of cooperation and mutual support. For example, one person might fingerprint and photograph the claimant and another might interview them, while a third colleague carried out necessary checks and generated legal paperwork. They might then change roles for the next claimant.
- **96.** UNHCR also regularly observed leadership staff assisting with screening tasks at all levels, from conducting interviews to collating paperwork. Although this displayed an admirable dedication to supporting their teams and commitment to the welfare of asylum-seekers, as well as contributing to staff morale, managers were concerned that this was taking time away from other important duties.
- 97. We observed that screening officers were particularly keen to hand off generation of the paperwork whenever possible, so that it could be done simultaneously with other tasks (such as the interview or fingerprints) and the entire process could be completed more quickly. In Glasgow, interviewing staff carry out an informal, preliminary interview prior to the formal screening interview and relay relevant information to a "Remote Buddy", who begins preparing the paperwork. In Cardiff, interviewers send Teams messages to colleagues during the interview, particularly once they are confident that they have established whether the person is lawfully in the UK ("the contention").
- 98. Most staff said they enjoyed the variety in the work. However, some experienced staff felt that it would be more efficient if one person handled the entire registration process, to avoid spending time in hand-offs and prevent tasks being overlooked. Consistent with this concern, UNHCR directly observed errors that were likely to be attributable to frequent hand-offs of files.⁶³
- **99.** In addition, where cases were passed off between staff members, we did not observe claimants being given an explanation of this and in Croydon in particular we observed claimants addressing questions to staff members who had either already passed on the case or were picking it up only in order to complete a discrete task and were unable to answer their queries.
- 100. As discussed in more detail below, in UNHCR's view, staff did not consistently have the necessary training to conduct interviews effectively, identify vulnerabilities, or make accurate legal assessments of the "contention", and they normally declined to make a decision about whether a claim had been particularized. There is therefore an urgent need for further training and effective guidance in these areas. Under the current model in which all officers are expected to complete all tasks, the training challenge would be greater than in a specialized model.
- 101. The ASR Guidance states that: "Where operationally possible, the claimant should be asked before the interview commences if they have a preference [to be interviewed by a male or female screening officer and interpreter] and their preference should be accommodated as far as possible". 64 However, UNHCR did not observe claimants being offered a choice about the gender of interviewer for their screening interview. This included situations where the provision of a particular gender of interviewing officer was clearly possible (see case study below). In one case UNHCR observed, despite the male interviewer's best efforts to sensitively encourage the female claimant to provide all relevant details, she later wrote to the Home Office (through her lawyers) to explain that she had felt uncomfortable talking to a male interviewer and had therefore not disclosed repeated sexual assault during her childhood.

In one case, bundles of documents were prepared for claimants following their screening interview that contained information about other claimants. The mixed paperwork was only picked up by UNHCR observers immediately before it was handed to the claimants. UNHCR also observed a child welfare interview in which the paper file had been prepared but had been left on the window ledge behind the interview booth, and the interviewer did not consult the file and was not aware of any basic information about the claimant.

⁶⁴ ASR guidance 7.0, (n 1), p. 57.

CASE STUDY: **GENDER OF INTERVIEWER**

UNHCR observed the initial registration of a female Somali claimant travelling with her young niece. A quick chat was completed by a female officer who then referred them to a male screening officer to conduct a truncated screening interview, without asking whether the claimant had a preference for a male or female interviewing officer. The niece had a urinary tract infection, which can be connected to undergoing FGM,⁶⁵ a practice that is nearly universal in Somalia.⁶⁶ In UNHCR's view, a conversation with a female interviewing officer may have meant that more sensitive information could be discussed to inform a more detailed medical referral. As it happened, the case was properly referred for medical care after the walk-in interview (as per CID notes).

V. RECOMMENDATIONS REGARDING WORK ALLOCATION AT SCREENING UNITS

- (i) Implement clear policies for the allocation of tasks between staff members under different circumstances, to allow staff to respond flexibly to changing workloads but in structured and predictable ways.
- (ii) Consult with staff and, if agreed, pilot a system of specialization.
- (iii) Where tasks are or may need to be shared, designate a particular staff member to be the claimant's contact person throughout the appointment and inform the claimant of this.
- (iv) Provide refresher training and amend standard operating procedures (SOPs) to ensure compliance with the guidance to ask claimants about their preference as to the gender of the interviewer, and to accommodate this preference where operationally possible. One option would be to include this question in the booking in or reception process.

The beginning of the screening interview

102. The screening interview begins with a long pro forma, in which the claimant is provided with legally important information on a range of topics (detailed below). In UNHCR's view, beginning the interview in this way does not accord with internationally accepted best practice, as represented in the PEACE model of investigative interviewing described above at paragraph 12. In this model, the first phase of the interaction between an interviewer and interviewee is "Engage and Explain". This phase sets the tone for the rest of the interview. The "Engage" phase should be designed to build rapport and create a safe space and an atmosphere of trust. This is followed by "Explain," which is about providing the interviewee with information such as the purpose of the interview, the form it will take and the "ground rules," including what information is expected from the interviewee and how they should share it. The goal is to facilitate communication and encourage disclosure.⁶⁷

^{65 &}lt;a href="https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm_affects_health-fgm-frequently-asked-questions#how_fgm-frequently-as

⁶⁶ https://www.unfpa.org/data/fgm/SO

- 103. In UNHCR's view, a registration interview should begin with introductions and pre-interview counselling, to establish a rapport with claimants, put them at ease, provide necessary information and encourage their trust and full participation in the registration process.⁶⁸ This should include, at a minimum, the following steps by the interviewer:
 - (i) Introduce themselves and the interpreter, and explain the interpreter's role;
 - (ii) Explain the registration process and the purpose for which information is being collected;
 - (iii) Explain the rights and obligations of the claimant, including their right to be interviewed in a language they understand, to confidentiality, and (where relevant) to be interviewed separately from other members of their family, and their obligation to cooperate and give truthful and complete responses to the guestions asked:
 - (iv) Explain the purposes for which data will be retained and shared, and obtain consent the sharing of specific data for specific purposes;
 - (v) Explain the role and obligations of the interviewer.
- 104. In UNHCR's view, it is important not to rush through the introduction, despite the fact that staff may do it many times in one day. Individuals should be given ample opportunity to ask questions and voice concerns before moving to the data collection stage of the registration interview. This will ultimately save time throughout the asylum process, because the information collected at registration will be more complete and reliable.
- 105. The opening pro forma in the UK Initial Contact and Asylum Registration Questionnaire, by contrast, does not seek to engage the interviewee. In the first place, it is the only part of the interview that interviewers are expressly permitted to delegate to an interpreter, ⁶⁹ and this is often done. The result is that the person the interviewee first interacts with is the interpreter, not the interviewer.
- 106. In addition, the pro forma seeks only to inform the interviewee of a series of legal and procedural facts. It is described in the *ASR guidance* as "statements that must be read out". It contains no steps that are designed to engage the interviewee in the process and confirm their understanding. The interviewee is asked no questions until the entire pro forma is completed, when they are asked if there is "anything you would like me to repeat or explain?" In many cases, moreover, we observed interviewers follow this question almost immediately by asking if the interviewee was ready to begin, which implicitly discouraged questions from the interviewee.
- 107. In addition, in UNHCR's view, the explanations that are given to the claimant are not well designed to facilitate communication during the interview. Only some of the topics to be covered are listed: "The officer is going to ask you some questions about your identity, family, background, travel history and some health and welfare questions. The officer will only ask you for a brief outline of why you are claiming asylum today." There is no explanation of the purpose of the interview. There is no explanation of the respective role of the interviewer and interviewee. The interviewee is told "The officer will not be making the decision on your asylum claim," but not what the officer or anyone else will do with the information collected.
- 108. At the time of this audit, the rest of the pro forma consisted of formal legal notices that:
 - (i) The claimant may be given a Preliminary Information Questionnaire, and the deadline for returning it;⁷²
 - (ii) The claimant may be invited to an interview, which will be recorded and may be held by video, and if the claimant does not attend, the claim may be considered withdrawn and steps may be taken to remove the claimant from the UK;

⁶⁸ For the principles covering pre-interview counselling in UNHCR's own registration procedures, see UNHCR, Guidance on Registration and Identity Management (n 2). Not all of these principles are applicable in the UK context.

⁶⁹ This is clearly stated on the form itself.

⁷⁰ ASR guidance 7.0 (n 1), p. 57.

⁷¹ In Sweden, by contrast, the initial application interview takes the form of a conversation between a case officer and the claimant in which the case officer gathers initial information but also offers counselling and information about the asylum process and access to health care, and gives the claimant an opportunity to ask questions about the asylum process. UNHCR, Effective processing (n 50), p. 8.

⁷² Since 25 August 2022, PIQs are no longer issued.

- (iii) The claim may be treated as "inadmissible if you came to UK after travelling through a safe third country or have connections to a safe third country. If we do your asylum claim will not be substantively considered if you can be removed to a safe third country."
- (iv) The information disclosed by the claimant may be shared with a range of UK authorities and foreign States;
- (v) The Home Office will not inform the claimant's country of origin that they have claimed asylum or their reasons for doing so, and will not share any information that would put the claimant or their family at risk. "However we may share some of the information you have given us with them. For example, to help us get travel documentation if your claim is refused."
- (vi) The claimant must answer all the questions fully and truthfully, and making false statements may "Constitute a criminal offence; Damage your credibility; Make you liable for prosecution and imprisonment."
- **109.** In UNHCR's view, this pro forma is not in accordance with international best practice and not well designed to elicit full and frank disclosure, for the following reasons:
 - (i) The sheer volume of information will be difficult to take in.
 - (ii) Later steps in the asylum process are described, without any link being drawn to the screening interview that is about to take place. On the one hand, this is a potential distraction from the interview, and on the other, where there is a clear link (for example, that the account of the basis of claim can be brief because this will be explored more fully later, or that the inadmissibility decision will be based on answers given at the screening interview), this is not explained.
 - (iii) There is no assurance of confidentiality. On the contrary, the claimant is told that information may be shared with a number of UK government departments and third countries, and even with the country of origin, subject to a few specific exceptions.
 - (iv) There are repeated warnings of adverse consequences, but nothing in the way of positive encouragement or reassurance.
 - (v) In particular, although claimants should be advised of their obligation to give truthful and accurate information, ending the introduction with the threat of prosecution and imprisonment may be frightening to many claimants.
 - (vi) There is no advice to the claimant to feel free to state when they do not know or do not remember the answer to a question, which, combined with the threats of adverse consequences for not answering questions in full, may encourage claimants to guess at answers.
 - (vii) The statement "You must answer all the questions fully and truthfully" is unhelpful, as there is no explanation of what "fully" means. Moreover, the instruction to answer fully is inconsistent with the initial instruction in the same pro forma that the claimant will only be asked for a "brief outline".
- 110. These concerns were borne out by our observations of the pro forma in practice. In spite of the fact that the majority of interviewers were conscientious and attentive to the claimant throughout the interview, none sought to create a rapport with the interviewee at the outset. Few interviewers even introduced themselves, and none sought feedback to confirm interviewees' understanding or engage them in the process during or at the end of the pro forma. UNHCR only observed one interviewer ask the interviewee an unscripted question while reading the proforma, in response to visual signs of confusion. The most that interviewers and interpreters did was to take the extra step of pausing between paragraphs of the pro forma to allow the interviewee to express assent (by nodding or saying "OK" or its equivalent in their language). Although this was commendable, it is not, in UNHCR's view, sufficient to confirm actual understanding or consent. Moreover, nothing in the pro forma requires this, and a significant number of interviewers and interpreters read through the entire pro forma very quickly without expression or pause and without waiting for any confirmation of understanding. This approach risks the claimant misperceiving the readout as a mere formality and not important to listen to.
- 111. UNHCR rarely observed interviewees ask questions during or at the end of the pro forma. In the minority of cases in which they did ask questions, these were addressed to the interpreter, and neither the question nor the interpreter's responses were translated. In the single case in which the questions were interpreted, the screening officer refused to answer, saying, "Sorry. I am just reading out some statements." This screening officer was generally polite and conscientious, suggesting that the refusal to answer questions did not

reflect any disrespect to the claimant but perhaps that they felt that answering questions or otherwise deviating from the script would have been inappropriate.⁷³

- 112. Experienced screening officers at MIU described the pro forma as "a lot to take in" and "very wordy". They said that it should be shortened and that "regular interpreters will paraphrase it". One experienced screening officer we spoke to in Glasgow described the opening pro forma as a "nightmare" and had adopted a practice of going through it before taking the claimant's biometrics, so that when the screening interview began, the claimant would be more focused on the interview itself. This was in keeping with an office-wide practice in Glasgow of engaging in a preliminary interview before the screening interview itself. (See paragraphs 114-117 immediately below).
- 113. In addition, it is unclear that the pro forma allows the claimant to make a free or informed decision about the disclosure of their personal information. Claimants are presented with a very broad list of purposes for which their information may be disclosed, and a very broad list of parties to whom it may be disclosed, including unnamed other countries and their country of origin. Moreover, they are not asked to consent to disclosure, but are instead simply informed that it may occur.

■ Pre-screening interview / initial introduction

114. In Glasgow, staff had developed a bespoke process whereby basic information would be collected about asylum-seekers when they arrived at the screening unit, prior to the screening interview. The process is described in the local training PowerPoint as follows:

Initial introduction with claimant(s)

- The purpose of the Initial introduction with the claimant is to:
 - Introduce yourself as the Interviewing Officer
 - Give them an outline of the process they will be going through
 - Serve them with the IS.86 and confirm their details
 - Retain any passports/travel documents that they may have with them
 - Find out if there are any safeguarding/accommodation needs
 - It also gives us the opportunity to determine the contention from the outset resulting in a faster end to end process for the claimant(s), IO and Remote Buddy.⁷⁴

By asking pertinent questions at this stage such as 'How and when did you get to the UK?' Why did you come to the UK?' 'Did you ever intend to return to/why can't you return to home country? Was it always your intention to claim asylum?' we are able to ascertain the contention at the earliest point in the process.

After the initial introduction and when you have what you need, the claimant is ready to go for fingerprints."

- 115. Staff provided a number of reasonable justifications for conducting this pre-screening interview:
 - (i) The introductory pro forma in the screening interview is not an appropriate way to introduce the procedure and, in particular, is too long.
 - (ii) If this information in the pre-interview was gone over before the interview, then the person could be more relaxed and focused during the interview: "when you get them to come into the interview, you go straight into the interview; it makes it seem less formal and you get more information and a better rapport."

⁷³ If this was the case, however, the routine expectation that interpreters engage in untranslated discussions with the claimant is even harder to understand.

A Remote Buddy is a colleague who assists with paperwork and with identifying the contention while other processes – such as fingerprinting and interviewing – are taking place in person.

- (iii) It assists with their own preparation, especially about what the "contention" may be (i.e. whether the person is in lawful status), whether verbal deception will have to be explored, and about potential safeguarding issues that may be predicted by the basis of the claim.
- 116. However, it was clear from speaking with officers and observation of screening interviews that an interpreter is not always present during the initial introduction and formal records are not made. In several cases UNHCR observed that the information provided at the preliminary introduction was later confirmed during the formal screening interview, and with the use of an interpreter. However, in a smaller number of cases it was not confirmed but was nonetheless recorded on the screening form as if it had been provided as answers to questions during the formal interview.
- 117. In UNHCR's view, the issues with the proforma introduction should be addressed by reviewing its structure and content, rather than through ad hoc and informal procedures, without appropriate safeguards or in some cases the presence of interpreters.

VI. RECOMMENDATIONS REGARDING THE OPENING OF THE SCREENING INTERVIEW

- (i) The opening phase of the interview should be redesigned drawing on the principles of the PEACE model. In particular:
 - (a) Implement training and practice that encourages the interviewer to build a rapport with the interviewee before the formal interview begins by speaking directly to the interviewee, introducing themselves, asking the interviewee how they would like to be addressed, introducing the interpreter and explaining their function, asking some unscripted questions (for example about the interviewee's general welfare or family), explaining the respective roles of the interviewee and the interviewer, and asking the interviewee questions to confirm their understanding.
 - (b) Allow the interviewee to raise any questions or concerns.
 - (c) Explain the purposes of the screening interview.
- (ii) Ensure that explanations are clear and internally consistent, eliminating the potential for confusion arising out of instructions to both provide a "brief outline" and to give "full" answers.
- (iii) Explain the interviewee's obligation to be truthful in positive as well as negative terms.
- (iv) Encourage disclosure by assuring interviewees of the confidentiality of the information disclosed.
- (v) Where it is judged to be operationally necessary to disclose specific information obtained at screening without obtaining consent at a later date, explain to the interviewee what information may be disclosed, to whom and for what purpose (reversing the current practice of suggesting a general power to disclose, subject to a few specific exceptions).
- (vi) Limit the information given at the beginning of the interview to that which is relevant to the interview itself, postponing other information to a closing section of the interview or to future communications.

Identifying and responding to vulnerability

118. One of the key functions of the registration and screening process is to

establish, as far as possible, any health or medical concerns, disabilities, vulnerability indicators or other safeguarding concerns including if they may potentially pose a risk to themselves or others- these are to be noted along with any reasonable adjustments made for the claimant to access the asylum procedure including provision of suitable accommodation and any safeguarding actions undertaken.⁷⁵

119. Staff correctly recognized that some vulnerabilities may be evident from the basis of a person's asylum claim.

In addition, several questions on the form are designed to elicit evidence of vulnerability or specific needs.

1.15 What is your address in the UK?

Does the person have somewhere to reside whilst their claim is considered?

1.16 Do you feel safe in that accommodation?

If no, explore (PVOT)⁷⁶

2.1 Do you have any:

- medical conditions
- disabilities
- infectious diseases
- medication that you are or should be taking?

(list any conditions along with any medication and treatments)

2.2 (If female) Are you pregnant?

(if yes record details e.g. due date)

2.3 Is there anything else you would like to tell me about your physical or mental health?

- **120.** In addition, the question "what is your gender" (1.4) may elicit disclosure that a person's gender identity is not that same as is listed in their identity documents or apparent from their given name. This question was, however, almost never asked.
- 121. For identifying and responding to victims of trafficking, see paragraphs 148-162.
- 122. For specific safeguarding issues when screening is conducted by telephone, see paragraphs 316-317 below.
- 123. In the majority of cases, when mental or physical health problems were disclosed, UNHCR observed good practice. Staff followed up by asking further questions, emphasizing the claimant's entitlement to access free medical care, and urging them to register with a GP, where relevant. Health issues were explored even when claimants said that they were receiving continued treatment in the UK and had been for several years (while on a previous visa). Staff in Glasgow used a local "desk aide" provided by NAIU, which prompted a series of additional questions about mental and physical health issues, which they asked thoroughly and with sensitivity. This produced a more structured and comprehensive record of current mental and physical health issues. In Cardiff, in an example of going beyond what is required, one staff member took the additional step of looking up the details of GP surgeries near the claimant's accommodation.
- 124. However, UNHCR was told by stakeholders that medical needs are often missed at screening, and long-term needs in particular. One accommodation provider we spoke to said that they do a welfare check after 48 hours, and quite often people will disclose medical conditions to them that they have not disclosed to the Home Office. By then, the matter may have become urgent. Stakeholders and a few Home Office staff expressed the opinion that claimants may be reluctant to disclose health problems on arrival, because they worry about being seen as a burden or otherwise undesirable, or that this will complicate accessing accommodation.

⁷⁵ ASR 7.0 (n 1), p. 15.

⁷⁶ PVOT stands for Potential Victim of Trafficking.

- **125.** In UNHCR's view, there are several limitations to the questions set out above that may contribute to vulnerabilities and specific needs not being disclosed or identified.
- 126. With regard to accommodation, the only question a person is asked is whether they feel safe, and safety is not defined. This requires both that they recognize their situation as "unsafe" and that they are willing to label it as such. In UNHCR's view, claimants who may have significant safeguarding issues in their accommodation may be less likely to reveal this in response to such a closed question, but more able to reveal potential safeguarding concerns in their own terms, or in response to more neutral questions.
- 127. For example, some claimants may not recognize this as an opportunity to reveal other serious problems with accommodation that might not be considered safety issues, such as overcrowding, unsanitary conditions, or being expected to move out. Moreover, living at one's workplace is a well-recognized indication of labor exploitation, but it does not necessarily make the accommodation itself "unsafe".
- 128. In UNHCR's view, the question is also not well-designed to prompt disclosure of dangers in a person's domestic situation that may not be perceived as linked to their accommodation per se, such as being in abusive or controlling relationship.
- 129. In practice, UNHCR observed that where claimants were in detention, the question "Do you feel safe in your accommodation?" was routinely omitted but the answer in the official record was recorded as "yes". The question was also omitted (but recorded as asked and answered "yes") in several non-detained cases.
- 130. UNHCR also observed in several cases that potential risk factors arising out of accommodation were ignored. In one case, a student had given his residential address as a pizza restaurant, but no questions were asked about this. In another, a man who presented himself as the claimant's husband was allowed to sit in throughout her screening interview, and responded to the question of whether she felt safe in her accommodation by giving a thumbs up sign before she had replied (see further details below at paragraph 136). In a case in the file audit, a man of 62 said he was living at a temple, but this was not explored, in spite of potentially indicating that he was at risk of homelessness or not living in premises that were intended for habitation.
- **131.** The health questions are preceded on the form by an introduction that appears to be designed to encourage disclosure.

"It is important that you tell us as early as possible, of any information relating to your health including any possibility of contagious diseases. It will not negatively affect your claim. Any medical information you disclose may help you with accessing health services. You can enrol with a doctor and seek medical advice without charge."

However, UNHCR observed that it was common for interviewers to leave this out entirely, or to reduce it to a simple statement, such as "I am now going to ask you some questions about your health." This omission may contribute to the delayed disclosure of medical needs that was noted above.

- 132. In addition, many interviewers asked about "medical conditions, disabilities, infectious diseases and medication" in a single question. As with any compound question, this risks receiving an answer to only some of its elements.
- **133.** In UNHCR's view, there are a number of issues with the final question, "Is there anything else you would like to tell me about your physical or mental health?" These include:
 - (i) It relies on the claimant identifying problems with their mental health as such, and being prepared to describe them in those terms;

- (ii) It elides physical and mental health and follows a question about physical conditions, which may tend to elicit reports of mental health conditions that have a physical impact;⁷⁷
- (iii) It comes after questions designed to explore current medical conditions, and therefore is less likely to encourage disclosure of past conditions, including those that may create ongoing vulnerabilities (such as violent or traumatic injuries, including torture, or physical injuries that have not healed properly or created permanent disabilities).
- 134. The vast majority of staff UNHCR spoke to said they had had no training or very limited training on how to spot vulnerability or indicators of trafficking. They receive no specific safeguarding training, although some will have received it another role, such as decision-making. Most expressed the view that persons with mental or physical health problems or histories of trafficking would disclose this in order to access support.
- disclose their vulnerability. In one location UNHCR asked the screening officers and a unit manager how they would show a new recruit how to identify vulnerabilities they responded that it is based on "intuition" and experience and that they "are not trained in mental health" but that they can pick up signals and "trust your gut instincts". Staff also referred to skills brought across from previous employment (such as police work or asylum decision-making) or their personal life (such as being a parent) which helped them in identifying needs and vulnerabilities. One screening officer in another location said that they knew there were certain indicators of trafficking because they were listed on a poster in the office, but they could not remember them at the moment.
- 136. The lack of safeguarding training was evident in one interview UNHCR observed, where an experienced interviewer allowed a man that the claimant had identified as her UK-based husband to remain throughout the interview. During the interview, this man at times spoke to the claimant (in their language) or put his hand on her arm when she was preparing her answers, including the answer to the question of whether she felt safe in her accommodation. In addition, the only phone number taken from the claimant was the husband's. The CID notes show "safeguarding: no concerns".
- 137. At Gatwick and Heathrow airports, by contrast, staff were more confident in their ability to spot vulnerabilities, drawing on their general interviewing training and experience, rather than on asylum-specific training. They were able to describe indicators of trafficking and questions they would ask to uncover exploitative situations in more detail and with more confidence than full-time screening staff in intake units. One explanation could be that some of what they describe as indicators of trafficking or vulnerability are also indicators that a person may be seeking entry as a visitor but instead be intending to work, often in exploitative situations. It is therefore a core part of their day-to-day duties.
- 138. In addition, airport staff have the benefit of working with Safeguarding and Modern Slavery (SaMS) officers, who have had additional training in identifying potential victims of trafficking and other vulnerable individuals. A least one SaMS officer should be working at any one time and UNHCR observed this to be the practice when we visited. One SaMS officer UNHCR spoke with had a nuanced and detailed understanding of trafficking and other vulnerability indicators, and was also able to describe the specific steps she would take to encourage disclosure in young people.
- 139. In 12 out of the 32 interviews we observed, a referral was made to the safeguarding hub. Reasons for referrals included homelessness, risk of self-harm, previous experience of sexual assault, domestic violence, depression, and medical concerns (including eye problems, dental issues, depression, migraines and long-standing medical issues for which the claimant was taking medication).

⁷⁷ Consistent with this concern, in one case in the file audit, a claimant who had answered "no" to the health questions then said he was too "stressed and anxious" to explain why his life was in danger in his home country. The record shows that the interviewing officer "clarifies why he hasn't told me this in response to the health questions. App says he has been through a lot but its [sic] not an illness."

⁷⁸ There was no evidence of the relationship presented or asked for in the interview. Notes on CID show that although the claimed husband offered to show a marriage certificate when the couple arrived at the entrance to the building, he later said he could not find a picture of it on his phone. The issue of how to establish claimed family relationships does not appear to be addressed in Home Office guidance, as noted with regard to children below at paragraphs 383-385.

⁷⁹ For example, they said that if an asylum claimant knows someone in the UK, they will ask safeguarding questions similar to those they ask visitors who may be vulnerable: how do they know the person, how often do they communicate, do they know where they will be sleeping and whether they would be required to work for their host including, for example being required to make them dinner. They might look up the address on Google maps to see if it matches the description the person is giving them. They will also do a background check on the address, and if this discloses any concerns, the person will be bailed to initial accommodation instead. UNHCR saw an example of this in a recent file selected for review at random.

- 140. In the file audit, out of 42 claimants who were being treated as adults, 20 disclosed some form of health-related vulnerability during their screening interview: four were pregnant, eight reported problems with their physical health, (ranging in seriousness from unspecified teeth problems to a recent heart operation), five reported mental ill health (including stress, anxiety and depression), and three reported both physical and mental ill health. Immediate safeguarding referrals were made in all but four cases.⁸⁰
- 141. Other claimants reported previous traumatic experiences: one reported having been tortured, another having been beaten repeatedly during his travel to the UK, one woman disclosed she had been a victim of rape, and two others said they had been trafficked into prostitution. Of the latter, one had later entered into a relationship with a man in the UK and said she was fleeing from domestic violence, together with their young child. All of these were referred to safeguarding, except for the last, where a note was placed on the file "no safeguarding concerns."
- 142. In ten cases, safeguarding referrals were made at a later stage, which confirms both that some vulnerabilities are not disclosed or acted on at screening, but also that there are some safety nets in the system when that happens. Accommodation providers and Migrant Help were often the source of later safeguarding referrals. One consistent pattern was that Migrant Help made safeguarding referrals for young people who had claimed to be children but were being treated as adults. Although there were no notes suggesting that Home Office staff normally considered this to be a safeguarding issue, once raised by Migrant Help, a safeguarding note was placed on the file.
- 143. Referrals to the safeguarding hub must be done manually, by sending an email to the hub containing the information that the interviewer considers relevant. When we observed this being done, the interviewer simply cut and pasted the entire text from the screening interview record into the referral. In one straightforward case we observed, the process took 11 minutes.
- 144. Most staff, including management teams, were not familiar with what actions would follow a referral to the safeguarding team. As a result, staff were often unsure what types of vulnerabilities they should be looking for and what detail the safeguarding team might require. UNHCR's view is that screening officers' ability to identify individual needs would be enhanced if they better understood what actions follow from a referral to the safeguarding team.
- 145. It was unclear to UNHCR how screening officers were supposed to respond to existing safeguarding referrals recorded in a claimant's file and we observed cases where unresolved issues were not explored during the screening interview. In two cases claimants had been referred into the NRM prior to their screening interview. In these cases, the exploitation question in the screening interview was not asked and instead the response was recorded as "Exploitation (note on record: NRM completed)". The guidance for caseworkers on this point is unclear; it reads:

In many cases the claimant may have already been referred to the National Referral Mechanism (NRM) or already intimated that they are a victim of modern slavery before the screening interview takes place. However, if they have not been referred to the NRM, the screening interview will provide a further opportunity to identify a potential victim.⁸²

146. In another *case*, a claimant had existing safeguarding referrals on her file connected to domestic abuse by her UK-based partner. During the screening interview, the claimant raised an issue with accessing financial support. This comment from the claimant was not recorded in the screening interview and no safeguarding referral made. When UNHCR examined the claimant's file, it revealed the issue was due to a delay with her ASPEN card. An emergency payment had been made to her four weeks prior to her screening interview, but she had received nothing since. CID recorded the incident as outstanding at the time of the screening interview.

⁸⁰ There was no apparent pattern to those who were not referred.

Once referrals are made, it is the responsibility of colleagues at the safeguarding hub to respond, and screening staff expressed confidence that they would do so. However, staff at Gatwick Airport explained that where there are safeguarding concerns regarding child and vulnerable adult asylum-seekers who are bailed to stay with friends or relatives, they may send social services an email and ask them to drop in and do a welfare check. The officers commented that social services "are not as quick as we'd like, but they can't ignore it". This practice was not mentioned by staff at other locations.

⁸² ASR guidance 7.0 (n 1), p. 69.

147. Based on these observations, UNHCR makes a number of recommendations below about increased training for screening officers, and about some additional questions that could be added to the screening interview. Although these recommendations could increase the time spent on the interview itself, the increase in workload could be mitigated by other recommendations for efficiency improvements, including the elimination of other questions (see **Recommendation XVI**), as well as by dividing the screening process into separate stages (see **Recommendation XVI**).

CASE STUDY: SAFEGUARDING RESPONSE TO AN ALLEGATION OF SEXUAL ASSAULT AGAINST A CHILD

UNHCR observed a screening interview in which the claimant reported a recent sexual assault against her young daughter immediately prior to the child arriving in the UK. The daughter had only informed her mother two days before the screening interview and the screening officer was the first person the claimant had told. The mother said that the child was clearly traumatized by the assault: she was not sleeping properly and constantly biting her nails. The child was asleep on the floor of the screening interview room whilst her mother recounted the incident. At various points during the screening interview the claimant stressed that her family were having a particularly difficult time living in a small hotel room and asked when they could be moved.

During the screening interview the officer was sensitive and compassionate in his questioning of the child's mother. The officer suggested that the claimant might speak to a GP who might be able to help with the child's insomnia. He also made sure to check that the mother was comfortable with her husband becoming aware of the issue if he was to see it in the screening interview notes.

It was clear, however, that the mother had difficulty explaining the traumatic incident because there was no interpreter present, even though the claimant had requested one:⁸³

Claimant: She told me when I come before to the UK they go to the pool to playing and there are a lot of men there and when she go to the bathroom some man. [Miming grabbing / touching near her own waist] What's this mean?

Interviewer: They grabbed her?

Claimant: Yes. Took her to the dark room and made some not good touch.84

The screening interview record does not record the information about the daughter being touched, only that she was taken into a dark room.

Following the interview UNHCR spoke with the caseworker to understand how the reporting of the incident would be taken forward. The caseworker consulted with his supervisor who advised that "it would not be an NRM referral, but that a safeguarding referral would need to be made". There was little more they could do, they said, as it had been suggested that the claimant be referred to her GP.

A safeguarding referral was made that day. It contained an excerpt from the screening interview, consisting of a long list of the family's medical concerns and reference to the claimant's daughter being pulled into a dark room and told not to say anything, and that she currently had difficulty sleeping. As the referral is copied directly from the screening interview it contained the same significant omission as the screening interview transcript – it did not refer to the claimant's claim that her daughter had told her that during this incident she had been touched in a way that was "not good".

Continued on next page >>

⁸³ Despite the claimant's request for an interpreter, the interviewer told the claimant that they would proceed without one because the claimant had arrived on a student visa and because in his opinion her English was good. Whilst it was clear the claimant had good English, she asked more than once at the beginning for an interpreter, stressing that her knowledge of English was specific to her area of study. At several points during the interview the claimant was unable to provide an important word in English.

⁸⁴ UNHCR's interview record

Ten days after the screening interview the safeguarding minute on CID records acknowledgment of the referral. The safeguarding minutes records the following actions taken:

CID flagged

I note that the customer and family are in IA and will therefore be signposted to local GP surgeries as well as relevant support networks/charities

NFA to be taken at this time as the customer is Mears [the accommodation provider] supported.

UNHCR was advised that where sexual abuse / sexual assault is raised, particular questions should have been asked and an appropriate referral made. An officer said that all the safeguarding team would do would be to signpost the person to Migrant Help, who would "cover".

Over the next few weeks, the safeguarding team made several further entries on CID, one concerning the father/husband's health issues and another discussing financial issues and the family's move into new accommodation. However, nowhere in the safeguarding notes elsewhere on CID is there follow up regarding the sexual assault against the daughter and her current welfare.

This case is an example of a safeguarding referral containing a large amount of detail regarding medical issues (including relatively minor references to unspecified allergies and hay fever), but inaccurate recording and insufficient highlighting of a much more serious concern – a possible recent sexual assault against a child.

VII. RECOMMENDATIONS ABOUT IDENTIFYING VULNERABILITIES IN THE SCREENING INTERVIEW

- (i) Interviewers should receive guidance and refresher training that the questions about accommodation should not be skipped.
- (ii) Information about accommodation should be elicited through open and non-judgmental questions, such as "Who do you live with?", "How do you know them?", "Tell me about your accommodation" or "Do you pay for your accommodation?"
- (iii) Staff should receive training about the links between trafficking and exploitation and accommodation.
- (iv) Questions about physical health, mental health and disabilities should be redesigned in consultation with relevant stakeholders.
- (v) Staff should receive training on identifying vulnerabilities through indirect disclosure and nonverbal indicators, as well as regular refresher training.
- (vi) Guidance and training should be developed to encourage the recognition of vulnerabilities that are not linked to current medical conditions, such as gender based or intimate partner violence or histories of trauma, including torture.
- (vii) Screening staff should receive training about how the safeguarding hub responds to vulnerabilities, and general feedback (appropriately anonymised) about referrals.
- (viii) Caseworking databases should be adapted to simplify the making of safeguarding referrals, allowing them to be made on Atlas, for example, rather than by separate emails.

Identifying and responding to victims of trafficking

- 148. Some experienced staff were not confident that the screening interview could be used to identify victims of trafficking except in obvious cases where a claimant understood they had been trafficked and were willing to disclose it. One manager noted that many people may not realize they have been trafficked, especially if they have "not been exposed to brutal violence", and that it takes an experienced officer to identify these cases.
- **149.** Interviewers told us that the exploitation question is often misunderstood, and we observed that they often changed the wording without recording these changes in the transcript.
- **150.** The question, as it appears in the screening interview template is:

"2.5 By exploitation we mean things like being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime. Have you ever been exploited or [sic] reason to believe you were going to be exploited?"

- **151.** Examples of changes to the question included:
 - (i) Have you ever been exploited or reason to believe you were going to be exploited?" [without any explanatory sentence]
 - (ii) Have you ever been exploited we mean being forced to work or into prostitution.
 - (iii) "The next question is to provide support. Have you ever been exploited or reason to believe you were going to be exploited? So, being taken advantage of?"
 - (iv) Interviewer: Have you ever heard of the phrase exploitation?

Claimant: Like sexual?

Interviewer: Yes. Have you ever been exploited or reason to believe you were going to be exploited? *Claimant:* No

- 152. Many interviewers also said that they simply relied on the interpreter to rephrase or explain the question in a way that the interpreter thought the claimant would understand. This was observed directly during screening interviews, where interpreters would often spend an extended period speaking with a claimant after asking these questions before providing a short reply to the interviewer in English.
- 153. In one case, the interviewer sought the interpreter's opinion about whether a young person had been subjected to "exploitation", as follows:

Interviewer to interpreter: Can you ask the exploitation question for me?

Interviewee, as interpreted: When I got to Libya, around 8 months ago, something like that, they kept me in a storage room and I worked there without being paid, just food and water.

Interviewer: And you worked for them just for food and water, is that correct?

Interviewee: I stayed with them because they were going to get me to Italy; the food was very bad.

Interviewer: So you just stayed with them? You didn't work for them? They didn't force you to work against your will?

Interviewee: I just stayed with them so that they would get me to Italy.

[Pause, then comment by interpreter]: Not forced

Interviewer to interpreter, for confirmation: It does not sound like exploitation to me; he agreed to be there. [comment not interpreted back to the claimant]

- **154.** One month after the screening interview, the claimant was referred into the NRM by Migrant Help. The NRM found that there were reasonable grounds to conclude he may have been a victim of modern slavery.
- 155. In general, UNHCR observed mixed practice in exploring indicators of trafficking and making appropriate referrals. Where a person said that they had been trafficked into the UK, UNHCR observed referrals being made to the NRM promptly, with the full details of the person's account. As with the safeguarding referrals, this involved cutting and pasting from the interview record and took over 10 minutes to complete.

156. In 12 cases in the file audit, there were indicators of trafficking clear from the screening interview. Immediate referrals were made to the NRM in four cases, and in two others there is a note that the Duty to Notify was complied with, although in one of these there was no record on the file of the claimant being offered referral into the NRM and declining it. Although the role of screening officers in protecting vulnerable adults from re-trafficking ends once they have identified them and made appropriate referrals, one case in the audit reflected the difficulties current reception systems face in providing that protection.

CASE STUDY: CHALLENGES IN PROTECTING POTENTIAL VICTIM OF TRAFFICKING

A young woman from Vietnam who claimed to be a child was assessed as over 25 following a visual assessment by a CIO. At her screening interview on 20 April 2021, she answered "no" to the question "Have you ever been exploited or reason to believe you were going to be exploited?" However, in answer to the question "Why have you come to the UK?" she answered, "Because I have a debt in Vietnam. I want to come here to work. I hope to get a job to pay off the debt. I have no plans as to where I will work at the moment. I would be assaulted and harmed by the agents if I return due to the debt." She also said that she "paid the agents 200 Euros to get me to the UK", which seems implausible but was not queried.

Notes on CID summarize her claim as "Has claimed asylum due to having a fear of being harmed over a debt that she owes for her journey to the UK", which is slightly different from what is stated on her interview record.

Although the screening interview record does not contain any reference to her being asked to consent to referral into the NRM, notes on CID on the day of her screening interview state that a safeguarding referral and a "DtN" [Duty to Notify] were sent. A subsequent note from the safeguarding hub states that a safeguarding flag had been raised, but that "unfortunately due to current COVID-19 restrictions it has not been possible to take any further action on this case as we are not able to make contact with the applicant." Six days later, she absconded. The Safeguarding Operations Manager recorded that she should be treated as vulnerable missing person rather than an absconder, because of concerns that she was a victim of trafficking or modern slavery. Ten days later, she was reported missing to the police.

There is no record that she has reestablished contact with the Home Office.

- **157.** As noted above, in one case, the potential link between living at a business and being at risk of labor exploitation was overlooked.
- **158.** In three other cases UNHCR observed directly, there were indicators of trafficking or exploitation in the record, but these were not followed up. These were where:
 - (i) the claimant responded to the exploitation question, "Here, no";
 - (ii) The claimant said that he had spent 4-5 months in Libya where he described the situation as "difficult"; and
 - (iii) The claimant had spent 6 months in Libya.
- 159. In six cases in the file audit, no NRM referral was made in spite of indicators of trafficking on the file. These included four claimants who had spent time in Libya on their journey to Europe (one of whom had answered "yes" to the exploitation question, saying "I was in Libya for 8 months and they detained us and forced us to work"), and two who had described violent abuse by their smugglers.

At the time this report was being drafted, estimates of the cost of a Channel crossing ranged from £4,000 (House of Commons Home Affairs Committee, Channel crossings, migration and asylum (2022), para. 36, available at: https://committees.parliament.uk/publications/23102/documents/169178/default/) to £500-1,000, but the lower figure was said to represent a sharp fall in the price in the summer of 2022. "Channel smugglers drop prices and cram more people on to boats", The Guardian, 06 August 2022, available at: https://www.theguardian.com/uk-news/2022/aug/06/channel-smugglers-drop-prices-and-cram-more-people-on-to-boats

- 160. Two claimants in the files reviewed at Gatwick Airport who described forced labor in their countries of origin were not asked if they wanted to be referred into the NRM. In one case, there is a note on the file that a SaMS referral had been made and they had "discussed the fact that there is no threat to their safety in the UK." In the other, the claimant had made three separate references to exploitation in his screening interview, but a note on the file reads "Case discussed with HO [Higher Officer; name given]. It does not raise any safeguarding concerns and it is not believed the pax [passenger] is being trafficked, as there no relevant evidence to support this." ⁸⁷
- 161. There is some evidence that claimants may not receive clear information about what it means to be referred into the NRM. This may represent a missed opportunity to ensure that victims of trafficking access support, as well leading to delay in the processing of the claim if an NRM referral is made at a later stage. As noted above, in the case of the young woman from Vietnam who was referred for safeguarding but not into the NRM, there is no indication in the record of whether she was offered referral into the NRM and if so, why she refused it. In one case we observed, the claimant said he had been kidnapped and forced to work in Libya. At the end of the interview the interviewer asked whether he would like "a referral" in the following terms:

IO: [To interpreter] If you could ask him if he would like a referral for the exploitation he faced in Libya. A: No. There is nothing I fear now.

The interviewer failed to provide any details about the NRM or inform that claimant that referral does not require a present fear of exploitation. The same claimant was later referred to the NRM after his substantive interview.

162. In UNHCR's view, requiring interviewing officers to make a clear note of an offer of referral into the NRM and the claimant's response could ensure greater consistency and accountability. However, there would be a risk to claimants who are still under the control of their traffickers if this were noted on the screening interview record. Creating an Atlas task to confirm whether there were indicators of trafficking and, if so, whether a referral into the NRM was offered, could be one way to address this.

VIII. RECOMMENDATIONS ABOUT IDENTIFYING AND RESPONDING TO INDICATORS OF TRAFFICKING AND EXPLOITATION

- (i) The "exploitation question" should be rewritten after consultation with relevant stakeholders, such as the Independent Anti-Slavery Commissioner, the Single Competent Authority, and recognized first responders.88
- (ii) Staff should receive training on identifying trafficking through indirect disclosure and non-verbal indicators, as well as regular refresher training.
- (iii) That training should include some basic information about risks and patterns of trafficking and exploitation in countries of origin or transit where it is widespread.
- (iv) Staff should receive training and guidance about when it is appropriate to make a safeguarding or NRM referral regarding a person who has been trafficked or exploited in the past and, in particular, in their home country.
- (v) Staff should receive clear guidance about the advice to give about the NRM process, in order to ensure that the decision to give or refuse consent is fully informed.
- (vi) The offer to refer a person into the NRM should be noted on their Home Office records, but not on the screening interview record itself.
- (vii) Atlas should be adapted to allow NRM referrals to made directly from Atlas, rather than through a separate portal, for efficiency reasons.

Although we did not observe the interviews, the screening interview records the basis of claim as "Death threats. MS13 will take our lives. We refused to transport and traffic drugs", but the minute sheet states "Is fleeing after being forced to use farming equipment to transport drugs. Was also forced to potentially sell drugs."

⁸⁷ The claimant had answered "Yes" to the exploitation question, and was recorded as giving the following detail: "Made to steal lots of things, car theft. Made to do so by people he was staying with. Continued this year, for 3 years in total." In answer to the later question of whether he had been involved in an armed or violent organisation, he answered "Yes, but I was exploited", and the answer to the question at the end of the interview if there was anything else he wished to add is recorded as "Would really like to start his life here in the UK and no longer be exploited by anyone else."

A list of first responders can be found here: https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#Section-4

Establishing the claimant's immigration status (the "contention")

- 163. In some units the main focus of the screening interview was on establishing the claimant's immigration status. This is described by staff and in training materials as establishing "the contention", although the word "contention" is not used in this context in the ASR guidance. 89 Although we make a recommendation below to discontinue the use of this word, we use it in this report to more accurately reflect the practices we observed.
- 164. Except at airports, standard practice is to choose between two contentions: whether the claimant is an overstayer or an illegal entrant or, alternatively, whether there has been a "change of circumstances" (essentially where a claimant who is lawfully in the UK in a different status such as a visitor or student now wishes to claim asylum due to a change in circumstances).
- 165. As a preliminary matter and as explained in more detail below at paragraphs 417-418, under British domestic law, anyone who arrives at a designated port of entry, such as an airport or seaport, and presents themselves to an immigration officer for inspection has not "entered" the UK at least until they leave the port or, if they are detained, until after they are released from detention. This applies equally to persons who arrive at airports, either with or without a valid visa, and seek asylum at a Primary Control Point (PCP) and to those who are disembarked from small boats in the Channel and brought to port by Border Force or the RNLI. UNHCR's concerns about the latter cases are addressed in detail at paragraphs 419-421, below.
- 166. Establishing the contention was described by one staff member as the only aspect of the role that required "expertise". This belief is consistent with the widespread emphasis on this decision in conversations with staff, and the fact that when we observed CIOs signing off on screening interview records, it was often only the contention that was discussed. It is also, together with the initial referral to NAAU for consideration of initial accommodation, the only decision made by screening officers that has an immediate impact on the claimant.
- 167. Asylum-seekers found to be illegal entrants face a range of consequences. For those who entered the UK regularly and claimed (or sought to claim)⁹² asylum prior to the introduction of the Nationality and Borders Act 2022, the consequences include the loss of existing rights, such as the right to work for those who had it (such as students, those who entered the UK on an employment-based route, and their dependants),⁹³ to hold a drivers' license,⁹⁴ or to open a bank account,⁹⁵ as well as to rent residential accommodation without permission from the Home Office.⁹⁶ For those who claim asylum before entering the UK in another status, the impact will be less significant, as they do not yet have any rights attached to having been granted permission to enter the country. However, for both groups, a finding of illegal entry can present a barrier to naturalization for up to ten years.⁹⁷
 - 89 The ASR Guidance uses the word contention only once, to refer to the reception into detention of asylum-seekers arrested by the police: "If KIU accept a referral from the police, the claimant can be transported to KIU by the police. Upon arrival, they must supply a copy of their personal notebook entries for the incident to evidence the clandestine entry contention." ASR guidance 7.0 (n 1), p. 36.
 - 90 Section 11(1) of the Immigration Act 1971 defines entry to the UK as follows: "A person arriving in the UK by ship or aircraft shall for purposes of this Act be deemed not to enter the UK unless and until he disembarks, and on disembarkation at a port shall further be deemed not to enter the UK so long as he remains in such area (if any) at the port as may be approved for this purpose by an immigration officer; and a person who has not otherwise entered the UK shall be deemed not to do so as long as he is detained under the powers conferred by Schedule 2 to this Act or section 62 of the Nationality, Immigration and Asylum Act 2002 or on immigration ball within the meaning of Schedule 10 to the Immigration Act 2016." Available at: https://www.legislation.gov.uk/ukpga/1971/77/section/11. If they are released on immigration ball, they still have not legally "entered" the UK.
 - 91 In Kakaei, R. v [2021] EWCA Crim 503 (08 April 2021), available at: http://www.bailii.org/ew/cases/EWCA/Crim/2021/503.html the Court of Appeal reaffirmed that a person who is brought to the UK by Border Force or RNLI and disembarked at Tug Haven has not entered the UK within the meaning of the 1971 Act and cannot therefore be an illegal entrant (those who come ashore other than at Tug Haven or another official port of entry may, by contrast, be illegal entrants).
 - 92 Home Office guidance sets out transitional arrangements for those who sought to claim asylum prior to 28 June 2022 but were given an appointment past that date. Home Office, Assessing credibility and refugee status in asylum claims lodged before 28 June 2022, Version 10.0 (28 June 2022), p. 5, available at:

 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086451/Assessing_credibility_and_refugee_status_pre_28_June_2022.pdf
 - 93 The BAIL 201 form given to asylum seekers at the end of their screening appointment will confirm whether they have the right to work.
 - 94 Section 97A of the Road Traffic Act 1988, as amended by the Immigration Act 2014, available at: https://www.legislation.gov.uk/ukpga/1988/52/section/97A
 - 95 Section 40 of the Immigration Act 2014, available at: https://www.legislation.gov.uk/ukpga/2014/22/section/40
 - Under Part 3, Chapter 1 of the Immigration Act 2014, a person who requires leave to enter or remain in the UK but does not have it cannot rent residential premises unless they have applied for and been granted such a right by the SSHD. Landlords face fines of up to £3,000 for leasing property to someone without a right to rent. https://www.legislation.gov.uk/ukpga/2014/22/part/3/chapter/1.
 - Home Office guidance sets out, "If a claimant entered the UK illegally, an application for citizenship will normally be refused if the illegal entry is confirmed as having occurred during the preceding 10 years." Although it clarifies that in the case of illegal entrants who later claim asylum, Section 31 of the Refugee Convention must be taken into account, this is qualified by the guidance that "It is not unreasonable to expect that a person who enters the UK illegally, with the intention of claiming asylum, should claim asylum within 4 weeks of arrival. A claimant who, having entered illegally, delayed claiming asylum beyond this period will normally be refused citizenship unless there is a reasonable explanation for the delay." Home Office, Nationality: good character requirement, Version 2.0 (30 September 2020), p.47, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/stachment_data/file/923656/good-character-guidance-v2.0-gov-uk.pdf Read literally, this could be taken to mean that a person who enters the UK lawfully for example as a student but claims asylum more than four weeks later should, if they are found at screening to have been an illegal entrant, be denied naturalisation for ten years after their entry.

- **168.** Following the introduction of the Nationality and Borders Act, the consequences of being found to be an illegal entrant will be more significant and may include criminal prosecution⁹⁸ and designation as a Group 2 refugee.⁹⁹
- **169.** The significance of the decision made at screening is increased by the fact that although the decision is called a "contention", suggesting a preliminary finding that is subject to contestation, the contention is not put to the claimant before it is decided and there is no formal mechanism for disputing it later in the process.
- 170. From the interviews UNHCR observed, the contention was usually decided very quickly; in fact, as noted above, one of the key ways in which screening staff seek to accelerate the process is by making rapid decisions on the contention so that the appropriate legal paperwork can be generated remotely as soon as possible, and often before the interview has concluded. Many claimants volunteered that they had entered unlawfully, either clandestinely or by having entered as a visitor in order to claim asylum. For others, it was clear from their Home Office records that they had remained in the UK after their visa had expired. In such cases a quick decision was appropriate.
- **171.** UNHCR has concerns, however, about the processes we observed for designating a person as an illegal entrant under two broad sets of circumstances:
 - (i) Where they entered the UK lawfully on a non-protection route and subsequently claimed asylum but either their intentions on arrival were not clear, or their visa route did not require them to have the intention to leave the UK in the future; and
 - (ii) Where they have not, as a matter of domestic law, entered the UK.100
- **172.** The ASR guidance does not list establishing the contention as one of the goals of the screening process, and although it does refer to the need to establish or determine a person's "immigration status", it contains no specific guidance on how to do so.¹⁰¹
- **173.** UNHCR has seen internal training materials used in Glasgow, however, that offer instructions that are broadly consistent with what we observed in practice across a number of locations.
- **174.** This training sets out that, "A claimant's contention makes up the basis of their being/entry [sic] to the UK and determines how and what they will be served." It then addresses the following contentions:
 - Overstayer
 - Illegal Entry (Entry without Leave, Verbal/Documentary Deception)
 - Change of Circumstances
 - Pre-Served [where the contention will have already been decided; this will be the case where a person has been previously encountered by the Home Office or the police.]

Although illegal entry was a criminal offence prior to the passage of the Nationality and Borders Act 2022, refugees and asylum-seekers were rarely prosecuted for it, partly because guidance issued by the Crown Prosecution Service recognised that, "In cases where a statutory defence is not available to a refugee, the purposive and humanitarian aims of the Refugee Convention as set out in Asfaw should be borne in mind when considering the public interest" and that "The presence of all of these factors [set out in Article 31 of the Refugee Convention] will make it less likely that a prosecution is required." Crown Prosecution Service (CPS), Legal Guidance: Immigration, June 2018, available at: https://wew.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/20210301115535/https://www.cps.gov.uk/lukgwa/2021031115535/https://www.cps.gov.uk/lukgwa/2021031115335/https://www.cps.gov.uk/lukgwa/2021031115335/https://www.cps.gov.uk/lukga/2021031115335/https://www.cps.gov.uk/lukga/2021031115335/https://www.cps.gov.uk/lukga/2021031115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/202103115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/20210310115335/https://www.cps.gov.uk/lukga/202103101153

⁹⁹ One ground for being designated a Group 2 refugee is having entered or being present in the UK unlawfully, without good cause. Nationality and Borders Act, Section 12(3).

¹⁰⁰ See paragraph 165 above and 417-418 below for further discussion.

The word contention only occurs once, on p. 36: "If KIU accept a referral from the police, the claimant can be transported to KIU by the police. Upon arrival, they must supply a copy of their personal notebook entries for the incident to evidence the clandestine entry contention." In its fact-checking response, the Home Office stated: "Although the ASL [sic] does not contain guidance on establishing or determining a person's immigration status, it does instruct the reader to published guidance." With regard to determining immigration status, the ASR guidance states "All officers are expected to follow relevant guidance, such as the Liability to administrative removal under section 10 (non-European Economic Area (EEA) guidance, or for port cases the A-Z of immigration guidance for Border Force." ASR guidance, (n 1), p. 70. The Liability to administrative removal guidance, in return, lists categories of illegal entry and gives the following limited guidance about asylum claimants: "The case of **Norman** established that a person who sought entry as a visitor when their true intention was to claim asylum was an illegal entrant. Had the Immigration Officer (IO) on arrival known that asylum was intended, then they would not have granted entry as a visitor."(citing the 1985 case, R v. Secretary of State for the Home Department, Ex parte Bugdaycay; Regina v. Same, Ex parte Nelidow Santis; Regina v. Same, Ex parte Norman, [1986] 1 All ER 458, [1986] 1 WLR 155, [1986] Imm AR 8, United Kingdom: Court of Appeal (England and Wales), 5 November 1985, available at: https://www.refworld.org/cases.GBR_CA_CIV,3ae6b6230.html). In UNHCR's view, this guidance is likely to be of limited practical assistance because it only addresses the clearest of cases (in which the appellants all admitted that they had deliberately made false statements to Immigration Officers on arrival to the UK).

- 175. The training materials note that whether someone is an overstayer can usually be established from their Home Office records.¹⁰² There is no training offered on identifying when a person has entered without leave, but UNHCR did not observe any cases in which this presented any difficulties. In all of the cases in which a person had entered without leave, they had done so clandestinely and volunteered this information.¹⁰³
- 176. Most of the training on the contention is about illegal entry by deception. This contains the following material:
 - (i) The determination that someone has entered illegally via verbal deception and the service of legal paperwork to this affect requires a complete admission by the claimant.
 - (ii) The "best chance" of confirming Verbal Deception is by asking the questions 'How and when did you get to the UK?' 'Why did you come to the UK?' 'Did you ever intend to return to/why can't you return to **home country**?' 'Was it always your intention to claim asylum?' [emphasis in original].
 - (iii) An example of Verbal Deception is given. This describes a person who applies for and is granted a 6 month visit visa, arrives in the UK and is asked by the Immigration Officer at the airport what their intentions are. They reply that "they are here to visit for X amount of time, staying at X location and returning to [their country] on X date. The claimant then claims asylum and at the screening interview admits that it was always their intention to claim asylum and that they never intended to return to [their country]."
- 177. This is then contrasted with "Change of Circumstances", which is described as applying "when a person had no prior intention of claiming asylum before coming to the UK". The example here is:
 - young students entering the UK who are homosexual and their parents from their home country where homosexuality is a crime/punishable etc. find out about their sexuality.
- **178.** The training on this topic concludes with the statement that

It is key that the new found fear of persecution arises whilst the claimant is in the UK, as if this was to arise before they entered the UK then there could already be a pre-intention of claiming asylum, and another contention avenue would need to be explored.

