QUALITY INITIATIVE PROJECT

FOURTH REPORT TO THE MINISTER

STRICTLY CONFIDENTIAL

London Branch Office

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CONTENTS

GLOSSARY OF TERMS

2+4 case	Mainstream decision making procedures (initial decision within 2 months of application)
ACD	Asylum Casework Directorate
ACG (North)	ACD office in Liverpool
ACG (South)	ACD office in Croydon
ACT	Asylum Caseworker Training course
API	Asylum Policy Instructions
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
EO	Executive Officer
The Handbook	UNHCR Handbook on Procedures and Criteria for Determining Refugee Status
HEO	Higher Executive Officer
IND	Immigration and Nationality Directorate
KB	Knowledge Base
LSC	Legal Services Commission
NAM	New Asylum Model
OGN	Operational Guidance Note
QI	Quality Initiative Project
RFRL	Reasons for Refusal Letter
SCW	Senior Caseworker
SEF	Statement of Evidence Form
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

The Quality Initiative Project, based on the supervisory role of the United Nations High Commissioner for Refugees, aims to assist the Home Office in the refugee status determination process through the monitoring of procedures and application of the refugee criteria. UNHCR remains grateful for the level of co-operation and complete transparency with which the Home Office has implemented the Project.

In this report, UNHCR draws attention to concerns arising from its ongoing audit about the assessment of credibility and the approach to establishing the facts in asylum decisions. UNHCR has welcomed the acknowledgement by the Home Office of the need for improvement in this area, and commends a number of promising initiatives addressing the weaknesses identified. These include the development of a new policy instruction, a decision template and the 'frontloading' of legal advice within the framework of the Solihull Pilot.

This Fourth Report's focus is an update on the implementation of UNHCR's recommendations to date. UNHCR commends the progress made thus far, in particular through the introduction of the New Asylum Model (NAM) and the emphasis placed within it on the quality of decision making. In this report UNHCR urges the full implementation of relevant recommendations by the Asylum Casework Directorate (ACD) / Legacy.

UNHCR welcomes the extent to which its recommendations on recruitment, training and accreditation have been or are being implemented in the framework of NAM. In particular, UNHCR commends the more in-depth training designed for new Case Owners but draws attention to other remaining areas for improvement, such as the inclusion of a facilitated session focusing on 'establishing the facts', delivered by a suitably experienced trainer. UNHCR reiterates a number of these recommendations with respect to the ACD / Legacy and suggests that its decision makers be trained to the same standard as NAM decision makers on refugee and human rights law.

The report commends progress made with respect to UNHCR's recommendations on interviewing and the use of interpreters, although concern is expressed about the limited supervision of interviews conducted by newly-inducted decision makers. UNHCR also suggests more comprehensive guidance on conducting an asylum interview be issued to *all* decision makers. The potential for ensuring more interviews are gender-appropriate through the use of video-conferencing, and the introduction of a revised interpreters' monitoring form are particularly welcome.

While welcoming progress on UNHCR's recommendations on management and supervision, the report makes a number of suggestions for further improvement, for consideration at this early stage of the introduction of NAM and ACD / Legacy, including with respect to the application of delivery and performance targets and reviews of outgoing decisions.

The report concludes with an overview of improvements in country information and guidance, such as the introduction of a 'continuous update' model for Country Reports. UNHCR also commends the clearer presentation of the available resources on the IND intranet, and suggests all decision makers across the asylum business are provided with reliable access to these resources.

1. INTRODUCTION

1.1 Background

1.1.1 The Quality Initiative (QI) Project is based on the supervisory role of the United Nations High Commissioner for Refugees (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 High Commissioner for Refugees expressed particular interest in supporting the need to safeguard the integrity of the institution of asylum through the enhancement of the quality of first instance decision making as a component of the UK's asylum procedures.

1.1.3 The High Commissioner's representations were followed by a submission from UNHCR's London office 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, pursuant to its supervisory jurisdiction as set out in Article 35 of the Convention.

1.1.4 After a further meeting on 16 December 2003 between the Minister of State for Immigration, Citizenship and Nationality and the Deputy Representative of UNHCR London, the Home Office made public its intent to take up UNHCR's offer in a press release announcing the publication of the *Asylum (Treatment of Claimants, etc.) Bill* in which the Secretary of State 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." Discussions followed 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.

1.1.5 During the course of 2004, the project went through its first phase of implementation. Following a needs assessment whereby UNHCR reviewed the Home Office's first instance decision making systems, including, *inter alia*, training programmes and the interpretation and application of the Convention, a Working Document was produced, to serve as a reference point to track the progress of the Project. After a further series of fact-finding missions and meetings with Immigration and Nationality Directorate (IND) staff, an initial audit of first instance decisions commenced.

1.2 First, Second and Third Reports

1.2.1 A First Report was provided to the Minister on a confidential basis in February 2005. It set out UNHCR's formal observations, and built upon the recommendations and findings arising from the initial fact-finding visits and meetings with IND staff as set out in the Working Document.

1.2.2 UNHCR's Second Report was presented to the Minister in October 2005 following a wider audit during which UNHCR sampled approximately 2% of first instance decisions per month, and conducted a number of further fact-finding visits and meetings. The

report received a formal response in which the majority of its recommendations were accepted.

1.2.3 Following an expansion of the audit to also include assessments of asylum interviews in Croydon and Liverpool (as well as a limited number of interviews in Yarl's Wood and Harmondsworth), a Third Report setting out UNHCR's observations and recommendations on interviews was presented to the Minister in March 2006. As with the Second Report, this received a formal response from the Minister in which the majority of recommendations were accepted[1].

1.2.4 This phase also saw the creation of an Implementation Panel, drawing together relevant senior Home Office colleagues with UNHCR acting in an advisory capacity, to oversee the implementation of those recommendations that are accepted. Acting on the invitation to extend its audit into the New Asylum Model (NAM), UNHCR QI staff held initial meetings with NAM colleagues to establish the necessary co-operation mechanisms.

1.3 Fourth Report

1.3.1 Since the delivery of its Third Report, UNHCR has commenced an initial audit of decisions taken under NAM, including those taken under the Detained Fast-Track (DFT) procedure. The work of this phase of the Project has however focused on activities related to the implementation of the recommendations in UNHCR's Second and Third Reports, where these have been accepted by the Minister.

1.3.2 UNHCR's Fourth Report presents an overview of the progress to date in the implementation of its recommendations from UNHCR's point of view and, where appropriate, provides suggestions for the way forward. In doing so it also provides an update on the Project's main activities since March 2006. The report also reflects on a particular element of its audit of decisions to date, i.e. the assessment of credibility and establishment of the facts of a claim for international protection.

1.3.3 In this report, UNHCR has not sought to update its existing recommendations, which were designed with the, then-applicable, first instance decision making model and its procedures and practices in mind, i.e. the '2 + 4' model in ACD. While UNHCR recognises that it may not be appropriate to expect, within the current framework, implementation of all accepted recommendations to the letter, in its view what is of most importance is addressing the concern that each recommendation or set of recommendations seeks to remedy. Viewed from that perspective, UNHCR believes that, taken as a whole, the recommendations contained in its Second and Third Reports remain relevant, and welcomes the Home Office's continued commitment to their implementation.

[1] All of UNHCR's reports to date, and the Minister's responses, can be accessed via the IND website at http://www.ind.homeoffice.gov.uk/aboutus/reports/unhcr.

2. OBSERVATIONS

2.1 Introduction

2.1.1 Since the delivery of its Third Report, UNHCR has sampled 88 first instance asylum decisions. Of these, 10 were recognitions (commonly referred to as 'grants' in the Home Office) and 78 were refusals of refugee status. The majority of decisions sampled were taken by the new NAM teams in Croydon (now defunct) and Liverpool (before its expansion to 4 teams), as well as decisions under the DFT procedure in Yarl's Wood and Harmondsworth.

2.1.2 Monthly project team meetings with both ACD and NAM operational colleagues – in which quality issues arising from UNHCR's audit are discussed – continued to take place regularly in the second quarter of 2006. Internal changes within IND and the emphasis on implementation during this phase of the project have meant that these have not continued into the second half of 2006.

2.1.3 Instead, the focus of UNHCR's work has been to take forward its recommendations in regular bilateral fora with relevant parts of the asylum business. In this regard, meetings have been held with Country of Origin Information Service (COIS), the Central Interpreters Unit (CIU) and the complaints unit of IND to discuss the implementation of particular recommendations. UNHCR has also attended a number of meetings to discuss the development of revised guidance on the assessment of credibility and establishing the facts in a claim for international protection. During the second half of 2006, UNHCR devoted a considerable amount of time to providing comments and feedback on various elements of the NAM 'Asylum Foundation Training' programme, as its design was developed.

2.1.4 Following a number of initial meetings in the second quarter of 2006, the 'Implementation Panel' overseeing the implementation of UNHCR's recommendations resumed its work in the last quarter of the year, providing useful updates on progress made over the summer period.

2.1.5 Missions to Yarl's Wood and Harmondsworth, to facilitate UNHCR's sampling of decisions under the DFT, and to ACG (North) in Liverpool to discuss the progress of the 'decision template' pilot, took place. As a consequence of its involvement in the 'Solihull Pilot', several meetings were attended and missions to Solihull conducted to progress the pilot and discuss UNHCR's participation with relevant IND and stakeholder colleagues.

2.1.6 As has been the case throughout the course of the Quality Initiative, UNHCR has appreciated the continued goodwill and openness shown by all involved in the Project as well as the co-operation and transparency UNHCR has enjoyed to date.

2.2 Establishing the facts in an asylum claim and 'credibility'

Overview

2.2.1 UNHCR has consistently drawn attention to the need for an improvement in the way that decision makers establish the facts in asylum claims, prior to applying the Refugee Convention and European Convention on Human Rights (ECHR) criteria. This

concept encapsulates but is broader than establishing the credibility of each of the applicant's material factual claims and his or her 'general credibility' when deciding whether or not to advance the benefit of the doubt, in accordance with UNHCR's Handbook[2] (in particular paragraphs 196 to 204). Where an inappropriate approach is taken to establishing the facts of a claim for international protection, the assessment of the 'ultimate question' of whether or not an individual is in need of international protection is undermined. This is because one cannot be confident of the 'facts' on which that assessment is based.

2.2.2 UNHCR's earlier reports highlighted a number of particular concerns arising from its assessments of ACD decisions.

2.2.3 In UNHCR's Second Report, concern was expressed about decision makers assessing a factual claim which can reasonably only be tested by the use of expert or medical evidence[3] and the placing of unreasonable expectations on applicants to produce 'evidence' to support particular factual claims[4]. UNHCR also concluded that a number of decision makers do not appear to apply the low standard of proof in assessing past and current facts and the positive role for uncertainty embraced by UK caselaw in asylum decision making, where uncertain aspects of a claim should still be taken into account, applying the benefit of the doubt where appropriate[5]. The Report also drew attention to the frequent use of speculative arguments in Reasons for Refusal Letters (RFRLs)[6].

2.2.4 UNHCR's Third Report added to these findings. Although a comparative analysis at that stage indicated a fall in the proportion of decisions sampled in which the assessment of credibility was considered to be flawed, the report concluded that this remained a problem area for a significant proportion of decision makers[7] with the continued and frequent use of speculative arguments[8]. This report specifically highlighted the fact that poor decision making methodology, including on establishing the facts, applies to grant minutes as well as RFRLs[9].

2.2.5 Since the publication of its Third Report, UNHCR has continued with its audit of a proportion of first instance decisions, focusing in so far as possible on those taken by NAM, including under the DFT procedure[10].

2.2.6 UNHCR is keen to stress that it has observed good practice in the NAM decisions it has assessed to date and must emphasise the limited numeric and geographic extent of its sampling as a consequence of the emphasis on implementation activities. UNHCR's initial audit does suggest that the assessment of credibility and establishing

[2] 'Handbook on Procedures and Criteria for Determining Refugee Status', UNHCR (1992).
[3] Section 2.2.3, Second Report.
[4] Section 2.2.4, Second Report.
[5] Sections 2.2.8 and 2.2.11, Second Report.
[6] Section 2.2.9, Second Report.
[7] Section 2.3.2, Third Report.
[8] Section 2.3.6 to 2.3.7, Third Report.
[9] Section 2.3.9, Third Report.
[10] In this Report UNHCR has not sought to present its findings from its ongoing assessments of asylum decisions in full. UNHCR intends to do so in its next report and reflect on the impact of developments outlined here. UNHCR intends to present the findings of its review of DFT decisions separately during the second half of 2007 following a wider audit.

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.

2.2.7 UNHCR's reviews have highlighted decisions where adverse credibility findings are made without linking these to establishing the facts of the claim indicating a lack of understanding of the 'role' of credibility and the difference between the 'credibility' of facts asserted by the applicant, and the credibility of the applicant overall or as a person. Indeed, it is not uncommon for an *entire* claim to be disbelieved, leaving no 'facts' to apply the refugee and ECHR criteria to. UNHCR has also observed a significant proportion of both grants and refusals which lack clear findings, making it difficult to identify on what basis the decision has been made. It remains relatively rare for aspects of a claim that are accepted to be identified, including where these would make a claim stand or fall or where it is important to establish the 'profile' of the applicant to enable an assessment of whether an internal flight alternative is reasonable, for example.

