

UNHCR report reveals DFT may be failing to protect asylum seekers

The UN Refugee Agency (UNHCR) today publishes key findings and recommendations from its report on the quality of decision-making in the Detained Fast Track (DFT), where asylum applications are processed under accelerated procedures in a detained environment.

The report is the first of UNHCR's Quality Integration Project and presents findings from an audit of first instance asylum decisions made from January to March 2010 at Yarl's Wood and Harmondsworth Immigration Removal Centres. Many of the findings and recommendations reiterate those made in UNHCR's June 2008 report on DFT decisions.

Whilst acknowledging improvements in the work of the UK Border Agency (UKBA), the study highlights significant issues with the quality of decision-making; some of which reiterate previously identified concerns. Presenting the full findings of the report to Immigration Minister Damian Green, UNHCR reiterates the long-held position that detention is inherently undesirable and should be considered only as a last resort. Where asylum claims are determined under accelerated procedures, adequate and well-functioning safeguards must be in place to guarantee fairness and quality of decision-making. UKBA's own quality assurance mechanisms should examine the way in which DFT procedures are impacting upon quality of decisions.

UNHCR's Representative to the UK Roland Schilling, said: "We are pleased the government is trying to make the asylum process fairer and more efficient. But the Detained Fast Track may be denying a fair and humane asylum procedure to some of the most vulnerable people, including victims of torture."

The report notes that complex claims are routinely entering into the fast-tracked process and are not always handled in a way that is gender-sensitive. Although around a third of cases are eventually removed, this high proportion indicates that the DFT is not functioning in a way that ensures that difficult cases are screened out. This, in turn, can impact detrimentally upon the quality of the decisions made as complexities are not addressed sufficiently.

Despite efforts to improve training of UKBA staff, UNHCR finds that decision-makers' assessment of the merits of each case remains poor because of the heavy burden of proof placed on applicants. "Asylum seekers are often held to an evidentiary standard that is unreasonable under both UK and international asylum law," said Schilling. "This is especially troubling given the conditions of detention and the short time frame for asylum interviews and decisions."

Other issues identified by the report include lack of interview preparation, insufficient use of country information to assess the credibility of a claim, and poor analysis of whether an applicant's experiences constitute persecution according to the criteria of the 1951 Refugee Convention.

UNHCR welcomes initiatives such as the Early Legal Advice Pilot which facilitates greater early collaboration between legal representatives and decision-makers to ensure quality decision-making. It is recommended this model will serve useful in the DFT. UNHCR will continue to work with the government to develop UKBA's own quality assurance mechanisms and to improve the overall quality of asylum decisions in the UK.

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