

Asylum Seeker Case Resolution

Scrutiny Inquiry Report

Introduction and Scope



1. Introduction

1.1 In July 2006 the Home Secretary made a statement to clear a backlog of 450,000 legacy records relating to pre April 2007 unresolved asylum cases by July 2011.

1.2 The priorities for this case resolution programme was to focus on those who pose a risk to the public, those who could more easily be removed, those in receipt of UK Border Agency (UKBA) support and those who may be granted leave to remain.

1.3 The programme was initially to be undertaken over several tranches. The first tranche began in October 2007 and focused on supported family cases over 4 years old. This was due to be completed by March 2008. There were approximately 1,060 families in the first tranche in Yorkshire & Humberside, with 279 of these being in Leeds. This made up a total of 981 individuals, with approximately 95% of all these cases being resolved through the granting of status. However, for Leeds this time frame had slipped and we learned at the start of our inquiry that approximately 5% of the original cohort were still awaiting resolution. We

understand that these have all now been resolved.

1.4 The UKBA have now taken a decision to not proceed in tranches that focus on specific groups and instead will be resolving records on an ongoing basis across all family structures and support mechanisms.

1.5 Concerns about the overall management and potential impact of the case resolution programme on Council services and on the city as a whole were brought to the attention of the Scrutiny Board by the Executive Member for Neighbourhoods and Housing at the beginning of the municipal year. We therefore agreed to investigate this matter further.

2.0 Scope

2.1 The purpose of our inquiry was to make an assessment of and, where appropriate, make recommendations on the following areas:

- Assess the impact of positively resolved cases upon housing provision by the authority and the private rented sector;
- Assess the impact of the case resolution process upon homelessness figures;

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- Consider the details of the Government's case resolution policy and process in a Leeds and wider regional context;
- Assess the possible service requirements as the case resolution process develops;
- Consider the impact of case resolution on the placement of asylum seekers across the city and explore links with existing community cohesion policies.

2.2 As well as meeting with internal officers to discuss the impact of the case resolution programme from the Council's perspective, we also recognised the need to meet with other key external partners involved in driving forward and managing the programme on a wider scale. This would enable Scrutiny to understand their roles and also allow them the opportunity to raise any particular issues.

2.3 We therefore welcomed the involvement of the UK Border Agency and the Yorkshire and Humber Regional Migration Partnership in our inquiry. We were also pleased to learn that, to their knowledge, Leeds is the first local authority in the region to conduct an inquiry into the case resolution programme.

Our inquiry was therefore welcomed.

2.4 The target set by the government to clear the backlog of legacy records by July 2011 clearly places additional pressures on local authorities to respond accordingly. Whilst we are very confident in the skills and commitment of officers within the Council to manage such pressures, our inquiry has demonstrated a wider need for all key partners to work more closely together in order to achieve this for Leeds and across the region and therefore many of our recommendations are focused around strengthening such partnership working in the future.

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3.0 The need for more accurate local baseline data

3.1 At the beginning of our inquiry, we were informed that the initial information provided by UKBA had indicated that there are approximately 3500 records for Leeds which will require resolution before 2011. However, the term 'records' was very significant as we learned that this was not necessarily referring to individuals. These records could relate to families and therefore involve more than 3500 individuals.

3.2 We also noted that these figures do not necessarily relate to actual cases either and that the work undertaken so far during this programme projects that more than 40% of these records will be either "ghosts" (those individuals who cannot be located by UKBA and are believed to be no longer residing in the UK), duplicates, or administrative errors.

3.3 After learning about the Council's experience in dealing with the initial family tranche, it was evident that more accurate baseline data on cases to be resolved as part of the case resolution programme, including projections of likely resolutions and timeframes, would have enabled the Council to assess the impacts upon housing

provision and homelessness figures and plan the management of these cases more effectively.

3.4 We acknowledge that the majority of these legacy cases will have already been determined and are therefore now awaiting final resolution. However, in view of the potential for cases to be identified as "ghosts", duplicates or administrative errors, particular importance was placed on UKBA sharing its projections around likely resolutions and timeframes with local authorities.

3.5 At the beginning of our inquiry, we noted that requests for detailed projections and core information from UKBA were still being greeted with a reluctance to share due to data protection concerns. We therefore raised this issue with UKBA during our inquiry.

3.6 Representatives from UKBA explained that from an operational perspective, it was imperative for them to ensure the accuracy of such data before it is shared with local authorities. Whilst it was highlighted that UKBA had started to share this information with the Yorkshire and Humber Regional Migration Partnership, there was an acknowledgement

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that UKBA needed to work more closely with the Council in providing all necessary information that will assist in the management and future planning of these cases.

