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United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

LEGAL AND PROTECTION POLICY RESEARCH SERIES

Refugee Status Determination Backlog Prevention and Reduction

Brian Barbour

Independent Consultant

DIVISION OF INTERNATIONAL PROTECTION

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List of Abbreviations

APRRN	Asia Pacific Refugee Rights Network
IARLJ	International Association of Refugee Law Judges
IGC	Inter-Governmental Consultations on Migration, Asylum and Refugees
IPO	International Protection Office
LAAWG	Legal Aid and Advocacy Working Group
RSD	Refugee Status Determination
UNHCR	United Nations High Commissioner for Refugees

1. INTRODUCTION

According to the 2016 UNHCR Global Trends Report,[1] 2.2 million individual applications for refugee status were submitted to States or UNHCR in 164 countries or territories in 2016, a decrease compared to 2015 when the number of applications totalled 2.4 million. Two million were initial applications on the first instance, while the remaining 200,000 were second instance submissions to appeal bodies or courts. UNHCR's offices registered 197,200 applications[2] in 2016. UNHCR's share of the RSD caseload reduced globally to 8 percent of the total applications. By the end of 2016, there were 2.8 million asylum-seekers – people who are seeking international protection but whose refugee status is yet to be determined.

Globally, UNHCR and States alike have, in the last few years, been facing an unprecedented caseload. Capacity to determine refugee status continues to fall far short of the needs. While UNHCR and many States made increases in processing capacity, the increases still fall far short of the number of applications, resulting in increases in backlogs[3] in many UNHCR RSD operations and State RSD systems alike.

In the most extreme cases, new applicants receive appointments for RSD interviews 5 years or more away. In such circumstances, RSD may become meaningless as a protection tool, especially in situations where people are not well protected as asylum-seekers.[4] Aside from the risk for asylum-seekers, backlogs can also damage the integrity of asylum systems. With increasing pressure and a seemingly insurmountable backlog, turnover is common, and staff are more likely to be de-motivated, contributing to reductions in productivity and quality of decision-making, which is likely to further increase the RSD backlog. Where the system has little value in terms of protection or solutions, applicants instead can utilize it only for purposes of the "time" that it provides in terms of legal or tolerated stay during the asylum procedure, with consequences for both the individual and the State. For both States and UNHCR, backlogs may contribute to increasing pressures on social services / assistance, as applicants sometimes face increasing risks and vulnerabilities, and deterioration of physical and mental health over time. In such circumstances, systems lose credibility in the eyes of the participants, and also among the public. The limbo situation may delay or prevent achievement of self-sufficiency for applicants, and at the same time de-facto integration over time may affect the possibility of giving effect to negative decisions later. Generally, several of these consequences of an RSD backlog

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[1] UN High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2016*, June 2017, http://www.unhcr.org/5943e8a34.

[2] This number does not include 151,500 Syrians, whose case was processed in a merged RSD-RST procedure.

[3] The term backlog does not, and should not be read to, imply any kind of mismanagement, and the causes and solutions found in this paper apply equally to the management of surges in protection applications even where no backlog yet exists. A number of States have shared their practices and procedures both in addressing backlogs, and in preventing them by proactively managing surges in protection applications.

[4] Refugees may e.g. lack legal status and basic human rights; may be vulnerable to arbitrary arrest and detention; may be left destitute and homeless and in indefinite limbo; unable to plan for their future or seriously start their integration in the host country; and may, depending on the context, be at risk of quickly or eventually being forcibly returned to persecution.

may contribute to further growing of the backlog, further entrenching it, and making resolution more difficult.

Faced with backlogs and/or increasing numbers of applications, State policies and practices are sometimes geared towards developing measures aimed at reducing the number of applications or arrival in the country rather than towards increasing, improving or streamlining processing capacity. Such actions, may have some temporary success in reducing or containing backlogs in a particular jurisdiction, but do not contribute to protection or responsibility sharing globally. Such actions are more likely to shift responsibility onto other States (or UNHCR Offices). As such, this paper does not consider recognition, rejection or return rates compared to neighbouring countries; perceptions of advantageous reception benefits or the right to work or study, compared to neighbouring countries; the Dublin system; or the geographical situation of certain States. Instead, this paper is focused on how to prevent or reduce a backlog by improving and streamlining the processing capacity of States and UNHCR in order to meet the actual demands being placed on the RSD system or using alternative approaches to individual RSD where appropriate.

In the face of RSD backlogs, there may be a temptation to reduce quality or procedural standards for the sake of efficiency. States questioned through the Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC)[5], noted that, on the contrary, lowering quality tends only to push the backlog further down the chain to appeal stages or re-applications, and further compounds the problem for the first instance when many of those cases are sent back on remand.[6] Instead, many States highlighted the importance of front-loading investments in high-quality reception, registration, and first-instance decision-making.

There are some important differences between UNHCR Mandate RSD backlogs and backlogs in a State RSD system. Comparatively speaking, UNHCR RSD Staffing resources are usually much more limited than staffing available to States with fully developed asylum systems. At the same time, States are sometimes able to cross train staff with other responsibilities to contribute to a kind of surge roster at times of high demand, or increase staffing temporarily or as long as needed, within short timeframes in response to an influx of asylum-seekers.[7]

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[5] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

[6] For example, Sweden noted that, "It is vital that we have the right type of competence upfront and take the appropriate measures from the start of the process in order for the rest of the process to run as smoothly as possible," (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

[7] Examples of such approaches, provided by IGC States in response to a set of questions related to backlog management and reduction, are on file with UNHCR. In Ireland, staff of the International Protection Office are trained in the work of other areas of the organization so that skilled staff can be deployed where necessary if backlogs develop. Ireland reports that, subject to the necessary resources being in place at all times, cross-training has allowed the organization to efficiently deal with fluctuations in applications. In Finland, in order to achieve case processing capacity targets, because of mass influx, personnel in the asylum unit increased from 70 in August of 2015 to 560 by May of 2016. The number of decisions made rose from 7,466 in 2015 to 28,208 in 2016 and the number of asylum interviews conducted in 2016 was

UNHCR, however, has some advantages over States. Although UNHCR may have smaller budgets and staffing numbers for mandate RSD compared to many State RSD systems, UNHCR has unparalleled access to comparative experience, both through its own office's experience and through experience shared by States. UNHCR is therefore in a position to consolidate comparative practices and experiences and provide technical advice to both governments and its own offices on RSD-related issues.

In many circumstances, even with efficient and high-quality systems for backlog prevention and reduction, numbers may be beyond the capacity of the RSD system to process, and therefore, backlogs may to some extent, be inevitable. In such circumstances, backlog reduction or elimination may be an unrealistic objective. Instead, group-based approaches or highly simplified processes such as prima facie recognition,[8] or the use of temporary protection and stay arrangements may be more appropriate.[9] Where UNHCR engages in RSD under its mandate, more strategic use of RSD for targeted population groups based on protection needs or other characteristics may be more appropriate. In such an approach RSD functions as just one tool in a broader protection strategy (possibly but not necessarily coupled with resettlement) that has a clear solutions orientation from the start, aiming to offer alternatives to care and maintenance approaches in camps or in urban settings.

1.1   Purpose

This paper seeks to identify the myriad causes of growing backlogs in RSD systems, and most importantly, to present a consolidated list of known and tested prevention and reduction tools,[10] both as a matter of sustainable practice and as a targeted backlog reduction exercise.

1.2   Scope

This paper on backlog reduction is intended to spark reflection in UNHCR country offices worldwide, both with regard to backlogs in their own operations and with regard to advising States on prevention and reduction of backlogs in their national RSD systems, but may also be of direct interest to State asylum services and other stakeholders. This paper seeks to consolidate backlog prevention and reduction tools collected from various UNHCR and State practices. The choice of tools needs to be informed by a careful analysis of contributing factors to the backlog. Not every tool may work everywhere, or several tools may only work in combination. Some will apply regardless of the situation in a given jurisdiction, while others may only apply in certain kinds of comparable situations and contexts.

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over 26,000. During the year 2016 the backlog was successfully reduced from 27,500 to 5700. The number of personnel in the asylum unit was then reduced from 560 to 240.

[8] UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, http://www.refworld.org/docid/555c335a4.html.

[9] UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, http://www.refworld.org/docid/52fba2404.html.

[10] The term "tools" is not meant to oversell the list or imply any guarantee of global applicability. Rather different tools can be used together, and perhaps when utilized jointly, they can make up a strategy.

1.3 Terminology

Backlog: A backlog exists where the number of applications pending is higher than the RSD processing capacity for a sustained period of time.

RSD Processing Capacity: processing capacity is the sum of: (applications granted + applications rejected + applications otherwise closed) for a given period of time (e.g. on an annual basis)[11].

2. CAUSES OF, AND CONTRIBUTING FACTORS TO, RSD BACKLOGS

Generally speaking, there are two types of root causes that result in backlogs:

(1) A large influx of applications that exceeds the RSD processing capacity of an RSD system;

(2) Systemic issues that result in inefficiencies or reduced output over a sustained period.

Where backlogs exist, often a combination of these causes and contributing factors are present, and may compound the problem over time if not adequately addressed early on. Backlogs will grow and require greater human and financial resources the longer they go unaddressed.

