



**STRICTLY CONFIDENTIAL**

**QUALITY INITIATIVE PROJECT**  
**SECOND REPORT TO THE MINISTER**



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## GLOSSARY OF TERMS

ACD	Asylum Casework Directorate
ACG North	ACD office in Liverpool
ACG South	ACD office in Croydon
ACT	Asylum Caseworker Training course
AIR	Asylum Interview Record
API	Asylum Policy Instructions
APM	Asylum Policy Manual
APU	Asylum Policy Unit
'The Convention'	1951 Convention relating to the Status of Refugees
COI	Country of origin information
COIS	Country of Origin Information Services
CSAPT	Country Specific Asylum Policy Team
ECHR	European Convention on Human Rights
'The Handbook'	UNHCR Handbook on Procedures and Criteria for Determining Refugee Status
IND	The Immigration and Nationality Directorate
KD	ACD's internal Knowledge Database
NAM	New Asylum Model
OGN	Operational Guidance Note
'Phases 1 and 2'	Needs assessment and implementation phase of the QI Project conducted between March/April 2004 and February 2005
'Phase 3'	February – August 2005 of the QI Project
'Project Board'	Senior UNHCR and ACD staff
'Project Team'	UNHCR QI team and key ACD staff
QI	Quality Initiative Project
'Refworld'	Comprehensive collection of reliable and up-to-date public-domain documents from UNHCR specialists and information partners throughout the world
RFRL	Reasons for Refusal Letter
SCW	Senior caseworker
SEF	Statement of Evidence Form
UNHCR	United Nations High Commissioner for Refugees
'Working Group'	Mechanism for identifying practical ways of moving forward on quality issues and deciding on appropriate timescales for implementation

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## **EXECUTIVE SUMMARY**

The Quality Initiative Project is based on the supervisory role of the United Nations High Commissioner for Refugees under the 1951 Convention relating to the Status of Refugees. Its aim is to assist the Home Office in the refugee status determination process through the monitoring of both procedures and application of the refugee criteria. The Project was set up under an agreement between UNHCR and the United Kingdom Government in late 2003. This is its Second Report and presents UNHCR's observations and recommendations arising from its continuing audit. UNHCR remains grateful for the level of cooperation and complete transparency with which the Home Office has implemented the QI Project.

UNHCR continues to report a mixed picture in the quality of first instance decision making. UNHCR is pleased to observe that there are caseworkers who apply the correct methodology and who interview effectively. It remains clear from this stage of the audit however that serious problems remain both in individual decisions and the context in which caseworkers operate.

There is some evidence of a lack of understanding of key decision making concepts such as the shared duty to ascertain and evaluate all the relevant facts. A number of caseworkers apply the incorrect standard of proof and have unreasonable expectations as to the evidence the applicant can produce in support of his/her claim. Evidence that is produced is often not considered or not given the appropriate weight, or is rejected on weak grounds with the use of speculative or illogical arguments. Some caseworkers have a limited understanding of key refugee law concepts; for example, the nature of persecution, the Convention reasons and the principle of the benefit of the doubt are often misapplied.

While some of the poor quality of decision making may be attributable to the level of competency and skill of the individual caseworkers, UNHCR has observed that the problem may also lie with the resources and support that is made available to caseworkers. UNHCR welcomes improvements in the quality of country information but further improvement remains necessary. The training needs of both caseworkers and senior caseworkers are often neither identified nor addressed. UNHCR remains concerned at the level of support offered to caseworkers who are exposed to distressing testimony on a prolonged basis which, in UNHCR's experience, can have a negative impact on decision quality. Policy guidance and how to apply it appears often to have been inadequately communicated to caseworkers. A more holistic management structure may aid good decision making.

The recommendations contained in this Report are presented by UNHCR as a package which, taken as a whole, will make a substantial contribution to raising the quality of first instance asylum decision making in the United Kingdom. The key recommendations relate to the recruitment, training, accreditation and stress management of caseworkers; improving the provision of country of origin information and guidance; targets,

management and communication within the Asylum Casework Directorate; and the assessment, monitoring and review of decision making.

## 1. INTRODUCTION

### 1.1 Background

1.1.1 The Quality Initiative (QI) Project is based on the supervisory role of UNHCR under the 1951 Convention relating to the Status of Refugees (“the Convention”). Its aim is to assist the Home Office in the refugee determination process through the monitoring of both procedures and the application of the refugee criteria.

1.1.2 During meetings held on 28 October 2003 with the Secretary of State for the Home Department, the United Nations High Commissioner for Refugees expressed particular concern with safeguarding of the institution of asylum, through the enhancement of the quality of first instance decision making in the UK’s asylum procedures. UNHCR’s position is that asylum seekers as well as state parties have everything to gain from high quality first instance decisions.

1.1.3 The High Commissioner’s presentations were followed by a submission by the London Office of UNHCR on 17 November 2003 in which UNHCR confirmed its readiness to lend its good offices to the UK Government, with the aim of achieving an improvement in the overall quality of decision making. Such a role is pursuant to UNHCR’s supervisory jurisdiction as set out in Article 35 of the Convention and in line with the “domestic prong” of UNHCR’s proposals for reforming the global asylum system.<sup>1</sup>

1.1.4 On 16 December 2003, the Deputy Representative of UNHCR London met with the Minister of State for Immigration, Citizenship and Nationality to discuss how UNHCR could assist in improving the quality of first instance decision making. The Deputy Representative outlined UNHCR’s proposal to provide a review of asylum decisions made by the Home Office. It was suggested that such a procedure would be combined with an overall review of the Home Office training programme for asylum caseworkers. The Minister responded positively.

1.1.5 The next day, a press release announcing the publication of the *Asylum (Treatment of Claimants, etc.) Bill* was issued by the Secretary of State in which he stated: “It is also important that we continue to improve the quality of initial asylum decision making and we intend to take up an offer from UNHCR to discuss this.” Following the press release, UNHCR embarked on preliminary discussions with the Home Office to determine how UNHCR might work with the Home Office to improve the quality of its first instance decision making. It was agreed to call this the Quality Initiative Project.

### 1.2 Implementation Phases 1 and 2

1.2.1 During Implementation Phase 1 of the QI Project in March/April 2004, a needs assessment was conducted whereby UNHCR reviewed the Home Office’s first instance decision making systems, including, *inter alia*, training programmes and the

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<sup>1</sup> UNHCR Working Paper on “UNHCR’s Three-Pronged Proposal” (UNHCR Geneva, 2 June 2003).



interpretation and application of the Convention. This was developed into the QI Project Working Document, to serve as a reference point to track the progress of the Project, following a series of fact finding missions and meetings with Immigration and Nationality Directorate (IND) staff.

1.2.2 During Implementation Phase 2 of the QI Project, UNHCR sampled some 50 first instance decisions per month. Regular meetings (Project Team meetings) were held with Asylum Casework Directorate (ACD) staff responsible for the overall management of the casework section and training matters. UNHCR also had discussions and meetings with caseworkers and senior caseworkers (SCWs) during one to one feedback sessions, at larger meetings and during training sessions.

1.2.3 A First Report was provided to the Minister on a confidential basis in February 2005. It set out UNHCR's findings following its initial audit of first instance decisions in refugee status determination procedures, and built upon the recommendations and findings following UNHCR's initial fact finding visits and meetings with IND staff as set out in the Working Document. As agreed, UNHCR circulated its key observations and comments in the public domain. A formal response to the First Report from the Minister was received by UNHCR in July 2005.

### **1.3 Phase 3**

1.3.1 During Phase 3 of the Project, UNHCR continued to sample approximately 2% of first instance decisions per month. It was intended that UNHCR would review, *inter alia*, interview practices including the use of interpreters, and such reviews commenced in July 2005.

