

The New Asylum Model

August 2007

1. Background

In February 2005, the UK Government published a five year strategy for immigration and asylum¹. The strategy announced the development of the New Asylum Model (NAM). The aim of the New Asylum Model is to introduce a faster, more tightly managed asylum process with an emphasis on rapid integration or removal. The Home Office began implementing the NAM in May 2005 and is now processing all new asylum seekers within the new model as of the 5th March 2007.

This briefing provides an overview of the NAM and outlines some of its likely implications for asylum seekers in the UK. It draws on information that has been provided by the Home Office, together with feedback from voluntary sector providers working with asylum seekers within the NAM.

2. Main features of the new asylum model (NAM)

The main objective of the NAM is to conclude an increasing proportion of asylum cases within six months leading to either integration or removal. The Home Office seeks to achieve this through faster processing and case ownership. A limited form of segmentation is also operated which determines the processing, management and support arrangements for each individual case. Some applicants are detained and are accordingly subject to further fast track processing.

(i) Different types of cases

The processing, management and support arrangements for individual cases are determined by identifying the type of case. These arrangements include:

- the speed at which a person's asylum claim is processed;
- how they are directly assisted to access legal advice;
- how and when they are required to remain in contact with the Case Owner, that is, how often they are required to report in person [and whether they are subject to electronic monitoring by voice

¹ *Controlling our borders: Making migration work for Britain - five-year strategy for asylum and immigration*
www.archive2.official-documents.co.uk/document/cm64/6472/6472.pdf

recognition or tagging (the compulsory wearing of an electronic monitoring device on the ankle)]. Compliance with these requirements is a condition of continuing financial support.

The five different types of cases are:

Table 1: case types

Segment	Definition
1. Third country	People who the Home Office believes have, or could have, applied for asylum in a third country and are thus deemed ineligible for asylum in the UK ² . Some of these people are detained whilst others are not.
2. Minors	This segment applies to unaccompanied minors and children in families who apply in their own right. Separated children may require a social services assessment to confirm their age and if they are accepted as a minor they are accommodated by social services. Until a social services age assessment determines that an age disputed young person should be dealt with as an adult their case will be processed through this segment, although they may be provided with support as an adult during this time. Case Owners dealing with cases in this segment have been specially trained to deal with children.
3. Potential non-suspensive appeal (NSA) ³	Nationals from one of the 14 countries designated as generally 'safe' countries ⁴ . Cases are considered on their merits but may be certified as clearly unfounded in which case the right of appeal has to be exercised from outside the UK. Individual asylum seekers may also be certified clearly unfounded and attract only the NSA right. Some people in this segment are detained whilst others are not.
4. Detained fast track	Any asylum claim, whatever the nationality or country of origin of the claimant, may be fast tracked where it appears, after screening to be one that may be decided quickly. ⁵
5. General casework	Cases from the general caseload that do not come into any of the other categories. Some may be detained.

(ii) Faster processing

The amount of time generally expected for processing a case depends on the type of case and on whether or not the applicant is detained. The assessment process is accelerated by removing the statement of evidence form (SEF) process⁶ in adult cases and generally reducing the time to the initial asylum decision. Expected times allowed vary according to the type of case (See Table 2 below). Faster procedures had been previously operated in the Detained Fast Track for men at Harmondsworth

² Under the Refugee Convention states have a duty not to return people to places where they might face persecution. However, Governments have given themselves powers to return people to countries they have passed through, where the Government believes they do not face persecution and should have applied for asylum. The most common mechanism used by the UK for returning asylum seekers to other 'safe' countries is the 2003 EU Dublin II Regulation affecting EU Member States plus Norway and Iceland.

³ Applicants whose cases are certified as non-suspensive appeal (NSA) may only appeal against a negative decision on their asylum claim from outside the UK.

⁴ On 22nd May 2007 a Draft Order was laid before parliament to add a further 10 countries to this list. This list is currently before parliament for approval.

⁵ Although there is a list of exceptions including pregnant women, torture victims, severe health cases and age disputed minors.

⁶ Under the SEF process asylum seekers were given 10 days to complete a detailed questionnaire about their asylum claim.