- 3.7 In relation to the data protection concerns that were raised with the Council, UKBA explained that this should not be an issue and again gave a commitment to ensuring that every effort would be made to provide projections and planning information to local authorities.
- 3.8 However, at the time of concluding our inquiry we learned that UKBA had still not provided the information requested. In view of this, we recommend that the Regional Director of the UK Border Agency ensures that accurate baseline data on cases to be resolved as part of the case resolution programme is provided directly to the Council as a matter of urgency, as well as details around projections of likely resolutions and timeframes.
- 3.9 We also recommend that the Director of Environment and Neighbourhoods proactively pursues any delays in receiving this information on behalf of the Council and for Scrutiny to also be kept informed of any data quality issues in future.

Recommendation 1

That the Regional Director of the UK Border Agency ensures that accurate baseline data on cases to be resolved as part of the case resolution programme is provided directly to the Council as a matter of urgency.

Recommendation 2

That the Regional Director of the UK Border Agency ensures that details around projections of likely resolutions and timeframes are shared with the Council regularly to allow officers to assess potential impacts and plan the management of these cases more effectively.

Recommendation 3

That the Director of Environment and Neighbourhoods proactively pursues any delays in receiving the baseline data and projection details with the UK Border Agency on behalf of the Council in future.

Recommendation 4

That Scrutiny is kept informed of any data quality issues relating to the case resolution programme in future and receives annual update reports on this matter.

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4.0 Allowing sufficient time and resources for the Council to deal with referred cases.

4.1 As well as receiving accurate baseline data and projection details, the Council should also be given sufficient time and, where necessary, additional resources to manage any referred cases effectively.

4.2 Whilst we acknowledge the UKBA decision to resolve case resolution records on an ongoing basis and not to proceed in tranches that focus on specific groups, we would still expect to see a phased approach adopted for all case referrals in order to allow sufficient time for the Council to respond accordingly without undue pressure. This should also apply to other initiatives and programmes which local authorities are required to respond to, such as the New Asylum Model (NAM).

4.3 We understand that applications made after 5th March 2007 will now come within the NAM. The main objective of this model is to conclude an increasing proportion of asylum cases within six months leading to either integration or removal.

4.4 We noted that whilst UKBA are concluding about 60% of cases within the six month period, their target had now been increased

to conclude 75% of cases within six months by 31st December 2009.

4.5 During our inquiry, we were also made aware of the High Court judgement around Zimbabwean asylum applications, which stated that those individuals who are returned to Zimbabwe and are unable to demonstrate that they are supporters of, or loyal to, the Zimbabwe African National Union – Patriotic Front (ZANU-PF) would be at increased risk. We learned that UKBA were expected to deal with these cases as a priority and that the case resolution programme cases were to be resolved over the year to 31st March 2009. The UKBA regional teams were therefore assessing the numbers of cases that needed to be considered, which were thought to be around 322 across the region, and would liaise with local stakeholders, including the Council, once confirmed.

4.6 It was noted that in addition to the case resolution Zimbabwe cases, there would also be a cohort of Zimbabwe NAM cases to be resolved as a priority. However, these cases were separate to the normal NAM processes and therefore were not required to be resolved within the six month period.

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4.7 It was recognised that this enhanced programme would clearly place additional pressures on local authorities housing and homeless services which UKBA needed to take into account. At the time of concluding our inquiry, we were therefore pleased to learn that the Council had received information regarding grant claims for additional resources towards the management of these cases.

Recommendation 5

That the Council be given sufficient time and, where necessary, additional resources from the UK Border Agency to effectively manage any referred asylum seeker cases.

4.8 It was also brought to the attention of UKBA that the Council supports a large number of failed asylum seeker cases under the provisions within the National Assistance Act and Children Act due to them having depended children or satisfying the destitute plus criteria.

4.9 Whilst the Council had previously requested that UKBA prioritise these cases to relieve some of the local authority financial pressures, we learned that no further progress had been made. When we raised this issue during our inquiry,

UKBA agreed to work with the Council in chasing up these particular cases but highlighted that a large percentage of these should now have been resolved. However, at the time of concluding our inquiry, we again noted that no progress had been made.

4.10 In light of the Council's previous attempts to work with UKBA in ensuring that an early agreement on progressing these cases is sought, we recommend that a deadline of August 2009 be given to UKBA to resolve such cases. Where this is not achieved, we recommend that the Chief Executive of the Council writes to the Immigration Minister setting out the Council's concerns about the lack of progress made by UKBA in resolving these cases.

