



# **QUALITY INITIATIVE PROJECT**

## **KEY OBSERVATIONS AND RECOMMENDATIONS**

March 2006 – December 2006

**London Branch Office**

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## 1. INTRODUCTION

1.1 Since 2004 the UK office of the United Nations High Commissioner for Refugees (UNHCR) has been working with the Home Office to achieve an improvement in the overall quality of first instance decision making through the Quality Initiative (QI) project. To date, three confidential reports have been presented to the Minister of State for Immigration, Citizenship and Nationality setting out UNHCR's observations and recommendations as to how the quality of first instance decision making could be improved in the UK context. An Implementation Panel was created to oversee the implementation of the many recommendations that had been accepted, drawing together relevant senior Home Office colleagues with UNHCR acting in an advisory capacity. Three "Working Groups" were also established to address a number of specific concerns identified by UNHCR, focusing on the areas of credibility assessment, testable evidence and standard paragraphs respectively.

1.2 During the most recent phase of the Project, covering the period of March to December 2006, UNHCR has commenced an initial audit of decisions taken under the New Asylum Model (NAM), including those taken under the Detained Fast Track (DFT) procedure. Missions have also taken place to Asylum Casework Group (ACG) North in Liverpool to discuss the progress of the "decision template" pilot and to Solihull as a consequence of UNHCR's involvement in the "Solihull Pilot". The main focus of UNHCR's work in this phase has been, however, in the capacity of overseeing and advising upon the implementation of the recommendations made in the office's Second<sup>1</sup> and Third<sup>2</sup> Reports, where these have been accepted by the Minister.

1.3 The following is an update on the Project to date and a summary of the key observations and recommendations arising from the latest phase of the Project.

## 2. KEY OBSERVATIONS AND RECOMMENDATIONS

### Overview

2.1 UNHCR welcomes the significant amount of progress that has been made in implementing those of its recommendations that have been accepted by the Minister to date, such as in the area of training and recruitment in the context of NAM, as outlined below. In UNHCR's opinion, the implementation of its recommendations and related initiatives to improve quality across asylum will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office.

2.2 This report outlines the steps being taken in seeking to improve the assessment of credibility and in establishing the facts in initial decision making within the Home Office. UNHCR welcomes the relevant projects and initiatives that have been established in this area, such as the Solihull Pilot and the planned Asylum Policy Instruction (API), and remains ready to assist in their implementation and/or evaluation. The report then goes on to reflect upon the progress made in implementing those of UNHCR's

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<sup>1</sup> Quality Initiative Project, Second Report to the Minister (October 2005)

<sup>2</sup> Quality Initiative Project, Third Report to the Minister (March 2006)

recommendations that have been accepted by the Minister. Where appropriate, UNHCR provides suggestions to facilitate further progress.

### **Establishing the facts in an asylum claim and “credibility”**

2.3 UNHCR has previously drawn attention to the need for an improvement in the way that decision makers establish the facts in refugee claims, prior to applying the Refugee Convention and European Convention on Human Rights (ECHR) criteria. Where an inappropriate approach is taken to establishing the facts of a claim for international protection, the assessment of whether or not an individual is in need of protection is undermined as one cannot be confident of the “facts” on which that assessment is based. UNHCR’s previous reports have expressed concerns regarding flawed assessments of credibility seen in decisions made by Asylum Casework Directorate (ACD) caseworkers.

2.4 UNHCR is pleased to report that some good practice in decision making has been observed in a number of the NAM decisions that have been sampled to date. It remains clear from UNHCR’s initial audit of NAM decisions however that the assessment of credibility and establishing the facts of the claim, a complex element of decision-making, remains a challenging area for a significant proportion of NAM decision makers.

2.5 One of the three Working Groups established in the context of the QI Project was tasked with identifying ways of improving the decision maker’s approach to establishing the facts of an asylum claim and assessing credibility. A “best practice guide” was developed over the course of a number of meetings which aimed to set credibility into its proper context and offer clear, practical guidance on its assessment. The decision was then taken to use this “best practice guide” as the basis for an API on assessing credibility and establishing the material facts of a claim.

2.6 UNHCR is pleased to have had the opportunity to provide comments on the draft API. UNHCR suggests that the introduction of this API be accompanied by appropriate training workshops, to which UNHCR would be pleased to contribute.