Removal Centre and piloted for some non-detained cases in the North West Project⁷. The Detained Fast Track for women started in May 2005 at Yarl's Wood Removal Centre. In June 2005 a faster process for non-detained asylum cases considered to be either potentially NSA cases or "late and opportunistic" was operated in Liverpool and Croydon, but this is now limited in its operation given the speed at which all asylum applications are determined.

All other regions dealing with non-detained cases generally operate to the timescales set out below. For children the SEF is retained⁸.

The Home Office's processing times generally expected for each type of case is shown below.

Table 2: NAM Processing by type of case (in working days)

Segment	Screened	First Reporting ⁹	Asylum interview	Decision Served	Appeal	Removal ¹⁰
1. Third Country ¹¹	1	N/A	N/A	N/A	N/A	N/A
2. Minors	1 ¹²	10	25	35	35-115	N/A
3. NSA Detained	1	1	3	10	Post removal	
NSA Non detained	1	2	5	11	Post removal	
4. Detained Fast track	1	1	2-3	3-4	9-10	After 10
5. All other cases	1	3	8-12	30	30-100	After 100

The expectation under the NAM is that for general cases the asylum decision will generally be served within 30 working days. Before the introduction of the NAM, 75% of claims were decided in two months. An increasing proportion of cases (rising to 90% in December 2011) will be concluded – by integration or removal - in six months.

(iii) Case Ownership

The NAM introduced a single Case Owner model. The Case Owner is a Home Office official responsible for an asylum seeker's case throughout the process – from application to the granting of status or removal. Their roles and responsibilities include:

- Case managing each applicant to ensure that the claim is processed within the expected timescale.
- Deciding whether status should be granted, handling any appeal, dealing with asylum support, setting and managing reporting and other contact management arrangements, supporting integration, arranging re-documentation, and arranging voluntary or enforced removal.
- Making all decisions on eligibility, payment and cessation of asylum support. For those within the NAM these decisions are now made by the Case Owner rather than NASS¹³ Case workers.

⁷ The North West Project was a scheme to run accelerated asylum procedures in a non-detained context. The pilot began in December 2004 in Liverpool and was subsequently subsumed into the New Asylum Model in Liverpool. It is now no longer operated in practice.

⁸ From 5th March 2007 only minors will be given a SEF to complete.

⁹ To Case Owner

¹⁰ This assumes the claim is refused and there is an appeal – clearly it would be quicker if there is no appeal.

¹¹ Note that Segment 1 Third Country cases are not processed as asylum claims and so do not have a comparable processing schedule.

¹² Children are also given a SEF form for completion and return within 20 working days

¹³ National Asylum Support Service no longer formally exists – its functions are now known as Asylum Support and the duties are the responsibility in their cases of the NAM Teams.

Children must be accompanied by a responsible adult each time they meet their Case Owner.

The Home Office intends that applicants whose claims are processed under the NAM will as far as possible receive the decision on their claim and on any appeal in person when reporting to their Case Owner who will explain its implications and the options available to the applicant. Detention to effect removal may be used in the case of failed applicants at the end of the appeal process where the applicant does not agree to return home voluntarily.

3. Implementation

From the 5th March 2007 all new asylum applicants come within what was formerly described as the NAM and are dealt with by Case Owners in the regional teams, detained routes or Third Country Unit. The separate Case Resolution Directorate (see below) continues to deal with the majority of asylum applications made prior to 5th March.

The NAM management team started rolling out general casework in Leeds and Solihull in June 2006. By December 2006 Case Owners for 25 teams had been recruited, were being trained and had started processing claims. These are now fully operational.

These teams are located as follows:

Table 3: Regional asylum non-detained team locations

Location	Number of teams
Glasgow	2
Leeds	5
Liverpool	4
Solihull	4
Wales	2
London	8

The London teams are based in central (4) and west London (4).

Each team comprises 12 Case Owners who are each expected to take on around five new cases per month, allowing for a maximum capacity in these non-detained teams of around 18,000 new cases a year.

For comparison there were 23,520 asylum applications in total in 2006.

