



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

IRISH NATURALISATION AND IMMIGRATION SERVICE (INIS)

Report on Review of Asylum and Immigration

September 2006



Introduction by Department

1. This Expenditure Review arises from a decision of the Government in 2000 which approved the allocation of some 370 additional staff to the asylum and immigration areas of the Department of Justice, Equality and Law Reform. This approval was provided on the basis, *inter alia*, that in due course, a consultancy review should be carried out of staff numbers in these areas to include a review of processing systems, procedures and processes. In addition, the planned review was included in a series of Expenditure Reviews submitted by the Department to the Department of Finance.
2. The Review, which commenced in late 2004, was undertaken over a period of twelve months and accordingly, utilizes in the main 2004 statistics with updates where necessary and appropriate. While the detailed Terms of Reference are outlined in Section 1.1 of the Report and on page 149, one of its key objectives was to undertake a quantitative and qualitative assessment of the operation of the asylum, immigration and citizenship areas of the Department and associated agencies (ORAC, RAT, RIA and RLS), which included a review and assessment of the utilization of resources including staff resources and the operation of current processes and procedures. The review was undertaken in the context of changing demands for immigration services with asylum applications falling and a commensurate increase in demand for other immigration functions.
3. The approach to the Review and how it was formulated is outlined in Section 1.2 of the Report. It was undertaken on the basis that there could be no increase in existing approved staff numbers, pay and grade configurations (except through redeployment in the areas concerned) and having regard to overall Government policy in this area.
4. The Review was defined through a number of inter-related strands all of which required a multidisciplinary team approach. Because of the size of the immigration and asylum process and the large number of agencies and organisations in that process, the Review was more complex than originally envisaged and hence the timescale involved in bringing it to its conclusion.

Introduction by Department (Cont'd)



5. It was carried out during a period of significant change, a key feature of which was falling numbers of asylum applications in the State and very significant increases in demands for other immigration services. It involved a combination of, *inter alia*, financial and business analysis, resource mapping and allocation modelling and performance management. It included:-
 - A value for money assessment.
 - End to end process analysis.
 - Assessment of existing systems looking at efficiency, length of time to process applications, degree of customer focus in the application process and management of performance.
 - Examination of governance and institutional structures.

6. The outcome of the review is to be found in a comprehensive series of recommendations clustered around nine key areas to address issues raised. These cover relevant parts of the end to end process from a strategic, operational and governance perspective and address issues such as staff redeployment and organisational re-adjustment to deal with changing customer service demands; shared corporate services, central COI source, a more focused customer service model, the use of enhanced IT systems and a new institutional structure in the form of the Irish Naturalisation and Immigration Service (INIS).

7. A unique feature of the Review was that it was a dynamic constantly evolving process. As recommendations were agreed, the implementation cycle also began. This meant that by the end of the Review, all of the recommendations had been either:
 - Accepted and implemented
 - Accepted and being rolled-out
 - Accepted and at early stages of implementation

Introduction by Department (Cont'd)



8. A key recommendation in the Report which has been implemented as part of the “dynamic” response to its recommendations was the establishment in March 2005 of the Irish Naturalisation and Immigration Service (INIS); to provide a “one stop shop” for immigration, asylum, visas and citizenship services. The Visa Office of the Department of Foreign Affairs transferred to INIS in January 2006.
9. The implementation of the recommendations in the Report on the basis outlined, along with a series of comprehensive and ongoing strategies in INIS, has also meant that in 2006 the picture has changed significantly in many respects including, for example, much faster processing times for asylum determinations with the so called “backlog” being essentially eliminated. Visa processing times have also been significantly speeded up.
10. From the perspective of the Department and the Irish Naturalisation and Immigration Service (INIS), the Review provides:-
 - A clear resource model, which is now being implemented for allocating staff across the asylum and immigration area – allowing the INIS to adjust resources in response to changing demand.
 - Strengthened organisational structures to support improved delivery, in particular through the development of a new institutional structure (INIS); a shared corporate service, central resource for Country of Origin information and other organisational adjustments.
 - A focussed customer service model within the INIS framework providing for a ‘single’ view of the client.
11. This will enable a more flexible approach to be developed relating to staff allocation, with improved quality and consistency of decision-making. This will also provide an enhanced framework for a strong ‘performance’ and ‘client-centred’ culture, strengthened governance and accountability, improved strategic capacity and ultimately a fully-integrated asylum and immigration service within the INIS and relevant legislative frameworks.

Department of Justice, Equality and Law Reform - Review of Asylum and Immigration

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Executive Summary (1)

A defining feature of the past decade in Ireland has been the unprecedented increase in the number of non-nationals wishing to live and work in Ireland or seeking refugee status. The number of asylum seekers grew from 1999 reaching a peak of almost 12,000 in 2002 and subsequently declined to some 4,766 at the end of 2004. The decline can be attributed to a number of factors such as legislative changes, reduction in global asylum applications, operational strategies, introduction of carriers liability, the restriction in welfare supplements and the 2004 referendum on citizenship. At the same time the number of legally resident non-EEA nationals grew from 29,000 in 1999 to 133,000 in 2004. In contrast to the number of asylum seekers, this number is continuing to rise.

The increase in asylum seekers presented the Government with a significant challenge requiring it to introduce effective systems and structures for managing the influx of asylum seekers. This became a key Government priority. The Government responded by setting up a dedicated institutional structure, by allocating additional resources to manage the volume of applications (370 additional staff and increases in expenditure from €94 to €122 million between 2001 and 2004), and by strengthening the legislative foundations underpinning its approach to asylum. It set up new agencies and institutions – the Office of the Refugee Applications Commissioner (ORAC), the Refugee Appeals Tribunal (RAT), the Reception and Integration Agency (RIA), the Refugee Legal Service (RLS) and the Garda National Immigration Bureau (GNIB). This new institutional structure brought a structured, proactive approach to asylum, independence to the decision-making process and transparency in relation to resource allocation. While the Government and the Department of Justice, Equality and Law Reform (DJELR) were aware of the simultaneous and ongoing increase in applications in the area of Immigration, Visa and Citizenship, the priority attached to the asylum process meant that sufficient resources were not available to meet increased demand in these areas as well as ‘leave to remain’ and repatriation of unsuccessful asylum seekers. This led to backlogs in dealing with applications in each of these areas as well as longer processing timeframes.

The changing trends evident in the past two years - with a continuing rise in immigration and a steady decline in asylum seekers - has put pressure on the capacity of the immigration system to respond given its current resource levels. The Government's priority now is to build the capacity of the immigration services while consolidating achievements in the asylum area. The Department has been developing the elements of a strategic, legislative and institutional framework to build the capacity of the immigration services which are likely to be completed in 2006. The Department recognises that one of its major future challenges is to develop its capacity to respond quickly to changing patterns of demand for asylum and immigration services and to re-deploy resources accordingly. This was a major consideration in framing recommendations for the future management of asylum and immigration.

Executive Summary (2)

Progress achieved

The review assessed the Department's performance on asylum and immigration against 6 specific objectives identified in its Statement of Strategy. In doing so, it recognised the differences between the asylum and immigration areas in terms of their complexity, associated resourcing requirements and timescales for end-to-end processing of applications. A common theme cutting across all objectives is to reduce the timeline for processing applications while ensuring that the system reflects international best practice. The review's key findings in summary were:

- *Progress on immigration:* the strategic, policy and institutional framework has been underdeveloped because of the priority attached to asylum but is now being prioritised to reflect increased and growing demand. This growing demand coupled with insufficient resources to meet the demand, put a lot of pressure on the immigration system with timeframes for processing applications unduly lengthy.
- *Progress on asylum:* Significant progress has been achieved in developing a more speedy, structured and transparent asylum process with continuing momentum to reduce the end-to-end processing timescale. Average timescales within ORAC and RAT have improved over the past 4 years. In addition, the new arrangement for accelerated prioritised cases introduced in 2005, has considerably shortened the end-to-end timeline from between 31-62 weeks to three months. However, the overall end-to-end timelines for non-prioritised cases can vary considerably from 78 to 114 weeks due to a number of factors such as treatment of 'leave to remain', *refoulement* and issues around the removals process. There is a sizeable 'backlog' of cases in relation to the 'leave to remain' process. On average, 8.7% of asylum-seekers are determined to have refugee status. A continuing challenge is the treatment of unsuccessful applications of which only 20% are deported due to the complexity of the removals process and the associated resourcing requirements. This is consistent with international experience.
- *Progress on visas and citizenship:* resources have been allocated to the Visa area to cope with a 46% increase in applications. The service was also re-structured in 2005 to reflect best practice and a new database is being introduced. There have also been increases in applications for Citizenship. There is a considerable backlog and applicants can expect to wait for 2 years for the outcome of their naturalisation process. The processes and structures of Citizenship were also reviewed in 2005 and new arrangements put in place to accelerate the decision-making process.
- *Progress in combating trafficking:* a key achievement was the introduction of carriers liability through the Immigration Act 2003 which is proving to be effective. DJELR is working systematically with the UK's Home Office to combat trafficking in the Common Travel Area and also with EU institutions.

Executive Summary (3)

- *Progress on legislative framework:* a hallmark of the *asylum* process has been a strong legislative framework which is being continually renewed and adjusted. The legislative framework is largely permissive in the area of immigration with resources rather than legislation proving to be the main constraint. Legislation is being prepared on a draft Immigration and Residence Bill which is scheduled for enactment in 2006.
- *Development of support framework through RIA:* An early challenge for RIA was to secure sufficient, appropriate accommodation and this has been achieved. RIA's current strategy is to consolidate its achievements in managing its accommodation portfolio and to develop its role in promoting and facilitating integration and resettlement.

Value for Money (VFM)

In terms of assessing VFM the review analysed the asylum and immigration areas separately, as the two areas differ substantially in terms of the complexity, number of agencies involved and timelines to completion. Overall expenditure on asylum has risen from €93.9 to €122.6 million from 2001 to 2004 with accommodation accounting for 70% of total expenditure. The unit cost per asylum applicant including accommodation has risen from €9,098 to €25,721 as numbers have dropped whereas total expenditure has continued to rise. When accommodation is excluded, the unit cost per applicant has trebled but the cost per process completion remained stable ranging between €7,817 and €8,367. However, accommodation costs do not change significantly in line with reductions in applications as RIA also accommodates people awaiting deportation as well as unaccompanied minors, persons subject to transfer orders under the EU Dublin II regulation and persons in the asylum / repatriation process awaiting the outcome of judicial review proceedings. Significant improvements to bring down the unit cost per applicant will only improve therefore if the level of expenditure on accommodation is brought down through a more effective removals process.

The cost picture provided by VFM analysis of asylum expenditure does not take account of the substantial savings to the State provided by the various legislative, operational, enforcement strategies and initiatives undertaken since 2000. These have resulted in a significant fall in asylum claims in the State and an increase in the number of deportations and voluntary returns effected. For example, legislative changes provided the impetus for the reduction in the number of unfounded applications because of the enhanced obligations on applicants to proactively pursue their asylum claims and to cooperate with the asylum determination process. In addition, the operation of carrier sanctions, the citizenship referendum, the speedier processing of claims, and changes in the eligibility conditions for access to social welfare payments, all contributed to reduced asylum numbers of asylum seekers. These have meant reduced pressure on accommodation and social supports as well as reduced numbers to be processed. Such savings to the Exchequer are impossible to assess but they are likely to be substantial on the basis of projecting forward from 2000 what asylum numbers would have been if the various strategies and initiatives mentioned had not been successful in reducing numbers so dramatically.

Executive Summary (4)

Immigration, visa and citizenship account for only 4-8% of total expenditure from 2001 to 2004. In this period, the overall number of visa, immigration and citizenship applications rose from 39,007 to 65,336, an increase of 67%. The average cost per applicant has ranged from a maximum of €233 in 2002 to €74 in 2004 demonstrating increased efficiency. This compares with an average cost per asylum applicant (including accommodation) of €25,721, underlining the complexity of the asylum process.

Assessment of current processes, procedures and organisational arrangements

The review highlighted a number of areas to be addressed in terms of improving the efficiency and operational effectiveness of the asylum and immigration areas. These included:

- The *efficiency* of the application process to ensure a streamlined end-to-end application process with minimum overlap, duplication and bottlenecks.
- The *length of time* to process applications, one of the principal performance indicators guiding the system.
- The consistency of decision-making on applications.
- The degree of customer-focus in the application process.
- How performance is managed – how well different parts of the system are monitoring and evaluating performance and making necessary adjustments.

The review also looked at organisational arrangements and identified differences in relation to corporate support for asylum and immigration, issues around developing policy on immigration and asylum and service development.

Challenges

The review identified three central challenges at strategic, operational and governance level. The main challenge at strategic level is to strengthen the capacity of the Department to manage a rapidly changing policy agenda at national, EU and international level in the areas of asylum and immigration. At operational level, the Department needs to develop the capacity to respond quickly and flexibly in allocating staff to areas of greatest need as trends change. It also needs to continue the development of streamlined end-to-end processes in both the asylum and immigration areas. Finally, there is a requirement to clarify where overall responsibility for immigration and asylum policy lies. In relation to immigration, DETE and DJELR have distinct responsibilities but this isn't always clear to stakeholders. In the area of asylum, the Department's responsibility is complicated by the legislative framework governing the operation of statutory agencies.

Executive Summary (5)

The review includes 9 central recommendations as follows:

- 1) **Redeploy staff** from the asylum agencies into DJELR Visa, Immigration and Citizenship. Staff may be redeployed due to a 40% reduction in the volume of asylum applications between 2003 and 2004.
- 2) **Introduce a Shared Corporate Services** to provide the necessary corporate support for the immigration and asylum areas in the Department, ORAC, RAT and RIA.
- 3) **Establish a central source for Country of Origin** information supply, further consolidate research activities and performance improvement across the agencies and DJELR.
- 4) **Introduce a dedicated Service Development team** in DJELR to progress critical organisational initiatives such as implementing key change initiatives, developing guidelines governing critical processes, designing and implementing management processes for performance and service improvement.
- 5) **Make Organisational adjustments within DJELR** to strengthen capacity with regard to operations and policy.
- 6) **Develop a focused Customer Service Model within DJELR.**
- 7) **Provide a single view of the client** through an integrated case management, workflow and scanning system for the entire process of immigration and asylum.
- 8) **Adopt a single procedure** for all protection and other issues including a streamlined removals process.
- 9) **Co-ordinate activities** on immigration through the formation of a new institutional structure, INIS.

The recommendations have been designed to develop a more flexible approach to allocating staff, with improved quality and consistency of decision-making, a strong 'performance' and 'client-centred' culture, strengthened governance and accountability, improved strategic capacity and ultimately a fully-integrated asylum and immigration service.

Section 1: Background and Context

- 1.1 Background and Terms of Reference
- 1.2 PA's Approach
- 1.3 The Context – Trends in Asylum and Immigration

1.1 Background and Terms of Reference

In recent years, the issues of asylum, immigration and citizenship have assumed a new prominence as the number of non-nationals arriving in Ireland has increased significantly.

Ireland is experiencing the broader impact of an interdependent world where mass communication, transportation, geographical position, political instability and indeed organised crime impact upon the movement of people. We are now experiencing the forces of migration in a new way in the areas of refugee protection, immigration and citizenship and these have given rise to increased demands on the services provided by the Department to non-nationals.

This has resulted in the allocation of increased resources to key areas of the Department dealing with asylum case processing, immigration including repatriations and citizenship applications. There has also been a corresponding increase in resources allocated to the Refugee Legal Service which provides, *inter alia*, legal advice to asylum seekers in the processing of their applications for refugee status. Added to this has been the responsibilities of the Department in respect of policy development, implementation and co-ordination of activities in relation to direct provision arrangements for asylum seekers.

The main focus of this Expenditure Review Initiative is in relation to expenditures incurred in respect of activities in the areas of **asylum, immigration and citizenship of the Department and the Refugee Legal Service**, insofar as they are funded from monies allocated from Subheads D1 (Asylum, Immigration and Citizenship services) and D2 (Refugee Legal Service) of Vote 19. The review gave particular consideration to the efficiency and effectiveness issues arising from the fact that an additional 370 staff have been recruited to these areas over the past few years with a view to, *inter alia*, enhancing processing of asylum, citizenship and visa applications and repatriations in particular.

The review has been undertaken on the basis that there can be no increase in existing approved staff numbers, pay and grade configurations (except through redeployment in the areas concerned) and having regard to overall Government Policy in this area.

1.1 Background and Terms of Reference

Summarised Terms of Reference (see Page 149 of report for full terms of reference)

Summarised Terms of Reference:

- Carry out a quantitative and qualitative assessment of the asylum, immigration and citizenship areas
- Evaluate organisational effectiveness of asylum and immigration
- Evaluate progress to date with regard to key objectives of government policy
- Evaluate requirements for change – alternative policy or organisational approaches (with reference to relevant Statements of Strategy)
- Have regard to systems in other relevant jurisdictions

Make Recommendations on:

- Optimum deployment and efficient/effective use of sanctioned staff
 - Most efficient/effective use of current system
 - Identify organisational and procedural changes required
 - Potential future performance indicators
 - Need for additional legislative amendments
 - Organisational effectiveness and interaction of asylum and immigration
- Other recommendations to achieve objectives

1.2 Approach to the review

This was the most comprehensive review of the immigration and asylum status conducted in Ireland to date. The review was wide-ranging and involved a multidisciplinary approach including business process engineering, change management, HR, organisational development, IT enabled change as well as financial management. The review began in autumn 2004 and was finalised in November 2005. One of the distinguishing features of the review was that it was taking place during a period of intense change within the Department and the Agencies involved in asylum and immigration, particularly in relation to immigration. This meant that the review process was dynamic, adapting to and influencing key changes that arose during the year. The main features of the review process were:

- A detailed review of the asylum and immigration processes across all units and agencies involved in immigration and asylum. The review process recognised the different levels of complexity involved in managing and processing asylum compared to immigration applications. The review process included structured interviews with all key officials responsible for immigration and asylum within the Department of Justice, Equality and Law Reform (DJELR) together with in-depth data collection across all Divisions/Agencies. This process, for the first time captured the end-to-end processes for immigration and asylum, the interactions of the different agencies/units and typical timeframes for processing of applications. The processes and associated timelines reflect the situation as of November 2004. The timelines in relation to prioritised cases were adjusted in August 2005 to reflect new arrangements for treatment of prioritised cases. A further deliverable of this process was a detailed schedule of resourcing across the system as well as the outputs of each unit/agency. The basis for this assessment were figures on resources and outputs for April 2005.
- Consultation with stakeholders across other government departments, social partners and NGOs. This consultation process included interviews with :
 - UNHCR, the CSSO, GNIB, the Irish Refugee Council, the IOM, the Immigrant Council of Ireland, ICTU, ESRI, the Department of Enterprise, Trade and Employment and IBEC
- A review of comparator countries on specific aspects of asylum and immigration. These included Australia, New Zealand, Canada, Denmark and UK. The findings from this review have contributed to the recommendations presented in this report.
- Finally, a number of workshops were organised across the immigration and asylum areas to consider options for the future development and resourcing of immigration and asylum.

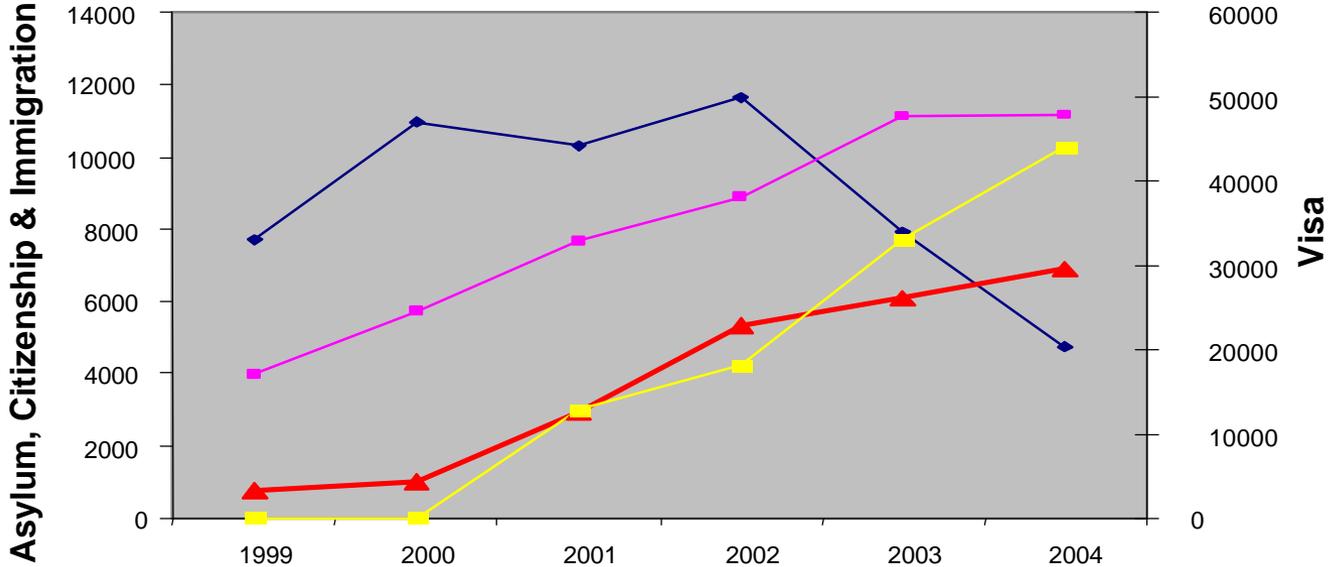
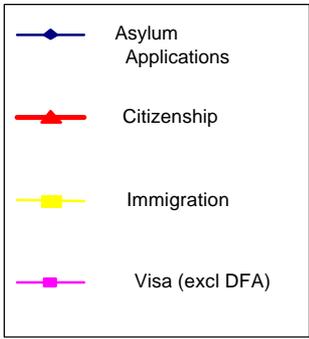
The review was overseen and supported by a Project Board representing all agencies/units involved in immigration and asylum.

1.3 The Context – Trends in Asylum and Immigration

- A defining feature of the past decade in Ireland has been the unprecedented increase in the number of non-nationals wishing to live and work in Ireland or seeking refugee status. Historically, Ireland has not received any significant immigration. This started to change dramatically in the late 90's when Ireland experienced a substantial increase in non-Irish immigration. As figure 1.1 overleaf illustrates, the number of asylum seekers grew from nearly 8,000 in 1999 reaching a peak of almost 12,000 in 2002. The number of new asylum applicants has since declined to nearly less than 4,300 in 2004 (excluding readmissions). Also, the number of legally resident non-EEA nationals (other than asylum seekers) has also grown substantially from 29,000 in '99 to 133,000 in '04. In contrast with the decline in the number of asylum seekers, the number of legally resident non-nationals is continuing to rise.
- The increase in asylum seekers presented a significant challenge for the Government, requiring it to introduce effective systems and structures for managing the influx of asylum seekers. This became a key government priority. The Government responded by setting up a dedicated institutional structure, by allocating additional resources to manage the volume of applications, and by strengthening the legislative foundations underpinning its approach to asylum. The key institutional and legislative milestones in the Government's response are also depicted in Figure 1.1. The initial priority for the Government and the Department was therefore to focus on improved arrangements for managing asylum. This prioritisation of asylum was also reflected in increased resources for managing the asylum process. While the Department and the Government was aware of the simultaneous and ongoing increase in applications in the area of Immigration, Visa and Citizenship the management of the asylum process was the initial priority in terms of response and the allocation of resources.
- The shift in trends evident in the past two years - with a continuing rise in immigration and a steady decline in asylum seekers - is likely to endure and is putting considerable pressure on the capacity of the immigration system to respond given current resource levels. This means that the Government's priority is to now build the capacity of the immigration services while consolidating achievements in the asylum area. The Department has been developing the elements of a strategic, legislative and institutional framework to build the capacity of the immigration services which are likely to be completed in 2006. A defining feature of the new approach is the Government's decision, on foot of a proposal by the Minister for Justice, Equality and Law Reform, to create a new institution – the Irish Naturalisation and Immigration Service (INIS) – as a platform for developing its capacity on immigration.

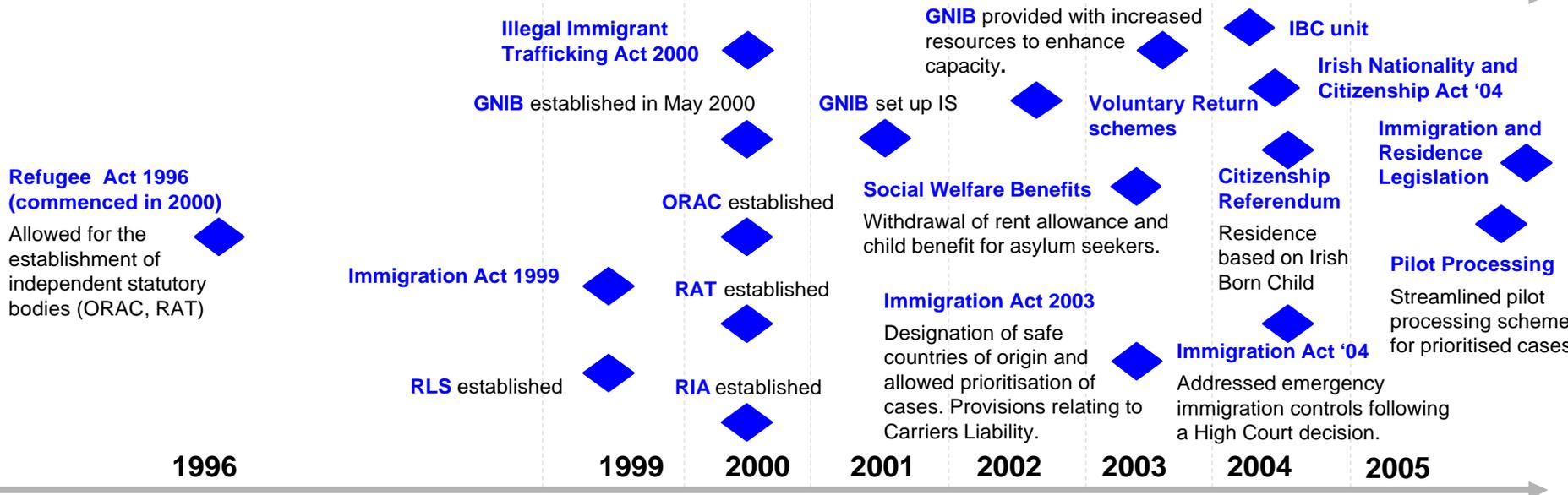
Figure 1.1 Trends and Milestones

Volume Trends 1999 to 2004



Note that visa applications are logged on the secondary y-axis (right-hand axis) due to the scale differential.

