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FOREWARD

This is the second annual report of the Asylum Support Adjudicators (“the ASA”). In contrast to our first year of operation during which we recorded receipts of 255 appeals during the period April 2000 – March 2001, our workload this year has increased by over 800%. Since August 2001 the intake for each subsequent month has set a new record with the figure for May 2002 reaching 416 appeals.

Despite the increase in our work, the numbers of adjudicators in post remained unchanged until mid-January 2002. At that stage 2 part time and 8 Sessionals joined the team of 2 full time, 3 part time and 2 sessional adjudicators¹. Our system of appeal is subject to extreme time constraints. The Asylum Support Appeals (Procedure) Rules 2000 (“the Rules”) require us to hear and determine appeals within 3-9 days of receipt.

This absence of flexibility in the system, has necessitated prioritisation of casework at the expense of training, monitoring and development of adjudicators and operational staff. This has been the overriding feature of our second operational year.

Albeit we have had to function under extreme pressure, our small workforce has nevertheless worked cheerfully with commitment and total dedication. Their collective efforts have ensured that the ASA have not only met our delivery targets but maintained the high standards of achievement and professionalism that we have set ourselves.

I therefore take this opportunity to offer them all my gratitude and praise for their contribution to a successful and productive second year.

A handwritten signature in black ink that reads "S.H. Storey". The signature is written in a cursive style with a large, looping 'y' at the end.

Sehba Haroon Storey
Chief Asylum Support Adjudicator

¹ Biographical data on adjudicators appointed in January 2002 appears at Appendix 1.

THE WORK OF THE ADJUDICATORS

Despite an 800% increase in our workload principally in the latter half of the period April 2001- March 2002, adjudicators and operational staff have coped well with the increased pressures upon them. Indeed there has been a sense of achievement and fulfilment missing from our work in the first 18 months since the ASA became operational.

Service Standards

In line with our Mission Statement, adjudicators and support staff aim to be:

- Compliant with strategic targets of delegated legislation;
- Efficient and professional;
- Just and independent;
- Responsive and sensitive to user's needs;
- Proactive.

In order to meet these strategic aims, we have set ourselves a number of target standards against which we measure our performance. A full detailed breakdown of our performance as measured against our target standards appears at Appendix 2.

Key Developments

There have been a number of key developments affecting this jurisdiction over the past 12 months.

Independence and Impartiality of the ASA

In our last report we referred to the case of *Hamid Ali Husein*², wherein the appellant sought to challenge the independence and impartiality of the ASA under Article 6 of the European Convention on Human Rights ("ECHR") by arguing that asylum support adjudicators were engaged in the determination of the civil rights and obligation of asylum seekers but were not article 6 compliant as they are appointed by the Secretary of State, a party to all appeals. The Secretary of State however, argued that article 6 was not engaged, because asylum support is merely a discretionary public law benefit rather than a civil right or obligation. The Administrative Court disagreed and held that the ASA were determining civil rights and therefore article 6 was engaged, but that asylum support adjudicators fulfilled the requirements of independence under article 6.

² R-v- Asylum Support Adjudicator and the Secretary of State for the Home Department ex parte Husein [5 October 2001] QBD CO/105/2001.

THE WORK OF THE ADJUDICATORS

However, in the light of the publication of "*Tribunals for Users*"³ a report of the review of tribunals by Sir Andrew Leggatt, the Secretary of State has agreed in principle to a transfer of functions to the Lord Chancellor's Department ("LCD"), subject to the outcome of the review currently being undertaken by them. Whilst reassured by the findings of Burnton J in *ex parte* Husein, we nevertheless welcome the Secretary of State's agreement to a transfer.

In the intervening period a number of changes we've made in order to address some of the concerns raised surrounding our independence. These included inter alia the delegation of the ASA budget and line management of operational staff directly to the Chief Asylum Support Adjudicator. The changes have resulted in greater autonomy for the ASA.

Human Rights

No one imagined on 2 October 2000 that asylum support appeals would become one of the most human rights intensive jurisdictions in the United Kingdom. Since the coming into force of the Human Rights Act 1998, the ASA have frequently been called upon to determine issues arising under various articles in particular articles 3, 8, 9 and article 2 of the first Protocol.

Following the judgement of Burnton J in *ex parte* Husein aforesaid, we have seen an increase in the number of appellants raising article 3 by way of defence against a decision to withdraw support. They have argued that discontinuance of support to an asylum seeker, who is without other means of support, may constitute inhuman and degrading treatment or punishment. Adjudicators have been obliged in this situation to follow the guidance in *ex parte* Husein and consider whether in the circumstances, article 3 is in fact engaged.

Representation

Advice and assistance is currently available for Asylum Support Appeals under legal help from firms with a contract in immigration or welfare rights. This year the ASA has noted a substantial increase in the number of appellants receiving assistance in some form or another with preparation of their appeals. Others have been fortunate enough to be represented pro bono by solicitors and counsel although understandably this is a rare occurrence.

In April 2002, The Law Society, the Commission for Racial Equality and the Immigration Law Practitioners Association made joint representations to the Chief Executive of the Legal Services Commission ("LSC") seeking funding for representation before the ASA. They recognised that the issues considered at appeal are complex, often involving human rights arguments, and expressed the view that the lack of funding for representation breaches an appellant's right to a fair trial, as enshrined in article 6 of the ECHR. They considered significant that the National Asylum Support Service ("the NASS") are almost always represented and expressed the view that "effective access

³Tribunals for Users. One System, One Service. Report of the Review of Tribunals by Sir Andrew Leggatt. March 2001. ISBN 0 11 702731 6.

THE WORK OF THE ADJUDICATORS

to justice can only be ensured by funding representation either by way of certificate or controlled legal representation”⁴.

The LSC have however referred the matter to the Lord Chancellor’s Department (“LCD”) as the scope of Community Legal Services is a matter for the Lord Chancellor. We have not been informed of a decision having been taken to date.

Independent of the above, we are advised that various organisations including the North Kensington Law Centre are considering setting up a duty solicitor scheme to operate from Croydon. They are currently in the process of applying for funding and premises.

We anticipate that the availability of assistance with preparation and possible representation may result in greater numbers of appellants exercising their right of appeal than is presently the case.

The Rules

We are aware of the concerns of various organisations including the Council on Tribunals surrounding the fairness of our procedures given the extraordinary speed with which the parties are expected to comply with time limits but regularly fail to do so. We are reminded that the requirement to hold a fair and public hearing within a reasonable time is a vital component of article 6 of the ECHR.

It is worth remembering that the aim of holding fast hearings is to ensure that destitute asylum seekers are not left without funds for longer than is absolutely necessary. Unfortunately, this is often frustrated owing to the failure of the respondent to issue appeal bundles or travel warrants in compliance with the Procedure Rules or the directions of an adjudicator. We therefore look forward to the procedural improvements we have been promised by NASS. Clearly, it is in the interests of both parties to the appeal that a determination is reached as speedily as possible and this the ASA will always strive to achieve.

However, the need for a hearing to take place within a reasonable time must be balanced against ensuring that the time limits permit proper notification of hearings, disclosure of evidence and travel warrants to be issued. The parties to the proceedings must have a reasonable time for preparations of their appeals, which, complain appellants and their representatives, is prohibitive under our procedures.

The ASA recognise that an ability to participate effectively in proceedings, is an essential ingredient to an effective right of appeal, the absence of which may constitute a breach of an appellants’ article 6 rights. It is therefore a matter of grave concern that the respondent consistently produces evidence at the hearing, which has not been previously disclosed to the appellant.

⁴ 19 April 2002. Russell Wall, The Law Society, Susan Rowlands, ILPA and Chitra Karve, CRE to Steve Orchard, Chief Executive, LSC.

THE WORK OF THE ADJUDICATORS

In the hope of improving and building upon the fairness in our system, we have proposed a set of amendments to the Rules, which are currently under consideration by the Home Secretary. Whilst the proposed amendments have received almost unanimous support from quarters such as UNHCR, The Law Society, The Council on Tribunals, the Immigration Law Practitioners Association and the Consortium of Refugee support agencies, they are not supported by NASS.

The latter take the view that the extension of the time limits runs contrary to the aim of a fairer faster firmer appeals process. They further argue that if the time limits are extended, NASS will come under pressure to provide support to appellants in the interim between refusal and determination of the appeals process, to which they are steadfastly opposed. (If our amendments are approved, appeals will be determined within 4-15 days⁵ of receipts of an appeal by the ASA.)

