



Equality Impact Assessment

Preliminary Screening

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Assessment & Analysis

Action Plan

The EIA Report



EQUALITY IMPACT ASSESSMENT
UKBA
Immigration Group
Immigration Policy Unit (Asylum Policy)

PRELIMINARY SCREENING

Date of Screening	03/2009
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Requiring further submissions (where someone whose appeals rights are exhausted asks us to reconsider their claim based on further evidence or a change in personal circumstances) to be made in person.		This is a new policy
	X	This is a change to an existing policy
		This is an existing policy

Policy Aims, Objectives & Projected Outcomes

This policy is part of continued reform of the asylum system and aims to ensure that information about an individual's case is registered at each stage of the process to support fast and fair decision-making and case conclusions.

From 14 October 2009:

- those who claimed asylum before 5 March 2007, and whose case is being managed by the Case Resolution Directorate, will be required to make any further submissions by appointment and in person at Liverpool Further Submissions Unit.
- those who claimed asylum on or after 5 March 2007, and whose case is being managed by NAM, will be required to make any further submissions in person at a specified reporting centre in their region.

Registering further submissions in person and ensuring fast and fair decision-making allows us to minimise the risk of fraud by checking the identity of people who are making further submissions and ensure that permanent solutions are found for individuals' claims. Those found to be in need of our protection will receive it more quickly, allowing them access to the mainstream system and job market. It also will ensure that we can maintain contact with people and where we decide that the further information they have submitted does not amount to a fresh claim, we can look to ensure the return of those who are found to have no protection needs through voluntary or enforced measures.

Better targeting of resources in this way will also ensure that where further submissions are clearly unfounded, access to support will be limited, ensuring better targeting of the asylum support budget.

Will the policy have an impact on national or local people/staff?	YES
Are particular communities or groups likely to have different needs,	YES

experiences and/or attitudes in relation to the policy	
Are there any aspects of the policy that could contribute to equality or inequality?	YES
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	YES
If this is an amendment of an existing policy, was the original policy impact assessed?	NO

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO to any particular questions**, please provide explanatory evidence.

The original policy dates from 1999, at which time we were not committed to carrying out Equality Impact Assessments for changes in policy.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

Equality Target Areas	<p>How does the data identify potential or known positive impacts?</p> <p>How does the data identify any potential or known adverse impacts?</p>
Data sources:	In all of these sections we have relied on management information, which cannot be published, and the experience of internal policy, process and operational staff in UKBA.
Race (consider e.g. nationalities, Gypsies, Travellers, languages)	<p>All those who want to put in further submissions will be required to make their further submissions in person, regardless of race or nationality.</p> <p>Key information on the process change has been translated into the 17 languages most frequently used by asylum seekers and is available on our website. This will ensure that failed asylum seekers can access information to aid them in lodging their further submissions and where to seek legal advice.</p>
Disability (consider social access and physical access)	<p>Those who claimed asylum before 5 March 2007, and whose case is being managed by the Case Resolution Directorate, will be required to make any further submissions by appointment and in person at Liverpool Further Submissions Unit.</p> <p>Those who claimed asylum on or after 5 March 2007, and whose case is being managed by NAM, will be required to make any further submissions in person at a specified reporting centre in their region.</p> <p>In the very exceptional case where a person is genuinely unable to attend one of these sites, alternative arrangements will be made to ensure that person can still make further submissions, in line with the system currently in place for initial asylum applications. Those whose condition (documented or visually apparent) is such that they cannot reasonably be expected to travel may be treated discretionally and have their application recorded and screened regionally at a Local Reporting Centre. This will include those who have a disability or severe illness and are physically unable to travel.</p> <p>Satisfactory medical evidence must be provided to substantiate a postal application where the failed asylum seeker (FAS) claims to have a</p>

