



UNHCR's Guide to Asylum Reform in the United Kingdom

Introduction

1. The UK Government has announced that it is embarking on asylum reform in order to fix a “broken system”. Delayed and poor-quality decision-making can cause unnecessary expense to the State and host communities. For those claimants in need of international protection, waiting, without permission to work, harms their self-sufficiency, the maintenance of any existing skillset and their mental health – undermining efforts to integrate successfully if eventually granted leave to remain in the UK.
2. As of September 2020, there were 48,102 cases (60,548 persons) awaiting a first instance asylum decision. This includes 36,190 waiting more than six months of which 21,392 have been waiting more than a year. Further, the quality of decision-making still needs much improvement, as close to half of all negative asylum decisions are overturned on appeal.
3. The current presence of some 11,000 claimants is unknown, as they are no longer in contact with the Home Office prior to or after receiving a decision. As exit checks are not routinely performed, it is not known how many of these persons have departed the UK, but it is presumed that most have remained, residing without status in the margins of society. Another 41,000 are subject to removal action. As the pandemic has revealed, detention is not a viable means of migration management, not to mention its very high costs. UNHCR shares the view that this status quo is unsatisfactory for government and asylum-seekers alike and we welcome the Government's effort to rethink the system.
4. UNHCR believes that the answer lies in identifying areas for system improvement with the goal of increasing both efficiency and fairness, so that people who need protection can access it promptly and those without protection needs, or other basis for leave to remain, can be returned expeditiously. Reform, in line with the object and purpose of the 1951 Convention, can address new arrivals and the backlog while avoiding the litigation and associated costs and delays that will accompany legislation which unnecessarily restricts access to asylum. We urge the Government to align its reforms with its proud tradition of welcoming refugees and offering protection to those in need.
5. **The following proposals are therefore an effort to outline where efficiencies might be found, and processes improved, to result in a system that is best for both the UK and those persons that seek the UK's protection. Our vision for a future UK asylum system is one that is humane, fair, affordable, in line with international standards and efficient.**

6. Our proposals below are based on UNHCR's experience in advising governments worldwide, and on many years of research, audits, and working in collaboration with the Government and other stakeholders to improve the UK's asylum system. Government consultations with the refugee sector and UNHCR in 2016 resulted in recommendations to frontload resources and invest in registration and screening procedures to limit flaws at the earliest stage of the asylum process. Flaws in these initial interactions between asylum-seeker and State lead to expensive and lengthy litigation, arbitrary and unlawful detention, unnecessary appeal processes and delays in decision-making right down the line. Getting this stage right would serve to provide prompt protection for those who need it, which in some cases may not require a determination of refugee status but another route. Proper registration and screening are also requisite for prompt transfers, to the extent bi-lateral or multilateral transfer or readmission agreements are entered into post-Dublin and contain appropriate safeguards. We take note of the Government's recent changes to the Immigration Rules in this regard and comment on these below.
7. Another aspect of this proposal suggests that simplified and prompt status determination procedures can be utilised to efficiently adjudicate those either very likely, or very unlikely, to be determined as refugees or stateless people. Triaging cases will enable those with vulnerabilities and/or meritorious claims to obtain the protection they need on a timely basis. For those without a valid basis to stay, a quicker decision, followed by prompt return or transfer, limits the opportunity for new family or other ties to be forged which then create legal barriers to departure (for example under Article 8 ECHR) during eventual removal attempts.
8. Such case processing strategies, using country of origin and risk profiles, is particularly relevant to reducing a backlog of over 60,000 persons. Given the profile of cases within this backlog, (including Syrians, Eritreans and Iranians) the ability to decide on the papers or with a short, focused hearing, as is done in Canada's asylum system for manifestly founded cases, would be useful to consider. Sweden also utilises a track system, triaging asylum cases at an early stage, prioritising them where there is a presumption that the case can be refused or accepted quickly. Manifestly unfounded cases can, with appropriate safeguards, also be subject to simplified processing. Reaching fair decisions that lead to certain and concrete outcomes is the best use of both State resources and the human potential of those seeking asylum.