We are satisfied that the proposed amendments will result in a fairer appeals system whilst maintaining the need for a speedy resolution. Their implementation will not only result in greater efficiency, but through the introduction of an internal review process, they should reduce the cost to the public purse of unnecessary judicial reviews. We look forward to an early resolution by the Secretary of the State of this issue.

Work projections

In January 2002 the ASA were informed by NASS that, owing to new initiatives, we could expect our workload to double in the forthcoming months. Our statistics confirm that in December 2001 the ASA received 181 appeals and by March 2002 the monthly intake had indeed doubled to 362. This figure has continued to rise with the May total standing at 416.

In April 2002, we were advised by NASS that owing to variations in the method of means testing, we may notice an increase in our intake figures in the months to come. They estimated that our annual figure may increase to 5000. This is consistent with current monthly figures of 400+.

⁵ Under the current Rules, paper appeals are determined within 3-7 days whilst oral appeals are determined within 9 days of receipt. Under the proposed amendments, paper appeals will be determined within 4-8 days whilst oral appeals will be determined within 11-15 days of receipt.

THE WORK OF THE ADJUDICATORS

Under the current statutory provisions, the Secretary of State may provide either subsistence or accommodation or both under s95 of the Immigration and Asylum Act 1999. The Nationality, Immigration and Asylum Bill ("the Bill") proposes to restrict this option so that subsistence will only be available with an offer of dispersal accommodation. The aim of this proposal is to ensure that those seeking financial assistance from the state agree to disperse away from London and the surrounding areas rather than seeking subsistence only and remaining where there is considerable pressure on local authorities and a shortage of accommodation.

The effect of this provision may result in a reduction of the number of appeals currently received against refusal or discontinuance of subsistence only support. These are however, few in number in comparison to those refused for reasons connected to accommodation, e.g. failure to travel, ceasing to reside, absent without consent or failure to comply with the terms of the occupancy agreement, to mention but a few. If the amended provisions result in an increased number of applications for accommodation, there is likely to be a corresponding increase in the number of negative decisions and appeals against the same to the ASA.

The ASA are therefore expecting a substantial increase in our workload in year 3 and if the above indicators are to be believed, our annual intake could increase to as much as 12,500.

At present, we do not have the requisite resources to handle an intake of 6,000 appeals, the figure which, on current receipts, is almost certain to be achieved. Added to this, the very likely prospect of a drop in the NASS withdrawal rate, could have serious implications for the ASA in relation to the number of appeals adjudicators can reasonably determine in a fair and just manner within the current time frame.

Should the number of appeals being received rise substantially, we will urgently require additional adjudicators, operational staff, more courtrooms and larger premises.

We are eager to continue to be able to meet the performance and delivery targets we have been set by the Rules as well as those we have set ourselves, and shall continue to do so, subject always to the provision of adequate funding and resources.

Our Successes

Notwithstanding the increased demands upon our time and our limited resources, we have accomplished a great many of the tasks we set ourselves last year including:

- Designing our website;
- Publication of our Reasons Statements on the ASA website as well as the Electronic Immigration Network (EIN);
- Indexation of the Reasons Statements;
- Setting up a freephone helpline service for appellants only;
- Availability of Language Line for the assistance of appellants.

THE WORK OF THE ADJUDICATORS

Unfortunately, due to the pressure of appeals and the need to dispose of large numbers of appeals within 3-9 days of receipt, we have been unable to attend to the translation of ASA forms into the most commonly used languages, or the production of a video to assist appellants in understanding Tribunal Procedures or the production of a book of precedents. Our Guide to Best Practice is in need of urgent revision and greater time needs to be spent on training adjudicators and operational staff as well as on monitoring their performance.

Pressure of work and availability of resources permitting, we hope to address our minds to achieving these goals next year.

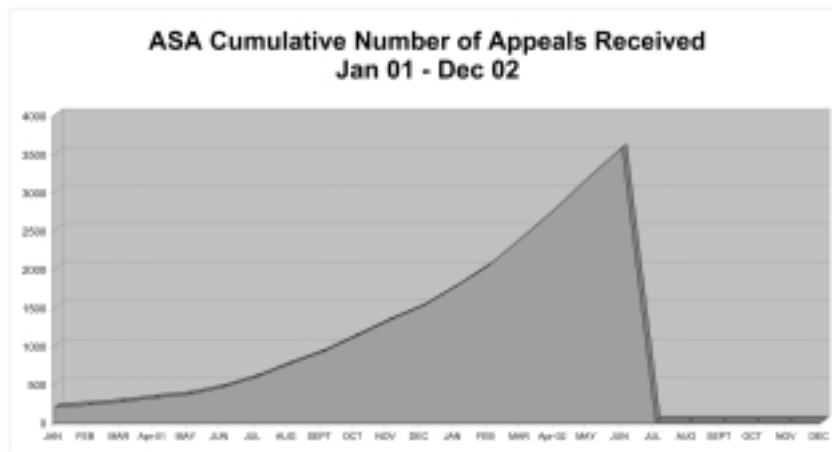
A handwritten signature in black ink that reads "S.H. Storey". The signature is written in a cursive style with a large, looping 'y' at the end.

Sehba Haroon Storey
Chief Asylum Support Adjudicator

EXECUTIVE SUMMARY

This Annual Report outlines the progress the Asylum Support Adjudicators have made during April 2001 to March 2002, our 2nd year of operation.

As detailed elsewhere within this report, the biggest challenge we faced last year was the significant increase in the number of appeals we received. This had increased from 255 appeals in 2000/01 (an average of 21 per month) to 2,141 in 2001/02 (an average of 178 per month.) This increase is even more striking when we consider that for the first 6 months of the year (April-September 01) we received 648 appeals (108 per month) and for the second half of the year (October 01–Mar 02) we received 1,493 (248 per month). The tables in Appendix 3 at the end of this report show that the monthly intake has been increasing throughout the year with each month since October 2001 producing a new monthly record. For the first three months of 2002 we have received 896 appeals (298 per month).



It seems that the number of appeals we receive will continue to rise and we are now estimating approximately 5-6,000 appeals for 2002-03. This does not take into account any new government legislation or changes to the existing support arrangements and is based solely on the statistical data received to date.

The ASA has a small team of support staff who provide a wide range of services to the organisation such as casework preparation, court ushering, personnel and administrative duties. The increase in appeal work and, in particular the timescale for dealing with appeals specified by the Rules, has put severe pressure on the team. The support staff have been affected by a high level of staff turn-over this year and have also carried a number vacancies for a large part of the year. That they have continued to meet the strategic targets set down by the delegated legislation is a testament to their tremendous hard work, commitment and willingness to ensure that the ASA continues to provide a service of the highest calibre to its users. I am very proud of their efforts and am pleased to place on record my thanks for their continued efforts in making the ASA such a success.

However, the excellent level of performance in dealing with appeals casework cannot be viewed in isolation. As an independent organisation, the ASA is responsible for all of its own personnel and administrative functions. This includes the payment of invoices to third party suppliers such as interpreters and translators. We have mainly focussed on our primary function of providing an efficient and fair appeals service. We have therefore given priority to appeals casework. This has regrettably meant that we have been unable to meet some of the targets we have set for our administrative functions. For example, we have been unable on some occasions to pay invoices for

EXECUTIVE SUMMARY

third party suppliers within the 30-day target. However we intend to re-focus our efforts on this again next year and hope that, provided we receive the extra resources required, these problems can be resolved.

The ASA continues to make progress in a number of other areas. The ASA website (asylum-support-adjudicators.org.uk) has been established since August 2001. It includes details about the ASA, The Rules, information about the appeals process and copies of all Reason Statements. The website has been accessed from 519 different Internet Domains from over 40 different countries, including, United States of America, China, Singapore and Latvia. The Determinations section of the website is the most visited part of the site and over 1,595 Reason Statements have been downloaded since September 2001 (during the period Sept 2001 - May 2002.) We continue to look for ways to develop the site and make it as accessible as possible for all users.

The ASA also has a freephone number (0800 389 7913) which is specifically for the use of appellants to enquire about the progress of their appeals. This has been very helpful during the year and has enabled destitute asylum seekers to access our service at no cost. The ASA also has access to the "Language Line" telephone interpreting service which has been extremely helpful in making us even more accessible to our users whose first language may not be English.

We have an active User Group which meets regularly and provides very useful feedback on our service.

Undoubtedly though our biggest challenge will be to continue to manage the number of appeals received. This, of course, will be dependent on future Government policy about support arrangements for asylum seekers. If the level of funding we receive from the Home Office increases in line with our caseload, then we are confident that we can continue to meet this challenge.