	<p>disability or severe illness and is physically unable to travel.</p>
Gender	<p>This policy is likely to impact lone parents. While we do not collate data on the number of failed asylum seeking lone parents broken down by gender, experience within the system would suggest that the majority of lone parents will be women.</p> <p>Lone parents will be expected to lodge their further submissions in person along with other families with children. It is not necessary for dependents to attend in person to put in the further submission in person, except where the dependent is an applicant in their own right. Some reporting centres also offer limited childcare facilities.</p>
Gender Identity	<p>The change in policy is unlikely to have a particular affect on gender identity issues and no additional research has been carried out.</p>
Religion and Belief	<p>Statistics are not kept on the religion and beliefs of failed asylum seekers. However, the change in policy is unlikely to have a particular affect on people of a particular religion or belief, and no additional research has been carried out.</p>
Sexual Orientation	<p>The policy is unlikely to have a particular affect on gender equality issues and no additional research has been carried out.</p>
Age	<p>The new further submissions in person policy will be applicable to all failed asylum seekers regardless of age. We do not keep statistics on the age profiles of failed asylum seekers.</p> <p>Elderly people who are unable to travel will be dealt with as one of the very exceptional cases who can make their further submissions at a Local Reporting Centre.</p> <p>In the very exceptional case where a person is genuinely unable to attend one of these sites, alternative arrangements will be made to ensure that person can still make further submissions, in line with the system currently in place for initial asylum applications. Unaccompanied asylum-seeking children (UASC) will be amongst those very exceptional cases whereby at the caseowner's discretion the UASC will be able to make further submissions at a Local Reporting Centre. Elderly people who are unable to travel may be dealt with as one of the very exceptional cases who may be able make their further submissions at a Local Reporting Centre depending on the circumstances of the case.</p> <p>It is not necessary for all dependents to attend to put in further submissions in person, except where the dependent is an applicant in their</p>

	own right.
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What research have you considered commissioning to fill any data gaps?

For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy.

N.B Include any recommendations in your action plan

UKBA will monitor exceptional cases to ensure consistent implementation of the policy and performance in processing further submissions. This will be taken forward by the NAM+ Programme.

Who are the stakeholders, community groups, staff or customers for this policy area?

Failed asylum seekers (and their dependants) who make further submissions.
Refugee organisations, including one stop services.
Legal representatives and practitioners.
Local Authorities.

What are the overall trends and patterns in this qualitative & quantitative data?

Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

In this section we have relied on management information, which cannot be published, and the experience of internal policy, process and operational staff in UKBA.

Data sampling of intake and types of further submissions in CRD and UKBA regions has suggested that a significant proportion of individuals submit more than one further submission. The majority of further submissions are found to be unfounded, in that they do not amount to a fresh claim.

Around 70% of s.4 support applications are currently made on the basis of outstanding further submissions. The majority of supported cases in CRD have been dispersed to the North West Region and surrounding regions.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

UKBA will monitor implementation of the policy with a particular focus on exceptional cases to ensure consistent implementation of the policy and to ensure the impact is understood. This will be taken forward by the NAM+ Programme.

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	Refresher training on decision-making on further submissions will be provided for staff, including specific training on the new guidance and pro-formas on further submissions.
Staff Networks & Associations	N/a
Trade Unions	N/a

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?

For example your policy may affect access to housing, education, health, employment services.

A workshop was held with key internal stakeholders (Asylum Policy Team, Central Policy Team, Legal Advisers Branch, the Simplification Team, Case Resolution Directorate and the NAM+ Programme Team) on options for managing further submissions more effectively.

A project board was established with key policy colleagues and central/regional process and operational leads from CRD, NAM and other core functions and met on a weekly basis.

Regional Directors were consulted on a regular basis.

Regular advice was sought from legal advisers branch.

Caseowners and senior caseowners were consulted on supporting processes, including the supporting guidance and pro formas.

What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

Key benefits of the proposed reform are:

- **Improved guidance and faster decision-making.** The application pro-forma and supporting guidance is designed to make it easier for applicants to focus their further submissions, making clearer what has changed in their personal circumstances or in their country of origin since their case was last considered, and ensuring they understand the information UKBA needs to make a decision on their further submission. This will facilitate quicker decision making, making sure that the individual receives a faster decision on their case.
- **Individual engagement with the process.** The system will ensure that failed asylum seekers lodge further submissions themselves and understand where their submission is in the process.

- **Protection needs.** Speeding up decision-making will ensure that those who are in need of our protection receive it more quickly, and obtain access to the mainstream system and job market.

The following potential adverse impacts were considered:

- **Ability to travel.** The need for an exceptional policy for the very rare cases where an individual may not be able to travel was identified and this has been developed.
- **Accessibility of information.** We are translating tailored guidance into the 17 languages most frequently used by asylum seekers. This will ensure that failed asylum seekers can access information to aid them in lodging their further submissions, understand how they can seek legal advice, and ensure that they understand are aware of what information UKBA would like to see in their further submissions to aid decision-making.
- **Importance of ensuring that individuals who wish to make further submissions have an opportunity to do so before removal in the context of complying with our international protection legal obligations.** Failed asylum seekers who wish to make further submissions just prior to removal are unlikely to have time to submit them in person. The policy includes arrangements for further submissions to be made while an individual is in immigration detention or in prison. Where this is not the case and an individual has been picked up by enforcement, removal directions have been set or an individual has been accepted on a charter flight, contact should be made with the caseowner, and alternative arrangements for making further submissions will be made.

