Evaluation Service Evaluation of the UNHCR Quality Integration Project In the United Kingdom July 2017 ES/2017/01 Commissioned by UNHCR Evaluation Service Conducted by Pamela Goldberg and Helen Morris

25. Graph 1 indicates the nine EU Member States that received the highest number of asylum applications filed in 2015. The UK was ninth on the list in 2015 with 39,000 applications filed, sixth in 2014 and fourth in 2013. Graph 127 EU Member States with Highest Number of Asylum Applications 2015 Total number of applications including dependents: 1,225,000 Source: Home Office, Immigration Statistics 27 UK Home Office Asylum Statistics, National Statistics: Asylum, Section 6 (updated 3 March 2016) (some data estimated; numbers are rounded off to the nearest thousand), available at https://www.gov.uk/government/publications/immigration- statistics-october-to-december-2015/asylum#key-facts. 10

26. The number of asylum-seekers filing claims in the UK in 2015 by country of origin is shown in Graph 2. Further detail on the countries of origin of asylum-seekers within the EU is available in Annex G. Graph 2 Top Countries of Origin of Asylum- Seekers in the UK 2015 Eritrea 1,396 1,509 Iran 1,809 3,726 Pakistan Sudan 3,694 Syria 2,609 Afghanistan 2,807 3,254 Iraq Albania 2,846 3,014 Nigeria Sri Lanka 27. Asylum grant rates in the UK at the first instance level varied between nationalities. For example, in 2015, 86% of claims brought by Syrian nationals were granted, compared with 27% for Pakistani nationals. Graphs 2-4 in Annex G provide the percentages of first instance asylum grants by top ten countries of origin from 2013 to 2015. The asylum grant rate for Syrians was the highest of all nationalities in all three years. The grant rate for claims from Eritreans by contrast was second highest in 2013 and 2014 at 82% and 87%, respectively, then dropped precipitously in 2015 to only 41%.28 This change was linked by respondents to a change in HO policy and guidance, and a move towards including country policy as well as country of origin information (COI) in assessing claims. 28 This drop has been widely attributed to a highly criticized report issued by Denmark, Danish Immigration Service, Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return. Country of Origin Information for Use in the Asylum Determination Process (November 2014), available at https://www.nyidanmark.dk/nr/rdonlyres/b28905f5-5c3f- 409b-8a22-0df0dacbdaef/0/eritreareportendeligversion.pdf, that, contrary to overwhelming evidence, found country conditions in Eritrea had greatly improved. See, e.g., UNHCR, Fact Finding Mission Report of the Danish Immigration Service: Eritrea – Drivers and Root Causes of Emigration, National Service and the Possibility of Return. Country of Origin Information for Use in the Asylum Determination Process, UNHCR’s perspective (December 2014). A report by the HO also concluded that human rights in Eritrean had improved, Report of a Home Office Fact-Finding Mission—Eritrea: Illegal Exit and Military Service, (Conducted February 7 – 20, 2016) (concluding in part: “We put forward the assertion that the Eritrean Government has a fundamental and unwavering commitment to the human development of its people. We assert that since 2000 and in the light of the most extreme political and economic stress, the Eritrean government has continued to exhibit that commitment.” This is despite the fact that the report further states: “The severity of the Eritrean government’s policy on civil liberties and human rights since 2000 should be views {sic} in the context of the colossal burden imposed by the border war and its aftermath.”) (emphasis added) Id. at 283, available at https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/543863/Report\_of\_UK\_FFM\_to\_Eritrea\_\_7- 20\_February\_2016.pdf. 11

28. The number of appeals of rejected first instance claims filed increased by almost 70% from 2014 to 2015, rising from 8,241 to 14,041. The number of asylum claims granted on appeal increased from 28% to 35% in the same period. This may indicate that the first instance decisions rejecting those claims were not well reasoned, or that the COI used was not up to date, or was not reliable, and indicate a need for continued HO engagement with quality assurance mechanisms, including internally and through the QIP. Graph 3 illustrates the asylum appeal grant rate in the UK from 2013 to 2015. Graph 3 Asylum Appeals Grant Totals in the UK 2013-2015 16,000 14,000 12,000 4,926 Other Cases s e s a 10,000 C f o 8,000 5 1 6 9 6 4 459 N W u it m hd b r e a r w o n f Appeals r e b 2,063 Number of Appeals m 6,000 339 5,422 Dismissed u N 5,681 4,000 Number of Appeals Granted 4,081 2,000 3,234 2,078 1,758 - 2013 2014 2015 12

