

**Scrutiny Board (Environment and Neighbourhoods)
Inquiry into Asylum Seeker Case Resolution**

Summary report of the working group meeting held on 22nd January 2009

1.0 Introduction

1.1 A working group of the Board met on 22nd January 2009 to consider evidence in line with session two of the Board's Inquiry into Asylum Seeker Case Resolution.

1.2 Session two of the Board's inquiry focused on the following areas:

- An assessment of the possible service requirements as the case resolution process develops;
- Assessment of the impact of case resolution on the placement of asylum seekers across the city and links with existing community cohesion policies;
- Assessment of any identified equality impacts.

1.3 The purpose of this meeting was also to meet with representatives from the UK Border Agency (UKBA) in order to gain a better understanding of their role and also to raise with them some of the issues arising from session one of the inquiry such as the quality of data provided from UKBA to the Council around cases to be resolved as part of the Case Resolution Programme.

1.4 The Yorkshire and Humber Migration Partnership is made up of organisations from the statutory, voluntary, community and private sectors within the Yorkshire and Humberside region. Unfortunately a representative from the Partnership was unable to attend this working group meeting and therefore it was agreed that they would be invited to attend a future working group meeting as part of the inquiry.

1.5 The following Members and officers attended the working group meeting to discuss these issues:

- Councillor Barry Anderson, Chair of the Scrutiny Board
- Councillor Ann Blackburn
- Angela Brogden, Principal Scrutiny Adviser
- Tom Wiltshire, Head of Housing Needs and Options
- Sharon Hague, Asylum Services Manager
- Lelir Yeung, Head of Equality
- 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

1.6 A summary of the key issues raised by the working group is set out below.

2.0 Main issues raised

Baseline data provided to local authorities

- 2.1 During session one of the inquiry, the Scrutiny Board learned that nationally there was a backlog of 450,000 legacy records relating to pre April 2007 unresolved asylum cases which the government aims to clear by July 2011. Information provided by the UK Border Agency (UKBA) indicates that there are approximately 3500 records for Leeds that will require resolution before 2011. However, it was acknowledged by the Scrutiny Board that the term 'records' was not necessarily referring to individuals and indeed may not necessarily relate to actual cases either as 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.
- 2.2 It was clear that more accurate background data on cases to be resolved as part of the Case Resolution Programme, including projections of likely outcomes and timeframes, would allow Leeds City Council to assess impacts and plan the management of these cases. In view of this, the representatives from UKBA were asked if this information was now available and whether it could be shared with the Council?
- 2.3 In response, it was highlighted that from an operational perspective, it was imperative for UKBA to ensure the accuracy of such data before it is shared with local authorities. However, there was an acknowledgement that UKBA needed to work closely with the Council in providing all necessary information that will assist in the management and future planning of these cases. It was noted that requests for detailed projections and core information requests were still being greeted with a reluctance to share due to data protection concerns. UKBA stated that that was not and should not be the case and repeated its commitment to ensuring that every effort would be made to provide projections and planning information to the local authorities.
- 2.4 Also during session one, it was noted 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. As many of these cases fall into the Case Resolution Directorate criteria, it was noted that it was impossible to assess the potential costs which may derive from these approaches without understanding how many cases will have their support ceased, what needs those families and individuals have and how long following cessation of support before their case is fully resolved.
- 2.5 It was noted that the Council had previously requested that UKBA prioritise these cases to relieve some of the local authority financial pressures, but that to date this has not happened. In response, 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. It was agreed the local authority had forwarded this information on previously, but would update and repeat this to ensure that an early agreement on progressing these cases would be sought.

- 2.6 In terms of providing baseline data and projections, it was noted that UKBA had begun to share this information with the Yorkshire and Humber Regional Migration Partnership and therefore should be able to provide this to the Council.
- 2.7 Since session one of the inquiry, the working group noted that all local authorities now have a named Case Resolution Directorate case owner to which cases in each area are allocated. It was reported that officers have met with the Council's case owner and that communication links are now beginning to improve due to the introduction of this role.
- 2.8 It was also highlighted that the first Local Immigration Team in the region was being launched in Newcastle during January 2009 and that further Teams would be rolled out across the region between now and December 2011, however, specific locations had been identified and are in the process of being evaluated before being publicised.

