

HIGHLY CONFIDENTIAL

**(QI) QUALITY INITIATIVE PROJECT
FIRST REPORT TO THE MINISTER**

*A UNHCR review of the
UK Home Office Refugee Status
Determination Procedures*

Executive Summary

- **The Quality Initiative (QI) Project is based on the supervisory role of UNHCR under the 1951 Refugee Convention and its aim is to assist the Home Office in the refugee determination process through monitoring of both procedures and the application of the refugee criteria. It was agreed that UNHCR would make comments to the Home Office on its findings and circulate a summary of those findings in the public domain.**
- **This First Report sets out UNHCR’s findings following its audit of first instance decisions in refugee determination procedures. It builds upon the recommendations and findings following UNHCR’s initial fact finding visits and meetings with the Immigration and Nationality Directorate staff as set out in the Working Document (attached at Appendix 1).**
- **This First Report to the Minister (the ‘First Report’) has been drafted after the completion of the Implementation Phase of the QI Project. It incorporates the findings of the Working Document.**
- **UNHCR has been gratified with the level of cooperation and complete transparency with which the Home Office has implemented the QI Project. UNHCR would especially like to thank the Asylum Casework Directorate for making practical arrangements to enable the review of first instance asylum decisions to take place.**
- **UNHCR has been warmly welcomed throughout the Home Office and has appreciated the goodwill and openness shown by all involved in the QI Project.**

Key observations/recommendations

Recruitment criteria

(i) UNHCR reiterates its view that a key to improving quality in refugee status determination procedures is the recruitment and retention of highly qualified caseworkers.

(ii) UNHCR was surprised to find that there is no minimum educational requirement for internal recruitment. This is important because since February 2004 only internal recruitment has taken place and no external recruitment is envisaged in the foreseeable future. In effect there is currently no minimum educational requirement for recruitment, nor has there been since February 2004.

(iii) UNHCR urges that this basic minimum educational standard becomes official policy for all asylum caseworker recruitment whether internal or external with immediate effect.

(iv) UNHCR reiterates its recommendation that the desirable minimum qualification for an asylum caseworker should be a university degree or equivalent together with specific asylum competencies. UNHCR recommends that this be introduced as a policy for both internal and external recruitment within six months.

Training

(v) Good quality continuous training is a key to raising the quality of first instance decision making. UNHCR believes that increased and improved

training of caseworkers will enhance the quality of decisions reached and ensure their consistency. UNHCR also believes that training helps to increase the retention of expert decision makers.

(vi) It is essential that the initial training and assessment process during a probationary period ensures that those able to do asylum casework should proceed and those who do not meet the required standards are released from this area of the business.

(vii) UNHCR recommends that the initial training course (the ACT Course) concludes with competency assessments which should indicate whether a putative caseworker should proceed further with casework.

Assessment form

(viii) UNHCR believes that a composite objective assessment form should be able to give an overall measurable outcome of the caseworker's performance in decisions both to grant and refuse asylum. It should also assist senior caseworkers in providing detailed substantive and procedural comments to the caseworkers on their decision letters. In addition, it should be able to identify individual and collective training needs. This is an essential tool in quality control.

(ix) UNHCR strongly recommends the adoption of an objective assessment form as soon as possible.

Accreditation

(x) UNHCR believes that accreditation is a key to the overall improvement in quality.

(xi) UNHCR welcomes the government's insistence on the accreditation of all publicly-funded legal representatives to ensure consistency in the quality of advice given. Results of the Implementation Phase sampling exercise show that there is a similar lack of consistency in the performance of

caseworkers and their supervisors, which could be remedied in the same way.

(xii) From 1 April 2005, all newly recruited/transferred staff should undergo the appropriate level of the asylum component of the Law Society/Legal Service Commissioner Accreditation scheme. Alternatively, an equivalent in-house accreditation scheme might be considered

(xiii) For all existing casework staff, UNHCR suggests that they should be accredited to the asylum component of Level 1 of the Law Society's/Legal Service Commission's Accreditation scheme (or equivalent in-house accreditation) by the end of March 2006.

(xiv) All existing senior caseworkers should be accredited to the asylum component of Level 2 of the Law Society/Legal Service Commission Accreditation scheme (or equivalent in-house accreditation) by the end of March 2006.

Stress management

(xv) UNHCR believes that the identification and management of stress is essential for the retention of good quality asylum caseworkers. Ignoring stress can result in staff burn-out and may lead in the short term to poor quality decisions and in the long term, to high staff turnover.

(xvi) It is recommended that stress indicators be monitored on a regular basis e.g. to examine and analyse absence and turnover figures. Stress management training would usefully be incorporated as part of the regular work routine. UNHCR further suggests that senior caseworkers attend stress supervision training.

Country of origin information

(xvii) UNHCR reiterates its belief that access to good quality country of origin information (COI) together with the knowledge of how to apply such

information to the claim are keys to good quality decision making.

(xviii) UNHCR recommends as a matter of urgency that respected country research from sources such as UNHCR (position papers), Amnesty International and Human Rights Watch is made available unedited on the Knowledge Database.

(xiv) UNHCR welcomes the proposed separation between policy and COI but reiterates the need for detailed and up to date COI. UNHCR recommends that the Country Information Policy Unit be consistent in offering UNHCR the opportunity to comment on all Operational Guidance Notes.