- **179.** UNHCR has several concerns about this training:
 - (i) The expectation that all refugees have a single, unambivalent intention on arrival is unrealistic, especially (but not exclusively) in cases of non-State persecution and in claims based on matters as complex and personal as sexual identity or gender-based persecution.
 - (ii) Pressing asylum-seekers to articulate such an intention at their screening interview risks distorting their accounts, in particular when the purpose of the questions is not explained.
 - (iii) These concerns are amplified where the questions are hypothetical or counterfactual, because the individual has been admitted to the country with a status that did not require them to have the intention to leave the country after a short period.¹⁰⁴
 - (iv) Although the training suggests that some cases may be more complex, and "another contention avenue would need to be explored", there are in fact only two contentions mentioned: verbal deception and change of circumstances. In UNHCR's view, this dichotomy is not in accordance with either international or domestic law. Refugees are not required to reject all alternative forms of de facto protection against refoulement and insist on claiming refugee status, and many lawfully seek protection through complementary pathways.¹⁰⁵

¹⁰² It properly notes that there may be cases where "the claimant claims to have entered legally but there is no trace on CID/CRS", and in that case a credibly assessment must be made. UNHCR did not observe any such cases.

¹⁰³ The training lists a number of more complex cases of entry without leave, including Via Eire, Via the Common Travel Area, Unwitting Evasion / Immigration Officers unintentional error, and No evidence of lawful entry. We did not observe any such cases at Glasgow or Croydon and have no view on whether they are common or complex enough to require upfront training, rather than being simply flagged as possibilities.

¹⁰⁴ Under UK law, visitors are required to have the intention to leave the UK at the end of a short period, normally no more than six months. No such intention is required of students, workers, or most persons seeking leave to enter to join family members.

See, for example UNHCR's strong support for complementary pathways to refugee protection, UNHCR Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations, April 2019, available at: https://www.refworld.org/docid/5ceb/53c4.html [accessed 5 August 2022] In the UK, recent laws and policies have encouraged many people in need of protection to seek non-refugee pathways, such as the Ukraine Family Scheme, the Ukraine Extension Scheme, or the British National Overseas (Hong Kong) scheme and, in UNHCR's view, there is nothing inherently deceptive or unlawful about a refugee choosing to pursue one of these schemes, or any other form of leave for which they qualify, rather than seeking refugee status.

- (v) For all of these reasons, the question of whether a person ever intended to return to their home country and why they cannot return now are not the same question, and should not be treated as such.
- (vi) The particular example of a "change of circumstances" is arguably inconsistent with current refugee law, because it suggests that a person who has concealed a protected characteristic cannot have a "fear" of persecution; the gay man's fear of persecution is given as an example of a "new found fear of persecution that arises whist the claimant is in the UK", not because that is when he discovers his sexual identity, but because it is when it comes to the attention of potential persecutors.¹⁰⁶

These concerns are consistent with what UNHCR observed in practice in the minority of cases in which the claimant had entered the UK on a visa. In several cases involving people who had entered the UK as visitors, interviewing officers made a quick decision based on how the claimant answered the question "Why have you come to the UK?", but took fundamentally different approaches at different screening locations. In one case in which the claimant had been admitted as a visitor at the border, both the interviewer and their supervisor agreed that the contention of illegal entrant had been sufficiently established without the necessary "complete admission" by the claimant, and without all of the suggested questions being asked. Verbal deception was presumed on the basis of the claimant's statement that she had come to the UK to "get away" from an abusive stepfather, although she had not been asked whether she intended to "get away" permanently by remaining in the UK. In other words, she was asked neither whether she had "ever intend[ed] to return to" her country or 'Was it always your intention to claim asylum?" The intention to claim asylum was simply inferred. In another case, the claimant's statement that he came to the UK to visit his sister was accepted at face value, even though his asylum claim was based on false criminal charges that he had already been facing before he arrived.

- 180. A case involving a gay student clearly illustrates several of the other concerns set out above, including about the artificial dichotomy between illegal entry and a "change of circumstances". The man came from a country where gay men are recognized as being at risk of persecution but had entered the UK on a student visa and then made a human rights claim shortly before his student visa expired. He subsequently varied this into an asylum claim. The contention was identified as "change of circumstances" by confirming that when he first entered the UK, he intended to return home after he completed his course, and that he would have returned to his home country if he had been denied entry at the border. This was established through leading questions ("If when you came they had not allowed you to enter, would you have gone home to [name of home country]?"; "When you finished your studies, was your intention to go home?"). The interviewer then pressed him to identify when precisely he realized he could not go home, and after initially suggesting that this was difficult to identify, the interviewee settled on two months prior to the interview. In UNHCR's view, the claimant's answers were not reliable, in that he appeared to be changing his account in response to leading questions from the interviewer and to satisfy the interviewer's insistence that he put a precise date on his decision not to return home.
- 181. By contrast, an interviewer in Glasgow correctly based her decision on whether a young woman who feared forced marriage was an illegal entrant by reference to her compliance with her student visa. Although the woman described a series of conflicts with her family arising both before, because of and after her arrival in the UK, no effort was made to confirm what she would have done if, hypothetically, she had been unable to enter the UK lawfully, nor precisely when she formed a fixed intention not to return home. Instead, the interviewer decided that she was not an illegal entrant because she was pursuing the course for which she had been granted a student visa. Unhelpfully, current procedures required her to describe this case as a "change of circumstances", although no evidence of a change of circumstances since arrival in the UK had been sought.

¹⁰⁶ See HJ (Iran) v Secretary of State for the Home Department (Rev 1) [2010] UKSC 31, available at: http://www.bailii.org/uk/cases/UKSC/2010/31.html and RT (Zimbabwe) and others v Secretary of State for the Home Department, [2012] UKSC 38, available at: https://www.refworld.org/cases_UK_SC,500fdacb2.html

¹⁰⁷ In addition, the claimant had said in response to a later question that one reason she could not return home was that she was now pregnant, which was evidence of a significant change of circumstances since her arrival.

A "human rights claim" is an application to the Home Office for leave to remain on the grounds that removal would violate rights protected by the European Convention on Human Rights. Most are made on the basis of the right to family or private life, as protected by Article 8. The claimant was not questioned about this previous application, presumably because the purpose of the questions was to establish his intentions on arrival.

- 182. In UNHCR's view, when a person entered the UK in an immigration status that did not require an intention to leave the UK, they should be presumed to not be illegal entrants or otherwise in unlawful status in the absence of evidence to the contrary (such as a report from a sponsor). This approach would not only be in accordance with refugees' right to pursue complementary pathways to protection, it would also be more efficient, as lawful status would in many cases be capable of confirmation from Home Office records.¹⁰⁹
- 183. Finally, the dichotomy between change of circumstances and illegal entry (as opposed to between being currently in lawful or unlawful status) also drives interviewers to find that a person has engaged in deception when they have not. In one case we observed, a person who had been politically active in their home country had entered the UK on a visit visa and later claimed asylum. They were a non-visa national, meaning that they did not have to apply for a visit visa but could be granted entry as a visitor at the border. The discussion of their intention on arrival was as follows:

Q: You have already explained that you entered [the UK] and no one spoke to you. They just stamped your passport.

A: In first case I meant to apply for asylum. First time I wanted to normally live here. I applied for a masters degree. I thought I might be able to get a student visa and live normally but I was told this couldn't happen and that I had to do this from [my country]. . . . and that's what I really don't want.

Q: I know you said you want to study in [name of university]

A: It's a good university.

Q: Was the reason because you wanted to study?

A: I came because of my safety. Applying for the university degree it was just a way to stay here. If you claim asylum it makes you a liability to [unclear].

Q: No judgement here. You did come from [your country] because it wasn't safe for you, but you applied for university.

A: Yes. 110

They were then issued a form ILL EN 101 stating, "Verbal Deceptive: You have admitted that your true intention for coming to the UK was to claim asylum and not as per your entry clearance/what you said to the Immigration Officer at port." In a statement submitted after the interview, the claimant repeated and clarified their intentions:

I realised that I had no choice but to leave, to avoid being imprisoned for my political beliefs. I left for the UK on 28 July 2021. I always wanted to contribute to society rather than becoming a burden to anyone, and because I am financially capable of sustaining myself for a few years, I believed that I could find a way to live as a normal person in the UK, hence I chose not to claim asylum when arriving in the UK. I applied for a postgraduate degree course, hoping to switch my visa from visitor to student. I received confirmation for my application in early September 2021, However, I could not complete the registration on 10 September and was told by university staff that it was not possible to switch to a student visa incountry. . . . I recognized that I had no other option but to claim asylum. Therefore, I started looking for a suitable legal representative and in October 2021 I claimed asylum.

Migrants' sponsors are normally required to report failures to comply with the terms of leave promptly to the Home Office. See, e.g., Home Office, Student Sponsor Guidance, Document 2: Sponsorship Duties, Ver 09/2021, Section 7, available at: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1022004/Student_Sponsor_Guidance - Doc 2 - Sponsorship Duties 2021-09-29_FINAL.pdf and Home Office, Workers and Temporary Workers: guidance for sponsors, Part 3: Sponsor duties and compliance, Version 08/22, pp. 10-11, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099293/Sponsor-guidance-Part-3-compliance-08-22.pdf

In the official Home Office record of the screening interview, this was recorded as: "I did not speak to anyone when I entered the country I did come to the UK because [home country] is not safe for me. I thought I could apply for student visa in the UK for my masters in the UK at [name of university]."

- 184. In UNHCR's view, it may have been appropriate to issue the claimant with form ILL EN 101 confirming their liability to detention and their lack of a right to work on the grounds that they did not meet the conditions of their current grant of leave to enter as a visitor. However, there is no evidence that they had committed verbal deception. According to their unchallenged account, they entered the UK as a visitor in the good faith belief that it was possible to change to student status after arrival, and this account was corroborated by the fact that they promptly applied to and were accepted at a university. It was also accepted by the interviewer that they were not asked any questions on arrival, nor did they apply for a visa, meaning that it is factually inaccurate that they committed "verbal deception"; they had made no verbal representations to anyone. They were then asked at the screening interview to clarify their intentions after being reassured "No judgment here," which is misleading, given the potential consequences of being found to have committed the offence of illegal entry.
- 185. The casefile audit turned up an equally broad range of approaches. In one case, a man who had entered on a student visa and claimed asylum one month later was asked 11 questions about his intentions on arrival. He repeated that his intention was "to study and to save my life", and when asked what he would have done if he had been denied entry at the border, he answered, "My life was at risk. I don't know what I would have done." He was designated a "change of circumstances". In another, a person who said they had come to the UK because "I borrowed some money from some people in Thailand...At first I came here for a visit. I tried to find a way the debt collector couldn't find me" was found to be a "change of circumstances" because they said they had decided to claim asylum three months after arriving the UK.

IX. RECOMMENDATIONS REGARDING THE DETERMINATION OF IMMIGRATION STATUS (THE "CONTENTION")

- (i) Replace the use of the term "contention" in internal documents with plain language, such as "determining immigration status".
- (ii) Provide published guidance on how to determine a person's immigration status at the time of their asylum claim, including the following principles:
 - (a) A person who enters the UK on a visa and complies with the terms of that visa should be presumed not to be an illegal entrant by deception; and
 - (b) Only persons who appear not to have complied with the terms of their visas should be questioned about their intentions on arrival.
- (iii) Before deciding that a person was an illegal entrant by deception, present them with this tentative finding and allow them an opportunity to reply, either at the screening interview or by inviting and considering a rebuttal.

Obtaining the claimant's travel history

- 186. Recent legal changes mean that an individual's travel history before arriving the UK can have significant consequences, including a finding of inadmissibility that leads either to the suspension of the processing of a claim within the UK or consideration for removal to a third country that is considered safe. Unlike with regard to the merits of the asylum claim, moreover, the system is at present designed to gather evidence sufficient to determine inadmissibility at the screening interview itself. The ASR guidance instructs that "The screening questionnaire is the principal interview to gather the information necessary to identify if a claim may be considered to be inadmissible." Although individuals being considered for a finding of inadmissibility may be informed of this in writing after the screening interview, they are not informed of it before or during that interview. Nor, when they are eventually informed, are they asked to attend a further interview, complete a questionnaire, or make specific written submissions. 113
- 187. Information about a person's travel route that is collected at screening also plays a significant role in the decision on whether they are a Group 1 or Group 2 refugee, although it is not determinative; Home Office guidance suggests that whether a refugee falls into Group 2 may not be decided until after the substantive interview, and that there will be a formal opportunity for rebuttal.¹¹⁴ However, here too evidence collected at screening plays a key role, not least because the guidance provides that a person who has been found inadmissible will be "highly likely" to be found not to qualify for Group 1 status on the grounds that they did not come to the UK directly within the meaning of the Nationality and Borders Act 2022.¹¹⁵
- 188. This makes the quality of the information collected at screening particularly important, where that information may be relevant to inadmissibility, eligibility for removal to a third country, or Group 2 status. Moreover, regardless of the lawfulness or appropriateness of the removal of asylum-seekers to third countries or the establishment of a second-tier refugee status, 16 where individuals experience these adverse consequences as the result of what is or can reasonably be perceived to be a flawed fact-finding procedure, this creates obvious risks of psychological and material harm to those individuals and places additional demands on Home Office resources to respond to further submissions, litigation and other challenges.
- **189.** In addition, a person's travel route is accepted to be a key indicator of whether they may have been a victim of trafficking or modern slavery, and therefore
 - (i) may be at imminent risk of retrafficking in the UK;
 - (ii) are unsuitable for detention because of the abuse they have suffered; or
 - (iii) cannot be lawfully detained because they require referral into the NRM and cannot be removed until a "conclusive grounds" decision has been made.

It was because of the perceived centrality of the travel route questions to the identification of potential victims of trafficking that the High Court found it was unlawful for the Home Office to have dropped them from the truncated screening interviews being conducted in Kent in late 2020.¹¹⁷

¹¹¹ See Home Office, Inadmissibility: safe third country cases, Version 7.0 (28 June 2022), (Inadmissibility Guidance) available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084315/Inadmissibility.pdf

¹¹² ASR quidance 7.0 (n 1), p. 23.

They are informed (in English) that they have a right to "submit reasons not already notified to the Home Office why your protection claim should not be treated as inadmissible, or why you should not be required to leave the UK and be removed to the country or countries we may ask to admit you (as mentioned above), you should provide those reasons in writing within 7 calendar days [for detained cases] or 14 calendar days [for non-detained cases] of the date of this letter." Inadmissibility guidance (n 111), p. 30. However, the notice does not explain the factors to be taken into account or set out what information has "already been notified to the Home Office". Without access to legal advice, the opportunity to make written submissions if therefore likely to be ineffective.

[&]quot;The decision-maker may utilise the screening interview, substantive interview (where one has been conducted), and any other information available - for example case notes from Border Force or a Preliminary Interview Questionnaire - to determine which group a refugee falls into. Where the decision-maker decides the refugee falls into Group 2, then the refugee will be given an opportunity to rebut this finding. After which, the decision-maker will make a final decision as to whether the refugee should be granted refugee permission to stay (Group 1) or temporary permission to stay (Group 1) or temporary permission to stay (Group 2)." Home Office, Permission to stay on a protection route (n 45), p. 5.

[&]quot;Where an asylum claim was declared inadmissible on the basis that the claimant had travelled through a safe third country, the information gathered and considered to reach this decision is likely to be relevant to deciding whether the claimant has come to the UK directly. If the asylum claim was later admitted to the UK asylum system because it was not possible to effect the claimant's removal to a safe third country, it is highly likely – though not inevitable – that they will fail to meet the definition under Section 37(1) of the 2022 Act and will not be considered as having come to the UK directly." Home Office, Assessing credibility and refugee status after 28 June 2022 (n 45), p.69.

UNHCR has expressed elsewhere its opposition in principle to these provisions of the Nationality and Borders Bill and to externalization in general, as well as to removal to Rwanda in particular. See, e.g. UNHCR, Updated Observations on the Nationality and Borders Bill, as amended (January 2022), available at: https://www.unhcr.org/61e79b44, pdf and UNHCR, Analysis of the Legality and Appropriateness of the Transfer of Asylum Seekers under the UK-Rwanda arrangement (June 2022), available at: https://www.unhcr.org/62a37rd34. That opposition has not affected the findings and recommendations set out in this report.

¹¹⁷ DA & Ors v The Secretary of State for the Home Department [2020] EWHC 3080 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2020/3080.html was a challenge to the practice of no longer asking two questions on the screening form: "31 (why have you come to the UK?) and question 3.3 (please outline your journey to the UK?)" (paragraph 2). According to the court, these two questions had been "identified, within the Secretary of State's own published asylum screening guidance, as questions which are relevant to the detection as a first responder of whether the individual facing potential detention and removal directions with certification of a protection claim is a potential victim of trafficking." (paragraph 4).

- 190. Many Home Office staff interviewed for this report stated that they did not understand the purpose of the travel route questions; this included frontline screening officers and senior operational managers. No one mentioned that they played a role in identifying potential victims of trafficking and modern slavery, in spite of the fact that this is stated in the *ASR guidance* and had been at the heart of the litigation over screening in late 2020.
- **191.** Most senior operational managers expressed the view that the travel questions were intended to identify potential countries of readmission, although most expressed scepticism about whether readmission was realistic.
- 192. A group of experienced CIOs and IOs said that the travel questions were not intended to establish inadmissibility in small boat cases, because as a matter of policy, everyone who arrived by small boat was recorded as inadmissible; the screening interview was only used to explore the inadmissibility of persons encountered in-country. Two officers said that the travel questions were "technically" in order to identify a "possible country of return", but a third officer responded that they were "a bit confused" about why they were asking the question. "If I want to return him back to Germany, will the Germans take him?" They doubted there was "any point" in asking these questions. Several officers also commented that the travel questions could be used to test credibility.¹¹⁸
- 193. Experienced staff at an airport exhibited a similar range of views about the purpose of the travel questions. Some still thought there was a separate "third country" interview to be conducted in third country cases and handed us a copy of the relevant form (in fact, no longer in use), while others pointed out at that the screening interview form had been changed to include these questions. One officer said that the UK could still send people back to Germany, France and Switzerland, "just not to Greece", while another said that "we have lost the ability to send people back". The latter said that they were "hoping that we aren't just wasting our time", and another said that they get a "little annoyed" that they were still asking the same third country questions when no one could be sent back.
- 194. In addition, in several locations, staff expressed frustration that they were unable to process the asylum claims of people who had been referred to the Third Country Unit for a consideration of inadmissibility, particularly with regard to clearly well-founded claims. In their view, given the lack of readmission agreements, it was inevitable that these cases would be determined in the UK, and the inadmissibility process merely caused unnecessary delays and inefficiencies.
- 195. One officer at MIU suggested that travel history could be useful for the Joint Debriefing Team, which interviews people who have arrived clandestinely who are willing to provide intelligence to the Home Office.¹¹⁹ However, the same officer noted that the JDT usually targeted their interviewing on particular nationalities, rather than responding to individual travel history.
- 196. In spite of this uncertainty about the purpose, screening staff diligently sought details of claimants' travel routes, and the account of the travel route was often one of the longest sections of the interview. However, in the interviews UNHCR observed we found that it was common for interpreters to control the questioning about the claimant's journey to the UK.¹²⁰ Sometimes interpreters take control themselves, or, more often, interviewers will ask the interpreter to take control, sometimes providing wide license for the interpreter to ask their own supplementary questions, as in the following example:

¹¹⁸ One referred to Section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, because the "rules say you should be claiming asylum in the first safe country"."

Another agreed, adding that that although "technically" the questions were to identify countries of return, they could also be used to test credibility. The example given was of an Iranian who said that they were a Christian and who had lived in Germany for five years, who could be asked when they became a Christian.

¹¹⁹ The Joint Debriefing Team was set up on 12 October 2015. It is based in Kent and includes staff from Immigration Enforcement, Border Force, Kent Police and the National Crime Agency. It aims to conduct targeted debriefs with people who have arrived clandestinely in the UK, in order to obtain intelligence on trafficking and smuggling.

¹²⁰ Recently recruited agency staff at one location said they found the travel questions "clunky" because they asked first about travel route, then about other times a claimant had visited those countries, followed by a question about any other countries they may have visited. In their experience, it was not always clear to claimants what was being asked and they often had to reword the questions and find their "own way of asking them". Staff also spoke of the benefits of having a good interpreter who knew the "best way" to ask these questions.

Interviewer: If you could take the full details and the information and gather. I'll take it from you at the end. Ask him the date he left Syria, the countries he travelled through. If he had any documentation (visa) the transport methods [pause]. Whatever. How long he stayed in each country that he passed through. If he remembers and yeah any other information that may be relevant please.

[15 minutes pass – very detailed questioning by interpreter – much back and forth].

Interpreter: [provides summary of journey]

- 197. In at least nine of the interviews UNHCR observed, the interpreter engaged the claimant in extensive back and forth questioning on the travel route before coming back to the interviewer with a response in English. In these cases, often up to 15 questions would be asked by the interpreter before being collated in a far shorter English response, suggesting that interpreters are summarizing claimants' responses regarding their journeys to the UK. There is also a clear risk that interpreters may influence the claimant's responses by offering advice and explanations.
- 198. Moreover, the account was not explored and claimants were not asked to clarify apparent inconsistencies or implausibilities,¹²¹ even though (unlike with regard to the basis of claim) the guidance encourages interviewers to do so.¹²² In the files reviewed in the audit, there was only one case in which an interview recorded clarifying an inconsistency in the account of the travel route (pointing out that the timeframes did not add up).
- 199. When UNHCR asked a manager at one screening unit what could be done in a situation where a claimant had presented an inconsistent account of their journey to the UK, we were told that there is "nothing you can do", and that that would be explored at the substantive interview. An Immigration Officer suggested that if a claimant said they had travelled from Greece all the way to France in one lorry (which they believed was implausible), they might put a note on CID, asking the decision-maker to "please consider" asking further questions about this at the substantive interview. A manager in Glasgow agreed, telling UNHCR that with regard to the travel questions, "You can't question inconsistencies. That would be left for the substantive interview. They [screening officers] won't question on that one."
- 200. This is consistent with the approach described below with regard to the basis of the claim, and may reflect an underlying belief that the same fairness concerns apply regardless of which information they are eliciting at screening. The obvious legal difficulty with this approach is that inadmissibility decisions are made largely on the basis of the screening interview record, before a person has been given an opportunity to address any apparent gaps or inconsistencies.
- 201. In UNHCR's view, staff do not understand the purpose of the travel route questions, and as a result, the information collected may be unreliable or incomplete. There is also a tension between the long-established principle that it would be unfair to probe the basis of the claim at the screening interview when the claimant may be tired, hungry, or disoriented and will rarely have had access to legal advice, and when there is insufficient time to explore issues carefully and basing significant decisions on information collected at screening. These same factors may make such decisions unreliable, and subject to successful legal challenges.

¹²¹ These included a claimant who was incorrectly recorded as having said that they travelled from Somalia to Turkey by train, a woman who said that she had seven children under the age of ten, all of whom were living in Somalia, but that she had been living in Greece since 2009, and a man who said he had been tied up and forced into a lorry bound for the UK but had managed to untie himself and overpower his trafficker as soon as he arrived.

¹²² ASR guidance 7.0 (n 1), p. 15 and 59.

It is generally accepted that most asylum applicants will have had no or limited access to legal advice prior to screening. See, e.g. Detention Action v Secretary of State for the Home Department [2014] EWH-C 2245 (Admin), para. 159, 178, 217 (discussing the importance of legal advice obtained after screening); available at: https://www.bailli.org/ew/cases/Misc/2020/27.html; All of the Department [2014] EWH-C 2245 (Admin), para. 159, 178, 217 (discussing the importance of legal advice obtained after screening); available at: https://www.bailli.org/ew/cases/Misc/2020/27.html; and assignment and assignment and assignment and assignment and advice. The Department is a support and advice at all stages of the asylum screening process. "We do not intend to suggest that legal advice is deliberately withheld from new arrivals. All arrivals can request access to legal advice at all stages of the asylum screening process." We do not intend to suggest that legal advice is deliberately withheld from asylum applicants at any point during the asylum process. However, there are a range of reasons that it is in fact rarely available prior to the screening interview. There is no duty advice scheme for intake and screening units or short-term holding facilities, and those screened within days of arrival are unlikely to have been able to arrange legal advice themselves during that time, due to factors including lack of familiarity with the system, language barriers, pressing health and welfare needs, lack of finances, or detention in short-term holding facilities with limited means of communication with the outside world (see footnote 296 below for evidence regarding access to phones by detainees at Kent Intake Unit). In addition, as noted above at para. 74, registration of a claim is often a necessary step to obtaining Asylum Support and with it the "evidence of means" required to obtain legal advice fu

X. RECOMMENDATIONS REGARDING THE TRAVEL ROUTE QUESTIONS

- (i) Provide guidance and training to staff to ensure they understand the purposes of the travel route guestions and the importance of obtaining an accurate account.
- (ii) In particular, provide guidance and training confirming that this information must be obtained by the interviewer, not by the interpreter.
- (iii) Introduce a more targeted exploration of a person's travel route, whereby
 - (a) certain travel routes trigger specific further questions to ascertain whether safeguarding or trafficking referrals may be necessary, such as where a person states they have travelled via Libya; and
 - (b) questions are eliminated with regard to other travel routes, such as why a person should not be sent back to a country where there is no realistic prospect of readmission or why they did not claim asylum in a country that is not party to the Refugee Convention or in a Dublin Member State that clearly would not have had responsibility for the claim under Dublin principles.
- (iv) Where a person's travel route raises inadmissibility issues, introduce a triage process so that:
 - (a) The claims of people who are not reasonably likely to be readmitted or transferred to other countries are not suspended and their claims can progress towards a grant or refusal more quickly (reducing demands on Asylum Support and accommodation and promoting asylum-seekers' integration or return).
 - (b) Requests for readmission are only made to those third countries where there is a reasonable prospect that they will be accepted, based on existing readmission agreements and practices, eliminating delay and waste of staff time.¹²⁴
 - (c) Where a claim may be treated as inadmissible, obtain further information from the claimant after the screening interview, by way of written submissions or a further interview. The additional time expended prior to the making of an inadmissibility decision in these cases could be found from that saved by eliminating the consideration of inadmissibility in other cases. It would also potentially save litigation resources by ensuring that the decisions that are made are based on reliable information, fairly obtained.

For example, it appears highly unlikely that Spain would accept the return of a person who has simply changed planes in Madrid, or that France or Italy would accept the return of a person who had arrived in Europe via Italy and transited France en route to the UK but had spent a number of years in between in a third country (such as Germany), where they had applied for and either been granted or refused asylum. Under applicable Dublin rules, it would be only that third country that would be likely to have any responsibility for the person's asylum claim. Nor would an individual in fact have had an opportunity to claim asylum in another Dublin Member State they passed through subsequently; they would have been returnable to the country where they had already claimed asylum, as many applicants are aware. However, Home Office records show that in such cases, each of these countries is identified as a potential safe country of return both in internal records and in correspondence with the claimant, and that a number of caseworking actions have been carried out accordingly (including the creation of multiple records of actions on Atlas and CID and written summary documents). In the cases we have looked at, it was unclear whether formal requests for readmission were in fact made to all of these countries, but guidance should clarify that enquiries both with applicants and third countries and other relevant caseworking steps should be confined to those third countries where there was in fact a possibility of claiming asylum or seeking readmission.

Eliciting the basis of the claim

- **202.** Home Office policy is to elicit the basis of an individual's asylum claim at the time of registration and screening in all adult cases, regardless of nationality or profile. The *ASR guidance* gives the following reasons for doing so:
 - (i) To assess whether the claimant is seeking to remain in the UK for a protection reason, i.e. whether the asylum claim has been "particularised";
 - (ii) To assist the interviewing officer to prepare for the substantive interview;
 - (iii) To elicit disclosure of reasons that detention may be inappropriate; and
 - (iv) To assess credibility, "if there are relevant inconsistencies between the screening questionnaire and what is being said at the substantive interview . . .," and the claimant's welfare at the time of the screening interview has been taken into account. 125
- **203.** In addition, an accurate statement of the basis of claim provided by the applicant is often essential to the proper triaging and routing of the claim.¹²⁶
- **204.** In UNHCR's view, there are a number of aspects of policy and practice that limit the screening interview's ability to achieve these purposes consistently:
 - (i) The published guidance and the form itself are inconsistent about what level of detail is expected, and this inconsistency is reflected in practice;
 - (ii) Individual interviewers take divergent approaches to what elements of a claim need to be elicited, leading to inconsistency between interviews, the overlooking or omission of potentially relevant information, and an inefficient use of interview time to explore peripheral details;
 - (iii) Interviewing guidance and practice do not take into account best practice in investigative interviewing,¹²⁷ and interviewers often engage in practices that risk producing statements of the basis of the claim that are materially inaccurate; this creates a number of risks,¹²⁸ but with regard to the specific goal of assessing credibility, it creates a risk that later corrections or additions may be erroneously held to undermine the credibility of a well-founded claim;
 - (iv) None of the screening officers we spoke to were confident in their understanding of what it means for a claim to be "particularised" and some doubted that it is appropriate for them to make this decision.
- 205. With regard to the level of detail expected, Home Office guidance states that one of the purposes of the interview is "establishing a brief basis of claim by succinctly capturing the main basis of the claimant's fear of return, including who they fear, why and key dates". However, it contains repeated instructions that with regard to the basis of claim in particular, probing questions must not be asked and "credibility warnings" must not be given. This presents the interviewer with the difficult task of obtaining specific, detailed information about the asylum claim by asking a single question that does not ask for this information but instead for "reasons": "Please BRIEFLY explain ALL of the reasons why you cannot return to your home country?" [Emphasis in the original]

ASR guidance 7.0, p. 76. Across locations, staff saw their role as in part contributing to the assessment of credibility by fixing the details of a person's asylum claim (as well as their travel history and the identity of their dependants) because of a perception that claimants would change their account between their screening and substantive interview, after speaking to legal representatives, friends or fellow asylum-seekers. In UNHCR's view, the guidance to take into account the claimant's welfare at the time to the interview is welcome but too narrow, overlooking other significant factors that make inconsistencies between the screening interview and later accounts an unreliable indicator of credibility. The guidance refers only to the claimant's personal circumstances at the time of the screening interview itself: "the decision maker will [. . .] need to look at the time and conditions of the interview as tiredness and fatigue of the claimant may play a part in why there are discrepancies or omissions." The guidance does not, for example, suggest that decision makers consider stress, trauma or cultural/social factors which may have been affecting claimants during their screening interview. It is also unclear whether the broader circumstances of the interview (such as communication problems, lack of privacy, or whether the interview was conducted by telephone) need to be taken into account, and factors affecting the intervieware not mentioned (workload, stress, lack of experience, especially with increasing number of interviews being conducted by agency staff or subcontractors). In addition, although the guidance instructs the screening officer that "you should make a record of any delays to the interview and any observations of general welfare indicators" (lbid.), it is unclear where or how this would be done, as there is no space for this on the interview record, and no other specific form for this. Published guidance to decision-makers, in turn, confirms that the screening interview record can be taken i

¹²⁶ See, e.g. UNHCR; UNHCR's Guide to Asylum Reform in the United Kingdom (February 2021), available at: https://www.unhcr.org/uk/609123ed4.pdf (proposing triaging based on information collected at screening) and UNHCR, Fair and Fast: UNHCR Discussion Paper on Accelerated and Simplified Procedures in the European Union, pp. 7-8, available at: https://www.refworld.org/pdfid/5b589eef4.pdf (describing the possibility of triaging claims based both on nationality and reasons for flight or particular profiles).

¹²⁷ As explained elsewhere (see Executive Summary), the screening interview goes beyond collecting information that is necessary for registration and also seeks to identify vulnerabilities and establish facts with significant legal consequences, including inadmissibility, triaging, credibility assessment and (following the period of this audit) suitability for removal to Rwanda. The complexity and significance of the issues being explored thus calls for the use of better interviewing practices in order to increase the accuracy and completeness of the information collected and ensure the fairness of the process.

¹²⁸ This may include errors in triaging and routing, where an accurate statement of the basis of the claim might have revealed that a claim might be suitable for simplified processing. In addition, immediate risks of harm or welfare needs may be overlooked, where they are related to the basis of the claim.

¹²⁹ ASR guidance 7.0 (n 1), p. 16.

[&]quot;You must ask appropriate and focused questions to encourage full disclosure to the questions asked. However, the basis of the asylum claim must not be challenged or substantively probed at screening. . . . where you consider the claimant is trying to conceal relevant information or mislead then a 'credibility warning' may be given. For example, if the claimant is unable to provide a reasonable explanation of [their travel to the UK. . .], then a credibility warning may be appropriate. However, a credibility warning must not be given in relation to the grounds given by the claimant for the basis of the asylum claim." ASR guidance ZO (n 1), p. 15.

206. There are four further questions listed on the form:

What do you fear will happen to you on return to your home country? Who do you fear?
Why do you fear them?
When did this happen?

However, these are prefaced by the instruction, "Where applicable ask:" They are not mandatory, and UNHCR observed interviewers take a wide range of approaches, as discussed below.

- 207. In addition, the limited guidance given to the claimant in the questionnaire is not well-designed to elicit a clear statement of the basis of the claim because it is internally inconsistent. As noted above, at the beginning of the interview they are told both to give a "brief outline" and that the interviewing officer will not be making a decision on the claim, but also to answer all of the questions "in full". There is a further contradiction within the question itself between the instruction to set out all of the reasons for not returning to one's country, and the instruction to do so briefly, as has been pointed out in appeal decisions.¹³¹
- 208. The meaning of "reasons", moreover, is unclear. It could be understood by the claimant as the legal basis for protection (a "Convention reason" or the reason they should be allowed to remain in the UK), the specific events or risks that forced a person to flee (the reasons the claimant left their country), or the underlying motivation of the persecutor (the reasons the persecutor would target the claimant).
- 209. Experienced screening officers we spoke to had difficulty articulating how much further information they should elicit about an asylum claim. A manager at an airport said the goal was to give the decision-maker "something to kick the conversation off with", but then gave as examples set questions that they described as designed to set up future credibility challenges because "I won't take it at face value that "I'm Christian" or "I'm gay", because experience tells me that a lot of people say these things as a way to get into the country." They also said, however, that whether further questions were asked would depend on how busy the shift was and that many officers did not do this.
- 210. A group of experienced officers at another location said that they would ask for "bullet points" about the basis of the claim, "just enough to give the decision-maker a heads up"; this was described as being "about a paragraph". The specific bullet points they gave as examples were not those in the guidance ("who they fear, why and key dates") or the questions listed on the form. One gave the example that if someone said they were a member of a political party, they would ask, "When did you become a member?"; "Are you still a member?"; "What was your involvement?" At the same time, the group was aware that "you don't want to ask too many questions" or "go into asylum territory" because their role was "purely information gathering" and they were "not meant to be challenging". The inherent tension between obtaining information without asking too much was reflected in the explanation by a screening supervisor at another location, who told us that the goal was to get "as much information as we can in a short space of time" but not by "questioning". 133
- 211. In 12 of the 32 interviews we observed, no additional questions were asked beyond the standard asylum question "Please <u>BRIEFLY</u> explain <u>ALL</u> of the reasons why you cannot return to your home country?" This included cases where basic details had not been volunteered, such as when a particular event happened or who had targeted a claimant (referred to as simply "they").¹³⁴

¹³¹ See, e.g. HAA v SSHD, PA/05330/2018 (04 March 2021) (unreported) https://tribunalsdecisions.service.gov.uk/utiac/pa-05330-2018-23c344ea-86e1-4612-a17c-c6fcaee3ffc4

¹³² The examples given were that if an Iranian said they feared persecution as a Christian, the manager would tell the officer to ask them for the names of the first five books of the Old or New Testament, or if a person from the Caribbean said he was gay, they would tell the officer to ask "Who's your partner? What's your partner's name? How old are they?"

¹³³ It was clear from the context of these discussions that the concern was about whether it was appropriate to seek further information after a claimant's initial disclosure, rather than about how to seek that information (e.g. whether to ask specific questions or encourage a free account). In its recent report, An inspection of asylum casework (August 2020 – May 2021) (n 27), the ICIBI reported that some staff at the AIU in Croydon expressed frustration at what they perceived as "inconsistent messaging" about how much information to elicit. Para. 9.9, p. 77.

¹³⁴ There were no follow-up questions, for example, to the answer "I do not feel safe to go back to Albania. They might take away my life. They might exploit me."

- 212. In 20 of the 32 interviews observed, the interviewer asked some supplementary questions about the asylum claim. These often included those suggested on the form, but not consistently all of them. A claimant might be asked, for example, what harm they feared and from whom, but not even very broadly when events had occurred.
- 213. Other interviewers asked for more specific information going beyond the level of detail suggested on the form related to the claimant's initial responses. In several instances, this information was requested by interrupting the claimant before the basis of the claim had been fully set out, asking for example, the location of the court where the claimant had been prosecuted before he had said anything about how this related to his asylum claim, or interrupting an account of being targeted by a gang for extortion by asking nature of the claimant's business.
- 214. Eliciting this level of detail is arguably not in accordance with guidance, which suggests eliciting the broad outline of the claim without asking probing questions. There is also a clear risk that focusing on specific details at this stage will elicit a distorted or inaccurate account, for several reasons:
 - (i) Interruptions can impede a person's ability to remember;
 - (ii) Having been told that they must answer all questions fully but not having been advised that they are free to say that they do not know or cannot remember, claimants may guess or fabricate;
 - (iii) The account becomes focused on facts that the interviewer has identified as relevant, and other material elements may be omitted, either because the claimant is following the interviewer's lead (taking the interest of the interviewer as a sign of what is important), or because the interviewer then moves on to another question.
- 215. A further issue arose out of interviewers' inconsistent approach to the need to keep explanations "brief". In one case, the interviewer discouraged the claimant from explaining why they feared they would be targeted, 135 and in another, they advised the interpreter that the account the claimant had given did not need to be interpreted, because only certain specific details were needed. 136 In neither case were these instructions recorded on the form, creating a risk that later additions to the account may be perceived as embellishments. 137
- 216. In another case, the claimant was allowed to give a free account of why she feared persecution, but concluded by commenting, "This is brief". The interviewer responded, "That's fine if that's all you have to say." This allowed the claimant to decide how much detail to go into, which reflects better practice. However, this advice was not recorded in the record, which again raises the risk that if the claimant were to provide more detail in the future, she could be perceived as having embellished her claim.
- 217. In the majority of the cases where supplementary questions were asked, the questions (at times as many as 10 or more) were not recorded, but rather the responses collated as if the claimant had responded to the initial asylum question with a single long response. This creates the false impression that the account is a free narrative, rather than one that was shaped by the questions that were asked. Of the 42 screening interviews in the file audit, in 27, answers were presented in this way.¹³⁸
- 218. With regard to the way that questions were asked, there were some examples of good practice, where interviewers asked open questions,¹³⁹ or displayed active listening by confirming what the claimant had said before moving on.
- 219. However, most questions were closed, 40 and some questions were leading, such as "I'm assuming you don't want to get married? It is an arranged marriage?"; "When you were putting out these social media reports and press conferences was this you criticising the government?"; and "So did you find out that your friends were arrested and you left the country before they got to you?".

¹³⁵ See, for example, paragraph 220 below.

¹³⁶ Interviewer: "Could the claimant explain his involvement with the Tamil group?" Interpreter, "He is telling all his story. Do you want to write it down?" Interviewer: "I want to understand what group it is?" Interpreter (without asking claimant) "Tamil National Congress. It's a political party you can write it." The rest of the "story" that had been told was not recorded.

¹³⁷ This concern was raised to ICIBI by stakeholders and a claimant who had been through the asylum process. ICIBI, Asylum casework (n 27), para. 9.10-9.11, p. 77.

¹³⁸ It was not possible to understand what questions had been asked in the interviews in the file audit. In only four of the screening interviews in the file audit did it appear that all of the interviewer's questions were recorded; in 27, no additional questions were recorded at all, and in seven other cases, only the questions about the travel route, exploitation, or medical needs were recorded (these appeared to follow a script). For further discussion of the lack of verbatim records, see paragraph 290-297 below.

¹³⁹ For example, where the claimant said, "I can't go back to Syria because if I do I will be forced by a terrorist group, like a political party, like YPG." The interviewing officer prompted, "Be forced by the YPG to....?" Or another where the interviewer asked, "Are you able to tell me a little bit more about what your problem is in Egypt?"

¹⁴⁰ Asking for specific names, dates, or places.

- **220.** Finally, it appeared that interviewers were using their own judgment to exclude information about the basis of claim that they did not consider relevant. For example:
 - (i) A claimant said he had claimed asylum because he saw his former trafficker a few months ago in the UK and had "problems" with him, but this was not recorded on the form.
 - (ii) A claimant from Bangladesh said that he was facing a false murder charge because of his political activities. The interviewer told the interpreter to tell him that the fact that the current chairman and exchairman of his party were among his co-defendants was "not relevant to his claim" and that he "should not have told me" about a second charge, on which he had been acquitted.¹⁴¹
 - (iii) A woman from Somalia who said, "First of all, I am the product of a rape. My mother was raped," was interrupted and told, "That's fine, you don't need to give us all those details, I am just asking briefly what would happen if you return to Somalia." ¹⁴²
 - (iv) In one case, the interviewer recorded "No" in answer to the question "Are there any other reasons you fear returning to your home country?", although the claimant had given another reason.¹⁴³

All of these interviewers appeared to be otherwise attentive and conscientious, suggesting that the decision to exclude or overlook these statements was made in good faith and reflects a failure of training, oversight and written guidance.¹⁴⁴

- 221. Another question that UNHCR observed to cause confusion was "Why have you come to the UK?" This question appears to be designed to elicit a statement from those claimants who entered on a visa or did not claim on arrival as to what their intent was at the point of entry; as discussed above, this is relevant to deciding the "contention" (see paragraphs 176-185). However, it is not introduced with any explanation as to its purpose, and most claimants understood it as an invitation to set out the basis of their asylum claim. This misunderstanding may be increased by the fact that claimants are not given an explanation of the purpose of the interview as a whole, or of this particular section or question. In addition, this question precedes the question about the basis of claim and therefore is the first opportunity for interviewees to disclose what many may believe is the most important information they have to give.
- 222. When this happened, some interviewers omitted the later question "Please <u>BRIEFLY</u> explain <u>ALL</u> of the reasons why you cannot return to your home country?" They would either replace that question by confirming the previous answer ("you told me that you came to the UK because you fear..."), move directly to follow up questions ("when did this happen"), or not ask it at all, and cut and paste the answer given in response to the previous question. In these cases, the claimant was never asked to disclose all of the reasons for not returning to the home country, only to disclose why they came to the UK. The obvious risk is that some reasons for not returning to the home country are omitted, or that the answer focuses on the most immediate impetus to departure or even positive reasons for coming to the UK, rather than negative reasons for not returning home or to other countries.
- 223. In the cases in the audit, there was an equally wide range of approaches to eliciting the basis of the claim. In 19 cases, the claim was not explored at all, and the applicant was either not asked the question, or was recorded as having only made a very brief statement, such as, "I have a problem in Afghanistan from the Taliban,"

¹⁴¹ These instructions were directed to the interpreter, using the third person; he then conveyed them to the claimant.

Although the interviewer may have sought to reassure the claimant that she did not have to discuss sensitive issues, she did not say this, creating the possibility that the claimant felt rebuffed rather than supported. In addition, the interruption was not noted in the interview record, which again creates the risk that further reasons for not returning to Somalia may later be rejected as embellishments.

¹⁴³ The claimant was from El Salvador and had said that she had been targeted by a criminal gang because of her "sexual orientation"; they had seen her walking hand-in-hand with her girlfriend. In response to the question of whether there were any other reasons she feared returning to her home country (a new question on the enhanced screening interview being piloted at the time), she said "I fear that I will be another femicide". This was recorded as "no". It may be that the interviewer felt femicide and being specifically targeted for being known to be a lesbian were the same thing, but arguably they are not. For a discussion of femicide, see, e.g. https://www.oecd.org/gender/data/addressing-femicide-in-the-context-of-rampant-violence-against-women-in-latin-america.htm

Immediately after the interview in the Bangladeshi case, the interviewer completed a referral to the Special Cases Unit, asking them to consider whether the claimant was excludable from refugee protection because of the criminal charge against him. It is possible that that they saw the charge on which the claimant was acquitted as irrelevant because they were focused on the issue of exclusion. However, to a well-trained officer, this would not make the identity of the co-defendants irrelevant, as it goes to the heart of the claim that the accusation was false and politically motivated. This is also a clear case of the failure of a screening officer to meet the aspiration set out in the guidance that "you should aim to have a general awareness of the situation in claimant's country of origin to assist you in understanding their situation." ASR 7.0. (n 1), p. 14. Home Office country guidance makes it clear that politically motivated criminal charges are a common form of political persecution in Bangladesh, making the political profile of the claimant's co-defendants a key element of his claim. See, Home Office, Country Policy and Information Note: Bangladesh: Political parties and Affiliation, Version 3.0 (September 2020), para. 2.4.7., available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921445/Bangladesh-Political_parties_and_affiliation-CPIN.pdf

or "I came here to claim asylum because I was a member of a political party in [my country]. I will be killed if returned." In two cases, the follow-up questions indicated on the form were asked, in four cases, they appear from the answers to have been asked although they are not listed, and in another 14 cases, it is clear from the structure of the applicant's answer that some follow-up questions were asked, but it is not clear what they were.¹⁴⁵

224. For all of these reasons, UNHCR is concerned that the way in which the basis of the asylum claim is asked at present creates real risks of eliciting an incomplete, distorted, or otherwise inaccurate account of material elements of an asylum claim. This may lead to claims being triaged incorrectly, creating significant inefficiencies, including delay and litigation. It may also lead to incorrect assessments of credibility.

XI. RECOMMENDATIONS REGARDING ELICITING THE BASIS OF THE CLAIM

- (i) Provide a clear explanation to interviewees at the outset of the interview of the level of detail expected of them (see related recommendations regarding the opening of the interview above at Recommendation VI).
- (ii) Provide a specific explanation of the purpose of asking the basis of the claim, the level of detail expected, and the opportunity to provide further detail in future.
- (iii) Replace the inherently confusing question "Please BRIEFLY explain ALL of the reasons why you cannot return to your home country?" with simpler questions, such as:
 - (a) Why did you leave your home country?
 - (b) Are there any reasons why you cannot return to your home country?
 - (c) What do you believe may happen to you or your family members if you return to your home country?
 - (d) Why do you think this would happen?
 - (e) Are there are any other reasons you cannot return to your home country?
- (iv) Provide clearer guidance to interviewers about the minimum information that should be obtained.
- (v) In recognition of the length of the screening process as a whole, the multiple other purposes it currently serves,¹⁴⁶ and the risks of both unfairness and inaccuracy in obtaining information from claimants who normally have only recently arrived and not had access to legal advice or welfare support, the information collected should be as limited as possible, consistent with the needs of any triaging systems in place.
- (vi) Provide training to interviewers about best practice for obtaining that information, drawing on the PEACE model (covering issues such as allowing interviewees to give an initial free account,¹⁴⁷ not interrupting, asking either Tell, Explain Describe (TED) questions or specific closed questions as appropriate, and avoiding forced choice and leading questions).
- (vii) Provide training for decision-makers and Presenting Officers about the aims of screening interviews, the conditions in which they are conducted, and the limited role answers at screening can play in the assessment of credibility in order to reduce the risk of unfair or erroneous refusals of protection (see also Recommendations XIX(iii)).
- (viii) Require interviewers to take verbatim records of screening interviews, including additional questions they ask or are asked by the claimant and any advice they give them (for example, that certain information is not relevant or to save further details for a later interview) (see further recommendations regarding the accuracy of the interview below at Recommendations XIX).

¹⁴⁵ For example, "I will be killed if I go back because I had a relationship with a daughter of a commander of the security of [name] Province. They are after me – my father went to their house and he was beaten up. My father went to the house to try and find a solution to the problem that was caused by my relationship when [sic] the mans [sic] daughter. My father wanted me to get married to his daughter as a solution. This happened a few days before I left my country".

¹⁴⁶ Including locking identity, conducting security checks and meeting urgent welfare and safeguarding needs.

¹⁴⁷ As noted elsewhere, the screening interview contains a range of topics. A free account will not be necessary for many of them. It should, however, be encouraged when eliciting the basis of the claim given the significance of the topic.

Particularizing the claim

- 225. As noted above, Home Office guidance states that one purpose of the screening interview is to determine if the reason a person gives for remaining in the UK amounts to an asylum claim. This is called "particularising the claim". It is a required step in processing an asylum claim on Atlas to confirm that the claim has been particularized. However, staff members at all levels said they were uncomfortable with making this decision. They said that they lacked training in how to assesses whether an asylum claim was "genuine" or in how to write a refusal decision (which they assumed they would have to do if they found the claim not to be particularized). They also said that this would be inconsistent with their role, which is to "collate and record information". One said they had been told by a supervisor that exploring whether a claim had been particularized was too much work, and they "should let whoever it is deal with it later." On a practical level, one more experienced officer said that most people, if asked enough questions, would say something that amounted to an asylum claim but if they did not, they would nonetheless refuse to withdraw their claim, because they would have to sign papers confirming that they understood they could be removed from the UK.
- **226**. For all of these reasons, in response to the question on Atlas of whether an asylum claim has been made out, staff told us that they invariably tick yes, and in cases of doubt, add a comment: "information not available at screening stage".
- 227. In UNHCR's view, access to fair and efficient asylum procedures is an essential protection against refoulement and should not be refused on the basis of a brief screening interview, especially in light of the widely varying approaches to eliciting the basis of the claim set out above, current workloads, the lack of explanation of the purpose of the questions to the claimant, and the current limitations of staff training and understanding.
- 228. In addition, under current UK practice, people who claim asylum but do not meet the definition of a refugee are then considered for grants of Humanitarian Protection or leave to remain on human rights grounds, meaning that the failure to set out Convention grounds, for example, is not fatal to their application for permission to remain in the UK. The result is that even in those cases where the person is seeking to remain in the UK for a reason that does not fall within the Refugee Convention, there is little efficiency saving in identifying this at this stage.

XII. RECOMMENDATIONS REGARDING PARTICULARIZING THE CLAIM

- (i) Screening staff should not be asked to decide if a person has particularized an asylum claim.
- (ii) Instead, a triage process should be implemented to further examine cases which appear to be manifestly unfounded, which may be suitable for simplified processing.
- (iii) Atlas and guidance should be amended accordingly.

¹⁴⁸ As described above at paragraphs 79-82, there were some frontline staff who described informal processes of improperly screening individuals out of the asylum process or otherwise persuading applicants that they should not be making an asylum claim. These processes were not, however, described in terms of assessing whether or not a claim had been "particularised".

Criminality and security

- 229. Screening staff across all screening locations took their responsibility for public safety seriously. Other than at Tug Haven (where staff faced particular challenges, described below at paragraphs 431-436), staff were thorough and consistent in the steps they took to establish a person's identity and perform all necessary identity and security checks.
- 230. However, there was universal skepticism about the value of the "criminality and security questions" and many suggested that they be eliminated altogether. They confirmed that no one had ever answered "yes", and they doubted that anyone would ("people will always answer no".) Perhaps reflecting this skepticism, many interviewers introduced the section almost apologetically, saying, for example, "the final section is just some security and criminality questions" or "A lot of these questions will be 'no' or 'no to all'. That's fine. We can just get through them."
- 231. In addition, in 84% of the interviews observed (27 of 32), the interviewer instructed the interpreter to group the security questions, and allowed them to reply simply, "no to all", "as in the following example:

Officer: [Name of interpreter] do you want to run through the criminality and security questions for me there?

Interpreter: Sure [reading out questions in Tigrinya for several minutes] No to all the organizations, yes to military service. I was in training but then I absconded. Did you want me to continue with the rest?

Officer: Yes please

Interpreter: [continues to ask questions in section 5 (at least 15 standard questions) without interpretation back to interviewer]

Interpreter: "No" all the rest.

- 232. One clear risk from this approach is that neither the interpreter nor the claimant gives their full attention to these questions, and questions about aspects of the claimant's past that are not necessarily related to exclusion, criminality or security such as belonging to a political or religious organization are overlooked or misunderstood by either the interpreter or the claimant because of the context in which they are asked.¹⁵⁰
- 233. Although it is not possible to know how the questions were asked in the interviews in the file audit, in 19 cases, answers to questions in section 5 were recorded as "No to all". Notably, we also observed a number of cases in which a version of the screening questionnaire was used in which each question in section 5 was listed separately.
- **234.** In UNHCR's view, the risk of questions being overlooked or misunderstood is likely to be increased by the inclusion in this section of questions with no obvious relationship to "criminality and security", such as whether a person has ever worked as a journalist or been a member of a political or religious group.

This included cases where the interviewer asked the questions in the groups suggested in the form (5.1 about previous employment; 5.5. about involvement with groups and organizations; 5.6 about views expressed; and 5.7 about involvement in terrorism, war crimes, crimes against humanity, genocide and human rights violations) but also cases where the interviewer would instruct the interpreter to ask the whole of Part 5 (criminality and security) and then receive a "no to all" response.

The case of SB (Sri Lanka) v The Secretary of State for the Home Department [2019] EWCA Civ 160 (available at: https://www.bailii.org/ew/cases/EWCA/Civ/2019/160.html) provides an example of this. As summarised by the Court of Appeal, the appellant's case involved his having worked as a personal assistant to a government minister in Sri Lanka until 2009 (para. 7). At the time of his interview, he was working as a shop manager in the UK (at para. 53). At his screening interview, in the words of the court "he was asked the following, standard, pro forma, question: "Have you ever worked for any of the following organisation (state or non-state): armed forces or a reserve force. This includes the UK Armed Forces (explore if they have ever been a combatant or fought in any war). Government. Judiciary. Media. Public or civil administration. Security (including police private security companies)." The answer inserted on the form to this multipartite and composite question was: "No - to these questions". This answer was then found by the Home Office and a First-tier Tribunal Judge to be "inconsistent" with his claim, in part on the grounds that the claimant's denial of having worked for the government should be presumed to be inconsistent with claiming to have worked as a personal assistant to a government minister. The Court overturned the decision in very strong terms, in part because "the [First-tier Tribunal] Judge treats the Appellant as having denied that he worked for the Government "or a Government Minister". This is incorrect. The Appellant did deny working for the Government but he never denied working for a Government Minister. No one questioned the Appellant about the status of his claimed employment as a Personal Assistant to a Minister in Sri Lanka." (para. 54).

XIII. RECOMMENDATIONS REGARDING THE CRIMINALITY AND SECURITY QUESTIONS

- (i) Generally, revise the screening questionnaire to instruct interviewers to ask all questions individually, rather than grouping them.
- (ii) Expand the use of the screening interview forms in which each question is listed separately, to encourage questions being asked separately.
- (iii) Review the value of the information obtained in response to the security questions asked in Section 5 and consider whether this section of the interview could be reduced or even omitted at the screening stage. Any specific issues arising from a person's profile or account could then be explored at a later stage in the process, prior to a grant of leave.
- (iv) Phrase and present questions about employment and membership of political or religious organizations in a neutral manner, rather than presenting them as potential "criminality and security" issues.