Overview of Key Initiatives



Section 2: Organisational Response

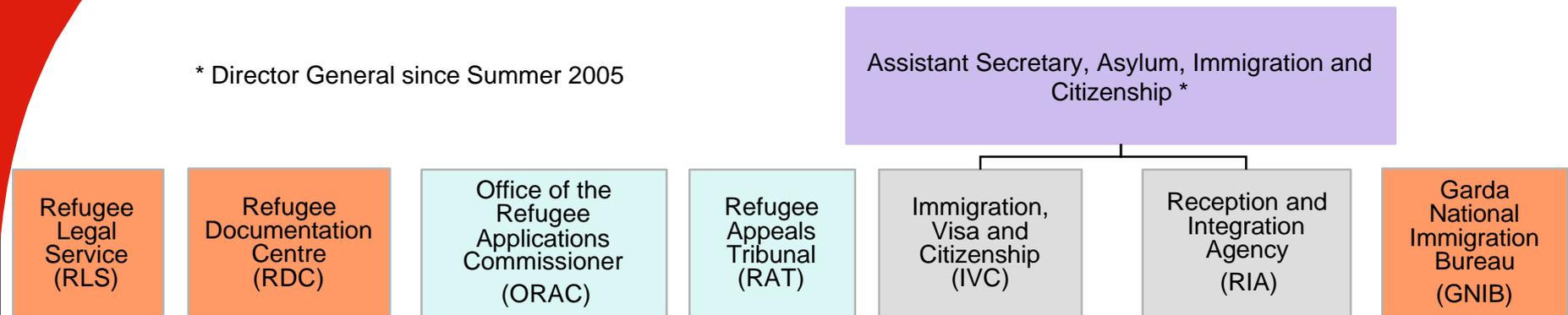
- 2.1 Overview of the Organisational Response
- 2.2 Who does What?
- 2.3 Summary

2.1 The Organisational Response

- The organisational response to the challenges in asylum and immigration reflected the priority given by the Government to asylum. The Department of Justice, Equality and Law Reform is the lead Department with responsibility for developing the strategic, legislative and operational responses. As such it has overall responsibility for the performance of the asylum and immigration system and for taking the lead in setting priorities in this area.
- A hallmark of the new asylum institutional structure was the establishment of new agencies and institutions under the auspices of the Department - ORAC, RAT, RIA, RLS and the GNIB (see Figures 2.1 and 2.2 over). This 'agencisation' reflected the priority attached to successfully managing the asylum process and was designed to put in place a transparent, performance-oriented, efficient structure, allowing a focus on value for money. Two of the agencies were set up as statutory, independent bodies (ORAC and RAT). The new institutional structure was important in facilitating the allocation of additional resources where the new agencies/institutions were the recipients of most of the additional resources secured for asylum. One of the major strengths of the new institutional structure for asylum was that it was well-resourced. The new agencies also enjoyed relative operational independence within the overall parameters set by the Department.
- The priority given by the Department to asylum in terms of resource allocation meant that sufficient resources were not available to meet increased demand in the immigration, visa and citizenship areas. There were also insufficient resources to meet additional demands for the consideration of 'Leave to Remain' and the repatriation of failed asylum seekers. As a result, the Repatriation area has a substantial backlog which has lengthened the end-to-end timeframe for processing applications on asylum. In response to the changing trends in asylum and immigration, the Department has already begun to re-allocate resources between asylum and immigration. These additional resources have been redeployed from the ORAC and the RAT in line with the downturn in the volume of asylum applications. The Department recognises that one of its major future challenges is to develop the capacity to respond quickly to changing patterns of demand for asylum and immigration and to re-deploy resources accordingly. This has to be a major feature of any future organisational adjustment.

Figure 2-1 Overview of the Institutional Landscape

* Director General since Summer 2005



The Office of Refugee Applications Commissioner is a statutory body with the responsibility for investigating applications and making recommendations with respect to those who seek a declaration of refugee status. It also investigates applications by refugees for family reunification.

The Refugee Appeals Tribunal is a statutory independent body responsible for considering and deciding appeals against the recommendations of the ORAC to refuse to grant a declaration of refugee status. It is a quasi-judicial body where 33 Members make the decisions with respect to these same appeals.

The Reception and Integration Agency is responsible for co-ordinating the provision of services such as accommodation, health, education and welfare for asylum seekers in Ireland. This is done in partnership with a number of state agencies, voluntary and community groups and other non-governmental organisations.

The Refugee Legal Service provides a legal advice and aid service for asylum seekers at all stages of the asylum process.

The Refugee Documentation Centre is an independent service operating under the aegis of the Legal Aid Board providing a research and query service in relation to Country of Origin information for all organisations involved in the asylum process.

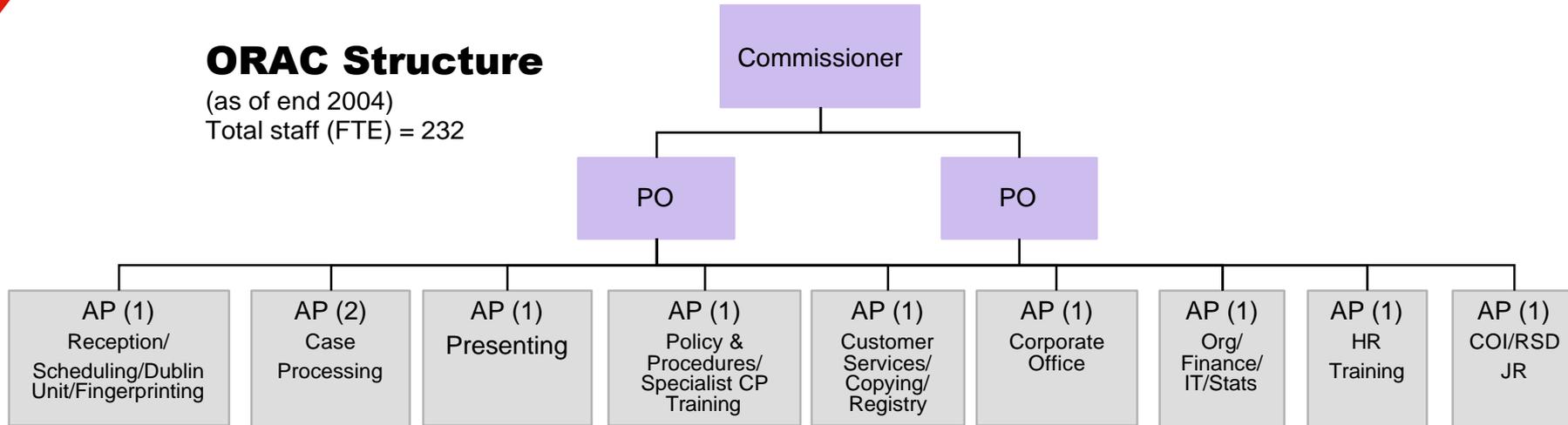
The Immigration, Visa and Citizenship area of DJELR encompasses the Ministerial Decision Unit, Repatriation, Visa, Citizenship, Immigration (General and Operations) as well as two policy units (Asylum Policy and Immigration Policy).

The Garda National Immigration Bureau has responsibility, *inter alia*, for points of entry into the State, combating trafficking in illegal immigrants, the removal of persons illegally in the State and the provision of a non-national registration service.

Figure 2-2 The Asylum Agencies – ORAC and RAT

ORAC Structure

(as of end 2004)
Total staff (FTE) = 232



RAT Structure

(as of end of 2004)
Total staff (FTE) = 112

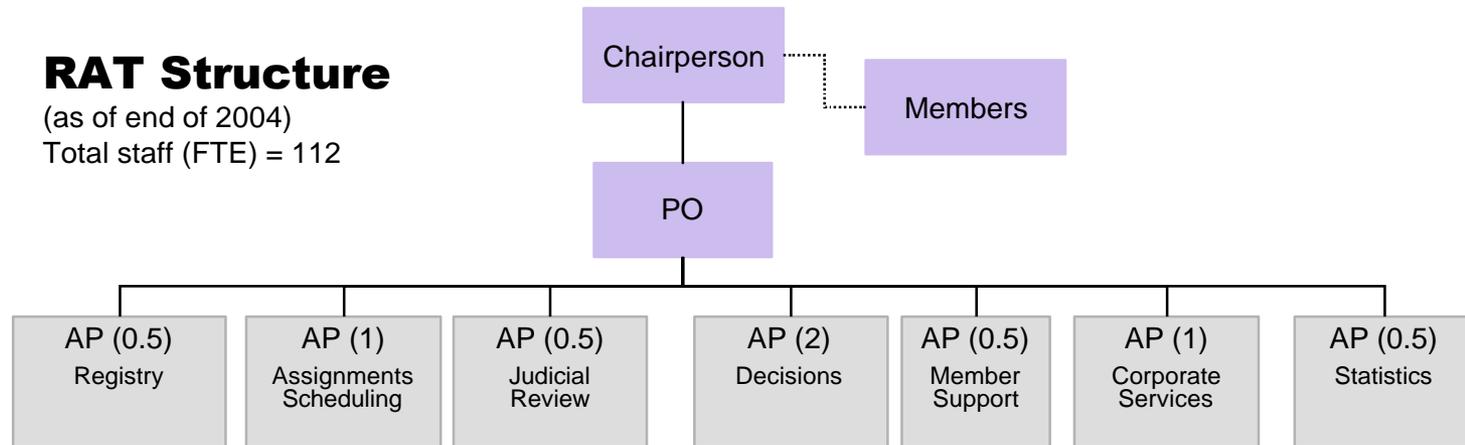
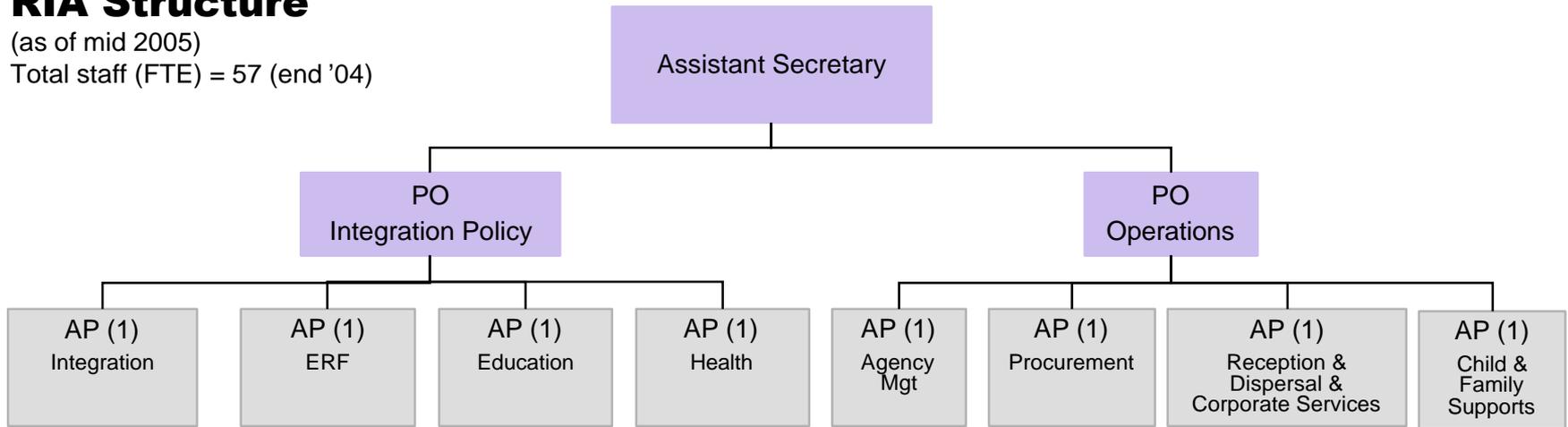


Figure 2-3 The Asylum Agencies – RIA and RLS

RIA Structure

(as of mid 2005)
Total staff (FTE) = 57 (end '04)



RLS Structure

(as of end of 2004)
Total staff (FTE) = 140

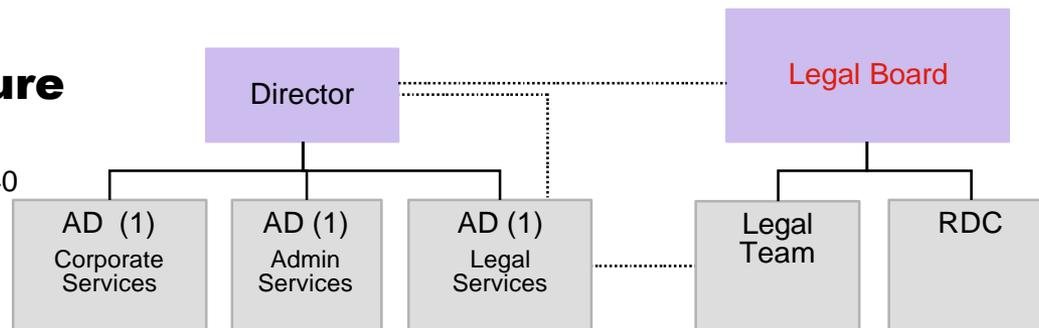


Figure 2-4 DJELR – Immigration, Visa and Citizenship

Immigration, Visa and Citizenship Structure

(as of end of 2004)

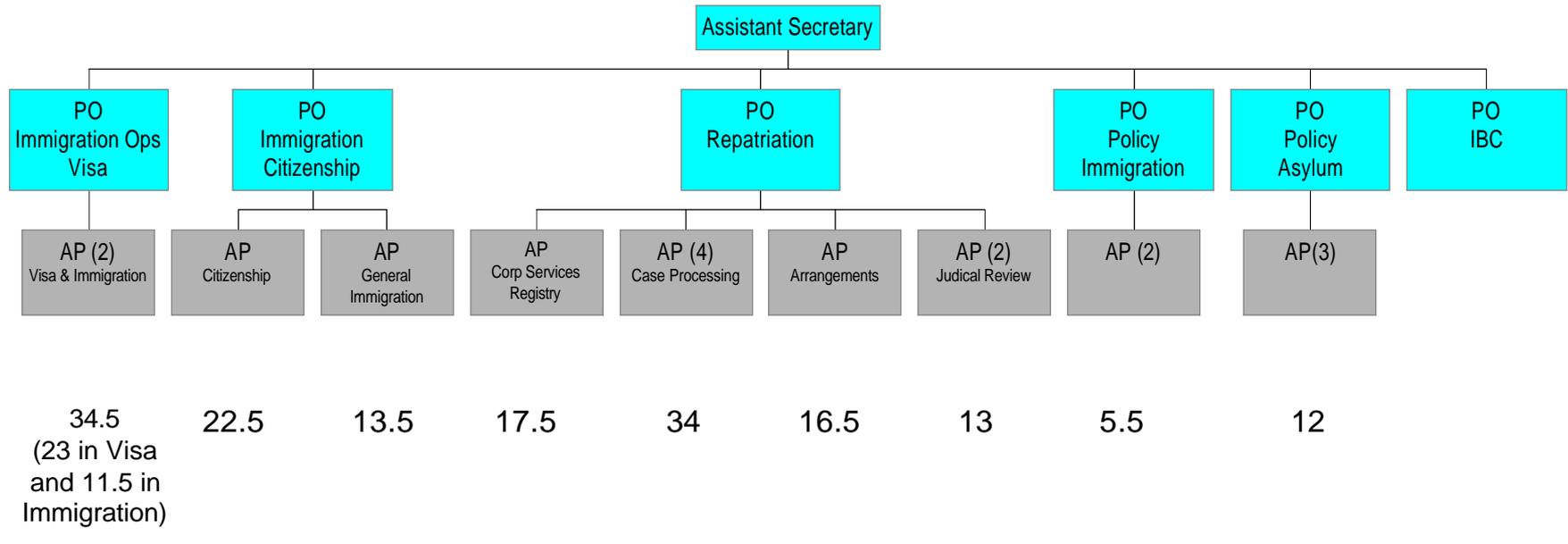
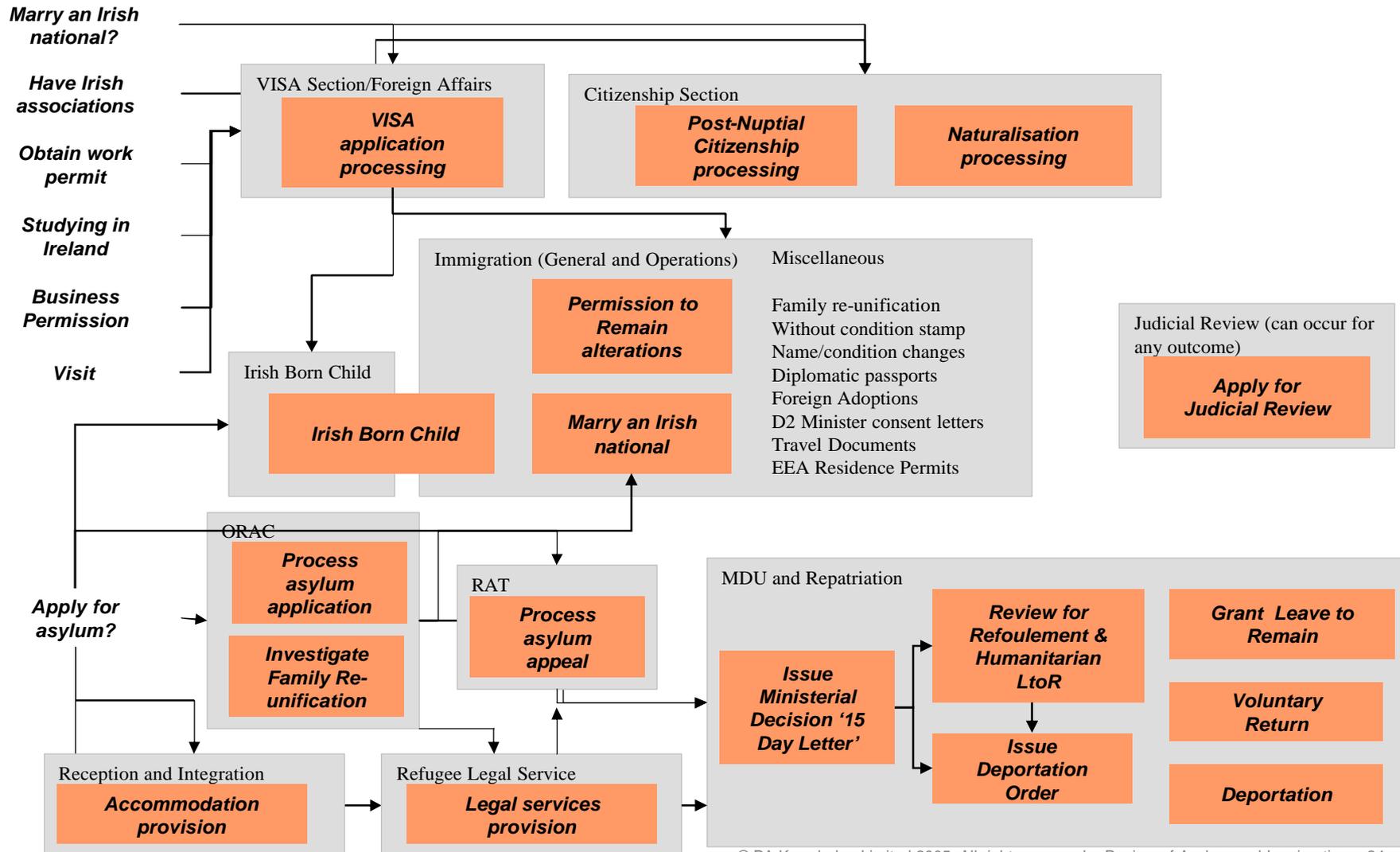


Figure 2-5 Who Does What within Asylum and Immigration, Visa and Citizenship?



2.2 Organisation Response – Who does what?

Figure 2-5 provides an overview of the respective roles of the agencies and divisions in processing applications for visa, immigration, citizenship and asylum. The institutional landscape has changed dramatically since the late 90's when all immigration and asylum applications were managed by a discrete unit within the Department staffed by a very small group.

The Department plays the lead role in strategy and policy development and in implementing government policy on both immigration and asylum. The visa, immigration and citizenship operations are handled by divisions within the Department while asylum operations are predominantly – but not exclusively - managed by separate agencies under the auspices of the Department. The immigration and asylum areas are essentially two parallel processes in so far as current asylum applicants are concerned. The main point at which the two decision-making structures interact is when a decision with regard to refugee status is reached within the asylum process, or when consideration needs to be given to whether asylum seekers have an Irish Born Child or are married to Irish/EU nationals at which point the Immigration Division takes over to consideration of their cases (possibly in parallel).

Asylum

In relation to asylum, four separate entities are responsible for: providing accommodation to applicants (RIA), processing their application (ORAC), hearing appeals against ORAC decisions (RAT) and providing legal aid and advice to applicants during the applications and appeals process (RLS). A total of 541 staff work in these four entities.

- With the establishment of this organisational structure, asylum seekers have an assisted, structured passage through the system. ORAC refuses refugee status to 94% (at end of April 2005) of applicants and 97% of these appeal to the Tribunal to have ORAC's decision set aside. The Tribunal upholds the majority of ORACs recommendations and in 2004 set aside only 12% of ORAC decisions – this means that of the total number of applications for refugee status, only 8.7% are accepted between both the ORAC and the Tribunal (based on 2004 data).
- The asylum process, however, does not finish when ORAC and/or the RAT finalise their decision. Under the '96 Refugee Act, an application for refugee status is made to the Minister. The Department communicates the Minister's decision on the application for refugee status based on the recommendation of ORAC and /or RAT. If refugee status is refused, this letter also informs unsuccessful applicants of their options, e.g. voluntary departure, consent to deportation or the making of a submission within 15 days to the Minister for Leave to Remain. A further 10 staff deal with the issuing of such letters.

2.2 Organisation Response – Who does what?

- A further complexity is that all those applicants who are refused refugee status must be processed for Leave to Remain, which is issued at the discretion of the Minister. Issues of *refoulement* are also considered by the Repatriation Unit on behalf of the Minister. Less than 5% of unsuccessful refugee applicants who do not have an Irish citizen child or are not married to an Irish/EU citizen are currently granted leave to remain. The effect of this additional tier in the application process means that there is a dual, sequential application process with a consequent duplication of resources. If Leave to Remain is not granted to the individual, this unit progresses their repatriation to their countries of origin. The unit also effects the transfer of persons under the Dublin Convention and Dublin II Regulation and liaises with GNIB in relation to deportation orders made by the Minister under s3(6) of the Immigration Act 1999. The Repatriation Unit has a staff of 51 dealing with Case Processing and Arrangements.
- The Minister reviews the outcome of all applicants who are refused both asylum and 'Leave to Remain', and then signs the appropriate deportation order.
- Deportation orders, once signed by the Minister, are managed initially by the Arrangements team within the Repatriation area, who inform the applicant of the deportation order while simultaneously referring the Deportation orders to GNIB to be effected. The Arrangements team supports GNIB with the production of travel documents, the making of travel arrangements and the organising of charter flights where appropriate. They also deal with the making of transfer orders for the transfer of cases under the Dublin II Regulation which outlines rules governing the EU country responsible for processing an asylum application made in an EU State.

2.2 Organisation Response – Who does what?

Immigration, Visa and Citizenship

The organisational structure in Immigration, Visa and Citizenship has evolved in response to the growing and changing volume of work. It represents a pragmatic, incremental approach to developing the organisational structure. This pragmatic, incremental approach is most evident in relation to Immigration where the logic for the breakdown between the two units – Immigration Operations and General Immigration – reflects the need to allocate an increased workload rather than any other organisational rationale.

- **Immigration** is spread over two units – Immigration Operations and General Immigration. This structure arose in response to the increasing volume of cases within Immigration. Immigration Operations is largely responsible for permission to remain, state entry/re-entry, travel documents and EEA residence permits. General Immigration is responsible for family re-unification, change of name, general permission to remain, diplomatic passports, without condition stamps and proposals to deport. Together, the two sections have a staff of 25.
- **The Visa section** considers visa applications related to work permits, studying in Ireland, business permissions and visits. With a staff of 23 they processed some 48,000 applications in 2004. The Department of Foreign Affairs also processes applications through a delegated function and this approximated 72,000 in 2004.
- **Citizenship section** manages applications for post-nuptial citizenship and naturalisation. With a staff of 22, it processed some 6,800 cases in 2004.

2.3 Summary

- The effect of the new institutional structure on asylum brought:
 - Transparency to the resource allocation process
 - Independence to the decision-making process
 - A proactive, structured approach to asylum – the legislative framework is constantly under scrutiny and has been significantly adjusted since the 1996 Refugee Act. One of the main remaining areas requiring further legislative change to secure a streamlined end-to-end process is the removals process and enhanced detention capacity.
- Given the multiple agencies/institutions involved in delivering asylum and immigration, how they interact with each other is critical in terms of the overall effectiveness of the system. Organisational interaction can be analysed at three levels – interaction *within* asylum and immigration areas, interaction *between* asylum and immigration, and interaction between government departments. This review found that interaction between agencies/institutions operating *within* asylum and immigration is effective. However, the process interfaces and handover points *between* immigration and asylum are largely underdeveloped, mainly because of their separate, distinct processes. In relation to *cross-departmental* working, the Department has developed effective operational coordination mechanisms for example through RIA on asylum and with the Departments of Enterprise, Trade and Employment, and Foreign Affairs on immigration. However, inter-departmental mechanisms are under-developed on the more strategic aspects of immigration such as the ‘downstream’ consequences relating, for example, to housing, social welfare and education.
- While the system has evolved in response to the pressures facing it, the question of overall accountability needs further refinement. In relation to asylum, the overall accountability arrangements are complicated by the existence of statutory agencies. In the case of immigration, the respective roles of the two core Departments – Justice, Equality and Law Reform and Enterprise, Trade and Employment – are clear to the Departments themselves but unclear to external stakeholders in terms of where overall responsibility lies for achieving government policy.