2.2.8 A number of decisions also demonstrate confusion between establishing the facts and, having done so, assessing future risk in light of the refugee and ECHR criteria. UNHCR has also observed a number of cases which do not focus on or do not give due consideration to all the *material* facts of the claim (i.e. those that are central to the decision on whether or not the claim meets the refugee or ECHR criteria). UNHCR has also observed the use of poor reasoning in both grants and refusals of protection, including the continued use of speculative arguments which attempt to guess the thought process of a third party or do not rely on objective country of origin information (COI).

Improving the assessment of 'credibility'

2.2.9 UNHCR has welcomed the acknowledgement by the Home Office of the centrality of this area to sound and sustainable decision making, as well as the need for improvement. A number of promising initiatives addressing UNHCR's concerns are currently ongoing. Each has the potential to significantly improve decision makers' approach to establishing the facts of an asylum claim.

Guidance

2.2.10 One of the three 'Working Groups' established in the context of the project[11] to address concerns arising from UNHCR's assessments of decisions was tasked with identifying ways of improving decision makers' approach to establishing the facts of an asylum claim, including the assessment of credibility. It was decided that a document setting credibility into its proper context and offering clear, practical guidance on its assessment, would assist decision makers and address UNHCR's findings which strongly suggest a need for appropriate, and consistent, guidance and training.

2.2.11 Over the course of a number of meetings, drafts of what became known as a 'best practice' guide were discussed and revised. During the second half of 2006, a decision was taken to use the draft 'best practice' guide as the basis for an Asylum Policy Instruction (API) on the assessment of credibility and establishing the material facts of an asylum claim. UNHCR welcomes the development of this new instruction and

[11] See UNHCR's Second Report for an overview of the working groups.

is grateful to have had the opportunity to provide comments on this crucial tool, which will apply to all asylum decision makers across IND. UNHCR understands it is due to be published in early 2007. It is hoped that this API will provide decision makers with the guidance they need to assess credibility and establish the facts of an asylum claim in accordance with UNHCR's Handbook. UNHCR strongly suggests that appropriate training workshops are used to facilitate the introduction of the API, to which UNHCR would be pleased to contribute.

Decision Template

2.2.12 As a result, in part, of its concerns about the drafting of both refusals and grants, as identified in its Second and Third Reports[12], UNHCR has worked with IND colleagues in ACG (North) to develop and pilot the use of a decision template. UNHCR understands that it remains NAM's intention to conduct a pilot of a similar template for decision makers. UNHCR has accepted an invitation to assist in evaluating its use when this is piloted.

2.2.13 Both these broadly similar templates act as an aide memoire requiring decision makers to clearly establish the facts of a claim for international protection before applying the relevant refugee or ECHR law concepts to those facts. They assist decision makers in working through the relevant elements of the refugee or ECHR criteria, leading to a decision on whether to grant or refuse international protection. At each stage, the templates require decision makers to support their findings with clear reasons, including reference to relevant country information. Their effective use relies, of course, on a proper approach to establishing the facts of a claim for international protection – the forthcoming API (discussed above) is therefore an important adjunct to either template.

2.2.14 ACG (North) is currently piloting this template in Liverpool, with initial impressions suggesting that decision makers are finding it a useful guide to structure their decisions. It is hoped that NAM's own pilot will commence during the course of 2007.

2.2.15 UNHCR welcomes the progress in developing this important tool which it believes will have an important and positive impact on the assessment of credibility and the application of the relevant criteria. It is suggested that one template be developed and rolled out across the business, in both NAM and ACD / Legacy, to assist in deciding all claims for international protection. UNHCR stands ready to continue to assist in this process.

Solihull Pilot

2.2.16 The 'Solihull Pilot' commenced recently by NAM and the Legal Services Commission (LSC) aims to improve initial asylum decisions through early and interactive advice and representation. The intended outcome is to ensure that the entire case has been put forward before the initial decision rather than coming to light fully only at the appeal stage.

2.2.17 UNHCR has been invited by the pilot's Evaluation Group, consisting of both external stakeholders and Home Office representatives, to conduct an evaluation of the quality of interviews and decisions made under the pilot. UNHCR will compare these to

[12] See in particular section 2.3.9 of its Third Report.

interviews and decisions taken by NAM in Leeds but will also seek to identify the impact of the elements of the pilot on the interviews and decisions themselves. The pilot is intended to run for the first half of 2007. UNHCR anticipates presenting its final report to the Evaluation Group in June of this year, which will help inform a decision on whether or not to introduce the pilot across NAM.

2.2.18 UNHCR has welcomed the introduction of this pilot, which will help to create an environment where all relevant evidence is correctly identified and placed into account before the initial decision is made and will, in particular, assist in establishing the facts. In seeking to do so, it takes forward a number of concerns previously identified by UNHCR. This includes those situations where testable evidence or information exists that would make the claim stand or fall or which would help decision makers to establish the material facts of a claim, but is neither identified nor sought, or considered appropriately. The pilot also provides a vehicle for the implementation of a number of UNHCR's recommendations, as discussed below.

2.3 Implementation of UNHCR's recommendations

Overview

2.3.1 The sections which follow present an overview of the progress to date in the implementation of its recommendations from UNHCR's point of view and, where appropriate, provides suggestions to facilitate further progress.

2.3.2 UNHCR welcomes the significant progress made to date in implementing its recommendations. While UNHCR recognises that it may not be appropriate to expect, within the current framework, implementation of all accepted recommendations to the letter, in its view what is of most importance is addressing the concern each recommendation or set of recommendations seeks to remedy. UNHCR has repeatedly stressed that a flexible and phased approach to the implementation of its recommendations is appropriate, with an emphasis on 'outcome' over 'form'. As the discussion which follows will show, the Home Office has adopted such an approach to particular recommendations.

2.3.3 As this report demonstrates, a significant proportion of UNHCR's recommendations is actively being taken forward in the context of NAM. This new approach to handling asylum claims, with the concept of 'case ownership' at its core, has been progressively rolled out. UNHCR understands that all new asylum claims will be handled by one of the NAM teams across the UK from 1 April 2007.

2.3.4 UNHCR has welcomed the introduction of NAM and in particular the emphasis placed within it on the quality of decision making. The recommendations being taken forward in NAM include a minimum level of qualifications for new decision makers; case ownership; the provision of more in-depth training on refugee and human rights law and the introduction of an accreditation scheme for Home Office decision makers, equivalent to that which applies to legal representatives. Other initiatives currently being considered or piloted by NAM, such as the Solihull Pilot and the review of screening and segmentation, provide further scope for improvements to existing practice. The impact of these endeavours will, it is hoped, translate into consistent and discernible improvements in the quality of first instance asylum decisions. UNHCR remains

committed to provide its advice and assistance, in particular where the implementation of its recommendations is concerned.

2.3.5 Developments in the summer of 2006 led to a decision to transform ACD into a 'legacy' directorate to handle older cases that have yet to be fully resolved, once NAM assumes responsibility for all new asylum claims. While UNHCR understands the exact number and the nature of cases involved is not known, this may range from between 280,000 to 450,000 cases[13]. A significant number of these unresolved cases will raise complex protection and human rights issues, not least given the length of time many of the individuals concerned will have been in the UK. In light of the scale of the 'legacy' caseload and their potential complexity, UNHCR urges the full implementation of relevant recommendations for ACD / Legacy and looks forward to engaging in further discussions on the feasibility of implementation.

Recruitment, training and accreditation of decision makers

2.3.6 UNHCR's Second and Third Reports drew attention to its concerns about the skills and abilities of asylum decision makers in IND, including of some Senior Caseworkers (SCWs), to carry out refugee status determination, including interviews. These conclusions resulted in a series of recommendations pertaining to the recruitment, training and accreditation of IND asylum decision makers. The majority of these recommendations were accepted by the Minister, and UNHCR is pleased to report on relevant progress.

Recruitment

2.3.7 UNHCR welcomes the extent to which its recommendations pertaining to recruitment have been implemented in the context of NAM.

2.3.8 In its First and Second Reports UNHCR drew attention to the varied levels of motivation and abilities amongst decision makers, with a number of decision makers having informed UNHCR that they were not aware when they applied for a position with the Home Office that they were to become asylum decision makers[14]. In light of its observations, UNHCR recommended targeted and asylum specific recruitment to help ensure the recruitment and retention of well-motivated and able asylum decision makers (recommendation 3, Second Report).

2.3.9 UNHCR welcomes the fact that both the internal and external recruitment exercises for positions with NAM, and in particular for the Case Owner role, clearly stipulate that recruitment is for asylum casework. It is worth noting that, although its contact with new NAM recruits has so far been limited, UNHCR has been impressed by the level of enthusiasm for and interest in the role (and in asylum issues generally).

2.3.10 In view of the increased responsibilities, NAM Case Owners are of the Higher Executive Officer (HEO) grade. This not only entails a higher initial salary (giving effect to recommendation 25), but also higher minimum standards for recruitment into the role. In line with recommendation 1, UNHCR is particularly pleased to note that – in its recent

[13] Statement by the Secretary of State for the Home Department to the House of Commons, 19 July 2006 (c323).
[14] See section 1.A.2., First Report.

recruitment exercise – NAM required external candidates to be educated to university degree standard (2:2 or above). UNHCR recommends that this same standard continue to apply in the future for recruitment into all NAM decision making roles across the asylum business.

2.3.11 UNHCR accepts that applicable Civil Service rules limit the extent to which similar requirements can be imposed on internal candidates and that this explains in part why recommendation 2 of its Second Report has not been accepted. UNHCR notes that for promotion to the HEO grades, it is necessary for internal staff to undergo and pass a generic assessment based on the Home Office's Core Competency Framework at an assessment centre, and welcomes the fact that the accreditation scheme (see below) will also apply to internal candidates. In any event UNHCR understands that the majority of new Case Owners were externally recruited. With appropriate training and supervision, UNHCR is confident that NAM's high-calibre and motivated decision makers will have the capacity to deliver the improvements in quality envisaged under the Model.

2.3.12 Since a majority of new Case Owners as well as a significant proportion of the team-based SCWs are new to asylum there is a need to ensure easy access to guidance and expertise from senior decision makers with recent experience of asylum casework. A similar need exists to provide a level of central oversight and supervision, at least until the regional teams themselves have developed sufficient experience. UNHCR would welcome information on what 'quality control' measures are being implemented in these early stages of NAM.

2.3.13 With respect to recruitment into ACD / Legacy, UNHCR understands that the pre-existing recruitment standards continue to apply and that decision makers remain at the Executive Officer (EO) level, for which the minimum entry requirement is 3 GCSEs (or equivalent), with one being English Language at grade C or above, and 2 A levels (or equivalent). While UNHCR notes that neither recommendations 1 or 2 on minimum standards for recruitment were formally accepted by the Minister, UNHCR believes that higher minimum standards should apply to all asylum decision makers given the specialist nature of the role and the skills required. In this respect it is also worth noting the potential of 'legacy' cases to give rise to complex considerations, particularly with respect of Article 8 of the ECHR.

2.3.14 In light of recent restructuring within IND, during the course of which many existing asylum decision makers within ACG (South) were moved elsewhere, UNHCR is informed that in recent months a significant number of new decision makers, of the EO grade, have been recruited into ACD / Legacy. UNHCR understands that some of these new decision makers responded to asylum specific recruitment exercises, while others were drawn from generic Home Office recruitment exercises into the EO grade.

2.3.15 In the light of the information received to date as set out above, UNHCR reiterates its recommendations on recruitment with respect to ACD / Legacy and looks forward to receiving further information as to relevant progress.

Training

2.3.16 Since the publication of its Third Report, a significant amount of progress has been made with respect to implementing its recommendations pertaining to training,

contained in both its Second and Third Reports, in particular within the framework of NAM.

NAM

2.3.17 When the first NAM teams were put into place, its Case Owners underwent separate training courses covering the different aspects of their work (decision making, support, appeals etc), these being based on the existing courses available to all asylum staff in IND.

2.3.18 Since then, a tremendous amount of work has gone into developing a bespoke course, the NAM Asylum Foundation Training programme, lasting 55 days and covering all aspects of a Case Owner's role. The programme combines self-study (workbooks) with facilitated classroom and workbased training, and concludes with a formal competency assessment. UNHCR understands that all Case Owners and SCWs recruited into the Model following its recruitment drive in the summer of 2006 are required to undergo the programme.

2.3.19 UNHCR has had the opportunity to offer its advice and assistance at various stages of the process and remains grateful for the openness and transparency with which the design of the programme was conducted. UNHCR has been impressed throughout by the commitment demonstrated by all involved to the delivery of a high quality 'product' within a limited time-frame.

2.3.20 UNHCR was able to observe early discussions with the training's deliverers / designers to inform its understanding of the development of the programme. At that stage, the programme's specification was shared with UNHCR, and the high standards it sets are to be commended.

