

Public performance target: removing more failed asylum seekers than new anticipated unfounded applications

- During Q1 2006 (January to March), 4,930 failed asylum seekers, including dependants, were removed¹ compared with an estimated 5,165 applicants in Q1, including dependants, who it is predicted will fail to be granted refugee status or other leave. This represents an improvement on the performance for previous quarters, reflecting increased removals and falling application figures.

Period	Applications (including dependants)	Percentage predicted to prove to be unfounded	Number (including dependants) predicted to be unfounded	Removals (including dependants)		Performance (removals / predicted unfounded applications)
				Total	Number (out of total) who left the UK without informing the Immigration Authorities	
Q1 2004	10,730	74%	7,910	4,100	-	52%
Q2 2004	9,305	77%	7,135	3,780	-	53%
Q3 2004	10,485	76%	7,980	3,585	-	45%
Q4 2004	10,100	76%	7,660	3,440	-	45%
Q1 2005	8,260	75%	6,180	3,480	15	56%
Q2 2005	7,190	73%	5,230	3,765	110	72%
Q3 2005	7,705	71%	5,445	4,205	195	77%
Q4 2005	7,305	70%	5,145	4,200	145	82%
Q1 2006	7,530	69%	5,165	4,930	275	95%
<i>Of which:</i>						
January 06	2,805	68%	1,915	1,345	35	70%
February 06	2,275	69%	1,570	1,680	120	107%
March 06	2,450	69%	1,685	1,905	120	113%

Basis of calculation of target

The target calculation is based on a comparison, for a given period, of:

- the number of unsuccessful asylum seekers (including dependants) removed with
- the number of new applicants (including dependants) who it is predicted will fail to be granted refugee status or other leave, after the cases have gone through the initial decision and appeal process (first two tiers), based on recent rates for grants at initial decision, the proportion of those refused that appeal, and the proportion allowed at appeal.

Further details are given in the attached technical note.

¹ Includes persons departing voluntarily after enforcement action had been initiated against them, persons leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration, and those who it is established have left the UK without informing the immigration authorities.

Technical note: Calculating performance against the Tipping the Balance target

Introduction

1. The Tipping the Balance target states that the number of failed asylum applicants removed each month exceeds the number of new asylum applicants who, it is predicted, will not be granted leave to remain in the UK, as a result of their asylum application.
2. In order to measure progress, a methodology has been developed to predict the proportion of new asylum applicants that will fail to be granted any form of leave (refugee or other status), up to and including the 2nd appeal tier. The method uses historical data to calculate the percentage of arriving asylum applicants that are predicted to go on to fail to be granted leave. The methodology is being kept under review with further work being undertaken, including on calculating the proportion of withdrawals, assessing whether a bias adjustment is needed for appeal determinations and assessing whether improved predictions would arise from using cohort-specific data².
3. This technical note describes:
 - what constitutes an unfounded application;
 - the calculations used to estimate the proportion of applications that are predicted to be unfounded;
 - what constitutes a removal of a failed asylum seeker;
 - assumptions used in the calculations;
 - success criteria;
 - ongoing reporting against the target;
 - reliability of the asylum statistics;
 - comparisons of predicted number of applications estimated to be unfounded with actual figures.

Definition of an unfounded asylum application

4. For the purpose of measuring this target, an unfounded asylum application³ is one that subsequently results in an applicant having no status in the United Kingdom, e.g. refugee status, Humanitarian Protection (HP) or Discretionary Leave (DL). It includes any dependants of that person. The definition includes applicants (and their dependants) who:
 - have withdrawn their application for asylum⁴ or
 - are refused asylum and do not appeal against their refusal or
 - are refused asylum and who have no in country right of appeal against their refusal (NSA⁵ and Third Country cases⁶) or
 - are refused asylum and submit an appeal and that appeal is not allowed and is not withdrawn by the Home Office⁷.

This does not include applicants (and their dependants) who are granted any form of leave in whatever category regardless of whether their asylum application was refused at initial decision (e.g. those who are unaccompanied minors granted discretionary leave).