Ending the interview

- 235. In UNHCR's view, it is best practice to end a registration interview by:
 - (i) Reading the information that was recorded back to the individual to confirm that it is correct;
 - (ii) Providing the claimant an opportunity to ask questions; and
 - (iii) Explaining the next steps in the process.¹⁵¹
- 236. The UK screening interview ends with two questions: "Have you understood all the questions asked?" and "Is there anything you would like to add or change to your response?" Both of these are asked before the claimant has seen the interview record or had it read to them in any language. This runs the risk of creating a false impression in a future decision-maker that the claimant has endorsed the contents of the record as complete and accurate, even though this is impossible, as they are not yet aware of those contents. In addition, the fact that many of the questions may have been rephrased, either by the interviewer or the interpreter, means that the questions the claimant confirms that they understood may not correspond to the questions in the written record.
- 237. The claimant is given no advice about the next steps in the asylum process, or asked if they have any questions or concerns. In UNHCR's view, this is a missed opportunity to encourage disclosure, allay concerns, and increase engagement in the process.¹⁵²
- 238. The final section of the interview is devoted to informing the claimant that they are required to apply for a Biometric Residence Permit (BRP) as part of their asylum application and confirming the details (name, date of birth, gender and nationality) that will appear on the BRP if they are granted leave.
- 239. In some units, care was taken to explain to claimants the various paperwork they were issued with after the screening interview (normally including the notice of the requirement to provide biometrics, their current immigration status, bail conditions (if relevant), the PIQ and Section 120 Notice).¹⁵³ Some officers

¹⁵¹ UNHCR, Guidance on Registration and Identity Management (n 2).

¹⁵² For example, UNHCR is aware that rates of completion of the Preliminary Information Questionnaire were low, and it is plausible that this reflected at least in part a lack of understanding of its purpose.

¹⁵³ See notes 55-58 above for details of these forms. PIQs are no longer issued to claimants in Cardiff and Glasgow RIU.

took time to take the claimants through the forms with an interpreter using plain language and checking for understanding; for example, confirming that claimants understood their right (or not) to work and the date by which they should return the PIQ form.

- 240. Such examples were exceptional, however, and in most cases, the documents provided to claimants at the end of the interview are either not explained, or explained ad hoc, in an unaccountable and unrecorded way. Many claimants were simply told "here is some paperwork" but not taken through it. Others were taken through the paperwork without an interpreter, including in cases where they had very limited English.
- 241. In several cases we observed, a protocol was in place which allowed the serving of paperwork to be done by post. UNHCR followed up one of these cases interviewed in November 2021. Home Office records indicate that the paperwork was not sent to the claimant until late April 2022, almost 6 months after his screening interview. The claimant's ARC card was issued earlier, though still not until 4 months after his interview.
- **242.** The screening unit in Cardiff had a developed script for the service of paperwork. This ensured that claimants were not only given an explanation of the paperwork, but that it was clear and consistent.¹⁵⁴ This good practice should be standardized across operations.

XIV. RECOMMENDATIONS REGARDING ENDING THE INTERVIEW

- (i) Follow the question "Is there anything you would like to add or change to your response?" with the advice to read through the record at a later date with an interpreter if necessary and contact the Home Office as soon as possible with any concerns or amendments.
- (ii) Eliminate the question, "Have you understood all the questions asked?", as a meaningful answer is unlikely under the circumstances.
- (iii) Add questions to the end of the interview questionnaire that invite the claimant to raise any questions or concerns about the interview, their immediate needs, or the next steps in the asylum process.
- (iv) Add a script to the end of the interview explaining the next steps in the process, including any information that may have been omitted from the current opening pro forma in accordance with Recommendation VI(vi).
- (v) Develop clear scripts for interviewers to explain the various paperwork to claimants at the end of the interview and clearly instruct interviewers that this should be done with an interpreter where one was used or requested for the interview.
- (vi) Consider confirming the details to be included in a Biometric Residence Permit on another occasion, either at the substantive interview or after permission to stay has been granted.

¹⁵⁴ Such scripts should be checked for clarity and accuracy. A standard script for service of documents in one unit (Cardiff) describes the PIQ form as "some background questions including medical conditions, your work history and where you have lived." with no reference to the relevance of the form to the asylum claim.

Collecting unnecessary information

- **243.** A number of the observations above query the necessity of collecting certain information in all or in some cases, either because the information is not likely to be of use in processing the claim, or because it is not likely to be reliable when collected in this way. This includes information about:
 - (i) intention on arrival for those who complied with the terms of the visa on which they entered;
 - (ii) travel route and other inadmissibility factors (such as reasons for not claiming asylum elsewhere) for those who are not realistically removable or returnable under current policies and international agreements;
 - (iii) specific names, dates, places and other details related to the basis of the claim; and
 - (iv) criminality and security factors where it is recognized that disclosure is extremely unlikely.
- **244.** Several other questions are, in UNHCR's view, unlikely to assist the processing of the claim at this stage and could usefully be eliminated. These are those asking for:
 - (i) The precise names and dates of birth of extended family members in the claimant's home country, unless the claimant is an unaccompanied or separated minor;
 - (ii) The details of family members in other European countries; although in theory, family links may be relevant to whether a claim is inadmissible because a person should have claimed asylum in another country rather than coming to the UK,¹⁵⁵ it does not appear that inadmissibility decisions are at present being pursued on this basis;
 - (iii) The details of a person's level of education and last employment in their home country. Although this information is collected by UNHCR for the purposes of promoting livelihoods and durable solutions, including future integration, complementary pathways, or resettlement,¹⁵⁶ it serves no obvious purpose in the processing of asylum claims in the UK, other than assisting in the assessment of credibility or risk on return following a substantive interview.¹⁵⁷

XV. RECOMMENDATION REGARDING INFORMATION COLLECTED AT SCREENING

Consider eliminating questions that have limited or no use at this stage in the asylum process, including those about:

- (i) The intention on arrival for those who complied with the terms of their permission to enter;
- (ii) Travel route and other inadmissibility factors for those who are not removable or returnable under current agreements and policies;
- (iii) Details of extended family members who are not dependants on the claim, except in cases of unaccompanied children;
- (iv) Level of education and last employment; and
- (v) Broadly described "criminality and security" issues.

¹⁵⁵ Section 80C(5) of the Nationality, Immigration and Asylum Act 2002, as amended by the Nationality and Borders Act 2022, provides that an asylum claim may be considered inadmissible if "in the claimant's particular circumstances, it would have been reasonable to expect them to have made a relevant claim to the safe third State (instead of making a claim in the UK)" https://www.legislation.gov.uk/ukpga/2002/41/section/80C However, nothing in the inadmissibility guidance addresses what type of connection is envisaged. See, Inadmissibility guidance (n 111).

¹⁵⁶ See UNHCR, Guidance on registration and identity management (n 2).

¹⁵⁷ See Assessing credibility after 28 June 2022 (n 45), p.46, 61 and 73.

The abbreviated registration and screening process

- **245.** The *ASR guidance* anticipates the need for 'contingency measures' including truncating screening "in order to deal with (i) an increased level of intake and/or (ii) to protect the health of the claimant, other claimants or staff." For the abridged process to be followed, sign off is required by a staff member at Grade 6.¹⁵⁸
- **246**. The ASR Guidance then specifies the minimum requirements under an abridged process. These are:
 - (i) Identity and biometrics checks
 - (ii) For the screening questionnaire, questions regarding:
 - (a) Personal details and identity
 - (b) Health and special needs
 - (c) Criminality and security
 - (d) "Why have you come to the UK?"
 - (e) Outline of the journey to the UK.
- **247.** The ASR Guidance explains that the last two questions "are asked for more than one reason, including to help identify someone who is potentially a victim of modern slavery (including trafficking)." ¹⁵⁹
- 248. Notably, this omits asking the person for the basis of their claim, which in many cases especially where a person has transited or even lived in a third country, or where the basis of the claim has arisen since arrival in the UK may be different from their reasons for coming to the UK.
- 249. The ASR Guidance makes clear that screening is a process, rather than one event, and can happen as separate elements on different days. Any separation over multiple dates would normally entail conducting the biometric capture, "system" and security checks and registering the claim on one day and the screening interview on a subsequent day.¹⁶⁰
- 250. In response to COVID-19 related restrictions and changing asylum intake, and partly in line with this guidance, several locations had developed a bespoke initial interview designed to collect basic registration information when staff do not have capacity to conduct full interviews. The full screening interview was postponed until an unspecified later date. In KIU and for small boat arrivals taken to short-term holding facilities this is called a "minimum viable product" (MVP) interview; in Belfast, the same questions are called the "walk-in questions". The questions had been selected partly in response to litigation in late 2020, in which the Home Office had been criticized for omitting questions that might help identify if a person had been a victim of trafficking or was unsuitable for detention.¹⁶¹
- 251. In Belfast, the walk-in questionnaire covers why a claimant has approached the Home Office, their basic biodata, travel route to the UK, whether they have access to funds, any family in the UK, contact details, one question asking, "Have you ever been subjected to exploitation?" (without a definition provided as in the full screening interview) and one question about their health. The questions are the same as those set out in internal NAIU Standard Operating Procedures for Walk-In cases (not published).¹⁶²
- 252. The MVP interview used in Kent and in IRCs was slightly different. It had four questions, as follows:
 - 2.3 Is there anything you would like to tell me about your physical or mental health.
 - 2.5 By exploitation we mean things like being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime. Have you ever been exploited or reason to believe you were going to be exploited.
 - 3.1 Why have you come to the UK.
 - 3.3 Please outline your journey. 163

¹⁵⁸ ASR guidance 7.0 (n 1), p. 17.

¹⁵⁹ Ibid, p. 17-18. 160 Ibid, p.18.

¹⁶⁰ Ibid, p.18

¹⁶¹ DA & Others (n 117).

¹⁶² This SOP was shared with UNHCR; however, UNHCR was informed that it was not in use at the time of our review.

- **253.** In several cases we reviewed in the file audit, the complete screening interview form was placed on file, but most of the form was left blank.
- **254.** In Belfast, staff ask the "walk-in questions" when there are too many arrivals or too few interview rooms to conduct full interviews; UNHCR observed that abbreviated "walk-in" interviews followed by telephone screening interviews appeared to be standard practice in the summer of 2021, with screening interviews conducted on the day more the exception than the rule. 164
- 255. Staff in Belfast explained that they would prioritize particularly vulnerable individuals for a full screening interview so that they could issue documentation that made it easier to access medical care. Staff referred to the process as "dynamically screening", that is, of constantly reassessing any initial vulnerabilities presented and the need to conduct a full screening on the day against their capacity to do so. Because they have no advance warning of the number of arrivals, they may begin the day planning to conduct full interviews and then have to switch to walk-in questions once a certain number of asylum claimants have arrived, or if interview rooms are needed for substantive asylum interviews or vulnerable or child claimants. UNHCR observed this on one visit where an adult asylum-seeker walked in with a medical issue (longstanding chest pain) and was prioritized for screening on the day. However, his screening interview was suspended after an unaccompanied minor arrived and needed to have their welfare interview. UNHCR also observed staff deciding to ask only walk-in questions to an unaccompanied child who was unwell, because it was judged to be in the child's best interest to get the claim registered as quickly as possible so that the child could see a GP.
- 256. Similarly, at Heathrow Airport a short interview was given to those with vulnerabilities so they could be released from detention to accommodation more quickly. UNHCR reviewed a case where a young man with cerebral palsy had arrived with his family. Basic information and biodata was collected before the family was bailed to initial accommodation. They were then called back to Heathrow four days later for full screening.
- 257. Whilst the reasons for conducting shortened interviews may have been sound, in some circumstances UNHCR observed that the shorter walk-in interviews did not have the limited procedural safeguards present during full screening interviews for example, the claimants did not receive any introduction or explanation of why the information was being collected and there was no record kept of the time of the interview or whether an interpreter was used (even if they often are).
- 258. In Belfast, interviewers recorded answers to questions in a word document on a laptop during the interview. However, answers were not always recorded verbatim. Where we were able to check our own records against the interviewer's notes, we found that the notes were not accurate, and even key details (such as what status a claimant had had in a European country) appeared to be based on the interviewer's assumptions.¹⁶⁵
- 259. The informality of the walk-in interview process appeared to encourage shortcuts by staff in recording responses. For example, one screening officer demonstrated to UNHCR how they recycle a previously completed questionnaire in a Microsoft Word document for claimants who came together because "they probably had the same travel route so most of the text can be left the way it is."
- **260.** Based on the above observations there is a significant risk of information collected at walk-in interviews being incorrectly recorded on the claimant's file, including that which could affect an inadmissibility decision or credibility assessment.
- 261. In September 2021, UNHCR was told that full screenings very rarely took place at KIU, but the intention was that people would be screened "at some point". At MIU, we were told that between September 2020 until October 2021, there was only one week during which full screening interviews were conducted. We were told both at MIU in late October and again at KIU in early November that there was a backlog of 9,000 cases where only MVP questions had been asked.

In Belfast, although they do not keep statistics on how many people are screened when they arrive, management staff estimated it was 30%. Based on our observations and conversations we had with the staff on the day of our visits, we believe that this was likely to be an over-estimate at that time. Stakeholders said that at first when the Home Office took over screening, they were doing it "right away", but for approximately the past two months (i.e. since early June 2021), "no one is being screened" on the day of registration. They see the Home Office emphasis as being on a quick turn around and getting claimants into accommodation right away.

¹⁶⁵ For example, during one interview when asked whether a claimant had applied for asylum in Greece and/or whether they had any valid leave to remain there, the claimant answered that they "applied for asylum in Greece and had a document but I wasn't sure how much time is left on it. It was granted for 3 years" was recorded as "In Greece I applied for asylum and I have been granted, the LTR is still valid, I was granted LTR for three years".

¹⁶⁶ For the cases UNHCR observed in Belfast, the walk-in interview is saved on the claimant's file as a word document.

- 262. Staff across different locations did not share a common understanding of the purpose of the MVP questions. One frequently mentioned purpose was to obtain details of the journey to the UK because the "the Home Office is trying to get readmission agreements". This was the view at Kent, where no one mentioned using the MVP to identify vulnerabilities or indicators of trafficking. In Belfast, by contrast, staff saw the "walk-in questions" as primarily designed to ensure that accommodation and safeguarding needs were met, although they also mentioned "locking down" the travel route for future inadmissibility decisions.¹⁶⁷
- 263. A manager at MIU described the MVP as "dreadful from a customer services point of view" and "pointless" and "bonkers" from a management point of view. All 9,000 people who had been given an MVP screening would have to be screened again before their substantive interview, meaning that a lot of work would have to be done twice. They also noted that you cannot assess inadmissibility, vulnerability or whether there is a Convention reason on the basis of an MVP because "you don't ask".
- 264. UNHCR asked Home Office interviewing staff how much time was saved by asking the MVP questions rather than conducting a full interview. Staff at KIU said it might save 10-15 minutes each. Staff at MIU said that they could conduct five full interviews in a day (although they reported that this was very challenging, especially if there were trafficking or safeguarding referrals to be made), but 12 MVP interviews.
- 265. Different bespoke processes for truncating screening have developed in different areas out of operational necessity. It is easy to understand why this has happened and clearly some form of abbreviated process is necessary when the number of arrivals outstrips the capacity of individual screening units, or in cases where a claimant's vulnerability means their immediate needs must be met before they have a full screening interview. However, the processes UNHCR observed did not necessarily increase overall efficiency, as they often resulted in errors or the duplication of work. They also fell short in terms of procedural safeguards and did not appear to be deployed predictably or consistently, creating risks for the integrity of the process. So, whilst UNHCR recommends that a staged registration and screening process be maintained, it must have appropriate safeguards.

XVI. RECOMMENDATIONS REGARDING A STAGED REGISTRATION AND SCREENING PROCESS

- (i) A staged registration and screening process should be properly developed for contingencies, whereby an abbreviated intake process would be completed at the point of initial contact and be followed by a further screening process within a set period thereafter.
- (ii) Guidance and standard operating procedures should be introduced to create consistency and accountability with regard to when and where a staged registration and screening process is deployed.
- (iii) Expand on the factors identified in the *ASR guidance*, which allow for "contingency measures", ¹⁶⁸ by recognizing the following factors as indicating that staged screening may be appropriate:
 - (a) Limited staff capacity at the initial intake site, in terms of numbers, skills, experience, or wellbeing;
 - (b) Due to particular vulnerabilities or operational pressures, requiring individual claimants or groups of claimants to remain at the initial intake site for the time needed to complete the entire registration and screening process would pose risks to their welfare;
 - (c) Claimants are likely to be accommodated within a reasonable distance of appropriate screening facilities, allowing for a subsequent screening process that is both timely and reliable.
- (iv) Consistent with recommendation X(iv)(c), additional stages should be introduced for the collection of information which will be used for significant decisions such as inadmissibility¹⁶⁹ or suitability for removal.

¹⁶⁷ One screening officer explained that the questions regarding the claimant's travel route to the UK in the walk-in interview were important because once claimants go into asylum accommodation, they "talk amongst themselves" and that when the full screening interview was conducted the two would be compared and "should be similar". UNHCR was not able to observe whether credibility is ever subsequently challenged on the basis of responses provided during the walk-in interviews.

¹⁶⁸ ASR 7.0 (n 1), p. 91

¹⁶⁹ A "supplementary screening interview" is contemplated as a source of information to establish inadmissibility in the *Inadmissibility Guidance*; however, to UNHCR's knowledge such interviews do not take place. *Inadmissibility guidance* (n 111), p. 17.

XVII. RECOMMENDATIONS REGARDING ABBREVIATED INTAKE PROCESSES

The abbreviated intake process should include:

- (i) Registration, including collection of biometrics and relevant security and identity checks;
- (ii) A brief interview, covering:
 - (a) Questions about mental and physical health and any disabilities;
 - (b) Whether a person feels safe in their accommodation and/or where they are going;
 - (c) Whether a person has any friends or relatives in the UK;
 - (d) Briefly, why a person cannot return to their home country;
 - (e) Two general questions asking about support needs, for example "What would keep you safe?" and "What support do you need?"; and
 - (f) Suitable questions regarding a claimant's experience and/or risk of trafficking, although UNHCR recommends a broader consultation on such questions.¹⁷⁰

 By way of initial suggestion, these could include:
 - · Which countries did you travel through on your way to the UK?
 - Did someone arrange for any part of your journey or purchase your ticket to the UK?
 - · Is anyone expecting you in the UK?
 - Has anyone deceived/intimidated/forced or held you for any purpose of exploitation?
 (For example, being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime)

(iii) The following safeguards:

- (a) The date and time of the interview is noted on the written record.
- (b) The record confirms whether an interpreter was used, and if so, their reference number and language of interpretation.
- (c) The interviewer introduces themselves and explains why the questions are being asked.
- (d) The interviewer provides an explanation to the claimant of the next stage of the process.

¹⁷⁰ Based on UNHCR's observations the "exploitation" question asked as part of the MVP and in the full screening interview is not fit for purpose – see paragraphs 149-152; however, we have not as part of this review conducted a comprehensive consultation or assessment of which question(s) would better elicit this information. We accept this is a challenging task – and even more so when designing a shortened registration and screening process. This is part of the reason why one of our core recommendations relates to the training of frontline staff to identify indicators of trafficking and vulnerability that may not be self-disclosed.

The enhanced screening pilot - Glasgow

- 266. During our visit to Glasgow, we were able to observe an enhanced screening process connected to an asylum triaging pilot. A new screening interview template was being piloted on claimants from all nationalities. This included additional questions to probe the claimant's knowledge of their country of origin and their fear of return. In addition, claimants from a select group of nationalities and profiles were given a more detailed screening interview, with further questions specific to their nationality and profile.¹⁷¹ These claimants might then be considered for triaging towards a quick grant of refugee status or humanitarian protection without a substantive interview, taking into account any documentation they held, information obtained during the enhanced screening interview and country information. Although this was sometimes referred to informally as a grant "on the papers", in fact, there would always be at least one interview that went beyond a standard screening interview.
- **267.** New questions on nationality / country of origin focus on a person's knowledge of their home area and surroundings, as well as precise details about their education and occupation. The new section on the basis of the asylum claim includes the following questions:

6.1 Please explain why you are claiming asylum. What happened to you in your country that caused you to leave to seek protection?

[The form contains the additional advice to the interviewer: Ask follow up questions to establish when, who and why?]

Who do you fear on return to your home country?

[Establish why, if unclear. If non-state actor, what power or influence does this person or group have?]

What do you fear will happen to you if you return to your home country? [Ask additional questions if necessary]

6.2 Are there any other reasons you fear returning to your home country?

6.3 Have you ever had any issues/problems in your home country due to your:

Religion?

Political Opinion?

Nationality?

Race?

Or for any other reason? (for example, due to your gender, sexual orientation etc.)

6.4 Do you have any fear in any other country?

- **268.** The role of the screening staff ended after they conducted the enhanced screening interview and completed a triage sheet which recorded that relevant security checks and referrals had been completed.
- 269. Triaging and decisions to grant were then made by a technical specialist (a more experienced asylum decision-maker). There were three possible outcomes after triaging: a grant of asylum or humanitarian protection based on the information provided, a referral for language assessment, or continuation in the normal asylum process.
- **270.** UNHCR was informed that if the Home Office was considering a grant of humanitarian protection without a full asylum interview, the claimant would be contacted and asked whether they wished to withdraw their asylum claim and accept a grant of HP instead.¹⁷² In the cases we observed, the claimant who accepted

¹⁷¹ Specific claims from particular nationalities were identified as potentially eligible for a grant of asylum or HP without a substantive interview on the grounds that caselaw indicated that these were likely to be manifestly founded. The nationalities were: Syria; Iraq; Sudan; Eritrea; Afghanistan; Iran; and Libya. Claimants with particular profiles from these nationalities were triaged for consideration of a simplified grant of asylum (e.g. Non-Arab Dafuris from Sudan or Eritreans with claims based on escaping national service / illegal exit from Eritrean).

¹⁷² Following the visit UNHCR was able to confirm that one Libyan claimant whose interview UNHCR had observed was called shortly afterwards and asked whether he would be content to withdraw his asylum claim and accept a prompt grant of HP (i.e. without a substantive asylum interview). The Home Office minute records that the claimant advised he wished to speak with his lawyer to discuss the option (it also records that no lawyer was on file with the Home Office). A day later the Home Office called the claimant back and he confirmed that he would withdraw his asylum claim and accept a grant of HP, which was granted several days later.

a grant of HP was legally represented at the time; given the differences between the rights attached to refugee status and HP, this is an essential safeguard. This safeguard will become even more important in the consideration of claims made on or after 28 June 2022, when the differences between HP and leave to remain as a refugee will diverge even more significantly.¹⁷³

- 271. A staff member helping to run and evaluate the pilot explained that it had several goals. One was to develop a standard practice that can be rolled out across the country and end the "postcode lottery" that means that the questions asked and the information collected differ depending on location. More specifically, there was also a desire to collect enough information at screening to accelerate decision-making. Staff appreciated that people are waiting months, and sometimes more than a year, for a decision. Some claims would be identified for a quick grant of refugee status or Humanitarian Protection without a further interview. In other cases, the substantive interview could be shorter and more focused. No one would be referred for a refusal without a further interview, as the pilot was identifying only manifestly founded cases, not manifestly unfounded ones. Staff resources saved should lead to quicker decisions for everyone, and the system would thus benefit all claimants.
- **272.** Staff acknowledged there would be challenges in extending triaging to more nationalities, because for some, there would be more complex credibility issues involved in deciding whether to grant, ¹⁷⁴ and these cannot be easily tested at screening.
- 273. One senior staff member noted that they would also like to be able to refer cases for a grant where it was clear this was required by Article 8 of the European Convention of on Human Rights (Family and Private life cases), and to move away from the idea of having to wait for an asylum refusal before granting under Article 8. One of the interviewing officers we spoke to also mentioned that he would like to be able to refer claimants with British family members for consideration of an Article 8 grant.¹⁷⁵ However, this was not a component of the pilot.
- **274.** UNHCR observed nine enhanced screening interviews. The focus of UNHCR's observation was the screening interviews (rather than decision-making). However, we were able to review the outcomes following the interviews we observed.
- 275. In UNHCR's view, there are several advantages to the enhanced screening interview. The first is that the confusing question "Please <u>BRIEFLY</u> explain <u>ALL</u> of the reasons why you cannot return to your home country?" has been replaced by one TED ("tell, explain, describe") question and then several specific prompting questions that could provide more guidance to the interviewee than the broad term "reasons":
 - (i) Please explain why you are claiming asylum.
 - (ii) What happened to you in your country that caused you to leave to seek protection?
 - (iii) Who do you fear on return to your home country?
 - (iv) What do you fear will happen to you if you return to your home country?

This is followed by the further prompting questions that also, helpfully, begin with broader and more open questions before moving to narrower ones: "Are there any other reasons you fear returning to your home country?" and

For claims made before 28 June 2022, many of the rights of leave to remain as a refugee and Humanitarian Protection are similar, although there are several significant differences, including that the Home Office does not seek the opinion of UNHCR before cessation, revocation or cancellation of HP status (see Paragraph 358C of the Immigration Rules, available at: https://www.gov.uk/quidance/immigration-rules-immigration-rules-part-11-asylum), the lack of a statutory defence based on Article 31 of the Refugee Convention to certain immigration offences (Section 31 of the Immigration and Asylum Act 1999, available at: https://www.gov.uk/guidance/immigration offences (Section 31 of the Immigration and Asylum Act 1999, available at: https://www.gov.uk/ukpga/1999/33/section/31), and lesser protections for spouses if a relationship breaks down because of domestic violence (see Section E-DVILR of Appendix FM to the Immigration Rules, available at: https://www.gov.uk/quidance/immigration-rules/immigration-rules-appendix-fm-family-members). For claims made on or after 28 June 2022, the decision whether to accept a grant of HP rather than to pursue a claim for refugee status will be more complicated, and the need for legal advice even more important. In addition to the differences set out above, the rights attached to a grant of HP will diverge further from those attached to a grant of leave to remain as a refugee: the period of leave granted is 2.5 years, with no automatic right to settlement (rather than a single grant of five years' leave, with a presumption in favour of settlement after five years), and there is no automatic access to family reunion. However, at the time same time, many recognised refugees will be granted

¹⁷⁴ Fewer facts need to be established when broad categories of people of a certain nationality are recognised as at risk of persecution or serious harm (such as Syrians who had avoided military service, Eritreans who had exited the country illegally or Libyans at risk of indiscriminate violence) than when persecution or serious harm is more narrowly targeted.

¹⁷⁵ Two claimants in the file audit were the parents of British citizen children.

Have you ever had any issues/problems in your home country due to your:
Religion?
Political Opinion?
Nationality?
Race?
Or for any other reason? (for example, due to your gender, sexual orientation etc.)¹⁷⁶

- 276. The potential advantage to this approach is that the initial question is more open (without the instruction to be brief or the ambiguous term "reasons"), and then is followed by prompting questions that provide clearer guidance to the claimant. However, these prompts could be further simplified and, for example, the question "What happened to you in your country that caused you to leave to seek protection?" which presumes both that there was a specific trigger for leaving (something that "happened") and that the person understands what "seeking protection" means could helpfully be replaced with "Why did you leave your country?". It also might be unclear to the interviewer that the interviewee should be allowed to answer the first open question ("please explain why you are seeking asylum") in the their own words, as on the printed form, it is immediately followed by "What happened to you in your country that caused you to leave to seek protection?", leading to the risk that the two questions will be asked as one.
- 277. The enhanced screening form also provides some limited additional guidance to the interviewer about what follow-up questions should be asked, and this could in theory promote more consistency between interviews. However, the follow up questions move too quickly to closed questions, without first encouraging more open disclosure through Tell, Explain, Describe prompts.¹⁷⁷ For example, the enhanced screening interview pro forma includes the question "Who do you fear on return to your home country", and then the follow-up instruction "If non-state actor, what power or influence does this person or group have?" A more open follow up question might provide more relevant information, especially because many refugees are unable to obtain protection against non-state actors because of legal principles or social norms (e.g. the acceptance of domestic violence or the criminalisation of homosexuality), rather than the particular influence of their persecutor.
- **278.** UNHCR was only able to observe the use of these questions in practice in three cases. In these cases, the interviewer did encourage a free account, but in some cases departed from the questions on the form to do so. The opening questions about the basis of the claim included:
 - (i) The next part is the basis of your asylum claim. If you could just explain why you cannot return to your home country.
 - (ii) What has happened in your life that means you cannot return to [your home country]?
 - (iii) Can you briefly explain why you cannot return to [your home country]?
- 279. In another four cases, the discussion of the basis of the claim did not follow the questions on the form, but instead was intended to confirm what had already been said at the preliminary informal discussion prior to the interview. The first question was read, but was followed by a prompt based on what had already been disclosed:
 - (i) "You gave me a summary earlier. I'm just trying to get that?"
 - (ii) "Can you just give us briefly the reason you are claiming asylum; you explained there were threats received and there was a war."
 - (iii) "What we spoke about earlier you mentioned security in your country."
 - (iv) "You have already told me that you are claiming asylum because you were threatened by Maras, is that correct?"

The use of the phrase more open-ended "any other reason" to capture "particular social group" is also likely to be a helpful step, as the phrase "particular social group" is unlikely to be understood. However, there is a risk that following this question immediately with the specific examples of gender and sexual orientation could limit the responses given; although UNHCR only observed a small sample of nine enhanced screening interviews, in the one case in which a claimant answered positively to this question, the additional fear was on the basis of gender.

¹⁷⁷ See paragraph 12 above.

- 280. Certain nationalities were then asked a series of follow-up questions, designed to assess whether the person fell into a widespread and well-recognised risk category and therefore could be granted a protection status without a further interview. The advantage of these questions is that claimants may not know what factors are considered legally relevant to a grant of protection in the UK, and may not mention them if not asked about them specifically. Examples of such questions include, "When did you get called up [for national/military service]? How were you called up? Where did your training take place?" and "Did you leave the country legally or illegally"? As discussed above, "s such closed questions run the risk of prompting disclosure that is piecemeal and incomplete, or distorting the interviewees' account. It is essential, therefore, that these questions are only asked after more open questions that invite the claimant to set out the basis of their claim in their own words. It is also important that if the claimant does raise issues beyond the set follow-up questions, these are properly considered. Although the sample observed was small, for example, in one case a Syrian claimant was asked the standard closed questions about the war and military service, but when they said that people from their home were "oppressed because of religion", this was not clarified, even though they had not been previously asked to describe their religious identity beyond confirming that they were "Muslim".
- 281. According to the questionnaire, the questions intended to establish nationality begin with an appropriately open question: "Can you tell me about your home area?" However, UNHCR observed that interviewers did not consistently ask this question. Instead, there was a focus on sites of interest, with questions such as "If I were to come to visit your city and you were tasked with taking me out and showing me the areas where you live, where of interest would you take me?", "If I was coming to visit, are there any nice sights you could show me?", "Can you tell me about your home area? Were there any places of interest nearby? Any hospitals, schools, or sports stadiums?", and "Are there any landmarks, shopping centres, mosques or schools?" These closed questions caused obvious difficulties for claimants who felt that their home areas were unremarkable, with answers such as "I don't remember any places of interest nearby. It is a residential area. Lots of apartments."; "Well, there is a wood"; and, simply, "No." In the second case, the claimant's solicitor wrote to the Home Office after the interview, stating:

Our client advises she was asked where she would recommend if the interviewer visited [name of town] not 'Can you tell me about your home area'. She advises she answered the questions as recommending locations for a tourist, though [name of town] is not a popular tourist destination. [The claimant] advises that, if the question was phrased, ''Can you tell me about your home area?', she would have answered [other information given].

Although in this case, the claimant may not have been prejudiced by being asked a different question to that on the form, not all claimants will have prompt access to high-quality legal advice to assist them in this way. In addition, there is an obvious inefficiency in allowing these inaccuracies to occur as a matter of routine, requiring resources to be put into correcting them and potentially leading to a case having been incorrectly triaged in the meantime.

- 282. This opening question was then normally followed by further closed questions, focused on obtaining precise names. For example, one claimant who responded, "There is a supermarket down the street" was then asked, "What was the name of the supermarket?" They did not remember. Claimants were routinely asked the name of the hospital where they were born, and most did not know.
- 283. In UNHCR's view, nationality is better explored by more open questions, asking a person to describe their life in the home country in their own terms, rather than eliciting specific names and details of local landmarks. The names of specific local places will often be incapable of quick verification (because they are local, and especially if the country does not use the Roman alphabet), or they will be well-known and not be a reliable indicator of personal experience.
- 284. In addition, the nationality questions were not adapted to the context. A claimant who had never lived in her country of nationality was asked in detail about her home area in the country where she had lived, although this had no apparent relevance; a woman from a large capital city was asked questions about nearby "villages".

- 285. There also appeared to be a lack of flexibility when there was already sufficient evidence of nationality. The "nationality questions" were asked even of claimants who had entered the UK on a visa and had presented their passports on arrival; as the person's identity and the validity and genuineness of their passport would have already been checked both at the time of the visa application and on arrival, this was not only inefficient but was also confusing to the claimant. This may be linked to a siloing of the assessment of nationality more generally; it is important to recognize that evidence of nationality may be found throughout a person's account from their name and language to their account of their travel route or the basis of their claim and not just in response to questions specifically about nationality.
- **286.** Finally, UNHCR observed several claimants who, in our view, began to show impatience during the nationality questions, which may reflect a lack of understanding of the purpose. This reinforces the importance of explaining the purposes of the interview to the claimant, as discussed above at paragraphs 102-104.
- 287. For the 9 interviews UNHCR observed, the length of the interview ranged from 56 mins to 1 hour 46 minutes, with the average 1 hour 19 minutes; this was about 25 minutes longer than the average time for regular screening interviews UNHCR observed.¹⁷⁹

Nationality of claimants for enhanced screening interviews UNHCR observed	
Nationality	Number of interviews observed
Syria	2
Iran	2
El Salvador	1
Hong Kong	1
Iraq	1
Palestinian	1
Libya	1
Total	9

- 288. UNHCR has not seen any data evaluating the performance of the enhanced screening pilot overall, such as how many claims were granted on the basis of the screening interview and other documents submitted at the time, how many were granted after further evidence was sought or submitted, or whether in those cases where a substantive interview was conducted, the information collected at screening was used to focus and shorten that interview.
- 289. Nonetheless, UNHCR strongly supports the underlying approach of committing more resources at the outset of the asylum process in order to streamline decision-making and identify manifestly founded claims for international protection that can be granted quickly and potentially without a second interview. As UNHCR advised in our *Guide to Asylum Reform in the UK*, the move from a standardized refugee status determination (RSD) for almost everyone claiming asylum in the UK towards more targeted and differentiated responses can contribute to decongesting the UK's asylum system. We look forward to continuing to work with the Home Office as they complete their own internal review of the enhanced screening pilot. In the meantime, we provide the following recommendations based on what we were able to observe of the pilot.

¹⁷⁹ The difference is comparable to what staff identified from their local data: their regular interviews took on average 44 minutes (ten minutes shorter than the average UNHCR observed across the different locations), and the enhanced screening interview took around 30 minutes longer.

¹⁸⁰ UNHCR, Guide to Asylum Reform in the UK (n 126), para 9-15. See also UNHCR, Effective processing (n 50), pp. 15-16

XVIII. RECOMMENDATIONS REGARDING THE ENHANCED SCREENING PILOT

- (i) Roll out enhanced screening interviews in more locations and for more claimants.
- (ii) Redraft the questions about the basis of the claim in the standard screening interview drawing on the good practice seen in the enhanced pilot of encouraging free accounts using "tell, explain, describe" (TED) questions before following up with more specific prompts.
- (iii) Provide training and guidance that addresses the following issues that appear to have arisen during the pilot:
 - (a) Failing to explore the basis of claim through the questions listed on the form, and instead relying on leading questions;
 - (b) Replacing the open question about a claimant's home area with narrower questions about sites of interest to visitors, landmarks, or shopping centres;
 - (c) Over-reliance on closed questions about specific details that claimants may not remember, or that may either be incapable of corroboration or be unreliable indicators of personal experience; and
 - (d) Lack of flexibility (for example asking clearly inapplicable questions or investigating nationality when a person has presented a valid national passport).
- (iv) Incorporate explanations of the purpose of the questions into the form, in particular with regard to nationality.

Accuracy of the information collected

290. The ASR guidance instructs interviewers to keep an accurate, preferably word-for-word record:

The record must constitute an accurate account of what the claimant has said. The recorded response must not lose meaning or be taken to have a different meaning from the response given. It is good practice therefore to record the responses word for word. Unnecessary information may be left out when only basic factual information needs to be recorded.¹⁸¹

291. UNHCR observed that this guidance was being interpreted in widely varying ways. In only 4 of 32 interviews UNHCR observed was a verbatim record kept of the screening interview. For the remaining 28 interviews UNHCR categorized non-verbatim recording of the interviewers' questions and/or claimants' answers into "significant" and "non-significant" changes. We judged changes to be significant where information was omitted or changed and that information could have a material effect on the assessment of a person's asylum claim or the identification of vulnerability or specific needs. A "non-significant" change was one in which the record was not verbatim but was substantively complete. Examples of each are given in the table at Annex C.



- 292. In almost all cases (30 of 32 cases) screening officers made at least some changes to the questions on the interview template or added additional questions. In many cases these changes were officers' attempt to simplify or extrapolate on the standard question or to gather additional detail. Rarely, however, were these changes or additional questions noted in the screening record. In only 2 of the 30 cases were changes or additional questions properly recorded in the transcript and in a further 2 they were partially recorded.
- 293. Another common practice was for interviewing officers to ask several supplementary questions but only record an answer as if the answer had been provided as a longer response to the main question on the form. Examples are set out in Annex C. This creates the misleading impression that the claimant gave a free account, rather than responding to the questions asked. Subsequent additions and clarifications may, as a result, be considered less credible. This was discussed above in the context of eliciting the claim, but happened in other contexts as well, such as with regard to travel history.
- **294.** In addition, UNHCR observed that "N/A" was used to record answers both where the question had not been asked and where the claimant had answered "no".
- **295**. By contrast, although rare, some interviewers showed good practice in noting on the official record where the names or ages of relatives provided were a claimant's best guess.
- 296. The accuracy of the record was harder to assess in the cases from the file audit, as interviews are not recorded. However, in 27 cases, no additional questions from the interviewer were recorded, which seems unlikely to be accurate. In five cases, it appeared that both questions asked and advice given by the interviewer were recorded, while in seven cases, a series of what appeared to be additional set questions were asked about particular topics (medical conditions, exploitation and rape), but no additional questions were recorded elsewhere in the record.
- 297. There were also indications that answers may not have been recorded accurately. In 28 cases, the record contained answers from the applicant that were presented as a single paragraph but that appeared to be in fact a response to a series of (unrecorded) questions.¹⁸² In eight cases, answers were abbreviated, and

¹⁸¹ ASR guidance 7.0 (n 1), p. 56.

For example, in answer to the exploitation question, a woman gave a detailed account of being trafficked into prostitution by a "boyfriend" she fled her country with in order to escape a forced marriage. In answer to the question "Please <u>BRIEFLY</u> explain <u>ALL</u> of the reasons why you cannot return to your home country", she is recorded as saying: "I can't go back to [my country] because I was raised by my father's wife and I was always under psychological pressure from here [sic] and my mother passed away when I was young. My life would be in danger and my family has disowned me. I have always had problems in [my country]." The clear inference is that she was asked a series of closed questions, perhaps beginning with the instruction not to repeat anything she had said before.

in three cases, there were errors that were clear on the face of the record. These included a child who had entered the UK with his sister being recorded as having no relatives in the country, and a woman who was recorded as speaking "Barbarian" as a second language. In another case, an Iranian woman who said she was a Christian convert was recorded as answering "no" to the question "If the UK considers that one of the countries, you travelled through is safe for you and will consider your protection needs, is there any reasons why we cannot return you there?", although the only country she had passed through was Qatar, where she had changed planes. The answer is so implausible as to appear erroneous.

XIX. RECOMMENDATIONS REGARDING THE INTERVIEW RECORD

- (i) Guidance should be amended to make it mandatory to take a verbatim record.
- (ii) Staff should receive appropriate training, including refresher training for experienced staff.
- (iii) Decision-makers and Presenting Officers should receive guidance and training reminding them of the limited reliability of the screening interview record (see also Recommendation XI(vii)). 183
- (iv) Where possible, recording of interviews should be piloted so that claimants, decision-makers and Tribunals have access to an accurate record.

Role of the interpreter

298. Screening guidance sets out that:

An interpreter should be used for screening interviews where there is a limited understanding of English. Where possible the screening interview should be in the first or preferred language of the claimant. Should it prove impractical to engage an interpreter for the claimant's first or preferred language, you should establish if there is an alternative language in which the claimant could complete the screening interview. You should make sure you record what language was asked for, what language the interview was completed in and any difficulties encountered during the interview due to communication barriers.¹⁸⁴

299. UNHCR observed 25 cases where claimants were provided with telephone interpretation in their preferred language, four cases where an interpreter was not requested (or needed) and three screening interviews where claimants were either refused interpreters despite asking for them several times and expressing concern about being misunderstood, or otherwise persuaded to continue an interview in English. In two of these three interviews there were significant communication difficulties because there was no interpreter. In none of these three interviews was the claimant's request for an interpreter or their concerns about communication difficulties recorded on the screening interview form.

Interpretation provided during screening interviews observed	
Interpretation	Number of claimants
Provided by phone	25
None. Not requested.	4
None. Interpreter requested by claimant, but none provided	3 (of which 2 had some communication difficulties)

¹⁸³ This would be in accordance with YL (China), para. 19: "it has to be remembered that a screening interview is not done to establish in detail the reasons a person gives to support her claim for asylum. It would not normally be appropriate for the Secretary of State to ask supplementary questions or to entertain elaborate answers and an inaccurate summary by an interviewing officer at that stage would be excusable. Further the screening interview may well be conducted when the asylum seeker is tired after a long journey. These things have to be considered when any inconsistencies between the screening interview and the later case are evaluated." [emphasis added] YL (Rely on SEF) China [2004] UKIAT 00145, http://www.ballii.org/uk/cases/UKIAT/2004/00145.html

¹⁸⁴ ASR guidance 7.0 (n 1), pp. 57-58.

CASE STUDY: CLAIMANT REFUSED AN INTERPRETER

In one interview where a claimant had asked for an interpreter, the officer refused on the basis that the claimant had come to the UK on a student visa which required knowledge of the English language and so she should not need one. The claimant explained on two occasions before the interview began that her level of English was specific to her field of study, and she felt uncomfortable continuing in English.

The interviewer said they would continue in English and that the claimant could ask again if there were any issues. At several points during the interview the claimant could not find the right word to describe an important detail. At the end of the interview, the claimant noted that she had had difficulty understanding all the questions because she did not have an interpreter. The officer said this would not matter because she would be provided with a copy of the transcript to take to her lawyer. Neither the claimant's request for the interpreter, nor any of the above discussion is recorded in the screening interview. Furthermore, in the official transcript the claimant is recorded as answering "Yes" to Question 1.12: "Are you able to conduct an interview in any of these languages [English or Arabic]", despite the fact that the question was not asked.

300. With regard to the role of the interpreter, the ASR guidance states:

You should explain to the claimant that the interpreter is to provide a word for word interpretation of the questions and responses and reassure them that the interpreter is working to a code of conduct, which includes not disclosing the details of the interview to anyone else. The interpreter must be instructed not to edit or offer additional information, opinion or comment, or to paraphrase what the claimant is saying.¹⁸⁵

However, these explanations and instructions are not included in the opening pro forma and we did not hear them given.

301. The Home Office Interpreters [sic] Code of Conduct states similarly that:

- (i) "interpreters must retain every element of information that was contained in the original message and interpret in as close to verbatim as English allows"; 186
- (ii) "interpreters must not ask the customer what they mean by a particular answer they must ask the Interviewing Officer's permission to ask the customer to repeat or clarify";¹⁸⁷ and
- (iii) "Interpreters must not offer any personal opinions, comments or personal observations on the credibility of a customer even if requested to do so. Such requests must be declined, and it must be stated that it is outside the remit of a professional interpreter." 188

In addition, it is described as misconduct for an interpreter to ask their "own, or different questions to those of the Interviewing Officer".¹⁸⁹

302. In some cases, UNHCR observed a high level of professionalism in the work of interpreters and the way interviewers worked with them. For interpreters, good practice included interpreting questions raised by claimants before responding and checking with interviewers before asking clarifying questions and explaining what they needed to clarify. For some officers, good practice was observed in officers not responding to clarifications provided by interpreters, but instead directing interpreters to ask the claimant.

¹⁸⁵ Ibid., p. 57.

Home Office, Interpreters Code of Conduct, Version 4.0 (30 November 2021), p. 14, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/system/uploads/system/uploads/system/uploads/attachment_data/file/1085040/Code_of_conduct_for_UK_visas_and_immigration_registered_interpreters_v4.pdf

¹⁸⁷ Ibid

¹⁸⁸ Ibid, p. 12.

¹⁸⁹ Ibid, p. 10.

- 303. In general, however, UNHCR observed that interpreters assumed a role in the interview which was significantly beyond interpretation only. In the majority of cases, interpreters are expected to recite the introductory pro forma and ask the criminality and security questions themselves; in one case this happened even though interpreter said that he did not have the script in front of him and was working from memory. In addition, interpreters are routinely allowed to respond to questions from claimants or otherwise engage in conversations with claimants without explaining the purpose of the conversation or translating either side of it. UNHCR even observed an instance of an apparent argument between the interviewee and interpreter where voices were raised by both in an extended back and forth during the introduction. This was not translated, and the interviewer did not interrupt or follow up afterwards. Consistent with these observations, one asylum-seeker UNHCR spoke to shortly after his screening interview spontaneously raised his concern that he felt that often only half of what he had said had been translated.
- **304.** In one location, a recently recruited agency staff member said that they had been deliberately paired up with an experienced interpreter during their first weeks to make things easier, as the interpreter was familiar with the questionnaire.
- 305. As noted above, UNHCR observed that interviewers routinely allowed interpreters to engage in extended untranslated conversations with claimants about their travel route (see paragraphs 196-197), and expected them to rephrase or explain the question on exploitation (see paragraph 152). In addition, interviewers told us that they relied on interpreters to explain the question about race, ethnicity or tribe, and we observed this occurring regularly in practice. In none of these cases was the interpreter asked to interpret either the claimant's questions to them or their questions, clarifications and explanations to the claimant.
- **306.** UNHCR also observed remote interviews where the interviewing officer would call out only the numbers of scripted questions. The interpreter would then ask the claimant in their language and interpret back without confirming the substance of the question at all. An example follows:

Interviewer: "Please ask him Question 2.5" [Presumed to be the "exploitation question" based on the version of the screening form at the time, but this was not confirmed]

Interpreter: OK [interpreter can be heard asking question in Arabic and claimant responding. Interpreter then interrupting response of claimant in Arabic] Answer "No to 2.5". [Interruption not explored by interviewer].

307. In another remote interview, the interviewing officer instructed the interpreter to conduct the entire interview themselves using the standard script whilst the officer took notes. An excerpt from this interview is presented in the case study below.

CASE STUDY: INTERVIEW CONDUCTED BY INTERPRETER

Interpreter: Question 1.1 and 1.2 [Speaking in Kurmanji to claimant] I asked him if he ever used any other name or date of birth. Answer "no"

Officer: [No response. Interpreter continues with Interview].

Interpreter: Question 1.3 [Speaking in Kurmanji to claimant] He is a male, nationality Syrian. Any other nationality? Answer "no".

[Sections 1-4 of the interview proceed in same way]

Interpreter to officer: Shall I go now for the security questions?

Officer: Yes

Continued on next page >>

Interpreter: [Speaking in Kurmanji to claimant for three minutes with some back and forth]. Answer no to all these 7 questions you have.

[The entire interview proceeded in this way with almost no interruption or comment by the interviewer except to occasionally say "OK" in response to an answer and at one point in section 3.4 to ask one supplementary question about the asylum claim].

- 308. When questioned about the practice of handing control to the interpreter and relying on the standardized screening form, officers told UNHCR that they confirm the interpreter is using the most current form at the beginning of the day and that the interpreters used are from a vetted pool working with the Home Office.
- 309. Even where interviewers are working from a common template, reading only the number of the questions ("5.4", "5.5" etc), rather than reading out the entire question presents a clear risk that responses will be recorded next to the wrong questions in the official transcript or questions will be missed out altogether without the knowledge of the interviewer. Allowing interpreters to control the interview also further distances the interviewer from the claimant, making it more likely that the interviewer will fail to ask appropriate follow-up questions, for example to explore vulnerabilities.
- 310. Experienced screening officers at one established screening location told us that they find it helpful that the interpreters express opinions about credibility (saying "they give you the best advice"), for example, by noting that the person's accent is not consistent with where they say they are from, or that they did not give their birthdate in the Iranian calendar. When UNHCR asked how they can act on this information, we were told that they cannot put it on the interview record itself, but they can ask a follow-up question or put a note on the file in the "official-sensitive" section. They said that to write on the form "unable to give date in Iranian calendar" would be "naughty". However, we also observed good practice at an interview in Glasgow, where the interviewer insisted on asking the required questions about nationality in spite of the interpreter's objection that he was certain of the claimant's nationality.
- 311. In all of the interviews we observed, interpreters were present by telephone. Many claimants spent the interview looking at the telephone, rather than the interviewer, especially where telephone interpreters were present via landlines rather than spider phones. Most interviewers observed the claimant carefully and spoke to and responded to them appropriately in spite of this challenge, but some appeared disengaged and looked only at their computers.

XX. RECOMMENDATIONS REGARDING THE USE OF INTERPRETERS

- (i) Provide refresher training to staff about the requirement to respect claimants' requests for an interpreter.
- (ii) Where an interpreter has been requested when an appointment is booked but an interpreter is not used, require staff to record the reasons for this clearly on the file.
- (iii) Provide refresher training to staff about the role of the interpreter, in accordance with Home Office guidance.
- (iv) Communicate what is expected of the interpreter to interpreters who work directly for the Home Office, and to third party providers of interpreting services;
- (v) Add an explanation of the interpreter's role to the opening section of the interview, in accordance with the ASR guidance.

¹⁹⁰ UNHCR observed at least one case where the interpreter mixed up the question numbers referring to "5.5, the detention question I think". In fact, the question which asks whether a claimant has previously been detained – presumably the "detention question" - is 5.4.

Telephone interviews

- 312. In four of the 32 interviews observed, the connection with the interpreter dropped. When this happened a new interpreter would be dialed in who would need an introduction to the claimant and to the interview, which was disruptive and time consuming. In several interviews that UNHCR observed there were as many as three different interpreters. As the connection dropped with several different interpreters, the technical problem seemed to be either at the Home Office or with the private interpreting company (Big Word), and not the responsibility of the individual interpreters.
- 313. The ASR guidance sets out that it is preferable to interview face to face or by video conference:

It is preferable to interview face to face or by videoconferencing. If capacity to do either is exhausted, then the screening interview can take place over a phone.

[...]

Interviews that take place by phone (or videoconference) may need to be stopped as a reasonable adjustment and the interview will need to take place in the physical presence of an officer. Where an interview takes place over the phone, the officer must arrange for the claimant to receive a copy of the interview.¹⁹¹

- 314. Since UNHCR's observational visits the guidance has been changed to include an instruction that a claimant be asked if they are content for the interview to take place over the telephone. This is a welcome step, and in accordance with UNHCR recommendations for remote interviewing. However, it is not clear at which point the claimant would be asked to confirm their agreement to a phone interview, whether this would be done with an interpreter and what information is given to the claimant before they decide. It would also be useful to explore claimants' reasons for accepting a telephone interview; there may be a risk that some claimants have genuine concerns about telephone interviews, but these are outweighed by the difficulty of travelling to in-person interview locations, or by a belief that requesting an in-person interview could lead to delays in the progress of their claim.
- 315. UNHCR did not hear of any operation which was conducting interviews by video conference, but was told that Croydon hopes to have the ability to do so in the future. In UNHCR's view, this would be a positive step where these would be replacing telephone interviews. Videoconferencing allows the interviewer to verify the claimant's identity, to better build and maintain rapport, and to confirm that they are alone in the room for confidentiality reasons. If set up properly, it also provides better opportunities for interviewers to note non-verbal cues relevant to their well-being or problems in comprehension, as well as recognizing specific needs and indicators of vulnerability and trafficking.¹⁹⁴
- 316. All of the IOs and CIOs we spoke to felt that face-to-face screening was preferable, in terms of building a rapport with the claimant, encouraging disclosure, spotting signs of vulnerability, and recognizing when a person is "lying". One unit manager said they had "massive issues" with the phone interviews, which presented a "huge risk" of missing safeguarding issues and specific needs. In a remote interview that UNHCR observed, when the claimant raised previous thoughts of self-harm there was a silence on the line and it seemed that the claimant may have been crying or otherwise finding it hard to continue. It was clear that the interviewer was unsure how to continue at this point. Staff at MIU also said that telephone interviewing was less enjoyable because of the sense of detachment. One said, "You feel like you are not doing the job properly."

¹⁹¹ ASR guidance 7.0 (n 1), p. 18

¹⁹² Ibid.

¹⁹³ UNHCR, Remote Interviewing: Practical Considerations for States in Europe, 9 June 2020, p. 3, available at: https://www.refworld.org/docid/5ee230654.html

¹⁹⁴ Ibid, p. 6

¹⁹⁵ At MIU, they said that it is harder to tell if someone is "lying" over the phone, harder to pick up vulnerabilities without observing body language, and harder to build a rapport with the claimant. They find it harder to see the claimant as a person rather than a number, while they believe that the claimant cannot see that they are not angry or threatening. A CIO at Croydon stressed the better rapport in face-to-face interviews, because claimants can see that the interviewer is "there to help", while the interviewer will see the claimant as a person rather than a number. Interviewers also noted that they can pick up visual clues face-to-face, such as if a person is dabbing their eyes, and they can observe their body language.

- 317. If the interviewee is accommodated in a hotel, or where they are in a detention centre but there are insufficient interviewing rooms, the interviewer cannot be confident that the interviewee is alone. This raises concerns both about vulnerabilities not being disclosed and about the possibility that the interviewee is being prompted or reading from a script. In the interview UNHCR observed at MIU, the IO began by asking the interpreter, "Can he go somewhere private please, where he can talk about his case? I don't want him standing in the hallway." The detainee stated that he was in his room, but there was no way to verify this. One of the officers taking the lead on the enhanced screening pilot in Glasgow commented that the pilot would not be possible over the telephone because "someone would have to have their own space and privacy if we're asking the questions that we are asking."
- 318. When detained interviewees are contacted on loaner phones in detention, there can be multiple problems with initiating the call because the detainees may not have turned them on (as they do not have access to their own SIM cards, the phones are of little personal use) or do not understand how to operate them. In the telephone interview we observed at MIU, the start of the interview was delayed by 25 minutes, and the IO made five separate calls to the claimant and three or four calls to Serco before a connection was established.
- 319. At MIU, the unit had developed a "coordination" system that they felt helped mitigate some of these problems. When this system is in operation, everyone waiting for an interview will be brought to a waiting room (presumably by Serco). An IO "coordinator" will then pick up the interviewee from the waiting room, check his ID, escort him to an interview room, and make sure the call connects. If there are 60 people being interviewed, they will send two or three coordinators.
- 320. The IOs we spoke to felt that there were many significant benefits of this coordinating system, which is their only opportunity for an IO to see the men being screened. While walking the detainee to the interview room, the IO has a chance to spot vulnerabilities, based on their NRM and safeguarding training. The examples they gave were of someone who had a visible limp, or was an amputee, or simply looked "very young" or to be a "borderline minor". One screening officer gave an example of an asylum-seeker they had interviewed. During an initial call they had said they were fit and well to be interviewed, but when the coordinator was setting up the screening interview, they noticed that the asylum-seeker was being treated for very serious burns, which suggested that they were not in fact fit for the interview. Staff noted that asylum-seekers will sometimes try and mask vulnerabilities so as not to "cause trouble" and that this is more likely where interviews are conducted by telephone without any in-person interaction with Home Office staff. 196
- **321.** Staff also appreciated that the presence of a coordinator gave the detainee the opportunity to raise concerns (such as about separation from family members, or what is happening with their asylum claim).
- **322.** Finally, it makes the interview proceed more smoothly, because the IO can also check if the detainee's phone is turned on and functioning, and ensure that they are alone in the interview room during the interview.
- 323. In seven out of the eight telephone interviews UNHCR observed directly, the fact that the interview was conducted remotely was noted on the first page of the interview record. In the last, however, the record gave the "location" of the interview as the Home Office premises where the interviewer was working, without any indication that the claimant was not present. In 10 of the 50 files selected for random audit, it was not possible to discern from the record itself whether the interview was conducted in person or by telephone.