2.3.21 During the initial drafting phases of the workbooks which trainees are required to work through during Module 2 (and which in many respects lie at the heart of the programme), UNHCR provided general comments, including suggestions for improvements or revisions, on the first drafts of a number of workbooks of particular interest to UNHCR[15]. In particular, and in line with its recommendations, UNHCR suggested a strengthening of the sections introducing Case Owners to the Refugee Convention and ECHR criteria. UNHCR also observed the pilot / testing phase of a number of the other modules[16], this time providing detailed feedback and suggestions for change.

2.3.22 The final versions of the workbooks (Version 1) have since been shared with UNHCR. Following its comments on the initial drafts (see above), UNHCR has not commented further on specific workbooks.

2.3.23 UNHCR has also had the opportunity to observe the delivery of various modules of the programme at a number of different locations and been provided with an overview of the assessment stages of the programme. Feedback on each of the modules based

[15] UNHCR provided general comments on the initial drafts of workbooks 3, 4, 6, 9 and 10 (August 2006)
[16] UNHCR observed and provided feedback on the pilot / testing phase of Modules 1, 3, 4, 5 and 8 (September 2006).

on its observations has been provided directly to colleagues responsible for learning and development in NAM, and to its Quality Team.

- Workbooks

2.3.24 UNHCR understands that the workbooks which new Case Owners are required to work through, in the course of Module 2, provide Case Owners with their primary source of initial training and guidance on the substantive principles of refugee and human rights law, and on conducting an interview and making a decision. The knowledge gained through their self-study is then reinforced in subsequent modules and, in particular, through the assessment schools.

2.3.25 UNHCR's overall view is that the workbooks – taken as a whole – provide a more in-depth and comprehensive overview of the relevant principles of refugee law and of refugee status determination, including on interviewing, than the training materials relied upon for the Asylum Caseworker Training course[17], and in doing so facilitate the implementation of recommendation 1 of its Third Report which calls for the provision of more in-depth training on the Refugee Convention and ECHR.

2.3.26 The workbook setting out the 'Legal and Policy Framework for Asylum' (workbook 3) in particular is to be commended as providing a thorough and accessible introduction to the elements of the refugee criteria and relevant human rights provisions. A number of elements of the refugee definition and ECHR criteria which UNHCR's earlier assessments have identified as not always being properly applied[18], such as internal relocation or Article 8 of the ECHR, are clearly explained and to an appropriate level of detail. Case Owners who are familiar with the relevant principles as outlined in this particular workbook and the sources of further information and guidance it draws trainees' attention to, should have acquired the necessary substantive knowledge to properly apply the refugee and ECHR criteria, and avoid some of the poor practice observed in the past.

2.3.27 UNHCR would however welcome clearer guidance on establishing the facts of a claim for international protection, and on the need to avoid confusion between this stage of assessing a claim and applying the accepted material facts to the refugee or ECHR criteria. In the workbook on 'Making a Decision' (workbook 10), the use of the draft decision 'templates' (see above) as a guide for Case Owners is recommended. This is particularly important given the lack of structured and consistent guidance (across teams) on this in other elements of the training programme (see below).

2.3.28 While UNHCR would urge that the comments it has made are addressed[19], overall the workbooks provide a comprehensive introduction to asylum decision making in a UK context and go some way to give effect to recommendation 1 of UNHCR's Third Report.

[17] Observed by UNHCR in October and November 2004.
[18] See section 2.2.12, Second Report.
[19] UNHCR also suggests that the workbooks be revised with a view to avoiding repetition across them (e.g. the concepts of the standard and burden of proof, and assessing the credibility of an asylum claim, are explained in more than one workbook and in slightly differing ways).

- Facilitated and workplace based Modules

2.3.29 During the facilitated and workplace based modules that UNHCR has observed[20], Case Owners are trained on interviewing, work on decision case studies and review 'dummy files'. They also observe various stages of the asylum process, such as reporting events and the substantive asylum interview. During the final workplace based Modules, the trainees conduct their first interviews and draft their first decisions.

2.3.30 In UNHCR's opinion there is room for improvement to a number of the other modules it has observed. While specific feedback on each of the modules has been given to the Home Office attention is drawn below to UNHCR's main points.

2.3.31 UNHCR notes that over the course of the programme, and in particular in Module 4 ('Developing My Skills'), no facilitated training is given to Case Owners on the assessment of credibility and establishing the facts in an asylum claim. The guidance received by new Case Owners is limited to that contained in the workbooks and to that received from more experienced IND staff providing input to the course or supervision at various stages (see below).

2.3.32 As pointed out earlier in this report, UNHCR has particular concerns about how Home Office decision makers approach establishing the facts and assessing the credibility of claims for international protection. Its findings have highlighted a particular training need, and a need for structured, consistent and *high quality* guidance. In UNHCR's opinion the relevant sections of the self-study workbooks are best supported by a facilitated session specifically focusing on establishing the facts and assessing the credibility of claims for international protection delivered by a suitably experienced trainer.

2.3.33 UNHCR also suggests that the guidance provided to trainees on making a decision during the programme be further improved. UNHCR notes that the 'dummy' cases / decisions which trainees work through during Module 3 ('The Case Owner in Action') display a number of elements of poor decision making which are not specifically drawn to trainees' attention. While in the Module observed by UNHCR it was pointed out that the cases were not 'model' cases, it would have been preferable for the trainers to have access to more substantive guidance on each, based on a quality assessment of the cases in question, to draw trainees' attention to specific aspects of the cases that should have been handled differently. Without such instruction, some trainees may assume the cases are examples of 'best practice' when, in fact, they are not.

2.3.34 As noted above, UNHCR was also concerned to note that the session on decision making, during Module 4, did not provide trainees with the structured guidance on making an asylum claim (establishing the facts, and then applying the refugee and ECHR criteria to those facts) that UNHCR sees as essential to ensuring consistency and quality in decision making. While it is assumed guidance is given in subsequent workplace based modules by existing decision makers, it is likely that the quality of such guidance will vary (see below).

[20] UNHCR observed the delivery of Modules 1 (November 2006, Central London), 3 (January 2007, West London), 4 (December 2006, West London), 5 (January 2007, Solihull) and 8 (January 2007, Central London).

2.3.35 Under the programme's innovative approach, a dedicated trainer is 'attached' to each stream of trainees throughout the programme, offering advice and support. Specific trainers may lead on the delivery of particular modules. While UNHCR has been impressed by the commitment, enthusiasm and general training skills demonstrated by the trainers it observed, UNHCR is concerned that the majority of the trainers delivering the programme lack asylum-specific experience and, as such, are limited in the guidance they are able to offer. In line with its recommendations in its Second Report, UNHCR has consistently taken the view that input by experts with current experience of refugee status determination is an important element of any training course for new decision makers, in view of the specialist nature of refugee status determination.

2.3.36 Access to appropriate 'experts' within IND through the 'hotline' and a list of answers to 'Frequently Asked Questions' address this concern in part, and UNHCR notes the input provided by current decision makers in NAM during the course of the programme (during Modules 3, 4, 5[21] and 8[22] in particular). However, UNHCR is concerned to note than in some instances, reliance is being placed on *trainees* with previous asylum-specific experience or on relatively inexperienced Case Owners for input. Input by more experienced staff is also to a large extent dependent on the goodwill and availability of the IND staff concerned (many of whom will themselves be relatively new to asylum), and on a recognition by the trainer of a need for 'expert' input[23]. In most of the locations where UNHCR observed elements of the course, welcome attempts were made to provide trainees with as much access as possible to advice and guidance from more experienced colleagues. Invariably, however, time and resources limited their ability to contribute, and 'mentor' new Case Owners.

2.3.37 UNHCR understands that trainee Case Owners are exposed to their first 'live' cases halfway through their training programme. In Module 5, Case Owners are expected to conduct their first substantive asylum interviews, and, in Module 8, draft their first decisions on the basis of those interviews. UNHCR is concerned that this means Case Owners will conduct their first substantive asylum interviews and draft their first decisions prior to having completed the training programme and, as such, prior to having been formally assessed as to their competency (in Module 9 – the final assessment school). UNHCR also notes that in a number of locations trainees were expected to adhere to the various case completion targets, including for their first cases, whilst still undergoing their training. While welcoming the fact that Case Owners will be under supervision at this time in UNHCR's opinion it would be preferable for NAM trainees undergoing any future foundation training programme *not* to be exposed to 'live' cases prior to having passed the formal competency assessment. Trainees could instead work on 'dummy' files and continue to observe substantive asylum interviews[24].

[21] 'Putting it into Practice'.
[22] 'Honing My Skills'.
[23] UNHCR understands, for example, that practice on assigning experienced mentors to trainees varies across the streams. Where such practice exists, the system operates relatively informally with Case Owners often expected to find their own mentors.
[24] See also comments below on observation of a specified minimum number of asylum interviews. While acknowledging the differences between the basic training provided, UNHCR also draws attention to current practice in ACG (North) which appears to place more emphasis on practice with 'dummy files' prior to exposure to 'live' cases. Under its mentoring programme, new decision makers work on dummy files for 2 weeks, followed by work over the following 2 weeks on 'live' cases specially selected on the basis of the availability of country information and quality of the interview.

- Assessment school

2.3.38 The programme concludes with a compulsory competency assessment over the course of two days (Module 9) during which trainees are assessed on interviewing, decision making and presenting an appeal. This follows a 'development' school enabling trainees to identify weak areas to work on and improve prior to the final assessment[25]. While UNHCR looks forward to receiving further information about the minimum standards and competencies Case Owners are required to meet, it strongly commends this element of the programme, in particular in light of recommendations 5 and 2 of its Second and Third Reports calling for such compulsory competency assessments.

- Conclusion

2.3.39 UNHCR understands that a final decision on how future courses will be delivered has not yet been made. In its opinion, NAM's Asylum Foundation Training programme has the potential to serve as a solid introductory training package for asylum decision makers in a UK context.

2.3.40 UNHCR recommends that this programme's positive elements, further to UNHCR's comments in this report and in its direct feedback to NAM, should inform the development of any future introductory training package for asylum decision makers across IND, including ACD / Legacy, adapted where appropriate to the specifics of the differing roles.

ACD / Legacy

2.3.41 Pending the development of training specific to the 'legacy' programme, those recruited into decision making roles within ACD / Legacy continue to undergo the existing and largely unchanged Asylum Caseworker Training (ACT) course. UNHCR draws attention to its previous comments on the ACT, in particular its lack of a compulsory competency assessment. UNHCR also draws attention to its previous comments on the interviewing skills training course, which does not include training on working with interpreters, and does not conclude with a formal assessment of trainees' competence to conduct an asylum interview (see below).

2.3.42 The formal training received through the ACT is complemented with on-the-job mentoring. UNHCR understands that colleagues in ACG (North) have revised and considerably expanded their mentoring programme, in the light of their own identification of the general training needs of new recruits. Further training, including on interviewing, is also being developed to facilitate the introduction of the decision making template (see above). UNHCR looks forward to receiving further information on the provision of mentoring in ACG (South).

2.3.43 While these developments in ACG (North) are to be welcomed, they do engage recommendation 15 which emphasizes the importance of ensuring consistency in training provision across the asylum business.

[25] Case Owners must also have passed an online multiple-choice assessment testing their knowledge of the workbooks at the end of Module 2.

2.3.44 UNHCR understands that a review of the training package designed for NAM will be conducted in the context of designing a 'legacy' specific training programme, to assess whether any of its aspects can be learned from. UNHCR believes the NAM Asylum Foundation Training programme provides more comprehensive training on refugee and human rights law and the applicable principles of refugee status determination than that provided by the ACT. UNHCR recognizes that several elements of the programme will not be relevant to ACD / Legacy decision makers, but suggests that there is an interest in having a common training programme for all first instance decision makers in asylum. Given that ACD / Legacy decision makers are now likely to be considering claims for international protection for some years to come, they will require the same set of skills as NAM decision makers considering contemporary asylum applications. UNHCR therefore recommends that the eventual 'legacy' training programme provide for training and compulsory assessment on refugee and human rights law, and principles of refugee status determination, to the same standard as that provided by the NAM package. UNHCR would welcome the opportunity to provide advice and assistance where appropriate.

Ongoing training

2.3.45 UNHCR's recommendations, stressing the importance of the provision of ongoing training, in particular recommendations 11 and 12 of its Second Report and recommendation 6 of its Third Report, were made in the belief that continuous training is key to raising and maintaining the quality of first instance decision making. Ongoing training facilitates continued exposure to best practice and to developments in law and policy, and may help to counter the onset of a 'jaded' or 'refusal' mindset.

2.3.46 UNHCR understands that NAM plans to provide top-up training for NAM Case Owners in the context of accreditation (see below). UNHCR also understands that consideration is being given to the development of asylum-specific 'master classes' to cover changes in law, policy or procedures and address any areas identified as requiring improvement through sampling. Such classes will be shared across the SCW network and monitored centrally by NAM's Learning and Development team to ensure consistency of training for all staff in the regions. While welcoming the outlines of these plans, UNHCR would welcome further information as to how they will work in practice.

2.3.47 UNHCR looks forward to receiving further information as to what plans are in place in ACD / Legacy to facilitate the ongoing but asylum-specific learning and development of ACD / Legacy decision makers, in line with recommendations 10 to 14 of its Second Report.