Case Profile: Backdating Appeals

In a case heard last year, the Administrative Court was asked to determine whether in exceptional circumstances an Adjudicator was empowered to backdate an award of asylum support to the date of the application. The Court declined to express an opinion. However, some months later the Chief Asylum Support Adjudicator found herself having to consider just such an issue. An asylum seeker arrived from Turkey in October 2000 and lived in rather uncomfortable circumstances with his uncle. He immediately made an application for subsistence support from NASS. For reasons which were never entirely clear that application was not determined until 37 weeks later and then refused because the Secretary of State believed the appellant was no longer an asylum seeker. Throughout that inordinate period of delay, it was accepted that the appellant was obliged to borrow from friends and relatives in order to survive. The arrears alone amounted to £1350.

The Chief Asylum Support Adjudicator held that the appellant was an asylum seeker at the date of decision having made an article 3 application and took the view that this was a case meriting exceptional consideration. The delay was in no way attributable to any act on the part of the appellant. It would have been manifestly unjust for the Secretary of State to have relied upon his own delay to refuse the appellant's support to which he would have been entitled had a decision been made within a realistic time. Not only was the backdating accordingly authorised but the Adjudicator even ordered that the payment should be made in cash for the entire amount of the arrears.

ASA/02/04/2462

RELATIONS WITH OTHERS

The ASA has specific relationships with a number of organisations and bodies. The following paragraphs give some examples of the sorts of organisations, bodies and individuals who are important to us and some of the methods we have developed to encourage dialogue and feedback.

Users

The ASA User Group have continued to meet on a regular quarterly basis with an average attendance of 13. The meetings have produced some lively discussions, often long beyond the intended end time. We have received extremely positive feedback on the service provided by the ASA.

Although the meetings have to take place at the ASA in Croydon to accommodate our heavy lists and the short notice at which hearings have to be listed in accordance with the Rules, we do our best to make the environment welcoming and encourage open discussion.

One such discussion has focused upon moves jointly undertaken by the Law Society and the Commission for Racial Equality to encourage the representation of appellants, at the preparation stage and/or at the hearing of their asylum support appeals.

Using the feedback we receive

We are committed to acting upon any feedback which is received during User Group meetings and we monitor our progress on a regular basis. It is, as a result of suggestions made by users, that the ASA have set up a freephone service and have made some improvements to the accessibility of the website.

Feedback from complaints

The ASA have set up a complaints procedure to enable us to learn from any mistakes we make. We have set ourselves target response times to acknowledge 90% of complaints within five working days and the vast majority of complainants (80%) should expect a substantive response within 20 working days. We have met these targets in every case.

In the last year we have had 3 complaints. One was from an interpreter and the remaining two concerned the quality of interpretation at a hearing and the translation of Reasons Statements.

RELATIONS WITH OTHERS

Looking for more Feedback

We have noted that useful as User Group meetings are, there is still a difficulty in reaching those with a direct experience of our service. We meet with representatives from the National Asylum Support Service on a quarterly basis but, by virtue of the nature of our work, it is less easy to liaise directly with appellants as to their experience of our Tribunal. We have been disappointed that the feedback forms designed for appellants and placed in our Reception room, although being of an accessible graphic design and placed in an obvious position, are scarcely ever completed.

We are mindful that coming to a hearing at the ASA is, whatever the outcome and whatever the efforts of the Adjudicator, bound to be a stressful experience for an appellant. It is understandable therefore that commenting on the service is perhaps not the first thing on an appellant's mind.

In an effort to address this issue we have set up a customer-working group, whose remit is to draft a questionnaire covering all aspects of our service. It is expected that a first draft will be available within two months and will be circulated to User Group meeting members for comment. We will also consider placing a copy on our website to attract wider comment.

Once a finalised questionnaire is determined, we intend to send this out on an annual basis to as many representative organisations as we can identify in the hope that they may throughout the preceding year have had some contact with our service on behalf of one or more clients and can provide an informed assessment. Due to the difficulty of numbers, language and continuity of address we have ruled out the possibility of mailing individual appellants direct.

The working group will be responsible for analysing responses and reporting back to both Adjudicators and support staff in order that strengths and weaknesses can be identified and action taken if required.

Council on Tribunals

The Council on Tribunals is our supervisory body. They have taken a keen interest in the ASA. Since our last Annual Report, Tribunal members have visited us on 6 occasions and observed 6 Adjudicators conducting hearings. Their feedback has been most valuable and has informed not only the work of individual Adjudicators but also our more general procedure.

The following is an extract concerning the ASA from their Annual Report 2000/01:

“We are impressed by the degree of user friendliness in this new system and the speed with which it is able to deal with cases. There are however underlying concerns about the degree of its independence from the Home Office and also about the adequacy of the procedure rules in terms of case management.”

The ASA website

The ASA website became fully operational in the latter part of last year. It includes information about individual Adjudicators, the work of the ASA and what to expect if attending for hearing. It also includes an up-to-date list of our Statements of Reasons. The website is currently hosted and supported by Sitelink Technology Limited and we look forward to developing the site in partnership with our users during the year ahead.

VALUING THE TEAM

Involving individuals

In view of the huge rise in our workload we have found it difficult to keep to the exacting standards of communication, planning and involvement which we set ourselves. We are anxious, however, that we do not slip in our desire to provide a good working environment and to deliver quality services as more pressure is put upon us.

We are particularly conscious that in an effort to maintain the quality of service we have brought in many more staff and Adjudicators and have managed to keep to a high standard of service delivery but at the same time have found less time to spend in meeting with each other and preparing in-house training. Nonetheless we have managed to hold a very successful team event involving both the support staff and Adjudicators in December 2001. We completed organisational self-analysis questionnaires based on the European Foundation of Quality Management Excellence Model.

Team training

The ASA publishes a Training and Development Strategy which emphasises a strong commitment to the training and development of each member of the team. We have an annual Training Plan which is reviewed on a quarterly basis. Both the Adjudicators and support staff have a nominated person with a key role in training co-ordination.

Time spent on training

Approximately 70 days have been committed to training during this financial year. This is an average of 3-4 days for each permanent team member.

Case Profile: False Documents

The appellant was awarded support and dispersed to Leeds. Some months after his arrival he visited Dover in order to spend a night with a friend from his homeland. Whilst in Dover his wallet was stolen. Desperate to return to London and resume his journey back to Leeds but now broke, he hid in the back of a lorry. Upon discovery by the Police, he panicked. Fearful of being returned to his country of origin, he invented a false name and in order to add credibility to his new identity he submitted another application to NASS. His ruse was eventually discovered through fingerprint evidence. The appellant claimed he would never have collected a second set of subsistence vouchers and only made the second claim to NASS for support because he was frightened of the consequences of being found hidden in a lorry. The Adjudicator found a false document had been produced, but accepted that there had not been an offence committed under Part VI of the Act.

ASA/02/03/2088

VALUING THE TEAM

Training priorities

Due to the urgent need to recruit new Adjudicators and support staff, much of our training has been focused on induction. New Adjudicators attended an intensive one day training session prepared by the first appointed Adjudicators, led by the Chief and Deputy and delivered with the assistance of Counsel, Mr Tim Eicke. In addition, most of those Adjudicators who have not previously worked for a Tribunal, have had the benefit of a three day course prepared by the Judicial Studies Board.

With regard to more specialised training, we have reinforced our commitment to individual development by prioritising specialised training for our Managers. We have focussed on equality issues wherever possible. For instance, 5 senior female members of staff attended a training seminar in the Essentials of Credibility, Composure and Confidence. The team leader attended a Positive Action Programme for women. We have also provided dedicated training for those involved in finance, first aid and security.

Lastly and more generally we have maintained a presence at most of the available courses dealing with asylum support and we have sent Adjudicators to courses dealing with the practice and procedure of Judicial Review. When we have had the opportunity, our support staff have found it useful to observe other Tribunals such as the Employment Appeal Tribunal. Adjudicators, many of whom have no background in Immigration law, are anxious to have training on the key points of that subject which impact upon our proceedings.

We are indebted to all persons who have assisted us with our in-house training and to those such as his Honour Judge Michael Harris, President of the Appeals Service, who have assisted us by allowing space for attendees from the ASA at their courses. We particularly found the Appeals Service courses on equality before the Tribunal to be useful for Adjudicators and we hope to develop something similar for the whole ASA team in the next year. We are conscious that it is often difficult to prioritise training, which may be lost in our desire to meet our statutory deadlines for hearing appeals. We are particularly keen that support staff should benefit from training on their personal and business plans and these will be set out in individual team members development plans. Pressure of work permitting, we hope to organise this in the forthcoming months.