Management

(xx) Effective management is a key to high quality and efficient decision making. UNHCR believes an efficient, holistic management structure would be beneficial to the operation of the business and could lead to cost savings.

Glossary of terms

ACD	The Asylum Casework Directorate.
ACD North	ACD office in Liverpool.
ACD South	ACD office in Croydon.
ACT	The Asylum Caseworker Training Course.
CIPU	The Country Information Policy Unit.
COI	Country of origin information.
Implementation Phase	The needs assessment phase of UNHCR’s QI Project conducted between March/April 2004 and February 2005 which included, inter alia, the sampling of ACD asylum cases.
IAA	The Immigration Appellate Authority.
IND	The Immigration and Nationality Directorate.
KD	ACD’s internal Knowledge Database.
NAO	The National Audit Office.
NAO Report	NAO’s Report: “Improving the Speed and Quality of Asylum Decisions”, Report by the Comptroller and Auditor General, HC 535 Session 2003-2004: 23 June 2004 (attached at Appendix 2).
OGN	Operational Guidance Note.
PID	Project Implementation Document.
PSA	Public Spending Agreement.
Working Group	A mechanism for identifying practical ways of moving forward on quality issues and deciding on appropriate timescales for implementation.

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Appendix 2: NAO's Report: "Improving the Speed and Quality of Asylum Decisions", Report by the Comptroller and Auditor General, HC 535 Session 2003-2004: 23 June 2004

Appendix 3: The QI Project Interim Report of 13 December 2004

Appendix 4: QI Project Monthly Reports

Background

During meetings held on 28 October 2003 with the Secretary of State for the Home Department, David Blunkett, the United Nations High Commissioner for Refugees expressed particular concern with safeguarding the quality of first instance decision making in the UK's asylum procedures. UNHCR's position is that asylum seekers as well as state parties have everything to gain from high quality first instance decisions.

The High Commissioner's meetings were followed by a submission by the London Office of UNHCR on 17 November 2003 in which UNHCR indicated that it was prepared to lend its good offices to the UK Government with the aim of achieving an improvement in the overall quality of decision making. Such a role is pursuant to UNHCR's supervisory jurisdiction as set out in Article 35 of the 1951 Convention Relating to the Status of Refugees (the Geneva Convention), and in line with the "domestic prong" of UNHCR's proposals for reforming the global asylum system.¹

On 16 December 2003, the Deputy Representative of UNHCR, Michael Kingsley-Nyindah, met with the Minister for Immigration, Beverley Hughes, to discuss how UNHCR could assist in improving the quality of first instance decision making. The Deputy Representative outlined UNHCR's proposal to provide a review of asylum decisions made by the Home Office. It was suggested that such a procedure would be combined with an overall review of the Home Office training programme for asylum caseworkers. The Minister responded positively.

The next day, a press release announcing the new asylum bill was issued by David Blunkett, in which he stated: "It is also important that we continue to improve the quality of initial asylum decision making and we intend to take up an offer from UNHCR to discuss this." Following the press release, UNHCR embarked on preliminary discussions with the Home Office to determine how UNHCR might work with the Home Office to improve the quality of its first instance decision making. It was agreed to call this the Quality Initiative (QI) Project.

During the initial Implementation Phase of the Project in March/April 2004, a needs assessment was conducted whereby UNHCR reviewed the Home Office's first instance decision making systems, including, inter alia, training programmes and interpretation and application of the Geneva Convention. It is intended to review, inter alia, interview practices and the use of interpreters in the next phase of the QI Project.

As agreed, in the Implementation Phase of the QI Project, UNHCR sampled some 50 first instance decisions per month. During this phase there were on-going discussions and meetings with ACD staff responsible for the overall management of the caseworker section and training matters. UNHCR also had discussions and meetings with caseworkers, senior caseworkers and team leaders. The following recommendations are based on both the sampling of the cases and those discussions. This First Report has been provided to the Minister on a confidential basis, although as was agreed, UNHCR will summarise its comments for circulation in the public domain.

¹ UNHCR Working Paper on "UNHCR's Three-Pronged Proposal" (UNHCR Geneva, 2 June 2003).

I - Human Resources

A Recruitment and retention of highly qualified caseworkers

Working Document Recommendations

- In UNHCR's view, the recruitment and retention of highly qualified caseworkers is essential for effective and sustainable refugee status determination procedures.
- UNHCR suggests that targeted recruitment together with an increase in academic qualifications would lead to an enhancement of the motivation and abilities of new caseworkers.
- UNHCR recommends that a university degree, together with asylum specific competencies, is the desirable minimum educational qualification for asylum casework.
- In UNHCR's opinion asylum specific job adverts, person and job specifications would lead to a more efficient job recruitment process.
- UNHCR believes that high quality training is an indispensable tool for providing and developing the skills and knowledge that are required to make sustainable first instance decisions.
- UNHCR believes that it is important to recognise stress in the workforce and provide stress management techniques and strategies for dealing with this.

1. Minimum standards for recruitment

Implementation Phase Observations

UNHCR reiterates its view that a key to improving quality in refugee status determination procedures is the recruitment and retention of highly qualified caseworkers.

Although there was a minimum academic requirement of two 'A' Levels and five 'GCSEs' (or equivalent) for the last external recruitment drive in February 2004, there appeared to be confusion as to whether this was official policy for future recruitment drives. UNHCR was given different responses upon making enquiries regarding this matter.