2.1 Increasing Numbers

Due to the nature of human rights violations and humanitarian emergencies, displacement across borders can be sudden and result in massive and unforeseen increases in persons seeking international protection in neighbouring countries or further afield. Unfortunately, the causes of such displacement are rarely resolved as suddenly. Experience has shown that greater international cooperation is needed to address these demands.[12] What constitutes a "large" influx is relative. As stated in the 2016 UN General Assembly Report: "Whether a movement is characterized as "large" is less dependent on the absolute number of people moving than on its geographical context, the capacities of the receiving States to respond and the impact caused by its sudden or prolonged nature on the receiving country."[13]

Among the people who are a part of such large movements, there are often mixed motivations and factors that led to their movement. Their movement may often be irregular, and their needs are not always apparent. In situations of large influx, the capacity to identify, register and document asylum-seekers, identify specific needs and provide necessary assistance is often severely stretched. The sheer numbers of new arrivals may overwhelm even the best systems.

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[11] Although the number of applications otherwise closed can be substantial and can fluctuate, such numbers should be included to determine an accurate picture, otherwise the backlog will appear to be higher than it is, because cases that were abandoned remain a part of the backlog.

[12] UN General Assembly, *New York Declaration for Refugees and Migrants: resolution / adopted by the General Assembly*, 3 October 2016, A/RES/71/1, http://www.refworld.org/docid/57ceb74a4.html. "No one State can manage [large movements of refugees and migrants] on its own… capacities have been severely stretched in many cases… [P]rotracted refugee crises are now commonplace, with long-term repercussions for those involved and for their host countries and communities."

[13] UN General Assembly, *In safety and dignity: addressing large movements of refugees and migrants*, 21 April 2016, A/70/59, http://www.refworld.org/docid/5732e34e4.html.

There are generally three scenarios of large influx or increase in the number of asylum-seekers:

(1) An influx of asylum-seekers from a country in the midst of large-scale human rights violations or conflict (as may often happen directly from that country to a neighbouring country);

(2) An influx of asylum-seekers among a larger mixed migration flow; and

(3) New access is granted to an existing large population not previously within reach, such as in a context where UNHCR conducts RSD under its mandate, when UNHCR is newly granted access to detention facilities, camps or settlements, or is newly able to register and engage with asylum-seeker populations previously unregistered.[14]

In the first scenario, group-based determinations may be an effective and efficient means of processing all or the majority of such cases.[15] In the second scenario, individual RSD will often be required, at least for a portion of the arrivals, and so strategies will likely require the full range of possible backlog prevention and reduction tools to complement any case processing modalities. The third scenario, could be similar to either the first or second depending on the context, but consideration also needs to be given to the new workload and the practical realities of engaging with that workload, such as: travel time to detention centres (or camps / other facilities / locations / settlements) dispersed over a country's territory, security restrictions, the security and bureaucratic requirements of accessing such facilities / locations / settlements, and conducting RSD in the environment of a detention centre, camp or settlement (as opposed to an established UNHCR Office).

Regardless of the context, group determination, the application of a presumption of inclusion or of claims being manifestly unfounded, and case management tools and techniques may all become critical protection tools. Examples of these will be detailed below in the section on solutions.

Where a backlog is due only to a large influx, and the State or UNHCR system otherwise operates at a high level of consistency and quality, the cause of a growing backlog will generally be limited to an inadequate number of staff to process the increased numbers. However, in reality, every RSD system or operation will usually have some room for improvement or for use of tools that can result in greater efficiencies, no matter how well run an RSD process may already be.

2.2   Systemic Issues and Inefficiencies

Backlogs are not only the result of a large influx of persons of concern. They may also arise as a result of systemic issues and inefficiencies. A categorization of such issues is attempted below, with some detail provided to each, but such categorization should not be thought of as exhaustive, as each scenario should be evaluated to assess what

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[14] This may e.g. be the case when security restrictions that previously blocked access to a group of persons of concern to UNHCR are removed or no longer apply.

[15] UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status,* 24 June 2015, HCR/GIP/15/11, http://www.refworld.org/docid/555c335a4.html. Cases that present complications or exclusion triggers may need to be referred to individual RSD procedures.

the most significant causes or contributing factors to the backlog are and what areas for improvement exist.

Identifying systemic issues and inefficiencies also does not necessarily imply that a particular UNHCR mandate RSD operation or State RSD system has done something wrong. It should be understood that every UNHCR mandate RSD operation or State RSD system will likely have a variety of areas where they can seek to achieve new or further efficiencies. It is hoped that the below categories will provide the basis for a comprehensive monitoring and evaluation process that can be devised to assess the operation / system and identify new efficiencies. This process should support an operation / system to ensure that RSD case processing is managed in a strategic manner that safeguards the quality, integrity and efficiency of the process and results in fair and timely decisions.

A non-exhaustive list of the systemic causes that result in or contribute to growing backlogs include factors such as the following:
(1)   Lack of Adequate Resources:
(2)   Inadequate Staffing Arrangements:
(3)   Scheduling Challenges;
(4)   Inadequate Management;
(5)   Inadequate Infrastructure;
(6)   Inadequate Case Management Tools and Techniques;
(7)   Any disruption of processing for a time causing delays;
(8)   Poor quality reception, registration, and first instance procedures: poor quality of first instance decisions, resulting in a substantial number of applications needing to be re-interviewed, overburdening the system;
(9)   Philosophical obstacles: lack of value attributed to, understanding of, or prejudice towards RSD;
(10) Existing Backlogs: an existing backlog often compounds the other problems.

2.2.1   Lack of Resources

The lack of resources available for RSD may be the result of insufficient investment of available funds, or insufficiency of overall resources available. Staffing and infrastructure among other costs should be adequate to ensure that the RSD processing capacity can meet the demand (or the projected number of applications). UNHCR has established staffing benchmarks that can be considered as each office evaluates the staffing that may be required given the current and projected demand.[16] State RSD systems will have their own metrics in place for determining staffing needs in relation to projected number of applications.

Where there is a lack of value attributed to RSD, or when it is viewed as an end in itself rather than as a means to achieve protection and solutions, the RSD process may become a standalone intervention, disconnected from other protection interventions

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[16] UNHCR, *UNHCR Protection Staffing Benchmarks and Related Recommendations*, Division of International Protection, March 2010. Not in the public domain - on file with UNHCR. (Consultation is underway around revision of these benchmarks based on current developments).

and responses and inadequate investment may be made in the process. Where the investment is inadequate, a backlog is likely to arise, as are additional systemic issues, which may further exhaust the willingness to invest of the authority responsible for the budget allocation and compound the problem.

Investment of additional resources may be made available for a backlog reduction exercise or otherwise made available to support RSD activities, but where sustainability is not considered, an end to resource allocations or donor support may lead to a return to the status quo and the creation of a new backlog.

2.2.2   Inadequate Staffing Arrangements

Inadequate staffing arrangements includes (i) an inadequate number of staff available to handle the projected number of applications or otherwise meet the demand, (ii) inadequate knowledge or skills among available staff, and (iii) poor quality work among available staff.

A staffing set-up that is structurally inadequate to meet the RSD processing capacity demands will result in backlogs that grow over time. This is true where there are just too few staff to handle the number of applicants, or where unrealistic expectations establish an unmanageable caseload per staff.

High turnover, with prolonged vacancies and repeated efforts to recruit, train and deploy substitute staff can also result in significant operational inefficiencies. Such repeated recruitment exercises may pull a significant portion of a manager's time away from supervising the conduct of RSD. Recruitment difficulties due to lack of adequate investment in salary, benefits, or assurances of job security may lead to too few or poor-quality staff without the requisite skills.

Repeated or prolonged absences or sudden long-term absences of key staff or managers may also contribute to the development of backlogs if not appropriately covered for.

Poor quality or inefficient work may also contribute to backlogs. An insufficient output per RSD caseworker may be the result of lack of individual capacity or motivation, lack of clear performance targets and outputs, or because RSD personnel may need to perform a number of other functions along with their RSD work. A lack of competencies for interviewing and assessment techniques may also result in the need for complementary interviews to fill in the gaps, and a heavier workload on appeal and cases overturned on appeal. A lack of competencies, skills, and knowledge may be the result of insufficient training or poor-quality training and oversight.

RSD is time and resource intensive and requires a great deal of knowledge and skills. The daily pressure of the workload and work environment, the pressures of working with vulnerable persons, and a seemingly insurmountable existing backlog may all lead to de-motivation, stress, burnout, and cynicism among staff, and ultimately, may again lead to turnover.

Finally, in the past concern was expressed that over-reliance on staff on temporary and insecure contractual arrangements may contribute to inefficiencies.[17] States have shared that having too many temporary staff, or staff trained for only specific caseloads, diminishes flexibility, because they may not be able to work with different caseloads, and so permanent staff capacity must be kept at a certain level.[18] However, the need to rely on affiliate and temporary staffing arrangements has only increased over the years. There are advantages and disadvantages to affiliate or temporary staffing. Such staffing arrangements fill gaps and address unmet and immediate needs in the short-term. At the same time, where these staff cannot be, or are not retained, expertise may be lost, repeated vacancies can occur, and this can result in repeated efforts to recruit, train, and deploy substitute staff. These instable staffing arrangements may therefore contribute to backlogs, if not well managed.

2.2.3   Scheduling Challenges

Scheduling of appointments for RSD interview or RSD-related counselling can be an extremely difficult and time-consuming task. Managing the schedules of the RSD caseworker, applicant, and interpreters is one challenge, maintaining contact in advance of the actual appointment to confirm attendance and rescheduling where necessary is another.