Case Profile: Absence from Accommodation

The appellant agreed that he had abandoned the accommodation to which he had been dispersed. He claimed that all the other men in the house were Muslim and he was a Christian. They were drinkers, he complained, and he was teetotal. They played music when he wanted to sleep. He alleged that one other tenant even tried to make unwanted sexual advances to him. He did not however notify NASS of his concerns or indeed the reason for his absences. The case was remitted by the Adjudicator for NASS to make further enquiries into the allegations made. Upon completion of those enquiries support was again terminated and at the second appeal the Chief Asylum Support Adjudicator found that most of the appellant's complaints were untrue and his appeal was dismissed.

ASA/02/03/2075

Budget Allocation

The Asylum Support Adjudicators are wholly funded via the Vote of the Home Office. The initial budget allocation for the ASA was arranged via the Finance & Planning Team of the Immigration and Nationality Directorate. This totalled £1,333,000 for the 2001/02 financial year. These funds were split with £718,000 allocated to the cost of staff remuneration and £615,000 non pay running costs (NPRC) for the day to day running costs of the ASA.

This was the second year of budget operation for the ASA. At the initial planning stage we were able to review the spend data for last year which provided us with a starting point for 2001/02. However we could not possibly have foreseen the 800% increase in caseload and the effect that would have on the budget. ASA expenditure is directly related to the number of appeals we receive. This is because our major costs are staff remuneration, interpreters and the cost of translations. The more appeals we receive mean that we require more sessional adjudicators (for whom we pay a daily fee, travel and subsistence costs), more interpreters for oral hearings and more translated reason statements.

The costs for the ASA have therefore increased significantly since last year. As the number of appeals received increased during the year we recruited 2 additional part time adjudicators and 8 sessional adjudicators (in January 2002). These additional adjudicators will have an affect on our costs in future years. However as they were recruited so late in the financial year we were still able to identify a small saving on the remuneration budget during the year.

Case Profile: Mental Care

It is not unusual for appellants to offer their ill-health as an excuse for failing to travel to a dispersal area. It is argued with varying degrees of success that only in the area where the appellant currently resides could the necessary treatment be given. In those circumstances the Secretary of State seeks to counter such evidence by putting forward the views of his own medical adviser. That was indeed the position in the case of a Columbian asylum seeker whose reasons for refusing to travel were that he had a serious mental health problem and he was still being monitored by the local psychiatric services. The appellant's condition was so severe that he was hospitalised under the Mental Health Act and he expressed the fear that his symptoms would worsen were he to have to leave the support and medical care to which he had become accustomed.

The Secretary of State's medical adviser confirmed that he was satisfied that there would be adequate provision in the dispersal area for the appellant's treatment. However, this was countered by the appellant's medical advisers who prepared a report to the effect that dispersal out of London would make him vulnerable to a relapse of his mental illness. The Chief Asylum Support Adjudicator decided that independent advice from a medical adviser who is an expert in the field of psychiatry should have been sought by the respondent. She held that the Secretary of State's independent medical adviser did not have a degree of speciality to satisfy her that adequate consideration had been given to the unique nature of the appellant's mental illness. The appeal was accordingly allowed.

ASA/02/02/1829

FINANCE REPORT YEAR 2001/ 2002

The main financial element of the ASA running costs budget is the cost of interpreters and translations. The major increase in these areas also came towards the end of the financial year. The ASA, through careful management of its resources, were very pleased to have identified savings in excess of £300,000. These were returned to our sponsoring department. A full breakdown of the costs incurred by the ASA is detailed in the following table.

Budget Management

The ASA provide a monthly budget profile to the Home Office Finance & Planning Team (FPT) as part of the Financial Information System (FIS) timetable. This report details costs incurred to date and includes a profile of expenditure for the remainder of the year. Any discrepancies or problems are dealt with directly between the ASA and the FPT.

The Centre Manager also prepares a monthly internal Finance Report. This Report details expenditure to date, estimated out turns and includes proposals and options for the effective management of the ASA budget. The Chief Asylum Support Adjudicator and the Centre Manager jointly agree the Report to the FPT.

FINANCE REPORT YEAR 2001/ 2002

ASA Expenditure: 2001/02 Financial Year

Rounded to the nearest thousand

| Budget Allocation | £ |
|--------------------------|----------------|
| Remuneration | 718,000 |
| Expenditure | 639,000 |
| Savings | 79,000 |
| Running Costs | 615,000 |
| Expenditure | 361,000 |
| Savings | 254,000 |

| Running Costs | £ |
|--------------------------------------|----------------|
| Interpreter Fees | 59,000 |
| Office Equipment | 5,000 |
| Postage | 2,000 |
| Printing & Publications | 31,000 |
| Recruitment | 29,000 |
| Stationery | 21,000 |
| Subscriptions to Professional Bodies | 3,000 |
| Training | 5,000 |
| Translations | 157,000 |
| Travel & Subsistence | 6,000 |
| Website Development & Maintenance | 43,000 |
| Miscellaneous | 1,000 |
| Total | 361,000 |

| | |
|--------------------|------------------|
| Grand Total | 1,000,000 |
|--------------------|------------------|

JUDICIAL REVIEWS OF THE DETERMINATIONS OF ADJUDICATORS

Despite the lack of a second-tier appeal procedure in asylum support, and the upsurge in the Adjudicators' workload in the year to 31st March 2002, the number of applications to the Administrative Court for leave to apply for judicial review of their determinations remains very low. The only cases which have so far proceeded to full hearings in the Administrative Court arose out of determinations made in the previous year.

Hamid Ali Husain(CO/105/2001)

This was the long-expected challenge to the Adjudicators' status as an independent and impartial tribunal. Whilst holding that it would clearly be preferable for the Home Secretary's responsibilities in relation to the appointment, terms of office and appointment of adjudicators to be transferred to the Lord Chancellor, Stanley Burnton J concluded that the ASA fulfilled the requirements of independence under article 6(1) of the European Convention on Human Rights.

Nevertheless, the adjudicator's determination was quashed on the grounds that she had followed the Secretary of State in construing too widely a term of the occupancy agreement between the appellant and his accommodation provider.

Such was the ratio decidendi. However, the learned judge also considered article 3 of the Convention and its prohibition of inhuman or degrading treatment or punishment. He concluded that the withdrawal of support from asylum-seekers would violate article 3 unless other means of support were available to them. Although these remarks were obiter, adjudicators have felt bound by them and have not upheld the discontinuance of support unless it is clear that the appellant has some other means of avoiding destitution, such as obtaining a work permit and earning sufficient money to cover all essential living needs. Occasionally they have held that support should instead be suspended until the appellant takes some action which is in his power, such as travelling to dispersal accommodation.

Perera and Berkadle (CO/1911/2001)

In each case the appellant was living with his wife, who had refugee status and was receiving means-tested welfare benefits for herself and the children. The Secretary of State decided that there could be no entitlement to subsistence support, as the benefits exceeded the amount which, according to the Table in Regulation 10(2) of the Asylum Support regulations 2000, would generally suffice for the essential living needs of the family. The adjudicators considered that, as these benefits were calculated by reference to an "applicable amount", held by the DSS to be the minimum required for the basic needs of the family apart from the appellant, there could be nothing left over for the appellant's own needs and he must therefore be destitute.

Gibbs J rejected both these approaches. NASS could have regard to the Regulation 10 Table as a guide to its assessment of essential living needs and whether or not they were likely to be met. However, there was no justification in the statutory scheme for a "purely mathematical assessment". In each individual case, NASS must make a reasonable and genuine effort to assess the basic needs of an individual applicant and whether they have been, and how they should be, met.

It is noteworthy that, since the date of this judgment, ASA have received no similar appeals from asylum-seekers whose spouses are on means-tested benefits. However, this case has been applied in numerous other appeals where NASS have made a "purely mathematical assessment" of the

JUDICIAL REVIEWS OF THE DETERMINATIONS OF ADJUDICATORS

ability of other asylum-seekers (generally those in employment) to meet their accommodation and other essential needs.

On a separate issue, Gibbs J held that only in exceptional circumstances would adjudicators be able to backdate an award of support to a date earlier than that of the decision under appeal.