II. Objective, Purpose and Scope Objective 29. The objective of the evaluation is to inform the future direction of the QIP by identifying its successes and achievements as well as areas for improvement. The evaluation seeks to provide strategic insight and make recommendations that will assist UNHCR UK in determining whether and how best to move forward with the QIP. The findings and conclusions may also be of interest for other country operations when considering how best to engage in quality assurance. Purpose 30. The evaluation will examine both accountability and learning. This involves an examination of the performance and results of the QIP, and includes reflection on why certain results were, or were not, achieved. Scope 31. The scope of the evaluation is the 2013-2015 GA period, with consideration of the evolution of the QIP since its inception and its origin in the Quality Initiative Project. Users 32. The primary audiences for the evaluation are the UNHCR UK Country Office, the Regional Bureau for Europe (RBE), the Regional Representation for Western Europe (RRWE), and the Division of International Protection, in particular senior management, staff and managers involved in UK protection work and those involved in the QIP, and HO staff and officials involved in or whose work is related to the QIP. A secondary audience is UNHCR protection staff more broadly, in particular within Europe, where the UK QIP Project has served as a model for initiating and implementing quality assurance programs. It may also be of interest for similar projects aiming at strengthening national asylum systems, that are currently being initiated or implemented, for example in the Americas, Europe and Africa. Evaluation Criteria and Key Evaluation Questions 33. To assess the extent to which progress has been made towards the objectives of the QIP, the evaluation team used the following criteria: relevance; effectiveness; connectedness; and coverage. The ToR (Annex A) proposed a set of evaluation questions that were refined during the inception phase to the following:  Are the objectives of the QIP appropriate and relevant to UNHCR’s protection mandate and supervisory role with regard to asylum? The evaluation team also considered relevance to the HO in general.  How has the QIP contributed to achieving its objectives of promoting and developing a fairer and more efficient asylum system? Have the right activities been pursued?  Have there been any unintended results which may further the objectives of the QIP in improving the quality of asylum screening and decision-making for asylum-seekers, refugees and the asylum system as a whole? 13

III. Methodology and Limitations Methodology 34. The evaluation employed a mainly qualitative approach, using multiple data sources. The evaluation was participatory and collaborative in approach. 35. The evaluation team comprised one Evaluation Service (ES) staff member and one independent consultant. The evaluation team reviewed a broad array of documents, including the three QIP GAs; QIP reports based on audits of aspects of the HO asylum system; the QIP semi-annual summary reports to the HO from 2012 through 2015; the matrices of pending and closed recommendations with comments from the HO; and asylum statistics. 36. Forty-eight individuals were interviewed for the evaluation. The respondents included UNHCR staff, Home Office staff, the current and former UK Independent Chief Inspectors of Borders and Immigration,29 a retired immigration judge, a barrister, a representative of a UK national association of barristers, solicitors and advocates practising in all areas of immigration law including asylum law; staff of nine NGOs; and two academics, as detailed in Annex E. Limitations 37. It is crucial to note the inherent disparity between the limited scale of the QIP project, and the scale of the UK asylum system. This is essentially an evaluation of an advocacy project, which is intrinsically difficult to evaluate. It is difficult to attribute, or measure contribution to, changes in HO policy and practice to the interventions of the QIP, and changes can occur over a longer time period than the grant period. 38. The evaluation did not include interviews of asylum-seekers or those who had already been through the asylum system. The reasons for this were the nature of the evaluation and its time frame, and an inability to identify a sufficient number of individuals. As the QIP has very limited direct interaction with asylum-seekers, largely through observation of interviews for auditing purposes, there was no base of potential interviewees to draw from. In addition, it is very unlikely that asylum-seekers would have knowledge of the QIP. The evaluation team interviewed individuals who provide legal representation and other services to asylum-seekers and relied on these individuals for proxy data. 29 The Independent Chief Inspector reports directly to the Home Secretary and has the mission to ensure independent scrutiny of the UK’s border and immigration functions. 14