Accreditation

2.3.48 In both its First and Second Reports, UNHCR recommended that every person involved in first instance decision making, including internal candidates, be accredited to a standard appropriate to their level of responsibility by an accreditation scheme that is designed to test relevant competencies, knowledge, skills and analytical abilities, and recommended using the standards under the Law Society / Legal Services Commission scheme for legal representatives as a reference point.

2.3.49 UNHCR commends the Government's commitment to accredit its NAM Case Owners and SCWs to the appropriate level of the equivalent Law Society / Services

Commission scheme for legal representatives. UNHCR understands that the scheme will apply to all externally as well as internally recruited candidates and that NAM Case Owners will start to undergo the accreditation process in the first half of 2007.

2.3.50 In UNHCR's opinion it would be appropriate to apply an equal training and accreditation scheme to ACD / Legacy decision makers. UNHCR looks forward to further discussions on the feasibility of implementing this recommendation within the framework of ACD / Legacy.

Interviews

2.3.51 UNHCR's Third Report focused on the quality of asylum interviews in the Home Office. Its observations suggest that a significant number of interviews are poorly prepared, lack focus and do not properly assist in establishing the facts of a claim. UNHCR was also concerned by some caseworkers' inability to manage the involvement of the interpreter effectively. In addition, a small number of interviewers were observed to have adopted an inappropriate tone or line of questioning. These observations resulted in a series of recommendations, including on the provision of appropriate training, guidance, procedures and on interpreters.

2.3.52 Progress on a number of these recommendations is reported on elsewhere in this report (such as with respect to interpreters and supervision). UNHCR is also aware that, according to the Minister's response, a significant number of its recommendations, or at least the problems these are designed to rectify, will be implemented within the framework of the Solihull Pilot.

Training[26]

2.3.53 UNHCR welcomes the inclusion of specific training on working with interpreters in the NAM Asylum Foundation Training programme in light of its recommendation that such training be provided (recommendation 3). UNHCR also welcomes the inclusion of a formal assessment of a videotape-recorded mock interview as part of its assessment stage in line with recommendation 2.

2.3.54 The scale of the recent NAM recruitment exercise has had an inevitable, impact on its ability to meet recommendations 4 and 5. UNHCR understands that new NAM trainees, in Module 3, are required to observe at least one asylum interview prior to conducting their own asylum interview in Module 5 which is then observed by an existing Case Owner. In line with recommendations 4 and 5, in UNHCR's view it would be preferable for new NAM decision makers to observe more than one asylum interview by an experienced and competent Case Owner, *prior* to conducting their own interviews[27]. UNHCR also suggests that decision makers should not conduct their own substantive interviews until they have been formally assessed as to their competency to do so and that they should be subject to 100% live interview sampling by experienced colleagues until they are considered to have acquired sufficient experience and skills.

[26] See also section on training above.
[27] UNHCR has been informed that in some instances trainees are observing other trainees' first interviews, due to a shortage of experienced Case Owners and of interviews taking place.

2.3.55 UNHCR understands that ACD / Legacy decision makers continue to undergo the existing initial interviewing training previously observed and commented on[28]. This does not include training on working with interpreters, nor is UNHCR aware of whether or not its mock interview component is now compulsory and formally assessed. UNHCR is aware initiatives may have been undertaken locally (e.g. UNHCR understands that in ACG (North) SCWs do observe new caseworkers' interviews, but it is not clear to UNHCR whether, for example, this is a formal or informal arrangement and how many interviews per caseworker are observed). The interviewing skills consolidation workshops conducted in ACG (South) for its new decision makers, in which UNHCR participated[29], are also welcomed. The workshops considered a number of issues the formal interviewing skills training does not address (in particular working with interpreters). Such workshops, whether specific to interviewing or on other aspects of refugee status determination, provide a useful opportunity to consolidate and build on existing knowledge, and UNHCR suggests that regular, similar refresher training is held across the asylum business.

2.3.56 While welcoming the provision of appropriate 'top-up' training on interviewing in both ACG (North) and ACG (South), UNHCR reiterates its recommendations on *initial* interviewing skills training set out in its Third Report and looks forward to receiving feedback on how these will be implemented in ACD / Legacy.

Preparing for the interview

2.3.57 NAM's Case Owner model helps to facilitate UNHCR's recommendations on preparing for an asylum interview. These stress the need to ensure decision makers prepare for their interviews, and have the time to do so (recommendations 12 and 13). UNHCR also made suggestions as to what such preparation should entail as a minimum (recommendation 14).

2.3.58 Case Owners should receive files well before the interview and enjoy some discretion in determining when an interview should take place. UNHCR also welcomes the emphasis placed on interview preparation in NAM's Asylum Foundation Training programme (particularly workbook 9) and in the 'interview checklist' which guides Case Owners in preparing for and conducting their interviews. While guidance on preparing for an interview exists[30], in UNHCR's opinion this could be strengthened and made more specific (e.g. the guidance currently states that an applicant must be 'familiar' with the country report or other country information relating to where the applicant fears persecution).

2.3.59 Under the 'Solihull Pilot', Case Owners are required to enter into discussions with an applicant's legal representative to identify the material facts and, in particular, identify those facts which are in dispute *prior* to the substantive interview. A written statement submitted by the applicant will form the basis of such discussions. This process both facilitates (through the provision of a written statement) and requires (in order to inform discussions with the legal representative prior to the interview and probe the issues that

[28] September 2004.
[29] UNHCR delivered a short presentation outlining its main concerns arising from its assessments of Home Office asylum interviews, together with suggestions for improvement.
[30] Asylum Process Manual, Chapter 2 (last accessed 12th January 2006).

remain in dispute during the interview) effective preparation and should assist Case Owners in focusing their interviews.

2.3.60 UNHCR looks forward to receiving further information on how its recommendations on interview preparation may be taken forward in ACD / Legacy.

Conducting the interview

2.3.61 UNHCR recommended the development of an aide-memoire to assist interviewers to structure their interviews and ensure that all relevant key elements of the refugee definition and ECHR are covered during the interview (recommendation 15). While UNHCR notes the current guidance on covering the 1951 Convention and the ECHR in the interviewing section of the Asylum Process Manual, and the development of a substantive asylum interview 'checklist' for NAM Case Owners, it is suggested that more comprehensive guidance be issued to *all* asylum interviewing officers. This could be based, in part, on the interview assessment form, and the ACG (North) or NAM versions of a decision making template (see above).

2.3.62 The need for the interviewer to maintain control of an asylum interview, as per recommendation 16, is reflected in current Home Office guidance[31]. However, this guidance does not address the practice of 'delegating' various tasks to the interpreter frequently observed by UNHCR. UNHCR also notes that in the session on interviewing it observed as part of Module 4 of the NAM Asylum Foundation Training programme it was suggested to trainees that doing so may be appropriate. UNHCR suggests therefore that the guidance on interviewing clearly state that it is the interviewer rather than the interpreter who should read out all relevant introductory information and instructions, and carry out biographical data checks.

2.3.63 UNHCR would welcome further information on the steps taken to give effect to recommendations 17 (the accepted part of it), 18, 19, 20 and 22 which touch on the procedures for opening and closing interviews, the provision and use of breaks, including to consult COI. Neither current Home Office guidance[32] nor the current version of the SEF (Interview) record template appear to address these issues.

2.3.64 UNHCR also recommended that, where the need for further evidence (such as a medical report) has been identified during the course of the asylum interview, applicants *must* be given a reasonable number of working days to produce it (recommendation 21). While guidance covers the situations in which it would be appropriate to grant additional time following an interview, this remains discretionary and relatively restrictive. UNHCR notes that the Solihull Pilot (through the 'flexibility criteria') incorporates a more accessible mechanism for delaying a decision where appropriate.

2.3.65 UNHCR welcomes efforts to improve the ability of decision makers to focus their asylum interviews and ensure they are of a reasonable duration, such as more in-depth training and the Solihull Pilot. Nevertheless UNHCR reiterates its recommendation that where it is not possible to complete the interview within three hours, a further interview should be conducted at a later date (recommendation 23).

[31] ibid.
[32] ibid.

Gender-sensitive interviews

2.3.66 In its Third Report UNHCR recommended that gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect, subject to genuine operational constraints (recommendation 24) and that a mechanism should be put into place to allow for a postponement of an interview that is not gender appropriate (recommendation 25).

2.3.67 While neither of these recommendations has been accepted by the Minister, mainly due to operational constraints, UNHCR would like to reiterate the importance it attaches to gender-appropriate interviews – not least because ensuring an interview is gender-appropriate will enhance its fact-finding potential.

2.3.68 The application of existing Home Office policy, which states that applicants can make a request for a gender-appropriate interview which the Home Office will accommodate 'as far as possible', has the potential to ensure interviews are gender-appropriate if applicants are specifically asked, at an early stage, whether they have a gender preference for *both* the interviewer and interpreter. UNHCR suggests consideration be given to the inclusion of such a question in the asylum screening interview. UNHCR further suggests that NAM consider providing gender-appropriate Case Owners in response to any such request, thereby ensuring that all stages of the process are gender-sensitive.

2.3.69 Existing guidance does allow for an interview to be postponed where an applicant refuses to go ahead with an interview without a same-sex interpreter, if it is reasonable to assume that a same sex interpreter could be provided in the future and it is clear that failure to provide such an interpreter would adversely affect the applicant's ability to advance a full and accurate account of their case[33]. UNHCR recommends that the guidance be amended so as to ensure this principle applies to the gender of the interviewer as well.

2.3.70 With respect to interpreters, UNHCR welcomes the consideration being given to the possibility of relying on video-conferencing facilities to address interpreter shortages in particular languages across the various asylum regions. UNHCR suggests that this may also be used to facilitate gender-appropriate interviews (see below).

Guidance / Procedures

2.3.71 UNHCR recommended that Statement of Evidence Forms (SEFs) be re-introduced across asylum (recommendation 34) to assist in preparing for and focusing an interview. While this recommendation has not been accepted, UNHCR welcomes the introduction under the Solihull Pilot of a requirement that applicants submit a witness statement and any general supporting evidence prior to the substantive interview, through their legal representatives. This, as well as the pre-interview discussions between the Case Owner and the legal representative, will enable more focused interviews.

2.3.72 It was also recommended that decision makers be reminded of the option of conducting a further interview where necessary (recommendation 35) as allowed for

[33] ibid.

under the API on interviewing (November 2006). UNHCR welcomes developments in NAM, in particular the Solihull Pilot, designed to improve the effectiveness of the substantive asylum interview in the first place, making it less likely that a further interview will be required.

2.3.73 UNHCR recommended that guidance be issued on inappropriate types of questioning (recommendation 36) and that such guidance should explicitly emphasize the importance of establishing and maintaining a rapport with the interviewee (recommendation 38). While noting that to some extent this is covered in the training provided to both NAM (e.g. in workbook 9) and ACD / Legacy decision makers, UNHCR suggests that the procedural guidance on conducting asylum interviews[34], in its section on questioning techniques, be amended to incorporate the guidance set out in recommendations 36 and 38 so that interviewing officers are clear about what is expected of them.

Recording and transcripts of interviews

2.3.74 UNHCR understands that its recommendation that all substantive asylum interviews be audio-tape recorded as a matter of course (recommendation 39 of its Third Report) has been echoed by the Complaints Audit Committee[35] in a number of its recent reports. In part as a consequence of revised guidance on when applicants are entitled to have their interviews tape-recorded[36], around 30-35% of asylum interviews are now tape recorded. Consideration is currently being given to the feasibility – particularly with respect to cost – of digitally recording all asylum interviews. UNHCR would strongly encourage such a development. UNHCR also welcomes the fact that the audio recording of the interactive interview is a fundamental part of the 'Solihull Pilot'.

2.3.75 In recommendation 40, UNHCR suggested that alternatives be found to the taking of a verbatim note of the asylum interview. The recommendation was made in the light of UNHCR's findings, which suggest that the need to take a verbatim note of the interview hampers the interviewer's ability to establish a rapport with the applicant and can have a negative impact on the flow of the interview. The progressive introduction of audio recording (see above) should in due course, allow for an alternative procedure compliant with the requirements of Article 14 of the Procedures Directive[37] to be adopted, such as the provision of a summary written record of the proceedings (as under the 'Solihull Pilot' interviews).

Information for applicants

2.3.76 In its Third Report, UNHCR also recommended that applicants have access to information about the asylum and interviewing process, and their rights and obligations (recommendation 41). While made in the context of its report on asylum interviews, the recommendation applies more widely and is intended to ensure applicants have access to information about the entire asylum process.

[34] ibid.
[35] Their reports can be found at http://www.ind.homeoffice.gov.uk/aboutus/reports/cac.
[36] Following the ruling in the case of *Dirshe*.
[37] EC Council Directive 2005/85/EC on minimum standards on procedures for granting and withdrawing refugee status.

2.3.77 UNHCR understands that the complaints unit of IND (see below under 'complaints') has redrafted the information it produces for IND's customers, including asylum applicants, about how to access the complaints procedure. UNHCR suggests that information on the asylum process *beyond* the complaints procedure is provided to applicants in a number of common languages as early as possible in the process[38]. UNHCR suggests that consideration is given to these recommendations in the context of the current review of the 'front-end' of the asylum process.