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different communities?	
Voluntary Organisations	We consulted externally with legal practitioners to get their views on the use of our proposed pro-forma and guidance on further submissions. We have considered the comments made by legal practitioners and taken these on board where possible in order to improve the quality and accessibility of proformas.
Race	
Faith	
Disability Rights	We have not consulted with external stakeholders on this specific issue. However, we have regular meetings with key asylum stakeholders, including the bi-monthly National Asylum Stakeholder Forum and sub-groups of this forum, and so are familiar with their views on a range of issues regarding the current asylum system and how we operate it. We have borne these views in mind when developing this policy change. We are committed to ongoing discussions with stakeholders and we have scheduled upcoming meetings with stakeholders for this purpose; details of which are in our Action Plan at the end of this document.
Gender	
Gender Identity	
Sexual Orientation	
Age	

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

Potential adverse impact on individuals with disabilities, lone parents (who are more likely to be women) and different age groups. Policy development took this into account in the following ways:

- Those whose condition (documented or visually apparent) is such that they cannot reasonably be expected to travel may be treated discretionally and make their further submission regionally at a Local Reporting Centre. (This also applies to the principle dependants of the FAS). Such cases will be very exceptional in nature.
- There may be some very exceptional cases where unaccompanied asylum seeking children will not be required to travel to make further submissions.
- It is not necessary for dependents to attend in person to put in the further submission in person, except where the dependent is an applicant in their own right.

This further submissions policy is a logical continuation of the change made in 2003, where we required those making an initial asylum application to attend in person. Based on UKBA's experience of the initial asylum application process, we anticipate the alternative arrangements will only need to be made in a very small number of cases.

What were the main findings of the engagement exercise and what weight should they carry?

The following potential adverse impacts were considered:

- **Ability to travel.** The need for an exceptional policy for the very rare cases where an individual may not be able to travel was identified and this has been developed.
- **Accessibility of information.** We are translating tailored guidance into the 17 languages most frequently used by asylum seekers. This will ensure that failed asylum seekers can access information to aid them in lodging their further submissions, understand how they can seek legal advice, and ensure that they understand are aware of what information UKBA would like to see in their further submissions to aid decision-making.
- **Importance of ensuring that individuals who wish to make further submissions have an opportunity to do so before removal in the context of complying with our international protection legal obligations.** Failed asylum seekers who wish to make further submissions just prior to removal are unlikely to have time to submit them in person. The policy includes arrangements for further

submissions to be made while an individual is in immigration detention or in prison. Where this is not the case and an individual has been picked up by enforcement, removal directions have been set or an individual has been accepted on a charter flight, the individual should contact their caseowner and alternative arrangements for making further submissions will be made.

Engagement with legal and judicial practitioners and internal stakeholders on the development of further submissions application and response pro-formas, and guidance to support this change was carried out. All responses were considered and legal representatives suggested some practical changes to the pro-formas and guidance which was taken on board. It was agreed that the quality with which proformas are completed would be key, and so refresher training for caseowners on further submissions and on the proformas is being rolled out as part of this package.

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

Our current policy is that insufficient funds or inconvenience is not an acceptable reason for a person not being able to submit information about their claim in person. We will continue to apply this policy. However, as with current practice, in the very exceptional case where a person is genuinely unable to attend in person, alternative arrangements will be made to ensure that an individual's further submission can be processed.

We will continue to apply current policy under which an alternative arrangement or location is arranged where there is evidence of exceptional circumstances that prevent an individual from making a further submission in person. Alternative arrangements may involve a visit to the applicant's home or hospital to record the further submission.

No one will, therefore, be excluded from obtaining services and no group of people will be limited in their participation in public life.

How does the policy promote equality of opportunity?

By ensuring that further submissions are registered and fast and fair decisions are made on these submissions, those in need of our protection will be able to access it more quickly, allowing them to move into the mainstream system and work. Uncertainty is reduced for those not in need of our protection as they will receive quicker responses to their claims, enabling them to plan to return home voluntarily, drawing on existing assisted voluntary return schemes.