IV. Findings UNHCR’s Protection Mandate and Supervisory Role 39. The basis of the QIP since its inception has been the UNHCR’s supervisory role under 1951 Refugee Convention Article 35 and the obligation of the UK to facilitate UNHCR exercising that responsibility. All HO and UNHCR respondents agreed that the QIP is consistent with UNHCR’s protection mandate and appropriate to its supervisory role. They were of the view that the QIP provides a collaborative and cooperative platform with the HO to obtain first hand, direct observation of the day-to-day workings of the asylum system and the application of the refugee definition. This, in turn, maximizes the ability of UNHCR to exercise its supervisory role. A UNHCR respondent stated: “The QIP is the kind of work UNHCR is meant to do.” A HO respondent expressed the view that the QIP “is doing exactly what it should be doing—challenging us and holding true to their views.” 40. Moreover, some UNHCR respondents stated that even if the HO would no longer fund the QIP, it would be necessary to engage with the asylum system and if funds permitted, UNHCR should continue the project in order to exercise its supervisory role, though in reality the activities would probably have to be curtailed due to lack of funding. 41. As the QIP is funded by and partly housed in the HO, this might call into question the integrity, independence or reputation of the QIP, UNHCR UK or UNHCR more broadly. All respondents were asked about this concern and all expressed the view that it was not the case, due largely to the professionalism of the QIP team. However, some of respondents recognized this as a potential risk. 42. Among the concerns expressed by many civil society respondents were the 2015 change in the UK government; the much more politically based policies concerning refugees and asylum- seekers; the proposed overall cap on migration; the greater focus on keeping numbers of refugees and asylum-seekers as low as possible; ongoing efforts to curtail the number of refugees and asylum-seekers entering the UK spontaneously; and “shrinkage” of policy staff in the HO. One NGO respondent described the current climate in the UK towards asylum-seekers and refugees as “toxic.” Based on these factors, this respondent advised that UNHCR carefully consider whether, in these circumstances, it should continue with the QIP as there was a risk that UNHCR could be perceived to not be independent. A UNHCR respondent echoed this view, stating: “We need constant, critical reflection about the merits, value, most effective combination of tools and [whether] we can continue to evolve [the QIP].” 43. At the same time, some respondents expressed the view that, in light of what they saw as an increasingly hostile environment for refugees and asylum-seekers, there is an even greater need for the QIP to continue working with the HO. One UNHCR respondent said: “There is huge value to having [the QIP], especially in the current context. No other mechanism could replace that.” The evaluation team also found that the QIP was an appropriate and relevant mechanism to realize the supervisory role. Staffing and Resources 44. The resources devoted to the QIP are mainly staff with approximately 97% of the grant allocated to staffing costs. The activities undertaken require skilled professionals, and frequent engagement with the HO at all levels. During the 2013-15 GA, three UNHCR staff were dedicated to the work of the QIP, and the HO and UNHCR agreed that fewer than three full time staff would not be sufficient to carry out the work. The HO includes 409 asylum casework staff in several locations in the UK, which makes it very challenging for the QIP team of 3 to be available to the extent needed. 15