Interpreters

2.3.78 Following a number of initial recommendations made in its First and Second Reports, UNHCR provided extensive comments on the conduct and performance of Home Office interpreters based on its assessments of asylum interviews in its Third Report [39]. Its concerns led to a series of recommendations designed to enhance, in particular, the management, monitoring and supervision of interpreters. UNHCR particularly welcomes CIU's openness to UNHCR's recommendations and the commitment it has demonstrated to improving the overall performance of Home Office interpreters.

Guidance

2.3.79 A number of UNHCR's recommendations relate to the guidance on working with interpreters (e.g. recommendations 26, 27 and 28 which recommend clearer and stronger guidance on particular aspects of working with interpreters). UNHCR's concerns arose in part from the diversity of policy and process guidance which touch on interviewing, and the apparent lack of awareness amongst interviewing officers of the Home Office's Interpreters' 'Code of Conduct' which, it is acknowledged, taken together, cover the issues these recommendations seek to address.

2.3.80 UNHCR suggests that the opportunity is taken to give greater prominence to and provide clearer guidance on the standards and procedures that apply to working with interpreters in the current consolidation and revision of asylum policy and process.

Training on working with interpreters

2.3.81 UNHCR further recommended that specific training on working with interpreters be given to all who will conduct asylum interviews (recommendation 3) in order to enhance the capacity and confidence of Home Office interviewing officers to manage interpreters' conduct / performance during an asylum interview.

2.3.82 While UNHCR welcomes the session on working with interpreters in Module 4 of the NAM Asylum Foundation Training programme and the guidance set out in workbook 9, it is suggested that specific consideration is given to the applicable Home Office procedures and standards (in particular the Code of Conduct). UNHCR also recommends that further training / guidance on working with interpreters is given to

[38] UNHCR notes that a draft of such a guide on claiming asylum was produced by IND's complaints unit, but understands that it was never finalised and published. UNHCR also notes that the provision of 'pre-screening' information and advice is an element of the Solihull Pilot (see above) but one which is not being piloted at this stage.
[39] See sections 2.4.62 to 2.4.74, Third Report.

those ACD / Legacy decision makers who have undergone the existing interviewing skills workshop (which, as outlined in UNHCR's Third Report, does not include training on working with interpreters)[40]. This should increase awareness amongst interviewing officers of (and encourage adherence to) both applicable policy and process guidance, and the standards to be met under the interpreters' Code of Conduct'.

Ensuring gender and language appropriateness

2.3.83 UNHCR also recommended that efforts be made to recruit more female interpreters in order to facilitate gender-appropriate interviews (recommendation 29). The regionalisation of asylum has made ensuring adequate and gender-appropriate interpreter availability in the required languages more difficult. Recognising the challenges arising out of regionalisation, UNHCR welcomes the consideration being given to addressing any language shortages, and, at the same time, facilitating gender appropriate interviews, through the use video-conferencing. UNHCR understands that IND is looking to place appropriate video facilities in Croydon and Solihull, to establish cost-effectiveness and assess whether or not the interviews are compromised in any way. UNHCR is encouraged by these developments and looks forward to receiving feedback on progress.

2.3.84 UNHCR also shares the Central Interpreters' Unit's view that whether there are sufficient numbers of interpreters in a region with the right language skills should help to inform decisions on routing and dispersal, and that relevant information be shared with CIU enabling it to identify, and address, potential shortages in a particular region and / or language.

Monitoring of interpreters' performance

2.3.85 In recommendations 30 and 31 of its Third Report, UNHCR sought to ensure that relevant and more regular information about the *ongoing*[41] performance of individual interpreters, in particular where this is poor, comes to the attention of the CIU (and, where appropriate, to the relevant SCW to enable an assessment of whether or not a re-interview is required) This will enable appropriate remedial action to be taken, including disciplinary procedures, providing extra training or removal from the Home Office's panel of interpreters.

2.3.86 Since the publication of its Third Report, UNHCR has worked with the CIU to revise its current 'interpreters monitoring form' with a view to enhancing the quality and relevance of the information it captures, and to ensure that it allows for the monitoring of relevant concerns identified by UNHCR. In line with recommendation 30, UNHCR welcomes plans to trial the use of this form. It is hoped that it will eventually be introduced across the asylum business perhaps on a 'rolling' basis to ensure CIU receives feedback on the majority of interpreters across the regions. It is important for the CIU to have the resources to enable it to effectively review and act upon the information the consistent use of these forms will generate.

[40] UNHCR welcomed the recent opportunity to contribute to a series of interviewing skills consolidation workshops run by ACG (South) / Legacy for the benefit of their decision makers. Working with interpreters was one of the issues covered by UNHCR in its short presentation.
[41] UNHCR understands that prior to being allowed to interpret in an asylum interview, Home Office interpreters are required to undergo an assessment by the Institute of Linguists.

Management and supervision

2.3.87 In its Second and Third Reports, UNHCR drew attention to the importance of effective management in enabling good quality decision making. This includes ensuring effective supervision of decision makers, objective assessments and feedback on performance, and the monitoring and review of interviews and decisions.

Supervision

2.3.88 The structure of the NAM asylum teams suggests a strong emphasis on line management, with each team of Case Owners and support staff led by a Team Leader and two SCWs. UNHCR looks forward to receiving further information on the envisaged role of the team-based SCWs (in particular with respect to the supervision of quality issues, vis-à-vis any centralised 'Quality Audit Team' and SCW Unit), and draws attention to the lack of asylum specific experience of a significant proportion of NAM SCWs (see above). UNHCR commends the presence of SCWs within the teams which provides greater scope for supervising and managing Case Owners' performance. The positive experience of ACG (North) with having its SCWs embedded within its casework teams is also worth noting in this respect. UNHCR also notes that NAM's SCWs are expected to undergo and pass the Asylum Foundation Training programme and undergo further specific training covering coaching, performance management and training for trainers.

2.3.89 These developments give effect to a number of UNHCR recommendations, including on the separation between the lines of responsibility for quantitative and qualitative targets (recommendation 42, Second Report) and on providing training for SCWs in giving effective feedback on performance (recommendation 51, Second Report).

2.3.90 UNHCR understands that consideration is currently being given to the structure of the Legacy casework teams. In UNHCR's opinion, a key ingredient of any revised structure should be easy access to, and supervision by, appropriately trained and experienced SCWs on the part of caseworkers, in particular given the potential for such cases to raise complex issues. UNHCR looks forward to receiving further information in due course, and stands ready to offer appropriate advice should that be of assistance.

Decision ownership

2.3.91 The model of decision ownership inherent in the NAM process which gives effect to recommendation 44 of its Second Report, and recommendation 32 of its Third Report has been welcomed by UNHCR. These recommend a model of decision be introduced across the asylum business consisting of, at a minimum, the same decision maker conducting the interview and drafting the decision.

2.3.92 While UNHCR is aware of the potential issues that may arise[42], the responsibility of the Case Owner for all stages of the process, including the appeal, has the potential to enhance the scrutiny devoted to each. It is important, however, for Case Owners to be

[42] As considered by the AIT in HK (Interviewer as advocate: unfair?) Ethiopia [2006] UKAIT 00081.

able to distinguish between the various stages and adapt their approach accordingly (e.g. as objective fact-finders at the interview and decision making stages, and as an advocate on behalf of the Secretary of State in the context of any appeal before the Tribunal). UNHCR suggests that this be emphasised throughout their training and subsequent supervision.

2.3.93 This model of 'case ownership' cannot of course apply in its entirety to ACD / Legacy in its current form. At a minimum UNHCR suggests that the model of decision ownership set out under recommendation 32 of its Third Report is applied to ACD / Legacy[43]. UNHCR welcomes the consideration this is currently being given.

Targets

2.3.94 In its Second Report UNHCR highlighted the constraint which an emphasis on an output target placed on the ability of decision makers to devote more time to deciding more complex cases which may require further research or evidence gathering / testing, and urged a flexible approach (recommendation 45). With this in mind, UNHCR welcomes the emphasis on a single and medium-term (i.e. six-month) 'case completion target' which, in theory, allows for flexibility within that timeframe and includes both integration and, in the cases of refusals, removal. Furthermore, according to NAM, the definition of case completion to include grant and removal builds in the need for high quality and sustainable initial decisions since high overturn rates on appeal would mean the target could not be met.

2.3.95 UNHCR's assessments of NAM cases to date do suggest a greater willingness on the part of those NAM Case Owners assessed to exercise discretion and, for example, delay an interview or decision for a day or two, allowing time for the applicant to recover from illness or awaiting further evidence from their legal representative. Such an approach is to be encouraged and, it is noted, forms an inherent part of the Solihull Pilot (see above).

2.3.96 UNHCR recognises the importance of managing day-to-day quantitative output and the timeliness of decisions which necessitate the need for this single target to be broken down into more specific targets, for e.g. for the interview and service of the decision. UNHCR suggests that these other targets not be so rigidly applied so as to prevent the adoption of a flexible approach within the single 'case completion target', where this is in the interest of making a more sustainable decision. This is particularly important for new or trainee Case Owners, who should be given the time to gain confidence and experience in their role.

2.3.97 With respect to recommendation 46, in which UNHCR suggests that meeting and exceeding targets on quality should be recognised in any bonus and financial incentive scheme, UNHCR understands that the award of a performance-related bonus is, appropriately, tied to IND's formal 'Performance Appraisal and Development Review' process in which progress against individually-tailored objectives is assessed. UNHCR suggests that consideration be given to the incorporation of appropriate objectives on 'quality' into the objectives of all asylum decision making staff as a way forward.

[43] Where an interview is conducted or required.

Consistency across asylum

2.3.98 The regionalisation of the asylum business as part of NAM gives rise to the important question of how consistency and quality across the regions is ensured and monitored.

2.3.99 The mainstreaming of 'quality' within NAM through the introduction of a dedicated and centrally-based 'Quality Team' is strongly welcomed. The team has been responsible for the introduction of a number of initiatives, including the design of a 'Quality Matrix' to assess each stage of the NAM process in an individual case on which UNHCR has been invited to comment, and which incorporates the jointly designed Home Office / UNHCR interview and decision assessment forms[44]. UNHCR understands however that in the longer term the responsibility for the supervision of quality will likely lie elsewhere and that consideration is currently being given to the creation of a 'Quality Audit Team' (UNHCR also understands that in some of the regions at least, regional leads on 'quality' have been identified). Given its experience of assessing quality across the asylum business, and the importance it places on ensuring consistency and sharing best practice[45], UNHCR would welcome the opportunity to provide input into these discussions[46].

Interviews

2.3.100 With regard to its recommendations on the supervision of interviews, UNHCR looks forward to receiving further information on how recommendations 7, 10 and 11 will be implemented across NAM. These call for a minimum number of live asylum interviews per decision maker to be monitored and assessed per year (recommendation 7), compulsory feedback sessions (recommendation 10) and for interview assessments to be taken into account in a decision maker's performance review (recommendation 11).

2.3.101 UNHCR accepts that as a significant proportion of NAM's SCWs are also new to asylum, recommendation 9 (which recommends that monitoring and assessment be conducted by experienced and appropriately trained SCWs) will be difficult to implement in the short-term. In UNHCR's opinion it can be addressed through appropriate training of SCWs in assessing interviews.

2.3.102 UNHCR looks forward to receiving further information on the planned supervision arrangements, including with respect to interviews, or targets regime in ACD / Legacy[47]. UNHCR notes that it has previously drawn attention to differences in supervision arrangements between ACG (North) and ACG (South)[48]. UNHCR would

[44] UNHCR was concerned to note that a number of regional NAM SCWs it has had contact with did not appear to be aware of either of these forms, raising the question of what assessment forms are currently being used, prior to the rollout of the 'matrix'.
[45] For e.g., see recommendation 37, Third Report.
[46] UNHCR also notes the commitment to establish an IND regulator. UNHCR would welcome further information on its intended role vis-à-vis asylum.
[47] UNHCR understands that until such time as the programme's design is finalised, current practice where it exists (e.g. in ACG (North) in Liverpool) and which formed the basis of UNHCR's earlier findings and recommendations, continues.
[48] For e.g., UNHCR's Third Report drew attention to the fact that SCWs in Liverpool observe 'live' interviews, but that this is not done in Croydon.

urge that its recommendations be borne in mind in the course of their design and that existing good practice (such as the expanded mentoring programme developed in ACG (North)) be built upon.

2.3.103 With respect to recommendation 8 which calls for all assessments to be conducted using the jointly designed Home Office / UNHCR assessment form, UNHCR welcomed the rollout of the jointly designed Home Office / UNHCR assessment form and is pleased to note the reference to it in workbook 9 (the asylum interview) of the NAM Asylum Foundation Training programme (see above) as a guide to the elements of a 'good' asylum interview for Case Owners. However awareness of the form does not appear to be universal. For e.g., a number of regional NAM SCWs that UNHCR has had contact with were not familiar with the form. A similar lack of awareness of the form was observed amongst some staff in ACD / Legacy in Croydon. UNHCR therefore reiterates this recommendation and would encourage awareness of the form to be raised[49].

