

“Challenges and Good Practices in RSD Case Management”

Case prioritization, scheduling techniques and caseload specialization | Differentiated approaches
| Use of technology to reduce processing times

Discussion paper #3: Case management approaches and backlog prevention and reduction tools

By the end of 2016, 88,056 asylum cases were pending in Latin America and the Caribbean with 58,046 of those claims pending in the nine Quality Assurance Initiative (QAI) implementing States.¹ Higher numbers of asylum applications result in pressure on asylum systems and in the accumulation of backlogs. In the QAI countries, identified factors that have contributed to current backlogs include the shortage of staff within the RSD process, funding constraints, complexities in decision-making structures (multiple levels of case processing before a final decision is reached), the automatic application of chronological order for processing claims, high rotation of staff dedicated to case-processing and the limited specialization of case workers, shortcomings in research capacity for country of origin information and for adequate preparation of case files, amongst others.

Backlogs often contribute to increased frustration and a lack of trust in the RSD process among asylum-seekers and other stakeholders, with many viewing a hefty backlog as evidence of the RSD system’s lack of competence and capacity. Negative public perceptions can contribute to the politicization of the RSD process as well as undesired tensions or polarization. Additionally, applicants with specific needs who may require prompt assistance or immediate interventions may be forced to wait long periods of time for their needs to be addressed.

RSD structures should be adequately staffed to respond to fluctuations in asylum applications with the Americas developing into a major destination for persons from within and outside the region seeking international protection. Reinforcing the capacities of RSD institutions including through the deployment of additional caseworkers may somewhat alleviate the pressures but has so far not resulted in significant backlog reductions. Additional measures need to be implemented at the system-level in order to introduce the use of triage and prioritization, more flexible and differentiated approaches as well as specialization among caseworkers. In order to reduce backlogs and prevent them from reoccurring, measures will need to be taken that strengthen both the quality and the efficiency of first-instance decision-making processes. Among the various backlog prevention and reduction tools, RSD authorities may consider:

- **Triage, prioritization and differentiation in processing of cases:** Establishing, through a solid registration mechanism, the capacity to accurately screen cases in accordance with their complexities and the existence of specific needs or protection concerns. This can feed into the use of prioritization, not bound by the order in which applicants have lodged their claims but by pre-established criteria (giving priority to e.g. cases with a high or low presumption

¹ UN High Commissioner for Refugees (UNHCR), *Global Trends for Displacement 2016*, 20 June 2017, p. 64, available at: <http://www.unhcr.org/statistics/unhcrstats/5943e8a34/global-trends-forced-displacement-2016.html>.

of inclusion), so as to organize the processing of claims more efficiently (while respecting an age, gender and diversity perspective); differentiating and, where appropriate, accelerating procedures;

- **Specialization of caseworkers:** Creating specialized units/caseworkers that will be able to deal more expeditiously with cases of specific nationalities or profiles (e.g. exclusion triggers, children, victims of trauma, sexual orientation and gender identity claims, cases of victims of gang-related violence, etc.). Specialized caseworkers should receive dedicated training to facilitate their focus on their area of expertise. While specialization of staff can contribute to the acceleration of processing while respecting due process standards, periodic rotation of functions and caseload is required to avoid burn-out and reduced motivation and performance. Rotating staff between different tasks or different thematic areas or caseloads can contribute to increased motivation and greater output;
- **Differentiated case processing modalities:** Cases with a high presumption of inclusion, or those which may be manifestly unfounded may be processed in accelerated procedures while maintaining due process guarantees. Acceleration of timelines in case processing for some categories of claimants may contribute to a reduction of overall waiting times, as resources would then be freed once the backlog is reduced. The quality of decision-making will need to be monitored closely, however, since, otherwise, the backlog may reappear at the appeals level.
- **Strengthening COI procedures and Units:** The availability of regularly updated reliable country of origin information is crucial to fair and efficient case processing. If individual caseworkers need to collect and analyze COI, this can increase processing times. On the other hand, the availability of up-to-date reliable COI can contribute to efficiencies and to more solid and consistent decisions. While not all RSD institutions may have dedicated COI Units, regional cooperation can improve COI collection, the organization of fact-finding missions and of periodic COI roundtables to discuss particular countries of origin generating claims that are common in the region.
- **Regional cooperation on capacity building:** Given the continuous need for technical capacity building at different levels, twinning programs and other exchanges can foster processing capacities and expose participating countries to good practices, in terms of both the quality and efficiency of case-processing, in other participating countries.

In light of the current increase in application numbers common to all QAI countries and beyond, and in an effort to prevent further backlogs and address existing backlogs, a joint reflection will focus on the following questions:

- Given that asylum systems design render the accumulation of backlog inevitable, what short-term structural and procedural adjustments to case-processing systems be made that promote flexibility, differentiated or accelerated case-processing modalities, or specialization of case processing? What conditions need to be in place to make such adjustments successful tools in contributing to a reduction in backlogs?
- What good practices can be adopted and what kind of regional cooperation can be implemented to foster twinning programs, exchanges, and joint capacity building efforts on procedural, substantive and COI aspects of asylum decision making?
- Are there models, tools and/or protocols that can be used to enhance the efficiency of case management, including software to accelerate the drafting of interview transcripts, RSD assessments, or final decisions and technology for electronic decision-making?