Where asylum-seekers repeatedly do not show up for RSD appointments (so-called 'no-show cases'), and no alternative appointments can be scheduled, backlogs may grow. Some Offices or processing centre locations may be very remote and difficult to access. Aside from issues of access, this may also have a negative impact on both "no-show cases" (abandonment of claims), and late arrivals for the appointment which can also have an impact. Difficulties in contacting applicants and interpreters can result in significant difficulties in confirming appointments.

In some UNHCR offices and in some State systems the task of scheduling falls on the RSD caseworkers themselves, and may pull a significant amount of time away from the conduct of RSD.

2.2.4   Inadequate Management

A well-managed RSD system requires competent oversight. Where there are no clear performance targets or outputs, backlogs are more likely to grow. Where RSD caseworkers are required to engage in tasks relating to initial reception of applicants, registration, RSD, and RSD-related administrative tasks interchangeably, and may also be pulled out into other functions, the efficiency of RSD case processing is

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[17] UNHCR, *UNHCR Protection Staffing Benchmarks and Related Recommendations*, Division of International Protection, March 2010. Not in the public domain - on file with UNHCR. ("Given the often sudden shifts in processing demands, mandate RSD operations must rely on a qualified affiliate workforce to ensure timely determination of claims and avoid the accumulation of backlogs...[however,] over reliance on affiliate workforce creates disruption, reduces case processing productivity, and requires managers to dedicate significant time to activities related to the recruitment and training of new staff"). (Consultation is underway around revision of these benchmarks based on current developments).

[18] See in particular the response of the Netherlands (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

inevitably affected. Poor communication internally and externally may also contribute to duplication of effort or unaddressed gaps.

An inadequate number of committed and competent RSD managers can contribute to growing staff inefficiencies. Inadequate supervision by RSD managers of RSD caseworkers can similarly result in growing staff inefficiencies. Supervision and further training of RSD managers themselves may also be required. Inadequate supervision may also contribute to conditions under which fraud or corruption are not identified and addressed. Fraud and corruption may then also negatively affect backlogs.

2.2.5 *Inadequate Infrastructure*

Poor working conditions can also be a contributing factor to inefficiencies and backlogs. For example, in some environments, internet services may be unavailable or unreliable, preventing regular access to country of origin information (COI), affecting electronic file-tracking or case-management or affecting communications. In other environments, a limited number of interview rooms may slow down the RSD processing despite the availability of adequate numbers of staff. Security problems may affect the functioning of an RSD operation / system. A lack of resources, human and financial, for interpretation, IT, or COI may result in inefficiencies. In more volatile working environments, a lack of adequate staff care and housing facilities may affect staff capacity and motivation. In one refugee camp visited in 2016, the UNHCR RSD staff's interview room was also their office. These office rooms were somewhat isolated from each other and located in a hidden corner of the camp. In another location, door locks did not always work, and the alarms under staff's desks for security situations did not function. In another location, floods recurred from time to time and rose to the desk level destroying computers and files resulting in significant expense, delay, and loss of protection information. In another location, government RSD staff were living in shared facilities and for a while did not have running water. At one point government RSD staff were stranded at a camp and unpaid for three months due to a failure of the legislature to take a particular action. In another location a new government facility was constructed for conducting RSD and after completion was assessed on the basis of identified standards and found inadequate. It was recognized that the inadequacies could have been prevented and such assessment would have saved significant expense and time if it had been conducted at the planning stage.

2.2.6 *Inadequate Case Management Tools and Techniques*

An analysis of the causes of, and contributing factors to, a backlog, and an understanding of how to address it, requires compulsory and regular reporting of detailed RSD statistics. This could be a first step in monitoring trends and detecting symptoms of a backlog in a timely manner. Statistics may constitute evidence of performance and identify risk indicators.[19] They serve as a baseline for efficient planning and measurable intervention. Inadequate data management and data

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[19] *Note for the File on factors causing RSD backlogs* (UNHCR Regional Support Hub in Nairobi, Kenya, 19 September 2008). Not available in the public domain, on file with UNHCR.

analysis results in lack of understanding of the backlog. Deficient filing systems and case management systems as well as incomplete files compound the problem. Where staff actions are not tracked, information is not up-to-date and reliable, and there is a risk of duplication of effort, gaps, and other forms of inefficiency.

Where COI is not shared, centrally accessible, and searchable, there is a significant risk of duplication of effort and inconsistency where multiple decision-makers research the same issues, and may come to different results.

Finally, where there are no caseload specific management techniques, significant efficiency gains are lost. Where Regular RSD[20] is done for everyone, even where group or simplified processing may be possible for those with a presumption of inclusion, an opportunity is lost. Tailor-made procedures should be in place for specific populations, cases, and profiles.

2.2.7 *Any disruption of processing*

In some cases, security concerns have contributed to the closure of a UNHCR / State RSD procedure for a period of time. In other cases, a wait-and-see policy put the processing of a specific population on hold. At the end of the disruption, when the processing gets underway again, a substantial backlog may have developed.

2.2.8 *Poor quality reception, registration, and first instance procedures*

States responding to an IGC questionnaire[21] all spoke about the importance of front-loading the work, getting it right early in the process to ease the procedures at the end of the process, and to get to the right answer as quickly as possible without clouding the issue with multiple and repeated engagements.

A poor reception, registration, or first instance procedure is more likely to result in repeat interviews, overlooked vulnerabilities or protection needs, and re-processing of previously processed cases at appeal level due to procedural errors, or on remand from the court.[22] It may also contribute to a higher number of multiple or repeat applications where return is not possible, and recognition becomes unlikely due to past exhaustion of a process.

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[20] As defined in UNHCR's *Aide-mémoire & glossary of case processing terms and concepts applicable to RSD under UNHCR's mandate* (The Glossary), 2017, http://www.refworld.org/docid/5a2657e44.html.

[21] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

[22] For example, in Hong Kong, on more than 1 occasion, the entire system was ruled to be inadequate, with an accompanying order for the government to remake the system and re-process every case that had been rejected. (See Secretary for Security v. Sakthevel Prabakar, FAVC 16 of 2003, Hong Kong: Court of Final Appeal, 8 June 2004, http://www.refworld.org/cases,HK_CFA,413da4754.html; and FB v. Director of Immigration and another; NS v. Director of Immigration and another; M v. Director of Immigration and another; RO and others v. Director of Immigration and another; PVK v. Director of Immigration and another; ND v. Director of Immigration and another , HCAL 51/2007 & HCAL 105/2007 & HCAL 106/2007 & HCAL 107/2007 & HCAL 125/2007 & HCAL 126/2007, Hong Kong: High Court, 5 December 2008, http://www.refworld.org/cases,HK_CA,4f152aa92.html.

Failing to provide applicants with information, guidance, support, and adequate time to prepare early in the process may also result in poor quality applications, which may complicate the process later contributing to a longer process and more complex assessments.

2.2.9   *Philosophical obstacles*[23]

Understandably, frustration and burnout occurs where UNHCR operations / state RSD systems regularly do not have adequate resources to carry out the RSD function. Where policy-makers or management at various levels fail to attribute value to RSD, the result can be an entrenched cynicism or prejudice towards RSD where it is viewed to be part of the problem rather than part of the solution. Inadequate investment in, or recognition of, the importance of RSD by policy-makers and management at different levels may result in a lack of proper investment in or supervision of registration and RSD staffing capacity.

Political rhetoric disconnected from the realities of refugee protection can damage morale, and can also result in reduced investment or capacity to address the needs effectively in practice. For example, concerns about cases that appear to be manifestly unfounded, or abusive applications for refugee status, are sometimes taken so far as to call the entire process into question. Executive Committee Conclusion No. 30 dealt precisely with this issue, and noted both that RSD may include special provisions for expediting manifestly unfounded applications, while also noting that such decisions are still substantive decisions with grave consequences if they are wrong, and therefore, appropriate procedural guarantees are still required including a personal interview, review by a competent authority, and an appeal.[24] A number of national authorities have noted that a higher number of abusive claims are more likely in a system that takes a long time to reach a decision in an individual case.[25] Where systems

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[23] UNHCR, *Update on the 2007 RSD Project and analysis of RSD trends*, 28 January 2008. Internal memo, not in the public domain, on file with UNHCR.

[24] UNHCR Executive Committee Conclusion No. 30 (XXXIV) The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum, (d) "…national procedures for the determination of refugee status may usefully include special provision for dealing in an expeditious manner with applications which are considered to be so obviously without foundation as not to merit full examination at every level of the procedure. Such applications have been termed either "clearly abusive" or "manifestly unfounded" and are to be defined as those which are clearly fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees nor to any other criteria justifying the granting of asylum;" BUT (e) "Recognized the substantive character of a decision that an application for refugee status is manifestly unfounded or abusive, the grave consequences of an erroneous determination for the applicant and the resulting need for such a decision to be accompanied by appropriate procedural guarantees," and that these include: a personal interview and decision by a fully qualified official of the authority competent to determine refugee status, and a review of the decision before rejection at the frontier or forcible removal though the review may be simplified.

[25] UNHCR, *Follow-up on Earlier Conclusions of the Sub-Committee on the Determination of Refugee Status with Regard to the Problem of Manifestly Unfounded or Abusive Applications*, 26 August 1983, EC/SCP/29, http://www.refworld.org/docid/3ae68cd30.html ("A number of national authorities have noted that long delays in the determination procedure may also serve as an added incentive for the filing of spurious applications").

have the capacity to reach decisions quickly in situations of likely manifestly unfounded claims, systems are less vulnerable to use for reasons other than protection.