UNHCR was surprised to find that there is no minimum educational requirement for internal recruitment. This is important because since February 2004 only internal recruitment has taken place and no external recruitment is envisaged in the foreseeable future. In effect there is currently no minimum educational requirement for recruitment, nor has there been since February 2004.

Implementation Phase Recommendations

- **UNHCR urges that this basic minimum educational standard becomes official policy for all asylum caseworker recruitment whether internal or external with immediate effect. If this is already the policy it should be communicated effectively throughout the business.**
- **UNHCR reiterates its recommendation that the desirable minimum qualification for an asylum caseworker should be a university degree or equivalent together with specific asylum competencies. UNHCR recommends that this be introduced as a policy for both internal and external recruitment within six months.**

2. Advertising for asylum caseworkers

Working Document Recommendations

- UNHCR recommends that all advertisements for caseworkers clearly stipulate that recruitment is for asylum casework.

Implementation Phase Observations

UNHCR believes that targeted job advertising is essential to ensure the recruitment and retention of well-motivated and able caseworkers.

UNHCR has noted that there is a varied level of motivation and abilities amongst caseworkers. A number of caseworkers have informed UNHCR that they were not aware when they applied to be an Executive Officer with the Home Office that they were to become asylum caseworkers. Some have expressed the view directly to UNHCR that they were disaffected with all aspects of the decision making process and wished to move elsewhere.

Implementation Phase Recommendations

- **UNHCR believes a specifically targeted recruitment policy would be more efficient and cost effective as well as having a beneficial impact on the motivation and abilities of newly recruited caseworkers. This policy should be implemented with immediate effect.**

² Improving the Speed and Quality of Asylum Decisions – National Audit Office (NAO) Report 23 June 2004

3. Initial training and performance

Implementation Phase Observations

It is essential that the initial training and assessment process during a probationary period ensures that those able to do asylum casework should proceed and those who do not meet the required standards are released from this area of the business.

With the fall in the number of asylum seekers this is also an opportune moment to identify and release existing asylum caseworkers who are poor performers.

UNHCR observed and commented on the following initial courses between August 2004 and January 2005:

- The 11-day ACT Course (ACD South)
- The three-day Interviewing Skills Training Course (ACD South)

UNHCR identified similar training needs as those recommended by the NAO in their Report.²

UNHCR observes that the ACT course concludes with a test which does not appear to be compulsory. Furthermore, passing this test did not appear to be a prerequisite to progressing to the mentoring stage.

UNHCR has been told that there are no effective mechanisms in place for moving poorly performing caseworkers even in the first six months.

Implementation Phase Recommendations

- **UNHCR recommends that the ACT Course concludes with competency assessments which should indicate whether a putative caseworker should proceed to the initial stages of accreditation (as recommended in section 6 below). This will ensure that accreditation costs are not incurred unnecessarily. UNHCR would be pleased to offer its assistance in devising appropriate competency assessments as part of this process.**

2 The NAO Report at page 2, recommendation ix: “The Directorate should provide more training to caseworkers at the induction stage; provide more specialist training once they have experience; and update their knowledge and skills. Particular issues to cover in more depth could include: the preparation of refusal letters; understanding of human rights issues; the handling of certain types of cases, for example involving minors or victims of rape; and recent developments in the law on asylum.”

- **UNHCR welcomes the significant development of the decentralisation of Human Resources which will enable a Human Resources Business Partner to be placed within the ACD in 2005. UNHCR understands that their role will be to assist with the implementation of a new scrupulously fair but robust system for identifying and dealing with poorly performing asylum caseworkers. Again, UNHCR is willing to assist in devising appropriate objective assessments as part of this process.**

4. On-going training for caseworkers and senior caseworkers

Working Document Recommendations

- UNHCR believes that increased and improved training of caseworkers will enhance the quality of decisions reached and ensure their consistency.
- UNHCR also believes training helps to increase the retention of expert decision makers.
- UNHCR recommends that a longer training period, including research techniques, is considered.
- UNHCR recommends the initiation of an induction training programme for newly recruited senior caseworkers as well as on-going training for existing senior caseworkers.

Implementation Phase Observations

Good quality continuous training is a key to raising the quality of first instance decision making.

Training can address common areas of weakness.

UNHCR observed and commented on the following on-going training courses between August 2004 and January 2005:

- A half-day Asylum Caseworker Refresher Course (ACD North)
- A full-day Decision Making Workshop (ACD South)
- A half-day Medical Foundation Presentation (ACD South)
- A half-day Gender Awareness Workshop (ACD South)
- A senior caseworker's Training and Updating Session on the Democratic Republic of Congo (ACD South).

UNHCR observed that those responsible for identifying the training needs were not necessarily empowered to design or deliver the training.

UNHCR noted some weaknesses with the operation of IND Training College. It appeared that not all the trainers had recent casework experience. The quality of presentation was also variable.

UNHCR has observed that there are differences in the training given to caseworkers in ACD North and in ACD South although there is a degree of uniformity in some of the training material. This leads to a disparity between the two parts of the business and also causes a duplication of work which is an inefficient use of resources.