PROPOSALS FOR REFORM

Introduce Effective Triaging and Prioritization

9. The move from a standardized refugee status determination (RSD) for almost everyone claiming asylum in the UK towards more targeted and differentiated responses can contribute to decongesting the asylum system. Already registered cases can be triaged according to the details recorded at screening, and cases that can be decided easily prioritized. Any lessons learnt from this process could then be fed back into practices with respect to new arrivals. This would allow prioritization of claims that can be decided easily (both manifestly founded and unfounded). Those quickly recognised as needing protection can begin their integration journey, avoiding an extended delay during which vocational skills are lost or mental health deteriorates, at the cost of State resources and self-sufficiency. Those with a manifestly unfounded claim can be put on a track for prompt

return. The Swedish track triaging system, for example, was used to work through a significant backlog of asylum cases in recent years.¹

Introduce Simplified Asylum Case Processing

10. Simplified RSD procedures are procedures which use pre-filled caseload specific templates for interviews and decisions that focus on core elements of the claim. It also means that where there is an intention to recognise the claim, a decision can be made on the papers, in accordance with Paragraph 339NA(i), and as is routinely done in family and private life claims. For cases that are manifestly well-founded, using simplified RSD procedures can also lead to faster recognition of refugee status and an earlier start towards integration.
11. Such procedures are used by other states in relation to persons from countries with particularly high recognition rates and/or with specific profiles and no evident credibility concerns.
12. For manifestly unfounded cases, simplified processing can also be applied, including pre-populated legal analyses, country of origin analyses and caseload specific assessment forms.
13. For other cases, the goal would be to focus further fact-finding and decision-making on material issues that required individualised findings. By treating all countries and risk profiles similarly, current interviews and decisions explore issues of risk that have already been largely settled in the country evidence or recent Country Guidance caselaw, leading to an unnecessary increase in workload and expenditure of time, as well as unsustainable refusals that are overturned on appeal. Pre-filled caseload-specific templates for interviews and assessments that focus on core elements of the claim would significantly simplify the procedure in many cases.
14. Core aspects of a person's profile may also either be satisfactorily established through valid identity documents or established legal residence in the UK (e.g. identity, nationality, family relationships, profession) or independently verifiable (e.g. public expressions of political opinion). This presumes a period of proper preparation prior to the undertaking of an in-person interview where deemed necessary that should be factored into the caseworker's schedule.
15. Triaging can assist in identifying cohorts for simplified RSD processing and those for regular RSD. It is also an important backlog management tool, as well as tool to support efficient and fair asylum procedures. In the box below UNHCR has identified a number of potential "tracks" to which cases could be referred leading to distinct processing modalities as outlined above.

¹ For a range of further state practice examples and UNHCR's recommendations on triaging and accelerated and simplified procedures see *UNHCR Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union*, 25 July 2018, available at: <https://www.refworld.org/docid/5b589eef4.html> [accessed 11 February 2021]

Potential Triaging Tracks

- a) **Manifestly unfounded claims**, which, even if credible, are evidently not related to the 1951 Refugee Convention criteria, or do not give rise to a protection claim based on country of origin and individualised risk factors.² These could be scheduled for a focused interview, in which the asylum-seeker is asked to confirm the basis of the claim, advised that it is considered manifestly unfounded and given an opportunity to respond. Any indications of vulnerabilities or undisclosed reasons for seeking protection should still be explored. There would be no need for a detailed examination of the underlying account, which could be taken “at its highest”. When the case nonetheless raises another type of claim (e.g. Article 8) it can be routed towards Track (e).
- b) **Manifestly founded claims**, in which the person’s identity and profile is satisfactorily established and the reasonable risk to persons of that profile is established in the country evidence or Country Guidance caselaw.
- c) **Less complex claims**, capable of a quick decision if a limited number of precedent facts are found – for example, where the risk to persons of a certain profile is accepted but it has not been established that the person has that profile. Interviewing and decision-making resources in these cases would be focused on determining only the issues necessary for a decision to be reached, as identified at an early stage in the process (prior to the interview).
- d) **More complex or atypical cases**, requiring both a personal interview to establish the person’s identity and profile and a particularised assessment of risk. This may also include sensitive cases, for example, asylum-seekers who raise exclusion or other State security concerns. These would be closest to the existing procedure.
- e) Cases suitable for routing to other decision-making processes.³ The appropriate alternative route can be appropriately signposted and the asylum case determined expeditiously through accelerated procedures if appropriate (e.g. by route (a), if manifestly unfounded).