2.2.10 Existing Backlogs

An existing backlog often compounds the problem, contributing to stress, burnout and demotivation of staff. Turnover results in more time demand for recruitment and training up of new staff. It can result in a downward spiral that compounds the issues that caused the backlog in the first place.

3. SOLUTIONS TO BACKLOGS

This section seeks to consolidate backlog prevention and reduction tools that can be introduced in any UNHCR RSD operation or State RSD system, both as a matter of sustainable practice and as a targeted backlog reduction exercise.

3.1   Backlog Prevention and Reduction Tools

The below tools have been identified by various UNHCR Offices and States as strategies for the prevention or reduction of backlogs. A categorization of such tools is attempted below, with some detail provided to each, but the categorization should not be thought of as exhaustive. As new and creative solutions are found to increase efficiency, it is hoped that these can be shared and consolidated. Tools that may contribute to prevention and reduction should be combined and adapted in accordance with what might be most effective in the relevant context.

A non-exhaustive list of tools that can be utilized to prevent or reduce backlogs can be found in the following categories:
1. Backlog analysis and data management
2. Infrastructure and tools
3. Staffing benchmarks
4. Segregation of staff functions and responsibilities
5. Effective Management
6. Training
7. Performance Targets, outputs and benchmarks
8. Staff care
9. Contingency Planning
10. Screening and prioritization
11. Case Processing Modalities
12. Referrals, Collaboration and Outsourcing
13. Amnesty / regularization

3.1.1 Backlog Analysis and Data Management

Over time, deficient statistical analysis of RSD processes, as well as deficient filing systems and incomplete files compound problems associated with backlogs and make resolution more difficult. Inadequate data management contributes to a lack of understanding of the backlog and its causes, or how best to resolve it. Without reliable statistics on the size and stage of the backlog, it will be difficult to plan how to efficiently address and reduce the backlog. When the asylum processing authority has

no way of demonstrating the number of cases finalized each year next to the number of claims made in a way that maps performance with processing capacity, it will be hard to organize the planning and budget proposals into a consistent story to present before the Parliament with the result that the asylum processing authority do not get the resources they need for more staff, improved infrastructure, or other increases.

Statistical information and analysis constitute one form of evidence of performance and can support the identification of risk indicators.[26] Statistics serve as a baseline for efficient planning and measurable intervention. As set out below in the section on backlog reduction projects, an initial comprehensive preparatory phase would begin with file inventory, reconstruction, and review; verification of registration data, filtering out abandoned cases, naturalized persons and those with other status if this is not done on a regular basis; and setting up an efficient and sustainable monitoring system to know the weekly/monthly numbers and trends.

In sum, compulsory and regular collection, analysis and reporting of detailed registration and RSD data is an important tool in preventing backlogs as it can diagnose trends and inefficiencies, and where a backlog already exists, it is the first step towards resolution.

3.1.2   Infrastructure and Tools

Much can be accomplished by committed and competent staff and managers, even in the most difficult of circumstances, when they take the time to analyse the situation and identify areas for improved efficiency. At the same time, the availability of fit-for-purpose data management tools and technology with adequate IT support can have a tremendous impact on efficiency. When schedules, forms, or statistics are automated, work processes can be completed much faster and more accurately. Similarly, devoting time to templates, repositories (including of up-to-date COI and other relevant information) and samples, can dramatically reduce individual processing times where staff are recreating the wheel with every case. Sometimes there is a rush to develop a tool, but it is important to know what you want. Without a fit for purpose data management tool there will be daily frustrations, work-arounds, and inadequate data collection or analysis. Ecuador emphasized, that "the system needs to adapt to the process, not the process to the system."[27]

At the same time, poor working conditions or inadequate space or environment can also be the source of inefficiencies and backlogs, and so taking the time or making the investments necessary to improve infrastructure can greatly boost processing capacity. This could be through switching internet providers, moving offices, renovating offices or reorganising the use of office space, or improving security among other efforts.

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[26] *Note for the File on factors causing RSD backlogs* (UNHCR Regional Support Hub in Nairobi, Kenya, 19 September 2008). Not available in the public domain, on file with UNHCR.
[27] Presentation at the First Regional Round Table of the Americas Quality Assurance Initiative (QAI), Sao Paulo, Brazil, 28-29 August 2017.

BOX 1: DENMARK*

- De-prioritizing certain caseloads or profiles (in order to prioritize other profiles).
- To a certain extent, surge capacity is maintained with staff in the Asylum Department – an agile workforce is in place during times of low influx.
- Country-specific or claim-specific questionnaires and guidelines for case officers.
- Automated application data input into a "digital case-handling system."
- A central calendar booking system with staff and resources managed and assigned.

- Systematic processing of cases after the initial interview is conducted to gather all relevant information and documentation, translate it, verify it, and review it next to COI and points of law so that each case is ready for high-quality, consistent decision-making soon after the interview. (frontloading)
- General backlog prevention and management are considered also as a more long-term prognosis and planning/prioritization of caseloads and resources.

*This box includes tools and practices shared by some countries as a sample. They are not complete lists of tools used by those countries. Moreover, they are being shared for the purpose of information-sharing and exchange and inclusion here in this document is not meant as an endorsement of any particular approach to preventing or addressing backlogs.

3.1.3 RSD Staffing benchmarks

RSD processing capacity requires ensuring that an adequate number of staff and managers are in place to process the existing caseload, keeping always in mind trends of growth or decline among numbers of applicants, and changes in applicants' profiles. Where an RSD system or operation does not adequately invest in staffing, backlogs may be inevitable. If financial resources allow, staffing can be improved through the creation of additional positions, but also through the establishment of surge rosters, standby or temporary staffing arrangements, and through partnerships with external partners.

BOX 2: FINLAND*

- If a case is ready for decision after the interview, the decision is drafted and submitted for review immediately regardless of whether the decision is positive or negative.
- Cases that require further investigation are moved to a common queue, from which decisions are drafted in order by date.

- Internal guidelines are written and updated on the main countries of origin.
- Each case-worker works in a two-week rhythm: one week for asylum interviews, one week for decision-writing.
- Paperless decision-making in an electronic processing system, with automatic reservations for interview rooms and interpreter

- Cases are categorized by country or geographic area, and teams concentrate and specialize on certain categories (In 2016: 3-4 teams in each section, with 7-10 people on each team).
- Processing of the oldest cases is followed closely by team leaders.

- reservations.
- Specific trainings are organized regularly.
- Match staffing benchmarks to the numbers in the backlog even where this requires a targeted recruitment for short-term contracts.

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UNHCR has developed a set of Staffing Benchmarks for mandate RSD procedures to assist managers in human resource planning for protection functions.[28] These recommendations and benchmarks provide broad guidance to UNHCR Country and Regional Offices to plan appropriate protection staffing configurations for their operations, taking into account the local context, including the complexity of the caseload(s). Aside from decision-makers and number of cases processed, benchmarks should also consider registration staff and all relevant support staff. These are oftentimes important underestimated needs and lead to accumulation of "backlog" in the processing-line. Such benchmarks need to maintain a certain flexibility so as to accommodate different processing modalities and fluctuations in profiles of applicants (which may affect the average time spent per applicant).

Adequate staffing numbers sufficient to process the applications received represent one element required to prevent or respond to backlogs, but addressing backlogs through staffing is not only about numbers. Benchmarks should establish a realistic per staff caseload, and consider both the number of cases, and amount of time a caseload is likely to require due to complexity or other factors. Sufficient RSD processing capacity can only be assured through consistency of weekly/monthly processing, which requires monitoring against clear performance outputs.

Surge rosters, stand-by arrangements, and engagement of temporary and affiliate work force are important mechanisms to address a sudden influx. "Individual RSD is a very staff-intensive protection activity…[g]iven the often sudden shifts in processing demands, mandate RSD operations must rely on a qualified affiliate workforce to ensure timely determination of claims and avoid the accumulation of backlogs."[29] At the same time, over-reliance on an affiliate or temporary additional workforce may contribute to inefficiencies. In the past, UNHCR has noted that because of the technical nature of RSD and the training and experience required to achieve optimal processing

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[28] UNHCR, *UNHCR Protection Staffing Benchmarks and Related Recommendations*, Division of International Protection, March 2010. Not in the public domain - on file with UNHCR. (Consultation is underway around revision of these benchmarks based on current developments).
[29] *Id*.

targets, over-reliance on affiliate workforce can create disruption, reduces case processing productivity, and require managers to dedicate significant time to activities related to the recruitment and training of new staff to the detriment of processing. At the same time, an affiliate workforce remains a vital element in the staffing strategy of mandate RSD operations to adequately address fluctuations in processing demands.[30] RSD systems must, therefore, ensure the appropriate selection, training and supervision of affiliate or temporary staff, but once recruited, it would be ideal to also retain them to the extent possible. To be able to do so, RSD systems need to implement arrangements which allow the engagement of temporary or affiliate staff for longer periods of time, at competitive remuneration rates, so that the system or operation builds and retains its internal expertise.

BOX 3:	NETHERLANDS*
- Staff recruitment to temporary positions during times of large backlog, with temporary staff trained to handle a specific caseload. - Having too many temporary staff trained for only specific caseloads, diminishes flexibility, and so permanent staff capacity must be kept at a certain level. - New permanent staff are all trained to handle complex cases.	- Training/coaching takes time so increased staffing does not immediately relieve the backlog. - Setting expectations among applicants by clearly communicating projected length of procedures, what happens if the case is rejected, and procedures for return, helps to prevent additional workload from applicants asking questions or making complaints.