Cases not proceeding to a full hearing

- 1) The claim of the Secretary of State in Hayd (CO/2334/01) was allowed by consent. ASA agreed that the adjudicator had erred in law by finding that the appellant was an asylum-seeker without determining whether his claim for asylum has been recorded by the Secretary of State for the purposes of section 94(1) Immigration and Asylum Act 1999.
- 2) The Court of Session dismissed a petition for leave to apply for judicial review by the unsuccessful appellant in appeal no 01/09/0774, a case involving the appellant's failure to inform NASS that he was in employment. The court held that the adjudicator had correctly applied the law to the admitted facts and given full and adequate reasons for her decision.
- 3) The case of N'Goran (CO/736/01) was withdrawn by consent on ASA agreeing that adjudicators had no power, when remitting a case, to give detailed directions on the decision notice requiring the Secretary of State to carry out his reconsideration in a particular way. This has not prevented adjudicators, when remitting subsequent cases, from explaining in court and in their reasons statements the steps which they would now expect the Secretary of State to take. Should the appellant's support be discontinued again following reconsideration, and should he again appeal, the adjudicator hearing the new appeal is likely to take into account whether or not these steps have in fact been taken.
- 4) Two further applications have been withdrawn when the appellants decided to proceed instead by way of fresh applications for support.

Outstanding Applications

As at May 2002, there are three pending applications. The claimant in one is the Secretary of State and permission to apply for judicial review has yet to be granted. The remaining two applications have been issued by appellants.

Case Profile: Failure to Travel

The appellant was told to disperse to the north of England from his accommodation in South London. During the hearing he was able to produce evidence that he had already commenced a course of studies at the local college and those studies had reached such an advanced stage that it would have been impractical for him to have started again at another college in the north of England. Conscious of the "right to education" contained in article 2 of the First Protocol of the European Convention on Human Rights, the Adjudicator allowed the appeal on the basis that the appellant's course of study had reached such an advanced stage that it would have been unreasonable for him not to have been allowed to conclude it.

ASA/02/02/2007

APPENDICES

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BIOGRAPHIES OF ADJUDICATORS APPOINTED IN JANUARY 2002

Salma Bashir

Salma read law and undertook her Legal Practice Course at Sheffield University. She became a solicitor in 1998 and went on to practise immigration law. She has worked mainly in the areas of family and property law, government dispersal policy and specialises in asylum and immigration law.

Salma has worked as an Immigration supervisor for the Legal Services Commission and as an external immigration category supervisor for various firms. She has recently left practice in order to establish her own practice. In terms of local community programmes Salma worked with Surestart and as an elected member of local Citizens Advice Bureau management board. She has also sat as an executive hospital manager on internal mental health review boards.

Case Profile: Destitution

When NASS investigating officials visited this appellant they discovered that he was working as a pizza chef at a local restaurant. No notification of his employment had ever been given to NASS. Upon examination of the appellant's premises, the latest hi-fi equipment was spotted nestling adjacent to the newest design in computer technology. As the appellant readily admitted, the wages of a pizza chef were quite generous particularly when added to the NASS vouchers he had been continuing to collect. "Why," asked the Adjudicator, "are you appealing?" "In case I ever lose my job I want to retain the right to receive my vouchers so I just want to continue collecting them," claimed the indignant appellant. The appeal was dismissed and the appellant had a further opportunity to explain his actions when criminal proceedings were instituted against him.

ASA/07/01086/001

Case Profile: The Rebellious Appellant

Most appeals, as with all court cases, must have a winner and a loser. It never ceases to amaze Adjudicators how courteously their decisions are accepted by appellants even when the findings could have such a calamitous consequence on their personal lives. One appellant, however, was determined to make his protest to the Adjudicator even before the evidence had been taken. When invited to sit at the table, he flatly refused to do so. He was appealing against the withdrawal of his accommodation by NASS because of a breach of one of the terms of the agreement. "I'm not allowed to sit in my home because of his rules" he said angrily, pointing at the NASS representative "so I'm not prepared to sit at this hearing by way of protest at the way I have been treated." The appellant accordingly proceeded to remain standing for the next 90 minutes whilst his hearing took place.

ASA/02/04/2470

BIOGRAPHIES OF ADJUDICATORS

Richard Briden

Richard graduated from the University of East Anglia in 1981 and was called to the Bar in 1982. He undertook pupillages with the then Attorney-General's chambers and with a set of Chancery barristers. Since 1983 he has been in practice at the Bar chiefly involved with asylum, immigration and housing law cases.

Since 1994 he has sat both as a member and as a chair of the appeal bodies of the Legal Services Commission and its predecessor, the Legal Aid Board. In 2000 he was appointed to the Bar Disciplinary Tribunal and has sat with the Visitors on appeal. He is a Legal Assessor on the Professional Conduct Committee of the General Medical Council.

Richard has lectured part-time at the London School of Economics, the European Business School and Westminster University. His primary academic interest is in European Union law. Since 1992 he has been a Fellow of the Chartered Institute of Arbitrators.

Gary Garland

Gary spent several years in heavy industry and local government before reading law at the University of Northumbria. He was called to the Bar of Inner Temple in 1989 and undertook pupillage in the chambers of David Robson QC before joining the Crown Prosecution Service, where he served as a Prosecutor dealing with heavy and specialised casework. He also was a member of the International Branch at the headquarters of the CPS in London.

Gary is currently a Trial Attorney at the International Criminal Tribunal for the Former Yugoslavia in The Hague. He was for several years a member of the Bar Council, where he served on a number of committees including the Professional Conduct and Law Reform. He is a visiting lecturer on law and a qualified trainer. He has a particular interest in Human Rights law.

Alison Lock

Alison read English at university and worked for the National Children's Home before being admitted as a solicitor in 1992. She practised as a solicitor in Brighton and Eastbourne, specialising in housing law, litigation, public law work (including judicial review) and welfare benefits. She is also experienced in dealing with cases involving Community Care legislation.

In 1999 Alison was appointed part-time Chairman of the Social Security Appeals Tribunal for the Appeals Service and sits on the Social Security, Disability and Housing Benefits Appeal Tribunal.

BIOGRAPHIES OF ADJUDICATORS

Fozia Rizvi

Fozia graduated with a Masters degree in Information Technology law and a Masters in Technology law from the University of London. Her background is mainly in the voluntary law centre sectors. She has worked for the Central London and North Kensington Law Centres as well as the Terence Higgins Trust.

Fozia has undertaken a great deal of immigration and asylum work in private practice. She has previously held executive positions on management committees of two Asian women's refuges. She is also a member of the Immigration Lawyers Practitioners Association. She currently works at a legal aid practice in Newham as a housing solicitor.

Evis Samupfonda

Evis graduated with an LLB (Hons) degree from the University of the Southbank in 1987 and completed the Bar course in 1991. She obtained a Postgraduate Diploma in Management Studies from the University of Leicester in 1999.

Evis has been employed as a senior homeless persons caseworker for the London Borough of Sutton and spent time in pupillage at the chambers of Jonathan Goldberg QC, dealing mainly with civil and criminal practice. Evis has also worked as In-House Counsel for the London Borough of Southwark and is currently the Deputy Manager/Arbitration Officer for Southwark Council. She also chairs the Rent Assessment Committee and Leasehold Valuation Tribunal where she determines (inter alia) disputes relating to regulated and assured tenancies, service charges and insurance.

Evis has extensive experience of arbitration and adjudication as well as litigation and supervisory and management roles.

David Saunders

David was admitted as a solicitor in 1984 and has since practised in Kent and Sussex in partnerships before setting up his own firm, Saunders Kemp, in Canterbury in 2000, which he continues to run. He has practised in many areas of litigation, both with private work and Legal Aid but now specialises in large-scale commercial disputes.

In 1995 he was appointed as a Social Security Appeal Tribunal Chairman and Chairman of both Disability Appeal Tribunals and Medical Appeal Tribunals. He remains sitting in these jurisdictions and was appointed as an Asylum Support Adjudicator in January 2002.

BIOGRAPHIES OF ADJUDICATORS

Sally Verity Smith

Sally studied law at the University of Westminster and was called to the Bar at Gray's Inn in 1980. Since qualifying, she has worked exclusively in the asylum field and has held various posts worldwide including three years as director of a refugee centre in Montreal, Canada (1982-5), three years with the UKIAS Refugee Unit in London (1986-9), five years with the UNHCR as a legal consultant (Hong Kong and Thailand) 1989-1994.

She is a trustee of the Gordon Barclay Vietnam Fund and has served on the management committees of the Refugee Support Centre and the Detention Advisory Service.

Sally has worked at the Medical Foundation for the Care of Victims of Torture as their legal officer since 1994.

Victoria Woollen

Victoria read Modern languages at Birmingham University before training as a solicitor at the College of Law in Chancery Lane, and was admitted in 1983.

