

The New Asylum Model

March 2007

1. Background

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

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

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

The main objective of the NAM is to conclude an increasing proportion of asylum cases within six months leading to either integration or removal. The Home Office seeks to achieve this through segmentation, faster processing and case ownership.

(i) Segmentation

The idea behind segmentation is that cases can be sorted at the screening stage according to their basic characteristics. When first announced, the model had nine proposed segments but since NAM has been operational this has been simplified and there are now only five segments.

Segmentation determines the processing, management and support arrangements for each individual case, including:

- the speed at which a person's asylum claim is processed;
- how they are directly assisted to access legal advice;
- the type of accommodation where they are required to live (for example, in a detention centre,

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

- accommodation blocks close to a reporting centre or more remote accommodation);
- how and when they are required to remain in contact with the case owner, that is, how often they are required to report in person and whether they are subject to electronic monitoring by voice recognition or tagging (the compulsory wearing of an electronic monitoring device on the ankle). Compliance with these requirements is a condition of continuing financial support.

The five segments are:

Table 1: NAM Segmentation

Segment	Definition
1. Third country	People who the Home Office believes have, or could have, applied for asylum in a third country and are thus deemed ineligible for asylum in the UK ² . Some of these people are detained whilst others are not.
2. Minors	This segment applies to unaccompanied minors and children in families who apply in their own right. Separated children may require a social services assessment to confirm their age and if they are accepted as a minor they are accommodated by social services.
3. Potential non-suspensive appeal (NSA) ³	Nationals from one of the 16 countries designated as generally 'safe' countries. Cases are considered on their merits but may be certified as clearly unfounded in which case the right of appeal has to be exercised from outside the UK. Individual asylum seekers may also be certified clearly unfounded and attract only the NSA right. Some people in this segment are detained whilst others are not.
4. "Late and opportunistic"	People who apply for asylum after (a) overstaying former leave (b) an extension of leave is refused (c) having applied despite have existing leave remaining d) have been arrested for illegal working e) applying after having been a dependant of a refused asylum applicant. Some people in this segment are detained whilst others are not.
5. General casework	Cases from the general caseload that do not come into any of the other segments. Some may be detained.

(ii) Faster processing

The amount of time generally expected for processing a case depends on the segment the case is in and on whether or not the applicant is detained. The assessment process is accelerated by removing the statement of evidence form (SEF) process⁴ in adult cases and generally reducing the time to the initial asylum decision. Expected times allowed vary according to the type of case (See Table 2 below). Faster procedures had been previously operated in the Detained Fast Track for men at Harmondsworth Removal Centre and piloted for some non-detained cases in the North West Project⁵. The Detained Fast Track for women started in May 2005 at Yarl's Wood Removal Centre. In June 2005 a faster process for non-detained asylum cases in segments 3 and 4 began in Liverpool and Croydon.

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

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

⁴ Under the SEF process asylum seekers are given 10 days to complete a detailed questionnaire about their asylum claim.

⁵ The North West Project was a scheme to run accelerated asylum procedures in a non-detained context. The pilot began in December 2004 in Liverpool and was subsequently subsumed into the New Asylum Model in Liverpool.

The general casework segment five started for non-detained cases in Leeds and Solihull in June 2006. In this segment the SEF is also no longer in use, but more time is allowed for interviewing and decision. In the minors segment the SEF is retained and additional time is allowed⁶.

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

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

Segment	Screened	First Reporting ⁷	Asylum interview	Decision Served	Appeal	Removal ⁸
1. Third Country ⁹	1	N/A	N/A	N/A	N/A	N/A
2. Minors	1 ¹⁰	10	25	35	35-115	N/A
3. NSA Detained	1	1	2-3	3-4	Post removal	
NSA Non detained	1	2	5	11	Post removal	
4. Late &/or Opportunistic Detained	1	1	2-3	3-4	9-10	After 10
Late &/or Opportunistic Non detained)	1	2	5	11	11-91	After 91
5. General casework	1	3	8-12	20	20-100	After 100

The expectation under the NAM is that for general cases (segment five) the asylum decision will generally be served within 20 working days (before the introduction of the NAM, 75% of claims were decided in two months) and that an increasing proportion of cases (rising to 90% in December 2011) will be entirely completed – by integration or removal - in six months.