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Many States commit to a specific processing timeframe, thereby forcing the processing capacity to keep pace with the numbers. Such an approach may force growth of staffing to meet the actual numbers being processed, or may translate in additional demands on existing staff (or both). In some countries, after a specified period of waiting time, the applicant gets work authorization, and in others, a follow up interview to report the status of a case is automatically scheduled after the initial interview, pushing the caseworker to make progress on the case, or else to explain in person why a decision has not yet been reached in the case. Often these processing timeframes are in some sense arbitrary, meaning they are not established with reference to the actual processing capacity of the RSD institution and its staff or resources. It is then necessary for such systems to determine what staffing and resources will be required to meet the established timeframes, and systems will require

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[30] *Id.*

adequate funding so as to ensure that decisions are reached within these set periods of time, even if applicant numbers fluctuate.

What is more within the control of the institution itself is to promote a kind of 'case readiness'. Cases are often postponed because they are not ready, because something in the case is missing, whether it be proper security clearance, evidence, witness prep, medical reports, etc. Whatever the reason when it comes down to it the case was not ready to proceed on the date scheduled. A ready file results in a prepared adjudicator, a prepared claimant, and a more efficient and organized interview. One question to determine is how long does it take for a system to efficiently and fairly adjudicate a claim on average (nothing that there will be exceptions that deviate because the case is more straightforward or more complex). But a number of additional questions are also raised about how to ensure that all parties (decision-maker, claimant, and counsel) are ready to proceed within that timeframe. Maximising 'case readiness' is a requirement to effectively decrease and manage backlogs.[31] Carefully determined timelines, prepared on the basis of experience, and incorporated into performance objectives should be established.

3.1.4   *Segregation of staff functions and responsibilities*

Where RSD caseworkers need to perform a number of other functions along with their RSD work including in the context of reception and scheduling or other functions not directly related to the RSD process, the time available for actual RSD tasks can be significantly reduced. It is important to organize and segregate personnel functions to ensure consistency, and so that adequate attention can be given to each function. Staffing benchmarks including staff designations and key responsibilities should be set.[32] An RSD system may need a diverse set of personnel, depending on the context: caseworkers, assistants, interpreters, admin support staff, clerks, COI research officers, supervisors, and coordinators, among others. Further comparative research of how States designate functions and responsibilities among their teams may be beneficial, with the goal of identifying effective and efficient practice that can be shared and replicated.

BOX 4:	GERMANY*
• Some offices focus on countries of origin with a very high/low probability of receiving a protection	• Staff members from other government departments trained and on "stand-by" so that they can

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[31] For example, in Canada a pilot team is currently reviewing ways to achieve case readiness and has said, "Some postponement is inevitable, but the key to reducing postponement and situations requiring multiple interviews is 'case readiness' where an applicant is ready to proceed, the file is complete, and the case is fully prepared and ready for assessment." See response of the Immigration and Refugee Board of Canada (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

[32] While overburdening staff with heavy administrative or other functional work may result in inefficiencies and burn-out among staff, at the same time, diversifying duties and tasks may also be refreshing and increase motivation, and hence prevent staff burn-out and turn-over. Separation of staff functions, therefore, must be carefully balanced to optimize staff care and still ensure efficient case processing.

status, while others focus on more complex cases. • Digitalization of registration processes and filing management. • Usage of video systems for interpreters with a "translator hub".	be switched to the asylum department temporarily in times of very large influx, and mechanisms to call on former asylum processing staff, currently working in other areas back to the asylum office temporarily in times of very large influx. • Periodic advanced training.

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3.1.5 Management

A well-managed RSD operation or system requires managers to set clear performance targets or outputs, and assign clear division of labour among staff. Good communication internally and externally can ensure a well-coordinated office and reduce duplication of effort or unaddressed gaps. An inadequate number of committed and competent managers, or lack of adequate oversight, training or supervision of staff may compound inadequate staffing arrangements and otherwise affect efficiencies in case processing, which can contribute to backlogs. Supervision and training of the managers themselves may also be required, in particular if internal promotion (from within the team of RSD caseworkers) places those with functional RSD experience in management positions or a review capacity, who may not bring specific management experience or expertise with them.

3.1.6 Training

Preventing and addressing RSD backlogs requires well-trained RSD personnel. Newly recruited RSD caseworkers should receive intensive, high quality induction training, covering relevant areas of knowledge, skills, and attitudes. While classroom style learning may be important for certain aspects of the training, on-the-job training with supervision and feedback will be critical to ensure adequate capacity and confidence among caseworkers, interpreters and others involved in the RSD process. Distance learning and self-study training methodologies allow for individual planning of time dedicated to training. Continuing professional development will be critical with opportunities for advanced trainings on selected themes, as well as targeted trainings in response to training needs identified through ongoing supervision of case processing. The management of RSD programmes, operations or systems should be included as a training component in RSD-related training targeting RSD supervisors.

Training may sometimes be sacrificed in light of the workloads, or there may be a feeling among participants that time spent in training is time taken away from case processing. There may be a resistance to taking time away from casework for training,

but high quality, targeted training is an important factor contributing to a higher level of capacity among personnel and greater consistency in RSD decision-making

3.1.7 Performance Targets, outputs and benchmarks

It is critical that managers accurately assess long and short-term RSD staffing needs and make the best operational and strategic use of the regular and temporary or affiliate workforce in their operations. Staffing levels should take into account the segregation of functions and responsibilities, including the work of clerical and support staff, facilitating an accurate picture of the requirements for individual RSD case processing, such that adequate targets are set for individual examination of claims. Targets, outputs and benchmarks should be set for each stage of the process including reception, registration, and file management as well as first instance and appeal procedures that include time for preparation, interviewing, case assessment, decision drafting and decision delivery. It should take into account adequate leave time, and any additional non-RSD responsibilities of staff. Flexibility should be maintained, however, as particularly complicated cases, or vulnerable applicants such as unaccompanied children may take more time. This level of management cannot be imposed at the global level or as a matter of inflexible requirements, but depends on active oversight by locally present and accessible managers. Nevertheless, statistics will likely show where a particular officer is consistently working at a lower processing capacity and consider what the causes may be and what solutions can be found (such as training, a re-organization of the workload through a reduction of non-RSD work requested from RSD personnel).

3.1.8 Staff care

Exercises evaluating the well-being of RSD personnel regularly show high levels of cynicism, as one indicator of stress among RSD personnel, and often high levels of turnover. RSD caseworkers are usually exposed to heavy workloads. In addition, they interact regularly with persons who have gone through difficult experiences some of whom may be traumatized. Caseworkers need to confront credibility or fraud issues. Applicants may display strong emotions including anger and frustration. Caseworkers may work in difficult security environments. In addition, in certain RSD systems, caseworkers may have concerns over career perspectives or over public perceptions of RSD-related work. If the above factors remain unacknowledged or unaddressed, these conditions may affect the resilience of caseworkers and expose them to cumulative stress, burn-out or vicarious trauma. These conditions would likely affect the quality of RSD interviews, the fairness and accuracy of RSD decisions as well as the efficiency of the RSD process.

Unfortunately, cumulative stress, vicarious trauma and burn-out resulting in high turnover among RSD personnel are sometimes left unaddressed and accepted as inevitable among managers and staff alike. The introduction of debriefing sessions for staff, regular meetings with managers, encouragement of consultation after particularly difficult interviews, and measures aimed at improved self-care, while ensuring appropriate levels of institutional care, can help prevent or alleviate stress

while also improving efficiency for case processing, and reducing turnover among staff.[33]

3.1.9 Contingency Planning

Several States are known to have a practice of regularly cross-training personnel from other sections during times of lower influx of applicants, so that these trained staff members can be called upon in the case of a large influx. Comparatively large influxes can happen suddenly and may be difficult to predict. Temporary staff and surge rosters can provide critical capacity in such circumstances. An added bonus is the insight that temporarily deployed RSD personnel can give to an RSD system or operation with an outside perspective. Contingency planning also requires the foreshadowing of clearly defined large influx scenarios where the capacity of current RSD staffing arrangements will be surpassed, and measures will be needed to prevent or contain RSD backlogs. Such measures may include, depending on the specific circumstances and on available resources, temporary staffing arrangements, the use of temporary protection, the use of prima facie or other group-based arrangements, as well as the use of diversified case-processing methodologies for different caseloads or profiles of applicants. Further research may be needed to identify such triggers and how States initiate a "surge" as a matter of practice.

3.1.10 Screening and prioritization

Screening and prioritization procedures are always relevant, but they may be particularly relevant where the demand for protection falls well beyond the RSD processing capacity. In such circumstances, what cases will be prioritized, and how to screen for such criteria will be an important part of the RSD operation's planning. Several States are reluctant to only give priority to "easy" cases.[34] Prioritising straightforward cases may result in short-term gains, but may often be counterproductive in the long-term because the backlog will then be filled with only complex cases, which are time- and resource-intensive to resolve. Instead, difficult cases should be tracked and processed, and potentially inform the processing of similar cases in the future. Another tactic that is known to have backfired is the lowering of the quality standards applied to asylum decisions. States have acknowledged that this only shifts the burden to the appeal level, and that, on the contrary, it is critical to front-load resources and investments in order to ease and expedite processing. Where screening and prioritisation is used, it is important to frontload the collection of information at a high level of quality.[35] There are opportunities to use differentiated case-processing methodologies for different

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[33] To address this concern, UNHCR has launched a pilot-project called Duty of Care to better assess what measures can be taken to address stress, burn-out and vicarious trauma among staff working in a case processing capacity, such as registration, RSD and resettlement.