After admission she practised as a property solicitor in London dealing with a wide variety of clients, including Public Companies and national charities. Victoria spent 2 years living in New York and since her return has taught law. In 1997 Victoria was appointed a Deputy District Chairman of Social Security Appeals Tribunals for the Appeals Service, taking on part-time chairmanship of Disability Appeal Tribunals in 1999.

She continues to sit in these jurisdictions and combines it with her sessional work as an Asylum Support Adjudicator.

Jessica Wyman

Jessica read Geography with African and Asian studies at Sussex University before training as a solicitor and being admitted in 1991.

Since qualifying she has worked exclusively at Tyrer Roxburgh, a North London legal aid practice, where she is a partner. Until two years ago she specialised in both Family and Immigration law. However she now practises solely Immigration law.

Jessica is active in Jewish communal affairs and has previously been represented on the Board of Deputies of British Jews. She has recently been successful in winning one of her cases which reached the jury at the European Court in Luxembourg. Jessica occasionally lectures on both Immigration and Family law.

PERFORMANCE TARGET

The following tables provide a summary of our outcomes measured against our Business Plan Targets for 2001 – 2002.

This Annual Report has demonstrated the huge rise in the number of hearings this year. Inevitably this has some impact upon our performance. We are delighted that we have still managed in the face of almost overwhelming odds, to keep to a very high standard of service delivery in the areas which matter most – the determination of appeals within our statutory timescales. We have had to make difficult choices. Obviously we cannot leave appeals unheard in order to prioritise training and staff meetings, but we are keenly aware of the difficulties which we store up if we continue to prioritise our external service to the detriment of our internal wellbeing. It is to this end that we are making plans to expand our numbers (budget allocation permitting) and to modify our building accordingly. We are hopeful, therefore, that next year should see us maintain our high level of service to our customers but be able to balance this with our own priorities such as regular meetings to review progress and the allocation of sufficient time to pressing training priorities, such as equalities and induction.

Case Profile: Freedom of Religion

Since the introduction of the Human Rights Act, Adjudicators have dealt with a number of appeals based on alleged breaches of various Articles of the European Convention on Human Rights. One of the more unusual cases concerned an alleged breach of article 9 which protects the right to hold religious beliefs and to manifest them in worship and observance. It was submitted on behalf of the appellant that as a practising Catholic, not only did he have a duty to take an active part in Mass but a strong desire to do so. Accordingly, he needed access to a church where Mass was said in his native tongue of French and because such a facility was apparently not available in the dispersal area, the requirement to be dispersed to the new locality would breach his article 9 rights.

Evidence was heard from the Minister of the Church in London who confirmed that it was necessary to “actively participate” in a Mass and as the appellant was French-speaking, it followed that he should have the right to attend a French-speaking Catholic church of which, it was said, there were none in the proposed dispersal area. The Chief Adjudicator considered the wording of the Canon Code in reaching her decision. She held that the absence of a Minister able to conduct Mass in French would not prevent the appellant from taking part in Mass. Just by being present he fulfilled the requirements of his faith. Dispersal would accordingly not be in breach of article 9. The appellant has issued judicial review proceedings.

ASA/02/04/2665

PERFORMANCE TARGET

Strategic Aim 1: Compliance with Strategic Targets of Delegated Legislation

| Objective | Target Standard | Our Performance | Points to Note |
|---|--|-----------------|---|
| List hearings within statutory timescale | 100% of notices sent within timescale | 98% | There were 2,141 appeals received in this reporting year as opposed to 257 in the previous year. The huge increase is not reflected in increased staffing levels and has resulted in some slippage. In addition the late delivery of appeal bundles from the respondent in a significant number of cases has further delayed our ability to list hearings. There have been a few occasions where adjournments have been granted in the interests of justice upon an application from the appellant. |
| Hear cases and deliver adjudication within statutory timescale | 100% of oral hearings completed within timescale 100% written hearings completed within timescale | 98% 100% | Comments are as above. Once there has been a delay at the beginning of the process, an oral hearing cannot be listed earlier to rectify the matter since to give shorter notice of hearing would not be in the interests of justice. |
| Send out Statements of Reasons not later than 2 days after date of oral hearing | 100% sent within timescale | 99% | This slippage is caused by the increase of work and pressure upon both typing resources and sessional Adjudicators. |
| Report annually to all users on our performance | 100% of statistical information on targets to be published annually | 100% | ASA statistics are also updated monthly on our website and are reported quarterly to User Group meetings. We hope to commission consultants to re-design our database to provide more accurate and detailed information and to take account of pressure placed upon the existing system by the increase in numbers of appeals. |

PERFORMANCE TARGET

Strategic Aim 2: Efficiency and Professionalism

| Objective | Target Standard | Our Performance | Points to Note |
|--|--|------------------------------|--|
| Maintain and operate a planning cycle for strategic objectives | 100% of objectives set in Business Plan to be reviewed quarterly 100% of results of quarterly review to be reported and acted upon 100% of performance against Business Plan targets to be monitored in Annual Report | 100% 100% 100% | Internal reporting occurs at team meetings. Team meetings have happened less frequently during this reporting year due to pressure to maintain standards of service delivery in the face of increasing numbers but our progress and objectives are still highlighted on a regular basis and are covered individually with staff and Adjudicators in Performance and Appraisal development sessions. |
| Provision of half-yearly information to the Council on Tribunals | 100% of returns on time | 100% | We have provided additional statistics on a voluntary basis when Tribunal members have attended for observation. Request for second report of the year will fall outside of this Annual Report period. |
| Highlight support needs at an early stage | 95% support staff attendance 95% support staff absence monitoring report completed on time and supervisory action taken 95% of Adjudicator absence reported and supervisory action taken | 100% 100% 100% | Although the targets are met there has been a slight increase in sickness absence during this reporting year. 2.6% time was lost due to sick leave last year. This years time lost is 3.1%. |
| Monitoring quality and consistency of decisions and Reasons Statements | 10% oral determinations subject to quality monitoring 30% Reasons Statements subject to quality monitoring 100% of twice yearly review meetings and reports to take place | 0.25% 30% 100% | Given the increase in numbers a 10% monitoring of oral hearings would have required supervisory attendance at 150 hearings. This would have removed the Chief Adjudicator from almost any capacity to hear cases and is in all circumstances a target which requires review. Nonetheless, Reasons Statements which are produced as a result of all hearings are closely monitored and determinations on complex cases are discussed in detail. |

PERFORMANCE TARGET

| Objective | Target Standard | Our Performance | Points to Note |
|---|--|----------------------------|---|
| Ensure motivation and commitment | 90% support staff to have received Appraisal and Development meetings by March 2002 90% of Adjudicators to have received review meetings by March 2002 | 100% 100% | |
| Respect for users demonstrated in appeal hearings | 90% Adjudicators to have written and verbal feedback on court conduct by March 2002 90% support staff to have received feedback on court conduct by March 2002 | 100% 100% | Not all support staff have direct contact with the court process. Feedback has been given to the individuals to whom it would be relevant. |
| Commitment to training | 80% training courses to have written evaluation 75% training needs to be reflected in a Training Plan by June/July 2002 100% quarterly monitoring meetings evaluating training take place | 95% n/a 100% | Training plan not yet due. Will be developed from the new cycle of Performance and Appraisal Development meetings. Last meeting of the year now due. |
| Work towards our liP accreditation renewal | 100% quarterly monitoring meetings to take place | 100% | liP standards are reviewed at regular internal meetings between the Centre Manager and the DCASA and were assessed at a recent team event. |

PERFORMANCE TARGET

Strategic Aim 3: Justice and Independence

| Objective | Target Standard | Our Performance | Points to Note |
|--|--|---|---|
| Monitor complaints | 90% complaints acknowledged within 5 working days 80% complaints receive substantive response within 20 working days | 100% 100% | |
| Develop a culture of fairness and independence | 80% fortnightly team meetings for support staff take place 80% weekly team meetings for Adjudicators take place 85% 6-monthly joint team meetings take place 80% communication meetings between DCASA and Centre Manager take place | 25% 50% 50% 80% | Substantial increase in workload has led to cancellation of meetings. Adjudicators meetings have now formally changed to a fortnightly basis. Wider use is made of e-mail as an interim measure to cover communication gap. A team meeting has been successfully arranged. Retrieval of this position is an urgent priority when our staffing position can be resolved. |
| Publicise key decisions | 100% decisions included in public register 100% decisions available on disk 60% information to be recorded on ASA website by October 2001 100% information to be provided for ein website by July 2001 | 100% 100% 80% 100% | The ASA website went live later than anticipated but is now fully functional |