Implementation Phase Recommendations

- **UNHCR would reiterate the recommendations made in the QI Interim Report (attached at Appendix 3) that it would be beneficial to empower ACD to provide its own training by giving a budget to those responsible for identifying training needs.**
- **UNHCR and ACD are in general agreement that it would be helpful for IND College to facilitate courses with ACD supplying the expertise and trainers with current experience of refugee determination procedures.**
- **UNHCR believes that minimum standards for internal trainers should be introduced. All internal trainers should hold formal ‘training for trainers’ accreditation before they take up a training role. It is recommended that safeguards be introduced to ensure that trainers do not hold any biases against asylum seekers and refugees.**
- **UNHCR understands that there are plans for ACD North and South to work more closely together to develop common training packages and methods of delivery. UNHCR believes that this is essential and should be implemented immediately.**
- **UNHCR has provided both oral and written feedback on the above courses and would welcome the opportunity to be involved in the development of future courses in line with the recommendations as set out above.**
- **UNHCR welcomes the increased use of different external speakers who have addressed asylum caseworkers and encourages this practice to continue and expand.**

5. Assessment forms

Implementation Phase Observations

UNHCR believes that a composite objective assessment form should be able to give an overall measurable outcome of the caseworker's performance in decisions both to grant and refuse asylum. It should also assist senior caseworkers in providing detailed substantive and procedural comments to the caseworkers on their decision letters. In addition, it should be able to identify individual and collective training needs. This is an essential tool in quality control.

UNHCR believes that ACD's current sampling form (used to measure its PSA targets) cannot identify whether the correct methodology has been applied to the refugee status determination.

In addition UNHCR believes the criteria ('excellent', 'fully effective', 'less than fully effective', 'poor') are not sufficiently objective to measure accurately the overall quality of asylum decisions being taken by caseworkers. Despite consultation with ACD, UNHCR has been unable to establish one common definition of the above terms.

UNHCR believes that ACD's current sampling form cannot effectively identify individual or collective training needs.

UNHCR believes that the current system fails to identify inadequate or incompetent caseworkers and/or supervisors.

UNHCR is pleased with the progress made towards the development of a new draft objective assessment form. This form is due to be piloted by UNHCR and ACD before being finalised. It is designed to identify and assess each step of the process that an asylum caseworker should go through when determining an asylum claim. It will identify the strengths and weaknesses of individual caseworkers as well as the training needs of either a part of or the whole of the business. UNHCR believes the final version will be an essential tool in raising the quality of first instance decision making.

UNHCR has observed that due to the inadequacies of the current form there is a clear disparity between ACD's apparent achievement of meeting PSA targets and the actual quality of their refugee determination. This is evidenced in part by the number of cases overturned at appeal as noted by the NAO Report.³

- 3 See the NAO Report at page 23 of the Executive Summary: "In recent years around a fifth of all appeals have been allowed, above the rate of 15 per cent expected by the Directorate. Whilst over 80 per cent of the Directorate's work meets its own quality targets and standards, our sample of case files and refusal letters identified weaknesses in the way that some of the applications are processed, including basic errors of fact and unclear language, and a lack of ownership amongst caseworkers for the final decision once the case is passed on to the next stage."

During the Implementation Phase, UNHCR has noted many instances of claims for asylum, both well-founded and ill-founded, which have been subjected to flawed procedures. These included, inter alia, reasoning which was not sustainable; misapplication of the law; failure to refer to COI and failure to properly consider obvious European Convention of Human Rights issues.⁴ It is clear that a proportion of these claims will end up before the IAA to be properly determined (for example, in the year 2003, approximately 30 per cent of all Iranian, Ethiopian and Zimbabwean appeals against first instance decisions were allowed).⁵ This is a waste of public resources (please see the NAO's comments on this point).⁶

Implementation Phase Recommendations

- **UNHCR strongly recommends the adoption of an objective assessment form as soon as possible.**
- **UNHCR understands that PSA targets must be set for all sections of the civil service. UNHCR's research and experience dictates that a numeric scoring system is the most objective method of assessing asylum caseworker competency. UNHCR strongly recommends that a numeric scoring system be adopted to set future PSA targets in the area of asylum casework. UNHCR would be pleased to offer its assistance in devising such a system.**

- 4 UNHCR has prepared a supplementary report containing examples of the above taken from the sampling exercise ('Strictly confidential – RFRLs Causes for concern') which has been shared with ACD. UNHCR will continue to compile examples to gauge quality as necessary and will share these with ACD.
- 5 See the NAO Report figure 20, page 41.
- 6 See the NAO Report at paragraph 16, page 7: "With around three-quarters of applicants refused asylum at the initial stage appealing against the decisions, around one-fifth of them successfully, significant costs are incurred in adjudicators identifying weaknesses arising at the front end of the process."

6. Accreditation

Working Document Recommendations

- From 1 April 2005, all newly recruited/transferred staff should undergo the appropriate level of the asylum component of the Law Society/Legal Service Commissioner Accreditation scheme. Alternatively, an equivalent in-house accreditation scheme might be considered.
- For all existing casework staff, UNHCR suggests that they should be accredited to the asylum component of Level 1 of the Law Society's/Legal Service Commission's Accreditation scheme (or equivalent in-house accreditation) by the end of March 2006.
- All existing senior caseworkers should be accredited to the asylum component of Level 2 of the Law Society/Legal Service Commission Accreditation scheme (or equivalent in-house accreditation) by the end of March 2006.

Implementation Phase Observations

UNHCR believes that accreditation is a key to the overall improvement in quality.

UNHCR welcomes the government's insistence on the accreditation of all publicly-funded legal representatives to ensure consistency in the quality of advice given. Results of the Implementation Phase sampling exercise show that there is a similar lack of consistency in the performance of caseworkers and their supervisors, which could be remedied in the same way.