² See Home Office Statistical Bulletin 13/05, Asylum Statistics, United Kingdom, 2004, for an example of cohort-specific analyses.

³ Annex B illustrates the stages at which asylum application can become unfounded.

⁴ Not all withdrawals necessarily lead to individuals becoming potentially removable. However, since some withdrawals are known to result in removals and are included in the removals totals, all such cases are included in the prediction of numbers becoming unfounded, as well as (where appropriate) in removals totals.

⁵ Non-suspensive appeal cases: i.e. removal is not suspended pending appeal.

⁶ A Third Country case is an application for asylum from a person who can be returned to a safe third country. A safe third country is not the applicant's country of origin. It is one where we are satisfied a person will be neither persecuted nor subjected to torture or inhuman or degrading treatment or punishment and one which would not remove a person in breach of the principles of the UN Refugee Convention or the European Convention on Human Rights (ECHR).

⁷ Where the appeal determination is recorded as 'withdrawn by Home Office' it is assumed that the case has been conceded by the Home Office.

Calculation used to estimate the proportion of applications that are predicted to be unfounded

5. The predicted number of unfounded applications in, say, March 2006 is based on:
 - a) the published number of applications in March 2006, including dependants;
 - b) the predicted proportion that will fail to be granted refugee status or other leave, after the cases have gone through the initial decision and appeal process (first two tiers), based on historical data⁸ (an example calculation is provided in Annex A).

Definition of a removal of a failed asylum seeker

6. All removals, including dependants, where the person being removed, or at least one member of the family being removed, has at some point during their time in the United Kingdom submitted an application for asylum. This includes:
 - Third Country cases where the application for asylum is not accepted;
 - voluntary returns and voluntary assisted returns;
 - enforced removals;
 - those who it is established have left the United Kingdom without informing the immigration authorities (e.g. detected at UK embarkation controls or identified as having left the UK when they apply for entry clearance at a British Mission overseas).
7. IND has developed operational systems for identifying persons in the last category. Cases have been identified retrospectively, leading to revisions to the previously published figures. To aid with interpretation of trends, the numbers where it is established the person has left the United Kingdom without informing the immigration authorities are presented separately.

Assumptions used in the calculations, and their justifications

8. The predicted proportion that will fail to be granted refugee status varies over time depending on trends in the proportions, by nationality, that are successful at initial decision or at 1st or 2nd appeal tier. Annex B illustrates the stages at which an asylum application can become unfounded.
9. For initial decisions on applications in March 2006 (say) the calculations make a number of assumptions, which are outlined below.
 - a) Cross-sectional data for the period July 2005 to December 2005 can be used as the basis for predicting the proportion of applications in March 2006 that will prove to be unfounded.⁹ The period of July to December 2005 has been selected as recent data should be most representative of March 2006 performance. This six-month period will permit more accurate estimates than October 2005 to March 2006 as it allows for late-reported cases to be submitted. A six-month period was chosen in order to reflect averages over a sufficiently long period so that the assumptions are sufficiently robust and stable and the impact of seasonal (or other) differences is reduced. Historical calculations for earlier application periods use the most recent six-month period. Further details are in Annex C.
 - b) The calculations have been performed separately for the “top twenty”¹⁰ nationalities and for all other nationalities grouped together so that subsequent changes in the distribution of applications by nationality can be accommodated. In particular, unfounded rates vary considerably by country, as does the volume intake, and so the mix of nationalities can have an impact on the unfounded rate.

⁸ Predicted proportions for unfounded applications are used because of the time taken from initial application to final decision. A majority of the final decisions are made within nine months but a proportion can take longer, and hence an estimate is required for recent months' intake.

⁹ For cross-sectional data analysis, ratios are based on the stage reached (decisions, for example) in a fixed period. This differs from cohort analysis whereby ratios are based on the path of a fixed group of applicants from their initial application to the end of the asylum process.

¹⁰ Outside these top 20 intake generating nationalities, numbers of applications per nationality are insufficient to make separate calculations.