Reviewing out-going decisions

2.3.104 UNHCR's recommendation that a system for reviewing all out going decisions (recommendation 52, Second Report) was not accepted by the Minister. Based on its ongoing audit, UNHCR continues to believe that it would be beneficial to introduce a system of a 'second pair of eyes' across the asylum business, in particular for new asylum decision makers. At a minimum, UNHCR suggests that a system is introduced across the business to ensure the periodic but random review of a specified proportion of decisions of every decision maker, triggering 100% sampling *prior* to the service of a decision, where appropriate.

Poor performers

2.3.105 In response to recommendation 8, UNHCR has been assured that effective performance management mechanisms are in place. UNHCR looks forward to receiving further information on the impact of these mechanisms and how they work to identify and manage those who consistently perform poorly, and how assessments of individual decision makers' interviews and decisions feed in to this process.

Stress management

2.3.106 In its First and Second Reports, UNHCR drew attention to its view that the identification and management of stress is an essential element of any refugee status determination operation. In its experience, stress (including the emotional and psychological effect of prolonged exposure to distressing testimony) can result in staff burn-out, compassion fatigue and lead to a reduction in the quality of decisions and high staff turnover. UNHCR was concerned that the existence of such stress might be a relevant factor within IND, and a number of recommendations were made, in its Second Report, designed to address it.

2.3.107 UNHCR welcomes the inclusion of stress management training for decision makers in NAM's Asylum Foundation Training programme, and would urge the inclusion of similar training for decision makers in ACD / Legacy, in line with recommendation 27.

[49] UNHCR would also welcome information on the use of the jointly designed decision assessment form.

As part of its recommendations on the importance of providing ongoing and refresher training[50] UNHCR would encourage regular stress awareness training sessions along the lines of those provided to ACD decision makers in the past (e.g. February 2005).

2.3.108 UNHCR looks forward to receiving further information on what stress management training is provided to line managers in both NAM[51] and ACD / Legacy, and where responsibility for the identification and management of stress will lie in the various decision making teams across the business.

2.3.109 UNHCR commends the asylum-specific recruitment exercise for the NAM programme which will help address the concerns that UNHCR has previously expressed about caseworkers and SCWs who express dissatisfaction with their current roles. While UNHCR understands that recruitment exercises for posts within ACD / Legacy also specify that the posts are in asylum casework, some of the contact UNHCR has had with new ACD / Legacy decision makers suggest that a number of decision makers were unknowingly appointed into an asylum decision making role. In the light of recommendation 29 (which suggests levels of staff satisfaction be monitored regularly), UNHCR also commends the regular use of staff surveys to monitor levels of job satisfaction. UNHCR would welcome further information on whether mechanisms are in place to enable those who are dissatisfied with their current role to move to other areas of the business

2.3.110 In its Second Report, UNHCR welcomed the development of 'care teams' in ACD (both North and South). These provide a confidential source of support for those involved in asylum decision making. While UNHCR understands that such a team remains in place in Liverpool – and is available to both NAM and ACD / Legacy decision makers based there – and in Croydon for ACD / Legacy decision makers, it is unclear what support mechanisms are currently available to the NAM teams across the regions. Where not already available, UNHCR would encourage the development of 'care teams' across asylum in line with recommendation 30 of its Second Report encouraging wider use of the existing support network. UNHCR suggests that the impact of these mechanisms, including how much use is made of them, is reviewed on a regular basis.

2.3.111 UNHCR understands that IND is seeking the involvement of appropriate clinical experts in addressing stress issues amongst its decision makers. Seeking relevant expert input and advice is strongly welcomed and encouraged, and UNHCR would suggest that the outcome of this exercise be made available to all parts of the business involved in asylum decision making, including interpreters.

2.3.112 While UNHCR acknowledges the fact that NAM Case Owners will be engaged in a range of activities with respect to any one asylum claim, UNHCR looks forward to discussing further the feasibility of implementing recommendations 28 of its Second Report and 33 of its Third Report in the context of NAM as well as ACD / Legacy. These suggest periodically rotating decision makers off decision making duties for a short period of time and discourage the practice of decision makers only conducting interviews over a sustained period of time respectively.

[50] See recommendations 9 to 15, Second Report.
[51] UNHCR has been informed that NAM 'Team Leaders' will undertake supervision training, based on a social work and healthcare model.

Complaints

2.3.113 UNHCR's recommendations in its Second and Third Reports on complaints underline the importance UNHCR places on a complaints procedures as an essential managerial tool that can permit early detection of problems or potential areas of vulnerability in the procedures for individual case processing within a refugee status determination operation[52].

2.3.114 UNHCR understands that IND's formal complaints procedure – scrutinised by the Complaints Audit Committee – governs any complaints relating to parts of the asylum business. The procedures are currently undergoing a period of review. UNHCR trusts that the comments which follow, made in the light of its recommendations, will be taken into account.

2.3.115 It is understood that consideration is being given to placing more reliance on informal dispute resolution procedures, as well as a greater emphasis on discussing complaints in person with complainants. UNHCR suggests that particular consideration be given to the needs of asylum applicants, who may be vulnerable and less willing to come forward with any concerns for fear of the potential consequences (i.e. refusal of their claim).

2.3.116 The systems which are put into place should enable and allow such applicants to come forward. In line with recommendation 48 of its Second Report stressing the importance of providing applicants with appropriate information about how to complain, UNHCR notes that the complaints unit of IND has produced publicity material explaining its procedures which are meant to be displayed at the public areas on IND's estate. Each NAM or ACD / Legacy region should ensure that these posters and leaflets are prominently displayed in the public waiting areas of their respective premises. At the present time, information on how to complain is only available in English. UNHCR suggests that consideration be given to making available equivalent information in the most common languages spoken by asylum applicants in the UK. It may also help if the material clearly specifies that complaints can also be made about Home Office interpreters, which UNHCR now understands to be the case[53].

2.3.117 Any new system should also be sufficiently flexible to cater for the individual's needs. Some complainants may prefer their complaint to remain entirely confidential even where they have been assured that making a complaint will not affect their claim for asylum. This will enable effect to be given to recommendation 47 of UNHCR's Second Report, which emphasises the need for applicants to explain any concerns in confidence.

2.3.118 Currently, complaints are investigated by a trained investigator who is outside the line management of the individual concerned and are not, as a matter of course, brought to the attention of the relevant SCW. UNHCR reiterates its recommendation 49 that complaints about interviews, where they are upheld, should be brought to the

[52] Section 2.6., 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate' (UNHCR).

[53] This gives effect to recommendations 31 and 42 of UNHCR's Third Report which sought to ensure the same procedures can be invoked where interpreters are concerned.

attention of the appropriate SCW, both to trigger an assessment of whether a re-interview might be required and to enable those with line management responsibility to identify any trends, including training needs.

2.3.119 In its discussions with the complaints unit the issue of formal complaints addressed directly to casework staff and left on individual files not ever coming to their attention was discussed. UNHCR suggests that this could be addressed through the issuance of guidance to decision makers and support staff on the appropriate action to be taken should a formal complaint be received.

Country information, guidance and standard paragraphs

2.3.120 In its Second Report, UNHCR acknowledged and welcomed the progress that had already been made in the provision of country information and guidance, such as the separation of the provision of objective country reports by COIS and policy guidance by the Country Specific Asylum Policy Team (CSAPT). Since the publication of its Second Report, UNHCR is pleased to have observed further significant improvements, outlined below. Through regular meetings with representatives from COIS, UNHCR has also been informed of developments relevant to its recommendations which have yet to be translated into actual 'products' available to decision makers.

'User' feedback

2.3.121 In recommendation 33, UNHCR recommended that 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 decision makers.

2.3.122 UNHCR welcomes steps taken by both COIS and CSAPT to engage on a more consistent and pro-active basis with their respective 'customers'. Beyond the existing but more strategic 'users group', COIS has established a 'users panel' where actual decision makers are represented and able to provide direct feedback on COIS' products and services. UNHCR understands that CSAPT has plans in place to establish a similar forum. COIS staff have also conducted visits to a number of IND's asylum decision making centres. UNHCR is reassured by the commitment to consult 'users' in drafting OGNs or, as with COIS' Country Reports recently (see below), developing revised products.

Provision of up-to-date COI and country specific guidance

2.3.123 UNHCR recommended improvements to the presentation, consistency and currency of COI and guidance (recommendations 35 and 36). In light of these recommendations, UNHCR strongly commends COIS' intention to publish updated Country Reports on the top 20 asylum seeker producing countries every two months. UNHCR also welcomes changes to the format of the reports under this 'continuous update' model which will ensure greater consistency across the series and should assist decision makers in locating relevant information, as well as reduce overlap and the potential for confusion within the information presented. The introduction of a 'news' page highlighting developments in the relevant country between the time the report was submitted for approval and actually published will help to ensure the reports are as up to date as they can be when they are made available to decision makers.

2.3.124 UNHCR further welcomes the systems CSAPT has in place to ensure that all OGNs are reviewed and revised at least every six months and updated in the interim period to reflect any significant changes in caselaw, country conditions etc. At the time of writing[54] UNHCR notes that the majority of OGNs date from late 2006, with few – albeit noteworthy – exceptions[55].

2.3.125 UNHCR also welcomes the commitment to the more consistent production and updating of COI 'Key Documents' which COIS now aims to issue for the top 21-50 asylum seeker producing countries. Improved electronic access to their original source documents – in particular for ACD / Legacy decision makers (see below) – would complement the production of these Key Documents.

2.3.126 With respect to the concerns it has previously expressed about a lack of information or guidance on particular countries of origin (recommendation 34), UNHCR appreciates the resource constraints which limit the extent of provision by COIS and CSAPT. CSAPT's 'demand-led' approach to the production of OGNs – where consideration is given to the production of OGNs for non-NSA countries or those outside the top 20 based on operational needs combined with the planned introduction of a CSAPT 'users group' to help identify any such needs – is to be welcomed. UNHCR notes that since its Second Report, OGNs on both North Korea and Syria have been published – countries on which limited guidance and information was previously available, and that relatively recent OGNS are now available on over 50 countries of origin.

2.3.127 UNHCR has also observed a welcome increase in decision makers' use of COIS' 'request service' which enables decision makers to receive answers to specific COI queries, including on countries for which COIS does not regularly produce COI, within a specified number of days. The stated commitment to produce a list of the top 10 sources of COI for *all* countries, provided decision makers are actually able to access these sources, will also assist in filling any current gaps.

2.3.128 UNHCR acknowledges and welcomes COIS' interest in ensuring direct access to UNHCR's RefWorld for its decision makers. While UNHCR regrets that, despite joint efforts, this could not be implemented, it is hoped that RefWorld's online version[56] will provide a solution and make an offline tool unnecessary.

Accessibility of COI and country specific guidance

2.3.129 UNHCR also made recommendations on improving the accessibility, and the provision of clear guidance on the use of, COI and country guidance (recommendations 38, 39 and 41).

2.3.130 UNHCR welcomes the introduction of a dedicated country information and country specific policy section on IND's intranet 'Horizon' – with all relevant information and guidance on any one country contained on one page. In line with recommendation 38, UNHCR believes that presenting all information and guidance on a particular country

[54] 4th January 2007.
[55] E.g. the OGNs on Iraq and Zimbabwe both date from January 2006 (as at 22nd January 2007).
[56] An online version of RefWorld is expected to be available (in draft) from February 2007.

together will make it less likely that decision makers rely on one COIS or CSPAT product to the exclusion of the other sources of information and guidance (e.g. by immediately resorting to the OGN).

2.3.131 A number of concerns do remain. These relate, in particular, to decision makers in ACD / Legacy who continue to rely predominantly on the Knowledge Base (KB) for their access to relevant country information and guidance as most use TBC or Indigo terminals[57]. It is now widely acknowledged – by operational as well as COIS colleagues – that problems are encountered in seeking to update the KB (including removing out of date information or guidance). As a consequence, UNHCR has observed[58] that the KB contains a number of out of date COIS products and that there are inconsistencies between the information contained on Horizon and the KB, the former generally being more comprehensive and up to date.

2.3.132 UNHCR strongly urges that a solution be found to these problems to minimise the risk of different decision makers, within the same asylum business of IND, relying on different information or guidance. UNHCR also hopes that a solution can be found to the limited access to Horizon experienced by those decision makers on TBC or Indigo terminals so that they too can benefit from the clearer presentation of relevant COI and guidance on Horizon.

Exposure to country experts

2.3.133 While UNCHR would encourage more access to talks by external country experts be given to decision makers to help raise interest and awareness, in line with recommendation 40, this is of course of particular importance for those who produce Home Office COI. As such, UNHCR welcomes plans to introduce academic country 'mentors' for COIS staff, and the availability of some funding for COIS country officers to conduct 'familiarisation' visits to the countries for which they are responsible. UNHCR received positive feedback from some of the COIS country officers who have been on such visits.