Dispersal of asylum seekers

- 2.9 The working group questioned whether limitations were put into place with regard to the numbers of asylum seekers allocated to Leeds. In response, reference was made to the existing Cluster Policy for the Yorkshire and Humber region. 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.
- 2.10 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 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 did not conflict with the Council's existing policies around community cohesion and equality.
- 2.11 The working group questioned whether UKBA had undertaken any impact assessment of their management of the Case Resolution Directorate 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.
- 2.12 It was also noted in the meeting that Leeds was seeing a small but significant increase in the number of Eriteans refugees approaching Leeds following determination of their claims in another part of the country. UKBA agreed that

this could be best discussed within the Impacts Group in the first instance with a view to potentially reviewing the dispersal arrangements.

- 2.13 Where Asylum Seekers are being allocated to Leeds, it was felt that there needed to be systems in place to ensure an even distribution of those Asylum Seekers across all constituencies within the city. UKBA representatives felt that joint working was required between themselves and the Council to help achieve this. It was accepted that this was in place and could be built on. They would consider how more control over the distribution of private sector providers could be achieved to deliver this outcome.

Section 4 support

- 2.14 During session one of the inquiry, the Scrutiny Board learned about Section 4 support from UKBA which is provided to failed asylum seekers who are destitute and satisfy certain criteria in terms of their inability to leave the UK.
- 2.15 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).
- 2.16 The Scrutiny Board had noted 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. Concerns were therefore raised about the implications of this approach, as it was believed that many individuals whose support is terminated will 'disappear' and work illegally to support themselves.
- 2.17 In acknowledging that it was the responsibility of the Home Office to remove those individuals whose applications had been declined, the working group questioned how UKBA were monitoring these individuals and maintaining contact? In response, the representatives from UKBA explained that when a decision is made 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. However, where individuals have refused to maintain contact, the working group was informed that UKBA had links into other information systems to help track these individuals, with the most valuable link being with local authority housing departments. It was highlighted that the number of individuals who are tracked and Removal action taken is rising.

Relationships between the Council and local private sector housing providers

- 2.18 Particular reference was made to the relationship between the Council and the private providers contracted to provide housing for asylum seekers across the city. It was noted that there continue to be difficulties 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. To assist in improving this relationship, 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. UKBA highlighted that within its commercial division, there is a contracts team managing this process to ensure that providers are delivering to the terms set out within their contracts.

New Asylum Model (NAM)

- 2.19 In February 2005, the government published a five-year strategy for immigration and asylum which included the development of the New Asylum Model (NAM). The aim of the NAM is to introduce a faster, more tightly managed asylum process with an emphasis on rapid integration or removal. Applications made after 5th March 2007 will come within the NAM. The objective of NAM is to conclude an increasing proportion of asylum cases within six months leading to either integration or removal.
- 2.20 It was reported to the working group that whilst UKBA are concluding about 60% of cases within the 6 month period, their target had now been increased to conclude 75% of cases within 6 months by 31st December 2009.
- 2.21 During the working group meeting, references were made to the recent 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, ZANUPF would be at increased risk. It was acknowledged that the UKBA regional teams are currently assessing the numbers of cases that need to be considered, which are thought to be around 322 across the region, and will liaise with local stakeholders, including the Council, once confirmed. It was also highlighted that such cases are not linked to the service standards of NAM and therefore are not required to be resolved within the 6 month period. UKBA expected to deal with these cases over the year to 31st December 2009. It was noted that as with the initial phase of CRD that this enhanced programme would place additional pressures on local authorities housing and homeless services which UKBA needed to take into account.
- 2.22 It was considered that once staff have completed the legacy work within the Case Resolution Programme, it was likely that this resource would be used to process NAM cases.

Importance of partnership working

- 2.23 Towards the end of the meeting, importance was again placed on ensuring that communication links with the Council and UKBA remain open and that when policies are being developed by the Home Office, the local authorities are kept well informed. The representatives from UKBA also highlighted the

way in which the policy division within the Home Office are working more closely with the operational division in ensuring that policies are deliverable and that all partners need to work more closely together to help address any conflicting policies or concerns locally.