4. Refugee Council position on the implications of the new asylum model

4.1 Positive aspects of the NAM

The Refugee Council believes that the following characteristics of the NAM have the potential to have a positive impact on the quality of decision making.

(i) **Single Case Owner.** Asylum seekers and their representatives will have the name and contact details of the responsible Case Owner.

The Refugee Council is optimistic that if the Case Owner model is well resourced and works as intended, accountability for asylum decision making should be improved. For the first time there will be one individual who is familiar with the whole case and able to explain what is happening with it. Clients and their representatives should be able to contact that individual to obtain information about progress with any element of an asylum seeker's case. This has previously been a considerable problem for representatives who could experience great difficulty in finding out what was happening to their client's cases. It is of the utmost importance for the success of the NAM that Case Owners are as accessible and responsive as the Home Office has said they will be.

(ii) **Trained and accredited Case Owners at higher (HEO) grade.** All Case Owners are being re-trained and will be accredited once they have received training¹⁴. The Home Office expects that accreditation should begin by late 2007. The Refugee Council strongly welcomes these initiatives. We believe that high quality training and accreditation are essential if the quality of asylum decision making is to be improved¹⁵.

(iii) **'Flexibility'**. The Refugee Council welcomes the fact that Case Owners have sufficient authority to exercise flexibility to discuss the timing of the process with an asylum seeker's representative and make amendments where these are required to ensure that a case can be fully presented. (But see also our concerns under negative aspects). Case Owners dealing with children's cases are expected to discuss the need for flexibility with a child's social worker as well as their legal representative.

4.2 Negative aspects of the NAM

The Refugee Council has concerns about the following elements of the NAM:

(i) **Timescales for submitting applications and submitting evidence are very short.**

Many cases are being fast tracked with decisions in 11 days and such a short timescale leads to problems. For example, asylum seekers may often have spent substantial periods of time travelling to the UK in very difficult conditions and need time to recover. Most will have been through a traumatic experience and need respite before they can properly provide the information and details about their experiences that the Case Owner needs to make an correct decision on the claim for asylum.

Our experience to date suggests that asylum seekers feel overloaded by the amount of information they have to take in, combined with the number of things happening to them in the space of a few days. As a result they are often confused about their situation and seem to be disengaged from the asylum process. This hinders the ability of Case Owners to properly investigate an application for asylum.

The speed of the process also creates problems for lawyers in terms of having sufficient time to obtain evidence and to prepare their client's case. They may feel that it is imperative that they seek further information but simply not have time to do it and the asylum seeker will suffer as a result¹⁶.

(ii) **Discontinuation of the Statement of Evidence Forms (SEFs).** The SEF provided asylum seekers with an opportunity to set down in writing the basis of their asylum claim. In many cases, this period of preparation and reflection gives individuals an opportunity to disclose sensitive details of traumatic events. Under the NAM, there is no opportunity to provide written evidence in a SEF, and no guarantee that an asylum seeker will have seen a legal representative prior to his or her substantive interview.

¹⁴ For the NAM the Home Office developed a new and comprehensive 55 day training package for Case Owners and involved Non Governmental Stakeholders with appropriate expertise in the delivery of this training.

¹⁵ See also the first UNHCR Quality Initiative report of February 2005 which recommended accreditation <http://www.ind.homeoffice.gov.uk/6353/aboutus/unhcrreport1.pdf> (Accessed 1/9/06)

¹⁶ See for example BID (July 2006) *Working against the clock: inadequacy and injustice in the fast track system*. This report highlights the problem of how very rapid procedures can undermine a legal representative's ability to represent their client. Other Refugee Council publications are available at www.refugeecouncil.org.uk

We would urge therefore that all applicants should be provided with a SEF in order that they have an opportunity to set down clearly the basis of their claim. This is particularly important where they are unable to see a lawyer prior to their interview.

(iii) **Segmentation can be arbitrary and is difficult to challenge.** The Refugee Council is concerned that decisions to place asylum seekers in faster segments before their claim has been heard runs the risk of prejudging the outcome of asylum claims. The Home Office concedes that it does not have sufficiently robust screening procedures in place to identify potential victims of torture or people suffering mental illness before detaining asylum seekers. Also people may be placed in the detained fast track because they applied late following a previous period of leave on the assumption that their claim is somehow lacking substance. In fact it may be, for example, due to late disclosure of rape or a change in their circumstances.