Recommendation 6

That a deadline of August 2009 be given to UKBA by the Council to resolve those case resolution asylum seeker cases which fall under the provisions within the National Assistance Act and Children Act.

Where this deadline is not achieved, we recommend that the Chief Executive of the Council writes to the Immigration Minister setting out the Council's concerns about the lack of progress made by UKBA in resolving such cases.

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5.0 Acknowledging the role of the Yorkshire and Humber Regional Migration Partnership

5.1 We learned that the Yorkshire and Humber Regional Migration Partnership (YHRMP) is the new name for what used to be called the Yorkshire and Humberside Consortium for Asylum Seekers and Refugees. The Partnership is made up of Local Authorities, key regional agencies and other stakeholders working within the Yorkshire and Humberside region.

5.2 It was explained that the Partnership has a number of roles covering enabling, integration and central contract management. Funded by a grant from the UK Border Agency, the Partnership tries to ensure that agencies across the region provide appropriate and accessible advice, services and support for asylum seekers, unsuccessful asylum seekers, new refugees and migrant workers. Its activities therefore include a strategic leadership and co-ordination role; policy work; providing and sharing information; awareness raising; and encouraging and supporting organisations in the region to work together on issues and projects relating to asylum seekers, refugees and migrants.

5.3 Reference was also made to the Partnership's Strategic Migration Group (SMG) responsible for national and regional decisions that reflect the wider views of partners; policy work; and providing strategic leadership and advice for the region.

5.4 We therefore questioned how Elected Members are able to influence or share opinions around the strategy work of the SMG and was informed about the Yorkshire and Humber Local Authority Member Group. This was established last year and has representation from all Local Authorities in the region. Historically the focus has been very much on the 10 Local Authorities involved in the accommodation contract, but this group is currently being expanded to cover all 22 Local Authorities in the region. It was noted that the Leeds representative on this group is the Executive Member for Neighbourhoods and Housing. Any issues raised by this group are fed back to the SMG for consideration.

5.5 In view of the enabling role of the YHRMP, there is an expectation for UKBA to liaise closely with the Partnership's Strategic Migration Group about future initiatives so that any issues may be discussed and mechanisms put in place to help manage the

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smooth running of such initiatives at both a regional and local level.

5.6 However, we learned that whilst information about such initiatives is always shared with the Partnership, issues have been raised in the past around the timing of receiving such information. Previously the Partnership has been given very little time to act upon the information received from UKBA before such initiatives are implemented.

5.7 It was also highlighted that the Partnership would often need to press UKBA to release more information to them regarding such initiatives and that sometimes even local authorities would find out information about certain initiatives before the Partnership.

5.8 In relation to the case resolution programme in particular, we were informed that as a region, the Partnership has written to Phil Woolas, Minister of State for Borders and Immigration, setting out their concerns about the overall impact of the programme on the region as a whole, as well as the restraints on resources to deliver the programme and the tight timescales in which to do so.

5.9 Whilst local authorities continue to value the role of the

Partnership as a representative body and intelligence research hub for the region, it is clear that UKBA also needs to acknowledge the effective role of the Partnership and to strengthen its communication links with the Partnership in future.

Recommendation 7
That the UK Border Agency acknowledges the effective role of the Yorkshire and Humber Regional Migration Partnership and strengthens its communication links with the Partnership in future.

6.0 Strengthening partnership working

6.1 As a result of our inquiry, we have identified a wider need for all key partners across the region to work more closely together in terms of sharing information, assessing potential impacts and planning the management of cases more effectively.

6.2 UKBA also acknowledged the importance of the policy division within the Home Office to work more closely with the operational division in ensuring that policies are deliverable and that all partners work more closely together to help address

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any conflicting policies or concerns locally.

- 6.3 We were pleased to learn that from January 2009 all local authority areas were assigned a named Case Resolution Directorate case owner to which cases in each area will be allocated. The role of the case owner is to allow much closer working between local authorities and UKBA, enabling clearer communications and any issues or concerns to be addressed quickly and directly.
- 6.4 It was also highlighted that the first Local Immigration Team in the region was launched in Newcastle during January 2009 and that further Teams would be rolled out across the region between now and December 2011.
- 6.5 However, whilst acknowledging that communication links between the Council and UKBA are slowly beginning to improve due to the introduction of the case owner role, we noted from YHRMP that the feedback from other local authorities about the services received from the case owners was very inconsistent.
- 6.6 During our inquiry, we also acknowledged the difficulties in the relationship between the Council and the private providers contracted to provide

housing for asylum seekers across the city. These were based around the inherited problems of distribution (particularly in Leeds) and the reluctance of some private providers to fully engage with the local authority. One of the problems highlighted was around some private providers issuing notifications for failed asylum seekers to leave their property within the 28 day notice period but not informing the Council in advance of this notice to enable alternative plans to be put in place.