2.7 UNHCR has also welcomed the opportunity to work with (ACG) (North) colleagues to develop and pilot the use of a “decision template” in Liverpool. The template is designed to act as an aide memoir, requiring decision makers to clearly establish the facts of a claim before applying the relevant refugee or ECHR legal concepts to those facts. UNHCR believes the use of the template can have a positive impact on the assessment of credibility and has the potential to address a number of its concerns regarding the drafting of decision letters as detailed in UNHCR’s Second and Third Reports. UNHCR understands that NAM remains committed to introducing a pilot of a similar template, and has accepted an invitation from NAM to assist in its evaluation once the pilot commences.

2.8 UNHCR has also welcomed the introduction of the “Solihull Pilot” which aims to improve initial decision making through early and interactive advice and representation, aiming to ensure that the entire case has been put forward before the initial decision. This should help to create an environment where all relevant evidence is correctly identified prior to the initial decision and will assist in establishing the facts of an asylum

claim. In doing so, UNHCR understands that the pilot will address a number of the office's previous concerns including the identification of testable evidence. UNHCR has been invited by the Evaluation Group of the "Solihull Pilot" to conduct an evaluation of the quality of interviews and decisions made under the pilot in a comparative analysis of interviews and decisions taken by NAM in Leeds. It is anticipated that this analysis will allow a consideration of how conducive the "front-loading" approach adopted in the Solihull Pilot is to sustainable decision making.

## **Implementation of UNHCR's recommendations**

### *Overview*

2.9 UNHCR welcomes the significant progress made to date in implementing those of its recommendations that have been accepted by the Minister. UNHCR has repeatedly stressed that a flexible and phased approach to the implementation of the office's recommendations should be taken, with an emphasis on "outcome" over "form". UNHCR considers that what is of most importance is addressing the concern each recommendation seeks to remedy.

2.10 UNHCR particularly welcomes the introduction of NAM and the emphasis placed within it on the quality of decision making. The office commends the progress made in implementing its recommendations as reflected in the NAM model and hopes that the NAM model may act as a potential vehicle for further improvement across decision making in the UK. The office urges the full implementation of relevant recommendations for ACD / Legacy and looks forward to engaging in further discussions with Immigration and Nationality Directorate (IND) colleagues on this matter.

### *Recruitment and training*

2.11 UNHCR welcomes the extent to which its recommendations pertaining to recruitment have been implemented in the context of NAM, including targeted recruitment and higher minimum standards. As it is understood that ACD / Legacy decision makers will also be handling claims which raise international protection considerations, the office therefore recommends that the higher minimum standards applied to NAM caseowners are also applied to those recruited into ACD / Legacy. This is particularly so given the potential of legacy cases to give rise to complex considerations.

2.12 A significant amount of progress has been made in implementing UNHCR's recommendations pertaining to training within NAM. UNHCR considers that the NAM Asylum Foundation Training programme has the potential to serve as a solid introductory training package for asylum decision makers in the UK.

2.13 UNHCR has had the opportunity to provide general comments upon the workbooks used by NAM trainees during the initial drafting phases. Taken as a whole, UNHCR believes that the workbooks help facilitate its recommendation for more in-depth training on the Refugee Convention and the ECHR. UNHCR would, however, welcome clearer guidance for trainees on establishing the facts of a claim for international protection and

on the need to emphasise the distinction between this stage and applying the refugee or ECHR criteria to the accepted material facts.

2.14 UNHCR has also had the opportunity to observe the delivery of various modules of the NAM Asylum Foundation Training programme. UNHCR has been impressed by the commitment demonstrated by all involved in the delivery of a high quality “product” within a limited time frame. However, UNHCR was concerned to note that the session on decision making, during Module 4, did not provide trainees with structured guidance on making an asylum decision (i.e. how to establish the facts and then apply the refugee and ECHR criteria to those facts in a methodical and systematic way). UNHCR also suggests the inclusion of a session focusing on establishing the facts and assessing the credibility of claims for international protection facilitated by a suitably experienced trainer.

2.15 Those recruited into decision making roles within ACD / Legacy continue to complete the existing and largely unchanged Asylum Caseworker Training (ACT) course. UNHCR draws attention to its previous comments on the ACT, in particular its lack of a compulsory competency assessment. UNHCR therefore recommends that the eventual ‘legacy’ training programme provide for training and compulsory assessment on refugee and human rights law, and principles of refugee status determination, to the same standard as that provided by the NAM package.

#### *Interviewing and the use of interpreters*

2.16 UNHCR notes that a number of its recommendations pertaining to interviews, or at least the problems that they are designed to rectify, will be implemented within the framework of the Solihull Pilot.

2.17 UNHCR welcomes the inclusion of specific training on working with interpreters and the inclusion of a formal assessment of a video-recorded mock interview in the NAM Asylum Foundation Training programme. In UNHCR’s view, it would be preferable for new NAM decision makers to observe more than one asylum interview by an experienced and competent caseowner prior to conducting their own interviews. In addition, UNHCR suggests that decision makers should not conduct their own interviews until they have been assessed as competent to do so.