16. To support triaging and simplified procedures, **Standard Operating Procedures** providing focused interview guidance for the caseload or profile concerned, and/or caseload/profile-specific templates for assessing claims, in accordance with international standards, should be developed. **These should be subject to regular review and updating.** Review mechanisms should also ensure that the quality and fairness of decision-making is not affected by the adoption of simplified procedures. It is essential too, that clear, transparent yet sufficiently flexible criteria be established to manage the triaging itself, in order to avoid a large number of legal challenges, and an overloading of the simplified procedures with complex cases, which would impair their effectiveness. A dedicated triaging unit could assist with this.
17. Note that a simplified procedure must still afford applicants all the procedural safeguards required to have a fair determination of their claim, and to be heard, in accordance with international and regional standards. As part of upholding this standard, asylum claimants

² UNHCR’s extended definition and explanation of “manifestly unfounded” and other important terms and principles for case processing can be found in *UNHCR, Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR’s Mandate (The Glossary), 2020*, available at: <https://www.refworld.org/docid/5a2657e44.html> [accessed 11 February 2021]

³ Examples may include claims based on health, trafficking, family and private life and statelessness. See “Other Forms of Leave” on page 8.

and their representatives should also be informed about which 'track' they have been referred into and what timelines/guidance apply to it.

Further Submissions and Fresh Claims

18. UNHCR understands that currently a significant number of further asylum submissions are filed, leading to inordinate delay in a final determination, and that such submissions are in the main rejected. Like many countries, the UK's asylum system allows multiple further submissions which must be considered before the applicant can be removed. Triaging and accelerated process for assessing the admissibility of multiple subsequent applications may improve efficiencies. However, a lack of clear data regarding the number, reasons for submission and outcomes of further submissions⁴ is needed before detailed suggestions can be explored in the UK. What follows are general suggestions and UNHCR would be glad to be consulted on the development of any proposals once more information is known.
19. In general, further submissions require a suspensive (in-country) consideration, subject to safeguards against abuse as discussed below to allow for the consideration of new evidence not previously available with valid reason, as well as the impact of more recent events bearing upon the validity of the original asylum claim, as in the case of a refugee sur place. There are several specific and valid reasons why an applicant may wish to submit new evidence including:
 - a. A change in the situation in the country of origin (particularly where the original decision took some years to be served on the applicant, or where the applicant has not left the United Kingdom for a considerable period of time following the final determination of their initial claim).
 - b. Activities which have been engaged in by the applicant or development of convictions held by the applicant since s/he left the country of origin which may have come to the attention of the origin country authorities and create a real risk upon return.
 - c. A direct or indirect breach of the principle of confidentiality during or since the previous procedure, resulting in the alleged actor of persecution or serious harm being informed of the applicant's application for international protection in the country of asylum. In some circumstances, this can result in a real risk of persecution.
 - d. Trauma, shame, or other inhibitions may have prevented full oral testimony by the applicant in the previous examination procedure, particularly in the case of survivors of torture, sexual violence and persecution on the grounds of sexuality and gender identity. Improving psychosocial support to persons to participate fully in the asylum procedure and linking them to legal advice early can go some way to preventing this from happening.
 - e. Deficiencies or flaws in both the first instance and appeal procedure may have prevented an adequate examination and assessment of all the relevant facts and evidence. As outlined below on pages 6-7, poor interpretation, lack of early and quality

⁴ The UK Home Office's current statistical guidance notes "Data on fresh claims are temporarily discontinued from January 2019 due to data issues. These issues are under review with the view to continue publication once the issues can be resolved." Home Office, User Guide to Home Office Immigration Statistics, 26 November 2020 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912239/user-guide-immigration-statistics.pdf

legal advice, and unidentified vulnerabilities can all impact the quality of determination process.