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations. In addition, UNHCR notes paragraph 16 of the Executive Summary of the NAO Report which calls for "an action plan which comprises ... measures to test the competency of new caseworkers." UNHCR would welcome the opportunity to be involved in the reviewing of this action plan with a view to its urgent implementation.**
- **UNHCR believes that the asylum component of the Law Society's/Legal Services Commission Accreditation scheme would be preferable to an in-house scheme but if the latter option is chosen UNHCR believes that it should be equivalent in all respects to the external scheme and should be externally audited.**

7. Salary

Working Document Recommendations

- In line with the higher recruitment requirements, UNHCR suggests the introduction of higher initial salaries. In view of the falling numbers of asylum seekers, this should now be economically viable.
- With respect to existing caseworkers, UNHCR recommends the retention of fewer specialist caseworkers and managers, who could be upgraded, thereby improving their salaries.
- The management structure could be reorganised, by way of a single line manager, which would be more cost effective and efficient.

Implementation Phase Observations

Please refer to observations and comments under section 20, 'Improved communication within casework directorate'.

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations.**
- **'Consistency and managerial responsibility of senior caseworkers' has been suggested as the subject of one of five UNHCR/ACD Working Groups. UNHCR recommends that this Working Group be established as soon as possible.**

8. Bonus Scheme

Working Document Recommendations

- UNHCR recommends that (a) IND introduce a bonus scheme with a focus on consistent output of high quality work and (b) IND should make this scheme widely known.
- UNHCR is willing to review "caseworkers' objectives" to ensure they are compatible with good interviewing and decision making from a protection standpoint.

9. Identification and management of stress

Working Document Recommendations

- It is recommended that stress indicators be monitored on a regular basis to, inter alia, examine and analyse absence and turnover figures.
- UNHCR suggests that stress management training would usefully be incorporated as part of the regular work routine.

- UNHCR further suggests that senior caseworkers attend stress supervision training.

Implementation Phase Observations

UNHCR believes that the identification and management of stress is essential for the retention of good quality asylum caseworkers.

Ignoring stress can result in staff burn-out and may lead in the short term to poor quality decisions and in the long term, to high staff turnover.

UNHCR acknowledges that the responsibility of making refugee status determinations exposes caseworkers to stress. UNHCR has developed strategies for dealing with stress amongst its own eligibility officers.

In UNHCR's experience it is essential that caseworkers who are deciding refugee claims must be working in an atmosphere which acknowledges the existence of stress and encourages open discussion of the issues.

UNHCR has been informed that at any one time a significant number of ACD staff are absent from work due to stress-related issues, some for up to five months or more.

UNHCR understands that 'care teams' were launched in ACD North in August 2004. ACD South is waiting to review the success of the teams and intends to discuss this system further.

UNHCR welcomes the invitation to attend the Stress Awareness Training in February 2005. UNHCR is pleased to have been approached to deliver a training session in ACD North on coping with stressful interviews.

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations and offers to work with ACD on this matter.**
- **UNHCR recommends that caseworkers are regularly rotated off decision making duties for a short period. Caseworkers could be usefully deployed on other non decision making duties for this week (including attending further training). One successful UNHCR model rotated caseworkers on a four-week-on, one-week-off basis.**

B Recruitment and retention of appropriately trained and qualified interpreters

UNHCR has not commenced work on this area. UNHCR offers to investigate the use of interpreters in March 2005 when the second PID is agreed. The first PID covered the period from August 2004 and was concerned with sampling only.

Working Document Recommendations

- UNHCR believes that the recruitment, retention and on-going training of qualified and gender appropriate interpreters is essential to effective interviews conducted during refugee determination procedures.

10. Recruitment

Working Document Recommendations

- UNHCR recommends that all newly recruited and existing interpreters should be industry accredited and/or have passed a dedicated assessment programme designed by the Institute of Linguistics to the Level 3 ('A' level equivalent in standard). This should be an assessment designed to comprehensively test interpreting skills.

11. Training

Working Document Recommendations

- UNHCR believes that all newly recruited interpreters would usefully be provided with initial induction training prior to their first interview. All existing interpreters should be provided with induction training as soon as possible. This training should include:
 - essential refugee terminology that is likely to be used in the asylum interview,
 - the kind of interpretation that will be required in the asylum interview,
 - the importance of faithfully interpreting what is said by the applicant and the interviewer, in the first person,
 - the impartial role of the interpreter,
 - gender, age and cultural sensitivity,
 - coping with difficult/stressful interviews,
 - possible indicators of trauma that could arise during the interview,
 - obligations of confidentiality in all aspects of the procedure.
- All existing interpreters would usefully be offered "advanced" training, on issues such as gender, age and cultural sensitivity in carrying out interpreting, dealing with difficult/stressful interviews and possible indicators of trauma that could arise during the interview.