- 6.7 It was highlighted that the YHRMP also had little power over the private providers and whilst some providers are not as forthcoming as others, it continues to try and encourage more open dialogue between all relevant parties.
- 6.8 To assist in improving relationships, it was suggested that UKBA may wish to include within the contract specifications a statement clarifying that such providers are required to liaise with the local authority otherwise this would be seen as a breach of contract. However, UKBA highlighted that within its commercial division, there is a contracts team managing this process to ensure that providers

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are delivering to the terms set out within their contracts.

6.9 Overall, there was a general acknowledgement that partnership working is vital if we are to deliver on the case resolution programme, or any other initiatives, as a region.

6.10 We therefore recommend that the YHRMP takes a lead role on producing a joint action plan with the UK Border Agency, aimed at strengthening the communication links between all key partners across the region and that the Regional Director of the UK Border Agency plays a proactive role in overseeing the delivery of this action plan and reports back to the Strategic Migration Group on its delivery.

Recommendation 8

That the Yorkshire and Humber Regional Migration Partnership takes a lead role on producing a joint action plan with the UK Border Agency, aimed at strengthening the communication links between all key partners across the region and that the Regional Director of the UK Border Agency plays a proactive role in overseeing the delivery of this action plan and reports back to the Strategic Migration Group on its delivery.

7.0 Section 4 support

7.1 During our inquiry, particular reference was made to those asylum seekers in receipt of Section 4 support from the UKBA who qualify for the case resolution programme. We learned that Section 4 support is provided in the form of self catering accommodation with vouchers to the value of £35 per week to purchase food and essential toiletries, and is provided to a failed asylum seeker who is destitute and also satisfies one or more of the following conditions:-

- They are taking all reasonable steps to leave the UK or to place themselves in a position where they are able to leave the UK, e.g. sign up for a voluntary return or demonstrate that they are complying with attempts to obtain travel documents to facilitate departure;
- They are unable to leave the UK because of a physical impediment to travel or for some other medical reason;
- They are unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available;

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- The provision of accommodation is necessary for the purposes of avoiding a breach of their human rights.
- 7.2 It was highlighted that many people have remained on Section 4 support for extended periods of time, often running to years, even though the regulations provide for a 3 monthly review of an individual's circumstances to satisfy the Home Office that an individual is still eligible for continuing Section 4 support.
- 7.3 In September 2008, UKBA had announced that the Case Resolution Directorate team in Yorkshire & Humber and North East would be reviewing the continuing entitlement to support all those individuals currently supported under Section 4 in the region, between 3,000 – 4,000 cases across the entire region (approximately 800 in Leeds).
- 7.4 We learned that the review of these cases will not be combined with a resolution for most and that when an individual's Section 4 support is terminated, they are expected to either return home voluntarily or be removed.
- 7.5 We were therefore very concerned about the implications of this approach, as we believe that individuals whose support is terminated could potentially 'disappear' and work illegally to support themselves thus creating difficulties in regard to knowing where individuals are to enable their cases to be successfully resolved through removal or the granting of status.
- 7.6 We noted that such individuals are likely to remain in Leeds given that no other local authority is obliged to support them as the legal responsibility remains with the metropolitan district they originated from. We therefore raised concerns about the welfare of these individuals, particularly in relation to their ongoing health needs and living accommodation given their vulnerability and limited options available to them.
- 7.7 The extent of this problem was again difficult to quantify and monitor given that there is no real data available relating to these individuals. References were made to the Council's Housing Enforcement Team as they were more likely to pick up any issues raised about poor housing conditions within the private rented sector. We therefore ensured that such matters would be raised as part of our separate inquiry into Private Rented Sector Housing,

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which was also being conducted this municipal year.

7.8 In acknowledging that it was the responsibility of the Home Office to remove those individuals whose applications had been declined, we were informed that the Council had sought assurances from UKBA that they had prepared for these difficulties and put in place a strategy for monitoring these individuals and maintaining contact. Whilst this was not clarified by UKBA, the understanding was that a case could be resolved as a “ghost” record when no contact or record of an individual can be found for over 6 months. However, we felt that a ‘ghost’ record did not necessarily mean that the individual had left the area. We therefore raised our concerns with UKBA as part of our inquiry.

7.9 Representatives from UKBA explained that when a decision is taken to terminate Section 4 support, every effort is made to work with the individual in ensuring that they are returned back to where they had originated from in a fair and compassionate manner.