1.3.2 The Project Team continued to meet on an almost monthly basis to discuss issues arising from the ongoing monitoring process. UNHCR also continued to have regular discussions and meetings, including feedback sessions, with caseworkers, SCWs and Team Leaders. Meetings with the Country of Origin Information Service (COIS) staff have also recently commenced to discuss issues pertaining to country of origin information (COI) arising from UNHCR's audit.

1.3.3 Three Working Groups were inaugurated on the use of standard paragraphs, establishing the facts of the claim and on testable evidence. Their purpose is to identify practical ways of initiating improvement in these areas of casework that had been identified by UNHCR through the audit and agreed at Project Team meetings.

1.3.4 Fact finding visits were also made to review the Dover Fast-Track and Induction centre and Yarl's Wood Detention Centre.

1.3.5 This Second Report sets out UNHCR's observations arising from its ongoing audit and UNHCR's consequent recommendations. It incorporates and, where necessary in light of UNHCR's observations from Phase 3, updates the findings and recommendations of its First Report, except where the First Report's recommendations are explicitly

referred to (see Appendix 1). Taken as a whole, UNHCR believes that the implementation of the recommendations contained in this Second Report will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office.

## **2. OBSERVATIONS**

### **2.1 Introduction**

2.1.1 Since the delivery of its First Report to the Minister in February 2005, UNHCR has assessed 183 decisions, bringing the total number of decisions assessed to 438 since the inception of the Project. UNHCR has provided feedback on 105 decisions from Asylum Casework Group (ACG) North and on 94 decisions from ACG South. In July 2005, UNHCR started observing interviews. Fact-finding visits were also made to the facilities at Dover Fast-Track and Induction centre and Yarl's Wood Detention Centre. During this phase, UNHCR observed one interpreters' training session and met with Country of Origin Information Service (COIS) officers to discuss the provision of COI to caseworkers. UNHCR was also invited to participate in three Working Groups, set up to address particular issues raised by UNHCR following Phase 2 of the Project.

2.1.2 UNHCR is grateful for the spirit of cooperation and complete transparency with which ACD has implemented the QI Project. UNHCR has appreciated the goodwill and openness shown by all involved in the Project during this Phase.

2.1.3 The following observations flow directly from these activities. Several of these will have been raised previously with the Home Office by UNHCR at the regular Project Board and Team meetings.

2.1.4 UNHCR still reports a mixed picture in the quality of first instance asylum decision making undertaken by the Home Office.

2.1.5 UNHCR is pleased to note there are caseworkers who apply the correct methodology and clearly appreciate the need to apply anxious scrutiny when determining claims. A number of caseworkers are able to interview effectively and understand the important fact-finding role that the substantive asylum interview plays in allowing the applicant to establish the basis of their claim. There are caseworkers who demonstrate a good appreciation of the need to approach each case with an open mind and do not import their own perceptions when establishing the credibility of an account set in an alien cultural context. UNHCR is also pleased to note that a number of caseworkers display an interest in the subject and recognise the importance of their task.

2.1.6 Notwithstanding the above, UNHCR is concerned that systemic problems remain, both in individual decisions and the context in which caseworkers operate.

### **2.2 Application of the Convention**

2.2.1 From its ongoing assessment process, UNHCR has observed that the Convention and the principles contained in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status ("the Handbook"), internationally recognised as a primary source of guidance for anyone involved in refugee status determination, are often incorrectly interpreted and misapplied. The application of poor methodology results in

grants or refusals of refugee status for the wrong reasons, or in some cases, an unjust denial of international protection.

2.2.2 The Handbook calls on caseworkers to assess the validity of any evidence and the credibility of the applicant's statements (paragraph 195). In so doing, it sets out the general principle that the burden of proof lies on the applicant but that in practice, since it would be exceptional for an applicant to be able to provide evidence of all his/her statements, "the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Indeed, in some cases, it may be for the examiner to use all means at his disposal to produce the necessary evidence in support of the application" (paragraph 196).

2.2.3 UNHCR has observed that this key principle is not properly understood, and therefore often misapplied by a significant number of caseworkers and by some SCWs. For example, caseworkers often expect applicants to 'prove' elements of their claim which can reasonably only be tested by the use of expert or medical evidence, such as when considering applicants' ethnic origin or whether injuries are consistent with claims of torture.

*"It is considered...that your own physical appearance strongly suggests that you also would have been identified as Hutu."*<sup>2</sup> [This is particularly inappropriate since the drafter of the decision did not conduct the interview].

*"You claim that being of Tutsi or 'Banyamulenge' origin, or of mixed Congolese/Tutsi, or of 'Rwandan' origin, you will be at risk of persecution. However, there are grounds for not accepting your account as true, namely that...You do not claim to have the physical characteristics commonly attributed to those of Tutsi origin as reported in the Belgian report of a fact-finding mission in June-August 2002."*

2.2.4 UNHCR has also observed that unreasonable expectations are routinely placed on applicants to produce evidence to support their statements when in fact the shared duty to ascertain all the facts requires the caseworker to retrieve and cite relevant COI which may or may not support the applicant's account.

*"You claim that you are not guilty of the charge against you and that you are being unfairly prosecuted by the Lebanese authorities because of your anti-Syrian activities. It is noted that you cannot give any evidence to support your claim that you are innocent of the crime you are being accused of."*

*"You alleged that whilst in prison you were underfed, beaten and forced to do hard labour (Statement). However, you have produced no medical evidence to support the claims that you were beaten or ill-treated. Whilst*

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<sup>2</sup> Full case-file references have been supplied to the Minister.

*it is accepted that people fleeing their countries are not always in a position to collect evidence to support their claims, there is no obligation to accept such undocumented claims as being true. As such, this lack of medical evidence can be seen to strengthen the conclusion that you were not arrested or detained.”*

*“Serious incidents of violence carried out by the ruling party and its agents against the teaching profession on the grounds that they are considered to be supporters of the opposition MDC are usually reported by the media, human rights organisations, or the MDC itself, but you have produced no documentary evidence in support of your claim to have been the victim of political violence.”*

2.2.5 UNHCR suggests that these examples may indicate a failure by the relevant caseworkers to use all the means at their disposal to produce the necessary evidence in support of the application as required by the Handbook.

2.2.6 Given that much of an applicant’s claim may not be susceptible to proof, and independent research may not produce the necessary evidence, the Handbook stresses that when the applicant’s account appears credible, he or she should be given the benefit of the doubt (paragraphs 196 and 203). UNHCR notes that in many cases the benefit of the doubt is not given to applicants on particular aspects of their claim where, had it been, it may have had an impact on the quality of the decision.

*“However, had your father died and been buried in a non Muslim manner, it is reasonable to consider that after restrictions on your accessing his body were lifted, you would have attempt (sic) to recover his body to lay it to rest in the Muslim manner. Consequently, this leads to the belief that your father did not die as you have claimed.”*

*“In your statement you have not explained how your uncle would have known that it was you who had burnt his lorry. Given that you stated you carried out this attack at two ‘o’ clock in the morning it would be reasonable to believe that there would be no witnesses to this act.”*

*“It is noted that you state that the minutes were stored on your computer in a folder marked MDC in your personal documents. (Q35 and 36 AIR) You state that there was no password to get into the computer, you could just switch it on and start scrolling the documents. (Q34 AIR) Given the fact that the minutes would have been confidential it is not accepted that you would have typed them on a computer which was without a secure password.”*

2.2.7 While caseworkers may justifiably doubt certain aspects of a claim, the Handbook recognises that “untrue statements by themselves are not a reason for refusal of refugee status and it is the examiner’s responsibility to evaluate such statements in the light of all the circumstances of the case” (paragraph 199). In direct conflict with this principle,

UNHCR has observed a large number of cases where one statement deemed by the caseworker to be untrue, often on weak grounds, is relied upon to dismiss the credibility of the entire claim. UNHCR has seen instances where this has resulted in important aspects of a claim being prematurely discarded when they should have been taken into account in considering the ultimate question of whether the applicant has a well-founded fear of future persecution for a Convention reason.