20. In addition, current policy allows former asylum-seekers to submit purely family and private life claims through the fresh claim process. Anecdotal evidence suggests that some choose to do so because of a lack of identity documents, the high fees associated with family and private life applications, or other non-protection reasons. Although such applications may be meritorious, there is no need for them to be decided by specialist asylum caseworkers. They could be returned with instructions on how to apply to the relevant department, including general instructions on how to apply for a fee waiver, or routed to a family/private life unit within the FSU.
21. At present, anyone intending to make a fresh claim must submit further submissions pro-forma, together with any new evidence. If the proforma were required to be returned prior to the appointment, it could provide the basis of a triaging system and enable the in-person visit to be used as an opportunity to progress the claim. For example, if the submission is based on a change in law or an expert report, but the claim otherwise remains the same, the appointment could consist of a biodata, security and welfare check. In other cases an appropriate interview could be scheduled – to explore the basis of the claim in detail if it is entirely new, or to explore a limited issue, such as the provenance of new documents.
22. Where a fresh claim appears manifestly unfounded after interview, applicants could be linked to referral into an alternative to detention (ATD) and voluntary or enforced return (see the discussion below on page 8 regarding ATDs).
23. Interpreters and caseworkers could be made available according to the need indicated by the proforma.
24. An early paper sift could also identify claims that are based on changes in country conditions or caselaw, or in which credibility is not otherwise an issue; these should be capable of a quicker decision. It could also route claims made on an entirely new basis into a different track from those simply offering additional proof in support of a previously rejected claim. There are significant inefficiencies in the current process, which rehearses and considers the previous reasons for refusal even where they are not relevant to the new basis of claim.
25. In order to prevent abuse of the asylum system, legislation may provide for further submissions to be subject to accelerated and/or simplified procedures - provided there has already been a final determination of the initial claim on the merits. This may, for example, include a procedure which becomes more truncated and brings a presumption of refusal for any further submissions made on the same basis as a previous claim or within a short timeframe (e.g. 6 months) after a previous asylum or admissibility decision. Under such a policy, applicants must be notified in advance of an impending admissibility decision to ensure proper consideration of new evidence that may have become available during any delayed decision.

Frontload the Asylum System

26. Robust registration procedures are needed to support the simplified approach to asylum (outlined in paragraphs (27)(a)-(i)) and in order to get the decision right the first time. Registration presents a valuable opportunity to gather and analyse information regarding an individual or a population's specific profile or needs, and should be a multi-purpose exercise, rather than simply a precursor to individual RSD or return. Registration can provide information crucial to identifying and referring individuals to appropriate protection interventions needed to support their participation in the asylum procedure, or other solutions or outcomes from the outset, within a comprehensive border strategy. This should include entry into the National Referral Mechanism (NRM), national Child Protection Procedure and the Statelessness Determination Procedure (SDP).
27. Achieving this, however, will **require the investment of improved and enhanced resources at the point of registration and screening** (or the so called 'frontloading') of the UK asylum system, to prevent delays and unnecessary challenges arising at the 'backend' – be it through appeals, fresh asylum claims, human rights challenges or otherwise. These include:

- a) **A short period of rest and respite** as well as access to immediate medical assistance for persons who have undertaken a long and perilous journey to reach the UK. This is necessary in order to both safeguard the health of the applicant and ensure coherence and clarity at first interview. This should include the possibility to sleep in safe areas separated by sex. UNHCR is aware that such facilities are not available at the Dover short-term holding facility – and may also be absent in others.
- b) **Initial information about an individual's rights and obligations in the UK, in a language they understand**. This could be provided by way of written leaflet, video or in person counselling. Note that this cannot substitute for proper legal advice. UNHCR does not believe this information is sufficiently provided at UK ports of entry – leaving people uncertain about what is happening to them. An update of the 'Point of Claim' leaflet to include information about statelessness applications is one example of what is necessary.
- c) **Properly vetted interpreters**. Problems with the quality and independence of the call-in interpreters used by UK immigration and border officials are commonly reported. Issues with the quality of their interpretation and at times, interference with a claimant's answers can cause serious issues down the line, including incorrect protection and credibility assessments, appeals and further submissions/fresh claims. Use of unqualified and unprofessional interpreters may also facilitate the misrepresentation of claimants' nationality. This in turn may become a major obstacle once a claim is denied and return is considered. UNHCR recommends that professional interpreters should be provided in-person where possible, acknowledging that the present health measures associated with the pandemic may currently make this unfeasible.
- d) **Properly trained and qualified immigration officers**. Immigration and border officials are the UK's first interaction with irregular arrivals. This is a critical interaction that demands an understanding of the nationalities/modes of arrival/possible medical concerns and cultural sensitivities of arrivals, a capacity for trauma-informed interviewing and child-friendly interviewing techniques, the utmost professionalism and an understanding of the UK's obligations towards such persons in international and domestic law. Such officers must receive the requisite training but should also possess the personal attributes and

values required to perform this essential protection-oriented role to the highest standard.

- e) **Legal assistance** must be available to support individuals to understand the UK immigration laws, their rights, including while in detention, and what options are appropriate to their situation. Lawyers should represent individuals early in the process, including to advise on what protection related route is right for them, if any. Adequate legal representation can also help to ensure that asylum-seekers put forward all information relevant to their claim at the outset, avoiding inefficiencies associated with further submissions and decisions overturned on appeal. The current HO position of not promoting access to legal advice undermines the Government's aims of a fast and fair immigration system.⁵
- f) **Enhanced vulnerability screening**. It is uncontroversial that early identification of vulnerabilities can substantially improve the capacity of irregular arrivals to understand and participate in immigration procedures and can therefore assist in more quickly determining an appropriate solution to their predicament. By ensuring that vulnerable applicants are treated appropriately, early identification can also help pre-empt subsequent legal challenges to otherwise well-founded refusal decisions. UNHCR continues to advocate that learning from the UK's development of the Enhanced Screening Tool and of the UNHCR and International Detention Coalition Vulnerability Screening Tool (VST) should be brought across to the asylum screening and routing process, given the noted deficiencies with the present asylum screening and routing forms in identifying vulnerability, and in the absence of systematic referral and linkage to appropriate services in every case (particularly for victims of trafficking and torture).
- g) **Separate physical spaces for families and children**. This should include some provision for the screening of single parents apart from their children, such as the presence of properly trained and vetted persons to look after children during the parents' screening interview.
- h) **A clearer separation between the RSD, vulnerability screening, destitution support and security aspects of the screening process**. The discussion of all of these issues in a single interview means that individuals are asked similar questions in different ways and at different points in the interview. This causes confusion and leads to clearly mistaken answers. It also makes the screening process longer than it needs to be, with the result that it is both rushed and exhausting. It is also worth considering which questions need to be asked at the screening, and which can be deferred to a subsequent substantive interview or written questionnaire. For example, it is debatable whether exclusion needs to be explored at the outset of every claim, whether there are sufficient cases of exclusion linked to having been a member of the judiciary or a journalist to make it necessary to ask about these professions, or whether the simple listing of the political parties and religious groups a person has been a member of is necessary if it is unrelated to the basis of claim.
- i) **Applicants whose identity is already established can be placed in a separate screening process**. At present, the screening process is the same for those whose identity and nationality is established (e.g. persons here on student or visit visas) and those without documentation.