2.18 UNHCR reiterates its recommendations on initial interviewing skills training and interview preparation as set out in its Third Report with respect to ACD / Legacy and looks forward to receiving feedback on how these will be implemented in ACD / Legacy.

2.19 UNHCR reiterates the importance that the office attaches to gender-appropriate interviews as per the recommendations made in its Third Report. UNHCR is encouraged by the office’s understanding that IND is looking to place video conferencing facilities in Croydon and Solihull and suggests that this may also be used to facilitate gender-appropriate interviews. UNHCR also recommends the inclusion of an appropriate question at screening to enable an applicant to identify a gender preference at that stage.

2.20 UNHCR has worked with the Central Interpreters Unit in order to revise its current “interpreters monitoring form” with a view to enhancing the quality and relevance of the information it captures. UNHCR welcomes plans to trial the use of the revised form.

*Management and supervision*

2.21 UNHCR welcomes the emphasis on line management as suggested by the structure of the NAM teams. UNHCR understands that consideration is currently being given to the structure of the legacy casework teams and recommends that any revised structure should include easy access to and supervision by appropriately trained SCWs.

2.22 UNHCR welcomes the emphasis on a single and medium-term (i.e. 6 month) “case completion target” in NAM in the light of UNHCR’s previous observations as to the constraints an emphasis on output targets creates. UNHCR recognises the need for this single target to be broken down into more specific targets in order to manage day-to-day quantitative output and the timeliness of decisions. UNHCR suggests that these more specific targets are not so rigidly applied as to prevent the adoption of a flexible approach where this is in the interest of making more sustainable, sound and timely decisions. UNHCR believes that this is particularly so for new or trainee caseowners, who should be given the time to gain confidence and experience for their role.

2.23 UNHCR welcomes the introduction of a dedicated and centrally-based “Quality Team” within NAM and looks forward to receiving information as to the quality control measures, standards and indicators that are being implemented and the opportunity to input into discussions on this matter. UNHCR continues to believe that it would be beneficial to introduce a system for reviewing all outgoing decisions.

2.24 UNHCR welcomes the inclusion of stress management training for caseowners in the NAM Asylum Foundation Training programme and would urge the inclusion of similar training for decision makers in ACD / Legacy. UNHCR would encourage the development of “care teams” across the NAM regions. UNHCR also understands that IND is seeking the involvement of appropriate clinical experts in addressing issues of stress amongst its decision makers and strongly welcomes this action. UNHCR would suggest that the outcome of this exercise be made available to all parts of the business involved in asylum decision making, including interpreters.

*Country information*

2.25 UNHCR strongly commends the Country of Origin Information Services’ (COIS) new ‘continuous update model’ for Country Reports, as well as its intention to publish updated reports on the top 20 asylum seeker producing countries every two months, and the improvements planned for the provision of country of origin information on countries outside the top 20. UNHCR further welcomes the systems the Country Specific Asylum Policy Team (CSAPT) has in place to ensure that all Operational Guidance Notes (OGN) are reviewed and revised at least every six months. UNHCR also welcomes the steps made by COIS and CSAPT in order to engage on a more consistent and pro-active basis with their respective “customers” and end users of their products.

2.26 UNHCR also welcomes the improved presentation of country information and guidance on Horizon and the production of a single set of process guidance for all

asylum decision makers. UNHCR recommends improved electronic access to Horizon and original country information source documents for decision makers in ACD / Legacy. In addition, UNHCR welcomes COIS' interest in ensuring direct access to UNHCR's Refworld for its decision makers.

2.27 UNHCR continues to urge the implementation of the recommendations of the Working Group on standard paragraphs, approved by the QI Project Board in 2006. In its ongoing assessments, UNHCR continues to observe use being made of a number of the "old" standard paragraphs that have been identified for revision or removal.

### **3. CONCLUSION**

UNHCR welcomes the UK Government's commitment to raising the quality of first instance asylum decision making as demonstrated by its continuing partnership with UNHCR through the QI Project and the significant amount of progress that has been made in implementing UNHCR's recommendations to date. This report has also drawn attention to those recommendations where significant progress on implementation has yet to be made. In this context, UNHCR looks forward to taking these matters forward with ACD / Legacy. UNHCR hopes to be able to report on its assessment of the impact of these developments by the end of 2007. UNHCR looks forward to continuing its work with the Home Office in helping raise the quality of initial decisions.