

Information on the Border and Immigration Agency (BIA) Case Resolution Programme (Legacy Cases)

Update November 2007

Introduction

In July 2006, the Home Secretary announced that there was a backlog of around 450,000 asylum claims in the UK which have not been resolved. To deal with these cases, the Home Office has established a separate team of case workers- the Case Resolution Directorate, who are based in Croydon and Liverpool.

This briefing pulls together all the relevant and up-to date information available from reliable sources in relation to the programme at present. It is recognised that changes happen all the time and the briefing will be revised and dated accordingly.

The Case Resolution Process

BIA has said that each case will have a dedicated caseowner by the end of December 2007.

Those who have committed serious criminal offences will be processed for deportation. In all other cases, individuals should be contacted and asked to complete a questionnaire and to state all current reasons for wishing to stay in the UK.¹

The process is phased and at present, questionnaires are being sent to families in Wales. There are currently 300+ families in Wales awaiting a decision on their claim. This phase will come to an end in March 2008 when cases from single people will be considered.

Questionnaire

Applicants have to wait to receive a questionnaire from BIA- it does not accept copied versions of the questionnaire. Once it has been received it will need to be completed and returned within 21 calendar days of being sent out.

Applicants are advised to seek legal help in completing the questionnaire. Community Legal Service Direct can refer people to a local solicitor. They can be contacted on 0845 345 4 345 or visit www.clsdirect.org.uk

Although receiving a questionnaire means that a case will be taken to early resolution it does not mean that it will necessarily be resolved in the applicant's favour²

Also, if a questionnaire has been received and completed by a family it is not necessarily the case that they will not be removed- it depends on their particular circumstances and BIA will not share reasons for any removal with third parties.³

[A tool kit has been developed by Welsh Refugee Council (WRC) advising people on what to do if someone they know is removed and detained. The tool kit can be downloaded from WRC website www.welshrefugeecouncil.org or you can contact WRC direct for a copy (details overleaf).]

What will happen if the decision is negative?

- Families that are at the end of the process will remain subject to removal.
- BIA has stated that enforcement and removal will not be put on hold while the case resolution process continues. This means that someone could be removed before they had received a questionnaire.
- If people have an appeal outstanding they will remain in the asylum process.
- Present BIA policy is that support for refused families will continue until the youngest child turns 18 or the family leave the UK⁴

¹ FAQs on Case Resolution on BIA website:

<http://www.ind.homeoffice.gov.uk/applying/asylum/caseresolutionprogrammefaq/>

² *Case Resolution Update*, Refugee Council, August 2007,

<http://www.refugeecouncil.org.uk/policy/briefings/2007/caseresolution.htm>

³ Information from Regional Director, Wales & South West, BIA

What will happen if the decision is positive?

- For families who are granted ILR, BIA is including a translated letter alongside decisions, to explain that the enclosed documents are important and that the family has been granted indefinite leave to remain
- BIA has been working with the Department for Work and Pensions to ensure that National Insurance numbers are issued quickly for those with positive decisions
- All family members over the age of 16 will be sent a National Insurance application form. It is very important that family members complete and return this form as soon as possible and contact JobCentre Plus immediately if they need to access mainstream benefits

What to do if you have not received a questionnaire

It seems that some people may never receive a questionnaire and have their case considered by the Case Resolution Directorate even though their case is within the legacy backlog. It is not known who will receive a questionnaire and who may be subject to enforcement and removal at short notice. The Immigration Law Practitioners' Association is therefore advising people to consider taking legal advice as there may be good reason to ensure that BIA have full and up-to-date reasons why someone should be allowed to stay in the UK.

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Information from BIA

BIA has made a number of pledges to Local Authorities as follows:

1. There will be no amnesties
 2. We will test our systems first
 3. We will not rush the job
 4. We will be sensitive to local circumstances
 5. We will track risks around community cohesion
 6. We will share information up front
 7. No one need move and no need for evictions
 8. We will help in finding solutions for all families
 9. No impact on council tax
 10. We will help people become taxpayers
- *Please note that these pledges have been made to Local Authorities only. No other written information on the process has been issued by BIA.

Further information

Website links have been provided for the information used to compile this briefing, however if you do not have

access to the internet Welsh Refugee Council can provide you with the documents
(contact details below).

Welsh Refugee Council BIA Regional Office

Phoenix House 31-33 Newport Road

389 Newport Road Cardiff

Cardiff Tel: 029 2092 4567

CF24 1RN <http://www.ind.homeoffice.gov.uk/>

Tel: 029 2038 9800 Telephone Enquiry Bureau: 0870 606 7766

E-mail: info@welshrefugeecouncil.org

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Tel: 029 2043 2987 Tel: 029 2038 8389

⁴ ICT Information Bulletin 100, November 2007

⁵ ICT Information Bulletin 100, November 2007

⁶ *Legacy Cases* 3, ILPA Information Sheet September 2007, <http://www.ilpa.org.uk/>

⁷ Border and Immigration Agency Pledges, October 2007