Section 3: Progress Achieved and Value for Money

- 3.1 What the Department has sought to Achieve
- 3.2 Key Objectives and Progress Achieved in Immigration
- 3.3 Key Objectives and Progress Achieved in Asylum
- 3.4 Key Objectives and Progress Achieved in Visa and Permission to Remain
- 3.5 Key Objectives and Progress Achieved in Combating Trafficking
- 3.6 Key Objectives and Progress Achieved in Legislative Framework and Structures
- 3.7 Key Objectives and Progress Achieved in Support Frameworks
- 3.8 Value for Money Assessment

3.1 What the Department has sought to achieve

- A key goal of the Department has been to *'provide the framework for ensuring that asylum, immigration and citizenship policies respond to the needs of immigrants, asylum seekers and our society and are in line with the best international practices and standards in the area'* (Statement of Strategy 2003-2005). In support of this overall high level goal, the Department has identified 6 specific objectives covering:
 - immigration policy,
 - asylum policy and strategy,
 - visas and citizenship,
 - illegal immigration and trafficking,
 - supporting the legislative and other structures governing immigration and asylum,
 - support framework for asylum seekers and the integration of refugees into society.
- The main thrust of the Department's approach in relation to asylum has been to develop fair and efficient procedures in line with best international practice while meeting its obligations under the Geneva Convention.
- In the following sections, we review each of these strategic objectives and identify progress achieved.
- We also provide an assessment of the overall Value for Money of the Government's approach to asylum, immigration, visa and citizenship.

3.2 Key Objectives and Progress Achieved in Immigration

Objective

10.1 Develop *immigration policy* and bring forward comprehensive new immigration legislation within a structured framework

- Continue the work of the Cross-Departmental Group on Immigration
- Take account of the inputs made to the public consultation process on immigration
- Take account of the study of international legislation.
- Continue to review the Department's immigration and citizenship practices to improve access to the public
- Monitor and review developments on applications from non-nationals to remain in the State based on parentage of IBC



Performance indicator

Effectiveness of the immigration framework to respond to changing demand and challenges and to deliver the Government's strategy and priorities in the immigration area

3.2 Key Objectives and Progress Achieved in Immigration

- The Government's initial focus was to prioritise asylum and accordingly this was the focus of the majority of resource allocation. Hence, sufficient resources were not available to meet the growing demands in immigration. Nevertheless, the Department is at an advanced stage of developing an institutional, strategic and policy framework governing immigration. Elements of this response include: current proposals to set up INIS, the Immigration and Residence Bill, the gradual deployment of staff from asylum to immigration, and strengthening structures and processes across some areas. The Department also published an international comparative study on immigration and embarked on a consultation process on its immigration policy. The output of this consultation process is reflected in current legislative and institutional initiatives.
- The volume of applications in Immigration, Visa and Citizenship has grown significantly over the past four years. While there has been a slight increase in resources to manage these services, in reality they have not kept pace with the increased demand. Figure 3-1 indicates that there has been a 46% increase in the volume of visa applications; a 100% and 939% increase respectively for Immigration Operations and Immigration General; a 88% increase in applications for post-nuptial citizenship (PNC) and a 185% increase in citizenship (naturalisation) – all since 2001. Because the growth in demand has not been matched by additional resources, timeframes for processing applications can be unduly long and there are significant backlogs in some areas, particularly citizenship (naturalisation). A further consequence of this is that there are substantial operational demands in servicing immigration in addition to the development of strategic, legislative and policy responses.
- One of the areas identified during the review process is the need for more developed guidelines governing decision-making in relation to immigration. One of the features of comparator countries reviewed is the existence of publicly available guidelines setting out criteria upon which decisions are made. These guidelines will inevitably flow from the policy and strategic work currently underway.
- A further area identified by external stakeholders during the review was the perceived lack of an overall strategic framework on immigration e.g. who has overall responsibility for implementing government policy, how is the government ensuring that it attracts appropriately qualified individuals to meet current and future labour market requirements, and how are the 'downstream' aspects of immigration being accommodated? Current arrangements to introduce INIS will bring clarity to this area from a stakeholder perspective.
- A key requirement for finalising and implementing current strategic, policy and institutional initiatives in the immigration area is to secure the appropriate resources to support it. This resourcing should now be possible through the further re-deployment of staff from the asylum area.

Figure 3-1 Key trends for the Visa, Immigration and Citizenship processes

Volume of inputs	2001	2002	2003	2004	2005 (end April)	Outputs in 2004	Backlog (end 04)	% Granted	Comment
Visa Dublin	22,619	27,133	27,688	26,350	8,852	26,350	Not available	48%	The initial refusal rate is very high in the visa section. It takes approx. 4 to 6 weeks to decide on a visa application once received by the Dublin office. DFA processed approx 72,000 visa applications in 2004 under delegated sanction.
Visa (Dublin, China, Russia)	32,869	38,001	47,666	47,889	12,490	47,889	Not available		
Immigration Operations	2,711	3,306	4,985	5,415	2,027	5,103	689	N/A	An increase of 100% in the volume of applications related to Immigration Operations since 2001.
Immigration General	494	1,195	3,268	5,133	2,527	5,430	1,414	N/A	An increase of 939% in the volume of applications related to the General Immigration area since 2001.
Citizenship PNC	1,502	1,728	2,491	2,825	1,023	2,449	1,566	N/A	An 88% increase in applications since 2001 with a wait of 10 months to receive PNC.
Citizenship Naturalisation	1,431	3,574	3,580	4,074	1,419	2,114	7,807	73%	A 185% increase in applications since 2001. There is a 24 month wait due to the extent of the backlog and resource constraints.
Permission to remain applications made by non-national parents of Irish Born Children born before Jan 1 2005					17,917	16,693 granted to date			

3.3 Key Objectives and Progress Achieved in Asylum

Objective



Performance indicators

10.2 Implement the Government's asylum strategy in order to deliver more speedy decisions in relation to applications for refugee status, process to finality the asylum applications currently on hand and increase the rate of repatriation of failed asylum applicants whose applications have been processed

- Ensure that the necessary systems are in place to speedily identify and provide protection to those applicants genuinely in need of protection under national and international law and deal with applications that are clearly unfounded including through the use of accelerated procedures
- Put in place all the necessary approved staff resources in the asylum, immigration and citizenship areas and once in place and functioning ensure that an effective review mechanism, using external consultancy is in place to achieve the most efficient and effective use of resources
- Provide any other inputs and supports to handle fairly and efficiently the increased volume of asylum applications and associated legal actions, including proper office accommodation, necessary training for staff, the continued development of a legal assistance scheme for asylum seekers and continued cooperation with the UNHCR
- Ensure, subject to legal requirements, that non-nationals who have no permission to remain or who have breached the conditions of their permission to remain are repatriated and the necessary readmission agreements are negotiated and implemented
- Increasing the rate of repatriation of failed asylum applicants, whose applications have been processed to finality, in order to maintain the integrity of the asylum process
- Continue to develop and enhance a structured programme of voluntary return for asylum seekers and illegal immigrants with the assistance of the IOM

Extent to which the arrears caseload is reduced and the timeliness and overall effectiveness of asylum processing

A significant increase in the numbers of persons deported or returning voluntarily to their countries of origin, where it has been established that there is no basis to their case for remaining in this State

A workable framework, based on voluntary departure where possible, for the removal from the State of persons no longer entitled to reside there including the negotiation of readmission agreements with other countries

Operation, evaluation and possible extension of a voluntary return programme in conjunction with the IOM

3.3 Key Objectives and Progress Achieved in Asylum

- The Department has made significant progress in developing its approach to asylum. The number of asylum applicants has declined significantly – from a high of 11,634 applications to ORAC in 2002 to 4,766 applications in 2004 (see Figure 3-2 overleaf). This can be partially attributed to the series of legislative changes introduced to the Refugee Act 1996 by the Immigration Act, 2003 which had the effect of speeding up the decision-making process, contained in the Immigration Act. Other factors that have affected the decrease include operational strategies, the withdrawal of rent supplement by the Department of Social and Family Affairs for asylum seekers, and the 2004 referendum on citizenship.
- Significant progress has been achieved in developing a more speedy, structured and transparent process with continuing momentum to reduce the processing timescale in relation to asylum applications. The number of cases within the ORAC and RAT for more than six months has reduced substantially from 6,500 cases in 2001 to 1,057 at the beginning of 2005. This review also found that the average timelines for processing cases and appeals within ORAC and the RAT improved considerably over the past 4 years. In 2004, prioritised cases took an average of 4 – 6 weeks to process in ORAC and also 4 – 6 weeks in the Tribunal. Arrangements introduced early in 2005 have further accelerated prioritised cases with a timescale of three weeks in both the ORAC and the RAT. The timelines for non-prioritised cases in 2004 was approximately 6 – 8 months and 4 months respectively in ORAC and RAT.
- The new arrangements with respect to the asylum processing for accelerated prioritised cases in 2005 has considerably impacted on the end-to-end timeline, with applicants reaching the deportation stage within approximately three months. In 2004 by comparison it was taking between 31 and 62 weeks to complete the end-to-end asylum process for prioritised cases.
- While the timelines for processing cases in ORAC and RAT have improved, the overall end-to-end timelines for non-prioritised cases can vary considerably. For prioritised cases in 2004, it was found that it could take 31 – 62 weeks to complete the end-to-end asylum process. In relation to non-prioritised cases this can range from 78 to 114 weeks. Although timelines are improving, the large span and variation means that there can still be an element of uncertainty about how long a case will take to process to finality.

3.3 Key Objectives and Progress Achieved in Asylum

- Another important factor contributing to the length of time to process asylum applications are the Leave to Remain and *Refoulement* issues where legislation gives unsuccessful refugee applicants the right to apply to the Minister for Leave to remain. The criteria for granting Leave to Remain are wide-ranging. The effect of the process is that there is a dual, sequential application process whereby individuals who have been through the asylum application and appeals process have a further opportunity to apply to stay in Ireland. This review indicated that the process can add up to 15 weeks to the end-to-end timeframe prior to a recommendation to either grant Leave to Remain or to deport.
- End-to-end asylum and Leave to Remain processing timelines, while affected by internal resource availability, are seriously lengthened by the instigation of Judicial Reviews at all stages of the process. The number of Judicial Reviews is growing which has the effect of slowing down the time taken to process applications while also consuming additional internal resources.
- Other significant variables affecting processing timelines include, whether it is an IBC case, an application for permission to remain on the grounds of marriage to an Irish/EU citizen or the possible evasion of a deportation order by a failed asylum seeker.
- Another factor which fundamentally affects the end-to-end timelines is the removals process where current arrangements are based on outdated removals legislation.
- Since the establishment of GNIB (May 2000) with an initial brief to execute deportation orders, its scope has increased and it is now responsible for all Garda matters pertaining to immigration on a national basis. The result is that asylum seekers are now a small percentage of the GNIB caseload. Recent initiatives such as the introduction of a Deportation database and a Registration database (every non-EEA national resident in Ireland must register with GNIB), cross-checking processes with the Registration database, facial recognition and the upcoming introduction of finger-printing will all assist in increasing the effectiveness of GNIB in determining the location of those who are evading deportation. There is also an increasing and effective emphasis on border control. Although additional resources have been authorised for GNIB, not all of these are yet in place. This naturally impacts upon the level of resources available for asylum and immigration matters.

Figure 3-2 Key trends for the asylum and repatriation end-to-end process from 2001 to April 2005

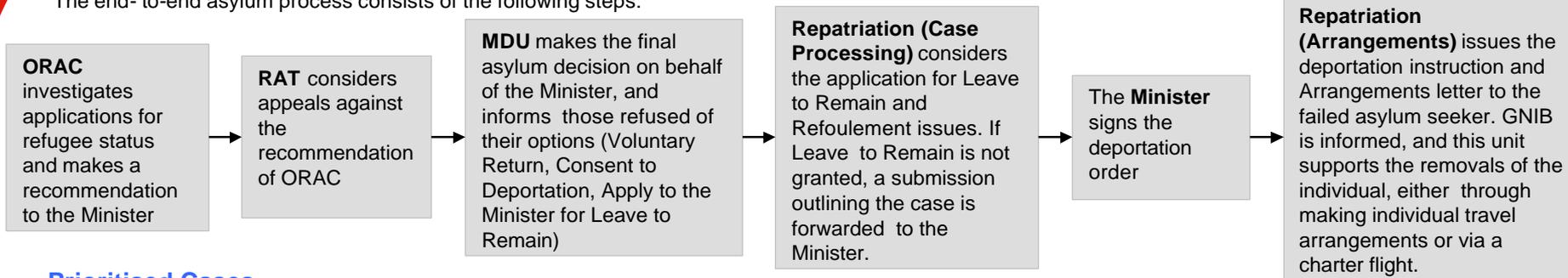
Volume of inputs	2001	2002	2003	2004	2005 (end April)	Outputs in 2004	Backlog at end 2004	% Granted	Comment	
Agencies	ORAC	10325	11634	7900	4766	1573	7121	2350	6%	A 40% decrease in applications since '03 and ongoing reductions in the backlog. As of May 2005, there are 660 cases awaiting interview scheduling and ORAC has processed a higher number of cases than new applications received in the first four months of the year.
	RAT	4098	5361	5306	5011	1588	6520	1346	12%	
DUEL/R	MDU	-	-	6544	8715	2314	8715	None	-	The total outputs includes grant letters and 15 day letters. No backlog.
	Repatriation (Case Processing for Leave to Remain)	3997	6143	5613	7688	N/A	3666	10982	3.8%	A sizeable backlog, accumulated since 2000-2001 when volumes increased so dramatically (although some will be IBC or JR Cases)
	Repatriation (Arrangements)	1986	3129	3245	3666	N/A	2866	TBD	N/A	Arrangements prioritises its caseload, more recently through the organisation of charter flights. 20% deported in 2004 (of those who received a DO)

Deportations through GNIB	365	521	590	599	98
Voluntary Returns	356	506	762	611	93
Dublin II				65	51

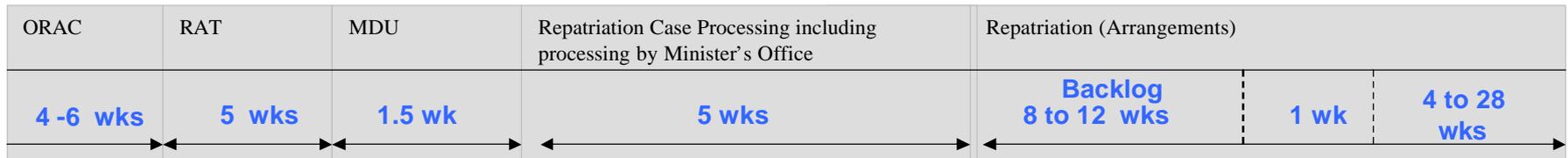
Figure 3-3 A Typical Timeline for the End-to-End Asylum Process in 2004*

* Based on a review of the available data in November 2004 prior to the implementation of new pilot processing arrangements in 2005

The end- to-end asylum process consists of the following steps:



Prioritised Cases



End-to-End Timeline Range for Prioritised Cases (end 2004)

Straightforward Prioritised Cases can take between 31 and 62 weeks to complete the end-to-end asylum process (i.e. if not an IBC case, no Judicial Review is initiated and there is no application for permission to remain on the basis of marriage to an Irish/EU national). The key variables within this process are:

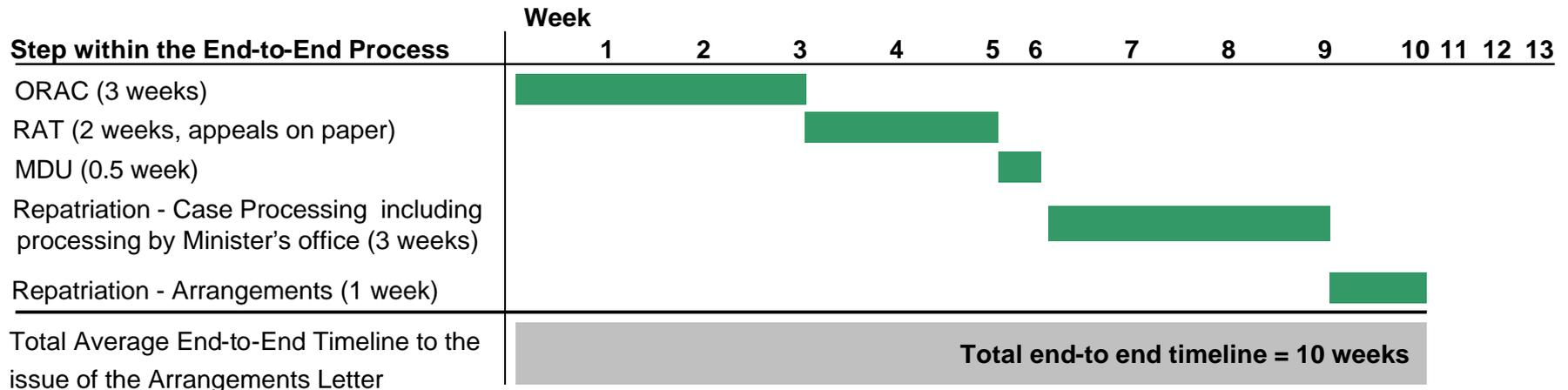
- (1) The size of the backlog in Repatriation and hence the length of time a case waits prior to processing
- (2) The issue of the Arrangements Letter from Repatriation,
- (3) Making travel arrangements in conjunction with GNIB (obtaining travel docs etc.)

Key factors which impact on the overall timelines lie with the Leave to Remain processing, the increasing number of Judicial Reviews, as well as the removals process and the associated legislative requirements.

Figure 3-4 Prioritised Asylum Applications in 2005*

* Based on a review of the available data in August 2005 subsequent to the introduction of new prioritised processing arrangements

Accelerated Prioritised Cases 2005

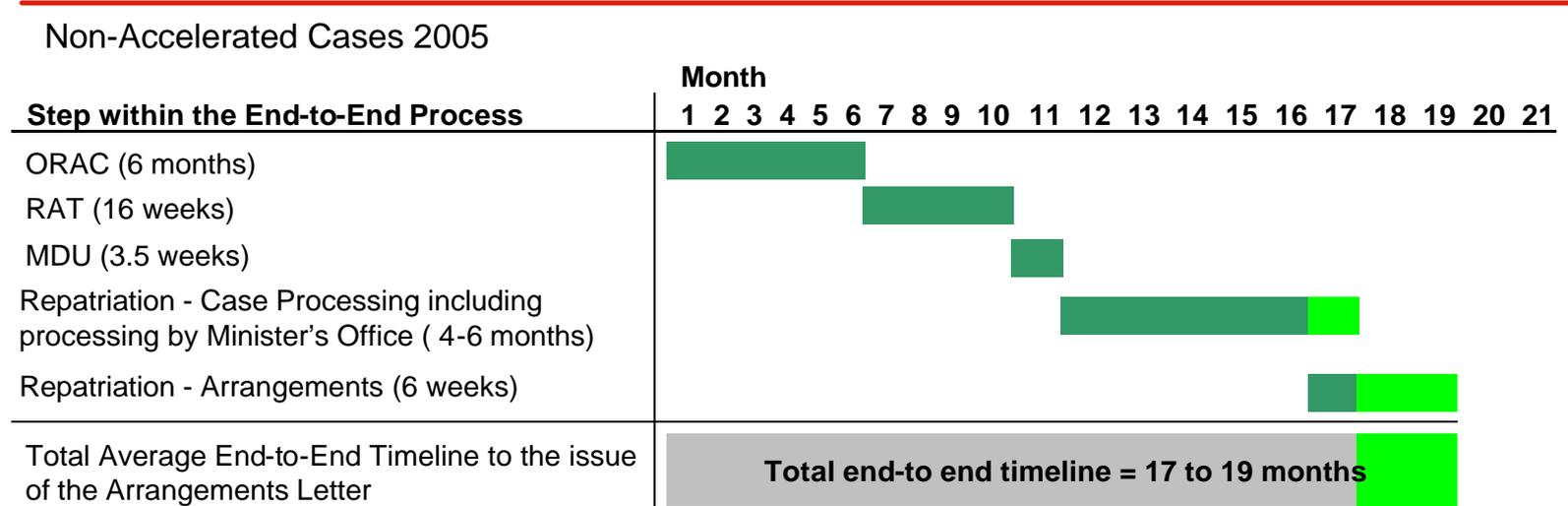


End-to-End Timeline for Accelerated Prioritised Cases in 2005

New arrangements were introduced on the 25th January 2005 for the speedier processing of prioritised asylum applications. The new arrangements apply to nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa, and targets the reduction of processing timescales at all stages in the process. Almost 40% of total asylum applications are currently prioritised cases. A total of 67 cases from this caseload were the subject of an Arrangements Letter as of 31 August 2005. Figure 3-4 shows the steps and average timelines within the asylum and Leave to Remain process for those 67 cases. The average total end-to-end process timeline for those 67 cases which were not granted refugee status or Leave or Remain (from receipt of asylum application at ORAC through to the issue of the Arrangement Letter) was 10 weeks. This is a substantial reduction on the timeline of between 31 and 62 weeks for prioritised cases in 2004.

Figure 3-5 Other Asylum Applications in 2005*

* Based on a review of the available data in August 2005 subsequent to the introduction of new prioritised processing arrangements



End-to-End Timeline Range for Non-Prioritised Cases (end 2004)

A review of the available data for asylum applications which were the subject of an Arrangements letter by November 2004 found that straightforward Non-Prioritised Cases can take between 18 and 26 months to complete the process. The key variables were (1) Case Processing submission preparation, (2) ORAC timelines, (3) Issue of Arrangements Letter, (4) the size of the processing backlog at various stages of the process, (5) making travel arrangements with GNIB. Once again, a Judicial Review application could significantly lengthen this process, as can an application for permission to remain on the grounds of marriage to an Irish or EU national.

End-to-End Timeline Range for Non-Prioritised Cases (August 2005)

A similar exercise was conducted for the available case data as of the end of August 2005 and the average timelines are displayed above in Figure 3-5. The total average timeline for the cases sampled was calculated as between 17 and 19 months. Factors such as the application for a Judicial Review of a case, the receipt of late representations for Leave to Remain considerations, and complications associated with persons which may have married an Irish or EU national extend the above timeline considerably.



3.3 Key Objectives and Progress Achieved in Asylum

- Of the total number of asylum-seekers that apply for refugee status, on average 8.7% (between first instance at ORAC and the appeal to RAT) are determined to have refugee status. A priority has been to successfully manage the process of repatriating unsuccessful applicants. The number of deportations as a proportion of unsuccessful applicants has increased. However, the reality is that some 80% of unsuccessful applications are not deported. This reflects the complexity of the removals process and the related legislation. The Irish experience is also consistent with international experience where the level of deportations is generally low. For example, in Australia, less than 10% of failed asylum seekers left the country in 2003/2004. The balance were either given permission to reside as lawful non-citizens or have overstayed. In the UK the ratio of failed asylum seekers who were not removed was approximately 79% for 2003/2004.
- The introduction of special prioritised processing arrangements in early 2005 has considerably shortened the total end-to-end processing timeline for failed asylum seekers who are the subject of an Arrangements Letter. At the end of 2004, the average timeline was between 31 and 62 weeks with a considerable amount of variance at different stages of the process, depending on the level of backlogs at respective stages. However, as of the end of August 2005, the new processing arrangements for prioritised asylum applications has resulted in an average end-to-end timeline of 10 weeks. Although the number of cases processed in this manner is relatively low compared to the overall total, it does demonstrate significant progress in tackling processing timelines.
- The establishment of GNIB is helping to improve border controls and to concentrate efforts of removing people who are illegally present in the country. Some 200 additional Gardai were allocated to GNIB to strengthen their capacity, although as yet not all of these are in place. However, the impact of deporting individuals is considerable in manpower terms as a high number of failed asylum seekers evade deportation, requiring investigative efforts on the part of GNIB, coupled with the fact that GNIB supervision is frequently required during the actual departure. GNIB would need substantial additional resources in order to increase the actual number of removals effected.

3.3 Key Objectives and Progress Achieved in Asylum

- The situation in relation to IBCs has been clarified through constitutional amendment and resources have been allocated on a project basis to processing claims of applicants with an Irish Child, born prior to January 1st 2005. This project is making progress in processing applications on the basis of Ministerial criteria and will hence make significant inroads into the current asylum backlogs.
- There is a sizeable 'backlog' of 10,982 cases in what is commonly referred to as the 'leave to remain' process, whereby a failed asylum seeker may be allowed remain in the State on other – e.g. humanitarian – grounds. The provisions of the Immigration Act, 1999 are such that the backlog may not reflect the actual number of failed asylum seekers residing in the State. A case reaches finality only when an active decision is made to grant leave to remain or issue a deportation order: otherwise it is deemed as a 'live' case and is part of the backlog. In fact, although many failed asylum seekers make no active application for leave to remain their cases must nonetheless be processed to finality, involving the same extensive administrative and consideration process as every other case. Thus, this sizeable backlog figure clearly is not a true representation of the situation as many persons in this backlog are likely to have applied under the interim IBC processing arrangements (i.e. applied for leave to remain in the State as a parent of an Irish born child). Based on previous DJELR experience, large numbers of them will also have disappeared. An analysis of outstanding cases in the Repatriation IT system will take place when the IBC(05) scheme has been completed later in 2005 and this provide a more accurate picture of the true backlog of cases.