(iv) **Flexibility.** Whilst the Refugee Council welcomes the fact that Case Owners are in a position to implement timescales flexibly, we believe that it is essential for guidance to be issued. Some flexibility guidance has been published in relation to the detained fast track and the Solihull pilot project (see below) but these do not address the issue of flexibility in the early stages in non-detained cases. In particular there is no guidance referring to deferring an interview where it has not been possible to arrange to see a legal representative or in order to ensure that gender appropriate arrangements can be made. In the absence of clear guidance different Case Owners interpret their discretion in different ways.

(v) **The pace of implementation.** The Refugee Council is concerned that the Home Office's timetable for implementation of the NAM was too tight to ensure that all elements of the model are well thought through and to ensure that essential infrastructure is in place. Although now fundamental resources, such as briefings for clients and Induction Centre staff have been updated to reflect the NAM, this has only happened very recently despite the NAM being two years old. Some proposals, such as that for a Pre Screening Information Service have been constantly changing so that it is difficult to be clear exactly what is being planned. This leaves a sense that the whole system remains so new and untested that the actual outcomes need to be closely monitored over the coming months.

(vi) **Problems with reporting.** There have been problems with people travelling to report. People can claim their fare but only after the initial Reporting event and only if the journey is over three miles. On the one hand these arrangements do not always work and Refugee Council has had reports of people struggling to get to their reporting events. On the other hand in Liverpool the distance between the main accommodation and the reporting centre is just under three miles directly but over three miles in reality on foot. Fares are not paid and the result can mean people walking daily about 7 miles at a time when they are also struggling to cope both with moving and with their asylum claim. It is counter productive to make reporting unnecessarily onerous.

In addition it has been happening that appointments have been made by the NAM routing team for a first reporting event without checking that the Case Owner and Interpreter will actually be free to see the person. The result has been for people to simply be sent away again, often having travelled a considerable distance.

5. Asylum decision making

The NAM's stated aims are 'to speed up the asylum process and build on the significant progress the Government has already made in reducing applications and increasing removals. The new process seeks to deliver faster outcomes and manage cases to their conclusion in a quicker timeframe'¹⁷. The emphasis is on faster processing leading in the majority of instances to rapid removal. The Refugee Council, however, believes that the success of the NAM must ultimately be judged according to whether or not it provides protection to refugees fleeing persecution.

¹⁷ Home Office Press Release 18th January 2006 *New Asylum Model: Swifter decisions – Faster removals*
<http://press.homeoffice.gov.uk/press-releases/new-asylum-model-swifter-decisio>

We are concerned that to date, there has been little evidence of substantial improvements in the quality of decision making, or of any profound change in the underlying “culture of disbelief” that has permeated Home Office decision making for many years¹⁸. Feedback from voluntary agencies involved in NAM implementation to date indicates that Case Owners appear to be more concerned with adhering to rigid timetables, than with exercising flexibility in the interests of reaching an appropriate decision on an individual’s asylum claim.

The United Nations High Commissioner for Refugees Quality Initiative Project on initial decision making published its fourth report in April 2007¹⁹. Although mainly a review of progress with the recommendations of the previous three reports they had also done a limited amount of auditing of decision making within the NAM and observed that previously identified concerns about fact finding and analysis persisted within the NAM.²⁰

6. Access to legal advice

6.1 General legal arrangements under the NAM

The Home Office has been working with the Legal Services Commission to ensure that there is rota of legal representatives available to provide initial legal advice to asylum seekers in each segment area outside London²¹. However, the shortness of some of the timescales, combined with the stress and disruption of dispersal, makes arranging adequate legal advice and representation problematic for many asylum seekers. There is no guarantee that a legal representative will see an asylum seeker before their interview and legal representatives are not funded to be present at the interview to ensure the case is fully presented. Furthermore if, subsequent to the interview, the legal representative or asylum seeker identifies vital areas of the asylum claim that have not been covered by the interview, or further evidence that should be obtained to support the claim, there is no guarantee that it will be considered by the Case Owner or that timescales will be relaxed to allow for this to happen.