12. Code of Conduct

Working Document Recommendations

- Each interpreter should sign an Interpreter Undertaking of Confidentiality and Impartiality to confirm their understanding and acceptance of their obligations of confidentiality and impartiality before assuming their responsibilities as a Home Office interpreter.
- Revisit the Code of Conduct for Interpreters which includes politeness to caseworkers and other interpreters but omits the applicant.
- Caseworkers have identified problems with Home Office interpreters as being a cause for concern at interview. They have detailed the following problems as being their main (but not only) concerns with some interpreters (the comments are taken from written feedback from caseworkers):
 - interpreters being rude,
 - interpreters not interpreting properly,
 - unacceptable conduct,
 - unacceptable attitude,
 - being late for the interview,
 - using mobile phones during the interview.
- A disciplinary code should be drawn up and administered by the interpreter's supervisor. Interpreters whose behaviour or interpretation is unacceptable should not be used again.

13. Gender-sensitivity

Working Document Recommendations

- Female interpreters should be assigned to interviews with female applicants and all applicants should be given the opportunity to communicate with interpreters of the gender they prefer.
- In UNHCR's experience, the advantage of gender appropriate interviewing is not only that the applicant is more likely to disclose past ill-treatment but also that the interpreter is more likely to understand the sensitivity of the issue and use appropriate language. It should further be borne in mind that many men may not disclose ill-treatment to another man.
- Every effort should be made to ensure that a sufficient number of both competent male and female interpreters is available to meet this requirement. This preference can be readily identified by a question asked at an Induction Centre or in the screening interview.

14. Skills

Working Document Recommendations

- The current practice of assuming some languages/dialects are interchangeable e.g. Farsi/Dari and not recognizing the variation in other languages by region or country e.g. Arabic/Swahili, has led to a waste of public funds due to interviews having to be abandoned or the decision overturned or nullified at appeal. UNHCR therefore recommends that the Home Office introduce a system to ensure that interpreters speak the language identified by the applicant as his/her preferred language; this must be country/tribe/clan/religion specific if it is so requested. This information should be requested at the screening interview or at the Induction Centre.
- UNHCR suggests that an audit of interpreters by caseworkers be conducted. An initial sample of 100 evaluation forms completed by caseworkers in ACD North and ACD South during a target period could be followed by smaller sampling repeated regularly over time. The later samples might concentrate on identified groups of interest e.g. specific languages, vulnerable applicants, interviews conducted in detention.
- UNHCR further proposes that a system to monitor and address stress amongst interpreters be introduced.
- UNHCR additionally suggests that an external entity should be brought in to provide training to interpreters on their role in a fact-finding asylum interview.
- The supervisor responsible for the quality of interpretation services in the determination procedure should not only be directly involved in maintaining a roster of qualified and suitable interpreters but also be responsible for the managing of training, supervision and disciplinary matters regarding interpreters. The supervisors should ensure that interpreters have the necessary skills, training and attitude to interpret effectively in the determination procedure.
- It is further recommended that an on-going audit of interpreters be introduced to be implemented by the Institute of Linguistics to Level 3 ('A' level equivalent in standard). This should be an assessment designed to comprehensively test interpreting skills.

15. Complaints

Working Document Recommendations

- Applicants with concerns about an assigned interpreter should have the opportunity to explain their concerns, in confidence. Complaint forms should be available to all applicants after each interview containing (a) a clear deadline within which a complaint should be made and (b) a named person responsible for considering the complaint.
- Every effort should be made to ensure that the interpreter assignments anticipate and accommodate reasonable concerns of the applicant.

- Procedures for comment and complaint about the services of interpreters should be clearly communicated to all applicants and IND staff.
- All complaints regarding the quality of interpretation, the impartiality or confidentiality or other matters relating the conduct of interpreters should be referred to the interpreters' supervisor. Procedures must specify responsibilities for complaints received and reporting on action taken, in accordance with a detailed complaints procedure.

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations.**
- **UNHCR welcomes the introduction of the policy of arranging gender-sensitive interviews at the request of the applicant or his/her representative. UNHCR believes that gender-sensitive interviewing and interpreting should be automatic. As noted in the recommendations above, any preference can be readily identified by a question asked at an induction centre or in the screening interview.**

II - Procedural Matters

Working Document Recommendations

- UNHCR believes that refugee determination procedures are composed of two essential elements: efficient fact finding on the individual concerned applied to accurate country of origin information.
- UNHCR feels that the effectiveness of refugee determination procedures depends on the fairness and integrity of those procedures and the quality of the decision reached.

16. Interview Standards

Working Document Recommendations

- It is recommended that Statement of Evidence (SEF) forms be relied upon for all asylum applications.
- Caseworkers should be encouraged to spend reasonable amounts of time interviewing asylum seekers.
- UNHCR recommend that whenever practicably feasible, the same caseworker who conducted the interview should draft the asylum decision.
- Senior caseworkers should randomly monitor determination interviews on a regular basis to ensure that the conduct of the caseworker and the interpreter in the determination interview meets the relevant standards for fairness and due process.

17. Practical matters relating to interviews

Working Document Recommendations

- UNHCR recommends that all asylum interviews are audio tape recorded.

Implementation Phase Observations

UNHCR has noted that during the Implementation Phase in 25% of cases the interviewer and decision maker were different.

Implementation Phase Recommendations

- **UNHCR stands by this recommendation and offers to investigate this area in March 2005 when the second PID is agreed. The first PID covered the period from August 2004 and was concerned with sampling only.**

- **UNHCR urges the introduction of a pilot on taped interviews. The objective of the pilot should be to assess the efficiency and effectiveness of taping interviews. A pilot would also facilitate UNHCR's monitoring of interviews which UNHCR offers to commence in March 2005.**

18. Gender-sensitivity

Working Document Recommendations

- Female caseworkers should be assigned to interviews with female applicants and all applicants should be given the opportunity to communicate with caseworkers of the gender they prefer.