7.10 However, where individuals have refused to maintain contact, we learned that UKBA had links into other information

systems to help track these individuals, with the most valuable link being with local authority housing departments.

7.11 Whilst we acknowledge that the number of individuals who are tracked and removal action taken is rising, we would still recommend that the UKBA works with the Yorkshire and Humber Strategic Migration Group to explore alternative options for dealing with those individuals no longer eligible for Section 4 support with the aim of promoting a more cooperative approach.

Recommendation 9

That the UK Border Agency works with the Yorkshire and Humber Strategic Migration Group to explore alternative options for dealing with those individuals no longer eligible for Section 4 support will the aim of promoting a more cooperative approach.

8.0 The allocation of asylum seekers to Leeds

8.1 During our inquiry, we questioned whether limitations were put into place with regard to the numbers of asylum seekers allocated to Leeds and were informed about the existing Cluster Policy for the Yorkshire and Humber region.

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This policy makes it clear that cluster numbers are to be proportionate to the settled populations of the district and that an absolute cluster limit of 1:300 of the general population is agreed for each local authority area.

- 8.2 Within Leeds it was noted that 2,501 is the maximum number allocated under this guide and that the city is at around 78% of its capacity as of the end of January 2009. It was highlighted that the regional Asylum Impacts Group, which is part of the wider YHRMP structures, is responsible for monitoring this policy and is currently in the process of re-drafting the written cluster guidance. In view of this, importance was placed on ensuring that such guidance does not conflict with the Council's policies around community cohesion and equality.

Recommendation 10
That the Council works closely with the Regional Asylum Impacts Group to ensure that the regional cluster guidance does not conflict with the Council's policies around community cohesion and equality.

- 8.3 We also questioned whether UKBA had undertaken any

impact assessment of their management of the case resolution programme in regard to equality and cohesion. It was explained that whilst research of that nature is carried out by other elements of the Home Office rather than UKBA, the local work that is carried out by the Asylum Impacts Group would involve issues around community cohesion.

- 8.4 Where asylum seekers are being allocated to Leeds, it was felt that there needed to be systems in place to target 'cluster areas' and provide for a greater choice of housing accommodation throughout the city.

- 8.5 There was an acknowledgement that the existing joint working arrangements between UKBA and the Council could be built upon to help achieve this outcome and that UKBA would consider how more control over the distribution of private sector providers could be achieved to also deliver this outcome.

Recommendation 11
That the Council continues to work closely with the UK Border Agency to ensure that systems are in place to target 'cluster areas' and provide for a greater choice of housing accommodation throughout the city.

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9.0 Regional and local integration strategies

9.1 Particular importance was placed on the work carried out by the YHRMP around integration as a whole and it was highlighted that the YHRMP was launching its Regional Integration Strategy following wide consultation with asylum seekers, refugees and other partners which helped to inform this strategy. It was hoped that this strategy would also be used on a local level too. In acknowledging this, we recommend that the wider issues around regional and local integration strategies are explored further by Scrutiny in the future.

Evidence



Monitoring arrangements

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

Reports and Publications Submitted

- Report of the Director of Environment and Neighbourhoods presenting evidence in line with session one of the Board's Inquiry – 27th October 2008
- Report of the Head of Scrutiny and Member Development presenting a summary report of the working group – 27th October 2008
- Report of the Head of Scrutiny and Member Development presenting a summary report of the working group – 9th February 2008
- Summary report of the working group meeting held on 27th February 2009

Evidence



Witnesses Heard

- Sharon Hague, Asylum Services Manager, Leeds City Council
- Tom Wiltshire, Head of Housing Needs and Options, Leeds City Council
- Lelir Yeung, Head of Equality, Leeds City Council
- Mervyn Millington, Yorkshire and Humber Public Sector Group Contract Manager (part of the Y&H Regional Migration Partnership)
- Steve Lamb, Regional Operations Director, North East, Yorkshire and the Humber Region, UK Border Agency
- Steve Trimmins, Deputy Director Operations – Asylum, North East, Yorkshire and the Humber Region, UK Border Agency

Dates of Scrutiny

- 13th October 2008 – Scrutiny Board Meeting (agree terms of reference)
- 27th October 2008 – Scrutiny Working Group Meeting
- 10th November 2008 – Scrutiny Board Meeting
- 22nd January 2009 – Scrutiny Working Group Meeting
- 9th February 2009 – Scrutiny Board Meeting
- 27th February 2009 – Scrutiny Working Group Meeting
- 11th May 2009 – Scrutiny Board Meeting (agree final inquiry report)