[34] See, for example, the response of Denmark which prioritizes cases based on an initial assessment of claim complexity and expected procedures. Denmark may prioritize claims from countries with a very high recognition rate, but will also continually address the principle of "first in-first out" and balance the shifting prioritization with the need to process the oldest cases first. (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

[35] See for example the response of the Netherlands (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

categories of cases, there are opportunities to use group or expedited processing, and caseload specific management techniques can be applied to manage decision-making efficiently. The persons screening and prioritizing in such procedures should be experienced caseworkers.[36]

Categorization vs. Pre-Screening:

Several States have indicated that in their experience the use of pre-screening procedures for admissibility purposes, has resulted in inefficiencies and may raise concerns about legitimacy. On the one hand, applicants with protection needs risk being screened out based on a superficial assessment. On the other hand, the level of care to avoid that applicants are wrongly screened out, would require such significant time and pressure on the caseworker that it would in essence be another first-instance decision and thus nullify any efficiency gains. Furthermore, where admissibility procedures ensure appeal, there is a great likelihood that virtually everyone will appeal, in essence resulting in the creation of an additional stage of the RSD process. However, when an initial assessment is used to categorize and prioritize among claims sorting and allocating them into different streams for differentiated case processing modalities, these steps have the potential to improve efficiency. This may have a positive impact on the most vulnerable cases with the strongest protection needs, if these cases are amongst those prioritized or accelerated. Some countries assess and allocate cases by country, geographic area, or profile, with teams concentrating and specializing on certain categories of claims, while some categorize into accelerated streams that focus on countries of origin with very high or low probability of receiving protection status, with a separate stream for more complex cases.

BOX 5:	AUSTRALIA*

- Maintains surge capacity by facilitating the temporary placement of additional staff from other parts of the Immigration Department.
- Allocates cases nationally to case officers who specialize in particular countries or types of claims.
- Triaging cases to ensure more complex matters (such as those involving complex family structures, significant criminal histories, or indications of organized fraud) are able to be supported by additional analysis.
- Prioritization of cases with particularly vulnerable applicants to

- Pre-interview preparation worksheets to ensure interviews are focused.
- Targeted COI packages.
- Undertaking health and security checks concurrently to RSD to reduce processing time.
- Making available to asylum-seekers in-language information about the protection assessment process to ensure they understand and can fully engage in the process.
- Ongoing professional development and training of officers to maintain a high level of capability.
- Use of qualified interpreters with experience in supporting the

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[36] See for example the response of Sweden (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

Poland describes regional specialization approaches, and a separation of simple and complex cases. Finland has shared that while they previously engaged in pre-screening, conducted by police or border guards, and tended to focus on identity and travel route, the law was revised because "[i]nitial assessment was no longer considered an effective measure…[and]…, and instead of using resources for screening cases, all possible resources could be directed to interviewing and decision-making."[37] In Ireland, an initial assessment is made about the complexity of the case, and complex issues are identified to a supervisor to inform the interview timing.[38] Of course, in the limited circumstances where unforeseen issues are identified later, interviews can be adjourned and reconvened. Initial review is also thought to have reduced instances of call backs for follow up interviews later.[39]

The Netherlands has described how the system has shifted from a one-size-fits-all asylum procedure, to a more differentiated approach that seeks to front-load information gathering so that the case can be sent into dedicated procedures for specific kinds of cases. Whether the case is assessed in regular or accelerated procedures, if it is too complex to conclude it is immediately referred into an "extended" procedure where there is more time for an additional interview or for additional research."[40] Accelerated procedures have less time for preparation and interviews, but the same time is otherwise available for each case including flexibility on the length of the interviews.

Frontloading

As noted above in Section 2.2.8, failing to provide applicants with information, guidance, support, and adequate time to prepare early in the process may result in poor quality applications, which may increase the burden on decision-makers, make

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[37] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

[38] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

[39] Ireland has also agreed to a published prioritization strategy for international protection applicants with UNHCR which is available on the International Protection Office (IPO) website: www.ipo.gov.ie.

[40] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

assessments more complicated and affect accuracy, and complicate the process later when attempting to review a case on appeal.[41] While it may seem counter-intuitive, slowing down at the very beginning of the process may make the process overall more efficient. This does not mean delaying the first instance process, but only ensuring an adequate minimum period for preparation before the main substantive interview is conducted.[42]

BOX 6:	POLAND*

- Front-loading procedures to reduce the time between application, first interview, and first decision.
- Establishing an RSD division in a reception centre near the main port of entry for quick and easy access to the asylum procedures.

- Computerized case-monitoring tool to flexibly assign cases and identify possible bottlenecks.
- Tracking and developing strategies to deal with the number of abandoned cases where onward movement is significant.

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Virtually every country researched noted that in order to send a case into the correct processing stream, gathering extensive and accurate information early on is critical. Several countries and UNHCR Offices highlighted the importance of front-loading investments in high-quality reception, registration, and first-instance decision-making. For example, the Netherlands has stated that "in order to differentiate between cases, a strong information position at the start of the asylum procedure is crucial."[43] Sweden shared a similar conclusion, stating that it is important to have the right type of competence upfront and take the appropriate steps from the start of the process in order for the rest of the process to run smoothly.[44]

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[41] For example, in Chile, the asylum authorities noted that the quality of applications affects what you have to work with, and may require multiple interviews and clarifications. The eligibility process takes longer and is more difficult to organize. In Chile, the system was changed through the modification of the application form and the establishment of a registration and reception unit, which provides assistance in filling out the form, and provides information on rights and duties, and how the applicant can access assistance. (Chile Presentation at the First Regional Round Table of the Americas Quality Assurance Initiative (QAI), Sao Paulo, Brazil, 28-29 August 2017.)

[42] UNHCR, *Improving Asylum Procedures: Comparative Analysis and Recommendations for Law and Practice - Detailed Research on Key Asylum Procedures Directive Provisions*, March 2010, http://www.refworld.org/docid/4c63e52d2.html (explaining that time limits imposed may be too short, given the procedural steps that need to be taken and the general circumstances of applicants, that these time limits may result in a failure to exercise the right to asylum or in incomplete or hastily-completed applications and appeals).

[43] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

[44] Id.

3.1.11 *Case Processing Modalities*

For the purpose of this document, a "case-processing modality" is defined as any individual procedure that results in a determination of whether or not the individual concerned is a refugee.[45] UNHCR uses the following case processing modalities in the context of its mandate RSD procedures[46]:

- **Regular RSD:** an RSD procedure where the applicant's claims are comprehensively examined on an individualized basis by a trained Eligibility Officer, in accordance with the UNHCR RSD Procedural Standards.
- **Accelerated RSD:** an RSD procedure which involves a substantive and individualized examination/assessment of the refugee status claim, but with an acceleration applied to all or some timelines in the RSD process.
- **Simplified RSD:** Simplified RSD refers to a RSD procedure where either the interviewing or assessment writing or both are simplified in comparison to Regular RSD. The ways in which simplification is implemented can include inter alia, the development of RSD Assessment Forms with pre-populated legal analysis and/or pre-populated country of origin information (COI), or through interviews focusing only on core issues of the claim, such as area of origin, ethnicity or religion.
- **Merged Registration – RSD:** an RSD procedure that aims to capture in one interview (1) bio data and other information normally collected during a registration interview (including e.g. basic information relating to the applicant's reasons for leaving his/her country), as well as (2) information relating to the eligibility of the applicant for international protection that goes beyond the usual dataset collected at registration, with the aim of recognition of refugee status.
- **Merged RSD – Resettlement:** a case processing modality in which the RSD and resettlement process are merged, most commonly by only conducting one, combined, RSD and resettlement interview resulting only in a completed Resettlement Registration Form (RRF) instead of both an RSD Assessment Form and an RRF. Merged RSD - Resettlement procedures eliminate the need for a separate write-up of the RSD assessment, but still involve a formal recognition of refugee status by UNHCR for cases referred for resettlement by UNHCR.

With the exception of merged RSD-resettlement, these same modalities are used by States (albeit often using different terminology), but States may also have additional modalities. Some of these are described below, but it is important to distinguish these modalities from the criteria used by States to determine which procedure to use. Concepts such as prima facie recognition, manifestly unfounded, manifestly well-founded, prioritization, de-prioritization, presumption of inclusion (or presumption of eligibility), and other similar concepts are sometimes used to decide which modality to use, but these concepts do not, or should not, be confused with case-processing

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[45] As defined in UNHCR's *Aide-mémoire & glossary of case processing terms and concepts applicable to RSD under UNHCR's mandate* (The Glossary), 2017, http://www.refworld.org/docid/5a2657e44.html.
[46] Id.

modalities; instead these concepts can inform the choice of case-processing modality. It is not a manifestly unfounded procedure, but rather it is a regular, accelerated, and/or simplified procedure with all of its procedural safeguards, into which cases that are likely to be manifestly unfounded are allocated.

