



Report of the Head of Scrutiny and Member Development

Scrutiny Board (Environment and Neighbourhoods)

Date: 8th February 2010

Subject: Asylum Seeker Case Resolution - Recommendation Tracking

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Introduction

- 1.1 During 2008/09, the Environment and Neighbourhoods Scrutiny Board conducted an inquiry into Asylum Seeker Case Resolution and published its final report in May 2009.
- 1.2 In September 2009, the Board considered the formal response to its inquiry recommendations and at that stage was pleased to note that a number of recommendations had already been achieved.
- 1.3 This report shows progress against the outstanding recommendations arising from the Board's inquiry.
- 1.4 A standard set of criteria has been produced to enable the Board to assess progress. These are presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required.
- 1.5 To assist Members with this task, the Principal Scrutiny Adviser has given a draft status for each recommendation. The Board is asked to confirm whether these assessments are appropriate, and to change them where they are not.
- 1.6 Representatives from the Council's Refugee and Asylum Service, Yorkshire and Humber Regional Migration Partnership and UK Border Agency will be attending today's meeting to present this update and answer any further questions from Members.

2.0 Recommendations

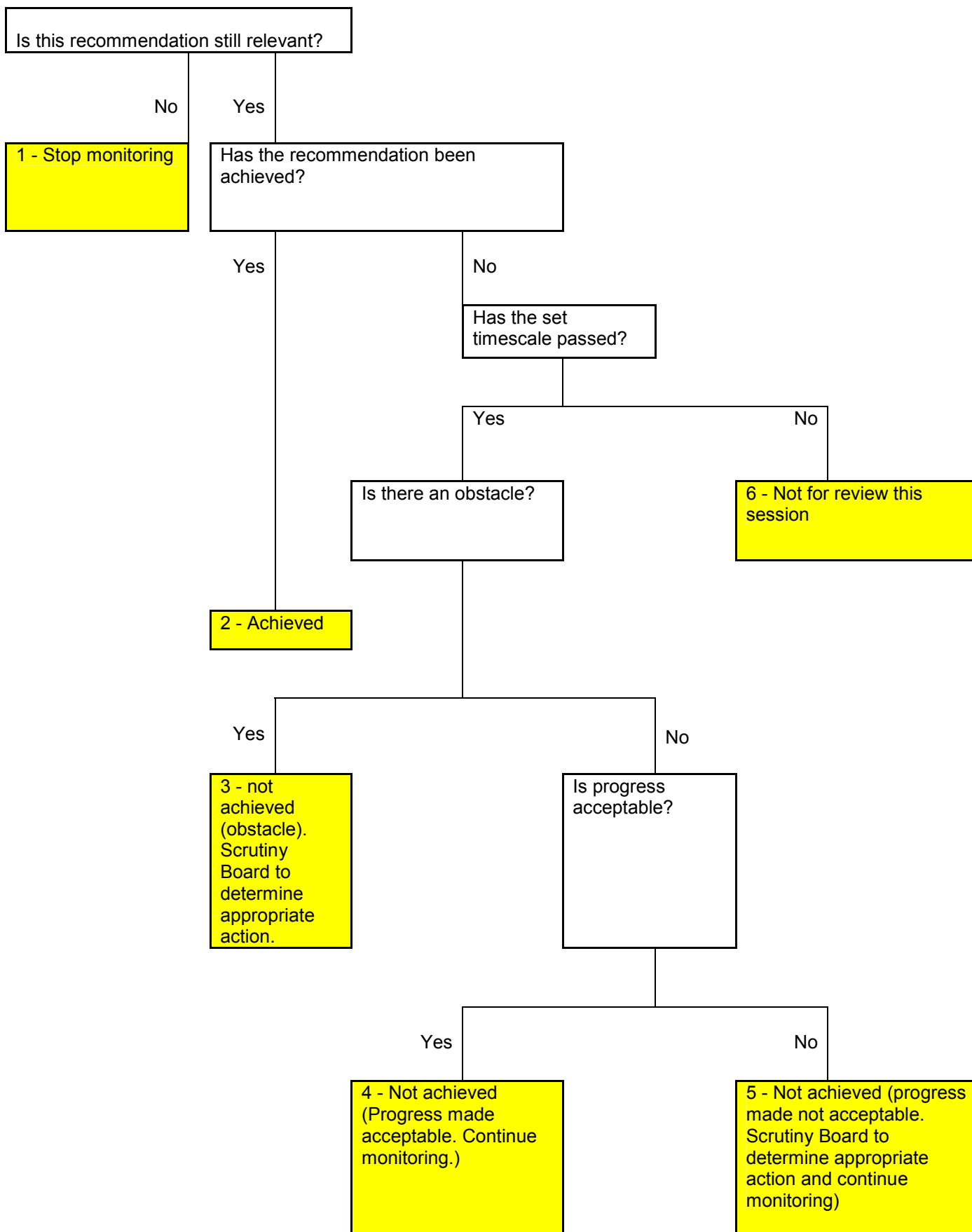
2.1 Members are asked to:

- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

Background Papers

Environment and Neighbourhoods Scrutiny Board Final Inquiry Report on Asylum Seeker Case Resolution. May 2009.

Recommendation tracking flowchart and classifications:
Questions to be Considered by Scrutiny Boards



Recommendation Tracking – Progress Report (February 2010)**Categories**

- 1 - Stop monitoring
- 2 - Achieved
- 3 - Not achieved (Obstacle)
- 4 - Not achieved (Progress made acceptable. Continue monitoring)
- 5 - Not achieved (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

Asylum Seeker Case Resolution (2009)

Recommendation for monitoring	Evidence of progress and contextual information	Status (categories 1 – 6) (to be completed by Scrutiny)	Complete
<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of UK Border Agency Regional Director</u> The Case Resolution Directorate has agreed to review the Council's National Assistance Act and Children's Act cases, however it may not be possible to conclude all of these by August 2009. I understand that CRD is still waiting for a list of these cases to be provided by Leeds Asylum Team, as there have been some problems collating the list. I cannot, therefore, accept the deadline given within this recommendation.</p> <p><u>Response of Environment and Neighbourhoods Directorate</u> The Director recommends that the timescale for this action should be amended to September to allow time for the authority to collate the necessary information on those cases for which resolution is requested.</p>		

Action taken by the Board in September 2009:

With regard to this particular recommendation, the Board was informed at its September meeting that the Council had provided UK Border Agency with all the necessary information regarding its National Assistance Act and Children's Act cases that require resolution (83 in total). Whilst three of those cases had now been resolved, a further thirteen were expected to be resolved quickly. However, the Board learned that the UK Border Agency had refused to give an indicative timeframe for resolving the remaining cases due to other priorities. Members were concerned about the lack of commitment shown by the UK Border Agency to resolve those cases and agreed to take the matter up with UK Border Agency. The Chair wrote a letter to the Regional Director (North East, Yorkshire and the Humber Region) of UK Border Agency setting out the Board's concerns and received a written response in October 2009.

Current Position:

Update from Leeds Refugee & Asylum Service

Only 76 of the 83 cases submitted to UKBA are subject to CRD. Of the 76 CRD cases, 3 cases were resolved prior to the last meeting and 13 new cases were identified as concludable. Of these LCC received notifications that 2 had been resolved and no further commitment to a timeframe to resolve the remaining 11 concludable cases or the more complex LA supported cases has been provided. However, further information from UKBA CRD has now confirmed that 6 NAA cases have been resolved from the 13 identified, but this has not communicated to LCC as agreed.

3 - not achieved (obstacle). Scrutiny Board to determine appropriate action.

	<p><u>Update from UK Border Agency Regional Director</u></p> <p>The original list of 83 cases has been reviewed and 76 were identified as CRD cases. 16 cases were identified as concludable at that stage; 9 have been concluded and the remaining cases are being processed, with 5 cases awaiting information from the applicants required to conclude the case. The case owner for Leeds has met with Leeds Council representatives to discuss the cases and a further review of the remaining cases will take place in January. Jeremy Oppenheim (Regional Director for North East, Yorkshire and the Humber Region) also wrote to Cllr Barry Anderson in October advising him of our intention to review these cases in January. CRD remains committed to working in partnership with local authorities to minimise the impact of our work on local services.</p> <p>The UKBA Regional Director for North East, Yorkshire and the Humber Region also wrote to Cllr Reynolds in October 2009 confirming our approach to these cases and the fact a further review would take place in January.</p>		
<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of UK Border Agency Regional Director</u> We can always communicate more effectively, but you should note that I regularly meet with the Regional Migration Partnership manager and enjoy frequent and open communication. The Regional Migration Partnership manager also meets regularly with Senior UKBA Managers in the region and with the Regional Representation Manager for asylum. The Regional Representation Manager also works closely with the Y&H Strategic Migration Partnership on issues related to asylum support and accommodation, ensuring issues are resolved quickly. Members of the staff from the RMP are involved in the organisation for the UKBA open day in September and meet regularly with members of the asylum support team to discuss any issues.</p>		