They said that they also may observe the person's dress and demeanor; if they are wearing clean, smart clothes and jewellery, rather than looking like they "needed a wash" or smelled of a bonfire, this could be an indication that they had not in fact recently arrived in the back of a lorry. When asked what they would do with this type of observation, staff acknowledged that most of it cannot be recorded in the screening interview. However, they could suggest to their colleague that additional questions be asked, such as, "Are you actually a lorry drop?"

XXI. RECOMMENDATIONS REGARDING TELEPHONE INTERVIEWS

- (i) Reduce reliance on telephone interviews as far as possible, using them only in exceptional circumstances.
- (ii) Bring forward plans to make use of videoconferencing technology.
- (iii) Where telephone or video interviews are necessary, introduce new safeguarding and feedback mechanisms, drawing on local practices, such as the MIU "coordinator" role.
- (iv) Provide claimants with access to private and comfortable spaces with the possibility of technical support during remote interviews.
- (v) Develop new introductory scripts and practices for remote interviews, in order to ensure that claimants are comfortable with being interviewed remotely, are in a quiet and private place, and understand the technology being used and what to do in the event of technological difficulties.
- (vi) Provide specific training to interviewers about how to build and maintain rapport in remote interviews.
- (vii) Where operationally possible, ensure interviewers conduct a mix of face-to-face and remote interviews, to mitigate detachment and demoralization.
- (viii) Where interpreters are attending remotely, introduce a policy of seeking to reconnect with the same interpreter in the event of a dropped connection.
- (ix) Introduce policies and guidance requiring that decisions made on the basis of the screening interview record take into account the limitations inherent in remote interviewing.
- (x) Instruct all interviewers to comply with the best practice UNHCR observed in some cases, and note on the interview record:
 - (a) whether the interview was conducted by telephone, video or face-to-face, and
 - (b) any interrupted connections or other technological issues.

Access to legal advice

- 324. A precise analysis of the percentage of asylum-seekers who have had access to legal advice prior to screening is beyond the scope of this audit. Access to legal advice prior to the screening interview is influenced by a range of factors, including capacity in the legal sector in the region, ¹⁹⁷ law firms' practices, ¹⁹⁸ and the scheduling of screening interviews. ¹⁹⁹ UNHCR did observe, however, that there is limited consideration given to facilitating access to legal advice. At KIU, although two A4-sized lists of local legal providers are taped to a window near the telephone, they are in English only, and they are not mentioned during the induction process or brought to detainees' attention. UNHCR did not see any detainee consult these lists and, as set out below at paragraph 445, it is unclear that they would have been able to use the telephone if they had. ²⁰⁰ In addition, frontline staff in several locations expressed negative views of lawyers, saying, for example, that most lawyers "don't work with us" and "some don't want the claimant to succeed" or that claimants should be interviewed "on arrival" because they frequently change their story or add dependants after talking to friends or lawyers.
- 325. Although UNHCR is aware that access to legal advice is limited in part by factors outside the control of the Home Office, in our view this disregard for early access to legal advice is short-sighted. Accessible, reliable, and high-quality government funded legal aid and legal representation are instrumental in establishing fair and transparent asylum procedures. Provision of legal aid and legal representation can go a long way in strengthening the quality of decision-making and can contribute to the efficiency of the asylum process, because it can strengthen a claimant's understanding of and trust in the process, lower the number of appeals and subsequent applications, shorten adjudication timelines, and reduce late challenges to removal.²⁰¹ This not only promotes more reliable access to protection by those who need it, but can also give those with less well-founded claims a more realistic view of their chances of success; where this information is provided by non-governmental actors, this has proven to increase the acceptance of the information provided.²⁰²

XXII. RECOMMENDATIONS REGARDING LEGAL ADVICE

- (i) Provide guidance and training that recognizes the positive contributions of independent legal advice to the efficiency and fairness of asylum systems.
- (ii) Take the impact on access to legal advice into account when considering reforms to the registration and screening process, and promote policies that facilitate access to legal advice.

¹⁹⁷ According to a study by the Law Society, published in June 2022, "across England and Wales, 65% of the population do not have access to a[n] immigration and asylum legal aid provider, and due to the Home Office's dispersal policy, there can often be a mismatch between supply and demand, with those at need of support housed in areas without legal aid provision." Law Society, Immigration and asylum – legal aid deserts, available at: https://www.lawsociety.org.uk/campaigns/legal-aid-deserts/immigration-and-asylum

¹⁹⁸ UNHCR has received reports that in order to manage excess demand, some law firms have a practice of only taking on clients close to the time of the substantive interview.

¹⁹⁹ Where screening interviews are conducted immediately after arrival, access to legal advice is impossible. Where interviews are scheduled via a booking system or there are long delays between initial registration and a full screening interview, legal advice is more likely to be accessible. For example, legal representatives in Belfast told us that under the previous system, in which claimants were registered by a third-party partner but only screened by the Home Office a few weeks later, they were routinely able to offer legal advice prior to screening. In Scotland, children in care normally have access to legal advice prior to their welfare interview.

²⁰⁰ See also HM Inspectorate of Prisons (HMIP), Report on an unannounced inspection of the detention of migrants at Dover and Folkestone Detention facilities: Tug Haven, Kent Intake Unit and Frontier House, 08 October and 1-3 November 2021 (November 2021) (HMIP, Dover and Folkestone 2021), para. 2.46, p.23, available at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/12/Kent-detention-facilities-web-2021.pdf

²⁰¹ UNHCR, Effective processing, (n 50) para. 29, p. 27.

²⁰² Ibid, p. 13.

Quality assurance

- 326. There was no systematic quality assurance process in place during the period of our audit,²⁰³ although, as noted below at paragraph 490, we were told in July 2022 that one was in the process of being introduced. The NAIU leadership team told UNHCR that some elements of the process are subject to piecemeal quality assurance as cases move along in the system; referring to this as a "natural feedback loop rather than a structured feedback loop."²⁰⁴ As described elsewhere (for example, see paragraphs 461-467) UNHCR was told of significant quality issues that had been picked up internally. However, UNHCR was not able to observe any formal feedback mechanisms which might help to identify, collate and address systemic issues with the quality of registration and screening interviews, or with the quality of the information recorded on the file.
- 327. In some locations, management staff told us that they conduct ad hoc checks of a small number of files from claims screened in the preceding few weeks. However, this was described as a personal choice by the manager, and not as part of a systematic quality assurance process, and it would only happen if there was a "quiet day". It was also not clear that any records were kept or any formal standards of review applied.
- 328. CIOs are required to sign off on each screening interview before it is served on the claimant, and we did observe this happening in practice. However, this happened very quickly and appeared to be confined to CIOs checking that the form had been completed and "the contention" had been decided. Whilst we did observe interviewers asking questions of their managers at this point, in the small sample of cases we observed, this normally related only to the contention. The practice also appeared to be that issues would not be discussed unless they were recognized and raised by interviewers themselves.
- **329.** Many interviewers UNHCR spoke with actively called for more oversight, noting that they had never had anyone observe and provide feedback even during their first screening interviews.²⁰⁵ This included staff conducting interviews remotely by telephone, who told UNHCR that they were not confident that they were doing things properly. Some staff did describe managers sitting in on a handful of their first interviews, but this was clearly not done systematically, and even within teams, staff reported entirely different experiences of oversight as part of their training, with some reporting never conducting an observed interview.
- 330. In UNHCR's view, the introduction of systematic quality assurance measures is much needed to address many of the issues with the quality of screening interviews and to harmonize standards across the various screening locations. We were therefore pleased to learn that the Home Office intends to introduce a quality assurance tool for screening, developed using the Home Office's Calibre framework.²⁰⁶ We were told by NAIU leadership that Calibre would be deployed across screening in April 2021 for a three-month trial before staff would be held individually accountable based on its marking standards. However, the tool had not yet been used by the time UNHCR's review concluded in July 2022. The draft Calibre marking standards were nonetheless shared with UNHCR and we have conducted a review of these. Our review is necessarily brief as the tool was not in use.

²⁰³ Managers told ICIBI in 2021 that the quality assurance mechanism in place prior to 2020 (called QATRO) had been "centred around the operating mandate...not so much the content of the interview.", ICIBI, Asylum casework (n 27) para. 9.25. P. 73. The Home Office moved from the QATRO quality assurance tool to the Calibre tool in January 2020, but then "as a result of the COVID-19 pandemic and an increase in intake, formal quality assurance mechanisms using Calibre had "fallen by the wayside." When quality assurance was discontinued in March 2020, no quality assessments had taken place at AIU or KIU since December 2019, and only 12 assessments had taken place at the MIU. para. 9.25-9.26, p. 73. ICIBI reported that a process of reintroducing Calibre began in April 2021 but as of June 2021, there was no quality assurance mechanism in place. Ibid., p. 3.

²⁰⁴ Staff we spoke with gave the example of the detention booking-in process, saying that the Detainee Escorting and Population Management Unit (DEPMU) will advise registration and screening staff if they have not collected sufficient information to complete the process. However, as explained below (paragraph 477) UNHCR spoke to staff who had made unsuccessful internal complaints about serving IS.91R forms on individuals after they had already been detained and transported to a new place of detention, so it is not clear that this feedback loop is effective. Staff also told us that the accuracy of biometric collection was assured within an internal Data Quality Control (DQC) process, but we were not able to observe this.

²⁰⁵ We spoke to a Home Office staff member who had spent 20 years in Immigration Enforcement and was responsible for training new Immigration Officers coming into enforcement.

They told us, "In 20 years I never had anyone who came back to us on screening. If I had done an asylum screening and I hadn't given the case owner the information to help them I would want to be told. If officers aren't being told how do they know what they are getting wrong?" For further detail on the training and mentoring experiences of screening staff, see

The Home Office explains that Calibre is "the quality assurance marking tool for use within Asylum Operations and the National Asylum Intake Unit for assessing screening interviews, substantive asylum interviews and asylum decisions against an agreed marking standard." Home Office, The Home Office response to the Independent Chief Inspector of Borders and Immigration's report: An inspection of osylum casework (August 2020 to May 2021), available at: <a href="https://www.gov.uk/government/publications/response-to-an-inspection-of-asylum-casework/the-home-office-response-to-the-independent-chief-inspector-of-borders-and-immigrations-report-an-inspection-of-asylum-casework-august-2020-to-may#introduce-calibre-assurance-assessments-for-screening-interviews

- 331. Calibre contains 31 questions, covering aspects of the screening process from the correct registration of biometrics through to identification of potential victims of trafficking and the completion of appropriate referrals for accommodation and safeguarding. It is clear from the questions that the tool is designed for assessors to review paper and/or electronic screening records rather than live screening interviews.²⁰⁷ Questions are scored as "completed", "N/A", or, if there are errors, these are assessed as minor, significant and fail with examples provided an example of a "significant error" in the collection of information about the asylum claim is given as: "Who or what the applicant fears in the country of return, or why they fear to return has not been established in sufficient detail however the general basis of claim is apparent".
- 332. Overall, the Calibre tool could present a useful quality assurance mechanism, including to understand where practice differs between staff and between screening locations across the UK. For example, the assessment of whether the screening has captured the asylum claim with sufficient clarity and detail (the assessment requires a clear and concise recording of the fear of return including "who?", "why?" and "when?") could help to develop consistency which UNHCR observed was lacking, although further thought could be given to how much detail about the basis of the claim should be collected at screening (see Recommendation XI(v) above).
- 333. Although we have not been able to observe Calibre being used in practice, we are concerned that some criteria may be set too broadly to be useful. The standard "All relevant children's guidance has been followed" would both be difficult for an assessor to apply in practice and also provide limited feedback about which areas of children's guidance were overlooked.
- 334. In many cases, both the criteria and the examples use terms that are not defined or linked to the law, policy or guidance. This could lead to inconsistency in assessments and, again, limit the feedback that the assessment form can provide either to individual interviewers or to senior management looking for trends and patterns. It is not clear, for example, what it would mean for the form to be completed "in full"; the example is given of responses that "do not contain the appropriate detail", but there is no link to a standard of appropriateness. Similarly, "excessive time spent exploring safeguarding issues that are not relevant" is classified as a "minor error", but there is no indication on the form of what "relevant" means and how it links to guidance for screening interviewers.
- **335.** In UNHCR's view, the standards in the Calibre screening tool should clearly reflect standards set out in law and guidance. This is especially important for sections where the assessment of quality is more complex, such as:
 - (i) The identification of trafficking and safeguarding needs;
 - (ii) Identification of accommodation and support needs;
 - (iii) Routing claims; and
 - (iv) Collecting and recording relevant information on medical conditions.
- **336.** Explicit reference to published guidance would further make Calibre a useful training tool for screening officers. After learning the relevant law, policy and guidance new recruits could be introduced to Calibre to understand how their work would be assessed against the standards and guidance they had learned.
- **337.** From our brief review of Calibre, it also appears that it overlooks a number of important quality issues. These include whether:²⁰⁸
 - (i) The applicant was asked about their preference for the gender of their screening interviewer prior to the interview and their response was recorded;
 - (ii) The applicant had agreed to a phone interview beforehand (if relevant);

²⁰⁷ For example, marking standards for the criterion – "The applicant has been asked if they are fit and well and ready to be interviewed" refer to whether the question was "recorded", not whether it was asked.

²⁰⁸ We note that some of these questions / considerations may require amendments and additions to the screening questionnaire itself

- (iii) The mode of the interview (e.g. face to face, telephone etc.) and who was present at the time of the interview was recorded on the file, including whether a coordinating Home Office colleague was present in the event of a phone interview:
- (iv) The record shows whether the applicant requested an interpreter and confirmed that they were happy to continue in the language of the interview;
- (v) Safeguarding issues identified have been set out in appropriate detail in referrals to the safeguarding team;
- (vi) The interviewer has explained the next steps to the applicant following the interview (this may require amendments to the form and development of standard text see Recommendation XIV); and
- (vii) There are any indicators that a verbatim record may not have been taken (such as large passages of text from applicants in response to short questions with no supplementary questions noted in the record).
- 338. Through our own audit of screening UNHCR is acutely aware of the limitations of assessing the quality of screening interviews by looking only at claimants' files. It was for this reason that our assessors observed more than 40 live interviews in addition to completing a file review. Based on the broader findings in our audit, it is clear that file review will be unable to determine whether critical safeguards and objectives of the screening interview have been met, including whether:
 - (i) The screening environment was quiet, comfortable and confidential;
 - (ii) The interviewer acted professionally and sensitively;
 - (iii) Anyone was present at the interview other than the interviewer and the claimant and, if so, who and why:
 - (iv) Screening officers responded appropriately to visual signs of vulnerability;
 - (v) There were issues with interpretation, including whether the interpreter played an inappropriate role in the interview;
 - (vi) The interview record is accurate (including which questions were asked, how/whether questions may have been rephrased and how responses were recorded); or
 - (vii) The interview was disrupted by technical issues such as phones cutting out.
- 339. In order to properly measure quality in these critical areas and harmonize standards across different screening locations, we recommend the introduction of a quality assurance tool to assess live screening interviews. We stand ready to provide further assistance as the Home Office develops and implements the Calibre tool.

XXIII. RECOMMENDATIONS REGARDING QUALITY ASSURANCE

- (i) Bring forward the introduction of a quality assurance mechanism for screening interviews which:
 - (a) Identifies clear standards for assessment which:
 - i. can be linked directly to law, policy and guidance and
 - ii. identify errors with enough specificity to provide useful feedback to individuals and evidence of recurring areas of concern across multiple assessments.
 - (b) Includes as assessment criteria whether:
 - i. The applicant was asked their preference (if any) for the gender of their screening interviewer prior to the interview.
 - ii. The applicant had agreed to a phone interview beforehand (if relevant).
 - iii. The applicant requested an interpreter and confirmed that they were happy to continue in the language of the interview.

Continued on next page >>

- iv. The mode of interview (e.g. face to face, telephone etc.) and who was present at the time of the interview, including whether a coordinating Home Office colleague was present in the event of a phone interview, are recorded on the file.
- v. Priority issues have been properly highlighted in referrals to safeguarding team.
- vi. The interviewer has explained the next steps to the applicant.
- vii. There are indications that a verbatim record may not have been taken (such as large passages of text from applicants in response to short questions, with no supplementary questions noted in the record).
- (ii) Develop a separate quality assurance tool for assessing welfare interviews of children, rather than having as a general criterion "All relevant children's guidance has been followed."
- (iii) Introduce a quality assurance tool to assess live screening interviews as well as screening files.

Administrative inefficiencies

- 340. Staff frequently spoke to us about the inefficiencies of the two Home Office databases, CID and Atlas. Most importantly, the databases do not speak to each other, so that all information needs to be double-keyed, once into each database. Double-keying was identified by staff at several screening centres as not just inefficient but also as affecting morale. UNHCR understands that there have been plans to decommission CID for several years, but that the target date for doing so has been repeatedly postponed.
- **341.** In addition, each database has significant internal inefficiencies, which staff were often keen to point out to us.²⁰⁹
- 342. Further inefficiencies arose from the fact that neither CID nor Atlas were interoperable with other Home Office systems. Safeguarding and trafficking referrals cannot be made from within Atlas or CID, but must be made by email or through a separate portal; we observed this to take more than 10 minutes in each case. Security and identity checks also need to be conducted in multiple databases, by Home Office staff in different locations and with different levels of security clearance, and results in some cases are returned by email, rather than being automatically entered into CID or Atlas. This means that screening staff may need to send a separate email requesting certain security or identity checks, and then open, read, print off and place on file the result, as well as entering the result into CID and Atlas. Visa applications, finally, are not linked to other Home Office databases, and need to be checked separately and on the basis of a person's name, rather than biometrics. This means that records of visa applications are often checked twice, before and after a person's identity has been confirmed in a face-to-face interview.
- 343. Further inefficiencies arise from the completion at initial registration and screening of steps that will only be relevant if permission to enter or remain is granted. These include preparing for the issuance of a Biometric Residence Permit by taking a second biometric photograph and set of fingerprints and confirming personal details and providing information about the laws governing BRPs at the end of the interview. Given the long delay between most asylum claims and decisions, moreover, biometrics will often be considered out of date by the time the decision is made.

²⁰⁹ For example: documents that are generated from within an individual's record do not automatically input relevant information, such as the person's address, which instead has to be entered manually; tasks that are completed are not automatically recorded as completed, meaning that the task needs to be both done and confirmed as done; in one screening centre, we observed that it took experienced staff 15 minutes to carry out mandatory checks in Home Office databases, and a further 10 minutes to record that the checks had been completed; in Atlas, after each task is completed, the staff person is ejected from the record and has to re-enter it again by re-inputting the Port Reference number; in Atlas, performing discrete tasks related to the asylum claim each produces a separate link labelled "Asylum claim" but containing different information; due to the risk of IT systems crashing, screening interview records needed to be taken offline as word documents, and uploaded afterwards. In one case, we observed that there were two separate interview records, with different content regarding the basis of the claim, and in another, the screening record on file was blank for a number of weeks after the interview, because the completed form had not been uploaded.

- 344. At airports, staff also complete a file minute in narrative form, listing the key events from the time of asylum claim through release. This includes a summary of the basis of the claim and other salient points from the screening interview. The purpose of this additional narrative account is unclear. In several of the files UNHCR reviewed, moreover, the summary was materially different from what was said at the screening interview.
- 345. At Heathrow Airport, not all staff are able to use the Atlas system, resulting in mandatory caseworking tasks being postponed for another officer to complete. This was creating significant backlogs for data entry and essential caseworking tasks. Even where staff had entered information into Atlas, a quality check process had been instituted for a backlog of files because there were many mandatory steps that had not been properly completed, such as recording relationships between claimants and their dependants. As a result, there was a backlog of a few hundred files (dating back two months) awaiting quality checks and the completion of outstanding tasks. We were told by staff at Heathrow that many of these cases were not yet registered in the central Home Office system or known to NAIU.²¹⁰

XXIV. RECOMMENDATIONS REGARDING ADMINISTRATIVE INEFFICIENCIES

- (i) Reconsider the need to repeat information contained in the screening interview record in a separate file minute on CID/Atlas.
- (ii) Review the need to begin preparing to issue a BRP at the screening appointment by taking a second set of fingerprints and biometric photographs and discussing the BRP with the claimant at the end of the interview.
- (iii) Bring forward plans to decommission parallel case-working systems.
- (iv) Explore the possibility of adapting Atlas to allow safeguarding and trafficking referrals to be made from within Atlas, rather than by email or through a separate portal.
- (v) Where identity or security databases cannot be made interoperable (for reasons of security or data protection, for example) reconsider the efficiency of the sequencing of the various checks, to reduce the duplication of work.

²¹⁰ It was the understanding of some staff at Heathrow that these cases were not yet recorded centrally or being processed. However, in its fact-checking response, the Home Office stated: "The detail in the report is accurate that there was a backlog of inputting however the essential aspects required to ensure the timely completion of asylum action was actions [sic] so as not to delay cases which was reported into the Central System."

CHILDREN AND YOUNG PEOPLE

Age assessments by Immigration Officers

346. At the time of UNHCR's observational visits, Home Office guidance set out that individuals claiming to be children could be treated as adults for immigration purposes if:

"two Home Office members of staff, one at least of Chief Immigration Officer or Higher Executive Officer grade, have independently assessed that the claimant is an adult because their physical appearance and demeanour very strongly suggests that they are 25 years of age or over."²¹¹

347. In January 2022, following the decision of the UK Supreme Court in the case of *BF Eritrea*, ²¹² new guidance was published. This specifies that a person can now be treated as an adult where:

"two Home Office members of staff, one at least of Chief Immigration Officer or Higher Executive Officer grade, have independently assessed that the claimant is an adult because their physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age" 213

- 348. UNHCR was only able to observe the age assessment process at the KIU. Overall, there seemed to be a concerning level of skepticism and frustration about the age assessment process among staff. UNHCR was repeatedly told by Home Office and Mitie staff of widespread abuse by "clearly middle-aged men" pretending to be minors. Comments included, "there is an MO [modus operandi] that everyone claims to be under 18". UNHCR was told by two different people that men who were in their mid-50s and with grey beards had claimed to be minors. In one case, we were told that the "age disputed" 55-year-old had to be accommodated at KIU until he was age assessed, which appears implausible, because there was no requirement to age assess a person who looks to be clearly over 25. A CIO noted that when the Home Office had access to EURODAC it was harder for individuals to "try as a minor", indicating that they thought that more young adults who were previously registered with different birth dates in EU countries may be coming to the UK and pretending to be minors.
- 349. Staff at KIU said they received no formal training or guidance in age assessment; one told us they were confident that they could assess age accurately because they had young teenage daughters of their own. Moreover, the age assessments we observed were brief, and not in accordance with Home Office guidance. During our November visit, we were able to observe a CIO and an IO doing age assessments on a group of Kurdish young men and boys. They arrived in a van at the back entrance to the KIU, referred to by staff as "the cage". The van door was opened, and each was called out in turn by first name. Each was then instructed to stand a few metres away and lower his mask and turn his head to the side. It was raining lightly, and all stood in the rain while the assessment was conducted. No questions were asked and there was no conversation (there was in any event no interpreter). The CIO then made a judgment as to whether the person was over or under 18. Only one was accepted as under 18 (age accepted as 16), and the other five as over 18 but under 25. The CIO said that they were "not over 25 by a long mark", but looked 18 or 19, or in their "early 20s".
- **350.** All five had been assessed within four minutes of the van door being opened. The ClO's manner with the young people was relaxed and polite but the interactions very brief. The ClO's assessments were not explained to the children and, as noted, there was no interpreter present.²¹⁴

²¹¹ Home Office, Assessing Age, Version 4.0, 31 December 2020, available at: https://webarchive.nationalarchives.gov.uk/ukgwa/20210224214404/https://www.gov.uk/government/publications/assessing-age-instruction

²¹² R (BF (Eritrea)) v Secretary of State for the Home Department [2021] UKSC 38, available at: https://www.supremecourt.uk/cases/docs/uksc-2019-0147-judgment.pdf, in which the Supreme Court upheld the policy of treating young people as adults where their physical appearance and demeanor very strongly suggests that they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age. Although this judgment was delivered in July 2021, the Home Office had not yet amended its guidance accordingly at the time of our visits.

Home Office, Assessing Age (version 5.0), 14 January 2022 <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads

²¹⁴ This is consistent with the observation by ICIBI: "Inspectors observed that KIU staff undertook only a very quick visual assessment to ascertain if the individuals concerned were minors; they did not speak to them beyond asking them to stand up." ICIBI, Tug Haven and WJF (n 9), para. 6.31, p. 41

- 351. The CIO later explained that if individuals were assessed as over 25 they would be given an IS.97M form advising them of the assessment and have "everything fully explained to them". In the one case in which UNHCR observed this happening, the young person (later accepted by the Home Office to be 17 years old) was not told of the over-25 age assessment until his screening interview. This was conducted by a different officer, who did not have a record of the reasons for the assessment beyond a tick-box form stating that it was based on the child's "appearance and demeanour". When the child protested, the officer responded by pointing out his slight mustache; he then explained to him that he had the right to seek an age assessment from social services at a later date.²¹⁵
- **352.** UNHCR later observed a further six CIO age assessments on individuals who were inside the Mitie induction room. Individuals were asked to remove their mask and approach the CIO one at a time. The six interactions went as follows:
 - (i) Individual was claiming to be 15. CIO accepted he was a child, saying he was "easily under 18, but I'd say older than 15". Referred to KIU social workers for age assessment.
 - (ii) Individual was claiming to be 15. CIO said "he says he is 15 but he is a little bit older than that. It will still be worth having him age assessed as it could be important for foster care". Referred to KIU social workers for age assessment.
 - (iii) Individual claiming to be 17. CIO asked him to pull his hair back to show if it was receding. CIO said "he is clearly older than that". Referred to KIU social workers for age assessment.
 - (iv) Individual claiming to be 17. CIO said he could be 17 but might be older. Referred to KIU social workers for age assessment.
 - (v) Individual claiming to be 17. CIO said "he looks quite early 20s but not significantly older than 25". Referred to KIU social workers for age assessment.
- 353. Staff explained that those age disputed and referred to the KIU social workers would need to wait for the outcome of this assessment before having a welfare or screening interview. This, they explained, was because if a person was eventually assessed as an adult, then they would need a screening interview, and not a welfare interview. Waiting to find out which interview they needed avoided double work, but it often meant it was many hours and sometimes overnight before the welfare interview took place. During UNHCR's visit in November there were several young people who had arrived the day before at 3pm who had still not had their age assessment completed by 10am the next day and so none had had a welfare or screening interview.
- 354. UNHCR questioned how the Home Office would know about any vulnerabilities or needs the young people may have while they were detained in the Short Term Holding Facility at KIU. One staff member explained the process as dynamic risk assessment during the booking in process they would be looking for particular vulnerabilities such as "disabilities, medical issues, trafficking or if someone was very young". They said that nationality was a key risk factor for trafficking, especially Vietnamese nationality, and also gave the example of an adult male who had arrived with two girls.
- 355. The potential for error was confirmed by the files selected for audit. These included seven people accepted to be unaccompanied children and four people who claimed to be children but were assessed as clearly over 25 after a visual assessment. Three of the latter were males and were detained: one at KIU for one day and Yarl's Wood for three days, and two at Harmondsworth, one for five nights and four days, and the other for ten nights and nine days. The female, who was Vietnamese, was bailed to a hotel and absconded within a week (Her case is discussed above following paragraph 156). All three of the males were later accepted by the Home Office to be 17 years old, following age assessments carried out by local authority or children's trust social workers while they were in adult initial accommodation. By the time their claimed age was accepted, they had been in the asylum process, where they were treated as adults, for an extended period: four months and nine days; seven months; and one year and 21 days.²¹⁶

HMIP reported cases of children being assessed as adults at Tug Haven and KIU during 2021, including 15 children who were detained at Yarl's Wood IRC between January and August 2021. HMIP, Dover and Folkestone 2021 (n 200) para. 2.23, pp.17-18. See also ICIBI, Tug Haven and WJF (n 9), para. 6.35-6.27, pp. 41-42.

²¹⁶ The recent decision of the First Section of the European Court of Human Rights in the case of *Darboe and Camara v Italy (Application no. 5797/17)*, Council of Europea Court of Human Rights, 21 July 2022, available at: https://www.refworld.org/cases,ECHR.62e160514.html suggests that this may have been inconsistent with the UK's obligations under Article 8 ECHR. See in particular paragraphs 128-151.

Age assessments by KIU social workers and local authorities

- 356. At the time of our audit, there were teams of independent social workers attached to the KIU, working from 8:00 am to 8:00 pm to conduct 1.5-2-hour age assessments. These were designed to be "Merton compliant" but not a "full Merton" and the aim was to conduct them within 24 hours of arrival. This practice was discontinued following the decision of the High Court in MA & Anor, R (On the Application Of) v Coventry City Council & Anor [2022] EWHC 98 (Admin) (19 January 2022). 218
- 357. UNHCR saw five social workers during the September visit and met with four. They were confident in their ability to assess age accurately in a short period of time. In discussions with UNHCR they placed considerably more emphasis on the risks of placing a young adult falsely claiming to be a child with other children than on the risks to children of being wrongly placed with adults. However, in the one case in the file audit where a young person was assessed by social workers at KIU as 21, this was later confirmed by a longer age assessment conducted by a local authority.

CASE STUDIES:

UNACCOMPANIED CHILDREN ASSESSED AS OVER 25 BY A CIO

CASE STUDY ONE

In November, UNHCR observed the screening interview at KIU of a young man who had been bailed to a hotel. The interviewer said that he had "claimed to be a minor" at the hotel, and Immigration Enforcement had then sent him back to KIU by taxi. He had been age assessed by a CIO "overnight" before the screening interview and assessed as over 25.

The front of his file gave his year of birth as 1996, and a claimed year of birth as 2003. The interviewer explained that the young person had not yet been informed of the over-25 assessment or served with the relevant paperwork; it was his role to do this at the interview. He mentioned that informing a young person during their screening interview that their age had been assessed as over 25 could be stressful.

UNHCR asked the interviewing officer how the assessment had been made, and he said a CIO would have spent 10-15 minutes with the young person before making the assessment, which would have been a significant departure from the age assessments we observed. He explained that as the assessments must be made by both a CIO and an IO, he sometimes attended age assessments himself. He had had no formal training but had learned from more experienced colleagues to look at the Adam's apple, and for frown lines or a receding hairline. He also looked at demeanor: adults are more "confident" and "aggressive", and adolescents more "angsty". UNHCR asked if he ever disagreed with the CIO's initial assessment after a screening interview, because he would have had a longer opportunity to speak to the young person. He said that this had not happened, but he would approach the CIO if it did.

During the subsequent interview, the interviewer treated the young person with respect and compassion, as well as displaying other aspects of good practice (such as keeping an accurate record and asking appropriate further questions). Nonetheless, the interviewer failed to record or respond to the young person's challenge to the over-25 assessment, in spite of indicating to UNHCR that he also disagreed with the assessment. This suggests a failure not of the individual interviewer but of guidance for handling age disputes or differences of opinion between Home Office staff.

Continued on next page*

As set out in Home Office guidance, "There is no entirely prescribed way in which social workers are obliged to carry out age assessments. However, the courts have set out guidance and minimum standards which must be applied by social workers. Much of the initial guidance was set out in a High Court case involving Merton Council (B v London Borough of Merton [2003] EWHC 1689 (Admin) (commonly known as "Merton")." The standards include: the assessment must be carried out by two trained social workers in cases where whether the claimant is an adult or a child is objectively borderline and therefore a more in-depth assessment of their age is necessary; an interpreter must be provided if this is necessary; the individual must be offered the opportunity to have an independent appropriate adult present; local authorities must comply with their own guidance when carrying out the assessment; if the circumstances of the case are such that the individual is being reassessed (for example, they are undergoing a second age assessment), it is preferable for those who undertook the first assessment not to take part in the second; except in clear cases (where it is obvious that a person is under or over 18 and there is normally no need for prolonged inquiry), those who are assessing age cannot determine age solely on the basis of the appearance of the claimant.

The way the young person was informed of his age assessment was that he was asked to give his date of birth at the beginning of the interview and gave a birth year of 2004. The interviewer then informed him that he had been assessed by a CIO as over 25. The young person looked very surprised and pointed to his thin arms and his lack of facial hair. The interviewer responded that he had a small mustache, and then reassured him that he could try to challenge the age assessment by approaching his local authority in the future. The interviewer also said under his breath to UNHCR, "I definitely think you are a young adult, but 25 I am not sure." None of these exchanges were recorded in the interview record and there is no record that the interviewer raised his concerns with the CIO, as he had suggested he would in such a situation.

Home Office records show that in April 2022, an age proforma²¹⁹ was forwarded to the Home Office by a local authority social worker confirming that an age assessment had been conducted and his year of birth determined to be 2004. The young person was then accepted as a child and his year of birth changed on Home Office systems.

CASE STUDY TWO

A child of 17 arrived by small boat on 01 July 2021 and was assessed as clearly over the age of 25 by an immigration officer. Notes on Home Office databases created on 01 July 2021 at KIU read:

During the initial collection of information, the applicant stated that he was 17 years of age. CIO [name] was minded that the applicant is older than 17 years of age. My initial instinct was also that the applicant is significantly older than 17. I was able to compare him against other applicants in the holding room. Based on his size, hair, skin, behavior and my experience I was not satisfied that he is the claimed age. Based on the assessment I am in agreement with CIO [name] that the applicant is 25 years of age [....] Age Dispute Flag raised on CID.

He was transferred to Yarl's Wood Immigration Removal Centre, where the Detention Gatekeeper's Detention Review the following day contained the entry "Age Dispute Case? No". His screening interview was conducted by telephone by a member of the Liverpool Asylum Team. He said he had a "mental health condition", had "suffered a lot through my journey", including by being tortured, and had nightmares, dizzy spells and black outs. He also said he had a brother in the UK. Paperwork authorizing his detention was created following his interview, but dated the day after that, when he was released. Notes on the file that day read "No safeguarding issues", although three days later, a safeguarding flag was raised on the basis of his screening interview and the Home Office emailed the accommodation provider to ask for a welfare check. Following an age assessment in October 2021 by the local authority, the Home Office accepted that he was 17. He was treated as a minor at his asylum interview in June 2022 and granted asylum the following month.

The age assessment proforma is a summary of a local authority age assessment provided by the local authority to the Home Office. The form should contain information required by the Home Office to ensure that a comprehensive age assessment is case law compliant. Home Office, Assessing Age (n 213), p. 35

XXV. RECOMMENDATIONS REGARDING INITIAL AGE ASSESSMENTS BY IMMIGRATION OFFICERS²²⁰

- (i) Given the clear risk of error, withdraw the power given to Immigration Officers to assess the age of young people at ports of entry (and treat them as adults) based on their physical appearance and demeanor alone. Instead ensure that all individuals claiming to be children, but about whom there are serious doubts about their age, are referred for a more comprehensive social work-led assessment.
- (ii) Notwithstanding the recommendation above, and whilst the appearance and demeanor assessments continue:
 - (a) Return the threshold for not having to conduct a formal age assessment to when a person appears to be significantly over the age of 25.
 - (b) Provide a mechanism which ensures that all individuals assessed as adults through this process are provided with clear information about how to challenge the decision and how to approach their local authority asking to be treated as a child.
 - (c) Create policies and procedures that enable and encourage staff to raise concerns about visual age assessments that they have reason to believe may be incorrect.
- (iv) Record and publish data on those claiming to be children and considered by immigration officials to be over 18 years old and the number of those subsequently accepted as children after a full age assessment.

Welfare interview and routing

358. Current Home Office Policy is that unaccompanied children have a welfare interview, rather than a screening interview.²²¹ This is partly because children cannot be interviewed about the substance of their asylum claim in the absence of a parent, guardian, representative or other adult independent of the Home Office.²²² The *Children's asylum claims* guidance explains that the welfare interview is:

to obtain information that is necessary for a meaningful booking-in process, including bio data and information relating to the child's needs and welfare concerns. It cannot be used to examine the basis of the claim for asylum.²²³

Nevertheless, children are asked in the welfare interview "Why did you come to the UK?" and their response can be recorded. From this, the interviewer can record whether a claim for asylum has been made or not. 224

358. UNHCR observed seven welfare interviews of unaccompanied children. These took place at KIU (3), Croydon (3) and Belfast (1). UNHCR also spoke to staff conducting the interviews. Three of the children had arrived by small boat, one had arrived by lorry, one concealed in a car and one on a visa to join his brother in the UK. Their nationalities were Iranian (3), Sudanese (2), Afghan (1) and Eritrean (1).

²²⁰ These recommendations draw both on the observations set out in this report and on UNHCR's previous study, "A refugee and then...": Participatory Assessment of the Reception and Early Integration of Unaccompanied Refugee Children in the UK, June 2019, available at: https://www.unhcr.org/uk/publications/legal/5d271c6a4/a-refugee-and-then.html

²²¹ The current welfare form in use is attached at Annex F.

²²² As specified at paragraph 352 of the Immigration Rules, available at: https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum

²²³ Home Office, Children's asylum claims, Version 4.0, p. 31, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947812/children_s-asylum-claims-v4.0ext.pdf

The guidance further states that "asylum decision makers must never rely on information obtained from an interview when no responsible adult or legal representative is present unless this information has also been explored and raised with the claimant during the substantive asylum interview in the presence of a responsible adult or legal representative. The child must be given an opportunity to explain any related issues or inconsistencies." Ibid. Whilst the policy restricting the use of the children's welfare interview as part of an asylum decision may appear, at first glance, more restrictive than in adult cases it would appear that information in the welfare interview can be used so long as the issue is covered in the substantive interview and that inconsistencies are put to the claimant (children having the added safeguard of having to be interviewed in relation to their asylum claim with an independent representative present.)

359. Whilst the welfare interview has different objectives and questions from the adult screening interview, many of our findings were similar. These include findings in relation to the accuracy of the record, use of interpreters, identifying and responding to vulnerability, issues in collecting travel history, and ending the interview. In this section we highlight some of the issues specific to the welfare interview identified during our observations.

CASE STUDY: WELFARE INTERVIEW - CHILD FRIENDLY MANNER

UNHCR observed one welfare interview where the officer conducting the interview took great care to conduct the interview in a child-friendly manner.

The interviewer introduced herself and set out the purpose of the interview clearly, confirming understanding regularly throughout the interview and on more than one occasion, saying, "please ask me questions any time as we go". Even though the claimant spoke good English, an interpreter was arranged and the claimant encouraged to speak through the interpreter if he wished.

Interviewer: My name is [...] and I work for the Home Office. I want to ask to some questions to make sure you are ok, that you are feeling ok and some questions about how you got here today.

Interpreter: [after speaking with Claimant] I think he understands English.

Interviewer: [to interpreter] Ask him anyway, so we have real clarity.

The claimant was visibly anxious (looking down and keeping his hands into his chest), perhaps because he had been separated from his family en route to the UK. The interviewer tried to put the claimant at ease before the interview started by saying that social services would very soon be supporting him to reconnect with his family. At the end of the interview, the claimant asked whether he would be able to go to school in the UK and the interviewer responded with a clear and reassuring response that he would be able to go to school and explained who to speak to for more information.

- **361.** Whilst some interviewers were friendly and approachable in their manner, the majority of the welfare interviews were conducted in an emotionless tone. Only in one of the seven welfare interviews did UNHCR observe the interviewer introduce themselves and explain the purpose of the interview (the case study above).
- 362. In some locations, officers conducting the interviews wore Home Office uniforms of dark blue shirts with epaulettes showing their rank, dark blue trousers and in KIU military style boots. By contrast, although we did not observe welfare interviews at airports, one Safeguarding and Modern Slavery (SaMS) officer at an airport described specific steps she would take to put children and young people at ease, such as "debranding" taking off her epaulettes, belt and handcuffs or putting on a hoodie or her own coat to cover her uniform. In some cases, the officer explained that "less imposing" officers would be allocated to interview children "so, not a 6 foot bald man". With young children, she said you can draw or take in a toy. In terms of techniques to use with older children or vulnerable adults, she mentioned taking things "at their own pace" and offering breaks.
- **363.** The welfare interviews we observed ranged from 15 50 minutes with an average time of 33 minutes. We spoke to two staff members at KIU who agreed that they could do 10-15 welfare interviews a day, if needed. It was positive to note that some children were offered water and breaks between questions even in relatively short interviews.

- 364. In Croydon, UNHCR observed a remote welfare interview. This is where the child is required to travel to the Home Office in Croydon, but the interviewer and interpreter are offsite and the interview is conducted by telephone. We were told this was done in situations where staff properly trained in working with children were unable to attend the screening location on the day. Staff explained that for remote welfare interviews the child first meets with an officer who conducts a "meet and greet" where they verify the child's name and date of birth. The officer also notes anything about the child's appearance or demeanor which they might want the remote interviewer to focus on. UNHCR was unable to observe these initial interactions, but we were told they are conducted without an interpreter.
- 365. For the remote welfare interview, the child sits in a room with their social worker while the interviewing officer and interpreter join by speakerphone. On the day UNHCR visited, there were numerous technical difficulties in connecting with the phones of both the interpreter and interviewer. This was particularly disruptive because when the phone line would drop there was no Home Office staff member in the room to help resolve the issue and the child and social worker would need to wait until a member of staff facilitating the calls onsite came back to the room.
- **366.** In the case study above, UNHCR observed the interviewer responding to the child claimant's visible signs of distress by reassuring him about the possibility of reconnecting with his family. However, when interviewing children remotely by telephone, where neither the interviewer nor the interpreter are physically present, a child's particular vulnerabilities, needs and any signs of distress may be easily missed. As the *Children's asylum claims* guidance notes, these challenges exist even in video interviews. Given that a core purpose of the welfare interview is to identify welfare and trafficking concerns, there is very limited value for the child in conducting the welfare interview remotely by telephone, especially in situations where a child already has a social worker (and possibly a foster carer and/or guardian).

Welfare interviews – basis of claim

367. In Kent, despite instruction in guidance to the contrary, the basis of the asylum claim was in some cases explored, with interviewing officers asking supplementary questions about the asylum claim and recording answers on the welfare form. See below for one example from a booking / welfare interview at KIU:

UNHCR record of interview

Interviewer: Why have you come to the UK?

Claimant: I converted my religion in Iran and I was wanted.

Interviewer: Who was you wanted by? [several questions asked by interpreter]

Claimant: They found out about it because I used the internet and they came to arrest me.

Interviewer: OK, who's they? [Several Qs asked by interpreter, not interpreted]

Claimant: I was not at home. The police went to the house. I was not there. They took my computer and my USB.

Recorded on welfare form

Interviewer: Why have you come to the UK?

Claimant: I changed my religion in Iran, and I was wanted. The police went to my house and took my computers and USB's. They found out about my religion, so I had to leave.

368. In none of the welfare interviews in the file audit, by contrast, was there any indication that the basis of the claim had been explored.

- **369.** As in adult screening interviews, a significant proportion of the welfare interview is spent collecting details about the child's journey to the UK, and the questions about the journey are usually handed over to the interpreter to discuss all the details and then come back to the interviewer.
- **370.** Many interviewers do not appear to spend time exploring answers to questions even when these raise possible safeguarding issues. For example, in the following exchange:

Interviewer: just to clarify are you expected to work to repay that money [money for the journey to the UK]?

Claimant: Definitely

Interviewer: [again] Are you expected to work to repay that money?

Claimant: I don't know maybe it has been repaid

- **371.** In this case, the interviewer asked the same question twice, and once they had received a less worrying answer, they moved on, rather than clarifying the discrepancy between the two responses. This approach presents a risk that is heightened when interviewing a child.
- 372. In one case, a child said he had spent a year in Libya on his way to the UK. When UNHCR asked the interviewer after the interview whether this might raise concerns that the child might have been trafficked or otherwise exploited, the officer noted that they were no prompt questions on the children's welfare form to explore such issues. The interviewer said that she thought someone had brought the claimant to the UK, but that was based on "mother's intuition" and she was not able to identify other flags that might suggest that a child had been subjected to trafficking or other exploitation. No safeguarding referrals were made.
- 373. In Croydon, UNHCR observed a child welfare interview being conducted by an officer without any training in interviewing children and who had not familiarized themselves with the basic facts of the claimant's immigration history. There was no deviation from the script even though many of the questions were irrelevant, as the claimant had arrived on a visa that had been granted to allow him to join a brother in the UK who was a recognized refugee.
- 374. In some cases, very obvious immediate welfare issues were not addressed by officers during the interview. In one case, the interviewer asked a child when they had last eaten (which is one of the questions on the form), and the child responded that while in the Short Term Holding Room at KIU he had only eaten biscuits and had not received any proper food. The interviewer then moved onto the next question and did not explain to the child at least during the interview how or when he would receive food. In another case, when a child noted they had been separated from their family en route to the UK from a European country, the interviewer neglected to collect the names of the child's parents and siblings.
- 375. Seven of the 50 files selected for audit were of children whose age had been accepted, and who were given a welfare interview; an eighth involved a young man whom social workers at KIU had assessed to be 21, but who was treated as a child pending a longer age assessment by a local authority (which later confirmed the assessment made at KIU). One interview was conducted face-to-face and two by telephone, while in two cases parts of the form were filled out on the basis of written information provided by the social worker and the other sections were left blank. In the three other cases, it was not possible to tell from the file how the interview was conducted. In one case, consistent with the interview we observed above, the child was asked all of the pro forma questions about who arranged and paid for his travel, even though he had entered the UK on a student visa in order to attend boarding school.
- 376. In Scotland, UNHCR spoke to the Scottish Refugee Council, where children's welfare interviews are held, and to the Scottish Guardianship Service. We were told that welfare interviews are conducted up to several months after children have been placed in local authority care. In these situations, it was unclear to UNHCR what benefit the welfare interview would have to a child as it is principally designed to understand a child's

²²⁶ It may have been that the officer followed up after the interview with contractors looking after the child in the STHR, but UNHCR did not observe any follow up or discussion with the child during or after the interview. In UNHCR's view, it would have been easier to address this issue with the child during the interview while the interpreter was on the phone and to clearly establish with the child that the purpose of the interview was to ensure his welfare.

immediate needs, which will likely already have been taken care of by social workers and guardians. When the child has been settled for several weeks or even months, moreover, questions on the standard welfare interview such as "Is anyone expecting you in the UK?" or "Do you know the address of anyone in the UK?" do not make sense. Stakeholders told us that these questions understandably confuse children and can make them lose trust in the process. In the view of stakeholders, the only benefit of the welfare interview is that it starts the registration process that leads to the issuance of an ARC card and the possibility of registering with schools and with the NHS. Guardians and lawyers working directly with asylum seeking children told UNHCR that it was rare that the Home Office feeds back valuable information about a child's welfare to the social worker or guardian following the welfare interview, though the guardian said they have seen "the odd case" where the Home Office refers a child into the NRM as a potential victim of trafficking.

377. Perhaps consistent with the fact that unaccompanied children are placed in the care of social services, we did not observe any safeguarding referrals being made by Home Office staff following the welfare interviews in the file audit.

CASE STUDY: WELFARE INTERVIEW - NOT CHILD FRIENDLY

UNHCR observed a welfare interview of a child conducted by an officer who said that they had had no training in conducting welfare interviews.

The manner of the interviewer was abrupt and unempathetic. The child's immigration file was on the windowsill behind the interviewing booth, and the interviewer had not consulted it prior to the interview. The officer showed no flexibility and insisted on going through each question even where it was clearly irrelevant or the information was already known to the Home Office. The child looked unhappy or disengaged during most of the interview and was either staring at the ceiling or, when speaking to the interpreter, looking at the telephone.

The child had entered the UK from a third country, where he was living as an unaccompanied child refugee, in order to join his elder brother, who had refugee status in the UK. He had applied for and been granted a visa outside the rules for this purpose, and his solicitor reported during the interview that they had arranged for his travel and a charity had paid for the ticket. The interviewer nonetheless read through all of the trafficking and exploitation questions, including who had arranged and paid for the claimant's travel, whether he had been promised anything to come to the UK, whether he had the details of anyone in the UK, and whether he was in contact with his brother in the UK. UNHCR was unable to identify the purpose of these questions.

Most of the interview was devoted to recording the details of the claimant's siblings and his relationship to them, even though this information would have been part of his visa application. The child was given no explanation as to why they were going over this information again. When asked by UNHCR afterwards, the interviewer explained that the questions were necessary because no information could be carried over from the child's visa application to his asylum application.

Evidence offered by the solicitor was not recorded, including the key facts that the law centre had arranged the travel and a charity paid for the ticket. The interviewer expressed the view to UNHCR afterwards that solicitors are not allowed to speak during interviews, even in children's cases. This is in contrast to published guidance which sets out circumstances where it may be appropriate for the legal representative to intervene where the child "clearly does not understand the questioning".²²⁷

The interview took place in a booth designed for adult interviews. Present in the small space were the claimant, his foster carer, his interpreter and his solicitor. His solicitor was sitting on the floor.

There were significant inaccuracies in the official record of the interview. These included the omission of the evidence given by the solicitor, as mentioned above, as well as the fact that the form recorded that the claimant said he had not understood the questions but contained no details as to what had not been understood. In fact, it was the solicitor who had advised that there had been some misunderstanding about how many half siblings and full siblings he had on each side of the family, because he was including himself in the numbers. The form also recorded that the child had had a local authority age assessment, but there was no record of this on CID. The form stated that the Home Office interpreter was present in person, but he was not.

At the end of the day, UNHCR spoke with the legal representative, who reported that they had been waiting for several hours both before and after the interview and were unable to get an update from anyone as to the reason for the delay.

XXVI. RECOMMENDATIONS REGARDING THE WELFARE INTERVIEW

- (i) Review the need for full welfare interviews where a child is already in the care of a local authority.
- (ii) Train screening officers who interview children on child-friendly interviewing techniques and the purpose of the welfare interview.
- (iii) Cease the practice of conducting welfare interviews remotely. If children are required to attend the Home Office for registration, an in-person welfare interview should be arranged instead.

Children – referral to local authorities

- **378.** In locations where it was possible for unaccompanied children to walk in to register an asylum claim, they often had to wait extended periods for social workers to come and collect them.
- 379. In one location, children's services had sought an MOU with the Home Office screening team to allow a legal representative or guardian to be present during the welfare interview. However, the Home Office had resisted this on the basis that this would extend the time the child might have to wait and that the law and guidance allowed the welfare interview to take place without a legal representative. According to the Home Office, the catalyst for the MOU had been allegations that Home Office staff had told young people to say they were over 18 as it would mean they could be "released" from the screening process earlier. UNHCR was not able to find information which would substantiate these allegations.
- **380.** In contrast to this approach, at Gatwick airport, staff explained that they never do a bag search, fingerprint or conduct a welfare interview for a child without an appropriate adult present. This adult may be from social services, from Gatwick Airport Liaison ("GALs") that provides DBS-checked adults with appropriate qualifications, or the airport chaplain.

- 381. In Belfast, UNHCR was present when Home Office staff dealt with a local authority on the phone who were requesting that the Home Office provide their opinion on whether an individual was really a minor. This was frustrating for the Home Office screening staff who did not see it as their job to assess age and recognized their lack of expertise in doing so. Other Home Office staff expressed frustration at local authorities who would not conduct age assessments even where the Home Office had doubts about a person's age.
- **382.** UNHCR observed confusion from screening staff over whether they needed to notify local authorities about the arrival of children in families (accompanied children). This is despite clear Home Office guidance that local authorities should be notified of all asylum-seeking children:

Home Office staff must always notify the relevant local authority children's services contact of the arrival of an asylum-seeking child in their area, whether accompanied or unaccompanied, or intending to join family, at the earliest possible point so that the local authority can consider the best course of action for that specific case.²²⁸

- 383. The guidance further sets out that screening staff should seek documentary evidence relating to the adult's identity and their relationship to the child. If there is such evidence, the officer is required to notify the local authority of the child and their relationship to the adult. If there is no evidence, they are also required to notify the local authority "to take appropriate action." (Presumably, for the local authority to satisfy themselves of the relationship between the adult(s) and child and follow up accordingly).
- 384. UNHCR observed a "walk in" interview with a woman and a young child, both undocumented. The woman described the young child as her niece and this was accepted without question by the interviewer. Although UNHCR observed no contraindications regarding the woman's relationship with the child (who seemed relaxed and happy in her care), no questions were asked about their relationship including how and when the child came into the woman's care. When UNHCR later asked why they had accepted the family relationship, the screening interviewer said that they had to accept at face value what they were told. Indeed, as noted above, guidance does not suggest that officers should explore relationships, only directing that in cases where no documentary evidence is available the child should be referred to the local authority to take appropriate action.
- 385. The woman and child were then sent to initial accommodation without a full screening interview, on the grounds that the child needed to see a GP about a medical issue and therefore they could not be kept waiting until an interview room became free. No referral was made to social services. During a follow up interview, the staff informed UNHCR that they had been criticized by the local authority for not referring the case to them. The staff defended their actions by saying that they had no obligation to refer cases to social services unless they had concerns for the welfare of the child; however, this demonstrates a misunderstanding of published guidance.

XXVII. RECOMMENDATION REGARDING ACCOMPANIED CHILDREN

(i) Clarify in guidance, training and refresher training that screening staff are required to notify local authorities of the arrival of all children, including children in families.

²²⁸ Home Office, Children's asylum claims (n 223), p. 27. The guidance also makes clear that Home Office staff must make referrals to the local authority at all stages of the asylum process if there are safeguarding issues for a child. Ibid., p 30.