- c) The proportion of applications withdrawn prior to initial decision is 3%. This is based on analysis of outcomes, where available, for applications made in the first half of 2005 (January to June). Withdrawal data tend to get revised and, in addition, recent months are thought to have been affected by the Family ILR exercise¹¹. Therefore, in preference to the July-December 2006 period, alternative more stable and robust data, more relevant to new applications being made in March 2006, have been used for this assumption.¹²
- d) To be consistent with the published asylum application figures, where an applicant makes more than one application for asylum, only the first will be included: all subsequent applications will be excluded.
10. In the cross-sectional data on decisions for July to December 2005, used to estimate the proportion and number unfounded, there is an atypically high proportion of applications that have taken a long time to decide. The latter have a low proportion that are unfounded, which results in the percent unfounded understating the probability of any particular application being unfounded. Hence, to address this bias, one needs to compare the unfounded percent among the determinations in July to December 2005 with a version of that percentage which removes the possible over-representation of decisions that have taken a long time to reach.
11. To accommodate these effects, the proportion of initial decisions in July to December 2005 has been re-weighted for each nationality group to reflect the distribution of the time taken from application to an initial decision in the January to June 2003 cohort. Similar calculations have been made for earlier periods.
12. For cases that subsequently go through the appeal process, the calculations are based on data for a cohort of refusals to estimate the proportion of refusals for which an appeal is received, and a cohort of first tier appeal determinations to estimate the proportions of first tier appeals that had the appeal allowed at either the first or second tier. As it can take up to nine months for an appeal to be received and determined, the calculations for March 2006 use the cohort of refusals in April to September 2005 and the cohort of first tier appeal determinations in April to September 2005. Again the calculations have been performed separately for the “top 20” nationalities and for all other nationalities grouped together. Details of the cohorts used for earlier periods are given in Annex C.
13. The number of cases subject to Judicial Review is proportionally small, and omitting these does not affect the robustness of the calculation.

Success criteria

14. The target will have been achieved if:
- *the number of failed asylum seekers (including dependants) removed in a particular month exceeds*
 - *the number of applicants (including dependants) in that month who it is predicted will fail to be granted refugee status or other leave, after the cases have gone through the initial decision and appeal process (first two tiers).*

Ongoing reporting of progress against the target

15. It is currently planned that progress against the target will continue to be published on a quarterly basis at the same time as the asylum statistics. This will include any improvements to the prediction methodology and revisions to the removal figures for those it is established have left the UK without informing the immigration authorities.

¹¹ The Family ILR (Indefinite Leave to Remain) Exercise, announced by the Home Secretary on 24 October 2003, allows certain asylum-seeking families who have been in the UK for four or more years to stay. To qualify, the main applicant of the family unit must have applied for asylum before 2 October 2000 and must have had at least one dependant aged under 18 (other than a spouse) in the UK on 2 October 2000 or 24 October 2003.

¹² In due course the approach to calculating the ‘Withdrawal’ data will be updated to the most appropriate methodology – see paragraph 2 in the Introduction.

Reliability of the asylum statistics

16. The asylum statistics were assessed by the National Audit Office (May 2004) as “generally reliable”.¹³

Comparisons of predicted number of applications estimated to be unfounded with actual figures

17. Cross-sectional analyses of initial decisions have formed the basis of the calculations of the predicted number and proportion that subsequently prove to be unfounded. Any cohort-based approach is likely to add further complexity to the approach adopted and, in addition, two specific issues were identified that led to the continued adoption of the cross-sectional approach.

- (a) The size of the backlogs, where a decision is awaited. For initial decisions this grows from 250 in Q1 2004 to 500 in Q1 2005 and 1,300 in Q4 2005. The corresponding figures for those awaiting a 1st tier appeal determination are 100, 195 and 1,675.
- (b) The distribution of decision outcomes varies with the length of time from initial application. This suggests that the modelling required for recent cohorts, particularly for the three monthly 2006 cohorts will be very complex and needs to take account of the length of time since initial application. Given the size of the backlogs, and the fact that the distribution of backlogs will differ (e.g. for the 2006 cohorts the backlog will be mainly among initial decisions) the resultant estimates of the number/proportion unfounded will potentially be imprecise and/or subject to biases.