3.4 Key Objectives and Progress Achieved in Visas and Permission to Remain

Objective

10.3 Process applications for visas, permission to remain in the State, naturalisation and other facilities covered by aliens, nationality and citizenship legislation

- Aim to respond to applications and enquiries within time limits set down in Customer Service Guidelines as soon as possible
- Continue to develop a public information service, including information leaflets and help lines and provide appropriate training for staff
- Establish adequate systems to handle efficiently the increased volume of applications for immigration and citizenship
- Continue to liaise with industry representative and voluntary groups on immigration matters

Performance indicator



Timely and correct decisions and a quality information service to the public on immigration and citizenship

3.4 Key Objectives and Progress Achieved in Visas and Permission to Remain

- The volume of visa applications has increased by 46% over the past four years with a total of almost 47,889 processed in 2004 by DJELR – some 26,350 in Dublin and the balance in China and Russia. In addition, the Department of Foreign Affairs processed some 72,000 visa applications in 2004 under delegated sanction. The Visa section has been significantly under-resourced to manage the substantial increase in the volume of applications. In recognition of this, resources have already been redeployed to both Visa and Citizenship.
- The historical resourcing constraints have correspondingly had implications for processing timescales. With the increased volume of work, it takes approx. 4 – 6 weeks to decide on a visa application once it is received by the Dublin office. The refusal rate in the visa section (56% in 2004 including cases refused on appeal) reflects the fact that only more problematic categories of visas are referred to the Dublin office. A high initial refusal rate (which drops after an appeal) also reflects the pressure under which the Visa section has operated and the absence in the past of clear decision-making rules to guide those deciding on applications. The lack of such a decision-making framework has caused complications for both customers and officials alike.
- A review of the Visa Service was completed in late 2004 incorporating best practice in comparator countries. This has resulted in the restructuring of the service and a programme of improvements is already underway to develop a more strategic approach to its operations. In addition, a single IT visa database system is being introduced by the Department of Foreign Affairs in conjunction with the Department and is designed to improve the production of statistics, the ability to track an application and enhance the consistency of decision-making.
- The Citizenship section has also experienced an increased level of applications for both naturalisation (4074 applications in 2004 - 185% increase since 2001) and post-nuptial citizenship (2825 applications - 88% increase since 2001). Further increases in demand for its service are projected due to the increasing number of migrants (e.g. workers) in Ireland, who (in the case of non EEA nationals) see naturalisation as their only means to secure long term residence status and benefits (such as third level grants).
- The shortage of resources to deal with this increase in applications has resulted in a considerable backlog and applicants now wait for up to 2 years for the outcome of their naturalisation application. Applicants for post-nuptial citizenship are currently waiting for 8 months. Customer service has also been impacted as there is only limited resources to man the Helpline service and no staff available to respond to customer emails relating to their applications.
- The Citizenship section has also recently reviewed its processing arrangements, and now aims to return ineligible applications (based on residency requirements) upon receipt, and streamline its internal operations to differentiate between routine and complex applications. While these initiatives will improve service levels and response times, the section is still significantly under-resourced, relative to the demand for its services and current backlog. Resources are being redeployed on an ongoing basis to improve this situation.

3.5 Key Objectives and Progress Achieved in Combating Trafficking

Objective

10.4 Provide a responsive and effective capacity to combat trafficking in human beings and illegal immigration in terms of actions both domestically and internationally

➤ Liaise with the GNIB in developing a response to illegal migration and trafficking in human beings including the development of an effective intelligence base

➤ Introduce legislation which will limit the scope for traffickers to operate into Ireland, including provisions relating to Carriers Liability and also a Code of Practice for the haulage industry in relation to covert passengers

➤ Where appropriate, participate in EU and other international initiatives in combating illegal migration and trafficking in human beings

Performance indicator

A reduction in the extent to which Ireland is a target for illegal migration and trafficking in comparison to trends in other developed countries

An improved response to illegal migration and trafficking



3.5 Key Objectives and Progress Achieved in Combating Trafficking

- One of the key achievements under this objective was the introduction of carriers liability through the Immigration Act 2003. This was a central pillar of Government policy to combat trafficking. The legal obligations now imposed already appears to be having effect with evidence of increased security checks being provided by carriers.
- Since the establishment of the GNIB, the Department has worked closely with it to strengthen provisions for more effective border controls. Increased resources have been allocated to border control points and improved support arrangements put in place to ensure that policy was implemented on the ground. A 24 hour helpline was also introduced to enable GNIB to access information on operational guidelines as required. While there is evidence of considerable progress, there is also recognition that coordination arrangements need further strengthening. One of the key future challenges is ensuring that immigration officials at border control points are fully informed and aware of policy and guidelines in the area of immigration.
- A growing feature of the Department's work is systematic, ongoing cooperation with the UK's Immigration and Nationality Department of the Home Office in order to combat trafficking in the Common Travel Area. In addition, the Department collaborates at EU and international level on the development of policy, initiatives and intelligence-sharing to combat trafficking.

3.6 Key Objectives and Progress Achieved for the Legislative Framework and Structures

Objective

10.5 Continue to provide and support the necessary structures, including the necessary legislative base, for the asylum and immigration areas having due regard to best international practices

- ↗ Continuously review, having regard to best international practice, legislation and operational procedures in relation to the processing of applications for refugee status
- ↗ Progress work on the development of immigration policy and legislation through the proposed framework should, among other elements, include a study of international legislation and practice in the field of immigration
- ↗ Improve coordination between divisions and agencies involved in asylum and immigration related activities
- ↗ Enhance relationship with NGOs working with asylum seekers and other migrants



Performance indicator

Effectiveness of asylum and immigration framework allowing the delivery of the Government's strategy and priorities in the asylum and immigration areas

Better coordinated activity in immigration/asylum

3.6 Key Objectives and Progress Achieved for the Legislative Framework and Structures

- One of the hallmarks of the asylum policy has been a strong legislative framework which has been continually reviewed and adjusted since the core legislation was enacted (Refugee Act 1996). A robust legislative framework is now in place. While this review identified some further adjustments to the current system, the main requirement is to further streamline the end-to-end asylum process through a more effective removals process which is currently governed by out-dated legislation. Other possible areas of legislative adjustment include:
 - Abolish the administrative requirement for MDU to check the recommendation of ORAC and RAT prior to the issuing of the 15 day letters
 - Streamline the protection, removals and deportation process by:
 - Reviewing s.3(6) of the Immigration Act 1999 relating to Leave to Remain criteria
 - Introducing a single procedure with consideration of all protection and other issues relating to leave to remain at the initial application stage

The introduction of these streamlined procedures will have implications for the agencies of first instance

 - Introduce clearer guidelines for individuals who are at the end-point in the asylum process with regard to their options and the implications for them, e.g. access to voluntary return programmes, social security entitlements
 - Consider whether individuals should be under an obligation to leave the country within a specified time period at a formal end-point of the process
 - Cease to process Leave to Remain considerations if an individual consents to deportation or chooses voluntary return.
- In contrast with the asylum area, the legislative framework in the area of immigration is largely a permissive one with few legislative impediments limiting the development of policy. The Department is at an advanced stage of preparing a draft Immigration and Residence Bill, which is due to be enacted by mid-2006. The main factor limiting progress in the area of immigration identified by this review was securing the additional resources required to develop capacity to meet the increased volume of applications. A specific change proposed during the review process was to introduce a more secure form of long-term residency status which would confer additional rights on those who remain for long periods in Ireland but who do not wish to become citizens. This issue of an appropriate form of long-term residency status is part of the public consultation process launched this year.

3.7 Key Objectives and Progress Achieved for the Support Framework

Objective

10.6 Provide the necessary support framework, including the development of the Reception and Integration Agency, for meeting the reception and accommodation needs of asylum seekers and the integration of refugees into Irish society.

- Develop and enhance operations in respect of the RIA
- Further promote and develop cross-Department/Agency support for the purpose of this objective
- Coordinate and continuously review the Government's programme of accommodation provision and related services such as health and welfare for asylum seekers to ensure that it meets changing and ongoing requirements
- Coordinate the implementation of effective mainstream integration strategies and measures for the integration of refugees and others given leave to remain, in line with the recommendations of the Report of the Inter-Departmental Working Group on integration in Ireland



Performance indicator

Capacity to house newly-arrived asylum seekers having due regard to pressure/shortages in the housing market generally, including limited availability of accommodation in the commercial sector

Subject to the cooperation of relevant Departments and agencies, an effective strategy for integrating refugees and persons granted leave to remain

3.7 Key Objectives and Progress Achieved for the Support Framework

- One of the early initial challenges for RIA was to secure sufficient, appropriate accommodation for asylum seekers. It has managed to assemble a portfolio of property but it has limited surplus capacity to meet needs of additional asylum seekers. While it might have been expected that the numbers accommodated by RIA would decline in response to the decline in the number of asylum seekers, this has not been the case and the numbers now accommodated through RIA are at a peak. This is because, *inter alia*, asylum seekers remain in the system for some considerable time after their applications have been determined, and the withdrawal of the rent allowance has increased the overall numbers availing of the accommodation. Due to the rising level of grants under the IBC '05 Scheme, many of whose recipients are accommodated by RIA, a significant reduction in the pressure on such accommodation has occurred.
- RIA represents a success story in terms of the delivery of cross-cutting services. It worked from its inception in close collaboration with other key Departments and agencies providing services to asylum seekers, in particular the Department of the Environment, Heritage and Local Government; the Department of Health and Children, and the Department of Education and Science and the Health Boards. RIA staff includes officials seconded from these Departments and agencies and this approach was central to its effective delivery of cross-cutting services.
- RIA's strategy now is to consolidate its achievements in managing its accommodation portfolio and to develop its role in promoting and facilitating integration and resettlement. Its approach to integration has been under-developed to date – mainly because of the priority attached to meeting accommodation needs. This is changing with a renewed and stronger focus on integration and resettlement. A defining feature of RIA's work in this area is that it works closely with NGOs involved in integration. It is also actively drawing upon experiences at European level to learn how best to manage the integration process.
- One of the continuing challenges is to develop more effective arrangements to manage the 'downstream' effects of increased immigration in relation to housing, education, health services, social welfare. An inter-departmental committee is now established (as of July 2005) and is proposing to co-ordinate arrangements in this area.

3.8 Value for Money Assessment

Introduction

This section of the report reviews the Asylum, Immigration, Visa and Citizenship areas with respect to Value for Money over the timeframe 2001 to 2004. This is a complex area to assess, particularly given the rapidly changing nature of the situation in this same time period.

Context for this Value for Money Assessment

A defining feature of the past decade in Ireland has been the unprecedented increase in the number of non-nationals wishing to live and work in Ireland or seeking refugee status. Historically, Ireland has not received any significant immigration. This started to change dramatically in the late 90's when Ireland experienced a substantial increase in non-Irish immigration, and the number of asylum seekers grew, reaching a peak of almost 12,000 in 2002. The number of new asylum applicants has since declined substantially to slightly less than 4,300 in 2004 (excluding reapplications).

The increase in asylum seekers presented a significant challenge for the Government, requiring it to introduce effective systems and structures for managing the influx of asylum seekers. This became a key government priority. The Government responded by setting up a dedicated institutional structure, by allocating additional resources to manage the volume of applications, and by strengthening the legislative foundations underpinning its approach to asylum. The initial priority for the Government and the Department was therefore to focus on improved arrangements for managing asylum. This prioritisation of asylum was also reflected in increased resources for managing the asylum process. Of some 700 staff in the Department and related bodies dealing with immigration and asylum, around 500 staff or almost 75% of the total have been working exclusively in the asylum area. While the Department and the Government was aware of the simultaneous and ongoing increase in applications in the area of Immigration, Visa and Citizenship the management of the asylum process was the initial priority in terms of response and the allocation of resources.

The Department has made significant progress in developing its approach to asylum. The number of asylum applicants has declined significantly – from a high of 11,634 applications to ORAC in 2002 to approx. 4,300 applications in 2004 (excluding re-applications). This can be partially attributed to the series of legislative changes introduced to the Refugee Act 1996 which had the effect of speeding up the decision-making process which coincided with a simultaneous reduction in global asylum applications. Other factors that have affected the decrease include operational strategies, the introduction of Carriers Liability, the restriction in rent supplements by the Department of Social and Family Affairs for asylum seekers, and the 2004 referendum on citizenship. The Department is developing a more speedy, structured and transparent process with continuing momentum to reduce the processing timescale in relation to asylum applications and new arrangements for accelerated prioritised cases in 2005.

3.8 Value for Money Assessment

The number of legally resident non-EEA nationals (other than asylum seekers) has also grown substantially from 29,000 in '99 to 133,000 in '04. This has had a significant impact on the immigration, visa and citizenship services, as demand for their services has naturally grown, by up to 185% in the case of naturalisation applications. The volume of visa applications has also increased by 46% in this same time period.

The shift in trends evident in the past two years - with a continuing rise in immigration and a steady decline in asylum seekers - is likely to endure and is putting considerable pressure on the capacity of the immigration system to respond given current resource levels. This means that the Government's priority is to now build the capacity of the immigration services while consolidating achievements in the asylum area. The Department has been developing the elements of a strategic, legislative and institutional framework to build the capacity of the immigration services which are likely to be completed in 2006. A defining feature of the new approach is the Government's decision, on foot of a proposal by the Minister for Justice, Equality and Law Reform, to create a new institution – the Irish Naturalisation And Immigration Service (INIS) – as a platform for developing its capacity on immigration.

Our Approach to Assessing the Value for Money Data

There are a number of points that should be noted with respect to the approach taken for this assessment:

(1) This section is reviewing VFM within DJELR and associated Agencies only (and not across other Government Departments)¹.

(2) The asylum end-to-end process is considered separately to the processes related to Visa, Immigration and Citizenship. The asylum end-to-end process cost is considered to encompass ORAC, RAT, MDU and 90% of Repatriation costs (as 10% of Repatriation workload relates to illegal immigrants), RLS, RIA, the costs of the accommodation incurred by RIA, Deportation costs and the Asylum Policy team within DJELR.

(3) The above data in relation to the end-to-end asylum process was well quantified for the majority of players within the end-to-end process for 2003 and 2004. However, certain assumptions were necessary in order to assess Repatriation costs (pay costs only) in 2001 and 2002. Although the total Departmental pay and non-pay costs was available for these years, the Repatriation pay component was a constituent part of the total rather than available separately. A pro-rata assessment of pay within the Repatriation area (based on 2003 and 2004 data) was made for 2001 and 2002.

(4) This VFM assessment includes all DJELR pay and non-pay costs, all agency pay and non-pay costs, RLS costs, and accommodation costs incurred by RIA.

Footnote (1) This VFM assessment does not include the wider costs of the end-to-end asylum process, such as private accommodation costs incurred in earlier years, Health and Education provision, Rent Allowance and Social Welfare. Neither does this review comprehensively account for the entire costs of Judicial Review (e.g. the costs incurred by the CSSO) or the GNIB operation related to asylum. As a result, it underestimates the total cost of asylum.

3.8 Value for Money

Figure 3-6 Total Costs for Asylum, Immigration, Visa and Citizenship 2001 - 2004

Year	Asylum, Immigration, Visa and Citizenship Pay and Non-Pay Costs (€)	No. of Asylum Applications	No. of Visa, Immigration and Citizenship Applications	% Change Each Year in Total Expenditure
2001	98,113,124	10325	39007	Not applicable
2002	129,422,200	11634	47804	31.9%
2003	120,471,373	7900	61990	-6.9%
2004	128,254,991	4766	65336	6.5%

Figure 3-6 displays the total financial expenditure in the areas of asylum, immigration, visa and citizenship. It includes the Department costs, ORAC, RAT, RIA, RLS and accommodation costs incurred by RIA. Although there was a sizeable increase in the total costs incurred between 2002 and 2001 with an increase in expenditure of 32%, there has since been a slowdown in the growth of the expenditure liabilities of the State in the asylum and immigration areas with a 6.5% increase in total expenditure between 2004 and 2003. The proportionate decrease of 6% between 2002 and 2003 is primarily due to a reduction in the accommodation costs incurred as part of the asylum process (which increased again in 2004 due to the withdrawal of rent allowance). The Department has committed substantial resources to the asylum area in order to develop and deliver on its strategic and operational objectives over the last four years. These same resources have had a major impact in reducing asylum application numbers and if these strategies had not been implemented, it is likely that costs would have continued to increase in a similar manner as at the beginning of this decade. It is impossible to assess the exact level of additional expenditure which would have been incurred, not just by the Department, but also by the State as a whole in delivering education, health and social welfare services to asylum seekers if these strategies had not been implemented.

In the same time period, the number of visa, immigration and citizenship applications have increased dramatically. However, as will be explained later, they account for only a small proportion of the total expenditure, ranging from 4% to 8% over the time period in question. This fits with the Department's approach of initially prioritising the asylum strategies and operational response, consolidating those activities, and now moving to re-allocate resources and develop strategies to meet the demands of visa, immigration and citizenship.

The asylum process differs substantially in complexity, number of agencies involved and timelines for completion of applications from the general immigration, visa and citizenship areas and the two are subsequently addressed separately for VFM purposes.

3.8 Value for Money Assessment – Asylum

Figure 3-7 presents the Department's costs in the area of asylum, and includes the pay and non-pay costs incurred by ORAC, RIA, RAT, Asylum Policy, Repatriation Unit, Repatriation Travel Costs (costs incurred for deportations) as well as the accommodation costs incurred by RIA. It excludes any rent allowances or other State costs associated with health, education, GNIB etc and hence is an underestimation of the total cost to the State.

Figure 3-7 Asylum End-to-End Process – Costs from 2001 to 2004 (€)

Year	ORAC (Pay and Non-Pay)	RIA (Pay and Non-Pay)	RAT (Pay and Non-Pay)	Asylum Policy/MDU (Pay and Non-Pay)	Repatriation (Pay)	RLS (Pay and Non-Pay)	RIA Accommodation Costs	Repatriation Travel Costs	Total (incl accommodation costs)	Total (excluding accommodation costs)
2001	8,417,234	2,262,533	5,298,137	887,477	2,058,461	8,571,443	66,430,000	Not available	93,925,287	27,495,287
2002	12,440,236	2,671,835	5,966,642	1,853,197	1,895,498	9,600,000	83,847,000	Not available	118,274,408	34,427,408
2003	11,952,321	2,709,811	6,598,094	2,626,603	2,190,455	9,174,224	76,500,000	2,372,536	114,124,044	35,251,508
2004	12,288,703	3,022,531	8,378,477	1,694,842	2,517,057	9,071,000	83,600,000	2,012,898	122,585,507	36,972,609

As Figure 3-7 demonstrates, there has been an overall increase in expenditure in the asylum area, rising from €93.9M to €122.6M over a four year period. The cost of accommodation of asylum seekers provided by RIA constitutes the single largest component of these figures, ranging from an annual cost of €66M to €83.6M, averaging 70% of the total cost in the same time period. The increase in accommodation costs between 2003 and 2004 may be related to the withdrawal of the entitlement to a rent allowance for asylum-seekers. Once the cost of accommodation is excluded from the overall total, the expenditure incurred in delivering the asylum end-to-end process has risen from €27.5M in 2001 to €36.9M in 2004.

3.8 Value for Money Assessment

The asylum process is a complex area to assess for Value for Money (VFM), given the length of the process, the number of different stages and parties involved, its overall wider societal impact as well as the extent to which the principles of VFM can be determined for the granting of refugee status. We have selected three measures upon which to base the VFM assessment. These are:

- The number of asylum applications per year that the State receives. These can be considered the inputs to the asylum process.
- The 'End-to-end Process Completion' numbers per year. This figure is an assessment of the outputs of the end-to-end asylum and Leave to Remain process. It includes those granted refugee status by ORAC/RAT, granted Leave to Remain by the Minister, those who choose to leave voluntarily and the number of submissions made to the Minister with a recommendation for a deportation order. For the purposes of VFM, these can be considered the outputs of the process.
- The number of cases processed per year. This figure provides an indication of the scale of activity associated with processing each applicant. It consists of all cases completed to finality by ORAC, RAT and Repatriation Unit. This includes, at ORAC/RAT, those granted or refused refugee status, and withdrawn or abandoned cases. At Repatriation stage, those granted Leave to Remain by the Minister, those who choose to leave voluntarily and the number of submissions made to the Minister with a recommendation for a deportation order.

It should be noted that further costs are incurred by GNIB as part of the Removals process, and also that a Judicial Review process may be instigated subsequent to the deportation order being signed that will suspend the deportation process and incur additional costs. These costs are not included in this VFM assessment.

Tables 3.8 A and 3.8 B calculate the unit costs of the asylum process in terms of:

- Cost per applicant and cost per end-to-end process completed – Table 3.8 A
- Cost per applicant and cost per cases processed (which includes withdrawals) – Table 3.8 B.

As accommodation is a significant cost (70% of total expenditure), we have included unit costs with and without accommodation in both tables.

3.8 Value for Money Assessment

Figure 3-8 A Unit Costs within the asylum end-to-end process

Year	Asylum applications	End-to-End Process Completed	Accommodation costs included		Accommodation costs excluded	
			Cost per asylum applicant	Cost per process completion	Cost per applicant	Cost per process completion
2001	10325	3286	9,098	28,583	2,663	8,367
2002	11634	4404	10,166	26,856	2,959	7,817
2003	7900	4464	14,446	25,565	4,462	7,897
2004	4766	4695	25,721	26,110	7,758	7,874

Figure 3-8 B Unit Costs within the asylum – cases processed

Year	Asylum applications	Cases Processed	Accommodation costs included		Accommodation costs excluded	
			Cost per asylum applicant	Cost per case processed	Cost per applicant	Cost per case processed
2001	10325	18,244	9,098	5,148	2,663	1,507
2002	11634	23,868	10,166	4,955	2,959	1,442
2003	7900	16,697	14,446	6,835	4,763	2,111
2004	4766	17,199	25,721	7,127	7,758	2,150

3.8 Value for Money Assessment

- As the previous Figure 3-8A highlights, there has been a 54% drop in asylum applications since 2001 (from 10,325 to 4,766). To consider the efficiency of the asylum process, one needs to look at end-to-end processing. It can be seen from an examination of figure 3.8A (and recognising that the State's asylum determination system was initially (in 2000) under-resourced to deal with the large influx of asylum seekers), that end-to-end process completions have increased by 43% since 2001.
- The corresponding unit cost per asylum applicant (including accommodation) has risen from €9,098 to €25,721, as numbers have dropped by 54%. There are two points to consider in reviewing accommodation costs. In the first instance, it is important to recognise that accommodation costs in RIA encompass more than the cost of accommodating asylum seekers. They also cater for, *inter alia*, the housing needs of persons awaiting deportation who have received a negative decision on their refugee protection claims. Secondly, some asylum seekers were residing in accommodation centres (or receiving rent allowance) for considerably longer than a year because applications were not being processed to completion within the same calendar year as their initial application. A proportion of these same asylum seekers would leave the accommodation centres and go 'missing'.
- Analysis of unit costs calculated *without* accommodation costs indicates that the unit cost per asylum applicant has trebled but the cost per process completion has remained fairly stable, ranging between €7,817 and €8,367 (Table 3.8A). This unit cost decreases further if we take the number of cases processed rather than end-to-end completions as in Table 3.8B. This shows the cost per case processed (rather than completed) has also remained stable ranging between €1,442 to €2,150 over the four year period. It should be noted that these unit costs are an under-estimation of the total process cost, as they do not include GNIB, CSSO aspects of Judicial Reviews or the wider costs incurred by the State, such as education, housing, social welfare payments.
- As accommodation is such a significant component of the overall cost (70%), any attempts to reduce the end-to-end process timeline, through accelerated processing arrangements, performance improvement in the various agencies and the Department, and most importantly the introduction of a single procedure will all in theory have a dramatic affect on the unit cost, reducing it considerably. This reduction will only be seen in practice if failed asylum seekers actually leave the country, either through deportation or by availing of the option for voluntary return. Furthermore, the level of expenditure on accommodation can be expected to decline following the on-going integration of persons awarded residency based on IBCs in 2005.

3.8 Value for Money Assessment

- The cost picture provided by this VFM analysis does not, of course, take account of the substantial savings to the State provided by the various legislative, operational, enforcement strategies and initiatives undertaken since 2000. These have resulted in a significant fall in asylum claims in the State and an increase in the number of deportations and voluntary returns effected. For example, changes in the Refugee Act, 1996 introduced through the Immigration Act, 2003 provided the impetus for the reduction in the number of unfounded applications because of the enhanced obligations on applicants to proactively pursue their asylum claims and to cooperate with the asylum determination process. In addition, the operation of carrier sanctions, the citizenship referendum, the speedier processing of claims and the reduction in processing backlogs in the ORAC and RAT, and changes in the eligibility conditions for access to social welfare payments, all contributed to reduced numbers of asylum seekers. These have meant reduced pressure on accommodation and social supports as well as reduced numbers having to be processed in the asylum determination process. *Such savings to the Exchequer are impossible to assess but they are likely to be substantial on the basis of projecting forward from 2000 what asylum numbers would have been if the various strategies and initiatives mentioned had not been successful in reducing numbers so dramatically.*

3.8 Value for Money Assessment – Immigration, Visa and Citizenship

In Figure 3-9 below we present the total costs incurred by the Immigration, Visa and Citizenship areas for 2001 to 2004. Care should be taken when considering the cost data presented for 2001 and 2003, as it was difficult to separate immigration, visa and citizenship from the asylum costs incurred within DJELR within these same years. The Department's Sections formed to respond to the increased influx in both areas were only being established, and a single cost centre was used to capture all financial data.

Figure 3-10 shows the total number of applications received (the inputs to the process) in each of the areas of Visa, Immigration Operations, General Immigration and Post-Nuptial Citizenship and Naturalisation. In all areas the level of applications has risen significantly since 2001, while costs are not observed to have followed a particular trend. However, once again, note that the cost information should be treated with caution due to the previously mentioned difficulty in extracting non-asylum related costs. Also, we have not included the costs incurred by GNIB relating to its immigration function, nor those incurred by Garda Immigration Officers around the country.

VFM is a fairly blunt tool in the area of immigration, visa and citizenship. There are tremendous economic benefits accruing to the State due to an increasing number of migrant workers, students, visitors etc. who avail of the services of DJELR Visa, Immigration and Citizenship in order to enable their stay. A recent ESRI report estimated that immigration has a positive impact on GDP, with estimates varying between 3 and 3.7% of GDP. It also forecasted that there will be an increasing demand for DJELR services in this regard in coming years.