Implementation Phase Recommendations

- **UNHCR stands by this recommendation and offers to investigate this area in March 2005 when the second PID is agreed. The first PID covered the period from August 2004 and was concerned with sampling only.**
- **UNHCR welcomes the introduction of the policy of arranging gender-sensitive interviews at the request of the applicant or his/her representative. UNHCR believes that gender-sensitive interviewing and interpreting should be automatic. As noted in the recommendations above, any preference can be readily identified by a question asked at an induction centre or in the screening interview.**

19. Country-of-origin information (COI)

Working Document Recommendations

- UNHCR believes that access to good quality COI together with the knowledge of how to apply such information to the claim to asylum are the cornerstones of good quality decision making.
- UNHCR believes caseworkers and senior caseworkers should be provided with an initial background briefing on COI as well as on-going updates directly by CIPU staff.
- UNHCR recommends a broader range of COI information should be added to the KD. As a minimum, UNHCR position papers should be made available.
- Caseworkers should be skilled and trained to do their own country research. They should be encouraged to consult a variety of COI sources and assess its relevance to the applicant's claim. They should be trained to source all references to COI.

- UNHCR would appreciate the opportunity to comment on OGNs before they are released.
- UNHCR recommends that external experts (academics, UNHCR field staff, NGO field staff) should regularly provide briefings on the latest COI to caseworkers, senior caseworkers and CIPU staff.
- CIPU staff should be encouraged to gauge comprehension/compliance with latest advisory notes through conducting regular ACD North-style “floor walks”.
- CIPU reports should be separated from policy and be more objective as suggested by the independent Advisory Panel to CIPU.
- Caseworkers have identified a lack of current COI and maps as causes for concern in their interviews. Efforts should be made to remedy this, e.g. by making UNHCR’s *Refworld* country database available for caseworkers.

Implementation Phase Observations

UNHCR reiterates its belief that access to good quality COI together with the knowledge of how to apply such information to the claim are keys to good quality decision making.

UNHCR welcomes the fact that caseworkers and senior caseworkers are given initial background briefing on their KD.

UNHCR is disappointed to note the narrow range of COI on the KD. This is limited to the Country Report, usually an OGN and the occasional Bulletin. The only information on the KD which is not edited in-house is the US State Department Report. UNHCR has conducted some research on the available COI on a range of different countries and is currently drafting a report on its observations to share with ACD and CIPU. UNHCR’s preliminary conclusion is that the available COI is frequently both out of date and inadequate for refugee status determination.

UNHCR notes with concern that some decisions (both grants and refusals) do not make any reference to COI.

UNHCR was pleased at the interest shown by ACD and CIPU in UNHCR’s presentation of December 2004 on the current situation in Iraq. UNHCR encourages ACD to initiate similar presentations from a wide range of organisations.

UNHCR believes that the COI on the KD is neither sufficiently detailed nor up to date to allow a caseworker to make a determination.

UNHCR has noted that internet access is completely unsatisfactory rendering this crucial research tool obsolete.

Implementation Phase Recommendations

- **UNHCR recommends as a matter of urgency that respected country research from sources such as UNHCR (position papers), Amnesty International and Human Rights Watch is made available unedited on the KD.**
- **UNHCR welcomes the proposed separation between policy and COI but reiterates the need for detailed and up to date COI.**
- **UNHCR recommends that CIPU be consistent in offering UNHCR the opportunity to comment on all OGNs. This would be an efficient way of preventing UNHCR's position being explicitly misrepresented (e.g. Liberia Country Report, October 2004 and Eritrea April 2004).**

20. Improved communication within casework directorate

Working Document Recommendations

- UNHCR understands that the Home Office has identified a problem with their internal mail system and would urge that this is reviewed and improved so as to decrease time delay and loss of correspondence.
- UNHCR suggests that the team structures be reviewed. The roles of team leader and senior caseworker could be merged. This would allow for one line manager with total line management responsibilities which would include all personnel matters.
- UNHCR recommends that senior caseworkers (Higher Executive Officers) should be placed on the same floor as their caseworkers.
- All caseworkers should have access to case law updates. Senior caseworkers should communicate changes in case law to team by e-mail and at team meetings.
- UNHCR welcomes the initiative taken by ACD North in implementing 'The Investor in People' (IIP) programme by allocating 50% of a staff member's time to monitoring adherence to the award. UNHCR recommends the IIP award as a suitable benchmark of good practice.

Implementation Phase Observations

Effective management is a key to high quality and efficient decision making.

UNHCR believes an efficient, holistic management structure would be beneficial to the operation of the business and could lead to cost savings.

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations. ‘Consistency and managerial responsibility of senior caseworkers’ has been suggested as the subject of one of five UNHCR/ACD Working Groups.**

21. Targets

Working Document Recommendations

UNHCR’s experience indicates that asylum systems benefit from a measure of flexibility as regards time limits and other procedural parameters and recommends that:

- Case production targets are useful as management tools but should always be kept at reasonable levels.
- Meeting and exceeding quality targets should be emphasized as opposed to simply meeting quantity targets.
- Consideration be given to a fast track procedure for manifestly well founded claims to asylum.