However, despite these difficulties we will continue to work on this approach to understand the sensitivities of the outputs to these changes in data used for the calculations.

18. This is less of a problem for the 2004 cohorts, where the backlogs awaiting a decision are proportionally very small. A comparison of the predicted and actual numbers that were unfounded for each of the quarters in 2004 is given below. It suggests that for this period the prediction methodology described in this note over estimates the number and proportion of unfounded applications

Period	Applications	Number unfounded				
		Predicted		Cohort analysis		
		No.	%	No.	%	Backlog
Q1 2004	10,730	7,910	74%	7,635	71%	295
Q2 2004	9,305	7,135	77%	6,925	74%	305
Q3 2004	10,485	7,980	76%	7,520	71%	425
Q4 2004	10,100	7,660	76%	7,010	69%	480

¹³ “Asylum and migration: a review of Home Office statistics” <http://www.nao.org.uk/pn/03-04/0304625.htm>.

ANNEX A: Method for predicting the percentage of applicants that will fail to be granted refugee status or other leave, after the cases have gone through the initial decision and appeal process (first two tiers)

1. The prediction method is illustrated below, for applications in March 2006, from nationals of Eritrea.
2. Total initial decisions in July-December 2005, including dependants and withdrawals prior to initial decision in January-June 2005.

	Initial decisions ¹	% of total ²
Granted asylum	410	37
Granted HP/DL or ELR	75	7
Refused	560	53
Withdrawn	5	3
Total	1,055	100

¹Provisional figures. Source: CID database as at 10 April 2006.

²Percentages have been re-weighted, see paragraph 11 on page 4.

3. Based on these data, **56%** of applicants are not granted status up to and including initial decision, and become potentially removable.
4. However it is necessary to take account of those who appeal and have appeals allowed, as follows.
 - Of applications refused in April to September 2005, 75% appealed, by 10 April 2006.
 - Out of 465 first tier appeal determinations in April-September 2005, 59% had appeals allowed, at either the first or second tier.

Appeal Stage	Appeal determinations in Apr-Sep 2005 (465)
a) First tier – allowed or withdrawn by Home Office	215
b) Second tier – allowed for appellant	60
c) Second tier – allowed for Home Office	5
Allowed = a + b - c	275
Allowed as a percentage (275/465)	59%