PART TWO: THE RESPONSE TO SMALL BOAT ARRIVALS

- **386.** As noted above, the numbers of individuals and families seeking to reach the UK on small boats from mainland Europe has increased significantly since 2020. According to figures published by the Independent Chief Inspector of Borders and Immigration (ICIBI) in July 2022, 286 people reached the UK in this way in 2018, 1,834 in 2019, 8,486 in 2020 and 28,526 in 2021.²²⁹
- 387. In finalizing this report, UNHCR has benefited from the reports of independent inspections carried out at roughly the same time: HM Chief Inspector of Prisons (HMIP)'s unannounced inspections of Tug Haven, KIU and Frontier House on 8 October and 1-3 November 2021,²³⁰ the Independent Chief Inspector of Borders and Immigration (ICIBI)'s inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil, December 2021 January 2022,²³¹ and two reports by the Independent Monitoring Board, setting out findings made in August 2021²³² and October 2021.²³³ Although these reports used different methods and focused on particular aspects of processes and conditions, many of their findings broadly overlap with ours, as noted in the footnotes. They also contain important findings on matters that were outside the remit of the UNHCR audit or that we could not examine in as much detail. However, unless noted in the text or footnotes, all of the observations and findings in this report are based on UNHCR's direct observations, conversations with staff, and review of Home Office records.
- 388. In 2021, 91% of those who arrived by small boat were brought ashore by Border Force or the Royal National Lifeboat Institution (RNLI) after being intercepted in the Channel, while the remaining 9% came ashore in their own vessels.²³⁴ According to Border Force staff we spoke to, the vast majority of the latter sat down on shore and waited to be taken into custody; the few who attempted to make their own way further inland were normally spotted by police or drones and intercepted.
- 389. ICIBI has published preliminary figures for the nationality, age, and gender of the 15,614 people recorded by the Home Office as arriving by small boat between September and December 2021.²³⁵ The top ten nationalities were Iran (36.7%), Iraq (29.2%), Syria (9.4%), Eritrea (6.3%), Afghanistan (6%), Albania (4.8%), Sudan (2.4%), Kuwait (1.9%), Vietnam (1.6%) and Egypt (1.6%). 89.9% were male. The overwhelming majority were recorded as being between 17 and 40 years of age, and a significant number of these were teenagers or young adults.²³⁶ Given the number of times a young person's age may be recorded, assessed, or amended, and the lack of clear records (particularly in regard to those who claim to be under 18 but are assessed as over 25 after a visual assessment by Immigration Officers), it is difficult to estimate how many were older children.
- 390. The immediate response to small boat arrivals is the responsibility of the Clandestine Channel Threat Commander (CCTC), with day-to-day operations at both KIU and Tug Haven under the direction of Bronze Commanders.²³⁷
 One of CCTC's five responsibilities is "to ensure all identified arrival events are attended, people are controlled and processed securely and safely, with the integrity of UK Border security maintained."²³⁸

²²⁹ The Home Office's response to these arrivals has been the subject of a number of independent reports, including two by the ICIBI, two by HMIP, and three by the IMB. These are listed in Annex B. Each organization has used a slightly different methodology and made its own independent findings, in accordance with its mandate. UNHCR has read those reports and taken them into account both in the preparation and completion of this report. Where specific information is drawn from the reports, it is referenced in the footnotes. Otherwise, this account draws entirely on UNHCR's own direct observation, conversations with Home Office staff, and review of Home Office records. The issue has also received considerable attention in the media and in Parliament, but we have not drawn on those sources for this report.

²³⁰ HMIP, Dover and Folkestone 2021 (n 200).

²³¹ ICIBI, Tug Haven and WJF (n 9).

²³² Independent Monitoring Board (IMB), Initial findings at the Tug Haven reception facility in Dover, August 2021 (Dover August 2021), published as an annex to the Annual Report of the Independent Monitoring Board at Dover Short-Term Holding Facility, For reporting years 01 January 2019-31 December 2020, available at: https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6baky0vo/uploads/2021/10/IMB-Dover-Annual-Report-2019-2020-FINAL-VERSION-including-annex-on-Tug-Haven-for-circulation-2021-10-01.pdf

²³³ Independent Monitoring Board, Report on Dover holding facilities: 11/10/21 (IMB, Dover October 2021), available at https://s3-eu-west-2.amazonaws.com/imb-prod-storage-10cod6bqky0vo/uploads/2021/12/20211110-report-on-Dover-facilities-final.pdf

²³⁴ ICIBI, *Tug Haven and WJF* (n 9), para. 4.2, p. 13.

²³⁵ As ICIBI noted, and consistent with our observations, preliminary records for nationality and age are often subject to amendment. ICIBI, *Tug Haven and WJF* (n 9), para. 2.18, p. 7 ("A review of Pronto records for all arrivals in November 2021 revealed basic biographical information was poorly captured, and 968 records had surnames which included numbers or symbols such as "#". Of these inaccurate records, 221 related to children."). See also, ibid, para. 5.41-5.42, pp. 30-31, para. 7.10, p. 47, para, 7.16, p. 49.

²³⁶ Ibid, Fig. 5, p. 14.

²³⁷ For a detailed breakdown of the management and command structure, see ibid, para. 4.13-4.17, pp. 17-18.

²³⁸ The other four relate to reducing the numbers of people attempting to reach the UK by small boat. They include: "Disrupt Organised Crime Groups", "Deny Crossings" and "Deter Migrants". Ibid, para. 4.4, p. 14.

- 391. People picked up at sea by Border Force or RNLI are disembarked at Tug Haven, in the Western Docks at the Port of Dover. When UNHCR first visited Tug Haven in late 2020, people arriving in small boats were processed in repurposed containers on the dock, before being taken to the nearby Kent Intake Unit, which is located in permanent premises a short drive away. By the time of our audit, the containers were used only for storage, while the initial welfare response and preliminary identity and security checks were conducted in a complex of marquee tents.
- 392. National Asylum Intake Unit (NAIU) works closely with the CCTC to register the asylum claims of people who have arrived by small boat, and allocate them accommodation. In addition to staff from Border Force, Asylum Operations, and Immigration Enforcement based in Kent, Home Office staff and police officers from all over the country may be deployed to support the small boat response, either in person or working remotely.
- 393. UNHCR directly observed the response to small boat arrivals at several stages:
 - (i) At Tug Haven, from the moment of disembarkation to departure for detention centres, short term holding facilities or hotels;²³⁹
 - (ii) At the Kent Intake Unit, where at the time of the audit families, children, and young people claiming to be children were detained in the Short Term Holding Facility (STHF)²⁴⁰ before being bailed to hotel accommodation; some of them were also registered, screened and (where relevant) age assessed before being released; and
 - (iii) At the Midlands Intake Unit, adjacent to Yarl's Wood IRC, where single men judged to be adults were routinely sent from Tug Haven for registration and screening.
- **394.** In addition, UNHCR listened in by telephone to screening interviews conducted remotely with men who had arrived by small boat and were detained at Yarl's Wood and Harmondsworth.
- **395.** Finally, although UNHCR did not observe this work taking place, in all of the other locations we visited, staff informed us that they regularly assisted with the screening of asylum-seekers who had arrived by small boat, normally by conducting screening interviews by telephone.
- **396.** UNHCR is aware that there have been significant changes to the small boat response since the time of the audit. These include:
 - (i) The opening of the Western Jet Foil site on the Western Docks in Dover, to replace the tents used at the time of our audit;
 - (ii) The opening of a new short-term holding facility at Manston, Kent, approximately 20 miles away; and
 - (iii) The enactment of section 40(2) of the Nationality and Borders Act 2022, which makes it a criminal offence for a person who requires entry clearance to arrive in the UK without it.
- 397. Nonetheless, we include our observations of the small boat process during the period of our audit, because we believe they may be relevant to the future progression of the asylum claims made during this period as well as providing useful lessons for the successor processes that are being put in place. Some observations are also relevant to the response to large-scale influxes in other areas, such as the increase in arrivals across the land border between the Republic of Ireland and Northern Ireland (where, although numbers are much smaller overall there is also a significant mismatch between numbers of arrivals and resources).
- **398.** Staff in senior management roles within NAIU reported a culture of crisis management with regard to the situation in Kent, with the approach being to move people away from the port as quickly as possible. In their view, this often meant shifting problems upstream in terms of identifying vulnerabilities and collecting accurate information about arrivals "it didn't matter where they went, what the policy said, or what the risks were".

²³⁹ On UNHCR's first visit in September 2021, 169 people arrived at Tug Haven, and on the second in November 2021, there had been over 400 by 4:00pm.

Staff at KIU told us that they had been instructed to refer to the facility as a Short Term Holding Room rather than a Short Term Holding Facility, for legal reasons. However, according to the Short Term Holding Facility Rules 2018, a Short Term Holding Room cannot be used for holding persons for more than 24 hours. Short Term Holding Facility Rules 2018 (STHF Rules 2018), rule 2, available at: https://www.legislation.gov.uk/uksi/2018/409/contents/made See the further discussion at paragraphs 441-447 below.

- 399. The facilities at Tug Haven included a large marguee tent in which most procedures were carried out (described in detail below), two separate tents where families, children and single women would be allowed to wait after preliminary procedures had been carried out, a separate mobile toilet block, two additional temporary structures for staff welfare and an office, and two stationery double-decker buses that could be used as additional holding spaces. The Western Jet Foil was under construction nearby.
- 400. Arrivals were filmed and live-streamed by members of the public who stood at a distance. Due to COVID mitigation measures in place at the time, all persons disembarking were wearing FFP1-type face masks. If the arrivals had not been required to wear masks, this would clearly have created a risk to their privacy and - depending on their profile and country of origin - to their safety or that of their relatives.²⁴¹

The intake process

- 401. Prior to entering the main tent, each arrival had been given a wristband with a reference number referring to the small boat on which they had been a passenger (called an event number) and a personal number (called a migrant number).²⁴² They wore their wristbands throughout their time at Tug Haven, and information collected was linked to their number and collated on spreadsheets.
- 402. At Tug Haven, the following procedures were carried out:
 - (i) Border Force officers told arrivals in English that they were under arrest. 243
 - (ii) They asked them their age and nationality.²⁴⁴ Age was determined by a staff member inviting arrivals to point to a number written on an A4-piece of cardboard at a desk near the entrance.
 - (iii) Names and nationalities were then entered into an Excel spreadsheet on a computer at the front desk; this spreadsheet could be accessed by Home Office staff in other locations via sharepoint.
 - (iv) Basic health checks were completed by Medevent, a commercial partner.
 - (v) A polaroid photo was taken by Border Force and attached to a pre-printed Form IS.91 authorizing the person's detention.
 - (vi) People were searched²⁴⁵ and then allowed to change into dry clothes in screened booths. Before changing, they were visually assessed for signs of injury, such as petrol burns.
 - (vii) Limited first aid was offered where it was seen to be needed (although UNHCR did not observe this during our visits, we were told by Medevent staff of their efforts to wash petrol burns).
 - (viii) Police or Immigration Enforcement officers checked individuals' fingerprints against existing databases on a "Grabba" tool, a hand-held device that can check fingerprints against some police and UKVI databases but not record them.
 - (ix) Using the "Pronto" (Police and reporting notebook organiser) app on their phones, IE officers asked adults a series of questions and created records for them on Home Office systems. The Pronto app is designed to be used to record and manage information related to in-country Immigration Enforcement visits. Questions were asked in English or with the help of a fellow passenger. On our November visit, we were told that one person had interpreted for 20-30 others that day.
 - (x) Staff at the initial registration table accessed the information recorded on Pronto and added it to an Excel spreadsheet of arrivals and by hand to IS.91 forms.
 - (xi) When all of these steps had been completed and staff and buses were available, single men were transported to Immigration Removals Centres for further detention and processing.
 - (xii) Unaccompanied children and young people claiming to be children but not assessed as being clearly over the age of 25 were transferred to the nearby Kent Intake Unit, where they were detained in a Short-Term Holding Room until they could be transferred to hotel accommodation.

²⁴¹ The IMB reported observing Home Office staff inviting asylum-seekers who arrived in July 2021 to shield their faces behind blankets as they were being escorted from a boat to the tent. IMB, Dover August 2021 (n 232), p. 33.

²⁴² For those picked up by Border Force, the wristband was attached at sea, and for those picked up by RNLI, it was attached upon disembarkation. UNHCR did not observe anyone removing or attempting to remove their wristbands and, as UNHCR observed wristbands being checked at every stage of the process, in our opinion any such attempt would have been likely to come to light before the person left Tug Haven.

²⁴³ HMIP reported that they were "informed, in English, that they could not leave". UNHCR did not observe this. HMIP, Dover and Folkestone 2021 (n 200), para. 2.3, p.11.

²⁴⁴ UNHCR did not observe names being asked at this point, nor did ICIBI. ICIBI, Tug Haven and WJF (n 9), para. 6.52, p. 45.

²⁴⁵ For a detailed discussion of Immigration Officers' search powers at Tug Haven, see HM, MA and KH. The High Court concluded that "As a general matter, the defendant [the Secretary of State for the Home Department] is entitled to use Paragraph 25B(2) [of Schedule 2 of the Immigration Act 1971] to search a person who has arrived by small boat." HM, R (On the Application Of) v Secretary of State for the Home Department [2022] EWHC 695 (Admin) (HM, MA and KH), para. 56, available at: http://www.bailii.org/ew/cases/EWHC/ Admin/2022/695.html.

- (xiii) In September, some families and single women had also been transferred from Tug Haven to KIU, where they had been held overnight before being transferred to hotels. In November, UNHCR was told by KIU staff that women and families were being transferred directly to hotels from Tug Haven.
- **403.** Between each of these steps, there could be considerable periods of waiting, depending on the number of arrivals. Senior staff at MIU said that 8-10 times over the summer, people arrived at the MIU after spending two nights at Tug Haven. We were told that the delay was often caused by lack of accommodation further in the reception system whether in hotels or IRCs or lack of transport.²⁴⁶
- 404. Information obtained during this process was accessible to Home Office staff at KIU and at the NAIU in Croydon. As we observed at both KIU and MIU, it could be entered into spreadsheets that could be checked by detention centres in real time; we were told at MIU that the completeness of the spreadsheets varied (see the discussion below at paragraph 461-463). In addition, the RHIB Support team at NAIU would, when possible, begin to take further necessary steps, such as creating files on Home Office databases, performing identity and security checks, and obtaining authorisation for detention from the Detention Gatekeeper.²⁴⁷
- 405. Arrivals were seated together with other passengers from the same small boat and moved along through the marquee as they completed various steps of the procedure. Families and single women would be moved to one of two separate women's and families' tents after they had been searched and changed, but they were not seated separately before then on either of UNHCR's visits.²⁴⁸ UNHCR did not observe that there was a separate holding or waiting area for single teenage males who claimed to be under 18.
- 406. No information was provided to individuals orally or in writing about the process at Tug Haven, next steps, or what to do in case of urgent needs or safeguarding concerns. Although there was an A4 laminated sheet of information (in Vietnamese, Urdu, Tigrinya (twice), Pashto, Dari, Arabic, Amharic, and English, in that order), pinned to the divider in the first holding area, staff did not bring it to anyone's attention, and no one was seen to consult it. As there appeared to be an understanding that arrivals should remain seated unless asked to come forward, moreover, it would appear unlikely that most people would have come close enough to it to read it.²⁴⁹
- 407. UNHCR was given inconsistent information about whether young people claiming to be under 18 were ever age-assessed at Tug Haven. If so, these would have been brief visual age assessments, based on a person's appearance and demeanor. Those accepted as under 18 should have been immediately treated as children and sent to KIU to be registered and have a welfare interview; those judged to be over 18 but not clearly over 25 should have been sent to KIU for a short, preliminary age assessment to judge whether they were under 18 or over 22. Those found to be clearly over the age of 25 were treated as adults and sent to immigration detention, potentially directly from Tug Haven. During UNHCR's September visit, senior staff we spoke to confirmed that age assessments by Immigration Officers were conducted at Tug Haven when officers from KIU had capacity to attend. However, we received conflicting information about whether this was happening in practice and during our November visit staff claimed that age assessments were never done at Tug Haven. The only age assessments by Immigration Officers UNHCR observed occurred on arrival at KIU.²⁵⁰

²⁴⁶ See also IMB, Dover August 2021 (n 232), p. 32.

²⁴⁷ For a discussion of the role of the Detention Gatekeeper, see note 261 below.

²⁴⁸ This is in contrast to the findings of the IMB in August 2021, which reported that "some sections [of the main tent were] being used exclusively for families and children" and "Families, children and women are generally kept separate from single male detainees." IMB, Dover August 2021 (n 232), pp. 30-31.

²⁴⁹ In addition, the information was significantly incomplete. It did not tell people that they were detained or under arrest, or that they might be detained, saying instead that "you will be brought to a holding area by the Home Office staff where we will ask you to confirm your identity nationality and age" and "after initial processing will be moved to temporary accommodation". People were urged to tell staff "immediately" if they spoke English, were in possession of a valid passport or other identity document, were part of a family unit, or needed baby milk, nappies or clothing for younger children, but there was no information about what to do in case a person had other needs or vulnerabilities or had been a victim of trafficking. The IMB reported in August 2021 that "from conversations with detainees at the Tug Haven and those who have then moved on to the Kent Intake Unit or Frontier House it is evident that many detainees are still confused about what is happening to them and sometimes where they are." IMB, Dover August 2021 (n 232), p. 31.

²⁵⁰ However, when HMIP visited Tug Haven in October and November 2021, CIOs told them that "that they did not use interpreters when carrying out age assessments and regularly based their decisions on quick visual appraisals that were often made in dark, noisy and crowded conditions", which suggest age assessments were being carried out in Tug Haven. HMIP, Dover and Folkestone 2021 (n 200), para. 2.22, p.17. By contrast, the IMB reported in August 2021 that "age assessments are now generally conducted at by Home Office social workers at the KIU, with age dispute cases now more routinely transferred to the KIU." IMB, Dover August 2021 (n 232), p, 31.

- **408.** The Kent Intake Unit contained Home Office office space, a Short-Term Holding Facility, interview rooms, facilities for taking biometrics, the offices of a small team of independent social workers, ²⁵¹ a separate waiting facility for children, run by the Refugee Council, and a non-detained waiting and recreation area for people awaiting transfer (called the Atrium).
- **409**. In addition to persons transferred from Tug Haven, KIU received a small number (2-4) of other clandestine arrivals every day. These were normally people who entered the UK concealed in a lorry.
- 410. Upon arrival at the KIU, as noted above, unaccompanied children and young people were assessed as under 18, over 18 but not clearly over 25, or clearly over 25 in a brief visual assessment of their appearance and demeanor, conducted by a Chief Immigration Officer in the presence of another Immigration Officer.
- 411. All arrivals were initially placed in the Short-Term Holding Room. After their biometrics had been taken and their claim registered, those accepted to be children were placed in the care of the Refugee Council until their welfare interview. Those whose age was disputed were age assessed by social workers. If assessed to be over 22, they were given a screening interview and if assessed as under 22, they were given a welfare interview. When accommodation and transport became available, they were dispersed by coach into Initial Accommodation in hotels in either Hythe or Hove, depending on their age.
- **412.** During our visits, UNHCR did not observe biometrics being taken, claims being registered or full or truncated screening interviews being conducted for single women or families detained at KIU. We observed families and single women being dispersed from the Short-Term Holding Facility into hotels.

Overall observations

- **413.** All staff were notably hard-working, dedicated and supportive of each other. They worked calmly and cooperatively under considerable pressure.
- **414.** Both at Tug Haven and the KIU, the physical infrastructure was clearly inadequate to deal with the numbers of people arriving.
- 415. Although staff at each separate stage of the process worked together as a supportive team, those working at different stages of the process sometimes expressed the view that they do not get enough support from other teams or were critical of the standards of their work.
- 416. There was a strong commitment to meeting arrivals' welfare needs, but the systems and resources in place were not well designed to support staff in achieving this. In addition, there is widespread doubt about the genuineness of arrivals' protection needs, as well as about adults claiming to be children. Staff spoke critically about the parents of young children having needlessly put them in danger.²⁵² It is a reflection of the professionalism of the staff that for the most part, people arriving at Tug Haven are nonetheless treated with respect, although sometimes curtly.
- 417. People arriving at Tug Haven were invariably treated as "illegal entrants", although they were not. Under British law, as noted above at paragraph 165, a person who arrives at a designated port of entry, such as an airport or seaport, and presents themselves to an immigration officer for inspection has not "entered" the UK at least until they leave the port or, if they are detained, until after they are released from detention.²⁵³

²⁵¹ At the time of our visits, they were contracted by the Home Office to perform "short form" age assessments onsite to decide whether a person was under 18 or over the age of 22. These assessments no longer take place, following the decision of the High Court in January 2022 that aspects of the assessments and the guidance under which they were carried out were unlawful. See, MA & Anor, R (On the Application Of) v Coventry City Council & Anor [2022] EWHC 98 (Admin) (19 January 2022), available at: https://www.bailli.org/ew/cases/EWHC/Admin/2022/98.html

²⁵² One Iranian man UNHCR spoke to at the short-term holding room in September expressed his anger that they had not been given "anything warm" on the boat for his son (who appeared to be between five and seven years old), and that he had told officers that his wife was "sick" but they did nothing. He said he was told, "You chose to come here." We also observed Medevent staff remove a baby from the care of its parents to address its welfare needs, with minimal communication with the parents, and while speaking critically amongst each other about the parents. Even after the baby had been changed into dry clothes, it was not immediately returned to the parents' care.

²⁵³ Section 11(1) of the 1971 Immigration Act defines entry to the UK as follows: "A person arriving in the UK by ship or aircraft shall for purposes of this Act be deemed not to enter the UK unless and until he disembarks, and on disembarkation at a port shall further be deemed not to enter the UK so long as he remains in such area (if any) at the port as may be approved for this purpose by an immigration officer, and a person who has not otherwise entered the UK shall be deemed not to do so as long as he is detained under the powers conferred by Schedule 2 to this Act or section 62 of the Nationality, Immigration and Asylum Act 2002 or on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016." Those released on immigration bail have also not "entered" the UK.

Thus, a person who presents themselves to an immigration officer at a designated port of entry and seeks asylum cannot be an "illegal entrant". This applies equally to persons who arrive at airports, either with or without a valid visa, and seek asylum at a Primary Control Point (PCP) and to those who are disembarked from small boats in the Channel and brought to port by Border Force or the RNLI.²⁵⁴

- 418. As the Court of Appeal pointed out in high-profile litigation in the course of 2021, the law on this point has been clearly established "for a considerable period of time". The Home Office guidance in effect during the period of this audit, Clandestine illegal entrants (v. 1, 11 May 2017), did not address the situation of persons rescued at sea directly, but did contain a definition of clandestine entrant, based on the Immigration Act 1971, that implicitly excluded them: "Clandestine means an action that is secret or concealed. For the purposes of immigration control a clandestine entrant is someone who requires leave to enter but has failed to present themselves to an Immigration Officer on arrival in the UK. Methods of clandestine entry include persons who: [...] come ashore at an uncontrolled point on the coast in a small boat [....]"
- 419. During the course of this audit, however, UNHCR observed that everyone who had arrived in Tug Haven was designated an "illegal entrant". They were routinely told they were being arrested and detained on the grounds of illegal entry. Other legal requirements for arrest and detention were not complied with; for the sake of brevity, these are set out in detail in the footnotes. These include: only exercising the power to arrest when lawful and necessary;²⁵⁷ identifying a lawful basis of arrest;²⁵⁸ informing the person that they have been arrested in a manner they are likely to understand and providing an appropriate caution;²⁵⁹ identifying a lawful basis for detention;²⁶⁰ authorizing detention on an individual basis in compliance with Home Office policies;²⁶¹ and informing people of the reasons they are being detained.²⁶²

- We were told by senior NAIU leadership that arrests were administrative arrests, made pursuant to Para. 17(1) of Schedule 2 to the 1971 Immigration Act. See also HM, MA and KH (n 216), para. 13. ICIBI states more specifically that the basis of the arrest is that the arresting officer "reasonably suspects that the person in question is liable to be detained under paragraph 16(2) of Schedule 2 to the same Act." ICIBI, Tug Haven and WJF (n 9), para. 4.20. p.19. However, this is not what individuals were told during our visits. Instead, they were being told they were being arrested for "illegal entry" to the UK; this was later confirmed to us by both frontline and senior staff as the basis for the arrest, and appeared as a matter of course in Home Office records and on paperwork issued to those later detained at the Midlands Intake Unit. As reaffirmed by the High Court HM, MA and KH, para. 47: "There is no doubt that the claimants could be arrested under Schedule 2, paragraph 17, since they were liable to be detained under paragraph 16, as persons liable to examination or removal. This had nothing to do with whether the claimants might have committed a criminal offence of illegal entry."
- 259 On our September visit, groups of arrivals were informed simultaneously and in English that they were under arrest for illegal entry. This took place as soon as they entered the tent. In November, individuals or family groups were arrested immediately prior to their medical tests. Examples of the forms of words used included: "You are arrested for illegal entry to the UK. Go see the lady over there [a Medevent paramedic who performed lateral flow tests]"; "You and your family, you're under arrest, OK?" (said to a man who it was obvious did not speak English, as there had already been several unsuccessful attempts to communicate with him about his young children) and "OK, bud, you're under arrest for illegal entry to the UK." This does not meet the legal requirements for the caution given upon either criminal or administrative arrest. See Home Office, Arrest and restraint (version 1.0 (n 257)), pp. 10 and 42. The current version of the same policy was published on 15 November 2021 and contains similar requirements for cautions at pp. 15-16 and 28-29. ICIBI has recorded similar concerns about the compliance of the arrests they observed with Home Office guidance, and reported that the Home Office review of the small boats process conducted in October 2021 shared similar concerns. ICIBI, Tug Haven and WJF (n 9), para. 5.3-5.4, p. 23.
- 260 Schedule 16 of the 1971 Act provides a range of powers to detain. Those that would appear to be relevant here include: 16(1) pending examination by an immigration officer under paragraph 2 (examination of a person who has arrived in the UK to determine whether they are a British citizen, may enter the UK without leave, have been given leave to enter, or should be granted it; and for the purposes of a medical examination); (2) if there are reasonable grounds for suspecting that a person is someone in respect of whom directions for removal may be given under paragraphs 8 to 10A (removal of persons refused leave to enter). 16(2) was unlikely to be appropriate, as the overwhelming majority of arrivals went on to claim asylum, and those claims would need to be determined prior to removal unless removal to a safe third country was possible (which was extremely unlikely at the time). However, we were told by senior Home Office staff that until late summer 2021, they had been detaining people under section 16(2), until advised by "legal colleagues" to rely on 16(1) instead. Other senior Home Office staff, however, were concerned that 16(1) is a "port power" and therefore cannot be used to detain a person who is being treated as was happening at the time as someone who has entered the UK. See footnote 309.
- As set out in the current Home Officed policy document, Detention: General Instructions, Version 2 (14 January 2022), p. 29, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1046288/Detention_General_instructions.pdf: "The Detention Gatekeeper (DGK) [is] as a Home Office immigration system function, working independently of . . . referring operational teams (for example Border Force, Immigration Compliance and Enforcement & others) [. . .] to ensure individuals only enter immigration detention where detention is for a lawful purpose and is considered to be a proportionate measure on the facts of the case. [. . . It] provides an element of independence into the detention decision-making process considers whether the decision to detain is both lawful and appropriate at the time it is taken protects potentially vulnerable individuals from being detained when it is not appropriate to do so reviews the detention of all individuals detained in the initial 24 hour period of detention"

 Although this paragraph was not contained in the previous version of this guidance in effect since 09 June 2021, its inclusion was intended to provide an explanation of an existing policy, not a policy change (see Version 2.0, p. 5).
- According to Section 55.6.3 of the Home Office Enforcement Instructions and Guidance (available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/system/uploads/system/uploads/system/uploads/system/uploads/system/uploads/system/uploads/system/uploads/system/uploads/attachment_data/file/992285/detention-general-instructions-v1.0.pdf) and Detention: General Instructions, Version 1.0, 09 June 2021), p. 25 (available at <a href="https://webarchive.nationalconders.gov.uk/government/uploads/system/uploads/s

²⁵⁴ In Kakaei, R. v [2021] EWCA Crim 503 (08 April 2021), available at: http://www.baillii.org/ew/cases/EWCA/Crim/2021/503.htm/ the Court of Appeal reaffirmed that a person who is brought to the UK by Border Force or the RNLI and disembarked at Tug Haven has not entered the UK within the meaning of the 1971 Act and cannot therefore be an illegal entrant (those who come ashore other than at Tug Haven (or another official port of entry) may, by contrast, have entered illegally).

²⁵⁵ Bani v The Crown [2021] EWCA Crim 1958 (21 December 2021), available at: http://www.bailii.org/ew/cases/EWCA/Crim/2021/1958.html. The court in that case "invited the Crown Prosecution Service to help us on how it came about that the law was misunderstood when investigating, charging and prosecuting these cases." [86] It also described the position that was taken by the CPS "a heresy about the law." [109]

 $^{256 \}quad At page 5. \ Available \ at: \ \underline{https://webarchive.nationalarchives.gov.uk/ukgwa/20220104222808/https://www.gov.uk/government/publications/powers-and-operational-procedure \ \underline{https://www.gov.uk/government/publications/powers-and-operational-procedure \ \underline{https://www.gov.uk/government/powers-and-operational-procedure \ \underline{https://www.gov.uk/government/po$

The criteria for when an immigration officer should effect a criminal or administrative arrest are set out in Home Office, Arrest and restraint (Version 2.0, 15 November 2021), pp. 8-10 and 28, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033868/Arrest_and_restraint.pdf The guidance in effect at the time our UNHCR's visits to Tug Haven was substantially the same on this point and came be found in Arrest and restraint (version 1.0 (n 257)), pp. 10 and 42. <a href="https://webarchive.nationalarchives.gov.uk/ukgwa/20211109142703/https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/537682/Arrest-and-restraint-v1.pdf pdf Version 2.0

420. Both in our direct observations and in our file review of 50 randomly selected files, we observed that everyone who had arrived at Tug Haven was later served with paperwork informing them that they were illegal entrants. This is incorrect as a matter of law, as noted above. In addition, these documents contained misstatements of fact as a matter of course. In spite of the fact that by the time a person arrives in Tug Haven, they will have been disembarked from the private RHIB vehicle on which they entered UK waters, and instead be onboard a Border Force or RNLI vessel, ²⁶³ they were routinely told that they had arrived in Tug Haven in a RHIB boat. They were also invariably told that they had not produced a travel document, although a small minority of them were in possession of travel documents. For example, men who were detained at MIU after being detained at Tug Haven were invariably issued paperwork stating:

You are specifically considered as an illegal entrant to the UK as on [date] you were observed in the Tug Haven being in a private vehicle namely a RHIB which had recently arrived in the UK from France. You could not produce any travel document or provide evidence of lawful basis to be in the UK. You have therefore entered in breach of S.3(1)(a) of the Immigration Act (IA) 1971.²⁶⁴

The documents served at KIU on those who had been sent to hotels contained similar language, ²⁶⁵ as did internal Home Office file notes. ²⁶⁶

- **421.** Some of the staff members we spoke to at MIU were aware of the litigation reaffirming that detainees who had arrived at Tug Haven were not "illegal entrants" and were profoundly uncomfortable about this issuing paperwork.²⁶⁷ There is also a clear risk that decisions based on mistakes of fact or law will continue to be subject to legal challenge²⁶⁸ and, where they are systematic and widespread, erode public confidence in the immigration system.
- **422.** UNHCR therefore welcomes the statement in the current Home Office guidance document, *Irregular or unlawful entry and arrival* (Version 2.0, 08 July 2022) that:

In all cases where a person has been intercepted and rescued under Saving of Life at Sea (SOLAS), and subsequently brought to shore by authorities, they technically do not "enter", but "arrive", and must be treated as arriving passengers.²⁶⁹

The clear implication of this policy is that persons disembarked at Tug Haven should not be informed that they are illegal entrants, or recorded in Home Office records as such. Following the passage of Section 40(2) of the Nationality and Borders Act 2022, however, they may now arguably be considered to have arrived unlawfully, unless they are non-visa nationals.

423. UNHCR did not observe the same error being made regarding individuals who claimed asylum at airports.²⁷⁰ In accordance with the 1971 Act, people who claimed asylum at an airport Primary Control Point were not treated as if they had entered the UK and were not served with any paperwork alleging that they had violated immigration law. Instead, they were served simply with a bail form, confirming the conditions on which they had been released from short-term detention at the airport and granted immigration bail. These were the same conditions as were imposed on those who claimed asylum on arrival at Tug Haven after their own short-term detention at KIU or an IRC, which suggests that there was no clear legal or operational need to designate the latter as illegal entrants.

²⁶³ The approximately 9% of small boat arrivals who come ashore in RHIBs do not do so at Tug Haven

²⁶⁴ MIU has created an Enforcement Papers checklist. This directs staff to enter the same form of words for all RHIB cases.

^{265 &}quot;You entered the UK in a private vessel (namely a RHIB) which had recently arrived in the UK from France on [date]. You could not produce any travel document or provide evidence of lawful basis to be in the UK."

[&]quot;On the information available I am satisfied that the subjects had recently entered the UK illegally without leave having arrived on a RHIB from France, and therefore had breached 3(1) and committed an offence under 24(1)a of the Immigration Act 1971."

²⁶⁷ For their further concerns about the lawfulness of procedures at Yarl's Wood, see paras. 465 - 472 below.

²⁶⁸ In addition to the cases of Kakaei (n 254) and Bani (n 255), see also See HM, MA and KH (n 239). This was a successful challenge to a blanket policy (since discontinued) of seizing and retaining the telephones of individuals who arrived by small boat, and requiring them to reveal their PIN numbers. The Home Office conceded that much of the policy had been unlawful on multiple grounds (para. 6) and the court indicated that the unlawfulness should have been clear. See para. 16 and para. 40 ("It has subsequently transpired that this exercise . . . was unlawful. It is not suggested that anyone involved actually knew this at the time, although none of the legal concepts involved is novel or recondite.")

²⁶⁹ Home Office, Irregular or unlawful entry and arrival (Version 2.0, 08 July 2022), p. 6, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091233/lrregular_or_unlawful_entry_and_arrival.pdf

²⁷⁰ However, at times the proper basis for short-term detention was not identified. UNHCR reviewed casefiles where it appeared that the Border Force officer believed that adverse conduct by the passenger was required in order to justify detention, where in fact they could have properly been detained to establish their identity and make a decision on whether to admit them. For example, a 6-year-old child's IS91R form stated "You have failed to give satisfactory or reliable answers to an Immigration Officer's enquiries" and another person was told they were being detained on the grounds of their "unacceptable character, conduct or associations", without any evidence of this.

XXVIII. RECOMMENDATIONS REGARDING THE LEGAL POSITION OF INDIVIDUALS WHO ARRIVED BY SMALL BOAT, BOTH PRIOR TO AND AFTER THE PASSAGE OF THE NATIONALITY AND BORDERS ACT 2022

- (i) Ensure that all SOPs, templates and other internal documents have been revised to reflect the fact that persons disembarked from Border Force or RNLI vessels are not illegal entrants.
- (ii) Ensure that staff involved in registering and processing their asylum claims have received refresher training on this issue.
- (iii) Publish cross-cutting guidance confirming that such persons are not illegal entrants and should not be considered as such under immigration, nationality or criminal law, in line with the new guidance on *Irregular or unlawful entry and arrival*.
- (iv) Reconsider the necessity and legality of determining whether a person has violated Section 24 of the 1971 Act immediately upon arrival.
- (v) Ensure that future arrivals are not recorded as having committed immigration offences except following an individualized legal and factual assessment.

Summary of observation at Tug Haven

- **424.** Staff at Tug Haven saw their role as responding to arrivals' immediate physical welfare needs and carrying out basic public safety checks. They took these responsibilities seriously, but were also driven to complete them as quickly as possible so that people could be moved on to somewhere more suitable for their needs.
- **425.** Nonetheless, we observed that the procedures in place did not allow for the identification or prioritization of immediate welfare needs. Arrivals including children waited for several hours in wet clothing, because they were not searched and allowed to change clothes until they had been "arrested", health checks were completed, their photograph had been taken, and the IS91 form completed. In September, everyone was given a blanket on arrival, but in November, only small children were. Everyone else had to wait until they had been searched and changed into dry clothes.²⁷¹
- 426. There was no effective screening for vulnerability at Tug Haven; we were told that the only vulnerabilities identified were highly visible ones. Examples we were given were of a man who had "stab marks" on his arm and said he had been attacked on the small boat, people with broken bones or petrol burns, or someone who was "profusely bleeding" or appeared confused or showing signs of dizziness. When giving examples of individuals who may be inappropriate for detention in an IRC, senior staff mentioned individuals with missing limbs or cerebral palsy.
- 427. We observed Medevent staff performing basic medical checks on every arrival. These included a COVID-19 lateral flow test, and a core temperature and oxygen saturation check using a pulse oximeter. None of these checks required verbal communication. We did not observe them asking questions about medical conditions or medication.²⁷² Some Medevent staff expressed to us their frustration at not having access to interpretation services, and their relief when one of their Home Office colleagues happened to speak Arabic.

²⁷¹ On our November visit, we saw a family with children under five prioritized, so that they were health-checked and moved to the women and family tent within an hour of arrival.

A family with two young teenage children (the boy gave his age as 13 when he was eventually processed) did not appear to be prioritized, and they were not processed until three hours after their arrival. During that period, they sat on a bench with all of the other arrivals, and in the wet clothes they had arrived in.

²⁷² This is consistent with ICIBI's observation that Medevent had "minimal verbal interaction with migrants" ICIBI, *Tug Haven and WJF* (n 9), para. 6.15, p.37 and "that Medics told inspectors that physical checks or symptoms were their main focus and anyone who did not 'look ok' was flagged to the Bronze Commander. The medics made it clear that they were not trained mental health specialists. During their 4 days onsite, inspectors observed minimal floor-walking by Medevent staff, and only one medic spoke to a family before the family left" Tug Haven. Ibid, para. 6.17, p. 37.

- **428.** People received a second visual welfare check when they were searched and changed into dry clothes, and Home Office staff felt that this provided a useful second opportunity for discovering vulnerabilities. UNHCR did not observe these checks for privacy reasons. To the best of our understanding, interpreters were not contacted and no specific questions were asked about vulnerabilities or specific needs.²⁷³
- 429. Shortcomings in the medical checks at Tug Haven were confirmed by staff at further stages in the reception process. The medic at KIU reported regularly seeing petrol burns that required treatment, and also mentioned the case of someone with a pre-existing knee injury in a "filthy" bandage. Staff at MIU reported regularly receiving detainees with undetected medical issues, including petrol burns and significant mobility issues; they also expressed concern about a vulnerable adult who could not communicate without the assistance of his brother, but whose relationship to the brother had not been recorded.²⁷⁴
- 430. Arrivals were not asked questions intended to elicit disclosure of vulnerabilities. Although the Pronto app contains a question regarding vulnerabilities, in the case we observed it was not asked.²⁷⁵ One Immigration Enforcement Officer we spoke to told us that they have been instructed to answer "no" to the question. They were comfortable with this both because there would already have been the limited medical checks mentioned above, and because they felt that disclosure was in any event extremely unlikely at Tug Haven, because there was no safe space there in which a person would be able to disclose sensitive issues.
- **431.** The biographical information collected at Tug Haven was largely incorrect or incomplete: staff at both Kent and Midland Intake Units told UNHCR that it is up to 70% incorrect.²⁷⁶ Front-line staff at Tug Haven volunteered that the record keeping there was "not great". The names collected were "invariably inaccurate", and family members "get mixed up" because adults are not asked if they are travelling with family. The main priority was said to be "national security, not taking accurate personal details".²⁷⁷
- 432. Staff said that they "don't know" who people are when they leave Tug Haven because all they have is a name from a "crib sheet" and a polaroid photo. They cannot take fingerprints; the Grabba tool (see paragraph 402 above) checks against the police and Home Office databases but cannot enroll fingerprints.²⁷⁸ Staff complained that the connectivity of Grabbas was temperamental, and one senior staff member at MIU said that there were so few Grabba checks recorded before men arrived at Yarl's Wood that they believed colleagues at Tug Haven "never take the Grabbas out of the box."²⁷⁹
- 433. This internal assessment of the unreliability of the records created at Tug Haven was confirmed anecdotally by records UNHCR was shown at MIU in which names were partial or appeared clearly misspelt, or contained special characters, ²⁸⁰ and of interviews observed both at KIU and MIU at which the person's name was misspelt or incomplete; in two cases, nationality was also wrong. ²⁸¹ One CIO at MIU showed UNHCR a case they had been tasked with, in which they were meant to screen a person who had been dispersed to a hotel after arriving at Tug Haven. The individual had no IFB (enrolled fingerprints), no police check completed and no photo on file. At that point the CIO said they would "walk away" from the case as it was not appropriate to conduct a screening interview where someone's identity had not been properly locked in the system. ²⁸² One IO told us they "hate hotel work" for this reason.

²⁷³ According to ICIBI, "no vulnerability questions are asked during the search." Tug Haven and WJF (n 9), para. 6.21, p. 38.

²⁷⁴ ICIBI reported that "Some of those sent to the Midlands Intake Unit at Yarl's Wood STHF had significant vulnerabilities ignored, including migrants with severe burns, wounds not covered or treated, an individual with a missing leg without a crutch, and a deaf individual who could not sign and had no method of communication without support. For those sent to hotels, the National Asylum Intake Unit (NAIU) confirmed that less obvious vulnerabilities would not be picked up until the asylum screening interview." Tug Haven and WJF (n 9), para. 6.48, p.44. The IMB reported similar oversights. IMB, Dover August 2021 (n 232), p. 34 and Dover October 2021 (n 233), pp. 1-2.

²⁷⁵ This is consistent with ICIBI's observations. *Tug Haven and WJF* (n 9), para. 6.23, p. 38 and para. 7.13, p. 48.

²⁷⁶ ICIBI reported that one operational manager estimated that 90% of names were inaccurate. Tug Haven and WJF (n 9), para. 5.41, p. 30.

²⁷⁷ As ICIBI has pointed out, however, this is a false dichotomy. ICIBI, Tug Haven and WJF (n 9), para. 2.17, p. 7.

²⁷⁸ ICIBI reports that there are now a limited number of biometric enrolment kits at the Western Jet Foil, although they also expressed concerns about their functionality. ICIBI (2022), para. 5.30-5.34, p. 29.

²⁷⁹ According to ICIBI, "Data provided by the Home Office showed that from 1 September to 14 December 2021, there were 4 incidents where Grabba and/or INK were slow or unreliable, affecting a total of 2,050 migrants." ICIBI, Tug Haven and WJF (n 9), para. 5.36, p. 29.

²⁸⁰ For ICIBI's analysis confirming that such errors were widespread, see ICBI, *Tug Haven and WJF* (n 9), para. 7.10, pp.47-48.

²⁸¹ An Afghan had been recorded as Iranian, and an Egyptian as a Syrian.

²⁸² On the following day the person was recorded on Home Office databases as having absconded.

- **434.** This high rate of inaccuracy was attributed by some staff to the fact that no professional interpreters are used at Tug Haven. As noted above, on arrival, people were asked to confirm their age by being shown an A4 piece of cardboard with the numbers 1-63 written on it.²⁸³ UNHCR observed several interactions in which we were not confident that the people being asked to point to their age understood what they were being asked. Nationality will normally have already been recorded on board, and in some cases individuals were asked (in English) simply to confirm this.
- 435. When electronic records were created on Pronto, we observed individuals being asked to enter some information into the app themselves (which relied on their presumed understanding of the questions and ability to operate the app), and then being asked questions in English or with a fellow passenger as an interpreter. Staff at MIU reported that for certain nationalities particularly Vietnamese the surname and first name were regularly reversed, in accordance with national practice, and that this required records to be amended and checks to be rerun.
- 436. Staff opinion was divided about whether it would be beneficial to work with interpreters. One front-line staff member queried whether the delay involved in taking the correct information through an interpreter would be in the best interests of staff or asylum-seekers, given the welfare risks in keeping people at Tug Haven for even longer. Senior staff members at both KIU and MIU, however, advocated for the installation of 5-6 Primary Control Point desks, with 5-6 interpreters in the main languages, and biometric kits.
- **437.** Some of the information collected at Tug Haven was irrelevant, as it is collected on the Pronto app, which was designed for use in the very different context of in-country enforcement visits.²⁸⁵
- 438. UNHCR did not seek to observe searches being conducted or recorded. However, UNHCR did observe that on at least two occasions, procedures with regard to evidence was not followed: in one case, an IE officer had retained the national identity document for one person in their pocket while creating Pronto records for others, ²⁸⁶ and on another, UNHCR observed that money (a 5 Euro note) had been placed in a young adult's sealed bag rather than returned to him.²⁸⁷
- **439.** Facilities were poor. Individuals spent most of the day waiting on rough wooden benches. In the main marquee, there was no place to lie down other than the narrow wooden benches. Some of the basins in the toilet block were clogged on both visits; in November, both basins in the male toilet were blocked up and UNHCR observed a man searching unsuccessfully for a place to wash his hands after using the toilet.²⁸⁸
- **440.** Lack of connectivity impeded staff's ability to carry out some security checks and create accurate records, and the lack of running water made the treatment of petrol burns more difficult and prevented detainees from washing.

²⁸³ ICIBI, Tug Haven and WJF (n 9), Photo 5, p. 63.

We observed this during our second visit in November, and an Immigration Enforcement officer told us that one person had interpreted for 20-30 others earlier in the day. UNHCR did not observe the use of "question sheets in different languages (including Amharic, Arabic, Dari, Persian, Pashto, Tigrinya, Urdu and Vietnamese)", which was observed by ICIBI. ICIBI, *Tug Haven and WJF* (n 9), para. 5.24, p. 26. Nor did we observe the use of "hand-held translation devices" mentioned by the IMB in their August 2021 report. IMB, *Dover August 2021* (n 232), p. 31.

²⁸⁵ For example, staff had to answer whether the person encountered had been the intended target of the enforcement visit.

According to policies observed by ICIBI, "Any PASSPORTS [sic] or National ID cards must be placed in an evidence bag clearly labelled up with M0 & individual # numbers and then handed to the Search Team Leader." They should then be passed to the Bronze Commander for storage. ICIBI, Tug Haven and WJF (n 9), para. 5.12, p. 24-25.

²⁸⁷ The Standard Operating Procedure (SOP) in place state that smaller amounts of cash should be recorded in a log book and returned to the individual. Ibid, para. 5.16. p. 25.

²⁸⁸ The IMB reported that on its October 2021 visit, "the male and female toilets (the male toilets in particular) were in an extremely dirty and messy state, with large piles of paper towels and toilet tissues overflowing around the sides of toilet bowls and in other parts of the floor, with faeces clearly visible". IMB, Dover October 2021 (n 233), p. 5.

XXIX. RECOMMENDATIONS REGARDING THE INITIAL RECEPTION OF INDIVIDUALS ARRIVING BY SMALL BOAT

- (i) Use on-site, in-person interpreters at Tug Haven (now Western Jet Foil) and Manston, to facilitate the collection of information both quickly and accurately and assist communication with medical staff.
- (ii) Carry out medical checks, searches and changes into dry clothes prior to the taking of photographs and the completion of paperwork.
- (iii) Even though it is now arguable that many people arriving by small boat may have committed the new offence of arrival without entry clearance, the legal and operational need to "arrest" all arrivals for an offence should be reconsidered, given the very significant difficulties in complying with basic procedural safeguards such as explaining the basis of the arrest in a way the person understands and the delay created in responding to immediate welfare needs.
- (iv) Introduce sufficient, reliable biometric registration kits to enable the biometric registration of claimants before they are released or dispersed.
- (v) Introduce officers trained in the recognition of non-verbal indicators of trafficking and vulnerability at frontline reception facilities; the use of SaMS officers at airports could provide a useful model.
- (vi) Develop a bespoke Minimum Viable Product interview app for use at front-line reception locations, to replace the Pronto App, and for use at Manston when required.
- (vii) Invest in the development of interoperable data collection mechanisms.

Summary of observations at KIU

- 441. At the time of our visits, the Short Term Holding Facility at KIU was used to detain young people awaiting age assessments, children whose age had been accepted but who had not yet been registered and screened, and a small number of individuals who had been brought to the to the screening unit via other Immigration Enforcements teams (for example, after being found in the back of a lorry in the port or the nearby area). In September, single women and families who had arrived at Tug Haven were also being held there pending transfer to hotels. We did not observe single women and children from Tug Haven being held at KIU in November.
- 442. We were told that when there was no further capacity to hold young people at KIU, they would be sent instead to Frontier House, in Folkestone, Kent. We did not visit Frontier House during this audit, ²⁸⁹ but staff at KIU said that this posed further challenges, as staff resources then needed to be split between the two locations.
- **443.** UNHCR learned from discussions with detainees and staff and from records held in the STHF that many individuals, including families with children, had been detained in STHF for many hours or overnight.²⁹⁰ According to a report published by HM Inspectorate of Prisons on 16 December 2021,

2,000 people, including over 700 unaccompanied children, had been held at KIU or Frontier House in the previous three months for an average of more than 26 hours. The longest detained person was held for over four days and the longest detained child had been held for over 90 hours.²⁹¹

²⁸⁹ For a description of conditions at Frontier House, see HMIP, Dover and Folkestone 2021 (n 200) and IMB, Dover August 2021 (n 232).

²⁹⁰ UNHCR did not systematically audit how long individuals had been held in the STHF.

²⁹¹ HMIP, Dover and Folkestone 2021 (n 200), p. 3.

Similarly, the IMB reports that in October, "Many of the detainees [at KIU] had been in the holding room for two days."²⁹² This would seem to indicate that the room should have been operating under the Short Term Holding Facility Rules 2018, which define a short-term holding room as "a short-term holding facility where a detained person may be detained for a period of not more than 24 hours unless a longer period is authorised by the Secretary of State".²⁹³ However, a number of the STHF Rules were not being followed, as noted below.

- 444. Other than during the initial induction and during formal welfare or screening interviews, UNHCR did not observe any use of interpretation services at KIU.²⁹⁴
- **445.** Most Mitie staff were observed to treat detainees with respect. However, UNHCR observed significant shortcomings to the induction and safeguarding procedures. These included:
 - (i) Group inductions, in which individuals would be interviewed with the aid of a telephone interpreter but in the presence of the group they had arrived with, limiting the opportunity for disclosure or identification of vulnerabilities;²⁹⁵
 - (ii) The routine retention of all arrivals' telephones and failure to offer the alternative means of communicating with family or legal assistance set out in written policies;²⁹⁶ on UNHCR's visit, several detainees including teenage children expressed significant distress at being unable to contact relatives in the UK.
 - (iii) Breakdowns of communication between detainees and staff; for example, detainees approached UNHCR about urgent medical needs that they had not brought to the attention of Mitie staff (and which were addressed promptly once raised), and Mitie staff pointed out to UNHCR that the detainees had declined to eat the food offered, but they could not understand the reason.
- 446. The short-term holding room has capacity for 56 detainees, but no space for sleeping. As a result, although there were enough seats for the number of detainees, it was overcrowded. Thin mats for sleeping were spread out between the chairs throughout the day, making moving around the room difficult.
- **447.** There is an adjoining family room, but it is only big enough to accommodate a few people at a time, and was being used as a sleeping area for women, rather than for families with children, leading to violations of the *STHF Rules*.²⁹⁷

²⁹² IMB, Dover October 2021 (n 233), p. 7

²⁹³ STHF Rules 2018 (n 234), rule 2. Rule 6(1) and 6(2) further provide that "a detained person must not be detained in a holding room for a period of more than 24 hours," although the Secretary of State may authorise this period to be extended "if the Secretary of State determines that exceptional circumstances require it."

²⁹⁴ This is consistent with what was observed by HMIP during the same period. HMIP, Dover and Folkestone 2021 (n 200), para. 3.8, p. 27.

²⁹⁵ See also, HMIP, Dover and Folkestone 2021 (n 200), para. 2.6, p. 12.

²⁹⁶ UNHCR observed that Mitie practice was to retain all detainees' phones throughout their detention at the KIU, and that information about alternative means of contacting family, friends or legal advisors was limited and inconsistent. Staff said they had stopped giving out mobilie phones to detainees because detainees would want to put in their own SIM cards, or would try to make international calls that were not permitted due to cost The printed advice provided in multiple languages in the holding room, is: "There may be a pay phone that you can use. If you require change or a phone card, please ask one of the holding room staff. If your mobile phone does not have photographic capabilities, you may be allowed to keep it with you. If you mobile has photographical capabilities, it will be confiscated whilst you remain in custody. However, you can ask the holding room staff for a mobile phone and use your own SIM card. If you are unable to make a phone call and need to make an urgent call for legal advice or to contact a friend or family member, you should ask a UK Border Agency Officer or a member of the holding room staff for a free phone call." Mitie staff showed UNHCR a leaflet giving out the number of the payphone in the holding room, and explaining in several languages that detainees could be contacted there. They also said that they would allow detainees to make a quick call from their phones in the induction room to give out this number; however, UNHCR observed an induction in which a young person asked if he could use a phone for 10 minutes, but was told that he could only have a phone call "after his interview with the Home Office if he didn't have any money". In September, UNHCR was approached by two Afghan teenagers who said that they had siblings in the UK and had asked to call them but had been told that they would only be able to do so after they had left the holding facility, Mitie also said that individuals were told during their induction that they could use a phone in the main holding room us

²⁹⁷ Mitie staff told HMIP that due to the limited space in the family room, families and children were not normally separated from the rest of the detainees. HMIP, Dover and Folkestone 2021 (n 200), para. 2.33, p.21. This violates rules 14 and 15(2) of the STHF 2018 rules, which provide, respectively that "Subject to rule 15 (families and minors), a detained person must be provided with separate sleeping accommodation from detained persons of the opposite sex." and "The following must be provided with sleeping accommodation which is inaccessible to unrelated detained persons aged 18 or over— (a)a detained person under the age of 18, and (b)a detained family."

Age Assessment

- **448.** UNHCR's concerns about the unreliability of visual age assessments carried out by Immigration Officers at KIU are set out above at paragraphs 348-355.
- 449. UNHCR does not have sufficient evidence to assess the reliability of the age assessments carried out by the social work team at KIU; there was one case in the file audit that involved a young man who had been found to be 21 by social workers at Kent but was treated as a child pending a more comprehensive age assessment. That later assessment confirmed the one made in Kent. However, in our meeting with them, the social workers at KIU seemed more concerned with identifying young adults claiming to be children than about safeguarding risks for children incorrectly assessed as adults. UNHCR observed one social worker challenging a young person's claimed age while walking down a corridor with him, and disclosing personal information at the same time, saying twice in a tone that could have been heard as comical or mocking, "But in Italy, you were over 18."

Children

- 450. Concerns about the detention, custody and care of children at KIU are set out above. They include:
 - (i) Children could wait many hours in the STHF, including overnight, before they had a welfare interview. This was often because they were waiting for an age assessment by a KIU social worker before having a welfare interview. This would appear to defeat the purpose of the welfare interview, which is designed to identify a child's immediate needs.
 - (ii) Those who were accepted as unaccompanied minors were not transferred to the space overseen by the Refugee Council until they had been booked in and fingerprinted; this could mean that they spent most of the day in a short-term holding facility;
 - (iii) Children were asked for details of their asylum claims during their welfare interviews, which is inconsistent with policy and caselaw.
- **451.** In addition, HMIP reported that relatively few safeguarding referrals were made regarding minors and expressed "concerns that child safeguarding referrals were not made when necessary." ²⁹⁸

Screening

- **452.** Where staff have capacity, they conduct full screening interviews at KIU. Where they do not have capacity, KIU staff conduct MVP interviews (see paragraphs 252 and 261-264 above).
- **453.** One screening officer described how sometimes due to a need to move people through the system they would conduct welfare or screening interviews in the middle of the night.²⁹⁹ The officer acknowledged the problem with this, asking rhetorically "How reliable is information gathered in the middle of the night going to be?"
- **454.** As at other screening locations, the full screening interviews we observed were professional. One screening officer was commendably compassionate and respectful. However, vulnerabilities were not properly explored and interviewers allowed interpreters to engage in extended discussions with claimants before translating only a brief summary.

²⁹⁹ See also Ibid., para. 1.22, p.8.

Vulnerability

- **455.** There is no practice of carrying out any proactive medical or welfare checks,³⁰⁰ except for welfare interviews for those accepted to be children.
- **456.** We were told by medics and other staff that when medical needs were brought to their attention, they sometimes struggled to access NHS³⁰¹ or social services care.
- 457. HMIP documented several cases in October and November 2021 in which significant vulnerabilities including histories of rape and trafficking were disclosed but there was no evidence of appropriate support being offered or safeguarding referrals made.³⁰² HMIP also found that "Safeguarding data did not appear to reflect the level of vulnerability of detainees," noting that in the three months to 08 October 2021, only 2% of adults detained at KIU were recorded as vulnerable, ³⁰³ a percentage that was "low compared to the numbers we normally see in immigration detention."³⁰⁴

XXX. RECOMMENDATIONS REGARDING SHORT TERM HOLDING FACILITIES IN KENT

- (i) If KIU, Frontier House or Manston detain people for more than 24 hours, ensure that the Short Term Holding Facility Rules are complied with, in particular with regard to proactive medical checks, access to telephones, and separate sleeping places for women and families.
- (ii) Ensure that there are officers with specific training in recognizing vulnerabilities in all shortterm holding locations, including Kent, Frontier House, and Manston.
- (iii) Ensure that all age assessments are carried out by officers with specific training and in accordance with published guidance (repeated from Recommendation XXV, above).
- (iv) Given the clear risk of error, return the threshold for not having to conduct a formal age assessment to when a person appears to be significantly over the age of 25 (repeated from Recommendation XXV, above).
- (v) Create policies and procedures that enable staff to raise concerns about visual age assessments that they have reason to believe may be incorrect.