*“Your claim to have crossed the border, into Turkey, by boat has inconsistencies and is considered to cast doubt on the overall veracity of your claim”*

2.2.8 UNHCR is concerned to note that a number of caseworkers do not apply established UNHCR guidelines and UK caselaw when considering evidence and deciding what weight to attach to it. UK caselaw embraces a positive role for uncertainty in asylum decision making and recognises that uncertain aspects of a claim should still be taken into account when considering the ultimate question. Instead, UNHCR has found that caseworkers rarely express uncertainty and instead appear to feel compelled to believe or disbelieve *every* aspect of a claim. This is of particular concern when an adverse credibility finding is based on apparent discrepancies which the applicant has not been given an opportunity to explain.

2.2.9 UNHCR has observed frequent use of speculative arguments in Reasons for Refusal Letters (RFRLs). The latter will often involve the caseworker attempting to guess the thought process of a third party. Findings of ‘implausibility’ are often made on the basis of little or no evidence. Furthermore, caseworkers tend to apply a narrow UK-perspective when assessing events alleged to have taken place in significantly different cultural, political and social contexts.

*“It is not credible that if you were genuinely considered to be illegitimate that your father’s family would wait so long before killing you.”*

*“You stated in your asylum interview Q60 that you were detained for two months, although you were tortured and beaten, you never confessed. It is believed that it is highly unlikely that you would not have confessed if you were beaten as you alleged in your statement of evidence form. Therefore your account is not believed to be a truthful account.”*

*“You also claim the rebels wanted you to kill people for them, that they would force you to take drugs and then try to force you to take a weapon and go and kill (AIR Q36). However, it is believed that asking you to do such a task would again be unlikely, given that you would be inefficient at such a job, unwilling and under the influence of drugs, which would in turn make the chances of a successful assassination almost impossible.”*  
[in the context of a Sierra Leonean claim.]

*“Furthermore, when asked why the president did not ultimately attend this meeting in 2000, you were unable to provide a valid explanation (AIR Q44). However, given your earlier claim that they (sic) meeting had been arranged in light of the forthcoming elections (AIR Q39), it is reasonable to expect that the President would have gone to extensive lengths to ensure that he was present at this meeting, to (sic) in order to gain the favour of the public.”*

*“It is considered wholly implausible that the authorities would continue to torture you every day for three months if you had not been able to tell them where your brother was. It is considered that if you could not provide the authorities with the information they required they would have released you, or disposed of you, when they realised you did not know your brothers (sic) whereabouts and that your continued detention would serve no purpose. It is concluded that your claim to have been detained for three months and tortured everyday does not hold any merit.”*

2.2.10 Evidence that is accepted is often not weighed according to its relevance when considering the core of a claim. Of even greater concern are instances where evidence presented at interview or subsequently, such as medical reports, appears to have not been considered in determining both grants and refusals of refugee status.

*“You claim to have been arrested, beaten, tortured and ill-treated by the Syrian police because of your failure to join the military service. It is noted that you have sent in a medical report completed at Dover Health Centre by Dr. .... As your claim is not believed to be a valid claim for asylum, therefore the medical report sent into the Home Office is not accepted as evidence that you were tortured, beaten and ill-treated for the reasons that you have stated and the injuries you may have received are not for the reasons that you have suggested in your asylum claim.”*

2.2.11 UNHCR has also observed that many caseworkers appear to apply an incorrect standard of proof in considering whether an aspect of a claim is accepted, rejected or found to be uncertain. This is evidenced by the use of phrases such as ‘highly unlikely’, ‘failed to demonstrate convincingly’ etc. UK precedent has established that in examining past events and the risk of future persecution on return the correct standard of proof is a ‘reasonable degree of likelihood.’

*“The conclusion is therefore reached that your claim for asylum is in all probability manifestly untrue.”*

*“In your account you failed to demonstrate convincingly that you had been a target of particular interest to the authorities until you were allegedly followed and your house was raided in November 1999. The opinion is held that your claims in this regard were also unconvincing.”*

2.2.12 UNHCR notes with concern that a significant number of caseworkers, including a number of SCWs, incorrectly interpret key refugee law concepts, such as the Convention ‘reasons’, what constitutes persecution, sufficiency of protection in the case of persecution by non-state agents and the internal flight alternative.<sup>3</sup>

*“The opinion is that in order to bring yourself within the terms of the United Nations’ Convention Relating to the Status of Refugees, you would have to show that you have a well-founded fear of persecution in Somalia over and above the risk to life and liberty.”*

*“Consideration has been given to your claim that your family and some members of the Voodoo sect will prevent you from practising the Catholic religion and force you to accept the Voodoo religion... Your claim is not based on a fear of persecution in Benin because of race, religion, nationality, membership of a particular social group or political opinion as you are not being persecuted because you are a Catholic.”*

*“Note is made of your claim to fear persecution in Afghanistan because of your imputed political opinion. You alleged that if you are returned to that country you will be arrested, detained and killed because your father was a member of Hezb-e-Islami. However, it is noted that you stated (Q20, Asylum Interview) not to belong to any political organisation and never to have come into contact with the Afghan authorities (Q47, Asylum Interview). In view of this, it is not believed that you would be of interest to the Afghan authorities if you are returned to Afghanistan.”*

### **2.3 Caseworkers’ skills and abilities**

2.3.1 UNHCR strongly believes that refugee status determination requires specialist competencies, knowledge and skills combined with strong analytical abilities.

2.3.2 UNHCR’s file assessment and feedback process suggests that some established caseworkers and a number of SCWs may lack, or not be equipped with, the necessary skills and knowledge for refugee status determination. UNHCR has found widespread use of weak analysis, poor written English, and limited or non-existent research. The feedback sessions held with individual caseworkers lead UNHCR to conclude that a number of caseworkers have a limited interest in, and understanding of, global affairs.

2.3.3 It has been observed that COI research is often inadequately conducted or misapplied, with relevant information often overlooked and not pursued or tested.

*“You have stated that due to the government believing that you were recruited by the MDC and being trained as a terrorist in the United*

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<sup>3</sup> It is also suggested that similar difficulties may also arise in applying European Convention on Human Rights (ECHR) principles to assess whether subsidiary protection should be granted.



*Kingdom, your family in Zimbabwe are being detained, tortured and harassed by agents of the government. According to Europa Regional Surveys of the World: Africa South of the Sahara 2004 (Europa 2004): “The constitution of the Republic of Zimbabwe took effect at independence on 18 April 1980. Amendments to the Constitution must have the approval of two-thirds of the members of the House of Assembly...Zimbabwe is a sovereign republic and the Constitution is the supreme law....The declaration of rights guarantees the fundamental rights and freedoms of the individual, regardless of race, tribe, place of origin, political opinions, colour, creed or sex.” (5.1 Zimbabwe country report dated October 2004).”*

*“According to the Minorities at Risk Project 2001...most of [KDPI’s] support comes from the urban middle class, intellectuals, merchants and government employees... During your asylum interview you were asked what you did for a living and you replied that you assisted your father in his business trading in tyres. (AIR Q44-46) As a manual worker it is considered unlikely when comparing the country information that you would be involved with the KDPI to any considerable extent.”*

2.3.4 UNHCR suggests this may also be linked to the observation in its First Report (reinforced by its continuing audit) that some caseworkers do not, and are not encouraged to acknowledge their role as decision makers and perceive decision making responsibilities as resting with Adjudicators/Immigration Judges. Phase 3 has again highlighted to UNHCR the need to introduce effective decision ‘ownership’ across the business. This will help ensure that all feasible decision making steps, including considering documentary and other testable evidence or requesting a medical report, take place at the initial decision making stage, which may reduce unnecessary appeals. UNHCR welcomes indications that the New Asylum Model (NAM) will introduce file ownership by individual caseworkers to address such problems. UNHCR strongly believes that all first instance decision makers, including those outside NAM, should take responsibility for the decisions in their entirety.