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges

between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

Our policy will increase public confidence in showing UKBA to be making clear operational changes in the way failed asylum seekers are dealt with, and in showing UKBA's strong commitment to making fast and fair decisions. This policy change will make it clear that UKBA's decision-making process supports the integration of those who are found to have protection needs.

How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

As outlined above, the policy has been development taking into account any adverse impact and how this may be mitigated. Implementation will be monitored to ensure consistency and to identify any unintended impacts.

Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

External legal practitioners voiced concern that failed asylum seekers may be misled into thinking that the application pro-forma is mandatory. Furthermore, stakeholders were concerned that the pro-formas put unfair pressure on unrepresented failed asylum seekers. We have not stated that the pro-forma is mandatory on our website or in our guidance. We strongly recommend that failed asylum seekers without legal representation seek legal advice before making a further submission. This recommendation has been included in the information on the process change included on our website, which we have translated into the 17 languages most frequently used by asylum seekers and is available on the UKBA website. Information on how to access legal advice if individual's do not already have a legal representative is already included on the UKBA website. This is designed to assist unrepresented failed asylum seekers, and not to put pressure on them.

Stakeholders were also concerned that we should not request failed asylum seekers, where possible, to submit copies of documents that UKBA should already have on file. We did not take this concern on board as we believe that the application pro-forma focuses a failed asylum seeker on why they is making further submissions, and asking them to link those reasons to supporting documents further supports this aim. If a failed asylum seeker is unrepresented and cannot therefore supply the necessary documents, we are still obligated by international law to consider their further submissions.

Stakeholders were further concerned that the section on the response pro-forma where we consider issues relating to Article 8 of the European Convention on Human Rights was both lengthy and had the potential to be confusing. We did not take this on board as we received legal advice that the Article 8 section was sufficient to address Article 8 issues in detail; something that is key to ensure thorough consideration of a case.

The NAM+ Programme and Case Resolution Directorate will monitor the use of the proforma and keep this under review.

ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

Statistics on asylum seekers are published quarterly and annually on the Home Office Research Development Statistics (RDS) website and in the Control of Immigration Statistics in the United Kingdom which are published quarterly and annually.

How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

We have not consulted with external stakeholders on this specific issue for operational reasons. However, we have regular meetings with key asylum stakeholders, including the bi-monthly National Asylum Stakeholder Forum and sub-groups of this forum, and so are familiar with their views on a range of issues regarding the current asylum system and how we operate it. We have borne these views in mind when developing this policy change. We are committed to ongoing discussions with stakeholders and we have scheduled upcoming meetings with stakeholders for this purpose; details of which are in our Action Plan at the end of this document.

We hold bi-monthly NASF meetings, which is a forum in which issues pertinent to stakeholders can be discussed. We are holding a number of events in the month of October after the go-live date at which this issue can be discussed and relevant information can be made available to stakeholders, as well as the chance to discuss the issue in detail. These meetings include the National Asylum Support Operational Forum on 15 October, two meetings on 22 October (with the Still Human Still Here and the Case Resolution Directorate sub-group), and the National Asylum Stakeholder Forum on 26 November.

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

The NAM+ Programme will monitor implementation of this policy via:

- management information;
- feedback from delivery leads in NAM and CRD; and
- feedback from voluntary agency partners.

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection	NAM+ Programme, UKBA Regions and CRD	Data sampling	Data returned regularly from all regions	From October 2009	To start in October 2009
Monitoring & Review Arrangements	NAM+ Programme	Monitor: <ul style="list-style-type: none"> • implementation of policy to ensure consistency across Agency, with particular focus on exceptional cases; • performance of delivery of decisions on further submissions and case conclusions. 	Consistency of implementation of policy within UKBA. Improved performance of delivery of decisions on further submissions.	Monthly from October 2009	To start in October 2009

Further Submissions in Person EIA
08 October 2009

Staff training	NAM+ Programme, UKBA Regions, Case Resolution Directorate, Criminal Casework Directorate	Develop training package for staff to provide refresher training on further submissions and the completing the new response proformas.	Increased quality and timeliness of decision-making on further submissions within UKBA. Improved case conclusion performance within UKBA.	September 2009 onwards	Training packages developed. Some roll-out of refresher training on further submissions has already been carried out in Case Resolution Directorate.
External meetings	NAM+ Programme, CRD and Asylum Policy	National Asylum Stakeholder Operational Forum (15 Oct), Still Human Still Here coalition (22 October), Case Resolution Directorate sub-group (22 Oct), National Asylum Stakeholder Forum (26 November)	Discussion re: policy change and greater stakeholder support	October and November 2009	Meetings set up