Response of Yorkshire and Humber Regional Migration Partnership
The Partnership welcomes the Panel's request to UKBA to continue to use the Partnership structure to communicate and work with Leeds and other Local Authority partners in the region.

Response of Environment and Neighbourhoods Directorate
The Director agrees with this recommendation and will write to the UK Border Agency urging that the communication links are strengthened.

Current Position:

Update from Yorkshire & Humber Regional Migration Partnership
We continue to communicate effectively with LA's working closely with UKBA. We are moving towards tailored local briefings for LA's, and are working with UKBA on specific issues such as dealing with the needs of children and young people.

Update from UK Border Agency Regional Director

The UK Border Agency continues to work in close partnership with the Yorkshire and Humber Regional Migration Partnership. Examples of effective joint working include the successful Stakeholder Open Day held in September (referred to above), a Destitution Seminar hosted by the Partnership with the UK Border Agency Asylum Lead as a keynote speaker and a recent joint Simplification Bill Consultation Event held in Leeds for regional stakeholders.

2
Achieved

<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of UK Border Agency Regional Director</u> UKBA is happy to work with our partners to improve communication across the region. I accept this recommendation.</p> <p><u>Response of Yorkshire and Humber Regional Migration Partnership</u> The Partnership will work with UKBA to develop a regional joint action plan to set out how we will work together to deliver Case Resolution in the region. We have already started discussions with CRD about the format and content of this, and a paper setting out how such an approach would work was agreed at the June meeting of our Strategic Migration Group.</p> <p><u>Response of Environment and Neighbourhoods Directorate</u> The Director will recommend this proposal to both the Yorkshire and Humber Regional Migration Partnership and the UK Border Agency.</p> <p>Current Position:</p> <p><u>Update from Yorkshire & Humber Regional Migration Partnership</u> Case Resolution is a continuing challenge, although working with UKBA we now have agreed numbers and schedules for delivery. The 'joint action plan' therefore is very much about a collection of local level agreements and targets. Individual LA's, including Leeds CC, have negotiated extensions to help deal with the impact of Case Resolution on communities.</p> <p>We are working with CRD nationally to encourage them to communicate more effectively, and they have attended a number of regional meetings to speak directly with regional LA's.</p>	<p>4 - Not achieved (Progress made acceptable . Continue monitoring)</p>	
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	<p><u>Update from UK Border Agency Regional Director</u></p> <p>There continues to be co-operation between the Partnership and the Casework Resolution Directorate (CRD) at both regional and national level. CRD Caseowners have regular liaison with Las, including Leeds and throughput numbers and timescales have been agreed. Where appropriate senior CRD staff have attended relevant regional meetings including the Asylum Impacts Group.</p>		
<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of Regional Director UK Border Agency</u> UKBA is happy to discuss with the SMG ways in which we can cooperate with them. However it should be noted that in order to qualify for section 4 support applicants must be destitute and meeting one of the following conditions they must have a Medical Condition, be Pregnant, have applied for AVR or there is no valid route of return, have an outstanding judicial review or out of time appeal. Under the Asylum Support Regulations, all Section 4 applicants' cases must be reviewed regularly. Should the applicant be considered to no longer meet the criteria for Section 4 support will be terminated. The position of the UK Border Agency remains that failed asylum seekers should return to their own country voluntarily.</p> <p><u>Response of Yorkshire and Humber Regional Migration Partnership</u> We will continue to work with UKBA, both in the region and nationally through LGA channels, to ensure that individuals coming off Section 4 are dealt with in a way that does not impact too negatively on individual local authorities such as Leeds – either financially or in terms of cohesion.</p> <p>The Panel will be interested to hear that since the report was drafted, there has been the announcement of further changes to Section 4, including some pilots on accommodation and payment cards. We are</p>		

currently working through regional and national structures to understand the potential impact of these changes on Leeds City Council and other local authorities in the region.