(iii) Case Ownership

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

- Case managing each applicant to ensure that the claim is processed within the expected timescale.
- Deciding whether status should be granted, handling any appeal, dealing with asylum support, setting and managing reporting and other contact management arrangements, supporting integration, arranging re-documentation, and arranging voluntary or enforced removal.
- Making all decisions on eligibility, payment and cessation of asylum support. For those within the NAM these decisions are now made by the Case Owner rather than NASS¹¹ Caseworkers.

The Home Office intends that applicants whose claims are processed under the NAM will as far as possible receive the decision on their claim and on any appeal in person when reporting to their Case Owner who will explain it's implications and the options available to the applicant. Detention to effect

⁶ From 5th March 2007 only minors will be given a SEF to complete.

⁷ To Case Owner

⁸ This assumes the claim is refused and there is an appeal – clearly it would be quicker if there is no appeal.

⁹ Note that Segment 1 Third Country cases are not processed as asylum claims and so do not have a comparable processing schedule.

¹⁰ Children are also given a SEF form for completion and return within 20 working days

¹¹ National Asylum Support Service no longer formally exists – its functions are now known as Asylum Support and the duties are the responsibility in their cases of the NAM Teams.

removal may be used in the case of failed applicants at the end of the appeal process where the applicant does not agree to return home voluntarily.

3. Implementation

The Home Office's intention is that from the 5th March 2007 all new asylum applicants will come within the NAM. Any case not formally within the NAM by the 5th March 2007 will be dealt with by the separate Legacy Directorate (see below).

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

These teams are located as follows:

Table 3: NAM non-detained team locations

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

The London teams are based in central and west London.

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

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

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

4.1 Positive aspects of the NAM

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

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

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

(ii) **Trained and accredited Case Owners at higher (HEO) grade.** All Case Owners are being re-trained and will be accredited once they have received training¹². The Home Office expects that accreditation should begin by April 2007, once the NAM is fully operational. The Refugee Council strongly welcomes these initiatives. We believe that high quality training and accreditation are essential if the quality of asylum decision making is to be improved¹³.

(iii) **The proposed 'flexibility' document.** This guidance is expected to enable more flexible timescales for interviewing and making decisions about some asylum seekers' claims, including vulnerable clients or those with particularly complex cases. The Refugee Council welcomes the introduction of such flexibility and the fact that a Case Owner will have sufficient authority to discuss the timing of the process with an asylum seeker's representative and make amendments where these are required to ensure that a case can be fully presented. (But see also our concerns under negative aspects).

4.2 Negative aspects of the NAM

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

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

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

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

The speed of the process also creates problems for lawyers in terms of having sufficient time to obtain evidence and to prepare their client's case. They may feel that it is imperative that they seek further information but simply not have time to do it and the asylum seeker will suffer as a result¹⁴.

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

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

(iii) **Segmentation can be arbitrary and is difficult to challenge.** The Refugee Council is concerned that decisions to place asylum seekers in fast track segments before their claim has been

¹² For the NAM the Home Office developed a new and comprehensive 55 day training package for Case Owners and involved Non Governmental Stakeholders with appropriate expertise in the delivery of this training.

¹³ See also the first UNHCR Quality Initiative report of February 2005 which recommended accreditation <http://www.ind.homeoffice.gov.uk/6353/aboutus/unhcrreport1.pdf> (Accessed 1/9/06)

¹⁴ See for example BID (July 2006) *Working against the clock: inadequacy and injustice in the fast track system*. This report highlights the problem of how very rapid procedures can undermine a solicitor's ability to represent their client.

Other Refugee Council publications are available at www.refugeecouncil.org.uk

heard runs the risk of prejudging the outcome of asylum claims. This risk is most clearly evident in the segment labelled 'late and opportunistic' claims. We are concerned that such pejorative terminology assumes that the asylum claim is likely to be without foundation before any assessment has been made of the reasons for making a late application. There are many situations in which asylum claims are not made immediately for good reason, or are made following refusal of other forms of leave¹⁵.