Figure 3-9 Total Costs within the immigration, visa and citizenship areas

Year	Costs
2001	3,392,434
2002	11,147,792
2003	6,323,007
2004	4,803,383

Figure 3-10 Unit Costs per application within the immigration, visa and citizenship areas

Year	Visa	Im Ops	Im Gen	PNC & Naturalisation	Total Applications	Cost per application
2001	32869	2711	494	2933	39007	87
2002	38001	3306	1195	5302	47804	233
2003	47666	4985	3268	6071	61990	102
2004	47889	5415	5133	6899	65336	74

3.8 Value for Money Assessment

- As Figure 3-9 highlights, the immigration, visa and citizenship areas account for only a small proportion of the total expenditure in the asylum and immigration area, ranging from 4% to 8% over the time period in question. In this same time period, the overall total number of visa, immigration and citizenship applications have risen from 39,007 in 2001 to 65,336 in 2004, which represents an increase in application volumes of over 67%.
- The average cost per application received has ranged from a maximum of €233 to the current minimum of €74.
- Although there was some difficulty in separating asylum costs from visa, immigration and citizenship costs within DJELR, it can be seen that overall costs have decreased while applications have increased. This is reflected in the drop in the unit cost and demonstrates an increased efficiency on the part of the Department.
- Further detailed analysis was carried out on 2004 data, assessing the outputs of each area for this year. This totalled 62,985 applications completed based on:
 - Visa processing 47,889 applications
 - Immigration processing 10,533 applications
 - Citizenship processing 4,563 PNC and Naturalisation applications.
- The resultant average cost per application processed was €76 in 2004.
- It should be noted that Citizenship charges a fee for its service, with a net income of €707,000 received from fees in 2004. In effect, as the Section pay costs were €558,634 in this same year, this process may be considered as a net contributor to pay costs. No assessment has been made of the wider State costs of this process.
- In 2004, the average costs per asylum applicant for the end-to-end process completion (incl accommodation) was €25,721, in comparison to €76 for all of visa, immigration and citizenship.

Section 4: Operation of Current Processes and Procedures

- 4.1 Management and Staffing Structure
- 4.2 Operation of Current Processes and Procedures
- 4.3 Test 1 - Overall Efficiency of the System
- 4.4 Test 2 - Length of Time to Process Applications
- 4.5 Test 3 - Consistency and Quality of Decision-making
- 4.6 Test 4 - Customer Service Focus
- 4.7 Test 5 - Performance Management

4.1 Management and Staffing Structure

- The management and staffing structure for asylum and immigration reflect the parallel processes evident for both. It shows a complex management structure which in the case of immigration has evolved in response to growing demand and which in the area of asylum has reflected deliberate organisational engineering in the area of asylum. The Department has overall responsibility for setting and implementing policy and strategy primarily through dedicated policy units on immigration and asylum. The operation of the immigration and asylum areas is managed through divisions of the Department (immigration) and dedicated agencies (asylum). While the Department has overall responsibility for immigration and asylum, the existence of statutory agencies brings an element of complexity to the overall accountability arrangements.
- A review of the structure highlights variations in levels of decision-making across the system. In the area of immigration and visas, for example, decision-making resides at CO level. Furthermore, their decisions are not routinely checked. In contrast, decision-making in Citizenship lies with EOs, with HEOs routinely involved in quality control. This is similar to the decision-making level within ORAC where the EOs and HEOs formulate the recommendations with regard to refugee status. Staff in the RAT are involved in supporting the appellate process – the Tribunal members are the decision-makers. Both Immigration and Repatriation consider Leave to Remain applications – in Repatriation, the PO signs off on all positive decisions while a similar function is carried out by EOs in Immigration.
- A feature of the staffing and management structure in Immigration, Visa and Citizenship is the balance between senior and junior grades. Because of the growing operational demands on the system, securing the appropriate mix between junior and senior grades is essential. The current staffing structure has insufficient staff to perform operational functions, i.e. at CO and EO levels. There are also insufficient HEO staff – a crucial grade in assuring quality control. The effect of this imbalance is that senior grades have had to become involved in operational aspects of their units at the expense of shaping a more long-term strategic focus.
- The review also identified some localised people issues – a heavy reliance on overtime in some areas, a high turnover of staff, with different cultures evidently defining the way in which business is done across the Department and agencies.

4.1 Management and Staffing Structure

The review identified three key areas of concern with the current organisational arrangements. These are:

- **The manner in which corporate support is provided for asylum and immigration differs.** The asylum agencies have developed their own corporate support areas which deal with IT, building services, HR and finance. ORAC, for instance, produces its own HR Strategy. However, like all civil service offices, they do not have full delegated authority in corporate support. In relation to HR they do not have discretion, for example, in the recruitment or promotion of staff – this is centrally managed by the Department. The focus tends to be on the administration of these functions rather than responsibility for the full range of services. Corporate support for Immigration, Visa and Citizenship is provided centrally by the Department for IT, HR and Finance while facilities are managed locally. The level of support received by line managers and their interaction with corporate support services varies considerably between DJLER and the agencies. The different arrangements in place raise important questions about the capacity of corporate support as currently structured to deliver on the substantial programme of change which implementing the recommendations of this review and other organisational initiatives would entail.
- **At present there are two dedicated policy units dealing with immigration and asylum policy,** both headed by POs. While they have primary responsibility for driving policy and strategic development, in effect the policy function is spread across all operational areas. The Department is facing a number of important challenges in relation to the development of policy, in particular meeting the demands placed by a rapidly evolving policy and strategic agenda at EU and international level. New initiatives are being rolled-out internationally to improve security and control in the wake of 9/11 which require both an operational and policy response from the Department to enhance its role in this area.
- **Service development:** Caseload volumes have tended to put a focus on the operational rather than the strategic. The pressure of managing increased volumes has meant that resources have not been available to fully consider alternative approaches to service delivery or new initiatives such as eBorders. There is therefore a pressing need to improve the Department's capacity to introduce new change initiatives.

4.2 Operation of current Processes and Procedures

This assignment involved a detailed review of the current processes, procedures and systems with regard to the core processes in the immigration and asylum areas. We have structured our findings around five essential 'tests' of the system. These tests are:

1. The **efficiency** of the application process. This is primarily concerned with ensuring that there is a streamlined end-to-end application process with minimum overlap, duplication and bottlenecks. We therefore looked at the end-to-end processes on asylum and immigration and asked what areas needed to be addressed to remove bottlenecks and duplication of resources.
2. The **length of time** it takes to process applications. The speed of the decision-making process is fundamentally dependent on the level of resources available. Speeding up the decision-making process has been an explicit priority in relation to asylum - legislative and system changes have been geared towards accelerating the decision-making process and substantial resources were also allocated. Due to the Government's prioritisation of asylum, the immigration area did not receive sufficient resources to process increased volumes of work and so its focus has been to manage the growing volume of applications rather than speeding up the process. This review investigates the potential for process performance improvement and the level to which improvements in process performance are already being progressed.
3. The **consistency** of decision-making on applications. While speedy decisions are important, this cannot be at the expense of the quality and/or the consistency of the decision-making process. The review asked whether the system and procedures currently in place assure both senior management and 'customers' that all applications have been treated consistently.
4. The **customer-focus** of the application system – to what extent does the system focus on the needs of the customer and are there arrangements in place to inform them of progress on their applications and assist them in the process.
5. The final area of focus is **performance management** – how well different parts of the system are monitoring and evaluating performance and making the necessary adjustments in response. This is reviewed from the perspective of the individual 'business areas' as well as a 'whole of system' perspective i.e. how well is the overall performance of the system being monitored and evaluated?

In the following sections, we review each of these 'tests'. Unless otherwise specified, immigration refers to Visa, Citizenship and Repatriation as well as immigration itself.

4.3 Test 1. Overall efficiency of the system

- The Department has overall responsibility for policy and strategy on immigration and asylum as well as specific operational responsibility for immigration and some aspects of asylum. The operation of the asylum process is predominantly – but not exclusively - managed by separate agencies. The system is characterised by multiple parallel processes experiencing different trends in levels of applications. Numbers are growing in relation to immigration and declining in relation to asylum.
- The main driver of processes in the **immigration area** has been to keep pace with the additional volume of applications in the context of insufficient resources to meet growing demand for services. This is reflected in the approach to process and system development which is still in its formative stage and relatively underdeveloped compared to the asylum area.
- With the priority given to **asylum** and the consequent additional resources, a structured, detailed approach to process development was possible. However, this review identified two central weaknesses in the asylum process which are lengthening process times and bringing uncertainty into the decision-making process:
 - i. The role of the Department and the Minister *after* an application has been decided by ORAC and RAT. While their role is prescribed by the statutory framework, the issuing of the 15 day letter by the Department and the 'leave to remain' rules lengthen the process, effectively re-start the application process, and represent a duplication of resources where the value added is difficult to determine.
 - ii. How unsuccessful cases are subsequently managed, i.e. voluntary return or deportation. While the number of deportations and voluntary returns have increased they still represent only some 20% of unsuccessful applications. The outdated legislative framework governing removals is a factor limiting a more streamlined removals process. The growing number of people in RIA accommodation reflects the challenges for the asylum system to bring a final determination to an individual's status. While the rate of voluntary and involuntary returns may be less than desired by the authorities, it is a particularly complex area and therefore it is important to have realistic expectations of what is achievable. To manage it effectively requires a combination of voluntary repatriation, enforced removal, withdrawal of provision of state services, and employer regulation on illegal migrants. International experience also underlines the difficulty in managing this aspect of immigration policy and is still a cause of concern even for jurisdictions with more mature, established immigration and asylum policies and structures. For example, in New Zealand, failed asylum seekers and other illegal immigrants are encouraged to leave voluntarily and can be removed if they do not leave voluntarily. However, it is recognised that at any time, there are about 20,000 illegal immigrants in New Zealand.

4.3 Test 1. Overall efficiency of the system

These two weaknesses are fundamentally affecting the efficiency and integrity of the asylum system.

This review concludes that any further strengthening of the **asylum** process hinges mainly on developing a more streamlined protection, removals and deportation process through an updated legislative framework involving:

- Reviewing of Leave to Remain provisions (s.3(6) of the Immigration Act 1999)
- Introducing a single procedure to consider all protection and other grounds during the initial application stage leading to a more streamlined removals process.

In relation to the immigration process, the main focus is on developing an overall framework to guide decision-making processes so as to reflect strategic priorities.

4.3 Test 1. Overall efficiency of the system

In addition to the overall findings on the 'end-to-end' process the review found evidence of duplication and inefficiencies that are limiting the overall performance of the system and are in need of improvement. The following represent some of the principal areas requiring attention:

- **Many handover points and multiple ownership in the asylum process.** A feature of the asylum process is the extent of file reviewing, decision checking, associated file movements, tracking systems and document photocopying through the numerous handover points in the end-to-end asylum process. The effect has been duplication of effort and a consequent increase in resource consumption (although attempts are ongoing to minimise this with the pilot scanning project in ORAC). While this duplication of effort has been necessary in the past to ensure that files are 100% complete and don't get lost, it is possible to significantly reduce this administrative burden on the system. The multiple handover points – both between and within agencies/Department - also has implications for the overall ownership of the process and its outcomes, as no single agency/Unit has overall responsibility for the asylum process outcomes.
- **Duplication of effort** for Country of Origin Information (Col) Research. Col is a critical resource for decision-makers providing essential information to assist the application process. The practice evolved whereby individual agencies/units created their own Col resources as there was initially, no single central body in a position to provide an independent service. This particularly affects processing teams in ORAC, Repatriation, and the RLS. The RDC has since developed a central Col resource which has the potential to be a shared resource for all agencies, thereby eliminating an important cause of duplication. ORAC and RAT are already using this resource insofar as possible.
- **Multiple layers of checking** in some parts which cause duplication of effort. In MDU for example, every file is reviewed by two COs and an EO, although the file will already have been reviewed by ORAC and the RAT (if it has been appealed).
- **Immigration and asylum processes are predominantly paper-based** with a considerable amount of file movements, file storage requirements, photocopying, chasing 'lost' files, attaching correspondence to files etc. This represents a significant cost to the system in terms of the resources required to service these paper-based processes. The New Zealand Immigration Service uses a worldwide Application Management System that records application and movement data against unique client IDs and generates management information. The Department is now developing IT strategies for both immigration and asylum which will fundamentally change current processes.

4.3 Test 1. Overall efficiency of the system

- **Case Backlogs** have been a feature of both immigration and asylum systems. They have arisen mainly because of administrative bottlenecks due to the growing volume of applications and insufficient staff to process them.
 - Due to increased efficiency and the reduced volume of asylum applications, both ORAC and RAT have been able to reduce their backlogs significantly. By April 2005, the number of cases waiting longer than 6 months within ORAC has declined from 6,500 in 2001 to the current 525. RAT now has 236 outstanding cases which have been waiting for longer than six months. However, the backlog in Repatriation (case processing) is substantial with an estimated cumulative backlog of 10,982. However the backlog within Repatriation is likely to drop substantially when the relevant reconciliation exercise is carried out with the results of the IBC scheme '05.
 - Backlogs have also become a feature in Citizenship with some 9,300 applications outstanding. While they reflect an imbalance between resources and volume of applications, backlogs are a key factor affecting the overall efficiency of the asylum and immigration systems. However, they can also reflect insufficient initial pre-application systems to filter eligible and ineligible applications. Some applications in the citizenship backlog, for example, will include ineligible applications due, for example, to incomplete documentation. These will now be screened at the outset with a corresponding reduction in the backlog for this unit.

4.4 Test 2. Length of time to process applications

This review examines the length of time it is taking to process applications in both the asylum and the immigration, visa and citizenship areas in order to identify areas where performance could be improved.

4.4.1 Asylum. An explicit priority of the Government is to accelerate the asylum process. Fig 3.3 shows a typical timeline for the end-to-end asylum process which indicates that for prioritised cases in 2004 the length of time can vary from between 31 and 62 weeks while the equivalent timeframe for non-prioritised cases is 78 to 114 weeks overall. However, new processing arrangements in 2005 for prioritised cases has successfully cut processing times for applications from selected countries.

The entire end-to-end timeline for an asylum applicant is affected by the following factors:

- The legislation provides for multiple stages in the decision-making process and consequently many variables can affect the duration of the processes. As already indicated the Department has a specific role under the legislation with regard to Leave to Remain and consideration of *refoulement* issues. Under the legislation, an applicant must be informed of their entitlement to apply for Leave to Remain within 15 days. This 15 day letter is issued by the MDU, and each case is then processed once this time period has lapsed. This crucially brings a new layer of decision-making to the asylum system whereby *every application is reviewed for a second time* to determine whether the applicant has grounds to be granted 'leave to remain'. In addition to duplicating resources, particularly with regard to researching of Country of Origin information, this extra decision-making layer also has the effect of lengthening the asylum process. This review is completed regardless of whether the individual actually applies for Leave to Remain.
- A growing feature of the asylum system is the increasing number of Judicial Reviews which are being initiated at any stage and which currently suspend the process until the outcome of the JR is known. There were over 708 Judicial Reviews of asylum related matters 'live' before the courts as of March 2005. Of the total number who filed for Judicial Review, 10% were granted permission to proceed with the JR.
- The Repatriation (Arrangements) Unit arranges for the transfer of people under the Dublin II regulation and liaises with GNIB on deportation orders made by the Minister under Section 3 of the Immigration Act 1999. In relation to both prioritised and non-prioritised cases, there are significant backlogs in Repatriation (8-12 weeks and 20 weeks+ respectively at the end of 2004). Added to this is the normal Arrangements processing time of a minimum of 4 weeks up to a possible maximum of 30 weeks respectively for prioritised and non-prioritised cases. However, the State is dependent on GNIB for the enforcement of the deportation orders, which is resource intensive and a bottle-neck in the system given that such high numbers evade the deportation action. A further complexity is that the legislation governing removals is out-dated. Other jurisdictions encounter similar issues, and the UK has a target to enforce its immigration laws more effectively by removing a greater proportion of failed asylum-seekers.
- The processing times in ORAC and RAT for prioritised cases are now down to 3 weeks.

4.4 Test 2. Length of time to process applications

In addition to these system-wide variables that affect the duration of the process, the review also identified 'bottlenecks' within the individual agencies/units that are lengthening the process. These include:

- Scheduling of interviews and hearings within ORAC and the Tribunal. Bringing all the relevant parties together – the applicant, their legal advisor, interpreters, health service representatives (if required e.g. for under 18s) - can be a complex, time-consuming logistical process. This is further complicated by the fact that hearings can vary in length making it difficult to schedule them with precision. ORAC aims to cater for this variation by allowing a full morning or afternoon per hearing. Some 60% of RAT appeals are subject to oral hearing and it schedules 4 hearings per day per hearing room. As a comparator, the Refugee Appeals Authority of New Zealand considers appeals usually in the form of an oral hearing, unless the appeal is clearly abusive or unfounded in which case it may be decided on the papers. In Australia the Tribunal nearly always offers an oral hearing (in person, by video-conference or tele-conference). At present, oral hearings within RAT are being scheduled within three weeks of receipt.
- A further complication in relation to both ORAC and RAT are interviews and appeals that may be postponed or adjourned (some 30%) and accordingly require re-scheduling. The number of 'No Shows' for ORAC has dropped in recent times. The Tribunal has developed a range of initiatives to reduce the percentage of adjournments. These have resulted in a dramatic reduction in the number of adjournments to 18.5%. In other jurisdictions, e.g. Australia, the Appeals Tribunal may make a decision on the review without taking further action to allow or enable the applicant to appear. Most permitted adjournments in New Zealand are on medical grounds and usually certification by a registered physician is required.
- Within ORAC, a key variable affecting the length of the application process is the number of cases processed by caseworkers per week. Caseworkers on average tend to schedule 3 cases per week. While this is the standard, it varies between caseworkers with some doing up to 4 cases per week and others less than 3. The relatively low caseload recognises that casework can be complex, intensive and emotionally draining. This was particularly evident in the formative stages of ORAC where it had very high volumes of applications and staff were becoming accustomed to the new decision-making process. The established norm of 3 cases a week also includes preparation and writing up the decision as well as the hearing itself. The varied nature of applications and the corresponding range of complexities in relation to interviewing and research activities means that it is difficult to average and standardise the process timeline for all cases.
- The Family Re-unification process is a lengthy paper-based process, with a number of handovers required in order to complete it. Applications are made to Immigration, however ORAC has a role under the legislation in assessing the application and need to examine the file. An assessment is then submitted from ORAC to Immigration, who make the final decision on behalf of the Minister. ORAC are involved in all family re-unification applications, regardless of whether the individuals involved are inside or outside the State. This process can take between four months and a year to reach a decision on a particular application.

4.4 Test 2. Length of time to process applications

This review identified the scope for processing improvements which would shorten the end to end asylum process:

- Eliminate the 'dual sequential process' by having a single decision-making body consider all the grounds (application for refugee status, Leave to Remain and *refoulement* issues) at the point of initial application rather than in a staged manner.
- There is now a cumulative 'intelligence' and organisational 'learning' which, if correctly shared, should facilitate more speedy and effective decision-making.
- Further consolidation of research activities (particularly Country of Origin research) which is carried out at different points in ORAC, RAT and DJELR for the same applicant.
- Monitoring of target timelines within the Repatriation area. Target timelines are set by ORAC, the Tribunal and MDU and their information system tracks progress against these target timelines. In relation to prioritised cases, Repatriation meet the targeted timelines and use their own information system to monitor progress. With regard to the outstanding backlog, the situation is that there is no overall processing timeline strategy in place. Cases are chosen for processing based on the likelihood of successful deportations. The introduction of a common integrated IT system for the asylum end-to-end process will significantly improve the generation of information and hence the ability to take action to correct extending timelines.
- Consider whether ORAC should continue to have a role within the Family Re-unification process, particularly as it does not make a recommendation, but rather provides an assessment of the known facts in relation to an application. The recommendation and decision currently remains with DJELR. However, the handover to ORAC increases the length of time for this application process.

4.4 Test 2. Length of time to process applications

4.4.2 Immigration

- Due to the large increase in applications, which has not been matched by a corresponding increase in the level of resources, the timeframes for considering citizenship, visa and immigration have lengthened. The average processing time for Citizenship applications is 24 months. While this is considered by officials as excessive, an appropriate timeframe needs to balance a relatively responsive system with the status and value attached to citizenship which suggests that it should not be an unduly speedy process.
- The processing times for visa applications can take 4-6 weeks once it has been received by DJELR. There is also a high initial refusal rate of 57% which is partially because of incomplete documentation by applicants. The UK granted between 78% and 98% (separated by type of application) of initial visa applications in 2003/2004 and they aim to determine 90% of non-resident visas within twenty-four hours where no interview is required.
- The timelines for the myriad of immigration activities (General Immigration and Immigration Operations) vary hugely, are resource dependent and in general are not measured. Family Re-unification processes are worth highlighting as these have a huge impact on the 'customer' and are perceived to be unduly long. ORAC is also involved in this particular process.
- There are very few target timelines set for the processing of applications in Citizenship, Immigration and Visa. In comparison, the New Zealand Immigration Service uses Key Performance Indicators (KPIs) to measure its performance. Examples of these include: target acceptance rate for residence offers issued (95% for the skilled stream), target employment rates for successful residence applicants (75% for the Skilled Migrant category) and customer satisfaction measures. Denmark also have key performance indicators related to production, effectiveness of procedures, time of case handling and quality. However, to help administer and report in this manner, a registration and case management system is utilised. The UK utilises databases to record each major event in the process. This data is readily available for analysis and audited figures are published on a monthly basis which is used to monitor the average length of processes, productivity and quality of decision-making. However, various IT initiatives are already underway in DJELR which will resolve many of these issues.

4.5 Test 3. Consistency and Quality of Decision-Making

One of the core 'tests' of the robustness of the system is that it produces consistent, quality decisions. There are a number of strands to this consistency and quality test.

- **The existence of structured guidelines to assist decision-making.** There are agreed, clear guidelines and processes, many of them legislatively based which govern the asylum system, e.g. ORAC introduced a Quality Assurance system in late 2004 and the Tribunal has a coherent set of guidelines for all stages of the appeal process. These guidelines have evolved over the past four years and now provide a clear decision-making framework for those involved in decision-making. On their own, they do not assure consistent, quality decisions but these structures and guidelines are a necessary starting point. However, the immigration, visa and citizenship areas are still at the early stages of developing guidelines and structures to facilitate decisions. In relation to visas, for example, the allocation of additional resources in recent months has made it possible to adopt a more structured approach to decision-making.
- **Training and development of staff.** The level of training available to staff varies across the system and is uneven in terms of the standard and the volume of training. Particularly within DJELR, due to a lack of resources, training has tended to be delivered in an unstructured, on-the-job manner. This varies with the approach taken in the agencies who made a serious investment in staff training, with dedicated resources to ensure that all new staff have a formal induction programme, with specifically designed training available to staff. The quality and commitment to training in some agencies is high, but there is a lack of consistency across the entire immigration and asylum area.
- **Support and development for members of the Tribunal.** The Members of the Tribunal play a key role in assuring the consistency of the asylum process. The Tribunal has developed a substantial programme of training for members, in close collaboration with the UNHCR, which consists of structured, collective learning activities and one-to-one 'coaching' of members. These are generally well-attended although not all members of the Tribunal attend. The Chairperson now routinely exercises his power to discuss attendance at training programmes with Members.
- **The standard of quality controls in the system.** This can be viewed at two levels – quality controls in place to provide assurance on each decision, and post-decision review mechanisms. The level of quality controls varies considerably with evidence of tightly prescribed quality controls in some areas – in other areas they are less well-developed and are not a routine part of the decision-making process. Some sections of the asylum and immigration system, e.g. ORAC and RAT review samples of decisions taken to get an overview of consistency and quality and although this does not happen routinely in all areas, certain sections, e.g. visa area, are also taking steps to introduce routine quality control measures.

4.6 Test 4. Customer service focus

From the perspective of individual applicants, there is a marked contrast between the service they receive if they are an asylum-seeker compared to an applicant for visa, citizenship or immigration. In essence, asylum seekers have an 'assisted' passage (with accommodation, clear information and legal services provided to all applicants). Legal migrants are provided with little support and may experience significant difficulties in accessing the services of the Department. These difficulties can be traced to the inadequate resources to meet increased volume of workload. Some of the key gaps identified in the customer service focus on the immigration, visa and citizenship areas include:

- **Lack of transparency** - Customers find it very difficult to understand the decision-making process and outcomes, (e.g. in 2004 applicants were requested to write back for clarification rather than informed immediately of the reason for refusal in the Visa section). It is not possible for individual applicants to review the criteria upon which applications will be decided and see how they qualify. Since December 2004, however, it has been possible to view the reasons for visa decisions, in summary form, on the Department's website.
- **Helpline availability** - It is extremely difficult to access the Helpline, and a consistent answer is not always obtained from the staff member who deals with the call.
- **Email** - Variable customer response times for emails, if at all (e.g. Citizenship does not respond to emails). Email is a common method of providing a speedy response to customers in a number of other jurisdictions, including the UK, Australia and New Zealand.
- **Website** - is difficult to navigate and information is not as up-to-date as it could be. Other jurisdictions allow online visa applications, or provide application forms that can be downloaded from the web (UK). Some allow the applicant to conduct pre-screening application checks online.
- **Face-to-face meetings** - Due to resource constraints very little interviewing is conducted within the immigration area, other than by GNIB if there is a suspicion in relation to a bogus marriage. Interviews are used in the immigration process in other jurisdictions, e.g. in New Zealand, if it is doubtful whether an applicant will be able to settle into New Zealand life.
- **Application target times** - are not agreed or published, although in some cases the customer is informed of the 'expected processing time'. However, the introduction of a variety of IT systems will improve the monitoring and shortening of processing timelines. For instance, the timeframe for processing visa applications has reduced significantly and the planned visa computerisation project will have a significant impact on the overall timeframe for consideration of visa applications.

4.7 Test 5. Performance Management

As an evolving, still relatively new system, the review considered performance management arrangements in place to monitor and review performance.

- **Setting of performance targets, service levels, case-tracking systems and capturing of management data to facilitate performance management is uneven and inconsistent.** The Department itself has no resource to conduct quality reviews, audits of positive and negative decisions and research and investigations work: although this is taking place to a certain extent in some agencies. In addition, targets are not routinely set and monitored, although in some areas they are well-established, e.g. ORAC and RAT. A considerable amount of information is produced which is circulated. However, this is not fully user-friendly from a presentation and review perspective and so may not be maximised as a management tool. The UK IND IT system records the timing of each stage of an application and is used to generate 'whole system' management information statistics. Australia and New Zealand also have the ability to track a case from start to finish using an integrated IT case management approach (which the proposed new asylum IT system will also deliver for IA). New Zealand also uses key performance indicators to measure its performance, such as target employment measures for successful residence applicants and customer satisfaction measures.
- **Quality of decision-making process in terms of speed, consistency and fairness.** There are pockets across the system where quality control is well-developed, together with case-tracking, but generally it is underdeveloped.
- **Insufficient focus on individual/team performance management** – PMDS is applied variably throughout the Department/Agencies. Some areas do use it to help formulate their training plans but generally it is employed in a mechanical way. Its potential as a tool for identifying development needs and individual/team performance is underdeveloped.
- **Proactive v Reactive** – some parts of the system have developed critical management processes and MIS and have targeted ways of continually improving their performance. In others, against a background of rising IA applications, a fire-fighting mode is prevalent and rewarded as opposed to consistent improvement. There is little evidence in some parts of forward planning (in the absence of resources) for peak workloads. Shortfalls in outputs tend to be partially addressed with overtime.
- **Workload** The current imbalance between resources and demand reflects the initial priority given to asylum and needs to be re-adjusted in the context of changing trends. The amount of time consumed by telephone calls, emails, correspondence management, JRs, PQs etc. is not captured consistently in all areas, and is hence probably substantially underestimated by the Department as a whole.
- **Technology** is a key enabler of performance improvement. There are numerous different IT systems (Access, Lotus Notes, spreadsheets etc.) in use, all of which vary by area and process. There is no comprehensive view of the work, the volumes or ability to extract relevant management and performance information (although there are pockets where IT is used extensively). The Department is now developing an IT strategy which will substantially address the IT issues identified during this review.