2.3.5 The tendency to reject or disbelieve every aspect of an applicant’s claim discussed above, besides being a reflection of a misapplication of the law, suggests that there may be a culture of refusal amongst caseworkers. This may lead to claims not being considered on their individual merits.

2.3.6 Where such attitudes prevail, based on its own experience of refugee status determination work, UNHCR suggests that this could be the result of stress, in the form of compassion fatigue and disillusionment.

2.3.7 Based on UNHCR’s observations of interview transcripts in the context of assessing decisions, and on its limited sampling of interviews to date, it was noted that poor quality interviewing is a major contributory factor to inadequate fact finding, which often leads to conclusions based on speculative grounds. UNHCR observes that interviews are

frequently unfocused, with insufficient preparation by the interviewer beforehand. This also leads to interviews that may be excessively long and/or insufficiently probing. UNHCR also observes that there is often little evidence of clarification being sought regarding the salient points of a claim.

2.3.8 UNHCR is concerned that interviews that are gender-sensitive are not arranged as a matter of course. In particular, it has been noted with concern that the fast-track procedure at Yarl's Wood is not fully gender-sensitive. In UNHCR's experience, the advantage of gender appropriate interviewing is not only that the applicant is more likely to disclose past ill-treatment but also that the interpreter is more likely to understand the sensitivity of the issue and use appropriate language. Bearing in mind that many men may not disclose ill-treatment to another man, efforts to accommodate an asylum seeker's preferences should be made in all cases.

## **2.4 Country information, policy guidance and standard paragraphs**

2.4.1 UNHCR's observations as set out so far give rise to serious concerns with regard to the performance, competence and attitude of some individual caseworkers. However, UNHCR suggests that many of these problems may be the consequence of management and communication weaknesses within ACD, and the provision of inadequate resources and support to enable caseworkers – including those who are both capable and committed – to carry out their work effectively.

2.4.2 UNHCR welcomes the progress made to date in improving the provision of country reports.

2.4.3 On any one country, a caseworker may be faced with several sources of information: a country report prepared by COIS, update country bulletins, an Operational Guidance Note (OGN) prepared by the Country Specific Asylum Policy Team (CSAPT), both official and 'rogue' standard paragraphs, and occasional 'newsflashes' delivered to their desktops. Caseworkers also must have regard to the Asylum Policy Instructions (APIs), Asylum Policy Notices (APNs) and the Asylum Policy Manual (APM) prepared by the Asylum Policy Unit (APU).

2.4.4 UNHCR recognises the breadth of information available to caseworkers in theory and welcomes the range of sources on which it is based. Based on its own use of the available COI and country guidance when assessing decisions, UNHCR notes with concern that the information's usefulness is often undermined by its lack of focus, inadequate/non-user friendly presentation (including poor chronologies) and ambiguity.

2.4.5 For example, the country report on Iran (April 2005), when discussing the situation of homosexuals, states:

*6.179 According to the Berlin COI Information Seminar Report 2001, although homosexuality is never spoken about and thus a hidden issue, in practice it is not difficult to encounter homosexuals in Iran. There are*

*special parks in Tehran, known as homosexual meeting places. There are also a large number of transvestites walking around in North Tehran. Furthermore, sex changes are permitted in Iran and operations are frequently and openly carried out. [77a] A different sexual orientation may, however, create problems. Still, homosexuality is practised every day, and as long as this happens behind closed doors within your own four walls, and as long as people do not intend to proselytise 'transvestism' or homosexuality, they will most likely remain unharmed. [3c](pg104)*

*6.180 According to the DIRB, technically, homosexual behaviour is sharply condemned by Islam, and the Islamic code of law Sharia law adopted by Iran. Sodomy is punishable by death if both parties are considered to be adults of sound mind and free will. [2b]*

...

*6.182 So far, no cases of execution only on the grounds of homosexual relations have been identified. In fact, the burden of proof is quite high and it would be difficult to prove homosexual liaisons or intercourse. According to some reports in local papers there have been instances of execution of homosexuals. It is not confirmed whether the homosexual act alone led to execution or whether the person was accused on other charges too. [3c](pg105)*

2.4.6 The above presents a caseworker considering the status of an Iranian homosexual with out of date information from 2001 (with no indication as to whether it is still current in 2005); irrelevant information (with transvestitism confused with homosexuality); conflicting information (with a positive picture portrayed in paragraph 6.179 and a negative one in paragraph 6.180); and vague information on whether or not homosexuality itself has resulted in the imposition of the death penalty at paragraph 6.182. It is also noted that paragraph 6.185 of the Iran country report states that “since 1996 the death penalty has rarely been applied” to homosexuals suggesting that this is the case up to the present day, but in fact, according to the footnote, this information is based on a report from 1999. UNHCR believes that decision makers should have access to the most up to date information available.

2.4.7 Reports, or sections of reports, are also frequently out of date. The current OGN on Afghanistan was last updated in April 2003. Similarly, the current OGN on Kosovo dates from May 2003.

2.4.8 UNHCR welcomes the separation of objective country reports and policy guidance. It is noted however that country reports, bulletins and OGNs are located in different sections of the Knowledge Database (KD), and that country reports and OGNs frequently do not complement each other, with some OGNs apparently based on out of date country reports or on country reports that are no longer available on the KD. UNHCR suggests that this undermines their usefulness as an operational tool.

2.4.9 For example, the OGN on Afghanistan (April 2003) states, at paragraph 3.7.1, “Caseworkers must familiarise themselves with country of origin information on particular ethnic groups which is in the October 2002 Country Assessment. [paragraphs 6.52 to 6.85].” However the October 2002 country report on Afghanistan is no longer available on the KD.

2.4.10 Another example is the contrast between the OGN (July 2005) and country report (April 2005) on Pakistan on Ahmadis. The former states, at paragraph 3.7.9, that “for ordinary members of the Ahmadi community the effect of discriminatory legislation is unlikely to amount to persecution or torture or inhuman or degrading treatment and a grant of asylum will not be appropriate.” However, the country report quotes, at paragraph 6.55, from the United States State Department International Religious Freedom Report 2004 which says “Personal rivals and the authorities have used these blasphemy laws, especially Section 295(c), to threaten, punish, or intimidate Ahmadis, Christians, and Muslims. No person has been executed by the Government under any of these provisions; however, some persons have been sentenced to death, or have died while in official custody.”

2.4.11 UNHCR suggests that the sections referred to above do not assist a caseworker in making a refugee status determination.

2.4.12 UNHCR notes with concern that the policy of limiting the provision of COI and country guidance to the top 20 ‘asylum seeker producing countries’ means that little or no information and guidance is available on some countries, including some with universally condemned human rights records (e.g. Syria and North Korea). Where COI and country guidance is unavailable or poor, UNHCR has noted that reliance on SCWs alone for further information may result in inadequate guidance and can lead to inconsistency between ACG North and ACG South.

2.4.13 UNHCR welcomes the principle of having direct electronic access to the original source documents relied upon to produce country reports through signposts and links in the relevant reports. In practice, however, UNHCR has found that these links frequently do not operate effectively. Furthermore, UNHCR has found confusion amongst both caseworkers and SCWs as to whether they are able to use and quote from sources other than Home Office-prepared reports, including those documents to which direct links are provided.

2.4.14 UNHCR observes that Home Office decision makers rely heavily on standard paragraphs, both country-specific or on various legal principles. Where officially approved, individually tailored and kept up to date, UNHCR accepts these can be a useful tool in drafting decisions. However, UNHCR has found that caseworkers often use such paragraphs inappropriately and frequently do not tailor them to the facts of the claim before them. It has been noted that many standard paragraphs that are clearly either out of date or inaccurate continue to be relied upon.