³⁰⁰ Medical checks are not routinely done for people detained at KIU; although there is a medic present, they only respond to requests for assistance. They do not carry out checks proactively. We were clearly told that detainees are not normally given access to any prescription medication they are carrying with them, although the medic can prescribe alternative medication if necessary. The lack of a proactive medical check is inconsistent with rule 30 of the *STHF Rules 2018* (n 240).

³⁰¹ This is inconsistent with what HMIP was told during their visit, which was that "A TB pathway had been established by the paramedics at KIU and the local TB nurses, which was working well." HMIP, Dover and Folkestone 2021 (n 200), para 3.18.

³⁰² HMIP. Dover and Folkestone 2021 (n 200), para, 2.12-2.14, p. 16.

³⁰³ Ibid, para. 2.9, p. 14.

³⁰⁴ Ibid, para. 1.8, p.6.

Observations of onward processing of asylum claimants who had disembarked at Tug Haven

- 458. In early November, UNHCR visited the MIU, which is adjacent to the Yarl's Wood Immigration Removal Centre. Many of the single males who disembark at Tug Haven are detained at Yarl's Wood while their registration and screening is completed by MIU staff. As noted above, prior to 2019, the MIU mostly screened asylum-seekers and other clandestine entrants who had recently arrived in the country and been encountered by police or Immigration Enforcement. They continue to perform that function, and on the day of our visit, we observed the screening interview of a man who had entered the UK in the back of a lorry.
- **459.** However, since 2019, MIU has become an integral part of the screening process for single males disembarked at Tug Haven. This has transformed the nature of their work and dramatically increased their workload and working hours.
- **460.** Staff have risen to the challenge with fortitude, patience and dedication. They spoke to and about each other with respect, worked together flexibly and cooperatively, described routinely putting detainees' needs before their own by working very long hours, and spoke about detainees with patience and respect, even when describing challenging or frustrating behaviour (such as high rates of absconding in certain cohorts).
- **461.** As noted above at paragraph 431, staff expressed frustration with the very poor quality of the records created at Tug Haven. Their "conservative estimate" was that 70% of the information collected was incorrect. UNHCR was shown that day's share point spreadsheet of single males already en route from Tug Haven, and senior staff pointed out what they described as typical errors in the record:
 - (i) It contained names that appeared unlikely to be correct in the context of the recorded country of origin, such as "Blal" rather than Bilal;
 - (ii) The spreadsheet recorded that 98% of the detainees had been Grabba checked, but there were two people flagged as having matched a person on existing Home Office records, but where it stated "fingerprint needed to confirm" the identity. This would suggest that Grabba checks had not been performed in these cases;
 - (iii) Each person on each small boat was recorded as arriving at exactly the same minute, which, although is unlikely to be material, is not technically possible;
 - (iv) The minute of arrival was also given as the time that the IS91 had been served on the detaining agent; this is physically impossible, because the IS91 would not have been completed until some time after arrival (as described above);
 - (v) It was recorded that an IS91R had been served on each person already, but in fact it was one of the tasks of the MIU to complete and serve the IS91Rs after their arrival at Yarl's Wood;
 - (vi) One person had a note saying "Trace, may be violent, may possess weapon", which was hard to understand with regard to a person who had recently been searched;
 - (vii) In another case, the spreadsheet said there had been a Grabba trace, but not what it had revealed, which the operational manager at MIU felt put the team there at unnecessary risk;
 - (viii) None of the comments contained any references to medical conditions, safeguarding issues or "compassionate circumstances", although the manager was pleased to see that two detainees were recorded as brothers.
- **462.** As also noted above, we were told that Vietnamese names were invariably recorded with first and last names reversed, and that other names frequently had full stops or special characters in them. In all of these cases, all of the security, identity and systems checks would need to be rerun after the name had been corrected.
- 463. We were told that sometimes the list of detainees provided to the detaining agent when they departed Tug Haven by coach (called a "coach list") had no names at all. Instead, it simply contained the person's boat reference number or coach number. This could also be true of the IS91 forms. In these cases, no security checks would have been done and no records created on CID or Atlas prior to arrival.

- 464. Yarl's Wood is 3.5 hours from Tug Haven, which means that detainees normally arrive after MIU office hours (which are 8:00-5:15). They are then booked into detention by Serco, the private contractor at the site. We did not speak to Serco staff, but MIU staff told us that in the best-case scenario, Serco will have a coach list with each person's name, date of birth, nationality and reference numbers created by the RHIB support team, as well as the handwritten IS91 forms created at Tug Haven. They will then carry out their own induction process. They do a health screening and COVID screening, and it is explained to detainees why they are there, and how to access food and Skype. Although we did not visit Yarl's Wood on this occasion, MIU staff provided considerable detail about the high standards of the welfare services and accommodation there, and took pride in them. They expressed the opinion that, in fact, a few days in the centre to recover from their journey is very likely to be in the detainees' best interest.
- 465. MIU staff reported that children and vulnerable adults are regularly sent to Yarl's Wood for detention, in violation of Home Office policy.³⁰⁵ A senior manager said that "every day" they identify vulnerabilities that make a person unsuitable for detention, such as being a victim of rape or torture or being transgender. The detention of victims of torture is "routine". They have also picked up cases at induction of detainees who were mute or deaf, and one mentally disabled man who was entirely dependent on his brother where no mention had been made in the paperwork of their relationship and they considered it a matter of luck that they were in the same IRC.
- 466. Staff at all levels said that they had had "quite a few" young people sent to detention after being assessed as over 25 in a visual assessment where they felt it was "borderline" whether they were adults or children, and where they did not agree that they appeared to be clearly over 25. They do not receive any paperwork flagging up the age dispute or recording the reasons for the over 25 assessment; the IS91 simply contains a hand-written annotation "#25+". They also expressed concern that they do not feel qualified to make age assessments; all they know to do is to look at the hands and the Adam's apple. One IO said that he compared people to his own 22-year-old son but was uncomfortable about this. When UNHCR asked what they did in one case, they responded, "We had to make him over 25; it's the resources, it's the time." We were told by officers there was a child of 12 sent to Yarl's Wood for detention, as well as an older teenager who had been visually assessed as over 25 who was found to be in possession of passport confirming his claimed age when he was searched on arrival.³⁰⁶
- 467. We were also told that Serco "regularly" picks up injuries at induction that should have been picked up earlier, such as burns, including third degree burns. There were five or six off one coach who had to be taken straight to hospital, and two or three on a separate day. They have also had "guys turning up in wheelchairs" without any prior notice to the detention centre. As a result of these experiences, a senior manager at MIU expressed the view that at Tug Haven, people are not asked "a single question" about their health.³⁰⁷
- 468. As soon as possible usually the day after arrival MIU staff begin by creating the necessary legal paperwork; on busy days when the RHIB support team has not been able to create records on CID and Atlas, they will need to do that as well. Due to the inaccuracy of the records taken at Tug Haven, even if the RHIB support team has been able to do identity and security checks based on name, these will often have to be redone after the screening interview.
- 469. MIU staff need to create forms ILL EN 101 Notice of Liability to Detention and IS91R Reasons for Detention, setting out, respectively, the reasons the person is considered an illegal entrant and the reasons for their detention. They aim to create and serve these documents on the first day of detention. A manager at MIU told us that that at Harmondsworth IRC these forms are not served until the day of release. This was confirmed by one case in our audit, in which someone who was later accepted to be a child was released from Harmondsworth after ten nights and nine days in detention, and was served all of his paperwork at that time.

³⁰⁵ The Home Office does not detain children except as part of a family removals process, and there is a presumption against the detention of vulnerable adults, and they should only be detained after the nature and extent of their vulnerability, the risks to them in detention and the factors weighing in favour of detention have been carefully considered. Home Office, Adults at risk in immigration detention, Version 8.0 (01 November 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1114803/Adults_at_risk_in_immigration_detention.pdf

³⁰⁶ As described above at paragraph 355, these accounts were confirmed in the files selected for audit, which included three boys who had been detained following visual age assessments.

³⁰⁷ This appears to be consistent with what we observed.

470. MIU had created an Enforcement Papers checklist. This directed staff to enter the same form of words for all RHIB cases:

You are specifically considered as an illegal entrant to the UK as on date you were observed in the Tug Haven being in a private vehicle namely a RHIB which had recently arrived in the UK from France. You could not produce any travel document or provide evidence of lawful basis to be in the UK. You have therefore entered in breach of S.3(1)(a) of the Immigration Act (IA) 1971.

- 471. As noted above, this was factually incorrect in all cases, because people processed at Tug Haven would have been disembarked from the RHIB boats in which they were travelling while still at sea, and brought to Tug Haven on Border Force or RNLI vessels, and they had not entered the UK within the meaning of the Immigration Act 1971. In addition, in some cases they may have been carrying travel documents.
- **472.** With regard to the reasons for detention, officers were instructed to tick boxes from a list, and although they were reminded, "Please treat each case on its merits", they routinely checked:
 - (i) that the person does not have travel documents;
 - (ii) that there are insufficient reasons to grant bail; and
 - (iii) that they have insufficient family and other ties to the UK.
- 473. The operational manager at MIU was concerned that at the time this form was being completed, the person was already in detention but had not yet been interviewed, and the officer completing the checklist did not have any evidential basis for these findings. They did not know whether the person had travel documents, what their ties to the UK were, or whether there were reasons to grant bail.
- **474.** Records we reviewed in our file audit seemed to confirm staff concerns that IS91R forms had not being generated or served at the start of detention, as required. In addition, UNHCR found evidence which may suggest that inaccurate records were being created in this regard.³⁰⁸
- 475. The manager was also uncomfortable with serving notices on those who arrived at Tug Haven informing them that they were considered illegal entrants, because it was not clear that they were, having been brought to the UK aboard a Border Force vessel. They said that some of the IOs did not believe that those who arrive at Tug Haven were illegal entrants, and they had discussed this among themselves. However, they had been told that they were illegal entrants "according to policy and legislation".³⁰⁹
- 476. The manager reported that in the past people had been routinely detained beyond the five days allowed under Short-Term Hold Facility rules and even after all necessary registration steps had been completed. In their view, this called into question the lawful basis of the detention. At times, they would try to bring a person forward for release earlier than five days because a vulnerability had been identified but would get pushback from NAAU. During certain periods, they were told that everyone had to stay for five days, and that the screening interview therefore had to be scheduled for day four, so that the detention would remain legal. They understood that this was because of a lack of accommodation or transport.
- 477. For all of these reasons, this senior manager believed that the detentions at MIU were therefore unlawful, and that the whole system for responding to small boat arrivals was "abhorrent, inhumane and a breach of human rights". They had pursued several complaints in this regard through internal Home Office channels.

In one case, for example, we found an entry on a detainee's file dated 17:51 on 01 July 2021, confirming his detention at Yarl's Wood and including a note, "IS91R or equivalent served: Y". On 14 July 2021, nine days after his release, the Detention Gatekeeper Intake Team made a new entry on his record, giving the same date of service of the IS91R (01 July 2021), and a precise time of service at 10:07 am. However, there are no documents on CID dated 01 July 2021. Moreover, at 17:14 on 02 July, a named MIU staff member created a record stating "Forms ILL EN 101, IS86, IS91R produced by [name and job title] on 02 July 2021. These have been collated by staff within Midlands Intake Unit and place in a sealed envelope . . . for service in person to the applicant." This is consistent with the dates recorded on the versions of the documents on CID, where they would normally be generated. This strongly suggests the documents had not in fact been served on 01 July 2021.

³⁰⁹ This manager was not confident that there was a lawful basis for detention. Initially, the power cited was Para. 16(2) of Schedule 2 of the 1971 Act (reasonable grounds to believe that removal directions may be issued) in all cases, whether a person had arrived by small boat or in the back of a lorry. In June or July 2021, however, they were instructed that on the basis of legal advice they should cite 16(1) instead (A person who may be required to submit to examination under paragraph 2 above [persons who have arrived in the UK by ship or aircraft] may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter). They described this as a port power, and felt there was a contradiction between declaring people illegal entrants (which implies an entry must have already been made) and detaining them under port powers for the purpose of inspection prior to entry.

478. At the time of our visit, all screening interviews at MIU were conducted by telephone, with the interviewing officer present in the MIU office and the detainee at Yarl's Wood next door. This had begun as a COVID safety measure and there was no indication of when or if it might end. UNHCR was told by staff that face-to-face were interviews were now prevented by a lack of physical space and staff. Staff expressed concerns about the effectiveness of telephone screening interviews, as discussed in more detail above at paragraph 316.

XXXI. RECOMMENDATIONS REGARDING REGISTRATION AND SCREENING CONDUCTED IN IRCS

- (i) Review procedures for the detention of persons who arrive in the UK by small boat to ensure their compliance with all applicable UK laws, in particular with regard to identifying the proper legal basis for detention and informing people of the reasons for their detention.
- (ii) Record all cases of children and vulnerable adults who have been detained in violation of Home Office policy, and create feedback procedures to learn from these errors.

PART THREE: AIRPORTS

- **479.** In the report above, we have commented on practices at airports where they are relevant to general issues, such as the recognition of vulnerability. However, there are important ways in which the registration and screening of asylum claims at airports is unique, and these are addressed here.
- **480.** Registering and interviewing asylum claimants is a small fraction of the work Border Force does at airports. Staff saw their work "small cog in a very big machine", referring to the relative size of the UK's asylum intake at other locations. They also described their role as to "push people along the asylum conveyer belt", in contrast to their other work where they are making decisions about whether to admit arriving passengers.
- **481.** The processing of asylum claims is not given priority unless they include children. Instead, the approach is to leave asylum claims "for later" so as to prioritize making decisions on whether to grant leave to enter. Staff mentioned several reasons for this during our visits:
 - (i) if the person is in fact entitled to leave to enter, there is a feeling that they have a right to have this granted as quickly as possible;
 - (ii) there is often a family member waiting and calling the airport repeatedly; and
 - (iii) in these cases, officers at the airport are making an important decision and if they are refused they want to return them on the next flight. In asylum cases "no decision is being made here". 310
- **482.** UNHCR was told that the screening interview is normally done within 10-12 hours of arrival, although if it comes close to the end of a shift and the screening has not been done, or if they are short staffed, a person may wait longer. If there is a family with young children who arrive late at night, they may be bailed to a hotel and asked to return for screening the next day or at a later date.³¹¹
- 483. UNHCR was informed that individuals who have no travel documents, or claim to have no documents, will often wait in the public toilets or on chairs behind the queues of people waiting for immigration checks at Primary Control Points. They will then approach a Border Force officer monitoring the queues or sometimes other airport staff (such as cleaners) indicating that they wish to claim asylum. Some individuals have been found in the toilets after many hours. Staff reported finding passports in the roof tiles of the toilets. It is thought that those waiting in toilets or on chairs do so to avoid being connected to a particular cohort of arriving passengers and to thus make it more difficult for the Home Office to evidence that they have arrived from a third country that is considered safe.
- 484. Neither Gatwick nor Heathrow airports had signage advising arrivals of the possibility of claiming asylum at the airport, although such signage existed for many years in the past, as staff were aware. This may be another reason why individuals do not come forward promptly. Officers at the airport had mixed views about whether such signs should be brought back; some expressed the opinion that this would stop people loitering around, but others thought that no amount of signage would help if asylum-seekers' intention is to try to distance themselves from their flight of arrival.

³¹⁰ In its fact-checking response, Border Force stated: "The processing of asylum claims including children are given a high priority. All other asylum claims are dynamically prioritised against other competing duties Border Force officers are completing. It is incorrect to suggest [the factors listed in this paragraph are] used in forming the priority actions as there are a myriad of considerations being made and these suggestions are incorrect."

³¹¹ In its fact-checking response, Border Force stated: "There are instances of PA [protection] claimants who are suffering fatigue and BF therefore enable an adequate period of rest and recuperation before undertaking the screening. This is to ensure their dignity and welfare. Reasons for timing and delays could also be at the request of the PA claimant and BF ensures the welfare and dignity of all those held up at the Border."

- 485. In UNHCR's view, reintroducing signage informing passengers of the possibility of claiming asylum at the airport could lead to greater efficiencies in cases in which passengers are genuinely unaware of this possibility. Not only would those who come forward immediately more quickly access any necessary welfare services, but their travel route could be established more quickly, and less time would need to be spent at later stages in the process evaluating the actual intent on arrival of someone who passed through a PCP without claiming asylum (see the related discussion of "the contention" above). In addition, there are obvious fairness concerns in removing this information, given the increasing penalties for unlawful entry and delays in claim, if some asylum-seekers exit the airport before claiming asylum because of a genuine lack of knowledge. Finally, appropriate signage could contribute to combatting trafficking by encouraging passengers who are under the control of traffickers to seek help before they enter the country and are placed in exploitative situations.
- 486. At Gatwick airport those who transit through Europe are referred for "third country action" even if the transit consisted of changing planes in Spain while in direct transit from their country of origin. Staff explained that it was easy to find evidence of transit through a third country if the person presented a passport or if they could find boarding passes for the flight. Otherwise, if there was no documentary evidence on the person to link them to an arriving flight, Border Force staff would contact the Gatwick Liaison Office which would attempt to trace the person back to an arriving flight by piecing together footage from airport security cameras.
- 487. At Heathrow airport UNHCR reviewed a number of files which suggested individuals are being referred for inadmissibility consideration routinely, regardless of whether there was indication of a third country link. For example, an Iranian family that had flown from Iran via Doha was referred to the Third Country Unit, which took six weeks to decide the case was not suitable for inadmissibility. A Sri Lankan single male who had changed planes in "an African country" and arrived in the UK on 18 November was assessed as unsuitable for inadmissibility on 04 February 2022. A Chinese couple who arrived directly from Hong Kong were formally recorded as "not suitable for inadmissibility" two days after arrival.
- 488. Finally, we would like to record that Mitie staff at Heathrow Terminal 5 expressed a number of concerns about the short-term holding facility there, including the lack of a separate holding areas for men and women, the challenges in monitoring the family room (which was behind frosted glass on the far side of the main holding room) and difficulties accessing medical assistance for detainees.

XXXII. RECOMMENDATIONS SPECIFIC TO AIRPORTS

- (i) Reintroduce signage at airports to encourage claimants to claim asylum at the border.
- (ii) Introduce signage designed to encourage victims of trafficking to come forward.
- (iii) Discontinue the process of referring people for inadmissibility consideration on the basis of a brief transit stop in a foreign airport and asking related questions during the screening interview.

PLANS FOR CHANGE

- **489.** During this review, we met with senior operational colleagues including those responsible for conducting a "root and branch" review of the screening process at all locations, including Croydon, KIU, MIU, Belfast, Cardiff, Glasgow, Leeds, Liverpool, Harmondsworth and Tinsley House. Their focus was on staffing and resources.
- **490.** In July 2022, UNHCR met with the new Home Office screening leadership. We were told that the following changes had been made that are relevant to the findings in this report:
 - (i) NAIU staff had increased almost threefold, and the goal was to eventually have 700 permanent staff members.
 - (ii) The new staff came from a range of backgrounds, including through internships and the Department of Work and Pensions (DWP) Kick Start programme for young jobseekers. Two-thirds of current staff at that time were agency staff, but many were being encouraged to apply for permanent positions.
 - (iii) The new registration and screening centre in Manston was operating as a short-term holding facility, where people who had arrived by small boat would have their biometrics taken by the CCTC, before NAIU staff completed the registration and screening process. They were able to complete screening for 175 people a day, but would soon be able to screen 300. The goal was to have the capacity to screen 1,600 people a day.
 - (iv) In all cases, they completed a full screening interview, rather than a Minimum Viable Product interview. They aimed to do this on site, but where that was not possible, they took biometrics and completed various checks before dispersal to a hotel. In these cases, screening could be completed within 48 hours.
 - (v) KIU was only processing children's claims. The facility was no longer overwhelmed, and had become more welcoming. The social workers on site no longer did age assessments, but had been repurposed in order to play more of a welfare role. Age assessments were done by Immigration Officers, but the social workers were on hand to answer questions and offer training.
 - (vi) NAIU was responsible for screening those who may be considered for removal to Rwanda. They conducted "exactly the same" screening process, and then the information was passed to another team to make a decision about suitability for removal.
 - (vii) There was a new "surge" team that was able to assist both remotely and in person, and was being given the additional skills necessary to assist effectively.
 - (viii) A significant number of screening interviews were conducted by telephone; claimants were being offered the choice of a face-to-face interview, but many chose to proceed with telephone interviews in order to progress their claims. In addition, they felt that claimants who were interviewed remotely in hotels benefited from being able to be interviewed in a place where they felt comfortable.
 - (ix) Quality assurance mechanisms were being introduced.
 - (x) NAIU had hired nine new trainers, and one emphasis of the new training was on recognizing vulnerability.
 - (xi) Medevent was playing an increased role in vulnerability screening in Kent.
- **491.** In UNHCR's view, many of these steps are clearly positive, and will help address some of the concerns raised in this report.
- **492.** UNHCR hopes that the observations in this report may be of assistance in particular in developing the new training program and quality assurance mechanisms, and stands ready to provide any assistance in this regard.

- 493. However, UNHCR has the following concerns, based on our observations above:
 - (i) The training that was described to UNHCR during this audit may not be adequate to meet the needs of new staff, especially given the relatively low level of experience and education required. This may be another reason to consider greater specialization.
 - (ii) The ambition of screening 300 or more people each day at Manston would appear to be in tension with the goal of conducting only full screening interviews. UNHCR reiterates that a better designed and more carefully deployed MVP interview may be an operational necessity.
 - (iii) UNHCR welcomes the increased provision of social work support to children and young people at KIU. However, UNHCR is concerned that the age assessments we observed conducted by Immigration Officers at KIU were unreliable. Immigration Officers lack training and expertise in age assessments, and at the time of our audit the established practice (also observed by ICIBI) was to base age assessments on very limited interaction and information. UNHCR is concerned that the presence of social workers on site to answer questions and offer training is an insufficient safeguard under these circumstances.
 - (iv) UNHCR is concerned that the screening interview alone is not at present capable of reliably eliciting vulnerabilities or other factors that might make a person unsuitable for removal to a third country and that therefore selecting individuals for removal to Rwanda on the basis using "exactly the same process" will lead to errors, causing distress to individuals, delays, and well-founded litigation.
 - (v) UNHCR appreciates that expecting Medevent to do more to recognize vulnerabilities may lead to fewer medical issues being overlooked on arrival. However, UNHCR hopes that this will not reinforce a tendency to define vulnerability primarily in medical terms.
- **494.** We look forward to continuing discussion of these issues.

CONCLUSION

We would like to conclude by reiterating our recognition of the extraordinary hard work of Home Office staff at all levels, and the dedication, flexibility and creativity they drew on in their response to a series of new challenges they faced across the registration and screening system throughout the four nations of the United Kingdom. Nonetheless, it was widely acknowledged that there was a need for significant change. We hope that the recommendations made throughout this report will help contribute to that change, to the benefit of refugees, asylum-seekers and the Home Office. For ease of reference, those recommendations are listed together on the following pages.

RECOMMENDATIONS

I. RECOMMENDATIONS REGARDING FACILITIES

- (i) Ensure that all registration and screening facilities have safe and appropriate waiting areas for women, families and children, and child-friendly interview rooms.
- (ii) Where new facilities are designed, create private interview rooms, rather than half-open ones, as in Croydon.
- (iii) Consider a formal separation between registration and welfare checks (including assessment for initial accommodation) and screening, especially where numbers of arrivals exceed capacity in terms of staff or facilities, to reduce waiting times for claimants and the pressure on staff (See Recommendations XVI and XVII).

II. RECOMMENDATIONS REGARDING TRAINING

- (i) New staff should receive consistent and comprehensive training, including:
 - (a) Basic principles of asylum law;
 - (b) Non-refoulement and the right to access asylum procedures;
 - (c) Interviewing techniques;
 - (d) Working with interpreters; and
 - (e) Recognising and responding to indirect and non-verbal indicators of vulnerability and trafficking.
- (ii) Existing staff should be offered refresher training in specific areas, as noted in other recommendations.

III. RECOMMENDATIONS REGARDING THE BOOKING IN PROCESS

- (i) Ensure that the date at which a person first contacts the Home Office to claim asylum is properly recorded in centralized Home Office systems.
- (ii) Consider piloting a digital initial contact form or registration form,³¹² with multiple help languages (such as are currently available in visa applications), while retaining the possibility of telephoning for those without digital skills or access. This could potentially:
 - (a) Create an accurate record of the date of the initial contact;
 - (b) Save resources by eliminating the need for two separate phone calls prior to a screening appointment;
 - (c) Increase the accuracy of the information collected, given that the initial phone call is regularly conducted without the aid of an interpreter;
 - (d) Create an initial record on Home Office systems, reducing the need for data entry and file creation at the initial registration and screening appointment.
- (iii) Investigate the impact of delays in registration on access to health care, education, legal advice and other essential services, and in particular the impact on children and vulnerable adults.
- (iv) Consider appropriate mitigating measures for adverse impacts that are identified; in the event that delays in registration have been reduced since early 2022, identifying these measures now would make the system more resilient in the future.
- (v) Ensure clear communication with asylum-seekers, legal representatives and other stakeholders about the possibility of applying for support and financial assistance prior to a formal registration appointment.

In Canada, following a three-year Asylum Interoperability Project, it is now possible for asylum claimants who are in the country to submit an application online through Canadian Refugee Protection Portal. httml This also allows asylum-seekers and their representatives to communicate with the Immigration and Refugee Board and submit further documents, and facilitates the sharing of information within and between different government departments. See UNHCR, Effective processing (n 50), p. 10.

IV. RECOMMENDATIONS REGARDING INFORMAL BARRIERS TO ACCESS TO ASYLUM

- (i) Guidance should clearly set out to staff greeting walk-in applicants that it is not their role to assess the reasons a person gives for seeking asylum or give legal advice about the merits of an asylum claim.
- (ii) Appropriate refresher training on these issues should be given to frontline staff, including at airports.
- (iii) Paperwork should be issued to persons turned away, briefly stating the reason for this (e.g. that there was insufficient evidence that an urgent appointment was required due to vulnerability or risk of destitution; applicant still in possession of valid leave).
- (iv) Records should be kept when individuals are turned away, both to ensure oversight of the process, and to prevent duplication of work when they next approach the Home Office.

V. RECOMMENDATIONS REGARDING WORK ALLOCATION AT SCREENING UNITS

- (i) Implement clear policies for the allocation of tasks between staff members under different circumstances, to allow staff to respond flexibly to changing workloads but in structured and predictable ways.
- (ii) Consult with staff and, if agreed, pilot a system of specialization.
- (iii) Where tasks are or may need to be shared, designate a particular staff member to be the claimant's contact person throughout the appointment and inform the claimant of this.
- (iv) Provide refresher training and amend standard operating procedures (SOPs) to ensure compliance with the guidance to ask claimants about their preference as to the gender of the interviewer, and to accommodate this preference where operationally possible. One option would be to include this question in the booking in or reception process.

VI. RECOMMENDATIONS REGARDING THE OPENING OF THE SCREENING INTERVIEW

- (i) The opening phase of the interview should be redesigned drawing on the principles of the PEACE model. In particular:
 - (a) Implement training and practice that encourages the interviewer to build a rapport with the interviewee before the formal interview begins by speaking directly to the interviewee, introducing themselves, asking the interviewee how they would like to be addressed, introducing the interpreter and explaining their function, asking some unscripted questions (for example about the interviewee's general welfare or family), explaining the respective roles of the interviewee and the interviewer, and asking the interviewee questions to confirm their understanding.
 - (b) Allow the interviewee to raise any questions or concerns.
 - (c) Explain the purposes of the screening interview.
- (ii) Ensure that explanations are clear and internally consistent, eliminating the potential for confusion arising out of instructions to both provide a "brief outline" and to give "full" answers.

Continued on next page >>

- (iii) Explain the interviewee's obligation to be truthful in positive as well as negative terms.
- (iv) Encourage disclosure by assuring interviewees of the confidentiality of the information disclosed.
- (v) Where it is judged to be operationally necessary to disclose specific information obtained at screening without obtaining consent at a later date, explain to the interviewee what information may be disclosed, to whom and for what purpose (reversing the current practice of suggesting a general power to disclose, subject to a few specific exceptions).
- (vi) Limit the information given at the beginning of the interview to that which is relevant to the interview itself, postponing other information to a closing section of the interview or to future communications.

VII. RECOMMENDATIONS ABOUT IDENTIFYING VULNERABILITIES IN THE SCREENING INTERVIEW

- (i) Interviewers should receive guidance and refresher training that the questions about accommodation should not be skipped.
- (ii) Information about accommodation should be elicited through open and non-judgmental questions, such as "Who do you live with?", "How do you know them?", "Tell me about your accommodation" or "Do you pay for your accommodation?"
- (iii) Staff should receive training about the links between trafficking and exploitation and accommodation.
- (iv) Questions about physical health, mental health and disabilities should be redesigned in consultation with relevant stakeholders.
- (v) Staff should receive training on identifying vulnerabilities through indirect disclosure and nonverbal indicators, as well as regular refresher training.
- (vi) Guidance and training should be developed to encourage the recognition of vulnerabilities that are not linked to current medical conditions, such as gender based or intimate partner violence or histories of trauma, including torture.
- (vii) Screening staff should receive training about how the safeguarding hub responds to vulnerabilities, and general feedback (appropriately anonymised) about referrals.
- (viii) Caseworking databases should be adapted to simplify the making of safeguarding referrals, allowing them to be made on Atlas, for example, rather than by separate emails.

VIII. RECOMMENDATIONS ABOUT IDENTIFYING AND RESPONDING TO INDICATORS OF TRAFFICKING AND EXPLOITATION

- (i) The "exploitation question" should be rewritten after consultation with relevant stakeholders, such as the Independent Anti-Slavery Commissioner, the Single Competent Authority, and recognized first responders.⁸⁸
- (ii) Staff should receive training on identifying trafficking through indirect disclosure and nonverbal indicators, as well as regular refresher training.
- (iii) That training should include some basic information about risks and patterns of trafficking and exploitation in countries of origin or transit where it is widespread.
- (iv) Staff should receive training and guidance about when it is appropriate to make a safeguarding or NRM referral regarding a person who has been trafficked or exploited in the past and, in particular, in their home country.
- (v) Staff should receive clear guidance about the advice to give about the NRM process, in order to ensure that the decision to give or refuse consent is fully informed.
- (vi) The offer to refer a person into the NRM should be noted on their Home Office records, but not on the screening interview record itself.
- (vii) Atlas should be adapted to allow NRM referrals to made directly from Atlas, rather than through a separate portal, for efficiency reasons.

IX. RECOMMENDATIONS REGARDING THE DETERMINATION OF IMMIGRATION STATUS (THE "CONTENTION")

- (i) Replace the use of the term "contention" in internal documents with plain language, such as "determining immigration status".
- (ii) Provide published guidance on how to determine a person's immigration status at the time of their asylum claim, including the following principles:
 - (a) A person who enters the UK on a visa and complies with the terms of that visa should be presumed not to be an illegal entrant by deception; and
 - (b) Only persons who appear not to have complied with the terms of their visas should be questioned about their intentions on arrival.
- (iii) Before deciding that a person was an illegal entrant by deception, present them with this tentative finding and allow them an opportunity to reply, either at the screening interview or by inviting and considering a rebuttal.

X. RECOMMENDATIONS REGARDING THE TRAVEL ROUTE QUESTIONS

- (i) Provide guidance and training to staff to ensure they understand the purposes of the travel route questions and the importance of obtaining an accurate account.
- (ii) In particular, provide guidance and training confirming that this information must be obtained by the interviewer, not by the interpreter.
- (iii) Introduce a more targeted exploration of a person's travel route, whereby
 - (a) certain travel routes trigger specific further questions to ascertain whether safeguarding or trafficking referrals may be necessary, such as where a person states they have travelled via Libya; and
 - (b) questions are eliminated with regard to other travel routes, such as why a person should not be sent back to a country where there is no realistic prospect of readmission or why they did not claim asylum in a country that is not party to the Refugee Convention or in a Dublin Member State that clearly would not have had responsibility for the claim under Dublin principles.
- (iv) Where a person's travel route raises inadmissibility issues, introduce a triage process so that:
 - (a) The claims of people who are not reasonably likely to be readmitted or transferred to other countries are not suspended and their claims can progress towards a grant or refusal more quickly (reducing demands on Asylum Support and accommodation and promoting asylum-seekers' integration or return).
 - (b) Requests for readmission are only made to those third countries where there is a reasonable prospect that they will be accepted, based on existing readmission agreements and practices, eliminating delay and waste of staff time.¹²⁴
 - (c) Where a claim may be treated as inadmissible, obtain further information from the claimant after the screening interview, by way of written submissions or a further interview. The additional time expended prior to the making of an inadmissibility decision in these cases could be found from that saved by eliminating the consideration of inadmissibility in other cases. It would also potentially save litigation resources by ensuring that the decisions that are made are based on reliable information, fairly obtained.

XI. RECOMMENDATIONS REGARDING ELICITING THE BASIS OF THE CLAIM

- (i) Provide a clear explanation to interviewees at the outset of the interview of the level of detail expected of them (see related recommendations regarding the opening of the interview above at Recommendation VI).
- (ii) Provide a specific explanation of the purpose of asking the basis of the claim, the level of detail expected, and the opportunity to provide further detail in future.
- (iii) Replace the inherently confusing question "Please BRIEFLY explain ALL of the reasons why you cannot return to your home country?" with simpler questions, such as:
 - (a) Why did you leave your home country?
 - (b) Are there any reasons why you cannot return to your home country?
 - (c) What do you believe may happen to you or your family members if you return to your home country?
 - (d) Why do you think this would happen?
 - (e) Are there are any other reasons you cannot return to your home country?
- (iv) Provide clearer guidance to interviewers about the minimum information that should be obtained.
- (v) In recognition of the length of the screening process as a whole, the multiple other purposes it currently serves,³¹³ and the risks of both unfairness and inaccuracy in obtaining information from claimants who normally have only recently arrived and not had access to legal advice or welfare support, the information collected should be as limited as possible, consistent with the needs of any triaging systems in place.
- (vi) Provide training to interviewers about best practice for obtaining that information, drawing on the PEACE model (covering issues such as allowing interviewees to give an initial free account, 314 not interrupting, asking either Tell, Explain Describe (TED) questions or specific closed questions as appropriate, and avoiding forced choice and leading questions).
- (vii) Provide training for decision-makers and Presenting Officers about the aims of screening interviews, the conditions in which they are conducted, and the limited role answers at screening can play in the assessment of credibility in order to reduce the risk of unfair or erroneous refusals of protection (see also Recommendations XIX(iii)).
- (viii) Require interviewers to take verbatim records of screening interviews, including additional questions they ask or are asked by the claimant and any advice they give them (for example, that certain information is not relevant or to save further details for a later interview) (see further recommendations regarding the accuracy of the interview below at Recommendations XIX).

XII. RECOMMENDATIONS REGARDING PARTICULARIZING THE CLAIM

- (i) Screening staff should not be asked to decide if a person has particularized an asylum claim.
- (ii) Instead, a triage process should be implemented to further examine cases which appear to be manifestly unfounded, which may be suitable for simplified processing.
- (iii) Atlas and guidance should be amended accordingly.

³¹³ Including locking identity, conducting security checks and meeting urgent welfare and safeguarding needs.

³¹⁴ As noted elsewhere, the screening interview contains a range of topics. A free account will not be necessary for many of them. It should, however, be encouraged when eliciting the basis of the claim given the significance of the topic.

XIII. RECOMMENDATIONS REGARDING THE CRIMINALITY AND SECURITY QUESTIONS

- (i) Generally, revise the screening questionnaire to instruct interviewers to ask all questions individually, rather than grouping them.
- (ii) Expand the use of the screening interview forms in which each question is listed separately, to encourage questions being asked separately.
- (iii) Review the value of the information obtained in response to the security questions asked in Section 5 and consider whether this section of the interview could be reduced or even omitted at the screening stage. Any specific issues arising from a person's profile or account could then be explored at a later stage in the process, prior to a grant of leave.
- (iv) Phrase and present questions about employment and membership of political or religious organizations in a neutral manner, rather than presenting them as potential "criminality and security" issues.

XIV. RECOMMENDATIONS REGARDING ENDING THE INTERVIEW

- (i) Follow the question "Is there anything you would like to add or change to your response?"
 with the advice to read through the record at a later date with an interpreter if necessary
 and contact the Home Office as soon as possible with any concerns or amendments.
- (ii) Eliminate the question, "Have you understood all the questions asked?", as a meaningful answer is unlikely under the circumstances.
- (iii) Add questions to the end of the interview questionnaire that invite the claimant to raise any questions or concerns about the interview, their immediate needs, or the next steps in the asylum process.
- (iv) Add a script to the end of the interview explaining the next steps in the process, including any information that may have been omitted from the current opening pro forma in accordance with Recommendation VI(vi).
- (v) Develop clear scripts for interviewers to explain the various paperwork to claimants at the end of the interview and clearly instruct interviewers that this should be done with an interpreter where one was used or requested for the interview.
- (vi) Consider confirming the details to be included in a Biometric Residence Permit on another occasion, either at the substantive interview or after permission to stay has been granted.

XV. RECOMMENDATION REGARDING INFORMATION COLLECTED AT SCREENING

Consider eliminating questions that have limited or no use at this stage in the asylum process, including those about:

- (i) The intention on arrival for those who complied with the terms of their permission to enter;
- (ii) Travel route and other inadmissibility factors for those who are not removable or returnable under current agreements and policies;
- (iii) Details of extended family members who are not dependants on the claim, except in cases of unaccompanied children;
- (iv) Level of education and last employment; and
- (v) Broadly described "criminality and security" issues.

XVI. RECOMMENDATIONS REGARDING A STAGED REGISTRATION AND SCREENING PROCESS

- (i) A staged registration and screening process should be properly developed for contingencies, whereby an abbreviated intake process would be completed at the point of initial contact and be followed by a further screening process within a set period thereafter.
- (ii) Guidance and standard operating procedures should be introduced to create consistency and accountability with regard to when and where a staged registration and screening process is deployed.
- (iii) Expand on the factors identified in the *ASR guidance*, which allow for "contingency measures",³¹⁵ by recognizing the following factors as indicating that staged screening may be appropriate:
 - (a) Limited staff capacity at the initial intake site, in terms of numbers, skills, experience, or wellbeing;
 - (b) Due to particular vulnerabilities or operational pressures, requiring individual claimants or groups of claimants to remain at the initial intake site for the time needed to complete the entire registration and screening process would pose risks to their welfare;
 - (c) Claimants are likely to be accommodated within a reasonable distance of appropriate screening facilities, allowing for a subsequent screening process that is both timely and reliable.
- (iv) Consistent with recommendation X(iv)(c), additional stages should be introduced for the collection of information which will be used for significant decisions such as inadmissibility³¹⁶ or suitability for removal.

³¹⁵ ASR, 7.0 (n 1), p. 91

³¹⁶ A "supplementary screening interview" is contemplated as a source of information to establish inadmissibility in the *Inadmissibility Guidance*; however, to UNHCR's knowledge such interviews do not take place. *Inadmissibility guidance* (n 111), p. 17.

XVII. RECOMMENDATIONS REGARDING ABBREVIATED INTAKE PROCESSES

The abbreviated intake process should include:

- (i) Registration, including collection of biometrics and relevant security and identity checks;
- (ii) A brief interview, covering:
 - (a) Questions about mental and physical health and any disabilities;
 - (b) Whether a person feels safe in their accommodation and/or where they are going;
 - (c) Whether a person has any friends or relatives in the UK;
 - (d) Briefly, why a person cannot return to their home country;
 - (e) Two general questions asking about support needs, for example "What would keep you safe?" and "What support do you need?"; and
 - (f) Suitable questions regarding a claimant's experience and/or risk of trafficking, although UNHCR recommends a broader consultation on such questions.³¹⁷

 By way of initial suggestion, these could include:
 - Which countries did you travel through on your way to the UK?
 - Did someone arrange for any part of your journey or purchase your ticket to the UK?
 - Is anyone expecting you in the UK?
 - Has anyone deceived/intimidated/forced or held you for any purpose of exploitation?
 (For example, being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime)

(iii) The following safeguards:

- (a) The date and time of the interview is noted on the written record.
- (b) The record confirms whether an interpreter was used, and if so, their reference number and language of interpretation.
- (c) The interviewer introduces themselves and explains why the questions are being asked.
- (d) The interviewer provides an explanation to the claimant of the next stage of the process.

³¹⁷ Based on UNHCR's observations the "exploitation" question asked as part of the MVP and in the full screening interview is not fit for purpose – see paragraphs 149 - 152; however, we have not as part of this review conducted a comprehensive consultation or assessment of which question(s) would better elicit this information. We accept this is a challenging task – and even more so when designing a shortened registration and screening process. This is part of the reason why one of our core recommendations relates to the training of frontline staff to identify indicators of trafficking and vulnerability that may not be self-disclosed.

XVIII. RECOMMENDATIONS REGARDING THE ENHANCED SCREENING PILOT

- (i) Roll out enhanced screening interviews in more locations and for more claimants.
- (ii) Redraft the questions about the basis of the claim in the standard screening interview drawing on the good practice seen in the enhanced pilot of encouraging free accounts using "tell, explain, describe" (TED) questions before following up with more specific prompts.
- (iii) Provide training and guidance that addresses the following issues that appear to have arisen during the pilot:
 - (a) Failing to explore the basis of claim through the questions listed on the form, and instead relying on leading questions;
 - (b) Replacing the open question about a claimant's home area with narrower questions about sites of interest to visitors, landmarks, or shopping centres;
 - (c) Over-reliance on closed questions about specific details that claimants may not remember, or that may either be incapable of corroboration or be unreliable indicators of personal experience; and
 - (d) Lack of flexibility (for example asking clearly inapplicable questions or investigating nationality when a person has presented a valid national passport).
- (iv) Incorporate explanations of the purpose of the questions into the form, in particular with regard to nationality.

XIX. RECOMMENDATIONS REGARDING THE INTERVIEW RECORD

- (i) Guidance should be amended to make it mandatory to take a verbatim record.
- (ii) Staff should receive appropriate training, including refresher training for experienced staff.
- (iii) Decision-makers and Presenting Officers should receive guidance and training reminding them of the limited reliability of the screening interview record (see also Recommendation XI(vii).¹⁸³
- (iv) Where possible, recording of interviews should be piloted so that claimants, decision-makers and Tribunals have access to an accurate record.

XX. RECOMMENDATIONS REGARDING THE USE OF INTERPRETERS

- (i) Provide refresher training to staff about the requirement to respect claimants' requests for an interpreter.
- (ii) Where an interpreter has been requested when an appointment is booked but an interpreter is not used, require staff to record the reasons for this clearly on the file.
- (iii) Provide refresher training to staff about the role of the interpreter, in accordance with Home Office guidance.
- (iv) Communicate what is expected of the interpreter to interpreters who work directly for the Home Office, and to third party providers of interpreting services;
- (v) Add an explanation of the interpreter's role to the opening section of the interview, in accordance with the ASR guidance.

This would be in accordance with YL (China), para. 19: "it has to be remembered that a screening interview is not done to establish in detail the reasons a person gives to support her claim for asylum. It would not normally be appropriate for the Secretary of State to ask supplementary questions or to entertain elaborate answers and an inaccurate summary by an interviewing officer at that stage would be excusable. Further the screening interview may well be conducted when the asylum seeker is tired after a long journey. These things have to be considered when any inconsistencies between the screening interview and the later case are evaluated." [emphasis added] YL (Rely on SEF) China [2004] UKIAT 00145, http://www.bailii.org/uk/cases/UKIAT/2004/00145.html

XXI. RECOMMENDATIONS REGARDING TELEPHONE INTERVIEWS

- (i) Reduce reliance on telephone interviews as far as possible, using them only in exceptional circumstances.
- (ii) Bring forward plans to make use of videoconferencing technology.
- (iii) Where telephone or video interviews are necessary, introduce new safeguarding and feedback mechanisms, drawing on local practices, such as the MIU "coordinator" role.
- (iv) Provide claimants with access to private and comfortable spaces with the possibility of technical support during remote interviews.
- (v) Develop new introductory scripts and practices for remote interviews, in order to ensure that claimants are comfortable with being interviewed remotely, are in a quiet and private place, and understand the technology being used and what to do in the event of technological difficulties.
- (vi) Provide specific training to interviewers about how to build and maintain rapport in remote interviews.
- (vii) Where operationally possible, ensure interviewers conduct a mix of face-to-face and remote interviews, to mitigate detachment and demoralization.
- (viii) Where interpreters are attending remotely, introduce a policy of seeking to reconnect with the same interpreter in the event of a dropped connection.
- (ix) Introduce policies and guidance requiring that decisions made on the basis of the screening interview record take into account the limitations inherent in remote interviewing.
- (x) Instruct all interviewers to comply with the best practice UNHCR observed in some cases, and note on the interview record:
 - (a) whether the interview was conducted by telephone, video or face-to-face, and
 - (b) any interrupted connections or other technological issues.

XXII. RECOMMENDATIONS REGARDING LEGAL ADVICE

- (i) Provide guidance and training that recognizes the positive contributions of independent legal advice to the efficiency and fairness of asylum systems.
- (ii) Take the impact on access to legal advice into account when considering reforms to the registration and screening process, and promote policies that facilitate access to legal advice.

XXIII. RECOMMENDATIONS REGARDING QUALITY ASSURANCE

- (i) Bring forward the introduction of a quality assurance mechanism for screening interviews which:
 - (a) Identifies clear standards for assessment which:
 - i. can be linked directly to law, policy and guidance and
 - ii. identify errors with enough specificity to provide useful feedback to individuals and evidence of recurring areas of concern across multiple assessments.
 - (b) Includes as assessment criteria whether:
 - i. The applicant was asked their preference (if any) for the gender of their screening interviewer prior to the interview.
 - ii. The applicant had agreed to a phone interview beforehand (if relevant).
 - iii. The applicant requested an interpreter and confirmed that they were happy to continue in the language of the interview.
 - iv. The mode of interview (e.g. face to face, telephone etc.) and who was present at the time of the interview, including whether a coordinating Home Office colleague was present in the event of a phone interview, are recorded on the file.
 - v. Priority issues have been properly highlighted in referrals to safeguarding team.
 - vi. The interviewer has explained the next steps to the applicant.
 - vii. There are indications that a verbatim record may not have been taken (such as large passages of text from applicants in response to short questions, with no supplementary questions noted in the record).
- (ii) Develop a separate quality assurance tool for assessing welfare interviews of children, rather than having as a general criterion "All relevant children's guidance has been followed."
- (iii) Introduce a quality assurance tool to assess live screening interviews as well as screening files.

XXIV. RECOMMENDATIONS REGARDING ADMINISTRATIVE INEFFICIENCIES

- (i) Reconsider the need to repeat information contained in the screening interview record in a separate file minute on CID/Atlas.
- (ii) Review the need to begin preparing to issue a BRP at the screening appointment by taking a second set of fingerprints and biometric photographs and discussing the BRP with the claimant at the end of the interview.
- (iii) Bring forward plans to decommission parallel case-working systems.
- (iv) Explore the possibility of adapting Atlas to allow safeguarding and trafficking referrals to be made from within Atlas, rather than by email or through a separate portal.
- (v) Where identity or security databases cannot be made interoperable (for reasons of security or data protection, for example) reconsider the efficiency of the sequencing of the various checks, to reduce the duplication of work.

XXV. RECOMMENDATIONS REGARDING INITIAL AGE ASSESSMENTS BY IMMIGRATION OFFICERS²²⁰

- (i) Given the clear risk of error, withdraw the power given to Immigration Officers to assess the age of young people at ports of entry (and treat them as adults) based on their physical appearance and demeanor alone. Instead ensure that all individuals claiming to be children, but about whom there are serious doubts about their age, are referred for a more comprehensive social work-led assessment.
- (ii) Notwithstanding the recommendation above, and whilst the appearance and demeanor assessments continue:
 - (a) Return the threshold for not having to conduct a formal age assessment to when a person appears to be significantly over the age of 25.
 - (b) Provide a mechanism which ensures that all individuals assessed as adults through this process are provided with clear information about how to challenge the decision and how to approach their local authority asking to be treated as a child.
 - (c) Create policies and procedures that enable and encourage staff to raise concerns about visual age assessments that they have reason to believe may be incorrect.
- (iv) Record and publish data on those claiming to be children and considered by immigration officials to be over 18 years old and the number of those subsequently accepted as children after a full age assessment.

XXVI. RECOMMENDATIONS REGARDING THE WELFARE INTERVIEW

- (i) Review the need for full welfare interviews where a child is already in the care of a local authority.
- (ii) Train screening officers who interview children on child-friendly interviewing techniques and the purpose of the welfare interview.
- (iii) Cease the practice of conducting welfare interviews remotely. If children are required to attend the Home Office for registration, an in-person welfare interview should be arranged instead.

XXVII. RECOMMENDATION REGARDING ACCOMPANIED CHILDREN

(i) Clarify in guidance, training and refresher training that screening staff are required to notify local authorities of the arrival of all children, including children in families.

XXVIII. RECOMMENDATIONS REGARDING THE LEGAL POSITION OF INDIVIDUALS WHO ARRIVED BY SMALL BOAT, BOTH PRIOR TO AND AFTER THE PASSAGE OF THE NATIONALITY AND BORDERS ACT 2022

- (i) Ensure that all SOPs, templates and other internal documents have been revised to reflect the fact that persons disembarked from Border Force or RNLI vessels are not illegal entrants.
- (ii) Ensure that staff involved in registering and processing their asylum claims have received refresher training on this issue.
- (iii) Publish cross-cutting guidance confirming that such persons are not illegal entrants and should not be considered as such under immigration, nationality or criminal law, in line with the new guidance on *Irregular or unlawful entry and arrival*.
- (iv) Reconsider the necessity and legality of determining whether a person has violated Section 24 of the 1971 Act immediately upon arrival.
- (v) Ensure that future arrivals are not recorded as having committed immigration offences except following an individualized legal and factual assessment.

ANNEX A: GLOSSARY

- AIU: Asylum Intake Unit, based in Croydon
- ARC: Application Registration Card: biometric identity card issued to asylum-seekers
- ASPEN: Asylum Support Enablement Card: bank card that allows asylum-seekers to access cash assistance
- ASR guidance: Asylum Screening and Routing Guidance
- Asylum Support: The system for providing financial support and accommodation to destitute asylum-seekers and some former asylum-seekers (formerly called the National Asylum Support System, or NASS).
- BAIL 201: Notification of Grant/Variation of Immigration Bail to a Person Detained or Liable to be Detained: Home Office form advising a person of the terms of their bail, including whether they are permitted to work and any reporting or residence requirements.
- BF: Border Force
- BRP: Biometric Residence Permit: identity card issued to a person who has been granted permission to stay in the UK for more than six months
- CCTC: Clandestine Channel Threat Command
- CID: Case Information Database; the older of the two Home Office caseworking databases
- CIO: Chief Immigration Officer
- Conclusive grounds (CG) decision: A decision taken by the SCA or the IECA as to whether, on the balance
 of probabilities, there are sufficient grounds to decide that the individual being considered is a victim of modern
 slavery (human trafficking or slavery, servitude, or forced or compulsory labour). [see SCA and IECA]
- **Duty to Notify:** The duty placed on public authorities in England and Wales by section 52 of the Modern Slavery Act 2015 to notify the Secretary of State when encountering a potential victim of Modern Slavery.
- EURODAC: European Asylum Dactyloscopy (fingerprint) Database
- ICE: Immigration, Compliance and Enforcement
- ICIBI: Independent Chief Inspector of Borders and Immigration
- IE: Immigration Enforcement
- IECA: Immigration Enforcement Competent Authority. The authority responsible for making decisions regarding whether a person is a victim of trafficking or modern slavery if the person is: a Foreign National Offender (FNO); detained in an Immigration Removal Centre (IRC); or in the Third Country Unit (TCU)/ inadmissibility process.
- ILL EN 101: Notification of Liability to Detention: Home Office form informing a person of the reason(s) that they are considered liable to detention.
- IMB: Independent Monitoring Board. IMBs exist for all prisons and places of immigration detention, pursuant to the Prison Act 1952 and the Immigration and Asylum Act 1999 and are part of the UK's National Preventive Mechanism (NPM), set up under the UN Optional Protocol to the Convention against Torture. They are made up of independent volunteers from the local community, appointed by Government Ministers and have unrestricted access to places of detention.
- IO: Immigration Officer

- IRC: Immigration Removal Centre
- **IS.248:** Notice of Restriction to a Person who has made an In-Country In-Time Claim for Asylum: Home Office form confirming that a person made a claim for asylum while still in possession of valid leave and any conditions or their continuing leave.
- IS.75: Home Office form advising a person that they must tell the Home Office "about any reason you or any dependants on your protection claim have for wishing to enter or remain in the UK, any grounds on which you or any dependants should be permitted to enter or remain in the UK or any grounds on which you or any dependants should not be removed from or required to leave the UK." Also called a One-Stop Notice.
- IS.75A: Combined forms IS.75 and IS.76
- IS.76: Statement of Additional Grounds: Home Office form on which to respond to the One Stop Notice, IS.75
- **IS.86:** Notice of Requirement to Provide Biometrics: Home Office form served on asylum-seekers, advising them of the reasons they are required to provide biometrics and the laws governing the retention of their biometric information.
- **IS.91:** Detention Authority: form served by the Home Office on the detaining agent to authorise a person's detention.
- **IS.91R:** Notice to Detainee: Reasons for Detention and Bail Rights: form required to be served by the Home Office on a detainee at the start of their detention, setting out the reasons for their detention.
- **IS.97M:** Home Office form advising a person who has claimed to be a minor that they have been assessed as an adult based on their physical appearance and demeanor. At the time of the audit, the threshold for issuance of this form was that they appeared to be over 25. The threshold is now over 18.
- JDT: Joint Debriefing Team. Home Office team based in Kent and including staff from Immigration
 Enforcement, Border Force, Kent Police and the National Crime Agency. It aims to conduct targeted
 debriefs with people who have arrived clandestinely in the UK, in order to obtain intelligence on trafficking
 and smuggling.
- **Kick Start:** A programme run by the Department of Work and Pensions that provides funding to employers to create jobs for 16 to 24 year olds on Universal Credit.
- KIU: Kent Intake Unit
- **Medevent:** A private company that normally provides professional medical cover for film, TV and sporting events and has been contracted to provide medical services at Tug Haven, Western Jet Foil and Manston.
- Migrant Help: A charity that is contracted by the Home Office to provide advice and support to asylum-seekers, including with applications for accommodation and financial support and signposting to other services. It can refer individuals into the NRM and raise safeguarding concerns with the Home Office. It cannot provide legal advice, but may signpost asylum-seekers to legal services.
- Mitie: Private commercial partner providing custody and security services at the Kent Intake Unit, Gatwick North and other Home Office premises.
- MIU: Midlands Intake Unit
- Modern Slavery: Human trafficking and slavery, servitude, and forced or compulsory labour, as defined in the Modern Slavery Act 2015.
- NAAU: National Asylum Allocation Unit; Home Office unit responsible for deciding how an asylum claim
 will be processed, including whether an asylum-seeker should be provided with initial accommodation and
 financial support.