As noted above, a number of countries have noted an approach that involves a differentiated approach through which cases are identified early according to different established criteria and then sent into different case processing modality streams. This differentiated approach generally prioritizes frontloading capacity, and is managed by experienced caseworkers early in the process with close supervisory support of senior caseworkers or team managers. For example, in the Netherlands "capacity was shifted upfront, in order to gather all the information that is necessary to send a case into the right track." Different streams have been created among State systems based on the Dublin Regulation in the European Union, safe third-country regulations, repeat applications, family reunification cases, presumption of inclusion streams, prioritized or de-prioritized streams, and general or extended procedures among others. In Canada, for caseloads with a recognition rate of 80% or higher, a processing modality has been established for paper-based approval by experts in 90 minutes or less per case, where cases can be bumped out to the regular process if they are complicated.[47]

Sometimes, a specialized unit is assigned to the backlog, while the regular stream continues among existing RSD personnel. The risk for such a use of specialized units is that it is not sustainable, if the root causes for the backlog are not addressed or the influx does not slow down. The regular stream would need to incorporate new tools and strategies in order to ensure that a new backlog does not form, while the specialized unit addresses the backlog. Otherwise, when the specialized unit completes their backlog reduction exercise, the situation may return to the way it was before the exercise, or a new backlog may have already returned parallel to the processing of the previous backlog. Some States have also noted that specialized units sometimes create a "special" dynamic such that there is a drop in productivity after the completion of the targets in the action plan. Furthermore, repeated backlog reduction projects undermine credibility of the procedure overall. Instead, a more fundamental reorganization may be needed. More information about backlog reduction projects can be found in Section 3.2.

Solutions for backlogs after a large influx or in response to an influx of persons of similar profiles may include group approaches. This may be where a prima facie declaration has been issued and is given effect through confirmation that individuals fall within its scope in a registration process. Another example is simplified individual processing; where a presumption of inclusion is considered to apply for certain profiles, such that RSD can be simplified to only look for confirmation of the eligible profiles rather than every element of the refugee definition. Some RSD systems implement manifestly unfounded or safe 3rd country concepts to filter certain caseloads into an accelerated and/or simplified process.

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[47] Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR.

"Accelerated RSD refers to an RSD procedure which involves a substantive and individualized examination/assessment of the refugee status claim, but with an acceleration applied to all or some timelines in the RSD process."[48] The timelines before an interview, or between interview and decision, may be shortened, but acceleration does not reduce or remove procedural safeguards. As noted above, such a lowering of standards can affect the substantive determination and often backfires shifting the burden to the appeal stage, resulting in a higher number of overturned or remanded decisions, and making determination more difficult and overall, more resource-intensive. Prioritization and frontloading remain key tools no matter what case processing modality is used.

Generally, acceleration is applied to cases of individuals identified to have specific needs, those that are likely to be manifestly well-founded, where there is an agreed upon presumption of inclusion, alongside the use of safe 3rd country or manifestly unfounded concepts. States and UNHCR have noted that even in accelerated procedures, timeframes should not be shortened beyond what is reasonable for an applicant and their legal representative to be informed, supported, and able to put forward a complete account. Adequate preparation time ensures that all elements of a claim, and all relevant evidence are put forward and considered from the very beginning so that the entirety of the circumstances can be assessed in one go.

3.1.12 Referrals, Collaboration and Outsourcing

RSD is, or should be, directly connected to identification of needs, vulnerabilities and risks; referrals for assistance; and solutions. A network of service partners well linked and coordinated, is better equipped to identify and assist persons with specific needs, vulnerabilities, and risks. Determining status is only one aspect of protection, and when a person has other, more immediate needs, they are less able to effectively participate in an RSD process.

BOX 7:	IRELAND*
- Prioritizing certain profiles or caseloads. - Prioritization approach agreed with UNHCR and publicly available. - Cooperation with UNHCR to develop accelerated checklists for applicants originating in countries where a positive outcome is likely.	- Case files are loaded to a centralized database by administrative staff chronologically by date of application for ease of access for review. - Files are allocated to staff as soon as available through the centralized database. - Training of staff from other sections to ensure maximum flexibility.

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[48] As defined in UNHCR's *Aide-mémoire & glossary of case processing terms and concepts applicable to RSD under UNHCR's mandate* (The Glossary), 2017, http://www.refworld.org/docid/5a2657e44.html.

One service highlighted by a number of jurisdictions as beneficial, was legal representation. High-quality and ethical legal representation from the start can result in significant efficiency gains and improve the accuracy of a system.[49] "In Canada, most of the claims that end up being expedited are those that are represented, because they are so well documented and in good order, that you do not need a hearing, or if you do, you only need 30 minutes or so to complete the assessment."[50]

It might sometimes seem that there is no time for outreach to, and capacity building of, local or national actors in the face of the sheer numbers of applicants. However, unless RSD is integrated in a larger system of referrals that address actual needs, it will not contribute to addressing applicants' immediate protection needs and may lose legitimacy in their eyes. A well-functioning referrals system to partners that begins with identifying individuals with specific needs and serious protection concerns, and leads to appropriate referral channels and prioritization in the RSD process is critical to ensure efficiency and effectiveness of the processing. RSD operations and systems need to prioritize outreach, awareness raising, and capacity building of local and national actors as part of the approach, so that referrals and assistance are increasingly available to address the needs of those whose claims are being processed.[51]

Certain aspects of protection-related work may be the responsibility of partners or, in the case of State RSD systems, other government or non-governmental agencies. Such collaboration not only contributes to efficiency, but in the case of UNHCR working with local partner agencies, also contributes to local ownership and capacity building. This is particularly important in a jurisdiction that is or may soon be engaged in transition of refugee protection functions including RSD from UNHCR to the State.

Finally, it has become clear through this research that there is a wealth of experience among States and UNHCR Operations and their partners that is not widely known or shared. If these systems and operations share their experiences, failures, tools, and successes, then every system would benefit. This kind of collaboration is also critical.

3.1.13 Amnesty or Regularization

Several States identified the possibility of an "Amnesty" or "Regularization process" as a form of acceptance of responsibility for overly lengthy decision-making processes, and the fact that those already present for a long-period of time, may as a matter of

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[49] UNHCR, *UNHCR RSD Procedural Standards - Legal Representation in UNHCR RSD Procedures*, 2016, http://www.refworld.org/docid/56baf2c84.html.

[50] See response of the Immigration and Refugee Board of Canada (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

[51] Asia Pacific Refugee Rights Network (APRRN), *Joint Report with Legal Aid and Advocacy Working Group (LAAWG: Strategies to Promote Protection inside and outside of RSD*, 2016, http://aprrn.info/joint-report-with-laawg-strategies-to-promote-protection-inside-and-outside-of-rsd/.

fact already have integrated locally. The use of an Amnesty (or Regularization of status) is more of a political than of a technical nature and may need to be regulated in law. Several States noted in this context that legislative changes do not often help in a sudden large influx, though they may serve to resolve a historical backlog.

BOX 8:	CANADA*

- Established a "pilot team": an isolated team (10 members, 5 admin) who pilot different strategies or tools.
- Benchmarks are not relaxed for the pilot team, but processing goals are monitored to understand the impact of any particular strategy or goal.
- Pilots are not perfectly-constructed, well-resourced projects, they are and should be messy as they are designed to try things that may not work.
- Brainstorming sessions held with all staff to collect issues, general observations, ideas, and innovations which were short-listed for pilots (solicitation of ideas is ongoing).
- Quarterly consultations held with external stakeholders to elicit ideas.

- Pilots have tried simple and complex changes, i.e.: consolidation of 3 checklists into 1; caseload ownership by the same officer through resolution; notifying counsel of available short-notice slots to cover postponements; and providing a list of issues to legal counsel in advance so that legal interventions are more targeted.
- Currently looking at high postponement rate: Do you overbook, create last minute files, increase interviews next week to offset a reduced number this week, develop a system for last-minute slots to cover last-minute cancelations or no-show cases? If the preferred approach is to 'overbook' or 'create last minute slots' a pilot team allows the system to test it first in an isolated environment and monitor its success rate.[52]

*This box includes tools and practices shared by some countries as a sample. They are not complete lists of tools used by those countries. Moreover, they are being shared for the purpose of information-sharing and exchange and inclusion here in this document is not meant as an endorsement of any particular approach to preventing or addressing backlogs.

3.2   Backlog Reduction Projects

Based on a review of past backlog reduction projects, a significant number of such projects begin and end with a surge of staff on temporary contracts who are assigned

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[52] See response of the Immigration and Refugee Board of Canada, "It would be beneficial for every system to create an environment where you can identify tools and strategies, as you go, based on the realities on the ground. Having a pilot team permanently in place would accomplish that goal." (Responses of IGC States to a set of questions related to backlog management and reduction are on file with UNHCR).

to help tackle the backlog. The objectives were often quite simply, seeking, "to clear the backlog of asylum applications." As a project usually has an implementation period with a start and end date, it has often failed to achieve its goal, because usually it is not possible for the extra staff to actually remain long enough to bring the backlog back down to zero. In some cases, the goal may also be more modest, simply seeking to reduce the backlog to an agreed upon figure, or perhaps a surge is implemented for a pre-determined period of time, with the goal of reducing the backlog as much as is possible within that timeframe. However, none of these models of backlog reduction considers how to sustain the case processing capacity beyond the project implementation period. A temporary surge in staffing is often appropriate, and is one element of a backlog reduction project, but, unless the backlog was caused by a time-limited influx in applications that can be definitely resolved and is unlikely to occur again, it must be connected to more permanent changes and improved systems and efficiencies.

3.2.1 Planning (calculating backlogs, and how to assess the causes of backlogs)

An initial planning phase would begin with a backlog analysis. Without an understanding of the backlog, the causes and contributing factors, and the actual size and stage of the backlog, it will be difficult to address.