Refugee Council case workers have observed that some NAM Case Owners tell asylum seekers that they do not need a legal representative but they will arrange one if they wish. This is contrary to the philosophy of the NAM in general. NAM Case Owners should be making sure that the referral arrangements set up by the Legal Services Commission are working effectively – not discouraging their use.

The Refugee Council experience in Leeds is that while some legal representatives do manage to see the client a few days before the interview, clients frequently see the legal representative for the first time only the day before the interview. This does not allow time for proper preparation and attention by the legal representative. Some asylum seekers are asked to sign their statement without having it read over to them.

Some flexibility was initially demonstrated by Case Owners, but as the number of cases has increased with full implementation it has been difficult for the LSC rota to arrange for an asylum applicant to see their legal representative before, rather than after, their interview. The Refugee Council is concerned that this defeats the aim of ensuring good quality decision making at the outset. Teams should not be

¹⁸ For evidence about the quality of decision making and the culture of disbelief see the second UNHCR Quality Initiative Project Report July 2005 <http://www.ind.homeoffice.gov.uk/6353/aboutus/unhcrreport2.pdf> (accessed 1/9/06)

¹⁹ <http://www.ind.homeoffice.gov.uk/6353/aboutus/unhrfourthreport.pdf>

²⁰ See Section 2.2 of the fourth UNHCR Report: “UNHCR’s initial audit does suggest that the assessment of credibility and establishing the facts of an asylum claim is a problem area for a significant proportion of NAM decision makers. It remains the aspect of asylum decision making that is most frequently considered to be flawed on the basis of UNHCR’s assessments.

²¹ There is no rota in London – asylum seekers are simply given a list of contracted legal representatives firms.

required to stick so rigidly to timetables that legal representatives see their client for the first time the day after they have been interviewed.

The Refugee Council urges the Home Office to ensure comprehensive legal advice and representation prior to substantive interview for all asylum seekers in the NAM as a matter of urgency.

6.2 Merits Test

Legal representatives representing asylum seekers at appeal, whether in NAM or the old system are only able to access legal aid to represent an asylum seeker whose case they assess as having more than a 50% chance of succeeding at appeal. This assessment is known as 'the merits test'. Under all new Legal Services Commission contracts, legal representatives are required to reach a target of 40% success in the asylum cases they represent at appeal. This means suppliers are required to achieve double the current average success rate²².

The Refugee Council is concerned that these arbitrary targets damage the asylum system's ability to identify those who are in need of protection from persecution. We believe it to be in the interests of justice and the provision of protection to those in need that legal advice and representation be made available for asylum seekers at all stages of the determination process.

We urge the Government to revisit the merits test and ensure that all asylum seekers are represented at appeal.

6.3 Pre screening advice

The Home Office is developing a model for the provision of general advice to asylum seekers before they are screened and placed into the asylum system. This advice would be general in nature and information is intended to be non case specific. The Refugee Council is in favour of this proposal in principle as we believe that early advice can play an important role in ensuring that asylum seekers are provided with essential information about the asylum determination process and can thus prepare themselves accordingly. For example, this advice may play a role in the early identification of minors or torture survivors, or could be used to advise women of their right to apply for asylum in their own right.

6.4 Solihull pilot project

One welcome aspect of the Home Office's greater willingness to enable access to early legal advice is the development of the Solihull pilot.

This scheme has been running since October 2006. A number of legal representatives' firms have contracted to take on asylum seekers' cases on arrival. Under these arrangements the legal representative is ensured an interview with their client before the substantive asylum interview and, crucially, they may then sit in on that interview and advise and intervene as appropriate. This is not possible outside this pilot except in the detained fast track and children's cases.

The aim is to develop a less adversarial approach to decision making and allow agreement to be reached about substantive points of issue and whether, for example, further evidence may be required.

This pilot proposal started in October 2006 and is due to be evaluated in June 2007. Outcomes will be compared to the cases being processed in Leeds²³ (as a control group) and agencies such as the Refugee Legal Centre and Asylum Aid are involved in the evaluation.