Section 5: Recommendations

- 5.1 Challenges facing Ireland's Immigration and Asylum System
- 5.2 Overview of Recommendations
- 5.3 Recommendations in Detail

5.1 Challenges facing Ireland's Immigration and Asylum System

The key future challenge is to consolidate achievements in the asylum area and to prioritise immigration in terms of its strategic, policy, institutional and operational development through additional redeployment of resources.

More specifically the challenges are at three levels:

Strategic level: The Department plays a key role in setting and implementing the policy agenda in relation to immigration and asylum. This agenda is rapidly evolving at EU and international level, particularly in response to 9/11, and the Department recognises the need to strengthen its capacity to manage this evolving agenda. Other Departments also play a critical role in implementing the Government's policy, particularly in relation to immigration, where the projected level of migration to support economic growth is likely to continue (estimates range from 20,000 to 50,000 per year). This review found high levels of cooperation and coordination between the Departments of Justice, Equality and Law Reform and Enterprise, Trade and Employment on immigration. However, there is a requirement to strengthen the guidelines determining the basis on which individual decisions are made. In addition, there is need for more effective inter-departmental arrangements to manage 'downstream' requirement for services.

Operational level: A review of trends shows a substantial decrease in the number of asylum seekers and significant increases in the number of applications for immigration, visa and citizenship. The Department therefore needs to have the capacity to respond quickly and flexibly in allocating staff to areas of greatest need as trends change. It also needs to continue the development of streamlined end-to-end processes in both the asylum and immigration areas.

Governance level: Where does overall accountability lie for immigration and asylum policy? In relation to immigration policy, the Departments of Justice, Equality and Law Reform and Enterprise, Trade and Employment have distinct responsibilities although this is not always clear to external stakeholders. Within the Department of Justice, Equality and Law Reform, an Assistant Secretary is accountable to the Government for the achievement of Government policy on immigration and asylum. However, in relation to asylum, this is complicated by legislative framework governing the operation of statutory agencies. In the UK, the Immigration and Nationality Directorate (IND) of the Home Office manages both asylum and immigration cases, with appeals against both handled through the Department of Constitutional Affairs (DCA). Requests to enter the UK from overseas posts are handled locally by UK Visas – a joint Foreign and Commonwealth and Home Office Unit. This governance arrangement provides a clearer view as to where the accountability for both asylum and immigration resides.

5.2 Overview of Recommendations

In framing the recommendations, the overall approach has been guided by the following three requirements:

- Gearing immigration to facilitate current and future labour market requirements as well as individual applications for visas/citizenship in a speedy and fair way while protecting the security of the State.
- Gearing asylum to determine the status of asylum seekers in a speedy manner while clearly demonstrating that it does so consistently and fairly. In essence, this means consolidating the successes achieved to date in terms of the speed and robustness of the decision-making process.
- Moving towards a fully integrated approach for asylum and immigration that fully reflects all dimensions of Government policy.

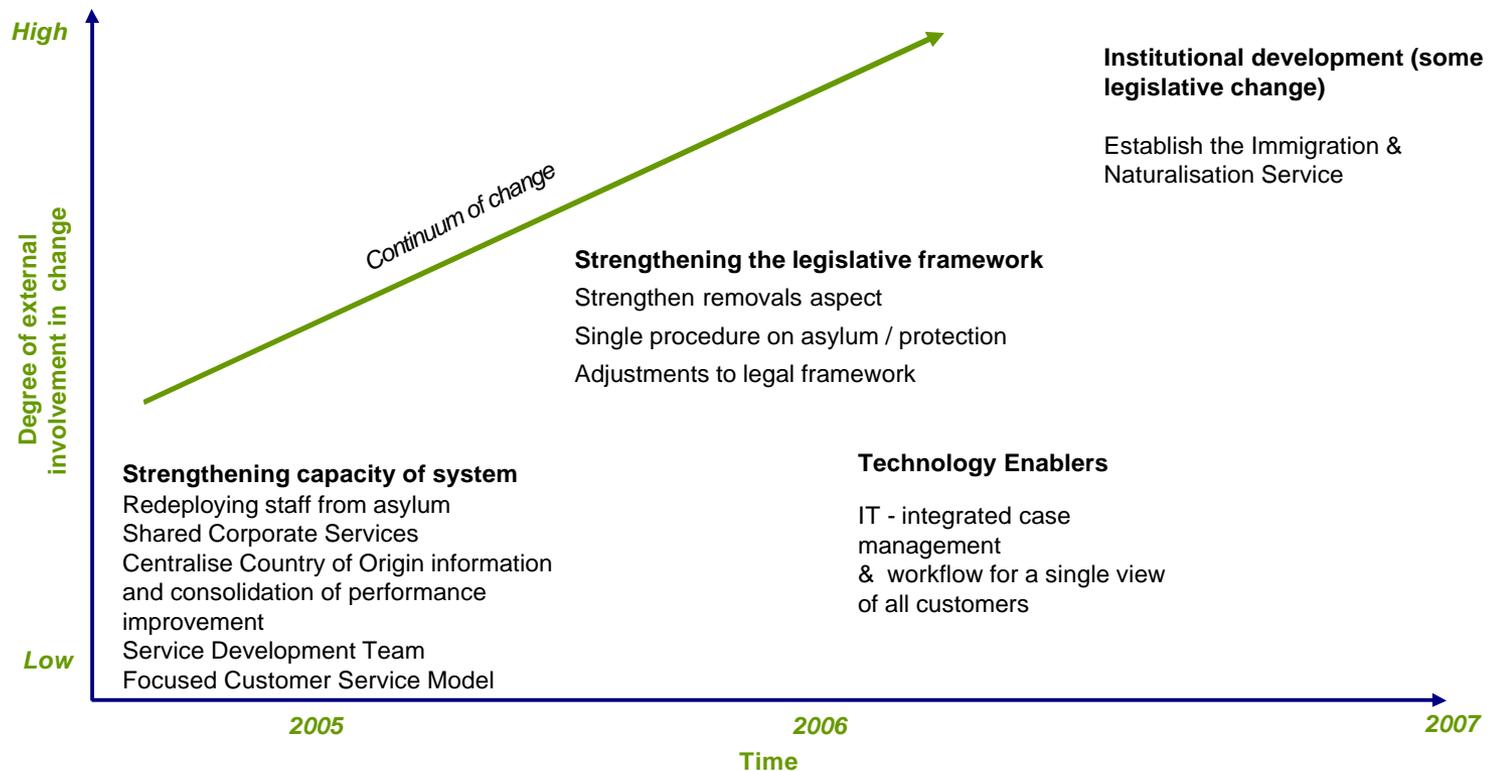
The options and recommendations are designed to:

- Develop a more flexible approach to allocating staff to take account of changing patterns of service demand.
- Improve the quality and consistency of decision-making across the system.
- Develop a strong 'performance' culture.
- Develop a strong 'client-centred' culture.
- Strengthen governance and accountability.
- Improve organisational capacity to focus on strategic issues (as well as operational matters).
- Ultimately develop a fully integrated asylum and immigration service.

5.2 Overview of Recommendations

Figure 5-1 below groups the key recommendations in four areas: it also maps their implementation over time (between 2005 and 2007) and against the level of external involvement required to deliver these changes. The four areas relate to:

- Strengthening the capacity of the system.
- Strengthening the legislative framework.
- Technology Enablers.
- Institutional Development.



Time

2006

2007



5.3 Our Recommendations can be summarised as follows....

- 1) **Redeploy staff** from the asylum agencies into DJELR Visa, Immigration and Citizenship areas. Staff may be redeployed due to a 40% reduction in the volume of asylum applications between 2003 and 2004.
- 2) **Introduce a Shared Corporate Services** to provide the necessary corporate support for the immigration and asylum areas in the Department, ORAC, RAT and RIA.
- 3) **Establish a central source for the Country of Origin** information supply, further consolidate research activities and performance improvement across the agencies and DJELR.
- 4) **Introduce a dedicated Service Development team** in DJELR to progress critical organisational initiatives such as implementing key change initiatives, developing guidelines governing critical processes, designing and implementing management processes for performance and service improvement.
- 5) **Make Organisational adjustments within DJELR** to strengthen capacity with regard to operations and policy.
- 6) **Develop a focused Customer Service Model within DJELR.**
- 7) **Provide a single view of the client** through an integrated case management, workflow and scanning system for the entire process of immigration and asylum.
- 8) **Adopt a single procedure** for all protection and other issues with a streamlined removals **process.**
- 9) Co-ordinate activities on immigration through the formation of a **new institutional structure, INIS.**

The following sections describe each of these recommendations in further detail, with an assessment of their impact on staff resources where relevant.

R1: Redeploy staff from asylum agencies into DJELR Visa, Immigration and Citizenship

Why?	To create a better 'fit' between resourcing and demands for asylum and immigration services. The demands on the various immigration services have increased by between 88% and 939% since 2001, whereas asylum applications have declined by 40% between 2003 and 2004. The process of redeploying staff between asylum and immigration began in 2004 – this recommendation outlines further scope for redeployment.	
Key Features	<ul style="list-style-type: none"> • A planned release of ORAC and RAT staff is possible due to the downturn in asylum applications (40% decrease in asylum applications between 2003 and 2004) and the progress that has been made in reducing the backlog of outstanding applications. Some effort is still required to address these same backlogs but it is foreseen that on current application and output level, this will be completed during the latter part of 2005 (although it is not realistic to reduce overall resources by this same 40%) • Ongoing process and performance improvement activities in both ORAC and RAT will also facilitate future staff redeployment • Released staff should be allocated to DJELR visa, citizenship and immigration functions and/or to deal with backlogs in Repatriation (on a project basis). 	
Impact	Resources	<ul style="list-style-type: none"> • Release resources from asylum (ORAC, RAT and RLS) • Corresponding increase in staffing levels across visa, immigration, citizenship and repatriation areas.
	Quality Service	<ul style="list-style-type: none"> • The effect on ORAC, RAT and RLS will be neutral – provided there is no dramatic increase in applicants and performance improvement targets are monitored (excluding the impact of a single procedure) • Apply resource and management to improve the service and processing targets in DJELR.
	Performance Improvement	<ul style="list-style-type: none"> • Customer service performance targets achieved (service timelines, response to telephone calls, emails) within DJELR • Quality audits of decisions, both positive and negative, increased investigation work • Focus resources on Service Development (See Recommendation 4) • Address backlogs in Repatriation on a project basis.
	Governance	<ul style="list-style-type: none"> • Negligible impact.

R1: Resource Implications of rebalancing resources due to the 40% reduction in asylum applications in 2005

FTE Savings by Agency/Dept.		Explanation of resource impact
ORAC	- 85*	There is a 40% drop in the volume of asylum applications since the start of 2004 which impacts on Reception, Scheduling and Case Processing. A total of 57 posts have already moved from ORAC in response to this drop in applications since late 2004. The existing backlog is simultaneously being tackled. It is estimated that the backlog-reduction work will be complete by late 2005. Once this is achieved, there will be a 34% drop in the required outputs from ORAC against the current productivity level. However, some allowance should be made for the need to maintain a flexible operation and ensure the targets of the prioritised processing arrangements and Family Re-unification are achieved. Hence, the resources impacted are estimated at 25% in the Case Processing. Please see Section 6 for further detail.
RAT	- 28*	As ORAC clears its backlog of applications and makes recommendations in these cases, it is expected to be the end of the year before appeals drop by 40% for the RAT. Once this occurs, and given the need to maintain a focus and a flexible response for the pilot processing arrangements, we estimate a resource reduction of between 20-25% for Registry, Assignment and Decisions within RAT by the end of 2005. However, the significant increase in the number of Judicial Reviews and the need to maintain flexibility in order to meet any targets associated with the prioritized processing procedures, as well as the likely impact of a single procedure means that a certain level of resources should be retained by RAT. (Note: the FTE savings highlighted here already account for this retention of a certain level of staff flexibility).
MDU	- 3	There will be 30% reduction by the end of 2005 in the volume of overall work within the MDU.
Repat.	None	There will be scope for the Case Processing teams to tackle the current backlog, and there may be spare capacity depending on the final impact of the IBC processing and strategic decisions on the handling of outstanding cases.
RLS	-25	Available immediately due to combined rebalancing and performance improvement. These include 2 Service Officers, 3 solicitors and 10 paralegals.
RIA	None	The number of people requiring accommodation has not altered due to changes in benefits and the current length of the end-to-end processing time. The numbers being accommodated by RIA have in fact increased over the last two years. However, an impact should be observed in early 2006 as the backlogs are addressed and in the context of the IBC Scheme.

* Note these resources includes unfilled vacant posts, posts which have already transferred to DJELR since the beginning of 2004 as well as those who may be redeployed at the end of 2005.

Total

141



R2: Introduce a common Shared Corporate Services Function

Why?	To develop the capacity of the system through more effective provision of corporate supports. This will ensure a more flexible and agile approach to deploying resources in response to changing patterns of demand and Government policy. It will also eliminate duplication in corporate supports and facilitate a coordinated approach to staff development and performance improvement at team and individual level.	
Key Features	<ul style="list-style-type: none"> • A central unit to manage corporate services for Asylum and Immigration. It will provide core corporate functions – HR, IT, finance, buildings, MIS production – designed to support the delivery of immigration and asylum objectives. Staff will be allocated from existing corporate functions (in ORAC, RAT and RIA) to this new centralised unit. • The immediate priority will be to oversee resource implications of implementing this review. • Service Level Agreements will be agreed between shared corporate services and individual units/agencies. These will be central to addressing the concerns of the agencies. 	
Impact	Resources	<ul style="list-style-type: none"> • Redistribution of current corporate resources from individual agencies to central new unit serving both immigration and asylum.
	Quality Service	<ul style="list-style-type: none"> • Improved system-wide provision of IT, HR, MIS standardisation and procurement services. • Ability to respond quickly to re-deploy resources flexibly across all agencies and the Department. • Improved provision of training and development.
	Performance Improvement	<ul style="list-style-type: none"> • Sharper focus on individual and team performance across Immigration and Asylum. • Improved system-wide perspective on resource planning. • Standardised, focused Management Information for measuring performance.
	Governance	<ul style="list-style-type: none"> • Positive impact.

R2: Key Points with regard to Shared Corporate Services

The recommendation is to have a shared Corporate Services function that will support **all** Divisions/Agencies involved in the asylum, immigration and citizenship areas. This is not simply a case of moving staff around but rather reshaping the nature of the support involved to deliver a consistent level of corporate support to all areas. This review found that there was a different level of support available to line managers in the agencies compared to DJELR itself and identified a need to rescope and regroup tasks between line managers and corporate services. There is also a requirement for a central body to take forward initiatives on behalf of the entire asylum, immigration, visa and citizenship service.

Its purpose will be to:

- Ensure the overall system is able to deploy staff resources and allocate staff more flexibly in response to changing demands
- Centralise key support groups (HR, IT, Finance, Procurement etc.) so that a coordinated strategy can be established for each and a single approach implemented
- Avoid duplication of effort and/or ensure no gaps exist (there is apparent variability of training, application of PMDS etc. that needs to be standardised)
- Ensure that skilled resources are addressing the important corporate services functions and are not seen as an adjunct to the organisations main objectives.
- Carry out the routine day-to-day functions needed e.g. IT support, trouble-shooting, flexi-time monitoring.

It is not the intention that this central body reverts back into the main DJELR functions but should come under the jurisdiction of the Assistant Secretary with responsibility for the asylum, immigration and citizenship services. It will act as the 'centre of excellence' for corporate services and a portal between the Department, external bodies and the Divisions/Agencies, agreeing its targets and workload through Service Level Agreements with all the agencies and sections.

Resources will be drawn from:

- ORAC/RAT, possibly RIA corporate services functions (but NOT RLS as it is part of the Legal Aid Board)
- Asylum Policy Division (staff dedicated to IT procurement and project management should move)
- Any other Division that currently have dedicated 'corporate services' staff, such as DJELR Corporate Services.

R2: Resource Implications for Shared Corporate Services

Current numbers (FTE) in Corporate Services		R2: Shared Corporate Services
ORAC	30	<p>The level of staffing will depend on the detail of all the services to be provided to its customers, so the first task as part of the implementation process is to carry out a detailed scoping exercise assessing what will be within the scope of this service, e.g.</p> <ul style="list-style-type: none"> ▪ MIS reporting (currently conducted within Asylum Policy) ▪ IT support ▪ Project management ▪ PMDS management ▪ Finance and cost control reporting ▪ Procurement <p>In PA's experience within the public sector, a ratio of between 1 shared corporate services staff member and 10 or 15 total staff is the norm. It varies depending on the nature of the services provided, hence the need to conduct a detailed scoping exercise.</p> <p>It is expected this recommendation would be overall resource- neutral given the dispersed nature of the locations to be serviced and the need to maintain a core support group. The current staff numbers involved in Corporate Service type activities is 58 across the agencies and DJELR. However, these are engaged in a variety of roles, from office administration to IT support, and there are areas where it will not be possible to draw staff as numbers are already low.</p> <p>The Shared Corporate Services body may operate in a virtual manner, as some support (such as IT) may be required on a local basis. The locations from which its staff will operate will depend on the nature of the services that it will supply to staff and line managers.</p>
RAT	10	
RIA	7	
DJELR	11	
Total	58	

R3(a): Centralise provision of Country of Origin Information

Why?	To eliminate duplication of research of Country of Origin information for asylum processing, including ORAC, RAT and Case Processing in Repatriation. Repatriation has not yet started to avail fully of the RDC service. CO's within DJELR are primarily responsible for Col research with a tendency to rely on certain reports (e.g. UK Home Office). Expand service provision to Visa, Immigration and Citizenship. Further consolidation of Col activities within ORAC and RAT will also deliver benefits.	
Key Features	<ul style="list-style-type: none"> • Central resource – build on current RDC model. • Eliminates duplication of effort and reduces resource needs for the end-to-end process. • Ensures credibility of source information, and that the most current and comprehensive sources are used in a professional research response. • Increases the quality of information access within visa, immigration and citizenship who currently have no resource or expertise available to them in this area. 	
Impact	Resources	<ul style="list-style-type: none"> • Reduction in resource requirements in the end-to-end asylum process • Increased resource requirements for the RDC.
	Quality Service	<ul style="list-style-type: none"> • Professionalism of response to standard templates. • Improved consistency in all areas.
	Performance Improvement	<ul style="list-style-type: none"> • Target times required for a research response. • Will reduce overall timelines for the end-to-end process. • Eliminates repetitive queries and duplication of effort through typical cases/templates/access to Col databases.
	Governance	<ul style="list-style-type: none"> • Recommendations of Rusu report and current governance arrangements through the Legal Aid Board may be sufficient to meet the needs of this recommendation.

R3(b): Consolidate on improvement work already ongoing

Why?	<p>There are many improvement initiatives in progress across the various agencies and DJELR, where action is already being undertaken to improve process performance, quality and consistency of decisions. This recommendation groups these initiatives and suggests scope for further enhancements, if applicable.</p>	
Key Features	<ul style="list-style-type: none"> • Consolidation of pre and post-interview research within ORAC to reduce process extension and maximise efficiency of the case-workers. • Enhanced use of IT for research activities. • Processing Members Decisions within RAT. • Correspondence Unit within DJELR. • Introduction of HEO grades where necessary to improve quality and people management processes. 	
Impact	Resources	<ul style="list-style-type: none"> • Reduction in resource requirements in the end-to-end asylum process. • Ongoing consolidation of improvements in ORAC, RAT and DJELR will lead to further timeline reductions.
	Quality Service	<ul style="list-style-type: none"> • Improved consistency of process • Improved responses to applicants, particularly within DJELR • Improved management processes within MDU and Repatriation.
	Performance Improvement	<ul style="list-style-type: none"> • Will reduce overall timelines for the end-to-end process. • Eliminates repetitive queries and duplication of effort through typical cases/templates/access to Col databases.
	Governance	<ul style="list-style-type: none"> • None.

R3: Key Points

This recommendation essentially reinforces the implementation of the conclusions of the Rusu report on Country of Origin information as well as ongoing improvement activities within ORAC, RAT and DJELR. We would particularly like to highlight the following critical aspects of this recommendation (further detail available in Appendix A under each Agency/Section):

(1) Central Source of Col The proposed central source is likely to be the RDC although this is not essential.

The format of questioning/accessing the data will also need to be defined so that ORAC, RAT etc. can get the information they need quickly and accurately.

The UK IND Country Information and Guidance Unit provides Operational Guidance Notes, which provide a summary of the general, political and human rights situations in the country and details of the common types of claim. A similar initiative would be of benefit to DJELR (although this detail may be outside the scope of the RDC and ORAC/RAT due to their current governance and strategic aims).

There will be a residual activity with all caseworkers in ORAC and DJELR to understand and interpret the information they obtain from the single source and close management will be required to prevent this central source becoming a duplicate (instead of a single) resource. This single source COI should improve the consistency of decision making, the quality of outputs and the overall credibility of the process.

(2) Enhanced use of IT will assist the caseworker in ORAC, RAT and DJELR, and will be supported by the current work ongoing with respect to Country of Origin databases. This ranges from the provision of databases and sharing of best practice through to the RDC Country of Origin database which will shortly be accessible to all case-workers.

(3) Focus on the critical MIS throughout the end-to-end process. There are pockets of good practice in the system, but also areas which require increased focus such as in ORAC, where HEOs should continue to take action to note the number of cases that are awaiting recommendation with each caseworker, i.e. each individual's work-in-progress. Obviously the number of interviews each case-worker completes per week is an indication of the outputs of the caseworker. However it is just as important to consider and monitor the final recommendations from each case worker to ensure that cases are not waiting an excessive length of time for completion. Similar attention is required in DJELR, e.g. in Repatriation, where the introduction of HEO grades is necessary to support this level of performance monitoring. Currently, the lack of HEO grades means that there is insufficient management resources available for performance management. This is particularly important for non-prioritised applications throughout the entire asylum process, where there is a risk that timelines might extend due to the huge focus on prioritised cases.

R3: Key Points

(4) Addressing ongoing consolidation with caseworkers. One of the key challenges in the management of the asylum process is to determine how best to comprehensively and consistently complete research for individual claims at all stages within the end-to-end asylum process. The provision of enhanced IT and a central source of information for all caseworkers will be of great benefit to caseworkers in ORAC and DJELR. However, it is only of maximum value if the cultural issues associated with the research activity are also addressed. In the last couple of years, Ireland's expertise in relation to the asylum process has been considerably strengthened, and it is now appropriate to consider streamlining the research process, while still ensuring caseworkers have confidence that the appropriate level of research has been completed. Such streamlining activities could include:

(a) A pre-interview research stage within ORAC, where preliminary research based on the applicant's questionnaire would be completed prior to the file being handed to the case-worker. This would have the benefit of freeing the caseworker to spend more time on interviewing, post-interview research on particular details of an asylum claim and completion of the report and its recommendation. Obviously, some resources would be required to complete this pre-research stage, but there are naturally benefits to be derived from consolidating this research activity and preventing duplication of effort at this point in the process.

(b) Setting guidelines for total research times based on case complexity will facilitate improved scheduling and help reduce overall timelines. These guide times should include the pre-interview preparation (where the file must be read, research reviewed and interview questions developed), the interview itself and the post-interview research and report-writing. These guide times should assess the standard length of research time required for a range of 'easy', 'medium' and 'difficult' cases. Direct and close management by HEOs is necessary to ensure that all research time is used productively.

(c) It will be increasingly important that people will have a level of trust in the research performed by other areas within the end-to-end process, if not by other staff members within the same organisation.

(d) Ensuring a professional level of research is carried out at all stages, including those areas where Internet access is somewhat restricted for caseworkers.

Close management of the process at HEO level is essential in order to maximise the benefits of consolidation of Country of Origin research. This is particularly important within DJELR, where there is no HEO grade appointed within the Case Processing teams of Repatriation. This management grade will perform an essential role in monitoring the quality of the outputs and the length of time being consumed in order to deliver these same outputs.