Where information is missing, or the file is incomplete, then statistical analysis and data collection may have to be preceded by a file inventory, reconstruction, and then file review to facilitate an accurate statistical picture. Deficient filing systems, databases and other data management tools, inadequate infrastructure or inadequate management, may all result in incomplete files and a failure to track staff actions. In such situations, information is often not up-to-date and reliable, and there is a risk of duplication of effort or gaps. In such circumstances, setting up an efficient tracking system so that accurate numbers and statistics can be tracked is a critical output of the project. With effective systems, the current status of any case, what stage of the process it is in, and who is responsible at that stage, should be quickly and easily ascertainable. Getting systems up to this level may become an explicit objective of the project.

Next, the analysis would attempt to determine current processing capacity (the sum of: (applications granted + applications rejected + applications otherwise closed) for a given period of time (e.g. on an annual basis)). Ideally applications decided, and applications rejected would be analysed over a sustained period of time, at least the most recent 1 year, to understand the weekly and monthly figures and hypothesize how and why they fluctuate. Abandoned cases, naturalized persons and those with other status would be filtered out. Where staffing benchmarks exist (i.e. what is the expected output of decisions per decision-maker, as well as for all registration staff and support staff, etc.), these should be examined to determine whether they are accurate, realistic, and appropriate. Where staffing benchmarks do not exist, the establishment of benchmarks can be added to the objectives of the backlog reduction exercise and can become an output of the project.

After that, an attempt would be made to accurately calculate the backlog (the number of applications pending next to the RSD processing capacity for a sustained period of

time). The assessment would consider, for example, monthly disaggregated intake by at least country/gender/age/family composition/claim grounds. It would also look at the average processing time at each stage of the process.

Finally, the analysis will try to understand the caseload for purposes of establishing differentiated case processing. Categorizing by country or area of origin, claim grounds, etc. in order to:

➢ Understand whether different streams of simplified or accelerated processing might be possible

➢ Understand whether concepts such as prima facie or presumption of inclusion, among others, would be appropriate

➢ Understand where COI gaps or gaps in understanding may exist about a caseload in order to improve accuracy and efficiency of decision-making

➢ Understand the need for specifically assigned case processing teams focusing on specific caseload(s) and case processing modalities, including analysing the pros and cons for such set-up.

With the above data, the project can determine a baseline against which progress during the backlog reduction project can be measured. The analysis will also be used to identify strategies that can be developed for project implementation, and incorporated into existing systems with a view towards sustainability. In other words, permanent changes and new efficiencies will be implemented in the next phase (the implementation phase) that will remain in place from that point forward. The goal of the project then is not to clear the backlog, but rather, to improve processing capacity to sustainable levels.

3.2.2 *Implementation*

Part of the planning process should include a communications strategy from the earliest stages, so that those going through the process are informed about the processes and how their case may be affected. Information dissemination is best conducted through a web of well-networked service providers, including non-governmental organizations and community based organizations, so that no matter where an applicant goes in connection with protection and assistance, they are getting the same accurate information. The information campaign would begin first in advance of any of the case processing.

As previously noted, a temporary surge of staffing may be one of the tools used, particularly where the backlog has resulted from a one-time large influx that has now ended, or where the backlog itself is large, but the number of new applications month to month is more steady. A file clean-up and backlog reduction exercise conducted with surge capacity may also be appropriate where the project is designed to prepare for a larger transition such as the transition from UNHCR RSD to State assumption of responsibility for RSD. However, where the backlog is due to an ongoing influx with numbers generally beyond the current processing capacity, or where there are systemic issues, then the processing capacity will likely require new permanent staffing, and new efficiencies and processing strategies all at the same time to ensure sustainability.

The implementation phase may include many of the tools identified in Section 3.1 above. These will not be repeated here, but it is expected that a project implementation plan will be developed, and the planning phase prior to the implementation phase will have identified the relevant tools.

Partners in such a project are often limited to those within UNHCR or the Government agency itself, but broader collaboration with other actors is often beneficial. In South Africa, a previous backlog reduction project was planned and implemented in partnership between UNHCR, the Department of Home Affairs, and Lawyers for Human Rights.[53] A senior management committee was established with representatives from these three partners. Assessing and evaluating the situation, identifying tools to address the backlog, agreeing on operational modalities of the project, and monitoring project implementation with corrective measures where necessary were the focus of this committee.

Depending on the tools identified for use, the project may move into its implementation phase by starting with recruitment and training of new staff who will work in accordance with agreed upon terms of reference and staffing benchmarks. Phases may be established beginning with first instance, and followed by appeal and judicial review stages depending on the context. In some cases in the past, the International Association of Refugee Law Judges (IARLJ) has been engaged to work with both first-instance administrative decision-makers and the judiciary.[54]

Planning can be complex and imprecise; however, inappropriate staffing arrangements and levels among other systemic issues and inefficiencies have been shown to adversely affect the quality, integrity as well as rate of decision-making, while also contributing to staff burnout and turnover. Selecting backlog reduction tools, staffing requirements and benchmarks is invariably a context-specific exercise, and so this paper is not intended to provide a one-size-fits all approach. It is intended to provide adequate food for thought in the practical use of these tools. Some generic content describing the implementation of one such initiative, following a planning phase is included here:

1. **Information Campaign:** details about the objectives and processes that will be implemented through the project are communicated in writing and explained as far as is possible among all relevant service providers, community groups, and among individuals affected, to set expectations.
2. **Recruitment and Training:** Following the planning phase, and based on case-processing capacity and tentative staffing benchmarks, an adequate number of staff (both permanent and temporary) are recruited or re-assigned to the project, and on a set date, specifically designed training is conducted along with an

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[53] Jeff Handmaker, Starting with a Clean Slate? Efforts to Deal with Asylum Application Backlogs in South Africa, included in, Jeff Handmaker, Lee Anne De La Hunt and Jonathan Klaaren, *Advancing refugee protection in South Africa* (2008).

[54] See for example, South Africa in Id.

explanation of the goals and timeline of the project so that all involved are on the same page.

3. **Infrastructure and Data-Management Tools:** It is conceivable that large-scale or small-scale infrastructure development or incorporation of data-management tools may be a relevant strategy to improve efficiency of processing. In such cases, this may need to be done before other aspects of implementation begin, or it may run parallel to other aspects of the backlog reduction project.

4. **Case Processing Modalities:** Where different streams are envisioned for accelerated or simplified procedures (or extended procedures for complex cases), these are established, and those teams receive specific training and guidance on the process.

5. **COI and Support Arrangements:** COI research modalities or teams, and support staffing arrangements are established and possibly assigned to support specific streams of case processing.

6. **Coordination:** As the project launches, each office or team whether centralized or de-centralized is led by a Coordinator who is provided with a project plan and schedule according to which the adjudication of backlog cases and ongoing applications is proposed to be conducted.

7. **Monitoring and Revising:** Assigned managing coordinator(s) monitor implementation and report to a project management committee or other oversight body on a regular basis (e.g. weekly) with any proposed recalculations and issues/challenges that have arisen, so they can be addressed strategically.

BOX 9:	ECUADOR*

- Title of project: "Strengthening Administrative Refugee Status Determination Processes in Ecuador: Organization of Records, Correcting Information and Preparation of Technical Eligibility Reports".
- Project is implemented by the Directorate of International Protection, in coordination with UNHCR, with a supervisor in charge of compliance, and technical support provided by a Specialized Consultant hired for this purpose.
- Monitoring was conducted on a weekly basis next to agreed upon benchmarks, and reports submitted to the Directorate and UNHCR through narrative and quantitative information.

- 26 new employees hired with 3 specific roles: (1) review and organization of physical files and creation of digital files; (2) review of pending cases and filtering out those that were otherwise resolved or abandoned; and (3) produce eligibility reports on cases pending resolution to facilitate the decision-making process of the Eligibility Commission. Staff was trained on RSD-related topics and use of the database and was constantly monitored to ensure efficient and quality results.
- The project has significantly reduced the backlog that were registered as pending in the government database and has allowed the identification of improvement needs within the case management system.

3.2.3   Sustainability

As a backlog reduction project comes to a close, specific consideration needs to be given to how new measures will be sustained in the long-term. If temporary staff are stepping down or moving back or on to a different position, it needs to be assessed if the remaining staffing will be sufficient to ensure adequate case processing capacity. A final assessment of the most recent data on new applications and trends will be important to understand what capacity will be needed moving forward. Where new streams of case processing modalities, or new data-management tools have been introduced, these may need to be sustained and oversight should be provided. Ongoing monitoring will need to be conducted if a project management committee or other oversight body existed and is now disbanded at the end of the project. Decisions will need to be made about when to begin or cease specific case processing modalities when a new influx occurs, or arrival patterns change.

Compulsory and regular reporting of detailed RSD statistics should be ongoing as a first step in timely detecting risks and symptoms of a new developing backlog. Statistics constitute evidence of performance and identify risk indicators that should be reviewed from that perspective on a periodic basis.[55] Growth in applications will result in the need for additional staff to sustain case processing capacity. Changes in demographics may give rise to a need to develop / implement new case processing modalities for specific populations. Quality assessment and combat of fraud and corruption should be sustained as well.

Sustainability should have been one of the objectives of the backlog reduction project from the time of the planning phase. Measures designed to monitor numbers and systemic issues to see the symptoms that may lead to a new backlog, should have been included in the implementation phase. The end to the project implementation period should consider what resources will remain post-project implementation, and the best way to sustain processing capacity with the resources that will remain moving forward.

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[55] *Note for the File on factors causing RSD backlogs* (UNHCR Regional Support Hub in Nairobi, Kenya, 19 September 2008). Not available in the public domain, on file with UNHCR.