PERFORMANCE TARGET

| Objective | Target Standard | Our Performance | Points to Note |
|--|---|------------------|---|
| Develop Human Rights expertise | 80% files monitor raising of Human Rights issues 80% weekly trawl and dissemination of case law takes place | 75% 100% | There is no procedure for monitoring paper cases and this will need attention. We have subscribed to the Lawtel daily update system which has vastly increased our ability to assimilate and distribute relevant information. |
| Review effectiveness and outcome of Appeal process | 90% relevant statistics reviewed on a quarterly basis 100% relevant statistics reported in Annual Report | 100% 100% | Statistics reviewed monthly. |
| Consistent and qualitative decision making | 90% compliance with updating Best Practice Manual by end of year 85% decisions to be recorded within legal president index within one month of determination | 25% | The Best Practice Manual is in its easy re-draft stage. A draft precedents index has been produced and the first 500 decisions provisionally classified therein. Pressure of work has slowed these tasks, although they are expected to be concluded within the next 6 months, pressure of work and resources permitting. |

PERFORMANCE TARGET

Strategic Aim 4: Responsiveness and Sensitivity

| Objective | Target Standard | Our Performance | Points to Note |
|---|--|-------------------------|---|
| Monitor user / comment procedure | <p>90% comments received to be assessed and actioned within 20 days</p> <p>100% user group meetings to report on and action feedback</p> | <p>100%</p> <p>100%</p> | Customer working group established to increase access to feedback. |
| Publicise complaints procedure | <p>90% complaints acknowledged within 5 working days</p> <p>80% complaints receive a substantive response within 20 working days</p> | <p>100%</p> <p>100%</p> | |
| Disseminate complaints procedure | <p>80% appellants know about complaints procedure within 5 working days of their valid appeal being lodged</p> <p>100% user group meetings include report back on user perception of our performance</p> | <p>100%</p> <p>100%</p> | We have been able to report on take up of our freephone system and our website. We also act upon comments about our service raised at user group meetings |
| Disseminate information on the hearing centre | <p>80% information leaflets distributed to representatives on 6-monthly basis</p> <p>100% appellants sent user information within 2 days of valid appeal notice</p> | <p>100%</p> <p>98%</p> | 100% appellants are sent user information but this will be later than 2 days if the notice of hearing has been sent late. |

PERFORMANCE TARGET

| Objective | Target Standard | Our Performance | Points to Note |
|---|---|--|--|
| Use of high quality interpretation services | Timely attendance by interpreter at 90% of all hearings Quality monitoring completed on 90% of all hearings 90% of interpreters receive letter from ASA outlining expected standards and conduct 85% of interpreters to be sent annual questionnaire | 90% 100% 100% 25% | A draft questionnaire exists but has not yet been sent out. Delay is caused by prioritising the hearing deadlines in the face of increased numbers of appeals |
| Equality training | 100% Adjudicators and support staff to have participated in ASA equal treatment training by October 2001 100% of equality issues noted to be reported for action | 10% 100% | We have obtained the material required to run equal treatment training but have not organised the courses since we have no dedicated trainers. Adjudicators have been involved in hearings and in prioritising induction training. Subject to the numbers of appeals, it is anticipated that this training should be concluded within the next 6 months. |

Case Profile: An Appealable Decision?

The right of an Adjudicator to hear an appeal was contested by the Secretary of State in a case where support had been effectively frozen unless and until the appellant complied with dispersal instructions. It was argued that the Adjudicator did not have jurisdiction to hear any appeal because support had not been terminated, merely suspended. The case turned upon the interpretation of Section 122 of the Act. The Chief Asylum Support Adjudicator decided that to have refused jurisdiction would constitute a breach of the appellant's rights under article 6 of the European Convention on Human Rights in that he would have been denied an effective remedy and a fair and public hearing to determine whether he had a reasonable excuse for his failure to travel. The Adjudicator accordingly held that the Secretary of State had stopped providing support to the appellant and in those circumstances under Section 103 of the Act an appeal did lie to the Adjudicator who was empowered to hear it. The Secretary of State is seeking judicial review of one of 8 similar cases.

ASA/01/10/1088

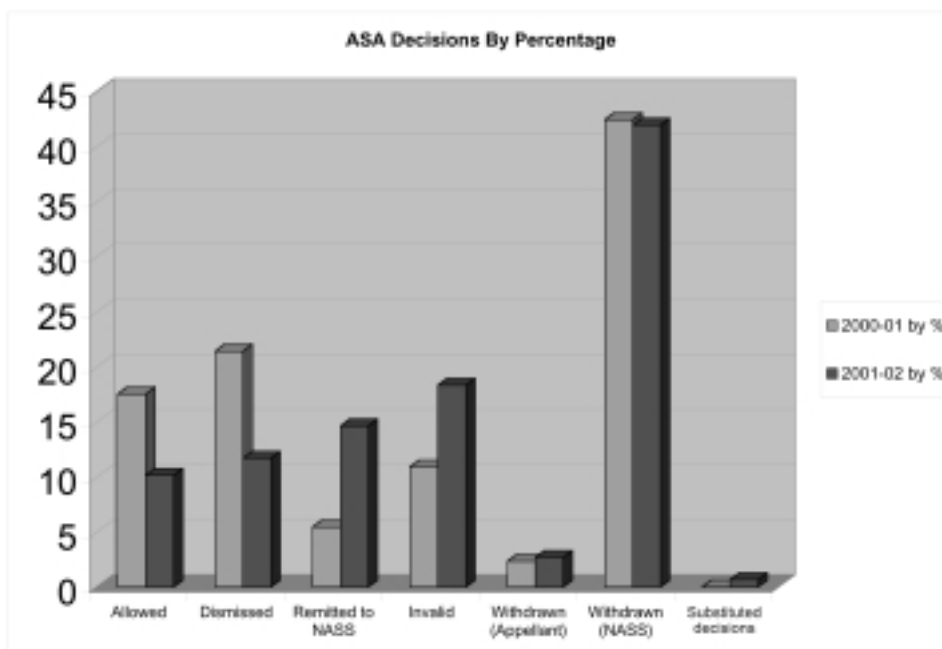
PERFORMANCE TARGET

Strategic Aim 5: Pro-activity

| Objective | Target Standard | Our Performance | Points to Note |
|--|--|------------------------------|---|
| Run User Group meetings on a quarterly basis | 90% quarterly meetings to take place on time and be minuted | 100% | A summary of our meetings is published on the website. |
| Monitoring contextual information | 85% appeal files record information as to representation of appellants. | 100% | Improvements to database will be possible once consultancy begins. |
| Improve website design | 60% information to be recorded on ASA website by October 2001 100% information to be recorded by March 2002 | 80% 100% | Website on line later than expected but now fully operational. Contracting procedure commenced for new website. |
| Database information used to effect change where needed | 85% compliance with monitoring meetings 100% performance information to be published in Annual Report 85% management information provided to quarterly user group meetings. | 100% 100% 100% | |
| Value for money | 80% compliance with monitoring meetings 90% financial information available in Annual Report | 100% 100% | |
| Ensure continuous improvement and responsiveness to change | 90% user group meetings minuted and agenda to contain a summary of action taken since last meeting 90% user group participants to be consulted by way of written survey by December 2001. | 100% 25% | Customer working group set up. Draft consultation questionnaire completed to be circulated for comment. Survey expected to be underway within the next 6 months. Delay occasioned by prioritising casework. |