- NAIU: National Asylum Intake Unit
- NRM: National Referral Mechanism: a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support. It sits within the Home Office.
- **PEACE:** A model of investigative interviewing developed in the UK and now used worldwide. Its name is derived from the phases of an interview: Plan and Prepare, Engage and Explain, Account, Close, and Evaluate.
- **PIQ:** Preliminary Information Questionnaire: form that could be served on asylum-seekers at the time of their screening, asking them to provide further biographical information and answer four questions relating to the basis of the protection claim. Its use was discontinued in the autumn of 2022.
- Pronto: Police and reporting notebook organiser
- PVOT: Potential Victim of Trafficking
- Reasonable Grounds Decision: A decision taken by the competent authorities within the Home Office as to
 whether the decision-maker suspects but cannot prove that a person is a victim of modern slavery (human
 trafficking or slavery, servitude, or forced or compulsory labour).
- RHIB: Rigid-hulled inflatable boat
- RIU: Regional Intake Unit. Legacy term for intake units in Cardiff, Glasgow, Leeds, Liverpool and Solihull. They have now been subsumed into the local Service and Support Centre.
- RNLI: Royal National Life Boat Institution
- Section 8: Section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004: this sets out behaviour that must be taken into account as damaging an asylum-seeker's credibility.
- Serco: Private commercial partner providing transport, custody and security services at the Yarl's Wood Immigration Removal Centre and other Home Office premises
- Single Competent Authority: The decision-making body that is responsible for making Reasonable
 Grounds decisions and Conclusive Grounds decisions regarding individuals who may be victims of
 modern slavery as defined in UK law, where those individual are not within the remit of the *Immigration*Enforcement Competent Authority.
- STHF: Short Term Holding Facility
- Third Country Unit (TCU): The unit within Immigration Enforcement responsible for the handling of asylum
 claims under the third country inadmissibility principles formerly set out at Paragraphs 345A-D of the Immigration
 Rules, and now set out at Sections 80B and 80C of the Nationality, Immigration and Asylum Act 2002

ANNEX B: SOURCES CONSULTED

UNHCR materials specific to registration and screening

- UNHCR, "A refugee and then...": Participatory Assessment of the Reception and Early Integration of Unaccompanied Refugee Children in the UK, June 2019, available at: https://www.unhcr.org/uk/publications/legal/5d271c6a4/a-refugee-and-then.html
- Conclusions on International Protection, Adopted by the Executive Committee of the UNHCR Programme, 1975-2017 (Conclusion No. 1-114), available at: https://www.refworld.org/type,EXCONC,UNHCR, 5a2ead6b4, 0.html
- UNHCR, Effective processing of asylum applications: Practical considerations and practices, March 2022, available at: https://www.refworld.org/docid/6241b39b4.html
- UNHCR, Fair and Fast: UNHCR Discussion Paper on Accelerated and Simplified Procedures in the European Union, available at: https://www.refworld.org/pdfid/5b589eef4.pdf
- UNHCR, Guidance on Registration and Identity Management, available at: https://www.unhcr.org/registration-guidance/
- UNHCR, Key Procedural Considerations on the Remote Participation of Asylum-Seekers in the Refugee Status Determination Interview, 15 May 2020, available at: https://www.refworld.org/docid/5ebe73794.html
- UNHCR, Guide to Asylum Reform in the United Kingdom, February 2021, available at: https://www.unhcr.org/uk/609123ed4.pdf
- UNHCR, Remote Interviewing: Practical Considerations for States in Europe, 9 June 2020, available at: https://www.refworld.org/docid/5ee230654.html
- UNHCR, UNHCR RSD Procedural Standards Unit 4: Adjudication of Refugee Status Claims, 26 August 2020, available at: https://www.refworld.org/docid/5e87075d0.html
- UNHCR, *The 10-Point Plan in Action, 2016 Update, Chapter 5: Mechanisms for Screening and Referral,*December 2016, available at: https://www.refworld.org/docid/5804e0f44.html

UK Home Office materials

Home Office guidance listed on the gov.uk webpage Asylum screening and routing (asylum instructions) as of July 2021:

- Asylum screening and routing, Version 6.0, (31 December 2020), now available at:
 https://www.gov.uk/government/publications/asylum-screening-and-routing
- UK requests under the Dublin III Regulations (13 January 2021)
- Application registration card (13 April 2018)
- Language analysis (13 April 2018)
- Dublin III Regulation (14 August 2020)
- Doubtful and disputed nationality cases (4 October 2017)
- Biometric data-sharing (4 October 2016)
- Asylum claims from UK visa applicants (11 November 2014)
- Multiple applications (15 November 2013)

Home Office guidance referenced in the Asylum Screening and Routing guidance, Version 6.0:

- Liability to administrative removal under section 10 (non-European Economic Area (EEA)
- Dependants and family members in asylum claims
- Withdrawing asylum claims
- · Nationality: disputed, unknown and other cases
- · Biometric data-sharing process (Five Country Conference (FCC) data-sharing process)
- Multiple applications

- Visa matches: handling asylum claims from UK visa claimants
- Requests made to the UK under the Dublin III Regulation prior to the end of the Transition Period at 23h 000 on 31 December 2020
- EU / EEA asylum claims
- Inadmissibility
- Assessing age, Version 4.0 (31 December 2020)
- Detained asylum process
- Detention guidance
- The family returns process (see the section 'family welfare form')
- Children's asylum claims, Version 4.0 (31 December 2020)
- Victims of modern slavery (home page)
- · Victims of modern slavery: a guide for frontline staff
- · Victims of modern slavery: competent authority guidance
- · Further submissions
- · Identifying people at risk
- Identity management (enforcement)
- Immigration bail

Other UK Home Office publications

- Adults at risk in immigration detention, Version 8.0 (01 November 2022), available at: https://assets.
 publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1114803/Adults_at_risk_in_immigration_detention.pdf
- Assessing Age, Version 5.0 (14 January 2022), available at: https://assets.publishing.service.gov.uk/
 government/uploads/system/uploads/attachment_data/file/1045849/Assessing_age.pdf
- Assessing credibility and refugee status in asylum claims lodged before 28 June 2022, v. 10.0 [sic] (28 June 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086451/Assessing_credibility_and_refugee_status_pre_28_June_2022.pdf
- Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022, v. 11.0 [sic] (28 June 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1086137/Assessing_credibility_and_refugee_status_post_28_June_2022.pdf
- Asylum and resettlement datasets, Asylum seekers in receipt of support, available at: https://assets.
 publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098067/asylum-seekers-receipt-support-datasets-jun-2022.xlsx
- Asylum Screening and Routing, Version 7.0, 28 June 2022, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083699/Screening_and_routing.pdf
- Claim asylum in the UK (webpage), available at: https://www.gov.uk/claim-asylum
- Detention: General Instructions Version 1.0 (09 June 2021), available at <a href="https://webarchive.nationalarchives.gov.uk/ukgwa/20211214112919/https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/992285/detention-general-instructions-v1.0.pdf
- Detention: General Instructions, Version 2 (14 January 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1046288/Detention_General_instructions.pdf
- Enforcement Instructions and Guidance, available at: https://assets.publishing.service.gov.uk/government/ uploads/system/uploads/attachment_data/file/307995/Chapter55.pdf
- Gender Issues in the Asylum Claim, Version 3.0 (10 April 2018), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699703/gender-issues-in-the-asylum-claim-v3.pdf
- How many people do we grant asylum or protection to?, available at: https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/how-many-people-do-we-grant-asylum-or-protection-to

- *Inadmissibility:* safe third country cases, Version 7.0 (28 June 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084315/Inadmissibility.pdf
- Information booklet about your asylum application, available at: https://www.gov.uk/government/
 publications/information-leaflet-for-asylum-applications/information-booklet-about-your-asylum-application
 [accessed 4 August 2022]
- Interpreters Code of Conduct, Version 4.0 (30 November 2021), available at <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1085040/Code_of_conduct_for_UK_visas_and_immigration_registered_interpreters_v4.pdf
- Irregular or unlawful entry and arrival Version 2.0 (08 July 2022), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1091233/Irregular_or_unlawful_entry_and_arrival.pdf
- National referral mechanism guidance: adult (England and Wales) (webpage), available at: <a href="https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#Section-4
- Nationality: good character requirement, Version 2.0 (30 September 2020), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923656/good-character-guidance-v2.0-gov-uk.pdf
- Permission to stay on a protection route, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083097/Permission_to_stay_on_a_protection_route.pdf,
- Preliminary information questionnaire for asylum claims, available at: https://www.gov.uk/government/publications/preliminary-information-questionnaire-for-asylum-claims [accessed 16 September 2022]

Other UK Home Office documents

- Initial Contact and Asylum Registration Questionnaire (Screening Interview form)
- Invitation letter to screening interview (ASL.4451)
- Preliminary Information Questionnaire cover letter (ASL.4941)

Standard Operating Procedures as of 16 June 2021

Name of policy	Unit	Date last updated
Adult walk-in	AIU	Dec-19
Lateral flow test walk-in	AIU	Mar-21
Papers by post minutes	AIU	Not dated (ND) but appears to be 2019
Screening pilot October 2019	AIU	Oct-19
Service of papers by post	AIU	Jan-21
Walk-in flow chart 2019	AIU	ND 2019
Walk-in flow chart with rapid testing 2021	AIU	Mar-21
Service by Post letter with PIQ Template	AIU	20/7/2020
Service by Post letter Template	AIU	20/7/2020
Service by Post RELEASE Letter	AIU	28/1/2021
Service by post RELEASE pre-screening letter	AIU	ND
Walk-in and gatekeeper questions	AIU	ND
Walk-in send away letter	AIU	ND

Adults at risk safeguarding process	KIU	24/6/2019
Age assessment	KIU	24/6/2019
Booking in	KIU	24/6/2019
Breach of a DO	KIU	24/6/2019
Clandestine entrants	KIU	
Fingerprinting	KIU	24/6/2019
Former dependants	KIU	24/6/2019
Further subs	KIU	24/6/2019
Gentleman's agreement	KIU	24/6/2019
KSS port returns process	KIU	24/6/2019
NRM adult	KIU	25/6/2019
NRM minor	KIU	25/6/2019
Screening	KIU	24/6/2019
TCU referrals to NAAU	KIU	27/11/2017
UASC	KIU	24/6/2019
Mental health referrals	NAIU Safeguarding (SG)	8/10/2018
Vulnerable adult disabilities referral	NAIU SG	8/10/2018
Female genital mutilation	NAIU SG	8/10/2018
Domestic violence	NAIU SG	9/10/2018
Modern slavery	NAIU SG	9/10/2018
Suicide threats	NAIU SG	11/10/2018
Suicide threats telephone	NAIU SG	11/10/2018
Modern slavery duty to notify	NAIU SG	20/10/2017
Sexual assault	NAIU SG	20/10/2017

Local documents and standard operating procedures obtained during site visits

Note: Where the documents listed contain a heading, this is given in italics, and where it contained the UKVI or Border Force logo, this is stated.

AIU, as of November 2021

 USEFUL NUMBERRS FOR VULNERABLE APPLICANTS (A4 flier listing contact details for Migrant Help, Refugee Council, Refugee Action, British Red Cross, The Salvation Army, The Salvation Army Croydon Citadel, Local Authority (Croydon Council), St Mungos (Homeless charity), Crisis Skylight Croydon, The Samaritans of Croydon and Sutton, and CAYSH)

Belfast, as of 3 August 2021

- Home Office, Claiming Asylum in Northern Ireland
- Initial contact form (unheaded A5 paper containing the following list: Full name; Date of Birth; Place of Birth; Country of Birth; Married/Singe/Divorced; Religion; Occupation/Job; Contact/phone number)

Cardiff, as of 23 June 202

- Up to date flowchart of screening procedure
- Walk in Guide
- Serving documents to our claimants

Gatwick North, as of 25 October 2021

- Border Force, Immigration Powers Baggage Search Proforma
- Border Force, Liste du organismes de soutien par Border Force (list of charities offering support in regard to immigration matters, bereavement, members of the LGBT+ community, legal assistance, military veterans, accommodation, mental and physical health, religion, addiction, financial matters, and domestic violence – available in multiple languages)
- Home Office, THIRD COUNTRY CASE: Travel History Interview

Glasgow, as of 05 November 2021

- Documents relating to the Enhanced Screening Pilot, comprising:
 - Enhanced Screening Interview Questionnaire
 - Enhanced screening SOP
 - Word document setting out specific follow-up questions for certain nationalities and profiles in the enhanced screening interview pilot
 - Post enhanced screening triage sheet
- Word document ("desk aide") listing specific questions to be asked with regard to medical conditions
- UKVI, Asylum Registration and Screening (20 April 2021) (training powerpoint)

Heathrow, as of 05 November 2021

- ATLAS BITSIZE CHECKLIST: ASYLUM
- Border Force, Immigration Powers Baggage Search Proforma
- CASEWORK/ATLAS CHECKLIST
- Dynamic Risk Assessment
- Home Office, Asylum Support Application Form (ASF1)
- Home Office, Preliminary Information Questionnaire
- Terminal 5 SaMS Checklist Vulnerable Adults
- Terminal 5 SaMS Checklist Minors
- UK Visas & Immigration, ASYLUM: POINT OF CLAIM & INFORMATION BOOKLET (December 2020)
- Unaccompanied child welfare form (ASL.5097.a)

KIU, September and November 2021

- Home Office, Letter without a Home Office document number, advising a person that their claimed age
 [space left black] is not accepted, with the reason "Your physical appearance and demeanour very strongly
 suggests that you are 25 years of age or over." pre-checked.
- Rape Crisis Scotland [sic], Sexual Violence in Scotland
- UKVI, ACCOMPANIED MINOR BOOKING IN, SECURITY CHECKS & AIDE-MEMOIRE
- UKVI, ADULT BOOKING IN, SECURITY CHECKS & AIDE-MEMOIRE
- UKVI, UNACCOMPANIED MINOR BOOKING IN, SECURITY CHECKS & AIDE-MEMOIRE
- Unheaded A4 flier with local phone number and the statement "GIVE THIS NUMBER TO THE PERSON
 YOU ARE TELEPHONING SO THEY CAN CALL YOU BACK ON THIS PHONE" in English, Albanian, Bengali,
 Chinese [sic], French, Hindi, Kurdish, Punjabi, Portugeuse [sic], Persian, Polish, Romanian, Turkish, Somalian
 [sic], Tamil, Ukranian [sic], and Vietnamese
- UKVI, Information about your asylum application (29-page point of claim booklet dated 01/04/2016)

Midlands Intake Unit, as of 02 November 2021

• UKVI, MIU Enforcement Papers Checklist (Updated 07/09/2021)

Tug Haven, September and November 2021

- Home Office, *This is a guide for when you arrive in the UK by small boat* (in Amharic, Arabic, Dari, English, Pashto, Tigrinya and Urdu)
- Home Office, Please wear your wrist band (notice in English and six other languages)
- What is your age? (laminated A4 sheet with "What is your age?" written in Persian [sic], Arabic, Albanian, Azerbaijani, Urdu, Vietnamese and Yiddish).

Reports by the Independent Chief Inspector of Borders and Immigration

All available at: https://www.gov.uk/government/collections/inspection-reports-by-the-independent-chief-inspector-of-borders-and-immigration

- An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil,
 December 2021 January 2022
- An inspection of asylum casework (August 2020 May 2021)
- An inspection of the work of Border Force, Immigration Enforcement, and UK Visas and Immigration to identify, investigate, disrupt and prosecute perpetrators of modern slavery and human trafficking, October 2019 April 2020
- An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving via 'small boats' (May 2019 – December 2019)
- An inspection of Border Force operations at Glasgow and Edinburgh airports, January March 2019
- A re-inspection of the Home Office's Reporting and Offender Management processes and of its management of non-detained Foreign National Offenders, October 2018 January 2019
- An inspection of the Home Office's approach to Illegal Working, August December 2018
- An inspection of Border Force operations at south coast seaports, January May 2018
- An inspection of the Home Office's approach to the identification and safeguarding of vulnerable adults,
 February May 2018
- An Inspection of Border Force Operations at Stansted Airport
- An inspection of how the Home Office considers the 'best interests' of unaccompanied asylum seeking children, August – December 2017
- An inspection of asylum intake and casework, April August 2017
- An inspection of the Home Office's Reporting and Offender Management processes, December 2016 March 2017
- An inspection of Border Force operations at Gatwick Airport (South Terminal), September December 2016
- An inspection of Border Force operations at east coast seaports, July to November 2016
- An Inspection of Border Force's Identification and Treatment of Potential Victims of Modern Slavery, July to October 2016
- A re-inspection of Border Force operations at Heathrow Airport, May 2016
- A short notice inspection of the Home Office response to 'lorry drops', October 2015 January 2016
- An Inspection of Border Force Operations at Manchester Airport, July October 2015
- An Inspection of Asylum Casework, March July 2015
- Asylum: A thematic inspection of the Detained Fast Track, July September 2011
- Liverpool Asylum Screening Unit: Unannounced Inspection, 10 August 2009

Reports by HM Inspectorate of Prisons

- Report on an unannounced inspection of the detention of migrants arriving in Dover in small boats (2–4 and 7–10 September 2020), available at: https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/dover-short-term-holding-facilities/
- Report on an unannounced inspection of the detention of migrants at Dover and Folkestone (Tug Haven, Kent Intake Unit and Frontier House) by HM Chief Inspector of Prisons (8 October and 1–3 November 2021), available at: https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/detention-of-migrants-at-dover-and-folkestone/

Reports by the Independent Monitoring Board

- Initial findings at the Tug Haven reception facility in Dover, August 2021, published as an annex to the Annual Report of the Independent Monitoring Board at Dover Short-Term Holding Facility, For reporting years 01
 January 2019-31 December 2020, available at: https://s3-eu-west-2.amazonaws.com/imb-prod-storage-10cod6bqky0vo/uploads/2021/10/IMB-Dover-Annual-Report-2019-2020-FINAL-VERSION-including-annex-on-Tug-Haven-for-circulation-2021-10-01.pdf
- Report on Dover holding facilities: 11/10/21, available at https://s3-eu-west-2.amazonaws.com/imb-prod-storage-10cod6bqky0vo/uploads/2021/11/202111110-report-on-Dover-facilities-final.pdf

Caselaw

- Ali v The UKHO [2020] EW Misc 27 (CC), available at: https://www.bailii.org/ew/cases/Misc/2020/27.html
- *B, R (on the application of) v London Borough of Merton* [2003] EWHC 1689 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2003/1689.html
- DA & Ors v The Secretary of State for the Home Department [2020] EWHC 3080 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2020/3080.html
- Darboe and Camara v. Italy (Application no. 5797/17), Council of Europe: European Court of Human Rights, 21 July 2022, available at: https://www.refworld.org/cases,ECHR,62e160514.html
- Detention Action v Secretary of State for the Home Department [2014] EWHC 2245 (Admin), available at: https://www.bailii.org/ew/cases/EWHC/Admin/2014/2245.html
- HM, R (On the Application Of) v Secretary of State for the Home Department [2022] EWHC 695 (Admin), available at: http://www.bailii.org/ew/cases/EWHC/Admin/2022/695.html
- *JB (Jamaica), R (on the application of) v Secretary of State for the Home Department* [2013] EWCA Civ 666, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2013/666.html
- HK (Turkey) v. Secretary of State for the Home Department, [2007] EWCA Civ 1357, available at: https://www.refworld.org/cases,GBR_CA_CIV,478c88322.htm
- Kakaei, R. v [2021] EWCA Crim 503 (08 April 2021), available at: http://www.bailii.org/ew/cases/EWCA/Crim/2021/503.html
- MA & Anor, R (On the Application Of) v Coventry City Council & Anor [2022] EWHC 98 (Admin), available at: http://www.bailii.org/ew/cases/EWHC/Admin/2022/98.html
- MT, R (on the application of) v Secretary of State for the Home Department & Ors [2008] EWHC 1788 (Admin), available at: http://www.bailii.org/ew/cases/EWHC/Admin/2008/1788.html
- R v. Secretary of State for the Home Department, Ex parte Bugdaycay; Regina v. Same, Ex parte Nelidow Santis; Regina v. Same, Ex parte Norman, [1986] 1 All ER 458, [1986] 1 WLR 155, [1986] Imm AR 8, United Kingdom: Court of Appeal (England and Wales), 5 November 1985, available at: https://www.refworld.org/cases,GBR_CA_CIV,3ae6b6230.html
- (Q) v Secretary of State for the Home Department [2003] EWCA Civ 364, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2003/364.html
- R (Refugee Legal Centre) v Home Secretary [2004] EWCA Civ 1481, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2004/1481.html
- SB (Sri Lanka) v The Secretary of State for the Home Department [2019] EWCA Civ 160, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2019/160.html
- Secretary of State for Education and Science v Tameside MBC [1977] AC 1014, available at: https://www.bailii.org/uk/cases/UKHL/1976/6.html
- YL (Rely on SEF) China [2004] UKIAT 00145, available at: http://www.bailii.org/uk/cases/UKIAT/2004/00145.html
- ZL & Anor v Secretary of State for the Home Department and Lord Chancellor's Department [2003]
 EWCA Civ 25, available at: https://www.bailii.org/ew/cases/EWCA/Civ/2003/25.html

Other sources

- College of Policing (UK), Investigative Interviewing, available at: https://www.college.police.uk/app/investigation/investigative-interviewing/investigative-interviewing
- Government of Canada, Application Guide for the Canadian Refugee Protection Portal (CRPP), available at: https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-canadian-refugee-protection-portal.html
- European Parliament and Council, Regulation (EU) No 604/2013 of the European Parliament and of the
 Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State
 responsible for examining an application for international protection lodged in one of the Member States by
 a third country national or a stateless person (recast), available at:
 https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R0604
- Law Society, Immigration and asylum legal aid deserts, available at:

- https://www.lawsociety.org.uk/campaigns/legal-aid-deserts/immigration-and-asylum
- Legal Aid Agency, Civil legal aid: means testing (webpage), available at: https://www.gov.uk/guidance/civil-legal-aid-means-testing#evidence
- Migrant Help, What we do (webpage), available at: https://www.migranthelpuk.org/what-we-do
- Ministry of Justice (UK) and National Police Chiefs' Council, Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures (January 2022) (MOJ and NPCC, ABE guidance), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1051269/achieving-best-evidence-criminal-proceedings.pdf
- NHS Inform (Scotland's national health information service), *Registering with a GP practice*, available at: https://www.nhsinform.scot/care-support-and-rights/nhs-services/doctors/registering-with-a-gp-practice
- Refugee Council, A note on barriers experienced by refugees and people seeking asylum when accessing
- health services, March 2021, available at: https://media.refugeecouncil.org.uk/wp-content/

 uploads/2021/10/29174557/A-note-on-barriers-experienced-by-refugees-and-people-seeking-asylum-when-accessing-health-services_March_2021.pdf
- UK Crown Prosecution Service (CPS), Legal Guidance: Immigration, June 2018, available at: https://webarchive.nationalarchives.gov.uk/ukgwa/20200506164956/https://www.cps.gov.uk/legal-guidance/immigration
- UK House of Commons Home Affairs Committee, Channel crossing, migration and asylum (2022), available at: https://committees.parliament.uk/publications/23102/documents/169178/default/
- UK National Health Service, *How to register with a GP surgery* (webpage), available at: https://www.nhs.uk/nhs-services/gps/how-to-register-with-a-gp-surgery/
- United Nations, Global Compact on Refugees, 2018, available at: https://www.unhcr.org/5c658aed4
- Wilding, Jo. *The Legal Aid Market: Challenges for Publicly Funded Immigration and Asylum Legal Representation* (Bristol: Bristol University Press, 2021).

ANNEX C: OBSERVATIONS OF SCREENING INTERVIEWS

- 1. UNHCR directly observed 32 full screening interviews totaling more than 28 hours of observation. Of these, 18 were face-to-face interviews which UNHCR observed in person, six were face to face interviews which UNHCR observed by being dialed in by telephone, seven were telephone interviews which UNHCR joined by teleconference and one was a telephone interview where UNHCR sat together with the interviewer.
- 2. In addition, The Home Office provided UNHCR with a spreadsheet containing basic details of 5,581 cases screened between March and September 2021, from which 50 were randomly selected. UNHCR read the screening and welfare interview records in each case, and reviewed the case records in the two Home Office caseworking databases, the Case Information Database (CID) and Atlas.
- 3. Interviews for observation were those that happened to be scheduled on the day UNHCR visited or, for those that allowed walk in interviews, where claimants showed up spontaneously. For some interviews where UNHCR observed by telephone we took the opportunity to choose interviews from a mix of nationalities. Beyond this basic sift there was no deliberate selection process.

Table 1

Gender of claimants			
Gender and age as deemed at time of interview	Number of interviews observed	Interviews in file audit	
Adult Male	22	25	
Adult Female	9	12	
Child Male	7	5	
Child Female	0	2	
Age disputed male	1	5	
Age disputed female	0	1	
Total	39	50	

Table 2

Method of interview and observation by UNHCR				
Method	Screening and welfare interviews UNHCR observed in person	Screening interviews UNHCR observed by telephone	Method in File audit	
Face to face (claimant and interviewer together)	24	6	22	
Conducted by telephone	2	7	16	
Method not clear from the record	N/A	N/A	10	
Welfare form completed on paper	N/A	N/A	2	
Total	26	13	50	

4. UNHCR also directly observed seven child welfare interviews; there were eight child welfare interviews included in the files selected randomly for audit.

Country of origin of claimants				
Country of origin	Adult Interviews observed	Welfare Interviews Observed	Adult interviews in file audit	Welfare interviews in audit
Afghanistan	0	1	5*	2
Albania	2	0	8	0
Bangladesh	1	0	2	0
Botswana	1	0	0	0
Cameroon	0	0	2	0
Egypt	1	0	0	0
Equatorial Guinea	0	0	1	0
El Salvador	3	0	0	0
Eritrea	1	1	2	1
Hong Kong	1	0	0	0
India	0	0	1	0
Iran	6	3	4*	3**
Iraq	1	0	3	0
Jamaica	0	0	1	0
Kuwaiti Bidoon	0	0	1	0
Libya	1	0	1	0
Morocco	0	0	1	0
Myanmar	1	0	0	0
Nigeria	0	0	2	0
Pakistan	1	0	3	0
Palestine	1	0	0	0
Sierra Leone	0	0	0	1
Somalia	2	0	0	0
Sri Lanka	1	0	0	0
Sudan	1	2	1*	1
Syria	5	0	0	0
Thailand	1	0	1	0
Türkiye	0	0	2	0
Vietnam	0	0	1***	0
Yemen	1	0	0	0
Total	32	7	42	8

^{*} One age disputed and later found to be a child of 17

^{**} One age disputed and later found to be an adult of 21

^{***} Age disputed; absconded

5. Of the claimants whose interviews we observed directly, 25.6% held some form of permission to be in the UK at the time of their asylum claim, while in the audit the figure was 20%. 41% and 34%, respectively, had claimed asylum upon arrival at an air or sea port. Small boat arrival made up 31.25% of all of the claimants whose interviews we observed directly and 26% of those in the audit. Interviews in these cases were typically held by phone with individuals in Short Term Holding Facilities in the Kent Intake Unit, Yarl's Wood or Harmondsworth, but also in person in Glasgow where claimants had moved on to Scotland after arrival. Finally, clandestine entrants (including those who had entered across the land border between the Republic of Ireland and Northern Ireland) made up 23% of claimants in the interviews observed and 38% of claimants in the audit.

Immigration situation	Number of adult interviews observed	Number of welfare interviews observed	Number of adult interviews in file audit	Number of welfare interviews in audit
Legally present in the UK	9	1	9	1
- Of which				
• Visitor	3		3	
• Student	6		4	1
Skilled worker			1	
Diplomat dependant			1	
• Entered on a visa to join family in the UK		1		
Sought protection on arrival at a seaport after travelling by small boat	10	3	12	1
Sought protection on arrival at an airport	3	0	4	0
- Of which:				
Arrived with a valid student or visit visa			2	
 Was not required to hold a visa 	2			
Arrived without valid documents			1	
Attempted to enter on false documents			1	
 Attempted to enter as a visitor or on a visa but was denied entry 				
Attempted transit	1			
Entered or remained in the UK irregularly	10	3	17	6
- Of which:				
Clandestine entrant	3	2	14	5
Entry without leave by land from the Republic of Ireland	3	1		
Overstayer	2		1	
Entry on a false document	1		2	1
Entry by verbal deception admitted	1			
TOTAL	32	7	42	8

Length of adult screening interviews				
Method Range Average Total interview time UNHCR observed				
Regular screening interviews (24)	19 m – 1h 47m	53 m	17 h 30mw	
Enhanced screening interviews (9)	56 m – 1h 46m	1 h 19 m	11 h 47m	
Adult interviews in file audit (all regular interviews)*	15 m-1 h 38 m	37 m	N/A	

The duration of the interview was not recorded in eight cases in the file audit.

Length	Adult interviews observed		Adult intervie	ws in file audit
Method	Range	Average	Range	Average
Face to face	19 m – 1 h 40 m	45 m	18 m – 1 h 19 m	43 m
Telephone	21m – 1 h 47 m	59 m	15 m -55 m	39 m

Adult screening interviews observed by location		
Location of claimant	Number of interviews observed	
Belfast	3	
Cardiff Intake Unit	4	
Croydon	4	
Glasgow	10	
Harmondsworth IRC (Short Term Holding Facility)	1	
Yarl's Wood IRC (Short Term Holding Facility)	6	
Heathrow (Terminal 5)	2	
Kent Intake Unit	2	
Total	32	

Screening interviews observed by location (total = 32)



Comments on interviews observed

- 6. In 18 cases UNHCR considered that disclosure was discouraged by the interviewer. Examples included:
 - (i) Where the interpreter led the interview, reducing engagement and follow up questions from the interviewer.
 - (ii) "Robotic" questioning, giving the impression that the interview was a tick box exercise.
 - (iii) Closed questioning.
 - (iv) Failure to pause for or confirm claimant's understanding during questioning or read out of standard text.
 - (v) Instructing claimants or interpreters that material information was not needed.
 - (vi) Failure to follow up on claimant's answers which clearly suggested issues relevant to vulnerability. Specific example included:
 - No follow-up to answer regarding exploitation. Interviewer: "Have you ever been exploited or reason to believe you were going to be exploited? Claimant "Here, no" [no further follow up]
 - (vii) Openly leading instructions or questions. One specific example included:
 - Before the criminality and security questions, interviewer says to claimant "Some of these questions
 are about work. I know that he mentioned that earlier he was a shepherd. A lot of these Qs will be "no"
 or "no to all". That's fine. We can just get through them."
 - (viii) Failure to provide an interpreter when one had been requested.
 - (ix) Having family members present during the interview.
 - In one case a woman was interviewed with a UK based man claiming to be her husband.³¹⁹ The man spoke to the claimant during the interview and had his hand on her leg. In response to the question "Do you feel safe in the accommodation [where you are staying]?" which was directed to the claimant, the man answered by giving a thumbs up.
 - In another case a claimant discussed a sexual assault which her daughter had suffered, whilst that daughter and her other child slept on the floor next to her.
- 7. In other cases, UNHCR observed good practice from interviewers, which may have helped encourage disclosure. This included interviewers who were observed:
 - (i) Reassuring claimants when they were discussing traumatic issues;
 - (ii) Responding to claimants' distress by offering breaks;
 - (iii) Offering water and tissues to claimants;
 - (iv) Being relaxed and warm in their manner;
 - (v) Looking at the claimant when asking questions and when the claimants were answering;
 - (vi) Speaking slowly and leaving pauses for the claimant to speak; and
 - (vii) Reading statements back to the claimant and encouraging them to add or correct if they wished.
- 8. In 13 cases, statements by claimants which raised potential credibility issues were not explored. Examples included:
 - (i) Fear expressed in relation to previous countries of stay in Europe, without any exploration of what had happened;
 - (ii) Implausible travel routes;
 - (iii) Incoherent accounts of the point in time at which a claimant became aware of their fear of return; and
 - (iv) Evasive or implausible answers about asylum claims in third countries.
- 9. In only 4 of the 32 interviews UNHCR observed was a verbatim record kept of the screening interview. For the remaining 28 interviews UNHCR categorized non-verbatim recording of the interviewers' questions and/or claimants' answers into "significant" and "non-significant" changes. We judged changes to be significant where information was omitted or changed and that information could have a material effect on the assessment of a person's asylum claim or the identification of vulnerability or specific needs. A "non-significant" change was one in which the record was not verbatim but was substantively complete. Examples of each are given in the table below.

Examples of inaccuracies in transcript assessed by UNHCR as "significant" Observed and recorded by UNHCR Recorded in official transcript **UNHCR** comment Officer: Why does he fear CID [Criminal Officer: Please BRIEFLY explain The official screening Investigation Department]? ALL of the reasons why you cannot interview form records return to your home country? that the claimant was **Claimant:** The are looking for me and my explaining his role in involvement in the LTTE [Liberation Tigers Claimant: I GOT PROBLEM, THEY the LTTE, however the ARE LOOKING INVOLVEMENT IN of Tamil Elam]. answer was in fact the LTTE - A TAMIL GROUP Officer: LTTE? And could you explain interpreter explaining what that stands for? the nature of a different organisation, the Tamil Claimant: It is a separated group in **PLEASE EXPLAIN HIS** National Congress and not Sri Lanka – Tamil group [interpreter **INVOLVMENT IN TAMIL GROUP?** necessarily the claimant's explained without asking claimant] TAMIL NATIONAL CONGRESS role in it. This could have Officer: Could the claimant explain his **POLITICAL** significant implications for involvement with the Tamil group? considering the claimant's credibility. Interpreter: He is telling all his story you WHEN DID HE JOIN THIS GROUP? want to write it down? 2020 Officer: I want to understand what group it is? Interpreter: Tamil National Congress. It's a political party you can write it. [interpreter says without going back to claimant] Officer: When did you join this group? Interpreter: 2020 Officer: Have you ever had any issues/ Officer: Have you ever had any The official screening problems in your home country due to issues/problems in your home interview records that your: country due to your: the claimant was, herself, threatened by Shia Religion? Religion? Muslims, but the claimant Political Opinion? Political Opinion? did not make this specific claim during her screening Nationality? Nationality? interview and was rather Race? Race? referring to the general situation for Sunni Muslims **Interpreter:** (interpreter was using she Claimant: Yes, because I am Sunni being threatened by Shia. pronoun, rather than I): She said def I have been threatened by Shia because of sectarian killing they kill Sunni. Muslims with kidnap and Iraq [sic]" Between Sunni and Shia – because you are Sunni they threated. Officer: Yes. What have they threated?

Threated to hurt you to kill you?

Interpreter: She said they been threatened kidnapping them, raping them. Its sectarian killing and because of

ethnicity and your religion.

Examples of inaccuracies in transcript assessed by UNHCR as <u>"significant"</u>

Observed and recorded by UNHCR	Recorded in official transcript	UNHCR comment
This question was <u>not</u> asked during the	Officer: 1.12 Are you able to	This question was not asked;
interview: "1.12 Are you able to conduct	conduct an interview in any of	however, the answer is
an interview in any of these languages"	these languages Claimant: Yes	recorded in the screening record as "Yes". This is of particular concern in this case as the claimant had on
	old manual les	several occasions noted that she was not comfortable being interviewed in English but was not provided with an interpreter.
Q 1.7 "Do you have any evidence to confirm your identity" was not asked, but was recorded as being answered "No".	In fact, the claimant had handed in an Albanian ID card (to the same person who did the interview).	Materially incorrect recording of the interaction and a significant omission not to record the fact that the claimant had provided a national ID card.
The group Hoothis we are afraid of they told me if I need my salary just go there to the front and fight the other group the govt they told me I need to fight to go to war to get my salary. I never been a solider. I was a secretary I used to type on a computer. I was never a solider that used to fight on the front. If I go there I will die.	I fear the Houthis, they told me more than 1 time that if you want your salary then you go to the front and fight. The government also told me to go to war to get my salary. I used to type on computers, I am not the person to fight. If I go there I will fight.	The claimant has been recorded as expressing an intention to fight, which they did not.
Officer: 5.1 Have you ever worked for any of the following organisations? [questions grouped and asked as one] Judiciary Media Government Public or civil administration Security (including police, intelligence services and private security companies) Scientific research	Officer: 5.1 Have you ever worked for any of the following organisations? [questions grouped and asked as one] Judiciary Media Government Public or civil administration Security (including police, intelligence services and private security companies) Scientific research	The claimant had claimed he was in the military but worked as a typist. His claimed role (as a typist) was not included in the screening record.
Claimant: I would say yes because as a solider I worked in a military armored division but as a typist, but I can provide more details later right?	Claimant: I would say yes, as a soldier I was in the military armed security.	

Observed and recorded by UNHCR	Recorded in official transcript	LINILICD commont
	ń	UNHCR comment
Claimant: I travelled from Somalia to Turkey by PLANE.	Claimant: I travelled from Somalia to Turkey by TRAIN.	The mode of transport from Somalia to Turkey is recorded as "Train" instead of "Plane". Whilst the interviewer could reasonably have misheard the claimant, that they travelled by train is highly unlikely.
Officer: Well he was in the lorry for four days, what did he do for food? A: The agent provided me with food before putting me in the lorry and gave me a container in case I needed to pass urine. The agent knew how long the lorry would take.	The question and answer is not recorded only that the claimant was in the lorry for 4 days. No explanation of how he was able to survive inside the lorry.	The details that were omitted may be relevant for considering credibility and inadmissibility.
Officer: If you did return, what would happen? Claimant: When I came from Dubai, in those five days, he managed to locate me. Going back home, with my pregnancy, it would break me.	Record: After what happened with my step-father my family disowned me. Officer: What would happen if you returned? Claimant: I would be threatened	The claimant's claim that her step-father located her within five days of her previous return has been omitted, and the interview has interpreted her fears arising from her pregnancy as related to her step-father, without seeking to clarify this.

Examples of changes to written transcript assessed by UNHCR as "non-significant"		
Observed and recorded by UNHCR	Recorded in official transcript	
Claimant provided details in describing his local area	Not all detail recorded in official transcript	
Claimant provided details in describing medical issues	Not all medical details recorded in official transcript	

pregnant.

by my step-father especially as I'm

10. UNHCR observed that it was common for interviewers to combine a claimant's answers to a series of questions into a single narrative. Three examples are given below.

Actual interview	Recorded in transcript
Officer: Did you stay in the unknown country for a particular period of time?	Claimant: I then travelled by boat to unknown country, I stayed here for 3-4
Claimant: Yeah occasionally I was kept in those unknown countries between three or four days, sometimes hours and stopped by the police and then released.	foot and lorries. Sometimes stopped by police and released. My journey
Claimant: My journey took one month. I wasn't making the decision where to go how to go where to stay it was decided by the agent who was leading me, ordering me, to stay one day or more or three days.	took 1 month I did not decide where to go the agents were in control in where we went. I didn't know where I was, I stayed in a jungle 1-2 days. I then got a
Officer: 5-6 days by foot and lorry – was it by foot and lorry or just foot?	small boat to the UK arriving 3 days ago.
Claimant: Foot and lorry.	
Officer: Did you stay anywhere else on the way, did you stay in the jungle?	
Claimant: I don't know, I couldn't speak any languages, I couldn't speak any foreign languages I didn't know where I was.	
Officer: Did you stay in the jungle before getting on the boat?	
Claimant: Yes, I was in the jungle for maybe one or two days.	
Officer: Any stress issues, mental health issues worrying him? Claimant: No, I am just stressed and tired actually.	Officer: Is there anything else you would like to tell me about your physical or mental health? Claimant: No

ANNEX D: PRELIMINARY OBSERVATIONS AND RECOMMENDATIONS FROM DESK REVIEW, JULY 2021

- (i) There is a long-standing tension within the screening process between the competing values of speed, accuracy and public law principles of fairness and rationality.
- (ii) The SSHD has specific public law duties that require that both the interviewer and the claimant are aware of the purposes of the questions being asked at screening and that claimants have an opportunity to address any matters that could weigh against their interests. Caselaw suggests that there are two divergent ways of addressing these concerns: lengthening and improving the screening process or providing a prompt post-screening safeguard.
- (iii) In the past, the SSHD's public law duties have founded extensive litigation whenever the UKHO has made adverse decisions (such as detention or denial of financial support) on the basis of the screening interview record. Where the consequence of screening is positive for example, admission to an accelerated "manifestly founded" track scrutiny may potentially be less.
- (iv) Given their serious adverse consequences for the claimant, the new inadmissibility rules therefore have the potential to increase judicial scrutiny of the screening process. To the extent that the Nationality and Borders Bill increases the severity of the penalties for inadmissibility, increased litigation about the fairness of the process by which inadmissibility is determined is likely. It is also likely that the process by which the SSHD obtains other information relevant to the imposition of the penalty of "Group 2 "refugee status, such as directness of travel to the UK and the promptness of an asylum claim.
- (v) Arguably, neither the documents provided to claimants, the questions included on the screening questionnaire, nor the guidance sufficiently takes the public law duty to inquire and duty of fairness into account, particularly with regard to inadmissibility.
- (vi) The structure of the screening interview and of some of the questions are potentially confusing both for the claimant and the decision-maker, and this confusion regularly arises as a material issue in appeal decisions.
- (vii) The use of screening interview records to make adverse credibility findings in the substantive asylum decision continues to found successful challenges to refusal decisions, even where courts or Tribunals recognise that there are other well-founded credibility concerns. It is worth considering whether the use of the screening interview to challenge credibility is worth the increased risk of both erroneous refusals and of litigation surrounding otherwise well-founded refusals. Through observation visits and a casefile audit UNHCR intends to examine whether the issuance of "credibility warnings" at the point of screening is an appropriate or practical approach.
- (viii) The UKHO Asylum screening and routing Guidance (ASR Guidance)³²⁰ does not include reference to action that should be taken if screening officers are in any doubt about whether to register an asylum claim. In UNHCR's view if screening officers are in any doubt, they should be encouraged to register an asylum claim.
- (ix) It is not clear from the ASR Guidance whether an individual receives a record or reasons for a decision not to accept an asylum claim, or whether they are given an opportunity to respond before the decision is made.

 The lack of notice and an opportunity to respond has the potential to fall short of public law duties of fairness
- (x) The guidance suggests that screening officers may signpost (but not instruct) those whose claim is not accepted towards other types of applications or processes (e.g. stateless leave and medical grounds applications or the voluntary returns process). UNHCR is interested to learn more about how, in practice, such signposting occurs.
- (xi) The ASR Guidance should be amended to include reference to the UKHO's position not to enforce mandatory completion of the PIQ. Consideration should be given to creating discretion to register an asylum claim where a previous claim was been withdrawn at an early stage, prior to an interview or the submission of evidence.

- (xii) The ASR Guidance is unclear about whether the role of the screening officer is to form a considered view regarding a claimant's potential inadmissibility or merely present evidence to the National Asylum Allocation Unit (NAAU). UNHCR requests clarification on this point and further suggests that the role of the screening officer be clarified in this regard in the published guidance.
- (xiii) The ASR Guidance already provides that the screening process can be conducted across multiple days to suit particular situations, which may include limited UKHO capacity and/or the particular circumstances of the claimant (such as a health issue). This presents an opportunity to revaluate, as part of this review, which questions are best asked immediately on arrival and which questions could be asked later.
- (xiv) There appears to be a lack of clarity in SOPs for "walk-in" asylum claimants about which questions should be asked of a claimant to determine whether they should be taken into the screening process or made to come back later.
- (xv) No recent ICIBI inspections of the work of Border Force, Immigration Enforcement (IE), or Immigration Compliance and Enforcement (ICE) has specifically looked at how they conduct asylum screening procedures, making an audit if their procedures particularly pressing.
- (xvi) When detailing documents to be issued to claimants at screening the ASR Guidance does not set out that some asylum-seekers (depending on their previous immigration status) may have a right to work in the UK. UNHCR recommends the ASR Guidance be corrected to ensure that asylum claimants who should, according to the Immigration Rules, be allowed to work ,are issued with the correct documents at screening confirming this right.
- (xvii) As previously identified in UNHCR's desk review for the QPP trafficking workstream there remain several references in the ASR Guidance to the outdated Victims of Modern Slavery guidance (see Pages 6 and 13 of the ASR). UNHCR recommends that these be updated.
- (xviii) From the current ASR Guidance it may be unclear to screening officers how referrals to UKVI safeguarding leads are ultimately carried forward, or even how asylum claims are determined. If screening officers were more familiar with the pathways available for support to vulnerable claimants, or indeed of the various consequences of the screening procedure in general it may encourage the collection of more relevant information and assist in more targeted vulnerability referrals.
- (xix) UNHCR has considered previous reports which have suggested that the way staff understand vulnerability is largely shaped by the categories they are given for recording it; the most clear examples in UKHO Guidance being unaccompanied asylum-seeking children and potential victims of modern slavery (PVoMS). Policies and training also focused on PVoMS and children, although FGM and "honour based violence" were also mentioned in Border Forces training. Other vulnerabilities or persons with special needs, particularly those which may not be immediately visible may be missed.
- (xx) The substance and formulation of the questions in Part 5 (Criminality and Security) presents several challenges to obtaining reliable information. The UKHO may wish to reconsider the value of asking the full range of questions in Section 5 in the context of a screening interview.
- (xxi) As UNHCR has previously recommended, the UKHO should publish statistics on the number of individuals claiming to be children but assessed and screened as adults. We maintain this recommendation.
- (xxii) UNHCR requests further information on the UKHO (and contractors where relevant) policy for using ad hoc interpretation from other asylum-seekers during the screening process and recommends that the ASR Guidance addresses this issue directly. The UKHO should consider the detailed safeguards recommended by UNHCR concerning the use of ad hoc interpreters which include considerations of privacy, record keeping, assessment of conflicts of interest and consent. [UNHCR, RSD Procedural Standards, 2020, https://www.refworld.org/docid/5e870b254.html, p.146]
- (xxiii) It is not clear how non-urgent local authority referrals are triggered after dispersal. There may be a risk that non-urgent needs, which were nonetheless serious enough to refer to the local authority, may not be communicated to the local authority.

ANNEX E: QUESTIONNAIRE FOR SCREENING INTERVIEW



INITIAL CONTACT AND ASYLUM REGISTRATION QUESTIONNAIRE

Port/Home Office Reference:	
Date/Location/Start Time:	
Interviewing Officer	
(note whether male/female)	
Interpreter's reference number	
(note whether male/female, and location	
of interpreter - phone, VC, in room with	
claimant)	
Language of interview (and dialect if	
relevant)	
Ticket Number: (if relevant)	
Please tell me if you feel unwell at any	
time during this interview. Are you	
ready to be interviewed?	

The following may be read directly by an interpreter.

To be readout: If you do not understand the interpreter please tell me.

I am/The officer is going to ask you some questions about your identity, family, background, travel history and some health and welfare questions. I/The officer will only ask you for a brief outline of why you are claiming asylum today. I/The officer will not be making the decision on your asylum claim.

If you are sent a Preliminary Information Questionnaire, it is important that you complete it so that your claim can be considered. If you cannot complete the questionnaire in the time given you must tell the Home Office before this date and give the reason why you cannot complete it. We will give you details about how to contact the Home Office with the questionnaire. You will not be sent a questionnaire if you are detained.

If appropriate, at a later date you will be sent a letter inviting you to attend an asylum interview at which you be able to give full details of your experiences and fears. Your asylum interview will be recorded and we may conduct your interview by video conferencing unless you have a reason why the interview should not be recorded or conducted by video conferencing. If so, you will need to provide evidence to your casework team. The letter inviting you to interview will provide details about how you can contact the casework team.

If you do not attend your asylum interview without providing a valid reason, your claim for asylum may be withdrawn and steps made to remove you from the UK.

Your claim may be treated as being inadmissible if you came to UK after travelling through a safe third country or have connections to a safe third country. If we do your asylum claim will not be substantively considered if you can be removed to a safe third country. We will inform you if we take such a decision.

Your information may be shared with other UK government departments or agencies including the National Health Service, local authorities, asylum authorities of other countries, international organisations and other bodies. Any information shared is to enable us and other organisations to carry out functions, including the prevention and detection of crime.

We will not inform your own country that you have claimed asylum or the reasons. We will not share any information if doing so would put you or your family at risk. However we may share some of the information you have given us with them. For example, to help us get travel documentation if your claim is refused.

You must answer all the questions fully and truthfully. Making false statements may:

- Constitute a criminal offence
- Damage your credibility
- Make you liable for prosecution and imprisonment.

Is there anything you would like me to repeat or explain? YES/NO

If yes, please provide clarification and re-ask above question

Part 1 – Personal details and identity

If info	ormation is already known, office	er should confirm that the details held are correct
1.1	Full name (first name(s) FAMILY name)	
	Confirm spelling	
1.2	Date of birth (if not known ask how old)? Be aware of alternative calendars (e.g. Iranian). If officer assigns DOB for CID must clearly note this (if disputed write disputed)	
1.3	Have you ever used any other names or dates of birth?	
1.4	What is your gender?	
1.5	What is your nationality?	
1.6	Do you have any other	

	nationalities?	
1.7	Do you have any evidence to confirm your identity?	
	If passport or travel document also record document number	
1.8	If no passport	
	Where is your passport?	
1.9	Country and town of birth	
1.10	What is your main language and dialect?	
1.11	What other languages and dialects do you speak?	
1.12	What is your religion (including denomination)?	
1.13	What is your race/ethnicity/tribal group?	
1.14	What is your occupation in your home country?	
1.15	What is your address in the UK?	
	Does the person have somewhere to reside whilst their claim is considered?	
1.16	Do you feel safe in the accommodation?	
	If no, explore (PVOT)	
1.17	What is your contact number and email address?	
1.18	Please confirm details of any dependants to be included on your asylum claim.	
	A dependant is an accompanying spouse/partner (living as a couple for two years) and children under 18 years old.	
	Please record details: name, DOB, nationality and relationship to the claimant.	

1.19 In the UK a child who is named as a dependant on an asylum claim should generally be considered to have also made an asylum claim in their own right unless they have no protection needs to seek asylum. If a dependant has no protection needs they will still remain in the UK with the main claimant whilst their claim is decided.

We understand that in many cases the basis of a child's claim for asylum is the same as the main claimant. We can therefore assess a child's claim for asylum based on the information the main claimant provides to us. In other cases the child will have additional or differing reasons than the main claimant. It is important for us to understand whether a child faces any risks which are different to the main claimant so we can properly consider their claim.

In respect of each of the children named at question 1.18:

- does the child face a risk on return to their country of origin?
- if yes, do you believe the risk to be same risk that you face, or are there additional or

	differing risks?	
1.20	Please confirm details of spouse/partner and children not included on asylum claim.	
	Please record details: name, DOB, nationality, location and relationship to the claimant.	
1.21	Are there any compelling family reasons for children who are not your own to join you if you were granted leave?	
	Please record details: name, DOB, nationality, location and relationship to the claimant and compelling reason	

Part 2 - Health / Special needs

To be read out. It is important that you tell us as early as possible, of any information relating to your health including any possibility of contagious diseases. It will not negatively affect your claim. Any medical information you disclose may help you with accessing health services. You can enrol with a doctor and seek medical advice without charge.

2.1	Do you have any:	
	 medical conditions disabilities infectious diseases medication that you are or should be taking? (list any conditions along with any medication and treatments) 	
2.2	(If female) Are you pregnant? (if yes record details e.g. due date)	
2.3	Is there anything else you would like to tell me about your physical or mental health?	
2.4	Do your dependants under	

	18 have any:
	 medical conditions disabilities infectious diseases medication that they are or should be taking? (Please list names, any conditions along with any
	medication and treatments)
2.5	By exploitation we mean things like being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime.
	Have you ever been exploited or reason to believe you were going to be exploited?
	If answer is "yes", please, use continuation sheet to get brief details that can be used for an NRM referral (who/where/what/when/how)
2.6	What level of schooling/education did you study to? (if tertiary education, note qualification details)

Part 3 - Travel and Third Country

3.1	Why have you come to the UK?
3.2	Have you ever been fingerprinted in any country including your own?
	• where
	when (month/year)
	 and why (e.g. for a visa application, an arrest, claim for asylum).

3.3	Have you claimed asylum in any other country?
	(if yes where, when, outcome of claim, and references they have to the claim, any documents about the claim)?
3.4	Please outline your journey to the UK?
	This should include date left country of origin, where from,
	 each country they travelled through
	 transport and documentation used on each leg,
	 how organised or assisted with arranging the legs,
	 length of stay in each country,
	- date of arrival in UK,
	 how entered the UK & what said to IO on arrival
	In particular if travelled via European countries
	how and where did they first enter Europe
	 on what basis (e.g. with a visa or residence permit and if so for how long)?
	how did they support themselves?
	where did they stay?
	 what interactions with authorities did they have?
3.5	Do you have any evidence that you were in any of the countries you have mentioned?

3.6	For example, do they have travel booking documents, receipts, letters from national or local authorities, or from organisations helping in a migrant camp? If appropriate (for example travelled through Furnal)	
	It appears that you may have had the opportunity to claim asylum one or more times on your way to the UK. Why didn't you?	
3.7	If the UK considers that one of the countries, you travelled through is safe for you and will consider your protection needs, is there any reasons why we cannot return you there?	
3.8	Have you on any other occasion been to any of the countries you have named?	
	What was the purpose of visit?	
	When was this?	
	How long spent there?	
3.9	Other than the countries you have listed, have you been to any other countries?	
	What was the purpose of visit?	
	When was this?	
	How long spent there?	
3.10	Do you have any close family in the UK or any other European country?	
	(if yes and different from	

	responses to 1.18 and 1.19), please note names, DOB, whereabouts /addresses, status and how are they related, when they last saw them.	
3.11	Apart from your own country, do you have any close family in any of other countries you have not mentioned?	
	Record names,	
	DOB,	
	Relationship	
	whereabouts /addresses, status in that country	
	last time that you saw them	

Part 4 – Basis of asylum claim

4.1	Please BRIEFLY explain ALL of the reasons why you cannot return to your home country?	
	Where applicable ask:	
	What do you fear will happen to you on return to your home country?	
	Who do you fear?	
	Why do you fear them?	
	When did this happen?	
4.2	We realise that because of the nature of their claim, some claimants may possibly feel more comfortable talking to a	

man and others feel more comfortable talking to a woman. Do you have a preference whether you are interviewed by a man or a woman at your asylum interview? If man/woman is asked for please read: We will accommodate your request including the interpreter's gender where possible. If no preference: If you change your mind later, we will try to accommodate your

Part 5 – Criminality and Security

preference.

If the individual answers yes to any question please collect relevant details (organisation, subject, position / rank, dates etc).

5.1	Have you ever worked for any of the following organisations?
	- Judiciary
	- Media
	- Government
	 Public or civil administration
	 Security (including police, intelligence services and private security companies)
	- Scientific research
5.2	Have you been a member of the national armed forces? (This includes UK armed forces)
	If yes, have you taken part in any fighting? When/where/what was their role?

5.3	Have you ever, in any country, been accused of, or have committed an offence for which you have been, or could have been convicted? (including traffic offences)
	Detail: date, country, offence.
	Did you commit the offence as part of organised criminal activities?
	Have you been convicted and what was the sentence?
	Do you have any documentation related to the offence?
	Where is the document now?
	If they have not been arrested - is there a warrant for your arrest?
5.4	Have you ever been detained, either in the UK or any other country for any reason?
5.5	Have you ever been involved with, or accused of being involved with any
	- pro-government groups
	- political organisation
	- religious organisation - armed or violent
	organisation, group or party?
5.6	Have you ever said or written anything which;
	- praises or justifies acts of violence;
	- or tries to make others commit violent or

	serious criminal acts; - or encourages hatred between communities?	
5.7	Have you ever been involved in or suspected of involvement in: - terrorism	
	 war crimes, crimes against humanity, genocide? human rights violations? 	