45. Both the HO and UNHCR UK saw that being partly housed in the HO was critical to the day-to- day functioning of the QIP, and that providing access to case files, observation of interviews, HO intranet and other resources, exposure to ongoing issues and access to HO staff enhanced the QIP’s effectiveness. One HO respondent said that it is “really important to have the QIP embedded. If it’s embedded it becomes real, not theoretical—UNHCR can see how we do business.” An NGO respondent stressed the importance of UNHCR’s voice in the HO and noted that “having the QIP embedded in the HO gives it greater access and opportunity for direct and ongoing exchange.” Communication and Coordination Mechanisms/Governance Structures 46. Many respondents stressed that there is joint accountability between UNHCR and the HO for achieving the objectives of the GA. As the QIP’s primary goal is to improve the UK asylum system, communication with the HO is integral to its ability to achieve this goal and associated objectives. As such, all HO and QIP respondents were asked about the effectiveness of the lines of communication and of the governance system set up in the GA. Both the HO and UNHCR expressed the view that ongoing, regular communication at all levels is an essential for the effectiveness and success of the QIP. Notwithstanding the importance paid to communication, a review showed that there is room for improvement at different levels. 47. The GA calls for two governance bodies: the Programme Board (PB), co-chaired by the UNHCR Representative and an unspecified HO official, to convene in September of each year;30 and the Steering Group, co-chaired by the UNHCR UK Senior Legal Officer and the HO Deputy Director of the Asylum, Operational Policy and Rules Unit, to convene semi-annually. One of these meetings should be held prior to the September PB meeting.31 During the grant period, some of the meetings were held, but not necessarily on a regular basis. For example, in 2014, the Steering Group met twice,32 but did not meet in 2015. The Programme Board met most recently on 18 August 2015 and minutes were taken, which the evaluation team reviewed. 48. Overall, a number of respondents from both the HO and UNHCR UK expressed concern that communication between the HO and UNHCR needed improvement across the board—from the front-line QIP team with HO first-instance decision-makers and technical specialists to high level policy-makers. One UNHCR respondent said that “staff level communications are very good and set the tone for engagement” but went on to say that “the HO respondents used to be fairly high and senior, but now they have been delegated down.” Another UNHCR respondent stressed the importance of having “a principal focal point for the QIP who [is able to be] fully engaged” in the QIP. In general, almost all UNHCR respondents who commented on this issue expressed concern about a lack of regular communication at the higher levels within the HO. There was some acceptance of this view within the HO. For example, one HO respondent expressed the view, shared by others that: “Probably the biggest gap is keeping in touch better with each other as to what we are doing. Moving forward we need to consolidate our engagement formally.” 49. The 2016-2018 GA contains provisions enhancing communication mechanisms, among them, the establishment of an Operational Project Board to meet quarterly and one of whose principal roles is to “review progress on the implementation of previous recommendations on a quarterly basis.”33 30 GA 6.1. The GA does not specify who besides the co-chairs are to be the members of the Programme Governance Board. At the most recent meeting, the Representative of UNHCR UK and the Legal Officer attended; from the HO the Director and a Deputy Direction of Asylum Operations, the Head of Family and Asylum Policy, and the Chief Caseworker attended. 31 GA 3.3.1. As with the Programme Governance Board, the GA does not specify who besides the co-chairs are to be the members of the Steering Group. In practice, members of the QIP team have attended Steering Group meetings. HO attendance has varied and has included the Head of Family and Asylum Policy, the current Head of Asylum Business Strategy and senior asylum operations staff. 32 No official minutes were taken at these meetings held on 24 April 2014 and 16 December 2014, but the QIP provided its internal notes of the meetings to the evaluation team. 33 2016-18 GA p. 18, 3.3.3. 16

50. During the focus group meeting with first-instance decision-makers and technical specialists who review asylum decisions, it became apparent that some of them had very little—if any—knowledge of the QIP. This seemed to be due in part to staff turnover at the decision-maker and specialist level, and also due to the fact that the QIP team had moved from open office space shared with the decision makers to a more private room on a different floor. The focus group members expressed the view that “it would be very helpful to have a unit-wide introduction to the QIP staff and what the project is about.” 51. Having private office space may provide benefits such as a quiet working environment and limited distractions. However, several respondents noted that when the QIP was located closer to the asylum operational policy team as was the case in the past there was greater communication and cooperation between the two. The evaluation team is of the view that further engagement of the QIP team with caseworkers would be beneficial in terms of achieving objectives. Achieving Objectives 52. As detailed in Section I above, in order to reach the overall goal of improving the quality of asylum screening and decision making, the objectives in the GA34 are to work with the HO to: (1) Develop protection-sensitive processes for identifying persons in need of international protection; (2) Promote and develop fair and efficient asylum determination procedures which provide applicants with adequate opportunity to fully present their claims; (3) Promote and develop well-reasoned first-instance asylum decision-making; (4) Continue to develop robust quality assurance mechanisms within RSD procedures; (5) Develop fair procedures and well-reasoned decisions for ceasing, revoking, or cancelling refugee status. 53. As noted, these objectives are ambitious and depend on the HO as well as the QIP team. Respondents observed that progress had been made towards achieving these objectives in the time period under review. 54. The QIP team undertook a number of activities to address protection-sensitive processes for identifying and responding effectively to persons in need of international protection, as well as for those individuals with specific needs. Among these efforts were:  Participating in a pilot project to enhance the ability of the HO to identify women survivors of SGBV and signposting them to support services;  Working with the HO on age assessment procedures;  Engaging with the HO in discussions about its possible involvement in a number of issues concerning detained asylum-seekers, including reviewing procedures for assessing their protection claims and developing mechanisms to ensure the identification of asylum-seekers who should not be detained. 55. Respondents agreed that the QIP has contributed to a fairer and more efficient system for several categories of asylum-seekers. In the words of one HO respondent, the QIP has “certainly had an impact on key Asylum Instructions [and has been] very influential [and there is] quite extensive collaboration [between the HO and the QIP]”. Another emphasised that the QIP “has had an impact on developing a fair and efficient asylum system.” An NGO respondent asserted that the QIP “has managed to generate value [and] has made a difference.” Examples given include the signposting to services for survivors of SGBV and the determinations of LGB based asylum claims. 34 GA p.15 3.1.5. 17