²² The current overall success rate for asylum cases at appeal is 20%. See *Home Office Asylum Statistics Third Quarter 2006* <http://www.homeoffice.gov.uk/rds/pdfs06/asylumq306.pdf>

²³ There is a rota of legal representatives funded to advise asylum seekers in Leeds but they are not guaranteed to see their client prior to the substantive interview nor, when they do, are they funded to attend the interview itself.

This is a positive development from which the Refugee Council hopes valuable lessons will be learned.

7. Implications for vulnerable asylum seekers

The Refugee Council is concerned that some of the NAM procedures will impact negatively upon vulnerable people and prevent them from having an opportunity to adequately present their asylum claims.

Our specific concerns about vulnerable groups are:

i) **Women** may find it difficult to disclose particularly sensitive elements of their asylum claims in the short timescales provided. They may be unable to access adequate advice and may not have sufficient time to obtain appropriate help. They may also lack the confidence necessary to apply for asylum separately from their spouse. Guidance on the handling of women's cases involving rape, sexual violence, female genital mutilation or domestic violence must be explicit and built into any flexibility guidance document²⁴.

It is very welcome that advice leaflets produced by the Refugee Women's Resource Project are now provided at the screening units to help women understand their rights.²⁵

ii) **Children** who make their own asylum claim, including separated children.

The Refugee Council is concerned that in its determination to get cases processed within the NAM on schedule the Home Office has pressed ahead with this segment without first ensuring that suitable guidance about the new system has been provided either for legal representatives through the Legal Services Commission or to Social Services Departments. Both legal representatives and social workers have a crucial role to play in providing advice and support for children within the new process and need to be aware of what the requirements of the new procedures are.

We very much welcome the decision to process the claims of age disputed applicants with the safeguards and timescale associated with the children's segment. However, this policy only applies up until the date of first decision, which means that those whose age assessment takes longer than this period could be treated as adults and potentially enforcement action taken against them while an age assessment is still outstanding.

iii) **Victims of torture** may receive insufficient support within the NAM. Tight timescales and a lack of legal representation may hamper asylum seekers' ability to obtain medical evidence to support their claim. Although there is an Asylum Policy Instruction (API)²⁶ on how to deal with victims of torture, the Medical Foundation has expressed concern that the API appears not always to be followed and some NAM Case Owners make inappropriate clinical judgements. The Medical Foundation is further concerned that not all torture survivors are referred to them because of the difficulties of late disclosure where people find it difficult initially to talk about their experiences. Such difficulties are compounded by very rapid procedures.

²⁴ The 3rd UNHCR Quality Initiative Project Report commented that scant regard appeared to be paid by existing caseworkers to the Home Office's own gender guidelines. For example in only three cases out of 20 were women interviewed by women. *"UNHCR is particularly concerned to have observed a number of non-gender appropriate interviews where the subjective evidence available prior to the interview indicated the claims raised gender sensitive issues such as rape, sexual assault, forced marriage or domestic violence"*.

²⁵ Copies of the leaflet "Are you a woman seeking asylum in the UK?" are obtainable from RWRP at Asylum Aid www.asylumaid.org.uk

²⁶ See the Asylum Policy Instruction *The Medical Foundation for the Care of Victims of Torture* <http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/medicalfoundation.pdf?view=Binary>

iv) **People with mental health problems** have diminished opportunities for any early detection of mental health needs as asylum seekers are dispersed before anyone has realised that anything is wrong with their mental health. NAM timescales make early detection extremely difficult with the result that people may get very confused.

It is difficult to see how the requirements of the EU Reception Directive are fulfilled where people are being channelled into the fast track with no guarantee that special needs will be identified.

8. Management information

One persistent failing of the implementation of NAM to date is the lack of any clear statistics that demonstrate progress and impact. Such information is crucial in assessing the progress in the NAM and needs to be far more comprehensive. One limited set of figures was produced in September 2006 and further sets have been circulated in January and April 2007 but these did not show, for example, the rate at which claims are being processed and hence whether the new procedures are working effectively. Nor is it possible to compare the rate of processing cases between the detained and non-detained segments. Since the whole justification for this detention is the expeditious processing of the asylum claims this seems to be particularly serious omission.