Part 6 – Detention Suitability

Part 6 only needs to be completed if the case is to be referred for detention (NRC, DAC or TCU).

No case should be referred to the Detention Gatekeeper without the officer first giving due regard to the Immigration Enforcement: general instructions: Detention – general guidance.

In general, there is a presumption not to detain. When considering the need for initial or continued detention, the officer must consider all relevant factors that would influence a decision to detain or not to detain, as set out in the instruction: Detention—general guidance. For example, what is the likelihood of the person being removed and, if so, after what timescale, has the subject taken part in a determined attempt to breach the immigration laws, is there a history of absconding, is there a risk of offending or harm to the public, what are the person's ties with the UK, etc.

Factors that count in favour of detention should be balanced against any risk factors that favour release. In this regard, risk factors should be considered in accordance with the guidance set out in the Adults at Risk in Detention policy. Also, see the guidance asylum claims in detention.

To be readout: Following this interview a decision will be made on whether your claim should be considered by an asylum team dealing with non detained cases or detained cases.

If we decide that you are suitable for detention, we may detain you whilst a decision is being taken on your case.

6.1 Can you tell me if there are any particular reasons why you should not be detained while your claim is considered?

	This might include your personal circumstances, health, any special needs or any other relevant factor.	
6.2	Do you have any documents or other evidence relevant to your claim, family life or other personal circumstances that you wish to submit to support your asylum claim? If yes, do you have them with you today or when will they be available? (Ascertain nature of documents, including language).	
6.3	Do you intend to have additional documents sent to you from your home country? If yes, how long will it take you to obtain them and what language will they be in?	

Part 7: Continuation sheet & declaration

Continuation box (please ask any relevant additional questions here)

	Have you understood all the questions asked?			
	Is there anything you would like to add or change to your response?			
		•		
Time	finished :			
CIO Check (if required)				
OIO Olleck (II Tequileu)				
Countersigning Officer to sign here:				
Office	er to sign here:			

Declaration:

To be read out:

As you are submitting a claim for asylum, you (and your dependants) are required to apply for a biometric immigration document, known as a biometric residence permit (BRP). You will only receive a BRP if you are granted status, but you need to start the application process now. Your BRP will be evidence of your immigration status and you will need it to access benefits and health services in the UK. As part

of the application for a BRP you will need to have your fingerprints and photographs taken, you will be sent details of how that will happen.

Failure to apply for a biometric immigration document using accurate information may result in the Secretary of State deciding to refuse to issue you with a BRP and you may be also issued with a financial penalty of up to £1,000.

Do you understand that you are applying for a biometric immigration document in the form of a BRP?
Yes / No

If issued a BRP, you must ensure your personal details are accurately recorded.

Check details including spelling of name.

Name: Date of birth: Gender: Nationality:	Do you confirm that these details are correct?
Dependant(s) List all dependants: name, date of birth, gender, nationality	Do you confirm that these details are correct?
If 'no', what is the reason.	

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.

ANNEX F: UNACCOMPANIED CHILD WELFARE FORM

Unaccompanied child welfare form

For use when first encountering an unaccompanied child **not** in the care of a local authority

The purpose of this interview is to seek to build a rapport, ensure the child understands the interview process and verify they are well enough to be interviewed. This would include explaining to the child why you are there and that you will make sure they are safe and comfortable.

Note for Home Office interviewing officer: This section to be completed prior to commencing the interview with the child

Port/HO Reference Number	
Family Name	
First Name	
Any other given names	
Nationality	
Gender	
Date of birth	
(If there is no documentary evidence, state their claimed age or date of birth)	
Language spoken (and dialect if applicable)	
Date & location of interview	
Time interview commenced	
Names of all people present in the room and/or on the telephone	
Interpreter code	

173

Introductory conversation

During this discussion you should cover the following points [though officers should exercise discretion if some of the points are not relevant to the child's individual circumstances e.g. if a child arrives at a port and is seeking entry for non-asylum grounds]. It is important to note that the conversation should focus on the welfare of the child and ensuring their safety.

- If applicable, ask the interpreter to say a few lines to child and confirm that they understand the child.
- Introduce yourself and explain who you work for.
- Explain who else is in the room and their roles.
- Ask the following question at the outset:
 - Do you feel well enough to be interviewed? It is important that you tell us if you do not feel well.
 - Please record response below:

If the child indicates they are unwell, you must ask additional questions to gain an understanding of the nature of the illness and then proceed to make a decision on whether the child is both well enough and alert enough to continue the interview. If they are not, it may be sufficient for the child to have a break before continuing. However, if the child is unable to continue the interview, arrangements must be made to reschedule it for another date in consultation with the social worker.

- Make clear to them that they are safe and that if they are worried about anything, they can tell you so that you can help.
- Explain why you need to ask some questions and try to get to know more about them, understand what has brought them to the UK, but emphasise that firstly we want to make sure they are ok.
- Say you will be writing notes to record the information.
- If the child is claiming asylum, explain that once you have finished, you will contact the people in the UK who look after children and young people who do not have family to care for them. They will care for them and make sure they have a place to live. In time, they will also help them find a lawyer who can help them explain their reasons for coming to the UK and put them in touch with the Refugee Council, who can also help them. They will also help them to make contact with any family they have in the UK to find out if it is safe for them to live with them.
- Add that the care and support they will receive is free and will not cost them
 anything (this is important as some children turn to the traffickers because they
 believe they will have to pay or work for the services/support we provide).
- Say that it's important they stay in their accommodation, so that we can ensure their safety. Reiterate that they should not try to find their own way to their family.

- Explain that they can ask questions at any time or let you know if they do not understand what you are asking them.
- Set out that they will need /have already had to take some photographs of them and a copy of their fingerprints (if not already done) because it is important that we have a record of them and when they arrived in the UK.
- Explain that the information they provide, including biometric data, such as fingerprints, will be treated in confidence and will only be shared if we are worried about them or need to tell someone about them so that they can help them.
- If the child is claiming asylum, make clear that detailed questions about their journey, the reasons why they have come to this country and/or their request to live here will be asked at another interview/meeting.

Section 1 – Arrival and child's details

When did you arrive in the	
UK?	
(If they don't know the date, ask them to estimate how many days' ago they arrived. If it is clear when they have arrived – eg. a port arrival – please state the date of arrival)	
What is your full name?	
Are you known by any other names?	
Can you tell me your age and date of birth?	
(If there is a discrepancy, ask for clarification and confirm which calendar they use to calculate their DOB)	
What is your main language and dialect?	
What is your nationality?	
Do you have a religion? If so, what is your religion?	
Do you have any documents that confirms	

Section 2 - Health and well-being

Do you have any	
Medical conditionsInfectious diseasesInjuries	
(please list any conditions)	
Do you have any disabilities or learning difficulties?	
Do you have any medicines or tablets that you should be taking? If so, when do you need to take them?	
When did you last eat or drink anything?	
Do you have any dietary needs, including any food allergies or intolerances?	
(If female) Are you pregnant? If you are not sure, is there a chance that you might be? We are asking because we might need to help you to get the right care, so please don't be afraid to say.	
Is there anything else you would like to tell me about your physical or mental health?	

Section 3 – Reason for arrival in the UK

If no claim for asylum has been made, you should explain that people who are scared to return to their home country can make a claim for asylum in the UK.

If a claim for asylum has been made, you should explain that the questions you will be asking will not go into the detailed reasons why they might fear returning to their home country. Questions about that will take place at another time. You should also explain that the answers they give will not be used later as part of their asylum claim.

Why did you come to the UK?	
Do you know where your immediate family are (i.e. parents and siblings)?	
If so, please take full details, including name, location, address and DOB.	
Do you have any other family members who live in the UK?	
If yes, please take full details including names, address, DOB and relationship	
Do you know anyone else in the UK?	
Is there any other reason why you have come to the UK?	
Do you have any contact numbers on your mobile phone, or email addresses for people who are in the UK, or for those who said they could help you if you came to the UK?	
If yes, ask if they can access them for you to take them down.	

Section 4 – Modern Slavery/Arrival in the UK

I now need to ask some questions to ensure your safety in the UK.

How did you enter the UK?	
Do you know when you left your home country?	
What other countries did you travel through during your journey to the UK? Do you know how long you stayed there?	
Who made the decision for you to come to the UK?	
Did someone arrange for any part of your journey or purchase your ticket?	
If yes, please record details	
Do you or your family owe anyone money for your journey to the UK? If yes, do you know how you will be expected to repay the money?	
(please record details)	
Did anyone travel with you on your journey to the UK? If so, can you tell me who it was?	
Has anyone promised you work in the UK?	
Have you had a mobile phone taken off you?	
Do you know the address of anyone in the UK?	
Is anyone expecting you in the UK?	
If yes, please ask the following questions	
What is their name?	
Do you have their contact number?	
How do you know them?	
Have you met them before?	
What did they tell you would happen when you got to the UK?	

What arrangements have you made with them?	

Section 5- Conclusion

Do you have anything else that you want to tell me?	
Have you understood all the questions I have asked you?	
Do you have any questions about anything that we have talked about or anything else you would like to add?	
Time interview concluded	
Interviewing Officer (print and sign)	
CIO/HO Authorising (print and sign)	

Observations/actions

NOTE: this page is for the child's file only. Not to be shared with the local authority representative/social worker/foster carer/the child

Through your professional judgment and the questions contained in this form you may identify certain risk factors or safeguarding concerns to the child. A copy of the form above should be provided to the local authority children's services who will care for the child (not this page). As the local authority will have very limited information about the child, this information will assist them in providing suitable and immediate care arrangements for the child.

In addition to the child's responses, please also record any other observations or actions you have taken which have not been captured elsewhere on this form. This could include;

- Protective actions/safety plans taken while at the station or at the port. For example, if they needed to ask a doctor to examine an injury.
- Any concerns you have about the child and how you have managed this risk. This could, for example, include concerns about the child going missing.
- Any concerns about the child potentially being a victim of modern slavery?
- Is there any reason to believe there may be other safeguarding concerns for example is there anything to suggest that the child has been radicalised, or have they lived or travelled through an area of conflict?

ANNEX G: HOME OFFICE RESPONSE TO THE RECOMMENDATIONS FOLLOWING THE AUDIT

Registration and screening procedures in the UK

A review of the asylum screening process

	Author: UNHCR					
Number	Recommendation	Name of Reviewer	Please accept, reject* or partially accept* each recommendation	*Please note - If you reject or partially accept a recommendation, please leave a comment explaining your reasoning.		
	Recommendations regarding facilities (i) Ensure that all registration and screening facilities have safe and appropriate waiting areas for women, families and children, and child-friendly interview rooms. (ii) Where new facilities are designed, create private interview rooms, rather than half-oplen ones, as in Croydon. (iii) Consider a formal separation between registration and welfare checks (including assessment for initial accommodation) and screening, especially where numbers of arrivals exceed capacity in terms of staff or facilities, to reduce waiting times for claimants and the pressure on staff.	HO Estates NAIU	Partially accept	(i) The Home Office has actively been developing existing facilities to introduce dedicated waiting and screening facilities for families and children, such as those in the Croydon Intake Unit, Kent Intake Unit and Manston. Ruskin Square in Croydon is a new purpose-built building opening in late 2024, which has a vulnerable customer waiting area on the first floor which is separate to the main waiting area. The space has self-contained interview rooms. It is envisaged that this space will mainly be used by the Croydon Intake Unit although it can be booked by other areas with vulnerable customers, such as SSC. The new Kent Intake Unit (KIU) in Dover is purpose built for children and families, with specific rooms for unaccompanied children and family interview rooms. (ii) Where possible, the new KIU facility and the operation at Manston will follow the Croydon design. However, on the first and second floor of Ruskin Square, all the new rooms are self-contained and private, the plans do not indicate any 'booth' style facilities for interviewing are available. (iii) This has been trialled in Croydon with biometrics and checks carried out, followed by a separate screening and is standard practice for many adults arriving by small boat and being processed at Manston, with screening interviews taking place post-detention.		

II. Recommendations regarding training

- (i) New staff should receive consistent and comprehensive training, including:
 - (a) Basic principles of asylum law;
 - (b) Non-refoulement and the right to access asylum procedures;
 - (c) Interviewing techniques;
 - (d) Working with interpreters; and
 - (e) Recognizing and responding to indirect and non-verbal indicators of vulnerability and trafficking.
- (ii) Existing staff should be offered refresher training in specific areas, as noted in other recommendations.

NAIU Accept

(i) – (ii) Since the UNHCR visited the NAIU in 2021, NAIU has established its own dedicated training team resourced with trainers and training developers.

The NAIU Foundation Training Programme has been introduced and delivered to all new starters in NAIU since April 2022, covering all of the topics outlined in this recommendation (a – e). The content of the NAIU foundation training remains under continuous review to ensure that it is improved in line with feedback from course delegates and that it is reflective of policy/process changes. When the training team is further resourced in early 2023, a project will be launched to formally review the NAIU Foundation Training materials with a more systematic approach.

The Foundation Training is consolidated via a structured mentoring framework for all new starters, which was introduced in July 2022. Each new starter is allocated a work-based mentor and is supported through a mentoring action plan to reinforce their foundation learning.

The training team has plans to develop skills workshops for existing staff, likely to be introduced in Spring/Summer 2023. In the meantime, the training team have introduced a centralised Skills Matrix, which will be used to identify skills gaps that can be addressed immediately utilising existing training materials.

All NAIU staff are signposted to the requirement to complete mandatory modern slavery eLearning via the NAIU Hub, including the requirement for an annual refresher. As the Skills Matrix is further developed it will be used to monitor completion rates.

III. Recommendations regarding the booking in process

- (i) Ensure that the date at which a person first contacts the Home Office to claim asylum is properly recorded in centralized Home Office systems.
- (ii) Consider piloting a digital initial contact form or registration form with multiple help languages (such as are currently available in visa applications), while retaining the possibility of telephoning for those without digital skills or access. This could potentially:
 - (a) Create an accurate record of the date of the initial contact;
 - (b) Save resources by eliminating the need for two separate phone calls prior to a screening appointment;
 - (c) Increase the accuracy of the information collected, given that the initial phone call is regularly conducted without the aid of an interpreter;
 - (d) Create an initial record on Home Office systems, reducing the need for data entry and file creation at the initial screening and registration appointment.
- (iii) Investigate the impact of delays in registration on access to health care, education, legal advice and other essential services, and in particular the impact on children and vulnerable adults.
- (iv) Consider appropriate mitigating measures for adverse impacts that are identified; in the event that delays in registration have been reduced since early 2022, identifying these measures now would make the system more resilient in the future.
- (v) Ensure clear communication with asylum-seekers, legal representatives and other stakeholders about the possibility of applying for support and financial assistance prior to a formal registration appointment.

NAIU Accept

- (i) Centralised Home Office systems were not designed to register pre-booking appointments but the information is recorded on a local database. With the Case Information Database (CID) being discontinued in the near future, steps are being taken to explore a pre-booking action on Atlas on records that already exist.
- (ii) We are looking to digitise the customer experience and are exploring options to digitise the request for an in-country appointment.
- (iii) Since 28 June, the Home Office aims to screen all in-country claimants within 10 days of the claimant calling to make an appointment. This has reduced waiting times considerably and minimised the impact on access to essential services.
- (iv) As above in (iii). We continuously monitor and rectify any impact to the in-country registration process to ensure the process is as resilient as possible.
- (v) Questions are now asked as part of the registration process, but we are exploring the possibility of providing a leaflet explaining options after an individual books an appointment.

IV. Recommendation regarding informal barriers to access to asylum

- (i) Guidance should clearly set out to frontline staff greeting walk-in applicants and Border Force officers at airports that it is not their role to assess the reasons a person gives for seeking asylum or give legal advice about the merits of an asylum
- (ii) Paperwork should be issued to persons turned away, briefly stating the reason for this (e.g. that there was insufficient evidence that an urgent appointment was required due to vulnerability or risk of destitution; applicant still in possession of valid leave).
- (iii) Records should be kept when individuals are turned away, both to ensure oversight of the process, and to prevent duplication of work when they next approach the Home Office.
- (iv) Frontline staff should receive appropriate training on these issues.

Asylum Accept Policy

NAIU

(i) For Border Force staff this is clearly set out in the Screening/Routing guidance. Screening and routing.docx (sharepoint.com). Links to this guidance are also available via the Ocelot system on office phones which allows BF front-line staff quick access to information and 'how to' guides.

Guidance is in place for NAIU frontline staff to assess if a walk-in claimant meets the requirement to claim asylum and to provide the Migrant helpline leaflet if legal advice is required (included in the NAIU Standard Operating Procedure).

- (ii) A letter is provided to the claimant if they are sent away, stating the reason and details how to book an appointment and they are provided with a Migrant Helpline leaflet (included in the NAIU Standard Operating Procedure).
- (iii) There is a shared spreadsheet which is used. It records when the claimant has been accepted and those who have been sent away (included in the NAIU Standard Operating Procedure). As stated previously, our centralised systems were not designed for registering the appointment bookings and will be exploring how to develop Atlas to fully support our operations.
- (iv) The NAIU Mentoring Framework identifies 'Walk-In Training' as a location specific subject owned by the Croydon Intake Unit (CIU), which is delivered during the mentoring period. The NAIU training team will work with CIU to review their approach to delivering 'Walk-In' training to ensure that it is being delivered consistently and covers the points raised.

V Recommendations regarding work allocation at screening units

- (i) Implement clear policies for the allocation of tasks between staff members under different circumstances, to allow staff to respond flexibly to changing workloads but in structured and predictable ways.
- (ii) Consult with staff and, if agreed, pilot a system of specialization.
- (iii) Where tasks are or may need to be shared, designate a particular staff member to be the claimant's contact person throughout the appointment and inform the claimant of this.
- (iv) Provide refresher training and amend standard operating procedures (SOPs) to ensure compliance with the guidance to ask claimants about their preference as to the gender of the interviewer, and to accommodate this preference where operationally possible. One option would be to include this question in the booking in or reception process.

NAIU Partially accept

- (i) (iii) The benefits of specialisation are recognised and being explored by Asylum Transformation. However, to implement this at this time would limit our operational capability to respond quickly and flexibly to surges we experience across all of the operation. A multiskilled model is more developmental and fulfilling for staff.
- (iv) The NAIU foundation training materials reflect the current SOPs relating to requests for a specific gender of the screening interviewing officer. Should the SOPs be amended in the future, the content of the NAIU foundation training remains under continuous review to ensure that it that it is reflective of process changes.

VI. Recommendations regarding the opening of the screening interview

- (i) The opening phase of the interview should be redesigned on the principles of the PEACE model. In particular:
 - (a) Implement training and practice that encourages the interviewer to build a rapport with the interviewee before the formal interview begins by speaking directly to the interviewee, introducing themselves, asking the interviewee how they would like to be addressed, introducing the interpreter and explaining their function, asking some unscripted questions (for example about the interviewee's general welfare or family), explaining the respective roles of the interviewee and the interviewer, and asking the interviewee questions to confirm their understanding.
 - (b) Allow the interviewee to raise any questions or concerns.
 - (c) Explain the purposes of the screening interview.
 - (d) Ensure that explanations are clear and internally consistent, eliminating the potential for confusion arising out of instructions to both provide a "brief outline" and to give "full" answers.
- (ii) Explain the interviewee's obligation to be truthful in positive as well as negative terms
- (iii) Encourage disclosure by assuring interviewees of the confidentiality of the information disclosed.
- (iv) Where it is judged to be operationally necessary to disclose specific information obtained at screening without obtaining consent at a later date, explain to the interviewee what information may be disclosed, to whom and for what purpose (reversing the current practice of suggesting a general power to disclose, subject to a few specific exceptions).
- (v) Limit the information given at the beginning of the interview to that which is relevant to the interview itself, postponing other information to a closing section of the interview or to future communications.

NAIU Accept

(i) – (v) The NAIU Foundation Training
Programme is reflective of current SOPs
and covers interview skills for screening
officers, including working with interpreters.
The content of the NAIU foundation training
remains under continuous review to ensure
that it that it is reflective of any process
changes.

When the training team is further resourced in early 2023, a project will be launched to formally review the NAIU Foundation Training materials to identify if any improvements can be made and interview skills training will form part of that review.

A working group is to be implemented, working with the UNCHR and others to review and implement recommendations on how we can improve communication with claimants and enhance the overall claimant experience.

VII. Recommendations about identifying vulnerabilities in the screening interview

- Interviewers should receive guidance and refresher training that the questions about accommodation should not be skipped.
- (ii) Information about accommodation should be elicited through open and non-judgmental questions, such as "Who do you live with?", "How do you know them?", "Tell me about your accommodation" or "Do you pay for your accommodation?"
- (iii) Staff should receive training about the links between trafficking and exploitation and accommodation.
- (iv) Questions about physical health, mental health and disabilities should be redesigned in consultation with relevant stakeholders.
- (v) Staff should receive training on identifying vulnerabilities through indirect disclosure and non-verbal indicators, as well as regular refresher training.
- (vi) Guidance and training should be developed to encourage the recognition of vulnerabilities that are not linked to current medical conditions, such as gender based or intimate partner violence or histories of trauma, including torture.
- (vii) Screening staff should receive training about how the safeguarding hub responds to vulnerabilities, and general feedback (appropriately anonymised) about referrals.
- (viii) Caseworking databases should be adapted to simplify the making of safeguarding referrals, allowing them to be made on Atlas, for example, rather than by separate emails.

NAIU Accept

Asylum Ops

Asylum Training Team (i) – (viii) Questions relating to accommodation and vulnerabilities should never be skipped in a screening interview.

The Foundation Training Programme covers i, ii, iii as part of the interview skills module and also includes a Safeguarding module. When the training team is further resourced in early 2023, a project will be launched to formally review the NAIU Foundation Training materials to identify if any improvements can be made and interview skills training will form part of that review.

Staff are signposted to the requirement to complete mandatory modern slavery eLearning via the NAIU Hub, including the requirement for an annual refresher. As the Skills Matrix is further developed it will be used to monitor completion rates.

The NAIU training team has initiated conversations with the central Safeguarding Hub to strengthen the links and to ensure that the NAIU training materials are reflective of current safeguarding referral processes. We will continue to work with the Safeguarding Hub to explore opportunities for screening staff to hear directly from the Safeguarding Hub about their work and how they progress referrals that are received.

VIII	Recommendations about identifying and	ΝΔΙΙΙ	Partially	(i) – (vi) Staff are signnosted to the
VIII.	Recommendations about identifying and responding to indicators of trafficking and exploitation (i) The "exploitation question" should be rewritten after consultation with relevant stakeholders, such as Independent Anti-Slavery Commissioner, the Single Competent Authority, and recognized first responders. (ii) Staff should receive training on identifying trafficking through indirect disclosure and non-verbal indicators, as well as regular refresher training. (iii) That training should include some basic information about risks and patterns of trafficking and exploitation in countries of origin or transit where it is widespread. (iv) Staff should receive training and guidance about when it is appropriate to make a safeguarding or NRM referral regarding a person who has been trafficked or exploited in the past and, in particular, in their home country. (v) Staff should receive clear guidance about the advice to give about the NRM process, in order to ensure that the decision to give or refuse consent is fully informed. (vi) The offer to refer a person into the NRM should be noted on their Home Office records, but not on the screening interview record itself. (vii) Atlas should be adapted to allow NRM referrals to made directly from Atlas, rather than through a separate portal, for efficiency reasons.	NAIU	Partially accept	(i) – (vi) Staff are signposted to the requirement to complete mandatory modern slavery eLearning via the NAIU Hub, including the requirement for an annual refresher. As the central Skills Matrix is further developed it will be used to monitor completion rates. When the training team is further resourced in early 2023, a project will be launched to formally review the NAIU Foundation Training materials to identify if any improvements can be made and the content on Trafficking will form part of that review. The NAIU training team has initiated conversations with the central Safeguarding Hub to strengthen the links and to ensure that the NAIU training materials are reflective of current safeguarding referral processes. We will continue to work with the Safeguarding Hub to explore opportunities for screening staff to hear directly from the Safeguarding Hub about their work and how they progress referrals that are received. (vii) Atlas already has the capability to record safeguarding and vulnerability issues with a Person – Atlas also has numerous digital interfaces ('APIs') across to other Government Depts and so would be capable of enabling referrals to be done digitally, system-to-system.
IX.	Recommendations regarding the determination of immigration status (the contention) (i) Replace the use of the term "contention" in internal documents with plain language, such as "determining immigration status". (ii) Provide published guidance on how to determine a person's immigration status at the time of their asylum claim, including the following principles: (a) A person who enters the UK on a visa and complies with the terms of that visa should be presumed not to be an illegal entrant by deception; and (b) Only persons who appear not to have complied with the terms of their visas should be questioned about their intentions on arrival. (iii) Before deciding that a person was an illegal entrant by deception, present them with this tentative finding and allow them an opportunity to reply, either at the screening interview or by inviting and considering a rebuttal.	Asylum Policy	Reject	The use of the word contention is not incorrect. See Liability to administrative removal (non EEA).docx (sharepoint.com). Such guidance also provides principals for determining status including deception.

X. Recommendations regarding the travel route questions

- (i) Provide guidance and training to staff to ensure they understand the purposes of the travel route questions and the importance of obtaining an accurate account.
- (ii) In particular, provide guidance and training confirming that this information must be obtained by the interviewer, not by the interpreter.
- (iii) Introduce a more targeted exploration of a person's travel route, whereby
 - (a) certain travel routes trigger specific further questions to ascertain whether safeguarding or trafficking referrals may be necessary, such as where a person states they have travelled via Libya; and
 - (b) questions are eliminated with regard to other travel routes, such as why a person should not be sent back to a country where there is no realistic prospect of readmission or why they did not claim asylum in a country that is not party to the Refugee Convention or in a Dublin Member State that clearly would not have had responsibility for the claim under Dublin principles.
- (iv) Where a person's travel route raises inadmissibility issues, introduce a triage process so that:
 - (a) The claims of people who are not reasonably likely to be readmitted or transferred are not suspended and their claims can progress towards a grant or refusal more quickly (reducing demands on NASS support and accommodation and promoting asylum-seekers' integration or return).
 - (b) Requests for readmission are only made to third countries where there is a reasonable prospect that they will be accepted, based on existing readmission agreements and practices, reducing delay and waste of staff time.
 - (c) Where a claim may be treated as inadmissible, obtain further information from the claimant after the screening interview, by way of written submissions or a further interview. The additional time expended prior to the making of an inadmissibility decision in these cases could be found from that saved by eliminating the consideration of inadmissibility in other cases. It would also potentially save litigation resources by ensuring that the decisions that are made are based on reliable information, fairly obtained.

Asylum Reject Policy

The published guidance makes clear the purpose of the questions and suggests what additional questions can be asked.

Whether an individual can be considered under our inadmissibility policy will be dependent on whether we think it was reasonable for the individual to have claimed asylum in a safe third country. Whether we can remove to that safe third country does not prevent the person from being considered under the inadmissibility policy. We are no longer party to the Dublin regulation, so the principles of whether a removal to a safe third country would have been feasible under those regulations is not applicable. Inadmissibility provisions allows for removal to any safe third country, not just the safe third country of connection. Therefore, even if the safe third country of connection is not one to which we can remove, does not mean we do no need to consider whether it was reasonable to expect them to have claimed there, and to undertake questioning to establish whether appropriate for us to consider under the inadmissibility policy.

The inadmissibility policy already provides guidelines for when a case should be dropped out of consideration for inadmissibility and considered substantively in the UK if a removal agreement cannot be reached, or where removal cannot be affected within a reasonable period.

Those who fear persecution should claim asylum in the first safe country they reach and not put their lives at risk by making unnecessary and dangerous journeys to the UK. We will consider all avenues for removal to a safe third country to support this principle, be that case-by-case referrals to countries for removals, or countries to which we have preexisting readmission or removal agreements with.

Information as to whether the individual may be inadmissible will have an impact on how they are routed through the system. We do not agree that delaying the collection of this information until a later point would lead to efficiencies. It is considered reasonable to expect individuals to provide a reliable account of their route to the UK at screening, and why they may not have sought protection en route. Furthermore, individuals who are considered under the inadmissibility policy are provided an opportunity to provide further information as to why the inadmissibility policy should not be applied to them. We do not agree with the assertion that individuals are not provided a fair opportunity to provide a reliable account.

The recommendations here go beyond the scope of the review.

Recommendations regarding eliciting the XI. basis of the claim

- Provide a clear explanation to interviewees at the outset of the interview of the level of detail expected of them (see recommendations regarding the opening of the interview above).
- (ii) Require interviewers to make accurate records of screening interviews, including additional questions they ask or are asked by the claimant and any advice they give them (for example, that certain information is not relevant or to save further details for a later interview).
- (iii) Provide a specific explanation of the purpose of asking the basis of the claim, the level of detail expected, and the opportunity to provide further detail in future.
- (iv) Replace the inherently confusing question "Please BRIEFLY explain ALL of the reasons why you cannot return to your home country?" with simpler questions, such as:
 - (a) Why did you leave your home coun-
 - (b) Are there any reasons why you cannot return to your home country?
 - (c) What do you believe may happen to you, or your family members if you return to your home country?
 - (d) Why do you think this would happen?
 - (e) Are there are any other reasons you cannot return to your home country?
- (v) Provide clearer guidance to interviewers about the minimum information that should be obtained.
- (vi) In the interests of fairness, reliability and efficiency, this should be as limited as possible, consistent with the needs of any triaging systems in place.
- (vii) Provide training to interviewers about best practice for obtaining that information, in accordance with the PEACE model (covering issues such as allowing interviewees to give a free account, not interrupting, not influencing the response, and the difference between open, closed and leading questions).
- (viii) Provide training for decision-makers and Presenting Officers about the aims of screening interviews, the conditions in which they are conducted, and the limited role answers at screening can play in the assessment of credibility (see also Recommendation XVIII(iii)).

Asylum **Partially** accept

Policy

NAIU

(i) – (viii) Guidance is already provided in asylum and screening guidance about the basis of claim question.

The screening questionnaire is periodically reviewed, the recommendations to changing the wording of the questions can be taken into consideration.

Reminders for interviewers to make accurate records of the screening interview will be issued and checks will be integrated into our quality assurance framework.

A working group is to be implemented, working with the UNCHR and others to review and implement the UNCHR's recommendations on how we can improve communications with claimants and the overall claimant experience.

The NAIU Foundation Training Programme is reflective of current SOPs and covers interview skills for screening officers, including working with interpreters. The content of the NAIU foundation training remains under continuous review to ensure that it that it is reflective of any process changes.

When the training team is further resourced in early 2023, a project will be launched to formally review the NAIU Foundation Training materials to identify if any improvements can be made and interview skills training will form part of that review.

Recommendation regarding particularising the claim (i) Screening staff should not be asked to decide if a person has particularised an asylum claim. (ii) Instead, a triage process should be implemented to further examine cases which appear to be manifestly unfounded, which may be suitable for simplified processing. (iii) Atlas and guidance should be amended accordingly.	Asylum Policy	Rejected	The threshold to particularise an asylum claim is low and within a screening officers' capabilities and must be discussed with a CIO/HEO if they consider that the claim is not valid.
Recommendations regarding the criminality and security questions (i) Generally, revise the screening questionnaire to instruct interviewers to ask all questions individually, rather than grouping them. (ii) Expand the use of the screening interview form in which each question is listed separately, to encourage questions being asked separately. (iii) Review the value of the information obtained in response to the security questions asked in Section 5 and consider whether this section of the interview could be reduced or even omitted from the screening interview. Any specific issues arising from a person's profile or account could then be explored at a later stage in the process, prior to a grant of leave. (iv) Phrase and present questions about employment and membership of political or religious organizations in a neutral manner, rather than presenting them as potential "criminality and security" issues.	Asylum Policy Identity Security Policy team	Partially accept	(i) – (iv) Periodically the questions in the screening questionnaire are reviewed and the recommendations made here can be taken into consideration. The criminality and security information gathered at the screening stage is vital to ensuring the safety of the public and nation. It is not feasible to omit or reduce these questions from the screening interview.

XIV. Recommendations regarding ending the screening interview

- (i) Follow the question "Is there anything you would like to add or change to your response?" and replace it with the advice to read through the record at a later date with an interpreter if necessary and contact the Home Office as soon as possible with any concerns or amendments.
- (ii) Eliminate the question "Have you understood all the questions asked?", as a meaningful answer is unlikely under the circumstances.
- (iii) Add questions to the interview questionnaire that invite the claimant to raise any questions or concerns, about the interview, their immediate needs, or the next steps in the asylum process.
- (iv) Add a script to the end of the interview explaining the next steps in the process, including any information that may have been omitted from the current opening pro forma in accordance with Recommendation VI(vi).
- (v) Develop clear scripts for interviewers explaining the various paperwork to claimants at the end of the interview and clearly instruct interviewers that this should be done with an interpreter where one was used or requested for the interview.
- (vi) Consider confirming the details to be included in a Biometric Residence Permit on another occasion, either at the substantive interview or after permission to stay has been granted.

Asylum Partially Policy accept

(i) – (vi) Periodically the questions in the screening questionnaire are reviewed and the recommendations made here can be taken into consideration.

We reject the suggestion to allow individuals to read through the record and respond at a later date. As the UNCHR report notes, delays in processing individuals can have negative impacts on their wellbeing, housing and economic situation and this suggestion would build-in delays which would contribute to that situation. Individuals can already raise any inaccuracies in the asylum screening interview record through writing to the Home Office, through their legal representatives or at their substantive asylum interview. For the same reasons, we also reject delaying the confirmation of the details to be included in a Biometric Residence Permit as this may have an adverse impact if delayed.

It is also vital for individuals to be asked at the end of the interview that they have understood the questions they have been asked. This allows the claimant the opportunity for further clarity to be sought or to revisit questions they may have misunderstood earlier in the interview.

It is recognised that communication on the next steps can be clearer. We will be working with stakeholders to review the script and if further information can be provided.

XV. Recommendations regarding information collected at screening:

- (i) Consider eliminating questions that have limited or no use at this stage in the asylum process, including those about:
 - (a) The intention on arrival for those who complied with the terms of their permission to enter;
 - (b) Travel route and other inadmissibility factors for those who are not removable or returnable under current agreements and policies;
 - (c) Details of extended family members who are not dependants on the claim, except in cases of unaccompanied children;
 - (d) Level of education and last employment; and
 - (e) Broadly described "criminality and security" issues.

Asylum Reject Policy

NAIU

Periodically the questions in the screening questionnaire are reviewed and the recommendations made here can be taken into consideration.

Though we will seek to explore the recommendations the UNCHR have put forward, it would be irresponsible for the Home Office to eliminate the questions suggested as they may unearth trafficking, safeguarding and welfare issues.

XVI. Recommendation regarding an abbreviated registration and screening process

- (i) An abbreviated registration and screening process should be properly developed for contingencies (including limited staff capacity and individual claimant vulnerability).
- (ii) The process should cover registration, including collection of biometrics and relevant security and identity checks.
- (iii) A brief interview could then cover the following areas:
 - (a) Questions about mental and physical health and any disabilities;
 - (b) Whether a person feels safe in their accommodation and/or where they are going;
 - (c) Whether a person has any friends or relatives in the UK;
 - (d) Briefly, why a person cannot return to their home country; and
 - (e) Two general questions asking about support needs, for example "What would keep you safe?" and "What support do you need?"
- (iv) Suitable questions regarding a claimant's experience and/or risk of trafficking and their support needs must also be included, although UNHCR recommends a broader consultation on such questions. 1 By way of initial suggestion, these could include:
 - (a) Which countries did you travel through en route to the UK?
 - (b) Did someone arrange for any part of your journey or purchase your ticket to the UK?
 - (c) Is anyone expecting you in the UK?
 - (d) Has anyone deceived/intimidated/ forced or held you for any purpose of exploitation? (For example being forced into prostitution or other forms of sexual exploitation, being forced to carry out work, or forced to commit a crime)
- (v) Any abbreviated process must include the following safeguards:
 - (a) Date and time of the interview to be recorded on the written record.
 - (b) Record whether an interpreter was used, their reference number and language of interpretation.
 - (c) Brief introduction of the interviewer and explanation of why the questions are being asked.

NAIU Reject

The abbreviated registration and screening process was used for a limited time during peak arrivals in 2021. We have since stopped using this process and are conducting full screening for all asylum claimants with no plans to revert to the abbreviated screening process.

We will, however, look at implementing the questioning suggested in this recommendation into the full screening interview.

XVII. Recommendations regarding the enhanced screening pilot (i) Roll out enhanced screening interviews in more locations and for more claimants. (ii) Consider incorporating some of the ques-

- (ii) Consider incorporating some of the questions about the basis of the claim into the standard interview.
- (iii) Provide training and guidance that addresses the following issues that appear to have arisen during the pilot:
 - (a) Failing to explore the basis of claim through the questions listed on the form, and instead relying on leading questions;
 - (b) Replacing the open question about a claimant's home area with narrower questions about sites of interest to visitors, landmarks, or shopping centres;
 - (c) Over-reliance on closed questions about specific details that claimants may not remember, or that may either be incapable of corroboration or be unreliable indicators of personal experience; and
 - (d) Lack of flexibility.

Incorporate explanations of the purpose of the questions into the form, in particular with regard to nationality.

Scotland and Northern Ireland Operations – Asylum Flow Casework

Partially accept

(i) – (iii) The enhanced screening is currently being measured against two other screening options, with a pilot set to conclude in January/February 2023. This will include all case types and a robust analysis of each screening type will be completed.

If we move to an enhanced screening model, we will develop training inline with this accordingly.

XVIII. Recommendations regarding the interview record

- Guidance should be amended to make it mandatory to take a verbatim record.
- (ii) Staff should receive appropriate training, including refresher training for experienced staff.
- (iii) Decision-makers and Presenting Officers should receive guidance and training reminding them of the limited reliability of the screening interview record (see also Recommendation XI(viii)).
- (iv) Where possible, recording of interviews should be piloted so that claimants, decision-makers and Tribunals have access to an accurate record.

NAIU

Asylum Ops

ALAR

Accept

- (i) (ii) Guidance has been amended to make it mandatory to take a verbatim record of the interview and will be included in screening interview training.
- (iii) is already covered in FTP module 4 Evidence through an exercise which outlines the purpose of the screening interview and its reliability in relation to other forms of evidence. Reference is made specifically made to <u>SB Sri Lanka EWCA 2019 Civ 160</u> para 12 and <u>YL (Rely on SEF) China [2004] UKIAT 00145 Para 19.</u>

The weight attached to evidence provided in the screening interview will be a case-by-case assessment and where decision makers attach undue weight, we expect this will be identified and calibrated through the mentoring process rather than through a training solution.

(iv) The recording of interviews takes place for substantive asylum interviews for this reason.

XIX. Recommendations regarding working with interpreters

- (i) Provide refresher training to staff about the requirement to respect claimants' requests for an interpreter.
- (ii) Where an interpreter has been requested when an appointment is booked but an interpreter is not used, require staff to record the reasons for this clearly on the file.
- (iii) Provide refresher training to staff about the role of the interpreter, in accordance with Home Office guidance.
- (iv) Communicate what is expected of the interpreter to interpreters who work directly for the Home Office, and to interpreting services.
- (v) Add an explanation of the interpreter's role to the opening section of the interview in accordance with guidance.

NAIU Accept

- (i) & (iii) The training team has plans to develop skills workshops for existing staff, likely to be introduced in Spring/Summer 2023. Interview skills and working with interpreters will be included.
- (ii) Recording where an interpreter has been requested but not used and the reasons why has been added to guidance.
- (iii) We work with the interpreter booking services to communicate expectations and have reminded them of their role and responsibilities as set out in published guidance.
- (iv) Accepted.

XX. Recommendations regarding telephone interviews

- (i) Reduce reliance on telephone interviews as far as possible.
- Bring forward plans to make use of videoconferencing technology.
- (iii) Where telephone or video interviews are necessary, introduce new safeguarding and feedback mechanisms, drawing on local practices, such as the MIU "coordinator" role.
- (iv) Provide claimants with access to private and comfortable spaces with the possibility of technical support during the remote interview.
- (v) Develop new introductory scripts and practices for remote interviews, in order to ensure that claimants are comfortable with being interviewed remotely, are in a quiet and private place, and understand the technology being used and what to do in the event of technological difficulties.
- (vi) Provide specific training to interviewers about how to build and maintain rapport in remote interviews.
- (vii) Where operationally possible, ensure interviewers conduct a mix of face-to-face and remote interviews, to mitigate detachment and demoralization.
- (viii) Where interpreters are attending remotely, introduce a policy of seeking to reconnect with the same interpreter in the event of a dropped connection.
- (ix) Ensure that all interviewers comply with the best practice UNHCR observed in a minority of cases, in which the interview record clearly states whether the interview was conducted by telephone, video or face-to-face, so that decisions made on the basis of the record take into account the limitations inherent in remote interviewing.

NAIU Partially Accept

(i) – (ix) During peak periods of small boat arrivals, it is vital that the Home Office screen individuals at pace and the utilisation of telephone interview is crucial to the process at these times. Whilst we will continue to use telephone interviews, we have been investing in the use of videoconferencing technology and will seek to continue to increase our videoconferencing capacity.

As previously stated, we will be exploring the recommendations made to scripts and training through establishing a cross-immigration working group, but also in collaboration with contractors to develop how to build and maintain rapport during remote interviews.

194

XXI.	Recommendations regarding legal advice:	NAIU	Accept	(i) Covered in Recommendation II
	 (i) Provide guidance and training that recognizes the positive contributions of independent legal advice to the efficiency and fairness of asylum systems. (ii) Take the impact on access to legal advice into account when considering reforms to the registration and screening process, and promote policies that facilitate access to legal advice. 	Asylum Policy		(ii) The Home Office always considers access to legal advice inline with policy.
XXII.	Recommendations regarding administrative inefficiencies (i) Reconsider the need to repeat information contained in the screening interview record in a separate file minute on CID/Atlas. (ii) Review the need to begin preparing to issue a BRP at the screening appointment by taking a second set of fingerprints and biometric photographs and discussing the BRP with the claimant at the end of the interview. (iii) Bring forward plans to decommission parallel case-working systems. (iv) Explore the possibility of adapting Atlas to allow safeguarding and trafficking referrals to be made from within Atlas, rather than by email or through a separate portal. (v) Where identity or security databases cannot be made interoperable (for reasons of security or data protection, for example) reconsider the efficiency of the sequencing of the various checks, to reduce the duplication of work.	DDAT	Accept	(i) – (v) We have removed double-keying activities within Atlas and CID, which means new caseworking for Immigration Enforcement, Border Force and Asylum takes place in Atlas. Atlas already has the capability to record safeguarding and vulnerability issues with a Person – Atlas also has numerous digital interfaces ('APIs') across to other Government Depts and so would be capable of enabling referrals to be done digitally, system-to-system. Where identity and security databases cannot be made interoperable, we are looking at introducing that function within Atlas by integrating biometric capture with Atlas up front for an asylum claim – by doing that, we can exploit Atlas' fully-digital security and identity checks (just like we currently do with case types like Work, Study, Settlement, Nationality etc) which is more efficient.

XXIII. Recommendations regarding initial age assessments by Immigration Officers

- (i) Given the clear risk of error, withdraw the power given to Immigration Officers to assess the age of young people at ports of entry (and treat them as adults) based on their physical appearance and demeanor alone. Instead ensure that all individuals claiming to be children, but about whom there are serious doubts about their age, are referred for a more comprehensive social work-led assessment.
- (ii) Notwithstanding the recommendation above, and whilst the appearance and demeanor assessments continue:
 - (a) Return the threshold for not having to conduct a formal age assessment to when a person appears to be significantly over the age of 25
 - (b) Provide a mechanism which ensures that all individuals assessed as adults through the process are provided with clear information about how to challenge the decision and how to approach their local authority asking to be treated as a child.
 - (c) Create policies and procedures that enable and encourage staff to raise concerns about visual age assessments that they have reason to believe may be incorrect.
- (iii) Record and publish data on those claiming to be children and considered by immigration officials to be over 18 years old and the number of those subsequently accepted as children after a full age assessment.

UASC Partially Policy accept

(i) — (iii) The age of those arriving in the UK and claiming asylum is normally established from the documents with which they have travelled. However, many who claim to be children do not have any definitive documentary evidence to support their claimed age. Many are clearly children, whilst for some it is unclear and there is a need to assess their age. Clearly, there are safeguarding issues which arise if a child is inadvertently treated as an adult, and equally if an adult is wrongly accepted as a child and placed in accommodation with younger children to whom they could present a risk. We would very much like to believe what people tell us without question but, unfortunately, some people do claim to be younger than they actually are in order to access children's services or to receive differential treatment in the immigration system.

In the absence of valid documentary evidence of age, the Home Office's approach is to only treat a claimant as an adult upon their initial encounter, if their physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age. This is an important step to prevent individuals who are clearly an adult or child from being subjected unnecessarily to a more substantive age assessment. This approach has also been considered and upheld by the Supreme Court in BF (Eritrea) v Secretary of State for the Home Department. If doubt remains about whether the claimant is an adult or a child, they will be referred to a local authority and treated as a child until further assessment of their age has been completed.

If a young person is treated as an adult by the Home Office, it is still open to them to approach their local authority for an age assessment and they are notified of this option within the age assessment paperwork issued to them.

The Home Office takes its responsibility for the welfare of children very seriously and immigration officials receive specific training on responding to children's needs, this includes taking prompt action in the event they have concerns over the validity of initial decisions on age.

Our approach seeks to strike an important but sensitive balance between ensuring that children who claim asylum are appropriately supported whilst at the same time maintaining the integrity of the asylum system and preventing adults passing themselves off as children.

Our reforms through the Nationality and Borders Act aim to make assessments more consistent and robust by creating a new National Age Assessment Board, consisting of social workers whose task will be to conduct age assessments upon referral from a local authority. We are also considering introducing scientific age assessment methods to widen the evidence available to decision-makers and improve the accuracy of their decisions.

The Home Office publishes data on age disputes raised and resolved in the Immigration Statistics Quarterly Release (table Asy_D05 of the asylum and resettlement detailed datasets). While the Home Office records the basis upon which decisions on age are made for immigration purposes, this information is only currently held in paper case files or within the notes sections of the case working and operational databases, used by the Home Office to record personal details of foreign nationals who pass through the immigration system. Such data is not aggregated in national reporting systems, which means that a manual case search is required to collate the data. However, the Home Office is reviewing the situation and has included age assessment data requirements as part of planned improvements to internal systems.

XXIV.	Recommendations regarding the welfare interview:	UASC Policy	Accept	(i) – (iii) All asylum seeking children have a full welfare interview if assessed as a child, before
	(i) Review the need for full welfare interviews where a child is already in the care of a	NAIU		they move into Local Authority care.
	local authority. (ii) Train screening officers who interview children on child-friendly interviewing techniques and the purpose of the welfare interview.			All staff are required to complete mandatory Keeping Children Safe eLearning, including an annual refresher. As the NAIU central Skills Matrix is further developed it will be used to monitor completion rates.
	(iii) Cease the practice of conducting welfare interviews remotely. If children are required to attend the Home Office for registration, an in-person welfare interview should be arranged instead.			The training team also deliver role specific Keeping Children Safe training for screening officers (previously called Tier 3 training). The KCS T3 training materials have recently been reviewed and refreshed to ensure that they align to current SOPs and are with policy colleagues for clearance.
				The training team maintain links with the on-site Social Workers in KIU who provide support on the age assessment process for Immigration staff. Since June 2022 the social workers have also delivered a two-part age assessment workshop to support the CIO's and IO's becoming more confident in their decision making whilst undertaking age assessments.
				The training team has initiated conversations with the central Safeguarding Hub to strengthen the links and to ensure that the NAIU training materials are reflective of current safeguarding referral processes. We will continue to work with the Safeguarding Hub to explore opportunities for screening staff to hear directly from the Safeguarding Hub about their work and how they progress referrals that are received.
XXV.	Recommendation regarding accompanied children: (i) Clarify in guidance, training and refresher training that screening staff are required to notify local authorities of the arrival of all children, including children in families.	NAIU	Accept	(i) The KCS T3 training materials have recently been reviewed and refreshed to ensure that they include reference to AASC as well as UASC. The amended training materials are currently with policy colleagues for clearance.

XXVI. Recommendations regarding the legal position of individuals who arrived by small boat, both prior to and after the passage of the Nationality and Borders Act 2022

- (i) Ensure that all SOPs, templates and other internal documents have been revised to reflect the fact that persons disembarked from Border Force or RNLI vessels are not unlawful entrants.
- (ii) Ensure that staff involved in registering and processing their asylum claims have received refresher training on this issue.
- (iii) Publish cross-cutting guidance confirming that such persons are not illegal entrants and should not be considered as such under immigration, nationality or criminal law, in line with the new guidance on *Irregular or unlawful entry and arrival*.
- (iv) Reconsider the necessity and legality of determining whether a person has violated Section 24 of the 1971 Act immediately upon arrival.
- (v) Ensure that future arrivals are not recorded as having committed immigration offences except following an individualized legal and factual assessment.

SBOC Reject

- (i) To note that a person may still be treated as an illegal entrant by virtue of the definition in s.33(1) of the Immigration Act 1971 for administrative purposes of removal from the UK without meeting the criteria and evidential threshold of the criminal offence of illegal entry under s.24(B1) of the 1971 Act for a prosecution. Also there is the new offence of illegal arrival under s.24(D1) of the 1971 Act, and attempts under the Criminal Attempts Act 1981 which does apply to persons disembarked from Border Force or RNLI vessels.
- (ii) The Foundation Training materials for new staff joining NAIU have been updated to reflect the NABA changes relating to s.24 offences. All existing NAIU staff will have received information about the updates via internal comms.
- (iii) Irregular or unlawful entry and arrival policy is the guidance.
- (iv) The process at the Western Jet Foil is to see to the migrant's immediate health and welfare needs before determining their immigration status.
- (v) All arrivals are individually assessed before having their immigration status recorded. To note that a person may still breach immigration law for administrative purposes (e.g. removal from the UK) to the civil standard required without meeting the criteria and evidential threshold for prosecution of the relevant criminal offence.

XXVII. Recommendations regarding the initial registration of people arriving by small boat

- (i) Use won-site, in-person interpreters at Tug Haven and Manston, to facilitate the collection of information both quickly and accurately and assist communication with medical staff.
- (ii) Carry out medical checks, searches and changes into dry clothes prior to the taking of photographs and the completion of paperwork.
- (iii) Even though it is now arguable that many people arriving by small boat may have committed the new offence of arrival without entry clearance, the legal and operational need to "arrest" all arrivals for an offence should be reconsidered, given the very significant difficulties in complying with basic procedural safeguards such as explaining the basis of the arrest in a way the person understands and the delay created in responding to immediate welfare needs.
- (iv) Introduce sufficient, reliable biometric registration kits to enable to biometric registration of claimants before they are released or dispersed.
- (v) Introduce officers trained in the recognition of non-verbal indicators of trafficking and vulnerability at frontline reception facilities; the use of SaMS officers at airports could provide a useful model.
- (vi) Develop a bespoke Minimum Viable Product interview app for use at frontline reception locations, to replace the Pronto App, and for use at Manston when required.
- (vii) Invest in the development of interoperable data collection mechanisms.

SBOC Partially Accept

- (i) Accept that on-site in person interpreters are the optimal, but due to numbers of languages required and numbers of arrivals this is not always possible. Introducing tablet devices to assist medical staff with data collection and display screens with key messaging in top 10 languages
- (ii) Accepted. This is now part of the SOLAS effort in the RED Marquee at WJF. The aim here is purely based on safeguarding, individuals are medically assessed and offered warm dry clothing before any Immigration Processes are actioned. For the majority of arrivals, all Immigration functions are undertaken at Manston
- (iii) This is an administrative arrest, not criminal. These individuals are required to submit for further examination to enable a decision on granting permission to enter the UK. This arrest allows for the safe and legal transfer of individuals from WJF to Manston.
- (iv) All arrivals are subject to Border security checks, all biometrics are checked and captured prior to individuals being dispersed from Manston.
- (v) All HO staff are trained in identification and recognition of indicators of vulnerabilities.
 HO is also running a pilot with British Red Cross for transfer of knowledge and general upskilling.
- (vi) All officers have access to interview script for use on triage desk at Manston
- (vii) SBOC are working with HO DDaT on a long-term data collection system. We have also invested in an interim tracking system to allow us to keep track of arrivals as they travel through the process.

XXVIII.	Recommendations regarding short-term holding facilities in Kent (i) If KIU, Frontier House or Manston are continuing to detain people for more than 24 hours, ensure that the Short Term Holding Facility Rules are complied with, in particular with regard to proactive medical checks, access to telephones, and separate sleeping places for women and families. (ii) Ensure that there are officers with specific training in recognizing vulnerabilities in all short-term holding locations, including Kent, Frontier House, and Manston. (iii) Ensure that all age assessments are carried out by officers with specific training and in accordance with published guidance (repeated from Recommendation X, above). (iv) Given the clear risk of error, return the threshold for not having to conduct a formal age assessment to when a person appears to be significantly over the age of 25 (repeated from Recommendation XXIII, above). (v) Create policies and procedures that enable staff to raise concerns about visual	NAIU UASC Policy	Partially accept	(i) All sites have medics, with Manston having GPs on-site. We are exploring the possibility of introducing GPs in other sites, such as KIU and Frontier House. All locations have access to telephones, and families and single adult females are held separately from single adult males. It should be noted that KIU is now a UASC-only facility, with the exception of lorry drops. (ii) We have introduced social workers, trained in recognising vulnerabilities, to support Immigration staff in KIU, Frontier House and Croydon when dealing with unaccompanied children. (iii) Complete. On-site Social Workers in KIU provide support on the age assessment process for Immigration staff. Since June 2022 the social workers have also delivered a two-part age assessment workshop to support the CIO's and IO's becoming more confident in their decision making whilst undertaking age assessments. (iv) As above in XXIII. (v) There are clear procedures in place for staff to raise concerns about visual age assessments that they believe to be incorrect.
	age assessments that they have reason to believe may be incorrect.			As per policy, each assessment is undertaken with a second pair of eyes and a social worker can also be present to provide expert advice.
XXIX.	Recommendations regarding registration and screening conducted in IRCs (i) Review procedures for the detention of persons who arrive in the UK by small boat to ensure their compliance with all applicable UK laws, in particular with regard to identifying the proper legal basis for detention and informing people of the reasons for their detention.	NAIU	Accept	(i) – (ii) We will seek to review the procedures and improve the systems and feedback loops.
	(ii) Record all cases of children and vulnerable adults who have been detained in violation of Home Office policy, and create feedback procedures to learn from these errors.			

XXX. Recommendations specific to airports

- (i) Reintroduce signage at airports to encourage claimants to claim asylum at the border.
- (ii) Introduce signage designed to encourage victims of trafficking to come forward.
- (iii) Discontinue process of referring people for inadmissibility consideration on the basis of a brief transit stop in a foreign airport and asking related questions during the screening interview

Asylum Policy

Modern Slavery Unit Border

Border Force Business Improvement Team

Partially Accept

- (i) Anyone outside of the UK coming to the UK to claim asylum is able to access gov.uk which informs them that they should claim asylum at the port. Arriving passengers can and do claim on arrival.
- (ii) Signage is displayed at ports on a ad hoc basis in agreement with port authorities. The Border Force Business Improvement Team are considering creating a Centre of Excellence to help passengers self-navigate through arrivals, and that covers our Wayfinding material at ports, and this recommendation will be considered as part of that.
- (iii) Staff conducting screening interviews will continue to get a complete record of the claimants travel history. If referred for inadmissibility consideration, the appropriate teams will consider third country inadmissibility action.