R3: Resource implications of Performance Improvement Targets

The FTE impacts have been calculated as if the rebalancing component of Recommendation 1 was already implemented

FTE Savings by Agency/Section		Explanation of resource impact
ORAC	- 3	10% reduction in the Case Processing requirements within ORAC across the Case Processing teams due to performance improvements and consolidation of efficiency gains.
RAT	- 4	If all Members met their timescales, it would require less resources within the Decisions Unit for checking and quality assuring the outputs of the Members. Two pilot schemes are also ongoing to process the decisions of the Tribunal members (voice recognition and digital telephone/dictaphone link to a typing service) in a more efficient manner. This should lead to a 20% reduction in the resource requirements.
MDU	None	This is a small team where all process improvement and efficiencies gained through IT investment should be directed at further reducing timelines for non-prioritised cases.
Repatriation	-4	20% reduction in Case Processing requirements within Repatriation at CO level.
	-5	The introduction of a Correspondence management unit (note: already in progress) and four HEO team leaders for the Case Processing teams will increase team flexibility, ongoing measurement and promote an increase in outputs and quality for all team members. This should result in a minimum 10% increase in efficiency and reduce processing times.
RLS	Resource increase	The RDC unit is part of RLS and will need additional resources to meet the new demands placed on it. These figures are already scoped for in the RLS resource requirements as part of the overall RLS staffing.
Total		- 16



R4: A dedicated Service Development team to implement change, design and implement process improvements and service development within DJELR

Why?	To improve overall change management, performance management and service development within DJELR and to develop appropriate supporting management processes. This new team will develop the capacity of the Department to implement new initiatives and management processes. A priority is to develop guidelines to support decision-making staff and thereby to improve the quality of decision-making.	
Key Features	<ul style="list-style-type: none"> • A small core team which will work closely with operational units to implement new organisational and/or policy initiatives. The focus will initially be on immigration to implement the imminent policy and legislative changes. The work programme will be defined by individual projects. • Identify & document common principles upon which people can legally stay and/or work in Ireland. • Develop associated procedures and guidance for decision-making staff. • Capture experience from operation of the immigration system and implementation of initiatives, drawing up revised procedures as required. 	
Impact	Resources	<ul style="list-style-type: none"> • Small team required with expertise of immigration and ability to convert current practices, policies and own expertise into key guidelines and criteria for procedures.
	Quality Service	<ul style="list-style-type: none"> • Staff trained in new procedures and guidance. • Improved communication of decisions, policies, upcoming legislative changes. • Improved response to customers (particularly on telephone). • Improve consistency of decision-making and ability to audit the outcomes. • Able to plan for peaks of workload – increased flexibility of staff and hence operations.
	Performance Improvement	<ul style="list-style-type: none"> • Consistent and logical presentation of management information. • Strategic improvement as well as operational focus. • Performance and service level targets agreed and monitored.

R5: Organisational adjustments within DJELR

Why?	To develop the capacity of the Department to respond to the emerging policy agenda at national, EU and international level, and the increased volume of applications in immigration.	
Key Features	<ul style="list-style-type: none"> • Strengthen the policy role on immigration and asylum particularly in relation to managing EU and other international commitments. • Create a new Security and Control unit to deal with growing requirements for international collaboration. • Reorganise Visas, General Immigration, Immigration Operations, Citizenship into new teams of Entry (currently Visa), Residence (containing the current General Immigration, Immigration Operations and Citizenship area) and Removals (MDU and Repatriation) – building on the re-structuring underway in visas area. • Centralise responsibility for Judicial Review responses by the DJELR (deportation, visa, immigration and citizenship). 	
Impact	Resources	<ul style="list-style-type: none"> • Improve capacity to deal with volumes of applications. • Releases PO and AP grades to concentrate on strategic, investigative and service related issues. • Redresses the current imbalance between senior management and middle management grades by putting in place additional HEO grades.
	Quality Service	<ul style="list-style-type: none"> • Will bring clarity, coherence and coordination to the development and implementation of legislation and policies. • Clearer and more understandable structures will facilitate improved customer service.
	Performance improvement	<ul style="list-style-type: none"> • Will give added emphasis to the strategic dimension of immigration. • Increase in number of HEOs will provide improved operational management, bringing team working and management improvements.
	Governance	<ul style="list-style-type: none"> • Positive impact, improved accountability.

R5: Strengthen Policy Role

The key requirements for the policy teams are to:

Prioritise and service EU working groups and other international bodies

Address balance of policy work between teams

Develop co-ordination and feedback mechanisms for EU agenda

Review and progress national policy and legislation

Identify broader policy implications of local 'micro' policy issues, e.g. interpretation of self-sufficiency guidelines

Convert major policy initiatives into a structured framework to facilitate successful implementation

Strengthen management structure within DJELR to provide sharper focus on strategic priorities

Recommendations

IA Policy Structure. Given the emerging policy agenda, the Immigration and Asylum (IA) policy function will need to be resourced at senior management level. The current number of POs, APs and HEOs should therefore be retained but on the basis of a new delineation of responsibility and rebalancing of immigration-related policy work between the two policy sections. The key policy areas to be allocated between the two policy units are visas, citizenship, removals, immigration, security and asylum. The corporate support components of the current Asylum Policy Division should be transferred to the new Corporate Shared Services team including IT project development. The role of the Policy Units will be to:

- Lead the development of national policy and legislative frameworks and adjustments.
- Lead the development of policy in EU-related and other international arenas.
- Lead the development of strategic priorities for the IA area based on the international and national agenda.
- Draw together the wider policy implications arising from 'micro' policy/operational issues.
- Lead consultation with other government departments on the delivery of IA policy and operations.

R5: Strengthen Policy Role Recommendations (contd)

Develop an EU Policy Framework. Policy units should take lead responsibility for the overall coordination of EU working groups. They will be serviced by staff drawn from both the policy and operational units as appropriate. EU working groups will be prioritised and serviced by staff (APs and HEOs) across the Division – both policy and operational units. In addition:

- The Department should strengthen its presence on the Permanent Representation in Brussels by assigning an AO/HEO (there is currently 1 AP dealing with INIS matters). This measure should help to reduce (but not eliminate) the burden on the Department of servicing EU working groups.
- The Policy units should re-introduce a formal structured feedback mechanism on a routine bi-monthly basis. This mechanism was in place prior to the Irish EU Presidency in 2004 and was helpful in terms of coordinating activities and ensuring coherence between the policy and operational dimensions.

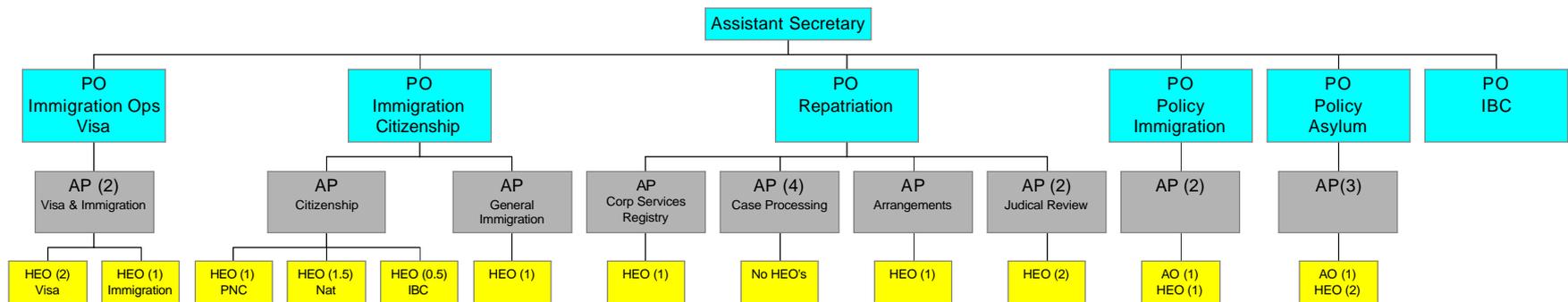
Create a new Security and Control Unit. This new unit will be responsible for progressing the e-borders initiative, managing liaison with entry points, GNIB, and managing collaboration with UK and other jurisdictions in relation to Border controls, security and intelligence issues. Ongoing collaboration with the UK because of the CTA is becoming an increasing feature of the Department's work.

Address IA Management Structure. The entire PO management team should build on their current coordination in order to strengthen their forward planning, and particularly to:

- Review and revise strategic and operational priorities.
- Review performance of the IA system.
- Identify wider policy implications of 'micro' operational issues.

R5: The Current DJELR Organisation

The current DJELR Structure (PO/AP/HEO at the end of 2004) is depicted below:



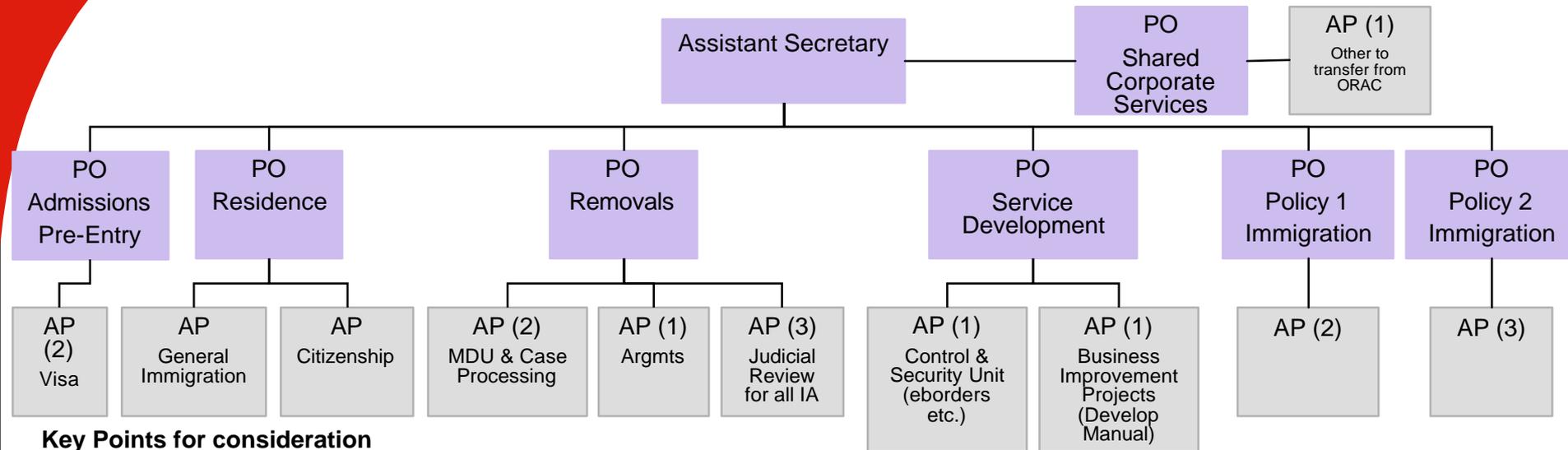
Current Management No.'s - includes an additional PO currently being appointed from internal redeployment to take on a Corporate Services role.

PO x 6

AP x 17

AO x 2
HEO x 11

Option 1 for DJELR Organisation



Key Points for consideration

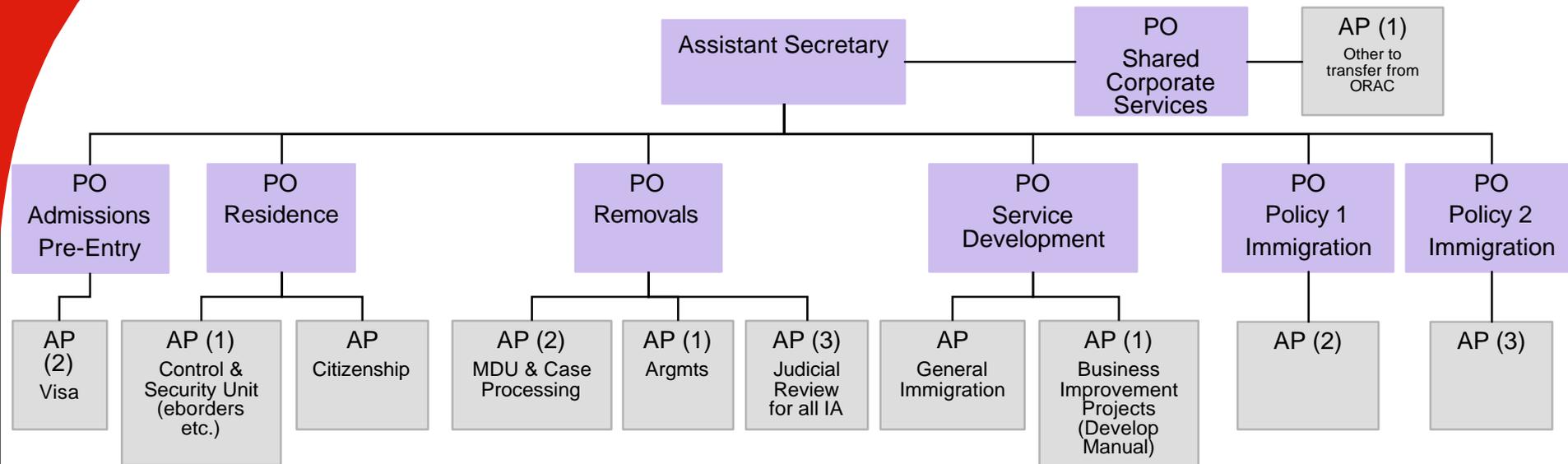
The level of Judicial Review resource is increased in order to support all types of Judicial Reviews for asylum and immigration. However, as the majority of Judicial Reviews relate to the Removals area, the management of this team will remain with the Removals PO.

This structure creates two new teams; (1) 'Control and Security' who will progress the e-borders initiative, manage the liaison with entry points, GNIB etc. and (2) Business Improvement, who will initially be tasked with the development of all en-compassing guidance manual for immigration and asylum, and then addressing customer service improvement projects. In the above structure, these two priority areas are managed under a single PO. This PO will have no caseload to manage and can concentrate on the implementation of strategic change, as all processing work will be delivered by the operational teams of Pre-Entry, Residence and Removals. However, there is a risk that one PO will not be able to devote enough attention to both these priority areas simultaneously. There is also an issue around the optics of positioning Control and Security and Business Improvement under the same management structure.

The current Immigration Operations and General Immigration units will be combined into a single area, and called General Immigration. This area, together with Citizenship, will be managed by a single PO. The level of HEO resources for Case Processing in the Removals area should be increased from the current zero to four HEOs, allowing for a related reduction in the number of APs (from four to two). The role of the two Policy teams is separately documented and it is envisaged that one AP should transfer to the Shared Corporate Services given the level of project work currently undertaken by the Asylum Policy Division.



Option 2 for DJELR Organisation



Comparison with Option 1

- The 'Control and Security' unit and the Citizenship unit will be managed together.
- The General Immigration and Business Improvements area will be managed together.

This structure separates the two new priority areas of Control & Intelligence and Business Improvement, possibly allowing the respective POs involved more scope to ensure speedy progress is made against these initiatives. However, each of these POs will also have a caseload to deliver with the associated risk that day-to-day operational priorities might reduce the speed at which progress is made in these areas.

There is also a risk that the Business Improvement area may be seen as a service only for Immigration matters rather than the wider immigration and asylum area.

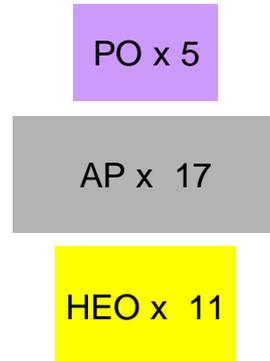
Impact of R2, R4 and R5 on the DJELR Management Resources

Explanatory Comments

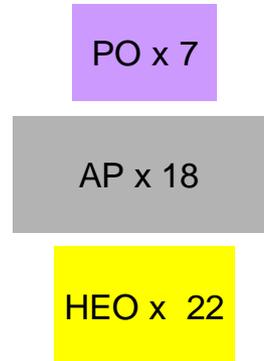
- Recommendation 2 outlines the benefits of a Shared Corporate Services for all of asylum and immigration when it is adopted. This Shared Corporate Services would take on the current Registry and small Corporate Services team within DJELR, and some of the corporate workload currently completed within the Asylum Policy Division (e.g. MIS reporting).
- Until the implementation of a single procedure for asylum and protection there is still an interim requirement for the MDU and Case Processing teams within Repatriation. However, the successful implementation of a single procedure would impact on the requirement for MDU and the overall scope of the Removals team area, allowing for some further restructuring and resource deployment.
- The recommended Service Development team will be tasked with implementing the changes recommended. Initially it is resourced as a small team for 2005 in order to allow it to establish itself and commence the change management process. As other areas become established it would take on some of the projects that are currently managed by Asylum Policy, as well as the recommended new initiatives. Its resource requirements should be reviewed again at the beginning of 2006 against the requirements of its change management plan, and further resourced if necessary.
- The scope of the Judicial Review unit should be increased to provide a service to all of DJELR, thereby requiring an increased resource at AP and HEO level.
- The two additional PO's for DJELR includes the PO required for the creation of a Shared Corporate Services function, available through the reconfiguration of the available resources in the asylum area.
- Further work will be required to align this structure within INIS, ensuring suitable spans of control and avoiding duplication of effort.

Impact on DJELR Resources

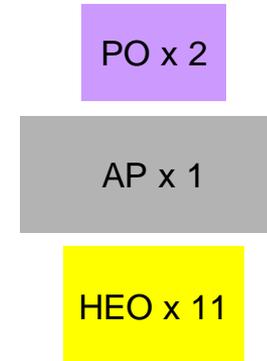
Current Mgt No.'s



Proposed Mgt No.'s for New Structure



Additional Requirements for new Structure



PO Level

- + 1 PO for Service Development
- + 1 PO for Shared Corporate Services
- 2 additional POs required

AP Level

- 2 from Removals Case Processing
- + 1 for Judicial Review
- + 1 for Service Development
- 1 to transfer to Corporate Services from Dept.
- 1 to transfer to Shared Corporate Services from ORAC
- 1 additional AP required for Shared Corporate Services

HEO Level

- + 1 for Visa
- + 2 for Citizenship
- + 4 for Repatriation Case Processing
- + 2 for Judicial Review
- + 2 for Service Development
- 11 additional HEOs required

R6: Develop a focused Customer Service Model within DJELR

Why?	There are insufficient resources available for customer service, resulting in an inadequate Helpline service, a variable response to emails, no correspondence response target times, no facility for a face-to-face meeting with DJELR staff and a difficult-to-navigate website that is infrequently updated.	
Key Features	<ul style="list-style-type: none"> • Resource should be immediately dedicated to customer service in all areas with a long-term aim of establishing a single experienced group to respond to customers. This is dependent on an increase in resources and the future availability of integrated IT systems. • Immediate determination of customer performance targets for all services, telephone calls, email response times where none currently exist. • Access to an internal review mechanism for customers. • Assign responsibility for website improvements to the Service Development team. 	
Impact	Resources	<ul style="list-style-type: none"> • Focus on the customer. • Dedicate increased level of operational resource to customer service. • Need for well trained staff who are supported by comprehensive guidelines and procedures.
	Quality Service	<ul style="list-style-type: none"> • DJELR staff are accessible and will provide consistent information to queries. • Accurate and up-to-date information on particular cases.
	Performance Improvement	<ul style="list-style-type: none"> • Overall customer service improvements. • Monitor response rates for telephone calls, length of time to respond to an email. • Monitoring and actioning of customer complaints. • Capturing and reporting on the amount of work involved (emails, calls, letters etc.).
	Governance	<ul style="list-style-type: none"> • No impact.

R7: Provide a single view of the client through an integrated case management, workflow and scanning system for immigration and asylum

Why?	To provide one shared, live, accessible record for each applicant. To reduce reliance on paper processes and manual file tracking and the use of a variety of bespoke Excel databases, Lotus Notes and Lotus Approach systems. To reduce the level of photocopying within the end-to-end asylum process.	
Key Features	<ul style="list-style-type: none"> • Provides a single view of the client and live tracking/status information with regard to their application (and their previous possible interactions with other immigration processes). • Reduces reliance on paper – staff would not need constant access to a file. • The introduction of scanning in 2005 will facilitate a reduction in overall photocopying of files. Efforts should commence now to reduce the number of file ‘copies’ that are retained within ORAC, RAT and DJELR . 	
Impact	Resources	<ul style="list-style-type: none"> • Some reduction in resource requirements in general, although the majority of the benefits achieved will be in the ability to track a file and generate MIS automatically. • Reduces file movements - Less ‘paper’ hassle and tracking for staff.
	Quality Service	<ul style="list-style-type: none"> • Can inform customers immediately of application status and progress within the processes. • Can provide ‘expert’ prompts to staff which will improve decision-making quality and consistency and, increase ease of training.
	Performance Improvement	<ul style="list-style-type: none"> • Radically improved management information. • No lost files/data or correspondence. • Ability to follow multiple grounds for customers. • Ability to track progress against performance targets.
	Governance	<ul style="list-style-type: none"> • No impact.

R7: Resource Implications of Integrated Case Management

The FTE impacts here have been calculated as if all previous recommendations were already implemented.

FTE Savings by Agency		Explanation of resource impact
ORAC	-	Minimal reduction in case processing workloads as the documentation and information is gathered and inputted at this stage. The start of the asylum end-to-end process. However, further progress is required in terms of the IT specification before assessing the likely impacts in the areas of photocopying, filing and generation of MIS.
RAT	-2	10% reduction in processing assuming the Tribunal is not replicating photocopying and scanning activities that have already been completed by ORAC at the start of the process. Further progress is required in terms of the IT specification before assessing impacts in the Statistics area.
MDU	-0.4	10% reduction in processing workloads.
Repat.	- 8	10% reduction in Case Processing and Arrangements. 50% reduction in Registry requirements (although consideration should be given to extending the Registry service to Visa, Immigration and Citizenship).
RLS	None	No impact.
RIA	None	No impact.
		Total
		- 10

There will also be an impact in visa, immigration and citizenship for additional efficiency gains.



R8: Adoption of Single Procedure for asylum

Why?	To ensure that all possible grounds for protection and other reasons to remain are considered at the start of the application process thereby facilitating a more streamlined end-to-end asylum process. The removals aspect will be considered upfront at the start of the process. This will further reduce the end-to-end processing timeline, simplify the process from the perspective of the applicants and streamline the removal process upfront.	
Key Features	<ul style="list-style-type: none"> • All grounds for protection to be considered at the start of the process by ORAC and RAT. • This will require legislative amendments (Refugee Act 1996 and the Immigration Act 1999) and administrative adjustments in ORAC and RAT. • Substantially eliminates 'leave to remain' processing – but there may be an exceptional clause to provide for changes in country circumstances. 	
Impact	Resources	<ul style="list-style-type: none"> • Impact will be on Repatriation Unit which will require reduced resources. • Will increase the resource requirements in ORAC and RAT. • Possible increase in resource requirements in RLS (certainly an earlier involvement in the process).
	Quality Service	<ul style="list-style-type: none"> • Single rather than dual decision-making will bring extra clarity for asylum seekers. • Speed up family re-unification process.
	Performance Improvement	<ul style="list-style-type: none"> • Speedier decision process and reduction in end-to-end processing time. • Eliminate duplication – consideration of case twice/three times, frequent rechecking of information at various process handover points, and the multiple considerations of Country of Origin information. • Reduce risk of further bottlenecks.
	Governance	<ul style="list-style-type: none"> • Some impact.

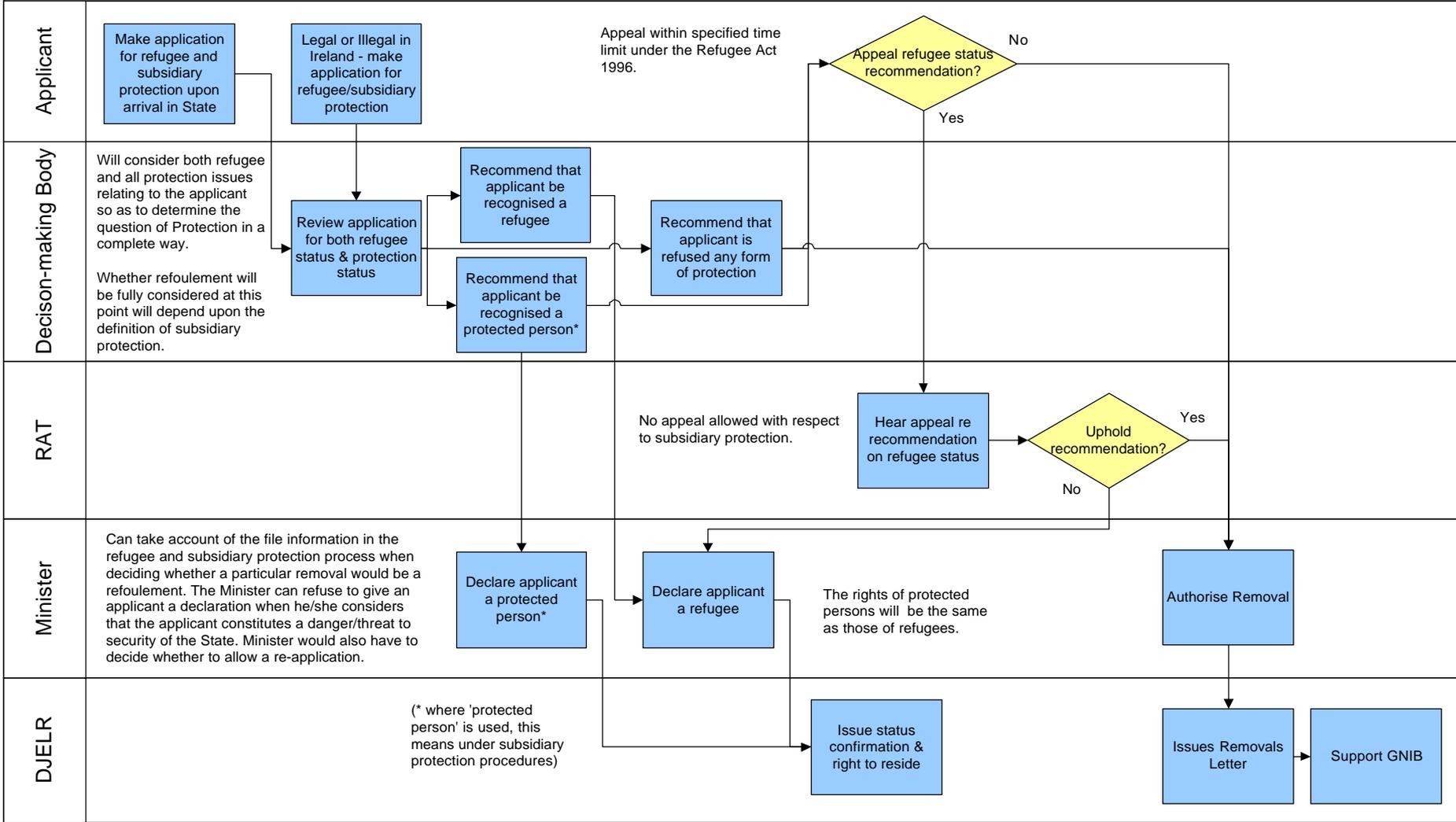
R8: Resource Implications of a Single Procedure

The FTE impacts here have been calculated as if all previous recommendations were already implemented.