*“Notwithstanding your account of events which you claim occurred in the past, you have failed to give any evidence to show that you might be persecuted in the future.”* [this is a standard paragraph which is contrary to paragraph 196 of the Handbook and ignores the practical difficulties of providing such evidence.]

*“You have related your alleged fear of return only to certain areas within Zimbabwe. Irrespective of any other comments regarding the merits of your claim, you do not qualify for recognition as a refugee. This is because you could relocate to Malawi, a country in which you do not have a well-founded fear of persecution and to which it would be reasonable to expect you to go. By your own admission you are entitled to reside in Malawi and had obtained a valid Malawian passport. If you believed that you were threatened in Zimbabwe you could and should have sought protection in Malawi before seeking international protection.”*

2.4.15 Furthermore, UNHCR having communicated its concern that ‘rogue’ standard paragraphs are circulated amongst caseworkers, the problem has been acknowledged by the ACD. These paragraphs will not have been approved by the appropriate senior staff and are frequently inaccurate on points of law or fact. UNHCR has also noted that paragraphs circulated by SCWs on an individual or collective basis are frequently stored by caseworkers and reused regardless of whether the paragraph in question is still appropriate.

*“Recent reports indicate that the situation in Somalia is improving. According to an article on the BBC News website, Coca Cola have opened a new bottling plant in Mogadishu, Somalia. It is recognised as the largest single investment in the country since central government collapsed 13 years ago, and is a sign of growing business confidence. The relative calm of the last few years has encouraged Somalis living overseas to put more money back into the country. Although it is understood that conditions remain intricate in Somalia, the return of Coca Cola to its capital city is viewed as a move towards improved conditions. Other businesses have also been established already, such as mobile phone companies, internet cafes and radio stations. The fact that you did not leave Somalia at the height of the civil war and decided to leave when the situation began to improve further reinforces that you did not leave Somalia due to a well founded fear of persecution on account of your race.”*

2.4.16 UNHCR commends ACD’s recognition of the problematic use of standard paragraphs, and welcomes the formation of a Working Group to look at their use and content. UNHCR strongly recommends that the Working Group’s decisions including the removal of ‘rogue’/out of date standard paragraphs are implemented without delay.

2.4.17 UNHCR welcomes the recent development of a collaborative approach between UNHCR and APU to the review of APIs. UNHCR regards APIs as an important source

of guidance which, if properly applied, enhances consistency in decision making. UNHCR's ongoing assessments suggest there is a 'missing link' between the development of APIs and their application, or even reference to, by caseworkers. Feedback sessions reveal that awareness of the content of APIs amongst caseworkers and SCWs is limited. This should be of serious concern.

2.4.18 Reflecting comments in its First Report, UNHCR notes that internet access in both ACG North and ACG South remains unreliable, providing limited access to original unedited source documents on the KD.

## **2.5 Training**

2.5.1 As a highly specialised area of work, good quality training for refugee status decision makers is essential to ensure the relevant knowledge and skills are acquired. During Phases 1 and 2, UNHCR observed the training undergone by new and existing caseworkers, and set out relevant observations and recommendations in its First Report (Section I.A.3).

2.5.2 UNHCR's ongoing assessments and feedback in Phase 3 continue to suggest a strong need and demand for ongoing and refresher training. Such continuous training is key to raising the quality of first instance decision making. The misapplication of core refugee law principles, as set out above, suggest to UNHCR that a large number of caseworkers have training needs that have neither been identified nor addressed. UNHCR suggests that ongoing training will also help ensure caseworkers continue to be aware of – and apply – 'first principles', and counter the onset of a refusal mindset. Caseworkers must also learn how to apply important caselaw and legislative developments, and not just be made aware of them through written bulletins, as these are often not incorporated into the relevant country guidance.

2.5.3 UNHCR observes that some SCWs have similar training needs. This should be of serious concern as it is to SCWs that caseworkers turn when seeking guidance on core refugee law principles.

2.5.4 UNHCR notes that caseworkers do not receive specific training in research methodology. In light of the problems with country information and guidance as set out above, UNHCR's concern is that this means objective information is not appropriately applied in first instance decision making.

## **2.6 Management and communication**

2.6.1 Effective management is essential to enable good quality decision making. This includes ensuring effective supervision of caseworkers, objective assessments and feedback on performance, and the monitoring and review of decisions, both at first instance and at appeal.

2.6.2 UNHCR's observations in Phase 3 of the Project reiterate the urgent need to review the structure of casework teams. There are indications that there may be a negative correlation between the pressure to meet targets on quantity and the quality of decision making. UNHCR notes that responsibility for the management of quantitative targets and the quality of initial decisions is divided between Team Leaders and SCWs respectively. This suggests a lack of a holistic approach to team management. UNHCR has frequently been informed by caseworkers in its feedback sessions that the targets regime means they do not have the time to allow for anxious scrutiny of each and every case.

2.6.3 UNHCR observes that there are no effective mechanisms in place to review outgoing decisions to identify obvious inaccuracies and errors in drafting, including mistakes in spelling and grammar.

2.6.4 With assistance from UNHCR, a new objective form for assessing decisions has been introduced. UNHCR believes these forms should be used to create an effective system for the monitoring of the quality of decisions, and intends to look at their use by SCWs in the next Phase of the Project.

2.6.5 UNHCR believes that the identification and management of stress is essential for the retention of asylum caseworkers. In this context, UNHCR understands stress to include the emotional and psychological effect of prolonged exposure to distressing testimony. A significant number of caseworkers have expressly stated to UNHCR during feedback sessions that they suffer from such stress. UNHCR faces similar problems when performing refugee status determination in field operations, and in its experience, stress (as defined above) can result in staff burn-out, compassion fatigue and lead to a reduction in the quality of decisions and high staff turnover.

2.6.6 UNHCR notes with concern that there has been little acceptance of the existence of this type of stress and its potential impact on initial decision making.

2.6.7 UNHCR also notes that a significant number of caseworkers and some SCWs continue to express dissatisfaction with their current roles and have indicated a desire to move elsewhere. UNHCR is concerned that such caseworkers are expected to continue to carry out refugee status determinations as, in its experience, a lack of motivation can affect the quality of decisions. UNHCR has seen the majority of caseworkers taken off 2+4 Procedures (mainstream first instance decision making) with the fall in asylum applications. UNHCR observes that caseworkers are being moved by team without reference to individual competence or levels of motivation.

2.6.8 UNHCR continues to believe that those caseworkers and SCWs who do not meet the required standards of performance should be released from this area of work. Based on feedback from SCWs, UNHCR notes that recently introduced mechanisms to identify and move on poorly performing caseworkers have yet to have an impact. With the fall in the number of asylum seekers this is an opportune moment to identify and release existing asylum caseworkers who are poor performers or unmotivated, and retain and encourage those who are both committed and capable.

2.6.9 UNHCR has noted a generally inadequate level of communication throughout the process which can have an impact on the quality of decision making where, for example, caseworkers are unaware of APIs or caselaw, or where SCWs give inconsistent advice.

2.6.10 In its feedback sessions UNHCR has frequently been informed that Team Leaders do not communicate effectively with SCWs, and that caseworkers are left feeling isolated. It has become apparent that policies regarding working practices are not relayed consistently to appropriate staff. UNHCR has been informed by staff at all levels within ACD that there has been little or no communication about the potential impact of NAM. This appears to be giving rise to a sense of uncertainty.

## **2.7 Conclusion**

2.7.1 Based on its observations as set out above, it is concluded that a number of problematic areas in the refugee status determination process remain. UNHCR recognises and welcomes the dedication shown by the UK Government, and the Home Office in particular, to raising the quality of initial decision making through its involvement with the QI Project.