Priority should be given to the production of robust management information that can demonstrate progress, outcomes and timescales within the NAM. The Refugee Council would like to see quarterly statistics showing the number of cases being processed, what the outcome of these is, how long the various types of process are taking and how many people have been given leave to remain or been removed. This should be broken down by detained and non-detained cases.

9. "Case Resolution" Directorate

A significant number of cases remain outside the NAM and are now known as "Case Resolution" (formerly Legacy) cases. Any case outside the NAM on 5th March 2007 is a Case Resolution case. This includes cases that have not been fully determined, applications for further leave, cases awaiting appeal or those who have exhausted their appeal rights but who remain in the UK. These are being dealt with by a separate Case Resolution Directorate.

The Home Office estimates there are up to 450,000 such cases and that over 90% of these will have been through the whole process and have no further right of appeal.

Following the Home Secretary's announcement, all Case Resolution cases are to be resolved by June 2011²⁷. This means that approximately 10,000 cases a month will have to be processed. To cope with this demand the available staff will be increased to 1,000. About 900 of these are already in place from the old Immigration Casework Directorate.

The Home Office intends to send all these cases a questionnaire to update the information held by the Home Office in order to decide what action is appropriate. This could lead to a further interview if it is believed that the additional information could constitute a new asylum claim. Questionnaires have to be returned within 21 days and failure to return the questionnaire will lead to a decision being made based on the information the Home office already has.

The Home Secretary announced priorities for dealing with Case Resolution Cases in July 2006,

²⁷ See " Fair, effective, transparent and trusted Rebuilding confidence in our immigration system Home Office July 2006 <http://www.ind.homeoffice.gov.uk/6353/aboutus/indrev.pdf>

" We will also deal with the legacy of older cases that have yet to be fully resolved. We plan to do this within five years or less. We will prioritise those who may pose a risk to the public, and then focus on those who can more easily be removed, those receiving support, and those who may be granted leave. All cases will be dealt with on their individual merits"²⁸.

In July 2007 6,000 letters were sent out to families with children as the first major step in taking this process forward.

There is now a Q&A on the BIA website

<http://www.ind.homeoffice.gov.uk/applying/asylum/caseresolutionprogramme>

And a Refugee Council briefing:

<http://www.refugeecouncil.org.uk/policy/briefings/2007/caseresolution.htm>

The Refugee Council has some concerns about the questionnaire.

- a) there is one standard letter for all cases. This is not appropriate. The letter should be personalised and contain detail relevant to each individual case
- b) the letter should have the name of a Case Owner so that asylum seekers or their representatives have someone with whom they can discuss the case.
- c) an accompanying leaflet should be translated as it asks quite complex and far reaching questions about the person's asylum claim and people may not appreciate its full significance.
- d) The leaflet should recommend that people seek legal advice about completion and provide information about how to find it. People who have reached the end of the process may have lost contact with their lawyer and may find it difficult to find one to advise them.

10. Refugee Council recommendations

1. All applicants should have adequate time to seek legal advice and properly prepare their claim prior to being interviewed. Timescales should not be affected by judgements as to how easy it will be to remove an asylum seeker should their claim be rejected.
2. All applicants should be provided with a Statement of Evidence Form in order that they have an opportunity to set down clearly the basis of their claim. This is particularly important where they are unable to see a lawyer prior to their interview.
3. All accelerated procedures should be designated as fast track, allowing for legal representation at the initial interview. Legal representation should also be available for appeals and should not be subject to any merits test.
4. Procedures need to be sufficiently flexible in order to protect vulnerable applicants. Guidance on the use of this flexibility should be written down in the form of a flexibility document to ensure that it is transparent and consistent. This should refer specifically to gender sensitive arrangements being grounds for the use of flexibility.
5. Payment for travel to reporting should be available for all reporting events.
6. Priority should be given to the production of robust management information that can demonstrate progress and outcomes within the NAM.
7. Case Resolution cases should receive a personalised letter advising them of their position, explaining

²⁸ Ibid Para 2.10

the purpose of the update and advising them to seek advice about the completion of the questionnaire. An advice leaflet should be enclosed translated into appropriate community languages.