Guidance and training on using COI

2.3.134 On the basis of both its assessments and feedback sessions with decision makers over the course of the project, UNHCR has been confronted with confusion amongst decision makers as to what sources of country information can or cannot be used. UNHCR is aware that guidance on appropriate sources is regularly reiterated to asylum decision makers and welcomes the clear guidance on appropriate sources of COI that has been incorporated into NAM's Asylum Foundation Training course[59], per recommendation 41. Nevertheless UNHCR's ongoing assessments suggest that practice remains inconsistent[60] and would encourage those with supervisory responsibility for decision makers across the asylum regions to reiterate such guidance

[57] UNHCR has recently been informed that access from 'Indigo' terminals to the IND's intranet 'Horizon' – and hence to the country information and country specific policy pages discussed. above – remains poor. Internet access from either TBC or Indigo terminals remains less reliable than that enjoyed by POISE users.
[58] As at 4th January 2007.
[59] Workbook 5, Module 2.
[60] It is worth noting that, to its knowledge, UNHCR has not assessed any decisions made by NAM Case Owners who have undergone the new NAM Asylum Foundation Training programme.

locally. The workshops on the use of COI which UNHCR understands have been designed by COIS for IND asylum decision makers ought to assist in promoting consistency and 'best practice', should these be delivered more widely across the business.

2.3.135 Taken as a whole, these developments have the potential to address several of the concerns previously identified by UNHCR (see above) and, in doing so, give effect to a number of its recommendations. UNHCR would therefore strongly encourage their full implementation and 'institutionalisation'.

Process guidance for asylum

2.3.136 With respect to the process guidance produced for asylum decision makers, in its opinion the current situation as understood by UNHCR – where two different sets of guidance apply to the different parts of the asylum business – is inherently undesirable and risks causing confusion amongst decision makers as well as applicants and external stakeholders. UNHCR has already drawn attention to the wide variety of different sources of information and guidance and their varying locations within the two main IT systems (Horizon, KB)[61] which in itself generates potential for confusion. As such, plans to produce a single set of process guidance that all asylum decision makers should use – both case owners in NAM and caseworkers in ACD/Legacy – are to be welcomed and encouraged[62].

Standard paragraphs

2.3.137 UNHCR continues to urge the implementation of the recommendations of the Working Group on Standard Paragraphs, approved by the QI Project Board in 2006. In its ongoing assessments, UNHCR continues to observe use being made of a number of the 'old' standard paragraphs that had been identified for revision or removal[63]. UNHCR looks forward to receiving further information on progress.

[61] See section 2.4.3 and recommendation 42, Second Report.
[62] See also above on interviewing guidance and procedures.
[63] Such as the standard paragraph defining persecution as a "sustained pattern or campaign of persecution directed at you which was knowingly tolerated by the authorities, or that the authorities were unable, or unwilling, to offer you effective protection…."

3. CONCLUSION

3.1 UNHCR welcomes the UK Government's continued commitment to raising the quality of first instance asylum decision making, as demonstrated by its continuing partnership with UNHCR through the Quality Initiative.

3.2 As this report demonstrates, a significant amount of progress has been made, both in implementing UNHCR's specific recommendations in its Second and Third Reports, and in addressing a number of the concerns highlighted by its ongoing assessments through initiatives such as the forthcoming instruction on the assessment of credibility, the decision making template and the Solihull Pilot.

3.3 This report has also drawn attention to those recommendations where significant progress on implementation has yet to be observed, particularly with respect to ACD / Legacy. Where appropriate, a number of suggestions have been made in order to facilitate further progress.

3.4 There are of course still challenges ahead, such as seeking to ensure positive changes are embedded within and mainstreamed across asylum, assessing the impact of current or planned initiatives on decision quality, and implementing them throughout the business where these are found to enhance quality. UNHCR remains available to provide any advice or assistance in this regard.

3.5 In UNHCR's opinion, the implementation of its recommendations and related initiatives to improve quality across asylum will make a substantial contribution to raising the quality of first instance asylum decision making in the Home Office. While at this stage, seeking to identify and assess their impact on the quality of decision making would be premature, UNHCR hopes to be able to report on its assessment of the impact of these developments towards the end of 2007.

3.6 UNHCR once again wishes to express its gratitude for the level of co-operation and transparency with which the Home Office has implemented the QI Project, and its continued commitment to taking forward UNHCR's recommendations. UNHCR would especially like to thank the Home Office for making practical arrangements to enable the review of first instance asylum decision making to continue and facilitating our involvement in the implementation of UNHCR's recommendations.

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

4. KEY FINDINGS AND RECOMMENDATIONS

4.1 Establishing the facts in an asylum claim and 'credibility'

4.1.1 UNHCR's audit suggest the assessment of credibility and establishing the facts of an asylum claim is a problem area for a significant proportion of ACD / Legacy and NAM decision makers. UNHCR has welcomed the acknowledgement by the Home Office of the centrality of this area to sound and sustainable decision making, as well as the need for improvement.

4.1.2 UNHCR welcomes the development of a new instruction on credibility and establishing the facts of an asylum. It is strongly suggested that appropriate training workshops are used to facilitate the introduction of the API.

4.1.3 UNHCR welcomes the progress in developing a decision template which it believes will have an important and positive impact on the assessment of credibility and the application of the Refugee Convention and ECHR criteria. It is suggested that one template be developed and rolled out across the business, in both NAM and ACD / Legacy, to assist in deciding all claims for international protection.

4.1.4 UNHCR has welcomed the introduction of the Solihull Pilot, which will help to create an environment where all relevant evidence is correctly identified and placed into account before the initial decision is made, and in particular, assist in establishing the facts. In seeking to do so, it takes forward a number of concerns previously identified by UNHCR.

4.2 Implementation of UNHCR's recommendations

4.2.1 UNHCR welcomes the significant progress made to date in implementing its recommendations.

4.2.2 While UNHCR recognises that it may not be appropriate to expect, within the current framework, implementation of all accepted recommendations to the letter, in its view what is of most importance is addressing the concern each recommendation or set of recommendations seeks to remedy.

4.2.3 UNHCR has welcomed the introduction of NAM, and in particular the emphasis placed within it on the quality of decision making, through which a number of UNHCR's recommendations are being implemented. Other initiatives currently being considered or piloted by NAM, such as the Solihull Pilot and the review of screening and segmentation, provide further scope for improvements to existing practice.

4.2.4 In light of the scale of the 'legacy' caseload and their potential complexity, UNHCR urges the full implementation of relevant recommendations by ACD / Legacy and looks forward to engaging in further discussions on the feasibility of implementation.

Recruitment, accreditation and training

Recruitment

4.2.5 UNHCR welcomes the extent to which its recommendations pertaining to recruitment have been implemented in the context of NAM. This includes targeted recruitment, higher initial salary, and higher minimum standards for external and internal recruits.

4.2.6 In the light of the information received to date, UNHCR reiterates its recommendations on recruitment with respect to ACD / Legacy and looks forward to receiving further information as to relevant progress.

Training

4.2.7 Since the publication of its Third Report, a significant amount of progress has been made with respect to implementing its recommendations pertaining to training, contained in both its Second and Third Reports, in particular within the framework of NAM.

4.2.8 UNHCR has also had the opportunity to review and observe the delivery of various modules of NAM's Asylum Foundation Training programme at a number of different locations and been provided with an overview of the assessment stages of the programme.

4.2.9 UNHCR's overall view is that the workbooks provide a more in-depth and comprehensive overview of the relevant principles of refugee law and of refugee status determination, including on interviewing, than the training materials relied upon for the Asylum Caseworker Training course.

4.2.10 UNHCR would however welcome clearer guidance in the workbooks on establishing the facts of a claim for international protection, and on the need to avoid confusion between this stage of assessing a claim and applying the accepted material facts to the refugee or ECHR criteria.

4.2.11 In UNHCR's opinion there is room for improvement to a number of the other modules it has observed.

4.2.12 UNHCR suggests the inclusion of a facilitated session specifically focusing on establishing the facts and assessing the credibility of claims for international protection delivered by a suitably experienced trainer.

4.2.13 UNHCR also suggests that the guidance provided to trainees on making a decision during the programme be further improved, in particular in light of the fact that the session on decision making during Module 4 did not provide trainees with structured guidance on making an asylum decision.

4.2.14 UNHCR is concerned that the majority of the trainers delivering the programme lack asylum-specific experience and, as such, are limited in the guidance they are able to offer. Input by more experienced staff varied across the streams and is to a large extent dependent on the goodwill and availability of the more experienced IND staff concerned (many of whom will themselves be relatively new to asylum).

4.2.15 In UNHCR's opinion it would be preferable for NAM trainees undergoing any future foundation training programme *not* to be exposed to 'live' cases prior to having passed the formal competency assessment.

4.2.16 UNHCR strongly commends the assessment element of the programme, in particular in light of recommendations 5 and 2 of its Second and Third Reports calling for such compulsory competency assessments.

4.2.17 UNHCR recommends that NAM Asylum Foundation Training programme's positive elements, further to UNHCR's comments in this report and in its direct feedback to NAM, should inform the development of any future introductory training package for asylum decision makers across IND.

4.2.18 UNHCR recognizes that several elements of the programme will not be relevant to ACD / Legacy decision makers, but recommends that the eventual 'legacy' training programme provide for training and compulsory assessment on refugee and human rights law, and principles of refugee status determination, to the same standard as that provided by the NAM package.

Accreditation

4.2.19 UNHCR commends the Government's commitment to accredit its NAM Case Owners and SCWs to the appropriate level of the equivalent Law Society / Services Commission scheme for legal representatives.

4.2.20 In UNHCR's opinion it would be appropriate to apply an equal training and accreditation scheme to ACD / Legacy decision makers. UNHCR looks forward to further discussions on the feasibility of implementing this recommendation within the framework of ACD / Legacy.

Interviewing

Training

4.2.21 UNHCR welcomes the inclusion of specific training on working with interpreters in the NAM Asylum Foundation Training programme.

4.2.22 While UNHCR welcomes the provision of appropriate 'top-up' training on interviewing in both ACG (North) and ACG (South), appropriate revisions to the initial training is encouraged.

4.2.23 In UNHCR's view it would be preferable for new NAM decision makers to observe more than one asylum interview by an experienced and competent Case Owner, *prior* to conducting their own interviews. UNHCR also suggests that decision makers should not conduct their own substantive interviews until they have been formally assessed as to their competency to do so.

4.2.24 UNHCR reiterates its recommendations on *initial* interviewing skills training set out in its Third Report and looks forward to receiving feedback on how these will be implemented in ACD / Legacy.

Preparing for interviews

4.2.25 In UNHCR's view, NAM's Case Owner model and its Solihull Pilot help to facilitate its recommendations on preparing for an asylum interview. UNHCR also welcomes the emphasis placed on interview preparation in NAM's Asylum Foundation Training programme and in the NAM 'interview checklist'.

4.2.26 In UNHCR's opinion the guidance on preparing for an interview could be strengthened and made more specific.

4.2.27 UNHCR looks forward to receiving further information on how its recommendations relating to interview preparation may be forward in ACD / Legacy.

Conducting the interview

4.2.28 While UNHCR notes the current guidance on covering the 1951 Convention and the ECHR in the interviewing section of the Asylum Process Manual, and the development of a substantive asylum interview 'checklist' for NAM Case Owners, it is suggested that more comprehensive guidance be issued to *all* asylum interviewing officers.

4.2.29 The need for the interviewer to maintain control of an asylum interview is reflected in current Home Office guidance. UNHCR suggests therefore that this guidance clearly state that it is the interviewer rather than the interpreter who should read out all relevant introductory information and instructions.

4.2.30 UNHCR welcomes efforts to improve the ability of decision makers to focus their asylum interviews and ensure they are of a reasonable duration, such as more in-depth training and the Solihull Pilot.

Gender-sensitive interviews

4.2.31 UNHCR would like to reiterate the importance it attaches to gender-appropriate interviews.

4.2.32 UNHCR suggests the inclusion of a question on whether an applicant has a gender preference for *both* the interviewer and interpreter in the asylum screening interview.

4.2.33 UNHCR recommends that the guidance allowing an interview to be postponed where an applicant refuses to go ahead with an interview without a same-sex interpreter is amended so as to ensure this principle applies to the gender of the interviewer as well.

4.2.34 UNHCR welcomes the consideration being given to the possibility of relying on video-conferencing facilities to address interpreter shortages in particular languages across the various asylum regions. UNHCR suggests that this may also be used to facilitate gender-appropriate interviews.

Guidance / Procedures

4.2.35 UNHCR suggests that the procedural guidance on conducting asylum interviews, in its section on questioning techniques, be amended to incorporate guidance on inappropriate types of questioning and the importance of establishing and maintaining a rapport with the interviewee so that interviewing officers are clear about what is expected of them.

Recording and transcripts of interviews

4.2.36 UNHCR strongly encourages the consideration being given to the feasibility – particularly with respect to cost – of digitally recording all asylum interviews. UNHCR also welcomes the fact that the audio recording of the interactive interview is a fundamental part of the Solihull Pilot.

4.2.37 The progressive introduction of audio recording should in due course also allow for an alternative procedure to the taking of a verbatim note of the interview to be adopted.

Information for applicants

4.2.38 UNHCR suggests that information on the asylum process *beyond* the complaints procedure is provided to applicants in a number of common languages as early as possible in the process. UNHCR suggests that consideration is given to these recommendations in the context of the current review of the 'front-end' of the asylum process.

Interpreters

4.2.39 UNHCR suggests that the opportunity is taken to give greater prominence to, and provide clearer guidance on, the standards and procedures that apply to working with interpreters in the current consolidation and revision of asylum policy and process.