56. The work on children led the HO to focus more attention on its approach to addressing the best interests of the child in the asylum procedure. According to respondents, these have led to greater awareness and sensitivity to asylum-seekers with specific needs as well as of asylum-seekers more generally and thus are an indication of achieving the first objective. 57. The number of appeals from rejection at first instance of asylum claims increased by 70% from 2014 to 2015, and the percentage of claims granted on appeal also increased in that time period. This indicates that there remain shortcomings in the quality of asylum decision-making, and therefore continued audits at the first instance and of appeals would be useful. 58. The QIP’s responsiveness to requests from the HO regarding issues that may not fall squarely within the four objectives of the GA, for example work on detention, makes a contribution to the usefulness of the QIP and indicates the value that the HO places on the QIP. This flexibility and cooperation reinforces the collaborative basis of the QIP and demonstrates a willingness to address issues of priority to the HO. 59. The presence and work of the QIP have served as a platform for constructively offering the views of UNHCR to the HO on a broad range of protection issues. For example, the QIP contributed to the successful pilot project to develop a referral procedure for survivors of SGBV. In discussing collaborating with the QIP on the development of a more effective system for identifying women survivors of SGBV and signposting them for support services, an NGO respondent stated: “The work [we’ve] done on SGBV with the QIP has been the most productive work [we’ve] ever done with the HO—the most response from the HO through dialogue with some concrete results.” This is an example of working towards achieving Objective 1. 60. An example that many NGO and HO respondents raised with enthusiasm was the collaborative work of the QIP with civil society stakeholders on LGB asylum claims, which led to the HO development of a more appropriate approach to assessing protection claims based on sexual orientation, including credibility assessments, and thereby improvements in decision-making. In January 2015 the HO issued a new Asylum Policy Instruction (API) on assessing asylum claims based on sexual orientation.35 The respondents agreed that these efforts had a very positive impact. These achievements furthered the objectives of the QIP of promoting and developing fair and efficient asylum determination procedures and promoting well-reasoned first-instance decisions. 61. Several UNHCR respondents noted that the QIP served to open doors to HO officials in ways that went beyond the QIP itself. This meant that UNHCR could advocate for protection concerns in other fora, and it was felt to be a valuable outcome for overall protection strategies. QAT 62. The 2013-2015 GA states that, even with its own QAT in place, “continued co-operation with UNHCR is nonetheless valuable to continue to develop Home Office’s own quality assurance mechanisms”36 These provisions convey the HO view that the QIP remains a useful project. One HO respondent expressed the view that, while the QIP has had a positive impact in developing a fair and efficient asylum system, “there is always room for improvement in quality.” This view was echoed by several NGO respondents. Many respondents stated that the QIP is not only valuable standing alone, but that it also facilitates the greater effectiveness of the HO QAT, and therefore continues to be relevant. It also furthers objective 4 above. 35 Home Office, Asylum Policy Instruction, Sexual Orientation in asylum claims, 3 August 2016, available at https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/543882/Sexual-orientation-in-asylum-claims- v6.pdf. 36GA p.15 3.1.4. This language is reiterated in the 2016-2018 GA pp.15-16 3.1.4. 18