2.7.2 The following chapter sets out UNHCR's recommendations for change in key areas of the business which it believes will contribute to the alleviation of these problems, and help raise the quality of initial decision making. They incorporate and, where necessary in light of these observations, update the recommendations of its First Report, except where the First Report's recommendations are explicitly referred to (see Appendix 1). Taken as a whole, UNHCR believes that the implementation of these recommendations will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office.



### **3. RECOMMENDATIONS**

#### **3.1 Overview**

3.1.1 UNHCR believes that the recruitment and retention of highly qualified caseworkers is essential for the delivery of an effective and sustainable refugee status determination regime. Targeted recruitment together with appropriate minimum academic qualifications and skill requirements will lead to the recruitment of new caseworkers who are motivated and able. UNHCR believes that, in the context of the UK, an effective accreditation scheme is key to an overall improvement in quality.

3.1.2 UNHCR believes that high quality initial and ongoing training is an indispensable tool for providing and developing the skills and knowledge that are required to make sustainable first instance decisions. UNHCR also believes that the recruitment, retention and ongoing training of qualified and gender-appropriate interpreters is crucial to conducting effective interviews during refugee determination procedures.

3.1.3 In UNHCR's experience it is essential that caseworkers who are deciding refugee claims work in an atmosphere which acknowledges the existence of stress and encourages open discussion of the issues and that appropriate support structures are in place to enable them to make good quality decisions.

3.1.4 In UNHCR's opinion, access to good quality, up-to-date COI and country guidance together with the knowledge of how to apply such information are the cornerstones of good quality asylum decision making.

3.1.5 UNHCR also believes that an efficient, holistic management structure would help to achieve an effective refugee status determination regime and that a fair and efficient asylum system should place equal emphasis on speed and high quality. Regular objective assessments and an effective system for the monitoring and review of decisions are essential to maintain quality.

#### **3.2 Minimum standards for recruitment of caseworkers**

##### **3.2.1 Progress to date**

- UNHCR welcomes the introduction of a minimum education requirement of two 'A' Levels for external candidates but was concerned by the Minister's response to its First Report that requiring a minimum qualification for internal candidates would be against current Home Office policy, equality or diversity guidelines.

##### **3.2.2 Recommendations**

- UNHCR reiterates its recommendation that the desirable minimum qualification for an asylum caseworker should be a university degree or equivalent, with specific asylum competencies.

- The existing minimum education requirement should apply to all future internal as well as external candidates, and a minimum standard in keeping with relevant equality and diversity guidelines should be introduced for all internal candidates.

### **3.3 Advertising for asylum caseworkers**

#### 3.3.1 Progress to date

- UNHCR understands that targeted job advertising has been implemented in the latest recruitment round for NAM.

#### 3.3.2 Recommendations

- All future advertisements for caseworkers should clearly stipulate that recruitment is for asylum casework. UNHCR believes that this is essential to ensure the recruitment and retention of well-motivated and able caseworkers.

### **3.4 Initial training and performance**

#### 3.4.1 Progress to date

- UNHCR welcomes the decentralisation of Human Resources which has enabled a Human Resources Business Partner to be placed within ACD. UNHCR understands that his/her role will include assisting with the implementation of a new scrupulously fair but robust system for identifying and dealing with poorly performing asylum caseworkers.

#### 3.4.2 Recommendations

- UNHCR recommends that a longer training period, including in research techniques, is considered.
- UNHCR reiterates its recommendation that the Asylum Casework Training (ACT) Course should conclude with compulsory competency assessments to determine whether a putative caseworker should proceed to the initial stages of accreditation (as recommended in section 3.7). UNHCR would be pleased to offer its assistance in devising appropriate competency assessments as part of this process.
- All newly recruited or promoted SCWs should undergo appropriate and specific training and assessment.
- All newly recruited caseworkers should be subject to a formal asylum casework specific probationary period during which their overall competency is assessed by a supervisor.
- Effective and efficient mechanisms should be introduced for moving poorly performing caseworkers to another area of the business.

### **3.5 Ongoing training for caseworkers and senior caseworkers**

#### 3.5.1 Progress to date

- UNHCR welcomes the introduction of a system with the aim of ensuring parity in training offered in ACG South and North.
- UNHCR welcomes the establishment of the Working Group on establishing the facts of a claim.
- UNHCR welcomes the continued use of different external speakers to address asylum caseworkers.

#### 3.5.2 Recommendations

- UNHCR reiterates its recommendations that it would be beneficial to empower ACD to provide its own training by giving a budget to those responsible for identifying training needs.
- IND College should facilitate relevant training courses, with ACD supplying the expertise and trainers with current experience of refugee status determination procedures.
- ACD should build on the success of the Decision Making Workshops and Seminars, to ensure continued exposure to training on best practice on establishing the facts of a claim.
- A regular programme of ongoing training should be introduced and the training needs of the business and of individual caseworkers and SCWs should be assessed on at least a quarterly basis and more often as required, for example because of a change in legislation, policy or procedure.
- UNHCR reiterates its recommendation that minimum standards for internal trainers should be introduced. All internal trainers should hold formal ‘training for trainers’ accreditation, and safeguards should be introduced to ensure that trainers do not hold or express any bias against asylum seekers and refugees.
- The use of different external speakers to address caseworkers should be continued and expanded.
- Systems in place to ensure parity in training between ACG North and South should be followed rigorously.

### **3.6 Interviews**

#### 3.6.1 Progress to date

- UNHCR has commenced the assessment of interviews in July 2005 and welcomes the assistance and co-operation of ACD staff in overcoming practical considerations.

#### 3.6.2 Recommendations

- UNHCR recommends that Statement of Evidence Forms (SEF) be reintroduced and relied upon for all asylum applications.
- Caseworkers should be expected to spend a reasonable amount of time preparing to conduct an asylum interview, including conducting appropriate research.
- Caseworkers should spend as much time as necessary interviewing asylum seekers and whenever practicable, the same caseworker who conducted the interview should draft the asylum decision.
- All substantive asylum interviews should be audio-tape recorded as a matter of course.
- SCWs should randomly monitor substantive asylum interviews on a regular basis to ensure that the conduct of the caseworker and the interpreter in the determination interview meets the relevant standards for fairness and due process.
- Gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect. Any preference can be readily identified by a question asked at an induction centre or in the screening interview.

### **3.7 Accreditation**

#### 3.7.1 Progress to date

- UNHCR welcomes the commitment to consider an accreditation scheme in relation to NAM made in the Minister's response to the First Report.

#### 3.7.2 Recommendations

- UNHCR strongly reiterates its recommendation that every person involved in first instance decision making, including internal candidates, must be accredited by an accreditation scheme that is designed to test the competencies, knowledge, skills and analytical abilities to an appropriate level. UNHCR would welcome the opportunity to assist and provide advice in devising an appropriate accreditation scheme.
- Caseworkers should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society's/Legal Service Commission's Accreditation scheme.
- SCWs should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society/Legal Service Commission Accreditation scheme.

### **3.8 Salary and bonus scheme**

#### 3.8.1 Recommendations

- In line with the higher recruitment requirements, UNHCR recommends the introduction of higher initial salaries both to reflect the level of responsibility involved in refugee status determination and to attract high-calibre candidates.

- Any bonus or financial incentive scheme should focus on consistent output of objectively assessed high quality work.

### **3.9 Identification and management of stress**

#### 3.9.1 Progress to date

- UNHCR welcomes the acknowledgement in the Minister’s response to its First Report that there are pressures associated with refugee status determination work, but notes with concern that there has been little acceptance of the existence of work related stress in ACD.
- UNHCR welcomes the commitment to monitor stress indicators such as absence and turnover figures on a monthly basis.
- UNHCR welcomes progress in providing Stress Awareness Training on a compulsory basis for SCWs.
- UNHCR understands that ‘care teams’ were launched in ACG North in August 2004. UNHCR welcomes the commencement of discussions between ACG South and Welfare Services on the establishment of a similar team in ACG South.
- UNHCR was also pleased to have been approached to deliver a training session on coping with stressful interviews by ACG North. UNHCR’s offer to conduct such training remains open.