(iv) **Flexibility.** Whilst the Refugee Council welcomes the fact that Case Owners will be in a position to implement timescales flexibly, we believe that it is essential for guidance to be issued. This guidance should specify the criteria for the exercise of flexibility and should include allowing arrangements to be made to consult a solicitor and ensuring that interviews can be gender sensitive.

(v) **The pace of implementation.** The Refugee Council is concerned that the Home Office's timetable for implementation of the NAM has been too tight to ensure that all elements of the model are well thought through and essential infrastructure is in place. At a very practical level, fundamental resources, such as briefings for clients and Induction Centre staff, have not at the time of writing (February 2007) been updated to reflect the NAM, despite the fact that the Leeds and Solihull segments commenced in June 2006.

The Home Office should immediately produce updated briefings and DVDs for asylum seekers and induction staff in order to reflect the substantial changes that have been introduced to the decision making and support arrangements under the NAM.

5. Asylum decision making

The NAM's stated aims are 'to speed up the asylum process and build on the significant progress the Government has already made in reducing applications and increasing removals. The new process seeks to deliver faster outcomes and manage cases to their conclusion in a quicker timeframe'¹⁶. The emphasis is on faster processing leading in the majority of instances to rapid removal. The Refugee Council, however, believes that the success of the NAM must ultimately be judged according to whether or not it provides protection to refugees fleeing persecution.

We are concerned that to date, there has been little evidence of substantial improvements in the quality of decision making, or of any profound change in the underlying "culture of disbelief" that has permeated Home Office decision making for many years¹⁷. Feedback from voluntary agencies involved in NAM implementation to date indicates that Case Owners appear to be more concerned with adhering to rigid timetables, than with exercising flexibility in the interests of reaching an appropriate decision on an individual's asylum claim. We note that the United Nations High Commissioner for Refugees is currently assessing the quality of decisions made within the NAM and urge the Home Office to implement the recommendations that have been made by the UNHCR Quality Initiative to date¹⁸.

¹⁵ For example, a senior Home Office official confirmed that a woman who had relied on her husband's asylum claim until it was refused before disclosing her rape in her own claim would be treated as "late and opportunistic". This would be so even if the reason for non disclosure was that she had never disclosed the rape to her husband because of the stigma attached to doing so.

¹⁶ Home Office Press Release 18th January 2006 *New Asylum Model: Swifter decisions – Faster removals*
<http://press.homeoffice.gov.uk/press-releases/new-asylum-model-swifter-decisio>

¹⁷ For evidence about the quality of decision making and the culture of disbelief see the second UNHCR Quality Initiative Project Report July 2005 <http://www.ind.homeoffice.gov.uk/6353/aboutus/unhcrreport2.pdf> (accessed 1/9/06)

¹⁸ The UNHCR Quality Initiative Report published in May 2006, whilst acknowledging progress that has been made in improving decision-making, nevertheless identified shortcomings as basic as case workers misunderstanding the Convention itself; confusing the Refugee Convention and the European Convention for Human Rights; making of assumptions; failing to take account of material submitted in support of an asylum claim; having little regard for gender guidelines; asking leading or confusing questions as well as shortcomings in the supervision of case workers.

6. Access to legal advice

6.1 General legal arrangements under the NAM

The Home Office has been working with the Legal Services Commission to ensure that there is rota of solicitors available to provide initial legal advice to asylum seekers in each segment area outside London¹⁹. However, the shortness of some of the timescales, combined with the stress and disruption of dispersal, makes arranging adequate legal advice and representation problematic for many asylum seekers. There is no guarantee that a solicitor will see an asylum seeker before their interview and solicitors are not funded to be present at the interview to ensure the case is fully presented. Furthermore if, subsequent to the interview, the solicitor or asylum seeker identifies vital areas of the asylum claim that have not been covered by the interview, or further evidence that should be obtained to support the claim, there is no guarantee that it will be considered by the Case Owner or that timescales will be relaxed to allow for this to happen.

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

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

Some flexibility was initially demonstrated by Case Owners, but as the number of cases has increased with full implementation it has been difficult for the LSC rota to arrange for an asylum applicant to see their solicitor before, rather than after, their interview. The Refugee Council is concerned that this defeats the aim of ensuring good quality decision making at the outset. Teams should not be required to stick so rigidly to timetables that solicitors see their client for the first time the day after they have been interviewed.