Review of Equality Impact Assessment post-implementation	Asylum Policy, NAM+ Programme Team, Case Resolution Directorate	Review Equality Impact Assessment following completion of above actions.	Equality Impact Assessment reviewed. Policy aims achieved whilst mitigating any potential adverse impacts.	Within 6 months of implementation.	N/A

THE EQUALITY IMPACT ASSESSMENT REPORT

Background:

Individuals whose appeal rights have been exhausted may ask us to re-examine their claim on the basis of further information or a change in their personal circumstances. These are called further submissions.

From 14 October:

- those who claimed asylum before 5 March 2007, and whose case is being managed by the Case Resolution Directorate, will be required to make any further submissions by appointment and in person at Liverpool Further Submissions Unit.
- those who claimed asylum on or after 5 March 2007, and whose case is being managed by NAM, will be required to make any further submissions in person at a specified reporting centre in their region.

Registering further submissions in person and ensuring fast and fair decision-making will allow us to minimise the risk of fraud by checking the identity of people who are making further submissions and ensure that permanent solutions are found for individual's claims. Those found to be in need of our protection will receive it more quickly, allowing them access to the mainstream system and job market. It also will ensure that we can maintain contact with people and where we decide that the further information they have submitted does not amount to a fresh claim, we can look to ensure the return of those who are found to have no protection needs through voluntary or enforced measures.

Methodology:

This EIA is based upon:

- Interviews with key policy, process and operational leads in UKBA
- Workshops and project board meetings with internal stakeholders

Analysis was conducted on the basis of existing equality legislation requirements and the equality issues raised by individuals during the engagement exercise. It has taken into account key diversity strands covered in varying degrees.

Consultation & Involvement:

There has been extensive internal stakeholder consultation and involvement. Three key benefits were identified, including:

- **Improved guidance and faster decision-making.** The application pro-forma and supporting guidance is designed to make it easier for applicants to focus their further submissions, making clearer what has changed in their personal circumstances or in their country of origin since their case was last considered, and ensuring they understand the information UKBA needs to make a decision on their further submission. This will facilitate quicker decision making, making sure that the individual receives a faster decision on their case.
- **Individual engagement with the process.** The system will ensure that failed asylum seekers lodge further submissions themselves and understand where their submission is in the process.

- **Protection needs.** Speeding up decision-making will ensure that those who are in need of our protection receive it more quickly, and obtain access to the mainstream system and job market.

We have not consulted with external stakeholders on the specific issue of requiring further submissions to be made in person for operational reasons. However, we have regular meetings with key asylum stakeholders, including the bi-monthly National Asylum Stakeholder Forum and sub-groups of this forum, and so are familiar with their views on a range of issues regarding the current asylum system and how we operate it. We have borne these views in mind when developing this policy change. We are committed to ongoing discussions with stakeholders and we have scheduled upcoming meetings with stakeholders for this purpose; details of which are in our Action Plan at the end of this document. We have also consulted legal practitioners on the further submissions proformas and supporting guidance.

Assessment & analysis

There is a potential adverse impact on individuals with disabilities, lone parents and different age groups. Policy development took this into account in the following ways:

- Those whose condition (documented or visually apparent) is such that they cannot reasonably be expected to travel may be treated discretionally and make their further submission regionally at a Local Reporting Centre. (This also applies to the principle dependants of the failed asylum seekers). Such cases will be very exceptional in nature.
- There may be some very exceptional cases where unaccompanied asylum seeking children will not be required to travel to make further submissions.
- It is not necessary for dependents to attend in person to put in the further submission in person, except where the dependent is an applicant in their own right.

This further submissions policy is a logical continuation of the change made in 2003, where we required those making an initial asylum application to attend in person. Based on UKBA's experience of the initial asylum application process, we anticipate the alternative arrangements will only need to be made in a very small number of cases.

Recommendations

The policy has been development taking into account any adverse impact and how this may be mitigated. We will use upcoming stakeholder meetings to discuss this change with our external stakeholders.

The policy will be reviewed once recommended actions have been completed.

Date of EIA Report

9 October 2009

Date of Publication of Results

13 October 2009.