#### 3.9.2 Recommendations

- UNHCR recommends that stress management training be incorporated into both the initial and ongoing training of caseworkers and that line managers attend stress supervision training.
- UNHCR reiterates its recommendation that caseworkers are regularly rotated off decision making duties for a short period. Caseworkers could be usefully deployed on other non-decision making duties during this period (including attending further training and undertaking refugee awareness raising activities).
- Levels of job satisfaction should be monitored on a regular basis and consideration should be given to introducing mechanisms to enable those who express dissatisfaction with their current role to move to another area of the business.
- Awareness of the ‘care teams’ and other forms of support should be raised, and their use be encouraged.

### **3.10 Recruitment and retention of interpreters**

#### 3.10.1 Progress to date

- UNHCR welcomes being invited to observe interpreters’ training.
- UNHCR also welcomes having been approached to assist with the development of training for interpreters when interpreting interviews of minors.

### 3.10.2 Recommendations

- UNHCR has not commenced detailed work in this area and stands by all the observations and recommendations contained in Section I-B of its First Report, drawing particular attention to its recommendation on gender-sensitive interviews (see Appendix 1).

## 3.11 Country of origin information (COI) and guidance

### 3.11.1 Progress to date

- UNHCR welcomes the commencement of work to improve the quality of country reports and the reassurance about the wealth of sources on which country reports are based, in particular the use of relevant UNHCR position papers.
- UNHCR welcomes the separation of objective country reports and policy guidance.
- UNHCR welcomes the opportunity to comment on OGNs before they are released and the enhancement of collaboration with COIS through its QI team. UNHCR also welcomes the ongoing discussions on whether and how Refworld can be made available to caseworkers.
- UNHCR welcomes the recent establishment of the Working Group on the use of standard paragraphs.

### 3.11.2 Recommendations

- UNHCR recommends that caseworkers should be equipped with the necessary skills to conduct their own country research. They should be encouraged to consult a variety of COI sources and assess their reliability, and relevance to the applicant's claim. They should be trained to source all references to COI.
- COIS and CSAPT staff should be encouraged to gauge comprehension and compliance with latest information and guidance notes by establishing regular links and feedback sessions with caseworkers, similar to the "floor walk" which UNHCR understands took place in ACG North.
- Steps should be taken to ensure that specific country information and guidance is available on countries with particularly poor human rights records, regardless of the number of asylum applications received by the UK from such countries.
- Strenuous efforts should be made to ensure that country information and guidance is focused, well presented (in clear, chronological order), unambiguous and consistent across the various sources of information and guidance on any one country (i.e. between country reports, bulletins and OGNs).
- Country information and guidance should be kept up to date. Relevant updates, including on caselaw, should be incorporated into the country report or OGN as appropriate, as soon as it becomes available.
- UNHCR recommends that the Working Group on standard paragraphs consider and address UNHCR's relevant observations as set out in sections 2.4.14-16. It is essential that the Working Group's recommendations are acted upon.

- All relevant information and guidance on any one country should be located in the same section on the KD.
- Direct IT links to the original source documents relied upon to produce country reports should be improved through the provision of a reliable internet connection for caseworkers.
- Consideration should be given to inviting external country experts (academics, UNHCR field staff, NGO field staff) to provide briefings on the latest COI to COIS staff, caseworkers and SCWs to help raise interest and awareness.
- Clear guidance should be given to caseworkers on the range of sources which they are able to use and cite.

### **3.12 Improved management and communication within ACD**

#### 3.12.1 Recommendations

- UNHCR recommends that the communication and management structures within ACD be independently reviewed as a matter of urgency:
  - Team structures, in particular, should be reviewed.
  - UNHCR recommends that an audit be conducted to assess the extent of duplication in country information and guidance (see section 2.4 of UNHCR's observations) and between different staff roles (e.g. between SCWs as country specialists and COIS/CSAPT).
- UNHCR reiterates its recommendations on the management of stress as set out in section 3.9 of this Report.
- A system of effective decision 'ownership' should be introduced across the business, including for non-NAM decision making.

### **3.13 Targets**

#### 3.13.1 Progress to date

- UNHCR welcomes the establishment of the Working Group on testable evidence, which will *inter alia* suggest new criteria for removing cases from the strict 2+4 regime under certain circumstances.

#### 3.13.2 Recommendations

- UNHCR recommends that case production targets be kept at reasonable levels and be sufficiently flexible to allow for anxious scrutiny of each and every case.
- Meeting and exceeding targets on *quality* should be emphasised and that this should be recognised in any bonus or financial incentive scheme.

### **3.14 Complaints**

#### 3.14.1 Recommendations

- UNHCR reiterates its recommendation that applicants with concerns about an assigned caseworker should have the opportunity to explain their concerns, in confidence.
- Procedures for comment and complaint about the services of caseworkers should be clearly explained to all applicants. Information on the procedures should also be communicated to all IND staff.
- UNHCR recommends that all complaints regarding:
  - (a) the quality of the caseworkers,
  - (b) their impartiality,
  - (c) confidentiality,
  - (d) other matters relating to the conduct of the interview,

should be referred to the SCW. Procedures must specify responsibilities for complaints received and reporting on action taken, in accordance with an open and accountable complaints procedure.

### **3.15 Assessment, monitoring and review of decision making**

#### 3.15.1 Progress to date

- UNHCR commends the tremendous progress made in developing a new objective assessment form. The form is currently being used by ACD, Treasury Solicitors and UNHCR. Subject to possible minor amendments, UNHCR believes it will be an essential tool in raising the quality of first instance decision making.
- UNHCR understands that the Liverpool Non Suspensive Appeals (NSA) team have reintroduced gradations into the assessment form, thus undermining its objectivity and the consistency of assessments throughout the business.

#### 3.15.2 Recommendations

- UNHCR recommends that any proposed amendments to the assessment form be made in consultation with UNHCR.
- SCWs should be trained in giving effective feedback to caseworkers and feedback sessions on assessments should be made obligatory.
- All out-going decisions should be effectively reviewed to identify obvious inaccuracies and errors in drafting.
- The decision making process at appeal as well as the outcome should be acknowledged as two indicators of quality control. Each caseworker should receive monthly feedback from their line manager on their decisions under appeal on a one-to-one basis.



## **4. CONCLUSION**

4.1 UNHCR acknowledges and 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.

4.2 The recommendations contained in this Report are seen by UNHCR as a package which, taken as a whole, will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office. They are designed to be constructive, and are made in the context of the close co-operation thus far between the UK Government and UNHCR through the QI Project. Where feasible, UNHCR would be pleased to assist with, and advise on, their implementation.

4.3 UNHCR is grateful for the level of cooperation and complete transparency with which the Home Office has implemented the QI Project. UNHCR would especially like to thank ACD for making practical arrangements to enable the review of first instance asylum decisions to continue.

4.4 UNHCR looks forward to continuing its work with the Home Office in helping raise the quality of initial decisions.

## **5. LIST OF RECOMMENDATIONS**

### **Minimum standards for recruitment of caseworkers**

1. UNHCR reiterates its recommendation that the desirable minimum qualification for an asylum caseworker should be a university degree or equivalent, with specific asylum competencies.
2. The existing minimum education requirement should apply to all future internal as well as external candidates, and a minimum standard in keeping with relevant equality and diversity guidelines should be introduced for all internal candidates.

### **Advertising for asylum caseworkers**

3. All future advertisements for caseworkers should clearly stipulate that recruitment is for asylum casework. UNHCR believes that this is essential to ensure the recruitment and retention of well-motivated and able caseworkers.