⁵ For more information on the importance of early legal advice, including in border procedures, see the European Council on Refugees and Exiles 2017 report on Legal Aid here; <https://www.ecre.org/wp-content/uploads/2017/11/Legal-Note-2.pdf>

Admissibility

28. Recently announced changes to the UK Immigration Rules (Para. 345A to D) now separate the process of determining admissibility to the UK asylum procedure from readmission to a safe third country. UNHCR would not support the transfer of asylum seekers to non-EU member States. The forced transfer of people to countries with inadequate protection safeguards and resources risks a breach of international refugee obligations.
29. UNHCR is further concerned that unless robust and relevant readmission agreements are already in place prior to an admissibility determination, it risks placing a potentially large number of individuals in limbo over an extended period. Negotiating readmission agreements can at times be a lengthy, complex undertaking. Keeping applicants six months before even entering the queue to determine their status does not serve the interest of the State, hosting communities or applicants, some of whom will be *bona fide* refugees. UNHCR also notes that a such a transfer would only be appropriate if it follows an individual assessment, provides for admission, access to a fair asylum procedure, protection from refoulement, adequate reception and treatment in line with international standards and the ability to enjoy asylum and access to durable solutions for those recognised.
30. Importantly, the UK government must be able to properly identify the circumstances in which return to a safe third country would not be appropriate for any particular individual. These include family links or relationships of dependency in the UK, compassionate grounds and, if concerning an unaccompanied and separated child, their best interests – all of which underpinned the Dublin framework. To not do so risks time consuming and ultimately successful legal challenges as well as making the transfer unsustainable, increasing the likelihood that the individual will make a return attempt. The above-mentioned recommendations on ‘frontloading’ will go towards ensuring an efficient, humane and fair admissibility procedure at the UK’s border, alongside one that enforces swift return where appropriate.
31. Note that UNHCR’s published position on bilateral and multilateral transfer arrangements in relation to asylum-seekers for the purposes of asylum processing is relevant to the UK’s ongoing discussions on readmission agreements in this regard and should be consulted.⁶

Alternatives to Detention

32. ATDs are both more humane and cost effective than detention. UNHCR has been working with Immigration Enforcement and select civil society organisations to pilot **Community Engagement models since 2018**, designed to lead to improved immigration outcomes for persons who would otherwise have grounds for detention in the UK and who may face challenges in engaging with the immigration and enforcement system as it is currently designed. These models were the result of extensive consultation and design thinking within and outside the Government since 2018. In coordination and shared funding with the Home Office, UNHCR has contracted a third-party provider to undertake an evaluation of the pilots and a report on the first is due in March 2021.

⁶ See UNHCR, Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers, May 2013, <http://www.refworld.org/docid/51af82794.html>.

33. Initial evaluation results indicate that detention is not only expensive, but with some profiles is also unnecessary to achieve compliance in reporting or in promoting departure for those with no valid basis to stay. For many, the resilience provided by living in the community with access to accurate and tailored advice is crucial to maintaining the emotional wellbeing necessary for either successful integration or return. These results mirror the results of research in other countries such as Canada and Sweden. NGO providers, as well as those working in a detention context, given their institutional independence, rapport with migrant community members and links with migrant supporting organizations in countries of origin, will likely have more success than the current Home Office Voluntary Return Service in promoting assisted voluntary return. The Government can however play a valuable role in facilitating travel documents from origin country authorities where requested and necessary.
34. UNHCR would recommend that these pilot evaluations be consulted in any exercise undertaken to reform the current approach to managing asylum-seekers and migrants in the community who have applied to enter protection procedures in the UK.⁷

Other Forms of Leave – Efficiency Considerations

Statelessness Leave

35. UNHCR welcomed the change in the UK's statelessness policy in November 2019 - to enable persons to apply for leave to remain based on statelessness whilst an application for asylum is pending. On 16 December 2020, UNHCR published its audit into the UK's Stateless Determination Procedure under the Quality Protection Partnership, which features several key recommendations for its improvement.⁸ More training and assisted decision-making tools for stateless decision makers are essential in view of persistent and ongoing issues identified with the quality of statelessness decision making to date. UNHCR also recommends that a right to interview and legal aid be provided to stateless claimants given the complexity of the process and common issues that can arise among the applications made by self-represented applicants.
36. Our audit also found errors in many of the cases audited and reveals that the Home Office made a decision within six months in less than one third of cases audited, and a decision within 12 months in under half of cases audited. UNHCR recommends that where an individual is stateless, but the Home Office requires further investigation relating to possible admissibility to a country of former nationality or habitual residence, that the applicant should be granted leave to remain within six months of the date of their application (or 12 months in exceptional circumstances) (See audit report p 47). If, at the conclusion of the Home Office investigations relating to admissibility, it transpires that the applicant *is* admissible to another country with a right of permanent residence, then the Home Office has the authority under the Immigration Rules to curtail the leave granted and require the person to leave the UK.