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

6.2 Merits Test

Solicitors representing asylum seekers at appeal, whether in NAM or the old system are only able to access legal aid to represent an asylum seeker whose case they assess as having more than a 50% chance of succeeding at appeal. This assessment is known as 'the merits test'. Under all new Legal Services Commission contracts, legal representatives are required to reach a target of 40% success in the asylum cases they represent at appeal. This means suppliers are required to achieve double the current average success rate²⁰.

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

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

¹⁹ There is no rota in London – asylum seekers are simply given a list of contracted solicitors firms.

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

6.3 Pre screening advice

The Home Office is developing a model for the provision of general advice to asylum seekers before they are screened and placed into the asylum system. This advice would be general in nature and information is intended to be non case specific. The Refugee Council is in favour of this proposal in principle as we believe that early advice can play an important role in ensuring that asylum seekers are provided with essential information about the asylum determination process and can thus prepare themselves accordingly. For example, this advice may play a role in the early identification of minors or torture survivors, or could be used to advise women of their right to apply for asylum in their own right. We await a revised proposal from the Home Office that will make it clear how this pre screening advice will relate to the existing roles of induction services²¹ and legal representatives.

6.4 Solihull pilot project

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

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

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

This pilot proposal started in October 2006 and will run for six months before being evaluated. Outcomes will be compared to the cases being processed in Leeds²² (a control group) and agencies such as the Refugee Legal Centre and Asylum Aid are involved in the evaluation.

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

7. Implications for vulnerable asylum seekers

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

Our specific concerns about vulnerable groups are:

i) **Women** may find it difficult to disclose particularly sensitive elements of their asylum claims in the short timescales provided. They may be unable to access adequate advice and may not have sufficient time to obtain appropriate help. They may also lack the confidence necessary to apply for asylum separately from their spouse. Guidance on the handling of women's cases involving rape, sexual violence, female genital mutilation or domestic violence must be explicit and built into the proposed flexibility guidance document²³.

²¹ Induction information about the asylum process is currently provided by voluntary sector agencies after initial screening

²² There is a rota of solicitors funded to advise asylum seekers in Leeds but they are not guaranteed to see their client prior to the substantive interview nor, when they do, are they funded to attend the interview itself.

²³ The 3rd UNHCR Quality Initiative Project Report commented that scant regard appeared to be paid by existing caseworkers to the Home Office's own gender guidelines. For example in only three cases out of 20 were women interviewed by women. *"UNHCR is particularly concerned to have observed a number of non-gender appropriate interviews where the subjective evidence available prior to the interview indicated the claims raised gender sensitive issues such as rape, sexual assault, forced marriage or domestic violence"*.

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

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

We are pleased however that it has been announced that where there is a question of age dispute these cases will now be treated as children's cases until the matter has been resolved.

iii) **Victims of torture** may receive insufficient support within the NAM. Tight timescales and a lack of legal representation may hamper asylum seekers' ability to obtain medical evidence to support their claim. Although there is an Asylum Policy Instruction (API)²⁴ on how to deal with victims of torture, the Medical Foundation has expressed concern that the API appears not always to be followed and some NAM Case Owners make inappropriate clinical judgements. The Medical Foundation is further concerned that not all torture survivors are referred to them because of the difficulties of late disclosure where people find it difficult initially to talk about their experiences. Such difficulties are compounded by very rapid procedures.

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

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

8. Management information

One persistent failing of the implementation of NAM to date is the lack of any clear statistics that demonstrate progress and impact. Such information is crucial in assessing the progress in the NAM and needs to be far more comprehensive. One limited set of figures was produced in September 2006 and a second set has been circulated in January 2007 but these did not show, for example, the rate at which claims are being processed and hence whether the new procedures are working effectively.

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

²⁴ See the Asylum Policy Instruction *The Medical Foundation for the Care of Victims of Torture*
<http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/medicalfoundation.pdf?view=Binary>

9. Legacy cases

Although considerable effort and resources have been directed at making the NAM fully operational by March 2007, as of 20th February 2007 only 65% of new cases were being allocated to a NAM Case Owner. The aim is to increase this 100% of cases by 5th March 2007.