### **Initial training and performance**

4. UNHCR recommends that a longer training period, including in research techniques, is considered.
5. UNHCR reiterates its recommendation that the Asylum Casework Training (ACT) Course should conclude with compulsory competency assessments to determine whether a putative caseworker should proceed to the initial stages of accreditation (as recommended in section 3.7). UNHCR would be pleased to offer its assistance in devising appropriate competency assessments as part of this process.
6. All newly recruited or promoted SCWs should undergo appropriate and specific training and assessment.
7. All newly recruited caseworkers should be subject to a formal asylum casework specific probationary period during which their overall competency is assessed by a supervisor.
8. Effective and efficient mechanisms should be introduced for moving poorly performing caseworkers to another area of the business.

### **Ongoing training for caseworkers and senior caseworkers**

9. UNHCR reiterates its recommendations that it would be beneficial to empower ACD to provide its own training by giving a budget to those responsible for identifying training needs.

10. IND College should facilitate relevant training courses, with ACD supplying the expertise and trainers with current experience of refugee status determination procedures.
11. ACD should build on the success of the Decision Making Workshops and Seminars, to ensure continued exposure to training on best practice on establishing the facts of a claim.
12. A regular programme of ongoing training should be introduced and the training needs of the business and of individual caseworkers and SCWs should be assessed on at least a quarterly basis and more often as required, for example because of a change in legislation, policy or procedure.
13. UNHCR reiterates its recommendation that minimum standards for internal trainers should be introduced. All internal trainers should hold formal ‘training for trainers’ accreditation, and safeguards should be introduced to ensure that trainers do not hold or express any bias against asylum seekers and refugees.
14. The use of different external speakers to address caseworkers should be continued and expanded.
15. Systems in place to ensure parity in training between ACG North and South should be followed rigorously.

## **Interviews**

16. UNHCR recommends that Statement of Evidence Forms (SEF) be reintroduced and relied upon for all asylum applications.
17. Caseworkers should be expected to spend a reasonable amount of time preparing to conduct an asylum interview, including conducting appropriate research.
18. Caseworkers should spend as much time as necessary interviewing asylum seekers and whenever practicable, the same caseworker who conducted the interview should draft the asylum decision.
19. All substantive asylum interviews should be audio-tape recorded as a matter of course.
20. SCWs should randomly monitor substantive asylum interviews on a regular basis to ensure that the conduct of the caseworker and the interpreter in the determination interview meets the relevant standards for fairness and due process.
21. Gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect. Any preference can be readily identified by a question asked at an induction centre or in the screening interview.

### **Accreditation**

22. UNHCR strongly reiterates its recommendation that every person involved in first instance decision making, including internal candidates, must be accredited by an accreditation scheme that is designed to test the competencies, knowledge, skills and analytical abilities to an appropriate level. UNHCR would welcome the opportunity to assist and provide advice in devising an appropriate accreditation scheme.
23. Caseworkers should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society's/Legal Service Commission's Accreditation scheme.
24. SCWs should be accredited to the equivalent of the appropriate level of the asylum component of the Law Society/Legal Service Commission Accreditation scheme.

### **Salary and bonus scheme**

25. In line with the higher recruitment requirements, UNHCR recommends the introduction of higher initial salaries both to reflect the level of responsibility involved in refugee status determination and to attract high-calibre candidates.
26. Any bonus or financial incentive scheme should focus on consistent output of objectively assessed high quality work.

### **Identification and management of stress**

27. UNHCR recommends that stress management training be incorporated into both the initial and ongoing training of caseworkers and that line managers attend stress supervision training.
28. UNHCR reiterates its recommendation that caseworkers are regularly rotated off decision making duties for a short period. Caseworkers could be usefully deployed on other non-decision making duties during this period (including attending further training and undertaking refugee awareness raising activities).
29. Levels of job satisfaction should be monitored on a regular basis and consideration should be given to introducing mechanisms to enable those who express dissatisfaction with their current role to move to another area of the business.
30. Awareness of the 'care teams' and other forms of support should be raised, and their use be encouraged.

### **Recruitment and retention of interpreters**

31. UNHCR has not commenced detailed work in this area and stands by all the observations and recommendations contained in Section I-B of its First Report, drawing particular attention to its recommendation on gender-sensitive interviews (see Appendix 1).

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

32. UNHCR recommends that caseworkers should be equipped with the necessary skills to conduct their own country research. They should be encouraged to consult a variety of COI sources and assess their reliability, and relevance to the applicant's claim. They should be trained to source all references to COI.
33. COIS and CSAPT staff should be encouraged to gauge comprehension and compliance with latest information and guidance notes by establishing regular links and feedback sessions with caseworkers, similar to the "floor walk" which UNHCR understands took place in ACG North.
34. Steps should be taken to ensure that specific country information and guidance is available on countries with particularly poor human rights records, regardless of the number of asylum applications received by the UK from such countries.
35. Strenuous efforts should be made to ensure that country information and guidance is focused, well presented (in clear, chronological order), unambiguous and consistent across the various sources of information and guidance on any one country (i.e. between country reports, bulletins and OGNs).
36. Country information and guidance should be kept up to date. Relevant updates, including on caselaw, should be incorporated into the country report or OGN as appropriate, as soon as it becomes available.
37. UNHCR recommends that the Working Group on standard paragraphs consider and address UNHCR's relevant observations as set out in sections 2.4.14-16. It is essential that the Working Group's recommendations are acted upon.
38. All relevant information and guidance on any one country should be located in the same section on the KD.
39. Direct IT links to the original source documents relied upon to produce country reports should be improved through the provision of a reliable internet connection for caseworkers.
40. Consideration should be given to inviting external country experts (academics, UNHCR field staff, NGO field staff) to provide briefings on the latest COI to COIS staff, caseworkers and SCWs to help raise interest and awareness.

41. Clear guidance should be given to caseworkers on the range of sources which they are able to use and cite.

### **Improved management and communication within ACD**

42. UNHCR recommends that the communication and management structures within ACD be independently reviewed as a matter of urgency:
  - Team structures, in particular, should be reviewed.
  - UNHCR recommends that an audit be conducted to assess the extent of duplication in country information and guidance (see section 2.4 of UNHCR’s observations) and between different staff roles (e.g. between SCWs as country specialists and COIS/CSAPT).
43. UNHCR reiterates its recommendations on the management of stress as set out in section 3.9 of this Report.
44. A system of effective decision ‘ownership’ should be introduced across the business, including for non-NAM decision making.

### **Targets**

45. UNHCR recommends that case production targets be kept at reasonable levels and be sufficiently flexible to allow for anxious scrutiny of each and every case.
46. Meeting and exceeding targets on *quality* should be emphasised and that this should be recognised in any bonus or financial incentive scheme.

### **Complaints**

47. UNHCR reiterates its recommendation that applicants with concerns about an assigned caseworker should have the opportunity to explain their concerns, in confidence.
48. Procedures for comment and complaint about the services of caseworkers should be clearly explained to all applicants. Information on the procedures should also be communicated to all IND staff.
49. UNHCR recommends that all complaints regarding:
  - (a) the quality of the caseworkers,
  - (b) their impartiality,
  - (c) confidentiality,
  - (d) other matters relating to the conduct of the interview,

should be referred to the SCW. Procedures must specify responsibilities for complaints received and reporting on action taken, in accordance with an open and accountable complaints procedure.

**Assessment, monitoring and review of decision making**

50. UNHCR recommends that any proposed amendments to the assessment form be made in consultation with UNHCR.
51. SCWs should be trained in giving effective feedback to caseworkers and feedback sessions on assessments should be made obligatory.
52. All out-going decisions should be effectively reviewed to identify obvious inaccuracies and errors in drafting.
53. The decision making process at appeal as well as the outcome should be acknowledged as two indicators of quality control. Each caseworker should receive monthly feedback from their line manager on their decisions under appeal on a one-to-one basis.