Implementation Phase Recommendations

- **UNHCR stands by these recommendations.**
- **‘Procedures to deal with testable evidence (procedure for manifestly well founded claims to asylum)’ has been suggested as the subject of one of five UNHCR/ACD Working Groups.**

22. Complaints

Working Document Recommendations

- UNHCR recommends that applicants with concerns about an assigned caseworker should have the opportunity to explain their concerns, in confidence.

- UNHCR suggest that procedures for comment and complaint about the services of caseworkers should be clearly explained to all applicants. Information on the procedures should also be communicated to all IND staff.
- All complaints regarding:
 - (a) the quality of the caseworkers,
 - (b) their impartiality,
 - (c) confidentiality,
 - (d) other matters relating to the conduct of the interview, should be referred to the senior caseworker. Procedures must specify responsibilities for complaints received and reporting on action taken, in accordance with a detailed complaints procedure.

Implementation Phase Recommendations

- **UNHCR stands by this recommendation and urges its early implementation.**

III - Monitoring and review of decision making

In UNHCR's experience, a fair and efficient asylum system should place equal emphasis on speed and high quality. UNHCR welcomes concrete proposals made by the Home Office to improve the quality of first instance decisions in refugee determination procedures.

UNHCR appreciates the spirit of transparency shown by the Home Office to facilitate its monitoring role and to provide constructive feedback on an on-going basis.

Working Document Recommendations

UNHCR recommends the following objectives for the short to medium term:

- UNHCR understands that all out-going decisions are peer-reviewed to identify obvious inaccuracies and errors in drafting. Instead of current *ad hoc* measures, UNHCR would encourage random distribution of decisions under the auspices of the line manager.
- The pilot programme aimed at exposing caseworkers to IAA deliberations on their decisions should be regularised.
- The outcome of all appeals should be tracked as an integral component of quality control.
- Each caseworker should receive monthly feedback on all of their decisions under appeal on a one-to-one basis.
- The instances of senior caseworkers observing interviews conducted by caseworkers should be increased. UNHCR suggests monitoring on the basis of senior caseworkers sitting in on the interview as well a random review of the record of the interview. In instances when oral interviews are monitored, caseworkers should not be given prior warning (not more than absolutely necessary to facilitate the process).

Implementation Phase Observations

UNHCR's reiterates its belief that a fair and efficient asylum system should place equal emphasis on speed and high quality. UNHCR welcomes concrete proposals made by the Home Office to improve the quality of first instance decisions in refugee determination procedures.

UNHCR has noted obvious inaccuracies and errors in drafting which indicate that the current *ad hoc* measures of peer review are not working satisfactorily.⁷ UNHCR strongly recommends that a system be put in place to ensure that letters are effectively proof read before being dispatched in order to demonstrate that ‘anxious scrutiny’ has been applied.

UNHCR has noted a certain degree of hesitation by ACD to acknowledge any relevance of appeal statistics to the quality of first instance decisions. UNHCR recognises that other factors affect the outcome of asylum appeals but endorses the NAO’s comment that “One indicator of the reliability of the initial decision making process is the number of appeals allowed by adjudicators”.⁸

During feedback sessions UNHCR has identified that some caseworkers do not acknowledge their role as decision makers and perceive that decision making responsibilities rest with the IAA. This was also highlighted by the NAO Report which identified: “a lack of ownership amongst caseworkers for the final decision once the case is passed on to the next stage”.⁹

UNHCR endorses the findings of the NAO that: “The Directorate could improve performance by preparing caseworkers better for making decisions; reviewing some decisions more frequently before they are dispatched; and improving the feedback to caseworkers on the outcome of appeals”.¹⁰

Implementation Phase Recommendations

- **UNHCR stands by the above recommendations and offers to investigate this area in March 2005 when the second PID is agreed. The first PID covered the period from August 2004 and was concerned with sampling only.**

7 UNHCR has prepared a supplementary report containing examples of the above taken from the sampling exercise (‘Strictly confidential – RFRLs Causes for concern’) which has been shared with ACD. UNHCR will continue to compile examples to gauge quality as necessary and will share these with ACD

8 See the NAO Report page 38, paragraph 4.6.

9 Ibid page 9, paragraph 23 of the Executive Summary.

10 Ibid page 10, paragraph 25 of the Executive Summary

23. The audit by UNHCR over the short, medium and long term

Implementation Phase Observations

UNHCR has completed the Implementation Phase of the QI Project and has audited approximately two per cent of asylum decisions made by ACD (North and South) since August 2004.

The QI Project will continue to audit first instance decisions but in the next phase offers to initiate a review of, inter alia, interviews and interpreters.

UNHCR has been gratified with the level of cooperation and complete transparency with which ACD has implemented the QI Project.

UNHCR has been warmly welcomed throughout ACD and has appreciated the goodwill and openness shown by all involved in the Project. The Implementation Phase of the Project has run extremely smoothly as a result.

24. Relationship with external parties

UNHCR has a long tradition of cooperation with NGOs in the field throughout the world. This relationship is most helpful in keeping UNHCR abreast of national issues of concern. UNHCR regards its independence as paramount: its relationship with NGOs is one of consultation and not one of influence.

- UNHCR will continue to discuss the proposal informally with concerned parties in general terms and may incorporate relevant input provided.
- UNHCR will hold meetings for NGOs as the scheme progresses to discuss issues at a general level and to take questions on the state of the QI Project. These discussions will be made with full regard to confidentiality regarding asylum applicants as well as Home Office staff.