⁷ At the present time, the Home Office have existing contracts with Action Foundation and with King's Arms Project to facilitate the community engagement pilots. The pilot with Action Foundation was developed with the support of UNHCR and is called 'Action Access' available at <https://actionfoundation.org.uk/projects/action-access/> and the pilot with King's Arms Project is called the Refugee and Migrant Advice Service available at: <https://www.kingsarmsproject.org/rmadvice/>

⁸ UNHCR, 2020, *A UNHCR Audit into the Home Office Approach to Decision-Making in the Statelessness Determination Procedure* available at <https://www.unhcr.org/uk/5fd893304.pdf>

37. Further progress to reduce delays is necessary so that individuals do not continue to suffer the very serious adverse consequences of living in limbo without immigration status, unable to work, and in some cases either destitute or reliant on public funds, for years of their lives.

Leave for Victims of trafficking

38. Victims of trafficking can be referred straight into the UK national referral mechanism (NRM) (adults: where they have given their informed consent and in situations where consent is not given, via the Duty to Notify Process; and children: no consent required), at point of registration/screening and need not have applied for asylum. Such individuals can also apply for asylum or statelessness leave while in the NRM or before entry. In view of delays in decision making for victims of trafficking in the asylum process, and the erroneous conflation of these decisions/the standard of proof to be applied - UNHCR will be reviewing the process of asylum decision making in matters where a person has also been referred into the NRM in 2020-2021 under the Quality Protection Partnership. The focus will be on the communication between the different decision makers and their understanding of the asylum trafficking nexus. When verified as a victim of trafficking, and if not given asylum/stateless leave, victims of trafficking should have the option to apply for ILR or to have supported return.
39. Clear SOPs should govern the sharing of information and sequencing of all procedures where a person falls under one or more routes, to ensure that they can progress in tandem and to minimise delays.

A New Age Assessment Procedure

40. UNHCR's recent reports on child protection also identified numerous cases where asylum-seekers, initially judged to be adults, were later determined to be children as young as 15 years. At times, this caused prolonged delays to a child's asylum procedure. Age disputes often have a devastating impact on integration prospects for children, impeding and delaying access to almost all the central domains of integration. Age disputed children are liable to be placed in inappropriate accommodation together with adults, presenting a risk to their safety; they are likely to be denied access to education; their mental and physical health may deteriorate; they are at increased risk of absconding or being (re-)trafficked; and are sometimes inappropriately detained as an adult in an Immigration Removal Centre. UNHCR identified a number of children being held in police detention for a couple of days, due to being initially assessed at police stations to be adults.
41. Given the serious harm to children and the administrative inefficiencies and costs they can cause, UNHCR welcomes the Government's ongoing examination of how age assessment procedures can be improved, and we look forward to more detailed consultation. In the meantime, we reiterate UNHCR's position that:
- age assessments are only carried out as a measure of last resort i.e. where there are serious doubts as to the individual's age and where other approaches have failed to establish that person's age;
 - all age disputed individuals must be given an age assessment by a qualified professional;

- prior to this age assessment, all age-disputed individuals are given the benefit of the doubt and treated as children unless this would be clearly unreasonable; and
- If an age assessment is conducted, a process must be developed that allows for a holistic, impartial multi-agency approach, conducted over an adequate period of time, drawing on the expertise of those who play a role in the child's life, including health professionals, psychologists, teachers, foster parents, youth workers, advocates and social workers.

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