STATISTICS

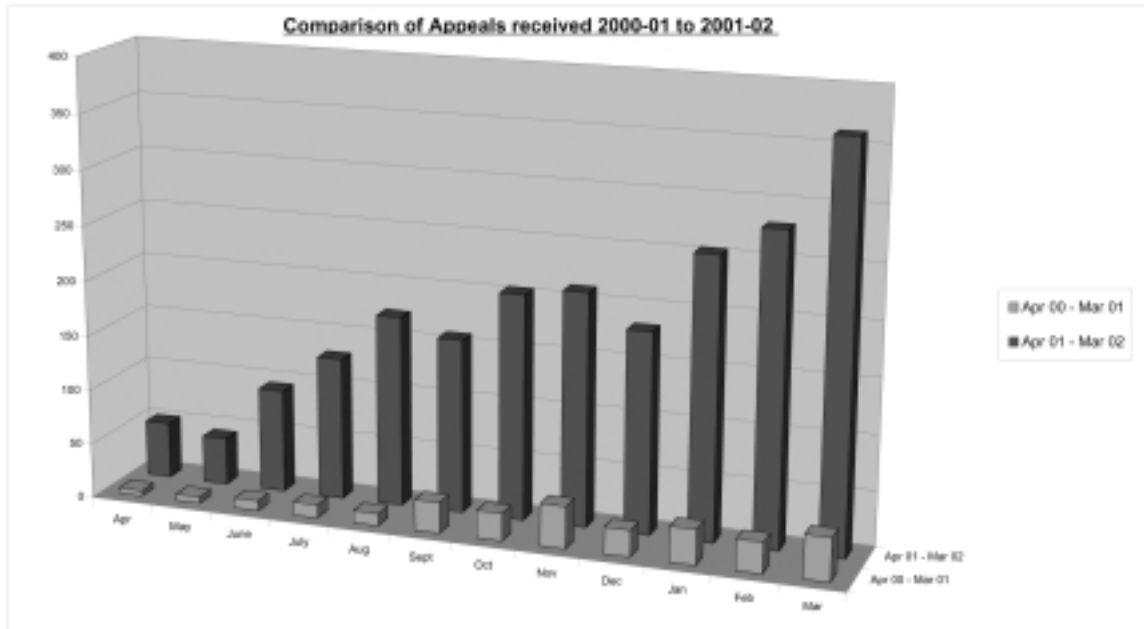
ASA Determinations 2000 - 2002



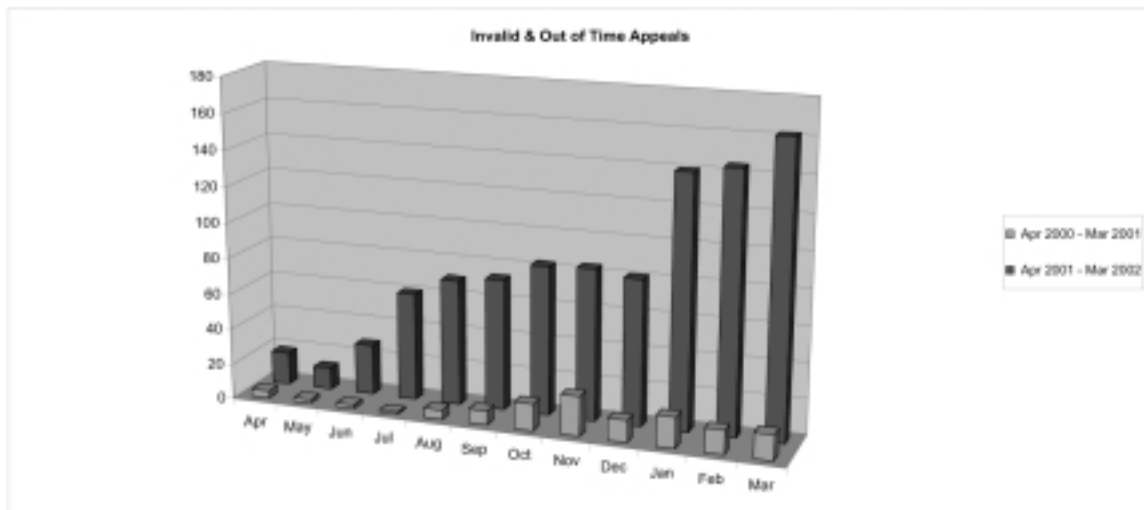
| | 2000-01 | 2001-02 |
|----------------------------|----------------|----------------|
| Allowed | 45 | 217 |
| Dismissed | 55 | 250 |
| Remitted to NASS | 14 | 313 |
| Invalid | 28 | 392 |
| Withdrawn (Appellant) | 6 | 57 |
| Withdrawn (NASS) | 109 | 898 |
| Substituted Decisions | 0 | 14 |
| To be Recorded | 0 | 0 |
| Total Appeals Rec'd | 257 | 2141 |

STATISTICS

ASA Appeals Received Year 00 - 01 & 01 - 02

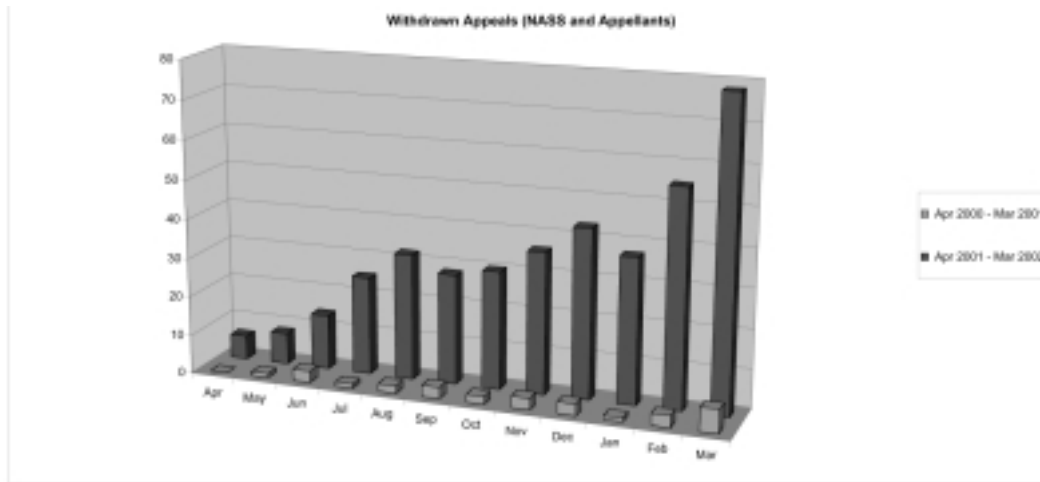


| Appeals Received | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Totals |
|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Apr 00 - Mar 01 | 5 | 6 | 9 | 12 | 11 | 20 | 25 | 38 | 24 | 32 | 20 | 39 | 257 |
| Apr 01 - Mar 02 | 51 | 43 | 94 | 128 | 173 | 158 | 204 | 211 | 182 | 254 | 280 | 362 | 2141 |

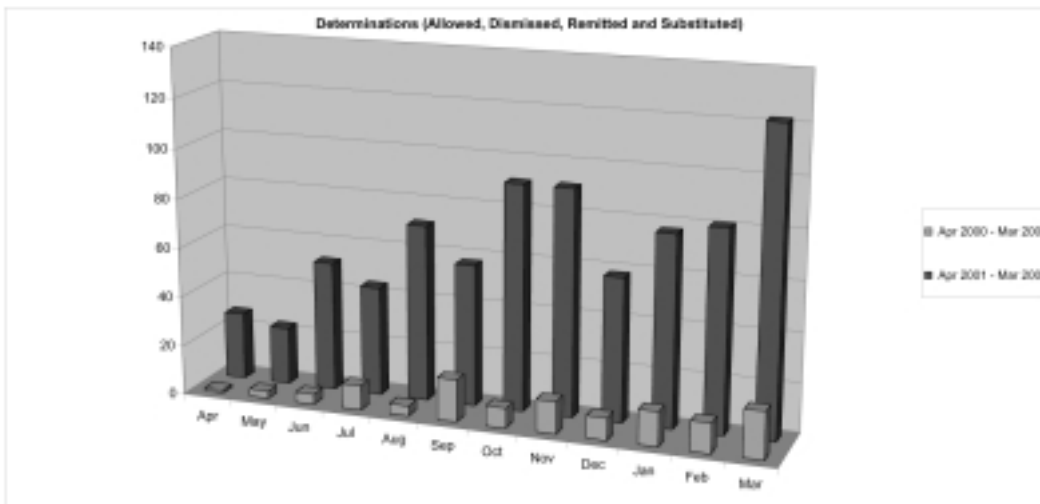


| Invalids & Out of Time | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Totals |
|------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Apr 2000 - Mar 2001 | 0 | 1 | 3 | 1 | 2 | 3 | 2 | 3 | 3 | 1 | 3 | 6 | 28 |
| Apr 2001 - Mar 2002 | 6 | 8 | 14 | 25 | 32 | 28 | 30 | 38 | 43 | 37 | 55 | 78 | 392 |

STATISTICS



| Withdrawals | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Totals |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Apr 2000 - Mar 2001 | 4 | 2 | 2 | 1 | 5 | 8 | 15 | 22 | 12 | 17 | 13 | 14 | 115 |
| Apr 2001 - Mar 2002 | 18 | 12 | 28 | 60 | 70 | 73 | 83 | 84 | 81 | 140 | 144 | 182 | 955 |



| Determinations | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Totals |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Apr 2000 - Mar 2001 | 1 | 3 | 4 | 10 | 4 | 17 | 8 | 13 | 9 | 14 | 12 | 19 | 114 |
| Apr 2001 - Mar 2002 | 27 | 23 | 52 | 44 | 71 | 57 | 91 | 91 | 58 | 77 | 81 | 122 | 794 |