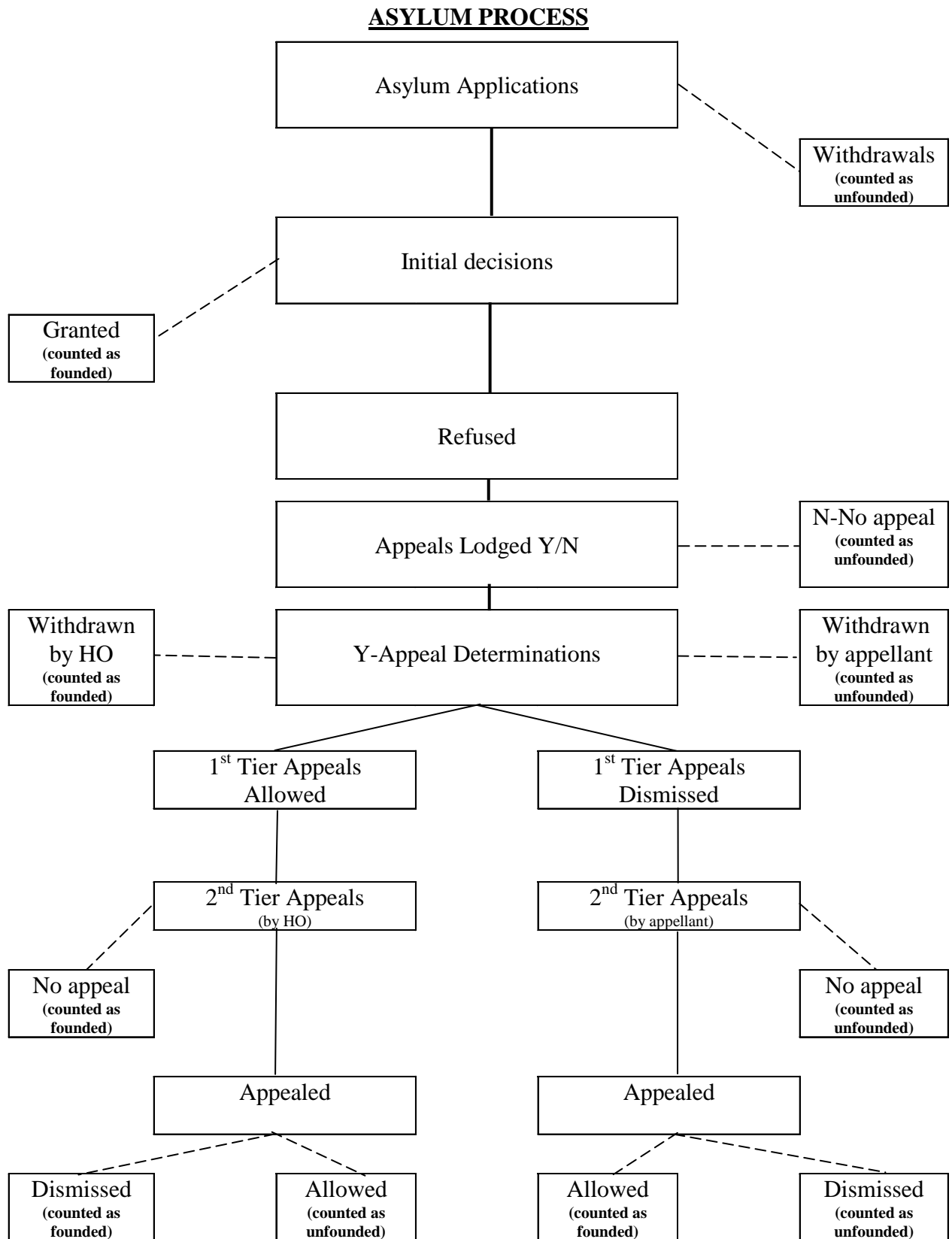
- Combining these figures gives:
 $53\% \times 75\% \times 59\% = \mathbf{23\%}$ of all applications that are refused and are then successful at appeal (or conceded by Home Office).
- The overall percentage of applicants predicted to be unfounded is then **56% - 23% = 32%**.

Notes

All data above produced by Immigration Research and Statistics Service, part of Research, Development and Statistics in the Home Office. Data are provisional and rounded to nearest 5.

Data may not sum to totals shown because of rounding.

ANNEX B: The stages at which an asylum application can become unfounded¹⁴



¹⁴ This diagram relates to the calculation method used in this note. Hence, Judicial Reviews and appeals to the European Court of Human Rights are not shown

ANNEX C: Summary of periods used in calculations

Reporting date	Period of data for initial decisions	Period of data for % that appeal and appeal determinations ¹
Q1 2006	Jul-Dec 2005	Apr-Sep 2005
Q4 2005	Jul-Dec 2005	Apr-Sep 2005
Q3 2005	Apr-Sep 2005	Apr-Sep 2005
Q2 2005	Jan-Jun 2005	Jan-Jun 2005
Q1 2005	Oct 2004-Mar 2005	Oct 2004-Mar 2005
Q4 2004	Jul-Dec 2004	Jul-Dec 2004
Q3 2004	Apr-Sep 2004	Apr-Sep 2004
Q2 2004	Jan-Jun 2004	Jan-Jun 2004
Q1 2004	Oct 2003-Mar 2004	Oct 2003-Mar 2004

¹Based on data for a cohort of refusals to estimate the proportion of refusals for which an appeal is received, and a cohort of first tier appeal determinations to estimate the proportions of first tier appeals that had the appeal allowed at either the first or second tier.