4.2.40 While UNHCR welcomes the training on working with interpreters in the NAM Asylum Foundation Training programme, it is suggested that specific consideration is given to the applicable Home Office procedures and standards (in particular the Code of Conduct). UNHCR also recommends that further training / guidance on working with interpreters is given to those ACD / Legacy decision makers who have undergone the existing interviewing skills workshop.

4.2.41 UNHCR welcomes the revision of the existing interpreters' monitoring form and the plans to trial its use. It is hoped that it will eventually be introduced across the asylum business.

Management and supervision

4.2.42 UNHCR commends the presence of SCWs within the NAM teams which provides greater scope for supervising and managing Case Owners' performance. UNHCR looks forward to receiving information on the envisaged role of the team-based SCWs in particular with respect to the supervision of quality issues and draws attention to the lack of asylum specific experience of a significant proportion of NAM SCWs.

4.2.43 UNHCR understands that consideration is currently being given to the structure of the Legacy casework teams. UNHCR looks forward to receiving further information in due course.

4.2.44 The model of decision ownership inherent in the NAM process which gives effect to recommendation 44 of its Second Report, and recommendation 32 of its Third Report has been welcomed by UNHCR.

4.2.45 NAM's model of 'case ownership' cannot of course apply in its entirety to ACD / Legacy in its current form. At a minimum UNHCR suggests that the model of decision ownership set out under recommendation 32 of its Third Report, with the same decision makers who conducts the interview drafting the decision, is applied to ACD / Legacy. UNHCR welcomes the consideration this is currently being given.

4.2.46 UNHCR welcomes the emphasis on a single and medium-term (i.e. six-month) 'case completion target' which allows for flexibility within that timeframe. UNHCR suggests that more specific targets on drafting and service of a decision not be so rigidly applied so as to prevent the adoption of a flexible approach within the single 'case completion target' where this is in the interest of making a more sustainable decision.

4.2.47 UNHCR suggests that consideration be given to the incorporation of appropriate objectives on 'quality' into the Performance Appraisal and Development Review objectives of all asylum decision making staff.

4.2.48 The mainstreaming of 'quality' within NAM through the introduction of a dedicated and centrally-based 'Quality Team' is strongly welcomed. UNHCR understands however that in the longer term the responsibility for the supervision of quality is likely to lie elsewhere and that consideration is currently being given to the creation of a 'Quality Audit Team'. UNHCR would welcome the opportunity to provide input into these discussions.

4.2.49 UNHCR looks forward to receiving further information on how its recommendations on the supervision of interviews will be implemented across NAM.

4.2.50 UNHCR would also welcome further information on the planned supervision arrangements, including with respect to interviews, or targets regime in ACD / Legacy.

4.2.51 UNHCR welcomed the rollout of the jointly designed Home Office / UNHCR assessment form but would encourage awareness of the form to be raised across NAM and ACD / Legacy.

4.2.52 At a minimum, UNHCR suggests that a system is introduced across the business to ensure the periodic but random review of a specified proportion of decisions of every decision maker, triggering 100% sampling *prior* to the service of a decision where appropriate.

4.2.53 UNHCR has been assured that effective performance management mechanisms are in place. UNHCR looks forward to receiving further information on the impact of these mechanisms and how they work to identify and manage those who consistently

perform poorly, and how assessments of individual decision makers' interviews and decisions feed in to this process.

4.2.54 UNHCR welcomes the inclusion of stress management training for decision makers in NAM's Asylum Foundation Training programme, and would urge the inclusion of similar training for decision makers in ACD / Legacy.

4.2.55 UNHCR also commends the regular use of staff surveys to monitor levels of job satisfaction. UNHCR would welcome further information on whether mechanisms are in place to enable those who are dissatisfied with their current role to move to other areas of the business.

4.2.56 UNHCR would encourage the development of 'care teams' across asylum.

4.2.57 UNHCR looks forward to discussing further the feasibility of implementing its recommendations to periodically rotate decision makers off decision making duties for a short period of time and to discourage the practice of decision makers only conducting interviews over a sustained period of time in the context of NAM as well as ACD / Legacy.

Complaints

4.2.58 UNHCR suggests that consideration be given to making available to applicants information about complaints mechanisms in the most common languages spoken by asylum applicants in the UK.

4.2.59 UNHCR reiterates its recommendation that complaints about interviews, where they are upheld, should be brought to the attention of the appropriate SCW, both to trigger an assessment of whether a re-interview might be required and to enable those with line management responsibility to identify any trends, including training needs.

Country information, guidance and standard paragraphs

4.2.60 UNHCR is pleased to have observed further significant improvements in the provision of country information and guidance.

4.2.61 UNHCR strongly commends COIS' intention to publish updated Country Reports on the top 20 asylum seeker producing countries every two months. UNHCR also welcomes changes to the format of the reports under this 'continuous update' model.

4.2.62 UNHCR further welcomes the systems CSAPT has in place to ensure that all OGNs are reviewed and revised at least every six months and updated in the interim period to reflect any significant changes in caselaw or country conditions.

4.2.63 UNHCR also welcomes the commitment to the more consistent production and updating of COI 'Key Documents' which COIS now aims to issue for the top 21-50 asylum seeker producing countries as well as the stated commitment to produce a list of the top 10 sources of COI for *all* countries.

4.2.64 UNHCR acknowledges and welcomes COIS' continued interest in ensuring direct access to UNHCR's RefWorld for its decision makers.

4.2.65 UNHCR welcomes the introduction of a dedicated country information and country specific policy section on IND's intranet 'Horizon'.

4.2.66 UNHCR strongly urges that a solution be found to problems experienced with Knowledge Base to minimise the risk of different decision makers, within the same asylum business of IND, relying on different information or guidance. UNHCR also hopes that a solution can be found to the limited access to Horizon experienced by those decision makers on TBC or Indigo terminals so that they too can benefit from the clearer presentation of relevant COI and guidance on Horizon.

4.2.67 UNHCR welcomes plans to produce a single set of process guidance that all asylum decision makers in NAM and ACD / Legacy should use.

4.2.68 UNHCR continues to urge the implementation of the recommendations of the Working Group on Standard Paragraphs, approved by the QI Project Board in 2006.

APPENDIX 1: SECOND REPORT 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.

APPENDIX 2: THIRD REPORT RECOMMENDATIONS

Training

1. UNHCR recommends that caseworkers receive more in-depth training on the 1951 Convention and the ECHR to improve their ability to identify and focus their interviews on the salient aspects of the claim.

2. The videotape-recorded mock interview on the final day of the interview skills course should be compulsory and formally assessed. Successful completion of the course should be subject to adequate performance in this exercise.

3. The interview skills course should include specific training on working with interpreters.

4. New interviewers should observe a specified minimum number of interviews conducted by an experienced and competent interviewer prior to conducting their own interviews.

5. New interviewers should be subject to 100% live interview sampling until they are considered to have acquired the necessary skills and competencies (such as questioning technique, focussing the interview, testing inconsistencies, controlling the interpreter, adopting the correct tone and attitude and recording the interview).

6. UNHCR reiterates recommendation 12 in its Second Report and further recommends that interviewing skills forms part of any assessment of training needs.

Supervision

7. UNHCR recommends that a specified minimum number of live substantive asylum interviews per caseworker should be monitored and assessed per year. This should be done on a random and regular basis.

8. UNHCR recommends that all assessments of live interviews should be conducted using the jointly agreed UNHCR/Home Office interview assessment form. Any proposed amendments to the assessment form should be made in consultation with UNHCR.

9. All monitoring and assessment of live asylum interviews should be conducted by SCWs with the requisite training and experience.

10. Feedback sessions to caseworkers on their interview performance should be compulsory.

11. Assessments of interviews should be taken into account in caseworkers' performance reviews.

Preparing for the interview

12. Files should be assigned and handed to the relevant interviewing caseworker a reasonable number of days prior to the interview.

13. Pre-interview preparation upon receipt of the file should be made a specific and mandatory step in the interview process.

14. Such pre-interview preparation should include:
    - a thorough review of the applicant's file, which will allow for the identification of the material aspects of the claim, any missing information, details or documentation and any testable evidence.
    - relevant COI research, even in the absence of a SEF or a statement as at least the country of origin and some very basic details of the applicant will be known.

Conducting the interview

15. An aide mémoire to interviewers should be developed to facilitate the structuring of asylum interviews ensuring that all the relevant key elements of the refugee definition and the ECHR are covered during the interview. Such an aide mémoire may also be a useful tool in decision making.

16. Interviewers should establish and maintain control of all aspects of the interview process. This will include:
    - The interviewer, rather than the interpreter, calling the applicant from the waiting room.
    - All relevant introductory information, instructions and biographical data checks being conducted by the interviewer and translated where necessary by the interpreter.

17. Current procedures for opening the interview should be revised with a view to establishing the optimum interview environment. In particular:
    - UNHCR recommends that the purpose and likely structure of the interview should be explained to the applicant at the start of every interview.
    - The National Insurance application should be moved to a more appropriate stage of the process (e.g. Screening Interview).
    - This stage should end with a specific opportunity being given to the applicant to ask any questions arising from the introductory process.
    - As a matter of course, at the beginning of each interview applicants should be informed that they may request a break during the interview. As a general rule UNHCR recommends a 5-10 minute break every hour.

18. Interviewers should have relevant COI (including maps) to hand during the interview and caseworkers should be encouraged to temporarily suspend an interview should the need arise to conduct further specific research.

19. UNHCR recommends the adoption across the business of the practice of allowing a break of fifteen minutes just prior to the end of the interview for the

interviewer and the applicant to identify any further issues to be raised (as currently operated in the detained Fast-Track).

20. Current procedures for closing the interview should be revised. In particular:
    - At the end of each interview interviewers should explain what the next steps in the application process are.
    - The applicant should be reminded of the time limit for submission of any further evidence that has been identified during the course of the asylum interview.

21. Where further evidence or the need for further evidence (such as a medical report) has been identified during the course of the asylum interview, applicants *must* be given a reasonable number of working days to produce it.

22. UNHCR recommends that more frequent breaks should be offered where special needs are present (e.g. pregnant applicants, those accompanied by young dependents or those suffering from ill-health).

23. Caseworkers should spend as much time as necessary interviewing asylum applicants but where it is not possible to complete the interview within three hours a further interview should be conducted at a later date.

Gender-sensitive interviewing

24. Gender-sensitive interviewing and interpreting should be automatic and introduced with immediate effect, subject to genuine operational constraints.

25. Where an interview has been arranged that is not gender appropriate for whatever reason, a mechanism should be in place to allow for the postponement of the interview.

Interpreters

26. UNHCR recommends that guidance on working with interpreters should be incorporated into existing guidance on interviewing.

27. Such guidance should make it clear that an interview should be stopped if problems with an interpreter persist and provide advice on managing the involvement of the interpreter in the interview.

28. Current guidance on interviewing should be amended to make it clear that proactive exchanges between the interpreter and the applicant are not acceptable.

29. UNHCR recommends that any shortage of female interpreters in a particular language should be identified and relevant recruitment conducted sufficient to facilitate recommendation 24.

30. UNHCR recommends the introduction of a compulsory tick-box questionnaire for the interviewer to comment on the quality and conduct of the interpreter after each interview (where applicable).

31. UNHCR recommends that a clear and accessible complaints procedure applicable to interpreters should be introduced (see recommendation 42).

Guidance and procedures

32. UNHCR reiterates its recommendation that a system of effective decision 'ownership' should be introduced across the business, including for non-NAM decision making. At a minimum this should include:
    - Allocating a file to an interviewer a reasonable number of days prior to the interview who will then be responsible for preparing for the interview in line with recommendation 14.
    - Except where there are genuine operational constraints, the same caseworker who conducted the interview should make and draft the decision.

33. In line with the recommendations in UNHCR's Second Report on the identification and management of stress (recommendations 27-30), UNHCR would discourage the practice of caseworkers only conducting interviews over a sustained period of time.

34. UNHCR reiterates its recommendation that Statement of Evidence Forms (SEFs) be reintroduced and relied upon for all asylum applications as they have the potential to be a useful tool in preparing and focusing an interview.

35. Caseworkers should be reminded of and should make use of the option of a further interview of either the applicant or his/her family members where this is necessary.

36. Guidance should be issued on types of questioning or lines of enquiry that may be inappropriate. Appropriate remedial action should be taken where an interviewer has been found to have asked inappropriate questions.

37. Measures should be in place to ensure consistency in interviewing practice and procedures across the business and to share best practice from other parts of the business.

38. UNHCR recommends that guidance should reflect the importance of interviewers establishing and maintaining a rapport with applicants and offer advice on techniques. If necessary, extra training should be provided.

39. All substantive asylum interviews should be audio-tape recorded as a matter of course.

40. UNHCR recommends that alternatives be found to the interviewer taking a verbatim note of the interview.

41. UNHCR believes that applicants should have access to information about the asylum and interviewing process, their rights and obligations. Such information could take the form of leaflets provided in the appropriately languages being prominently displayed in the waiting area.

Complaints

42. UNHCR reiterates its recommendations made in its Second Report on complaints (recommendations 47-49). This should also cover interpreters (including the quality of interpretation). Relevant information should be prominently displayed in the interview rooms and the waiting areas.