Response of Environment and Neighbourhoods Directorate

The Director agrees with this recommendation and will request that the necessary action is undertaken by the UK Border Agency.

Current Position:

Update from Yorkshire & Humber Regional Migration Partnership

S4 payment cards have now been issued and are currently being distributed in the region. There is a continuing tightening of S4, and we are working to understand the impact on LA's of potentially more individuals not receiving support. We held an event on destitution in the region in December, and we are also working the national No Recourse to Public Funds Network to establish a regional LA group to share learning and practice in this area.

Update from UK Border Agency Regional Director

The UK Border Agency position in relation to failed asylum seekers remains the same in that we expect them to return to their own country voluntarily. The International Organisation for Migration has offices in Leeds and we work with them to facilitate links with partners so that the voluntary return provision can be more widely understood by stakeholders. Our hope is that greater understanding will enable stakeholders to promote the concept to failed asylum seekers with whom they come into contact.

Improvements have been made to the S4 system with the imminent introduction of a payment card to replace the less secure voucher system. The card is accepted at many major retail outlets and reports from areas where the card is already in use have been positive.

4 - Not achieved
(Progress made acceptable
. Continue monitoring)

<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of Regional Director UK Border Agency</u> The Regional Cluster policy is regularly reviewed by the AIG and UKBA provides updated cluster numbers to each local authority monthly. The processes for suspension of areas are to be reviewed by the AIG during the next year and this review will take into account the requirements to maintain community cohesion and equality.</p> <p><u>Response of Yorkshire and Humber Regional Migration Partnership</u> The Asylum Impacts Group (which is a sub-group of the Strategic Migration Group) will continue to involve Local Authorities in the development and implementation of cluster guidance.</p> <p><u>Response of Environment and Neighbourhoods Directorate</u> The Director agrees with this recommendation. The Regional Asylum Impact Group meets quarterly and Leeds is represented by the Refugee and Asylum Service Manager.</p> <p>Current Position:</p> <p><u>Update from Yorkshire & Humber Regional Migration Partnership</u> The Asylum Impact Group continues to meet to ensure cluster guidance does not conflict with cohesion guidance. Members may also be interested to know however, that the numbers of people coming into the region and being accommodated at present is at a very low level indeed.</p> <p><u>Update from Leeds Refugee & Asylum Service</u> Numbers of CRD cases in Leeds have increased by 70 between October and December due to new cases moving onto support and private sector moves from around the region to Leeds. It was expected that a small amount of fluctuation in the numbers would happen, but an increase of this size was not anticipated. The overall numbers of asylum seekers in Leeds is dropping, but those who will receive a decision under this programme have increased.</p>	<p>4 - Not achieved (Progress made acceptable . Continue monitoring)</p>	
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	<p><u>Update from UK Border Agency Regional Director</u></p> <p>This system is working well with numbers consistently within agreed guidance. Action had been taken to reduce the population within Leeds to acceptable levels and this has been maintained. The review of the suspension policy is ongoing.</p>		
<p>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.</p>	<p>Formal Response provided in September 2009:</p> <p><u>Response of Regional Director UK Border Agency</u> The contracts for housing are awarded to accommodation providers (including the Local Authority). The Local Authority is able to provide guidance to providers on community cohesion issues which would adversely affect service users if accommodation procured in areas where tensions were rising. The framework that currently exists provides for this advice and we hope that providers and the local authority continue to work proactively together to ensure that accommodation is the greatest choice is available. UKBA would not wish to constrain providers or control distribution of accommodation.</p> <p><u>Response of Environment and Neighbourhoods Directorate</u> The Director agrees with this recommendation. This work is ongoing and, through the agreed private provider procurement framework process, the authority is now better able to refuse the use of accommodation for asylum seekers if this impacts on community cohesion.</p> <p>Current Position:</p> <p><u>Update from Leeds Refugee & Asylum Service</u> This work continues through the procurement framework</p> <p><u>Update from UK Border Agency Regional Director</u> Use of the agreed protocol continues and with numbers below the agreed cluster guidance limits, we are not aware of particular areas of tension in relation to community cohesion.</p>	<p>4 - Not achieved (Progress made acceptable . Continue monitoring)</p>	