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

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

Following the Home Secretary's announcement all Legacy Cases are to be resolved by June 2011²⁵. This means that approximately 10,000 cases a month will have to be processed. To cope with this demand the Legacy Team staff will be increased from 60 to 1,000 forthwith.

The Home Office intends to send all these legacy cases a questionnaire to update the information held by the Home Office in order to decide what action is appropriate. This could lead to a further interview if it is believed that the additional information could constitute a new asylum claim. Questionnaires have to be returned within 14 days and failure to return the questionnaire will lead to closure of the case. The Home Office has however acknowledged the need to be flexible about the time allowed, given the long period of time some asylum seekers have waited for an outcome on their case.

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

*"We will also deal with the legacy of older cases that have yet to be fully resolved. We plan to do this within five years or less. We will prioritise those who may pose a risk to the public, and then focus on those who can more easily be removed, those receiving support, and those who may be granted leave. All cases will be dealt with on their individual merits"*²⁶.

Which cases will get priority within these broad categories is unclear. At present the Legacy Directorate has one team working on individuals who pose a risk to the public and one on separated children. The Legacy Directorate will also prioritise possible Article 8 human rights cases (e.g. rights to family life); possible fresh claims and applications for leave in line with a family member who already has leave. The few questionnaires that have gone out so far have been sent to Ethiopians and Afghans on Section 4 support, since people in receipt of Section 4 support are a priority²⁷.

Cases will be identified by computer, checked on the Police National Computer, sent a questionnaire and allocated to a Case Owner as in the NAM model.

The Refugee Council has some concerns about the questionnaire.

- a) there is one standard letter for all cases. This is not appropriate. The letter should be personalised and contain detail relevant to each individual case
- b) the letter should have the name of a Case Owner so that asylum seekers or their representatives have someone with whom they can discuss the case.

²⁵ See " Fair, effective, transparent and trusted Rebuilding confidence in our immigration system Home Office July 2006 <http://www.ind.homeoffice.gov.uk/6353/aboutus/indrev.pdf>

²⁶ Ibid Para 2.10

²⁷ Payments are made to destitute asylum seekers at the end of the process under Section 4 of the 1999 Asylum and Immigration Act. The Home Office is keen to minimise this additional expenditure by removing people as soon as possible. Other Refugee Council publications are available at www.refugeecouncil.org.uk

c) the letter should be translated as it asks quite complex and far reaching questions about the person's asylum claim and people may not appreciate its full significance. (The Home Office has agreed an explanatory leaflet could be translated, but this has not yet been done.)

d) The leaflet should recommend that people seek legal advice about completion and provide information about how to find it. People who have reached the end of the process may have lost contact with their lawyer and may find it difficult to find one to advise them.

10. Refugee Council recommendations

1. All applicants should have adequate time to seek legal advice and properly prepare their claim prior to being interviewed. Timescales should not be affected by judgements as to how easy it will be to remove an asylum seeker should their claim be rejected.
2. All applicants should be provided with a Statement of Evidence Form in order that they have an opportunity to set down clearly the basis of their claim. This is particularly important where they are unable to see a lawyer prior to their interview.
3. The term "late and opportunistic" is judgemental and should be dropped.
4. The Home Office should immediately produce updated briefings and DVDs for asylum seekers and induction staff in order to reflect the substantial changes that have been introduced to the decision making and support arrangements under the NAM. This should include briefing for those likely to be involved in the children's segment – both legal representatives and social services.
5. All accelerated procedures should be designated as fast track, allowing for legal representation at the initial interview. Legal representation should also be available for appeals and should not be subject to any merits test.
6. Procedures need to be sufficiently flexible in order to protect vulnerable applicants. Guidance on the use of this flexibility should be written down in the form of a flexibility document to ensure that it is transparent and consistent. This should refer specifically to gender sensitive arrangements being grounds for the use of flexibility.
7. Priority should be given to the production of robust management information that can demonstrate progress and outcomes within the NAM.
8. Legacy cases should receive a personalised letter advising them of their position, explaining the purpose of the update and advising them to seek advice about the completion of the questionnaire. An advice leaflet should be enclosed translated into appropriate community languages.