FTE Savings by Agency		Explanation of resource impact
ORAC	Additional resource required	ORAC (the decision-making body) should be provided with additional resources allocated from the Repatriation area to deal with the increase in workload imposed by a single procedure. However, this additional resource will not equate to the current FTEs in Case Processing. Although there are natural synergies to be obtained from a single procedure, particularly around the research activities at the various stages in the process it is difficult to determine the overall resource requirements until the precise detail of the legislation is understood. The impact on RAT has yet to be fully determined, as it will depend on the nature of the legislation, and whether all grounds for the ORAC's recommendation/Ministers decision can be appealed (currently only the decision with regard to Refugee Status can be appealed to RAT).
RAT	To be determined	
MDU	- 6	Eliminates the need for the MDU.
Repat.	- 10	50% reduction in Repatriation Case Processing. The balance of Case Processing resources moves to a single procedure in ORAC, but there is likely to be a remaining requirement for at least a minimal review on behalf of the Minister.
RLS	None	Possible need for enhanced service provision at initial application and particularly appeal stage. This should be offset by a reduction or abolition of service for Leave to Remain applications.
RIA	None	Accommodation provision costs will only reduce when the number and speed of repatriations matches the number and rate of asylum applications.
Total		-16 to move to ORAC and RAT



A Single Procedure for Refugee and Subsidiary Protection (as defined in EU Qualifications Directive)



Footnotes

This processing is based on present policy scenarios in DJELR which may change over the coming months. Other options which may have to be factored in include

- (1) All protection related issues in addition to refugee and subsidiary protection may be considered by ORAC
- (2) The scope of the RAT input in areas beyond refugee protection
- (3) The application of non-suspensive appeals
- (4) The scope of the Minister's intervention at the end of the process will be influenced by future policy decisions on (1) and (2) above

R9: Establish new institution of INIS, a ‘one-stop shop’

Why?	To provide an organisational platform for developing the capacity of the Department in the area of immigration and for improving accountability. The new service will put in place an integrated structure for managing immigration, asylum, visa and citizenship. The Government has recently approved the establishment of this body.	
Key Features	<ul style="list-style-type: none"> • Establish Immigration and Naturalisation Service which will process all asylum applications, visas (including the work of the Visa Section in DFA), residence-related matters etc. • Maintain independence of decision-making of ORAC and RAT but provide corporate and operational response centrally. • Develop a cohesive approach for issuing work permits and visas (a virtual link between INIS and DETE). • Increase emphasis on integration activities for all immigration clients through the establishment of an Immigrant Integration Unit. 	
Impact	Resources	<ul style="list-style-type: none"> • Impacts on two Department’s resources initially – DJELR and Department of Foreign Affairs. • Resource neutral on asylum (provided other recommendations are accepted).
	Quality Service	<ul style="list-style-type: none"> • Provision of seamless service on all immigration matters. • Customers will have one point of contact. • Speedy response to requirements.
	Performance Improvement	<ul style="list-style-type: none"> • Will give added emphasis to the strategic dimension of immigration. • More scope to influence performance management in asylum system. • Improved sharing of information which should simplify decision-making. • Improved service times – just one organisation dealing with particular applications or services.
	Governance	<ul style="list-style-type: none"> • Impacts two Departments initially (DJELR and DFA)

Key Points with Regard to INIS

The INIS Service will incorporate the Department of Justice, Equality and Law Reform's current structures dealing with asylum, immigration and citizenship. The Visa Section of the Department of Foreign Affairs will transfer to the Service in the Department of Justice, Equality and Law Reform. The Service will be tasked with developing a cohesive system for the issuing of work permits and visas through a virtual link between the work permit system in the Department of Enterprise, Trade and Employment and the INIS.

The establishment of INIS will deliver the following benefits:

- A single contact point or "one stop shop" for applications for entry to the State - combining the current work permit and visa application processes.
- A clearer system involving more streamlined processes.
- Improved sharing of information in linked systems to simplify decision making.
- Improved service times as applications do not have to be submitted to a number of organisations.
- Improved control and enforcement mechanisms.

There are a number of challenges to be addressed as part of the implementation of INIS. These include:

- Ensuring there is clarity around the operation of INIS, specifically a picture of what Day One in the life of INIS will look like.
- Managing a significant number of currently discrete change activities that are ongoing and planned; these range from the recommendations contained within the PA review, the IT Change Programme within asylum, the implementation of an IT system for visa processing in conjunction with DFA, and the Rusu report implementation work.
- Structural changes for DJELR, including the scope of services and responsibilities in relation to visa processing and work permits.
- Management of key stakeholders, including government bodies, disparate organisations, the Minister, DJELR staff.

Careful and detailed planning are of critical importance in preparing for the establishment of INIS, visioning the Day One scenario for the operation, constituting the senior management team and preparing a detailed management plan to achieve that vision.

Section 6: Impact of Recommendations on Resources

6. Explanation of Resource Data and Approach Used

Resource data was gathered in three ways:

- Overall staff in posts by grade and section in all areas at the end of 2004
- Staff sanctions at the end of 2004
- ORAC staff in posts by grade and section at the end of April 2004
- ORAC posts which have already transferred since late 2004.

This baseline data formed the 'starting point' for the resource implications for each agency/division whose resources would be impacted by the various recommendations.

PO and AP grades were not included in any resource savings calculations, only those staff involved in operations (HEO and below) were assessed for efficiency gains and subsequent resource impact savings.

In Section 5 of this report the resource savings identified for:

- Consolidation of performance improvements
- Integrated Case Management and
- Adoption of a Single Procedure

were applied to the staffing levels as if the savings delivered from Recommendation 1 (rebalancing) had been implemented and the affected staff already relocated elsewhere within DJELR, e.g. to areas such as Immigration.

The table in Section 6.1 displays the resources (or posts) available for immediate transfer to the other areas within DJELR which have a requirement for these additional staff, either Repatriation, Visa, Immigration or Citizenship.

Section 6.2 displays the cumulative resources available for transfer over time as ORAC and RAT reach a steady-state situation, and the other areas implement various aspects of the recommendations. As previously mentioned, it excludes any impacts on PO and AP grades.

6.1 Posts available for immediate transfer

Consideration has been given to sanctioned resources in comparison to staff in post. This highlights an immediate area where staff can be transferred to DJELR. The total number of posts available for transfer to sections within DJELR is 54.

Agency	HEO	EO	CO	Other	Total
ORAC	4	14	3	0	21
RAT			8		8
RLS - Admin			10	2	12
RLS - Legal	Solicitors	Paralegals			
	3	10			13
Total available to transfer to DJELR					54

These positions available for transfer have been identified separately as they could be transferred immediately without any improvement action being required.

The RLS posts available for transfer have been calculated through a combination of unfilled sanctioned posts, an increase in resource requirements for the RDC and performance and quality improvement initiatives. Although there is significant resource available from the RLS, there is also a requirement for additional HEOs (2) and EOs (2) linked directly to the recommended upgrade in the RDC. It is envisaged that some of the legal grades impacted in the RLS could be of valuable assistance to the Judicial Review teams within DJELR and the associated Agencies.

6.2 Cumulative Resource Savings by Area and Recommendation

ORAC	HEO	EO	SO	CO	Other	Total
R1 - Rebalancing - posts already transferred since 2004 ¹	10	13	0	24	6	53
R1 - Rebalancing - posts available for immediate transfer	4	14	0	3	0	21
R1 - Rebalancing - posts that will be available to transfer in late 2005 ²	2	7	0	2	0	11
R3 - Consolidation of Performance Improvement	1	2	0	0	0	3
R8 - Singl Procedure	Additional resource will be required.					
RAT Grades Impacted	HEO	EO	SO	CO	Other	Total
R1 - Rebalancing - posts already transferred since 2004 ¹	Breakdown unknown					12
R1 - Rebalancing - posts available for immediate transfer	0	0	0	8	0	8
R1 - Rebalancing - posts that will be available to transfer in late 2005 ³	1	1	1	5	0	8
R3 - Consolidation of Performance Improvement	0	1	0	3	0	4
R7 - Integrated Case Management	0	0	0	2	0	2
R8 - Single Procedure	To be determined.					
MDU and Repatriation Grades Impacted	HEO	EO	SO	CO	Other	Total
R1 - Rebalancing	0	1	0	2	0	3
R3 - Consolidation of Performance Improvement	0	2	0	7	0	9
R7 - Integrated Case Management	0	2	0	6	0	8
R8 - Single Procedure	1	3	0	12	0	16
RLS General & Legal Grades Impacted	HEO	EO	SO	CO	Other	Total
R1 - Rebalancing - posts available for immediate transfer				10	2	12
RLS Legal Grades Impacted	Solicitors	3				3
	P/Legals	10				10

Total numbers impacted by recommendations	HEO	EO	SO	CO	Legal	Unknown	Other	Total
	19	46	1	84	13	12	8	183

The above table highlights the posts that are impacted by the recommendations listed in this report. They are identified by grade and by Agency or Section, and include those vacant posts that are available for immediate transfer identified in the table in Section 6.1

Footnote (1) A total of 57 ORAC posts have already transferred to DJELR since 2004. These include 1 PO position and 3 APs as well as the 53 positions identified above.

Footnote (2) Although resource savings have been estimated at 25% for Case Processing, there is a need to maintain flexibility to deal with difficult cases and ensure the targets of the prioritised processing arrangements are met. Family Re-unification applications are also increasing in volume.

Footnote (3) This allows RAT retain some flexibility to adapt to changing priorities, address increasing levels of Judicial Review and maintain quality levels.

Appendix A: Detailed Findings by Agency/Division

A.1	ORAC
A.2	RAT
A.3	RLS and RDC
A.4	RIA
A.5	MDU and Repatriation
A.6	Visa Service
A.7	Immigration (General and Operations)
A.8	Citizenship
A.9	DJELR Corporate Services and Registry
A.10	DJELR Judicial Review
A.11	DJELR Policy Sections
A. 12	Legislative Framework

A.1 Office of the Refugee Applications Commissioner (ORAC)

Main Role and Function

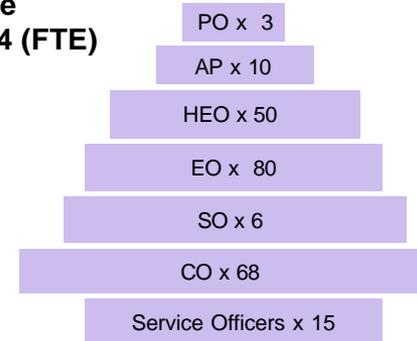
The ORAC is an independent body established to investigate applications from persons seeking refugee status and to make recommendations to the Minister on whether status should be granted or not. Their decision making process is founded on the Refugee Act and the UNHCR definition of refugees.



2004 Caseload Data

2004 Applications	FTE	Current Trend
4,766	232 at end of 2004	40% decrease in new applications - 2003 to 2004. There were 2,350 outstanding applications at the end of 2004.

Staff by Grade at end of 2004 (FTE) – total is 232



Historical Caseload

	No. applications lodged
2004	4,766
2003	7,900
2002	11,634
2001	10,325

2004 Costs (€)

Pay Costs	9,151,451
Non-Pay Costs	3,137,251
Total Costs	12,288,702

ORAC has seen a significant reduction in asylum applications and has worked to reduce backlogs – all are now within manageable proportions.

ORAC released a considerable number of staff to DJELR in 2004. A total of 57 staff have been transferred.

Predictions indicate that the volumes of applications for asylum are stabilising.

A.1 Findings

Strengths

- ORAC has responded very well to the large influx of asylum seekers in the early years of its establishment. The organisation has worked hard to streamline the processing of applications and to reduce the backlog of applications. In the last twelve month period the number of cases on hand has decreased from 3,637 in April 2004, to 1726 in April 2005. During this same time period the number of cases over six months old has decreased by 53%. It is calculated that ORAC will be in a steady state situation (i.e. with no backlog of applicants waiting an interview date) by the latter part of 2005.
- A high proportion of the ORAC decisions are upheld at appeal signalling that the decision making process is robust and that caseworkers and their supervisors work hard to make sure the correct decision is made.
- The lessons learned from the early years of ORAC have influenced the development of asylum policy and current legislation.
- ORAC is meeting the challenges of the prioritised processing arrangements for selected countries of origin, where a recommendation is provided within 17 days of the initial application. This time-frame includes (i) completion of the questionnaire, (ii) its translation as necessary, (iii) interviewing time, (iv) research, assessment and recommendation, (v) report write-up, (vi) file photocopying and despatch.
- ORAC is piloting a number of improvement initiatives, including the scanning and creation of an electronic copy of a file, conducting language analysis interviews for selected cases and developing a caseworkers research database of 'top tips'.
- The Case Processing areas within ORAC have previously built up specialisms in particular countries. This has served ORAC well in the past when the volumes of applicants was higher and there was a sizeable backlog of applications (for instance, campaigns of particular countries could be scheduled). However, this same specialism is now difficult to maintain due to the substantial reduction in the number of the applications, the need to deal with the prioritised processing arrangements, and a wish to spread the more difficult cases out among a range of caseworkers rather than concentrating them in a small group.
- ORAC manages the complexity of scheduling well, particularly now that the number of 'No-Shows' has dropped with the ability to deem an applicant 'withdrawn' after a 'No Show' (if no material reason is provided). The variables to manage are numerous, including translator availability, interview room constraints, the need for on-site prison interviews, interviews with minors which require special training of ORAC staff as well as Health Board representation, meeting the target timelines of the pilot processing arrangements and the availability and requirements of ORAC caseworkers themselves.
- Regular training programmes are run within ORAC, including Refugee Status Determination Training, caseworker specific Induction training, Racism and Interculturalism training, Country of Origin Research Skills.
- Quality assurance processes within ORAC are well developed with checklists for completion at each stage of the process, and procedures to assist in interview document management.
- Ongoing efforts are made to lessen the research burden for individual caseworkers, for instance with the provision of RefWorld  from the UNHCR and, the preparation of papers on various countries.

A.1 Findings

Current Challenges

- **Political drive to reduce application processing time** - A key measurement of the asylum process is the amount of time taken to process an application by ORAC. However under the current legislative framework other elements also impact on the end-to-end asylum process (including MDU, Repatriation). Accelerating application processes is resource intensive as it requires a flexibility of resource and scheduling slots in order to meet the requirements of the prioritised processing arrangements.
- **Increasing number of Judicial Reviews** – this creates additional workload for all parts of the asylum process.
- **Reducing numbers of applicants** - ORAC will need to retain skills and flexibility to deal with applicants from a large range of countries despite the fact that the overall applicant volumes have declined significantly. Five countries account for just over 50% of the total applications in 2005, and the balance consists of a large number of other countries (each of which makes up less than 3% of total applications).
- **Family Re-unification** – the volumes of applications for family re-unification are increasing, and the complexity of this process is increased by the fact that a number of areas remain ambiguous under the legislation, such as same sex partners, the lack of a cut-off point for applications and limits to the number of applications an individual can make. There is also ambiguity over whether the refugee needs to provide evidence that they would be in a position to support and accommodate their family members in the State. A large percentage of the applications that ORAC deals with are in fact Permission to Remain applications, where the individuals are already in the State before family re-unification is applied for. Additional resources are required by the Family Re-unification group in order to be able to both manage the increasing number of applications and shorten the length of time needed for processing these same applications.
- **Credibility Questions for applicants** – efforts are made to prepare relevant specific questions for particular nationalities that would assist the caseworker in assessing the credibility of a claim.
- **Interview Process** – the interview process is challenging for all parties, as it currently requires the interviewer to transcribe by hand all questions and answers, and to review these with the applicant at various stages in order to obtain his or her signature. This considerably lengthens the time required (especially if a translator is involved) as well as interrupting the natural ease of an interview process.
- **Country of Origin Research** – both pre and post-interview research is conducted by the caseworker. While specific issues raised by an individual applicant will obviously necessitate research by the caseworker, it appears that the length of time devoted to research requires monitoring and coordination, as there is a risk that the caseworker might spend an unnecessary amount of time reassuring himself that there is no further information that might impact on the credibility of the applicant. As the level of specialism has naturally declined with the overall drop in applications to the State, there is also a risk that caseworkers are duplicating their research activities. Prioritised applicants are also being interviewed much earlier, with an additional challenge of ensuring that all research information is immediate to the current situation in the Country of Origin rather than being able to rely on reports which might be over six months old.

A.1 Findings

Areas for Improvement

- **Focus on end-to-end ORAC caseworker process** rather than interviews completed. Although this focus does exist, the measurement and MIS system within ORAC focuses on the actual interviews completed per week. However, it is the end-to-end processing time and the number of submissions completed (and recommendations made) which are of most overall impact to the asylum area. The current Lotus Notes system does not allow a simple assessment of the number of applicants whose interview has been completed and are awaiting the finalisation of the submission and recommendation. The recommendations for prioritised cases are completed within two to three days of the interview. However there is not currently the same focus on the non-prioritised cases. It requires paper measurements, strict and forward-looking management by the HEOs to ensure cases do not wait an excessive amount of time for their finalisation (understanding that the prioritised applicants must be addressed). Scheduling of cases should include an assessment of the preparation time required, the interview slot and the subsequent research timeline, coupled with an explicit limit for the amount of cases each caseworker should have 'in-progress' after interview. ORAC are already embarking along this route.
- **Consolidate Research Activities:** Caseworkers are currently tasked with 3 interviews per week. However, the most time-consuming aspect of the applicant processing is the amount of research required, both pre-interview (based on the questionnaire) and post-interview (based on information obtained during the interview itself). This research is essential in order for the caseworker to be confident in making their recommendation. However as outlined in the previous section, there is a risk that caseworkers are overly focused in their attention to research, as well as duplicating each others work. Consolidation of pre-research activities into a small team (rather than individual caseworkers themselves completing this step) would eliminate duplication of effort. Post-interview research requirements should be closely managed in terms of both quality and length of time consumed, with lengthy research activities outsourced to the RDC. Once again careful management is essential.
- **Single source COI:** Minimising COI research through providing a single authoritative source to caseworkers would increase the amount of time available to them to carry out interviews and finalise decisions. Ongoing improvements in the RDC COI database will benefit ORAC although it will not address all their research requirements.
- **Accept the ORAC decision without future review:** Legislation says that the Commissioner makes a recommendation on status for an applicant but the final decision lies with the Minister. This creates substantial work later in the process (MDU) which would be unnecessary if the Commissioner's recommendation was recognised as the final outcome.
- **Improve management information systems:** The planned new asylum IT system will deliver better MIS and case management. This should improve overall performance.

A.1 Findings

- **Applicant Interviewing Process:** As mentioned previously, the interview is recorded by the caseworker by hand, and at regular points the interview notes are read to the applicant for their signature. Not only is this a time-consuming process, but it interrupts the natural flow of an interview for both the interviewer and the applicant. Improvement options which could be considered here (though each of them have costs and risks associated with them) include:
 - Recording of an interview by video or audio and subsequent reproduction by a stenography service (a copy of the tape of video could be given immediately to the applicant).
 - Presence of a stenographer at the interview who keeps the notes - once again they could be immediately reviewed with the applicant. However, this adds further scheduling complexity and costs to the process.
 - Use of a laptop and in-room printer by the case-worker, who could have their questions prepared, write in the answers immediately (or type in new questions as they arise) and print off for the signature of the applicant. Caseworkers could be given training in speed-touch-typing, increasing the interview efficiency and also allowing them to conduct a more natural interview (increased ability to make eye contact and study the response of the applicant).
- **Interview Paperwork and Quality Assurance:** It is probably timely to review the number of different forms which require completion and checking during the interview, and their overlap with the initial applicant questionnaire. The Quality Assurance checklist has been in use now for a reasonable time period and a review should be conducted as to its benefits and opportunities for enhancing and making it easier for the caseworker to use.
- **Reduce photocopying** with the aim of maintaining a single file (applicant record) throughout the asylum process. The scanning initiative will assist in this in the long-term, though it will require cultural changes in the end-to-end asylum processes where there are currently four copies made of a file (for the Commissioner, RAT, Applicant, Legal Representative) and the original is passed over to the MDU.
- **Access to a copy of the Social Welfare system** would increase the efficiency of ORAC staff, and reduce their dependence on direct contact to DSFA.
- **Access to RIA accommodation list** would make the tasks of the Scheduling Unit easier to complete, with less need for phone calls and checks with RIA as to the current location and travel requirements of an applicant.
- **Family Re-unification:** Consideration should be given as to whether ORAC should maintain a role in family re-unification. Their current task is to assess and report on the situation, but not to make a recommendation. The decision remains with DJELR. This situation lengthens the process, requires repeated file movements, and although there are liaison arrangements in place, the current operation does not provide ongoing feedback to ORAC as to whether their assessments are acted upon.

A.2 Refugee Appeals Tribunal

Main Role and Function

The Tribunal is an independent appellate body set up to consider appeals from asylum applicants whose applications have been refused by ORAC. Appeals are decided by one of 33 members who are appointed by the Minister. The main categories of appeal are:

Substantive 15 day
(new)

Accelerated appeals
(new)

Dublin II Regulation (new)

Substantive (old)

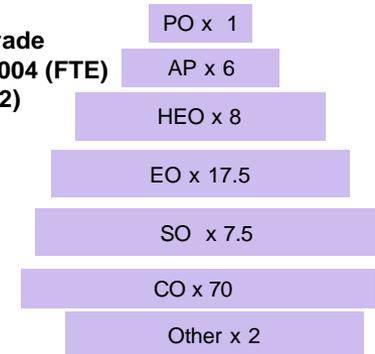
Manifestly Unfounded
(old)

Dublin convention (old)

2004 Caseload Data

2004 Applications	FTE	Current Trend	Output per month
5,011 new appeals 6,338 appeals decided 182 withdrawals	112	5% decrease in new appeals - 2003 to '04 30% increase in appeals decided '03 – '04 1,346 cases on hand 12% of ORAC decisions set aside	Average = 528 appeals decided per month

Staff by Grade at end of 2004 (FTE) (Total = 112)



Historical Caseload

	New appeals	Appeals decided	Appeals on hand
2004	5,011	6,338	1,346
2003	5,306	4,855	2,592
2002	5,361	4,947	2,775
2001	4,098	2,816	2,104

2004 Costs (€)

Pay Costs	4,016,486
Non-Pay Costs	4,361,990
Total Staff Costs	8,378,476

98% of ORAC decisions are appealed to the Tribunal. The Tribunal has not as yet had a significant downturn in appeals – this is likely to happen in '05 (to allow for lead times in processing ORAC cases).

It is making significant progress in reducing 'appeals on hand' with 1,346 outstanding at end '04.

Number of ORAC decisions set aside by the Tribunal has decreased to 12%.

Timeline: 12 – 14 weeks.

A.2 Findings – Refugee Appeals Tribunal

Strengths

- A priority of the Tribunal has been to speed up the process of considering appeals. It has also increased the number of appeals decided per annum to its highest since its establishment.
- The organisational structure of the Tribunal mirrors the core stages in the appeals process – as such it provides a clear structure for organising and allocating responsibility for work within the Tribunal.
- The Tribunal has developed strong MIS and quality control procedures which include regular reports and setting target times for each appeal. This means that management is able to routinely identify any bottlenecks in the system and to monitor trends in the application process.
- The Tribunal has taken steps to improve the quality of decision-making throughout the process including support for Members.
- RAT has close working relationships with other agencies – particularly with the UNHCR who are actively involved in Members training.
- RAT are currently piloting process improvements for the Decisions area.

Current Challenges

- **Performance management - Members:** An ongoing challenge is to improve consistency in the quality of Members' decision-making. The Tribunal has developed a number of initiatives to support Members in improving the consistency and quality of decision-making and hence reduce the level of checking.
- Balancing the trade-off between speeding-up appeals and the resources required to meet these accelerated timeframes.
- The growing number of Judicial Reviews generates additional workload for the Tribunal.

Areas for Improvement

- **Appeals process:** Postponements and adjournments of oral hearings – given the logistics involved in re-scheduling this adds to the timeframe for processing applications. Recent RAT initiatives in this area are demonstrating success.
- **Judicial Reviews:** Database for tracking Judicial Review cases – this is being developed within the Tribunal but needs to be developed on a system-wide basis. A further area is to speed up the process for identifying cases to be settled.
- **Staff issues and development:** The Tribunal has a high turnover of staff (48% since its establishment – 245 staff joined and 119 left the Tribunal). The Tribunal initially invested a high level of resources in staff training – this has declined since 2001 (464 days in '01 to 180 days in '04). However, there are still important skills gaps – particularly in relation to legal typing skills.
- **MIS** is strong in the Tribunal. However, in some cases it is over-controlled with triple controls to ensure quality control. Given the development of the appeals process, there should be scope for reducing the controls without compromising quality.
- The key to improved efficiency is to improve consistency in Member's decisions.

A.3 Refugee Legal Service and Refugee Documentation Centre

Main Role and Function

The role of the RLS is to provide a comprehensive, independent and quality legal service to asylum seekers at all stages of the asylum process. It is a Law Centre within the Legal Aid Board and funded by DJELR. The RLS uses a mixture of in-house legal staff and private practitioners to deliver its service.

The Refugee Documentation Centre (RDC) currently comes under the direction of the Legal Aid Board. The RDC provides a source for Country of Origin information which is available to all caseworkers in the asylum process but is mainly used by private practitioners and RLS staff.

2004 Caseload Data

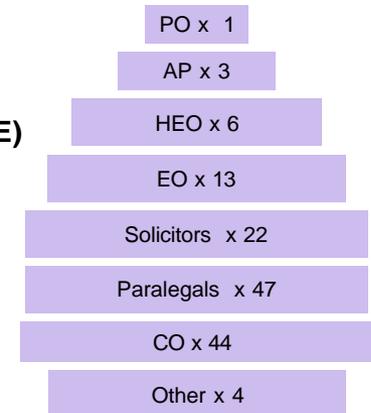
2004 Applications	FTE	Current Trend
4,766 new asylum applications, 3,525 new RLS clients (74%)	140	Peaking in 2002, the number of new clients reduced by 40% between 2003/2004.

Historical Caseload

	New asylum apps.	New RLS clients	% clients / apps
2004	4,766	3,525	74%
2003	7,900	5,610	70%
2002	11,634	5,713	50%
2001	10,325	4,520	45%

2004 Budget Costs for the RLS were €9.1m

Staff Sanction by Grade at end of 2004 (FTE) – total 140 (sanctioned)



Evidence from the RLS establishes that its clients are less likely to withdraw from the process than those applicants who do not engage the services of the RLS.

Only 8% of the 4,600 applicants who withdrew from the process in 2001 were clients of the RLS.

In 2002, 12.5% of the 6000 applicants who withdrew were RLS clients.

In 2003, 25% of the 1243 withdrawals were RLS clients.

A.3 Findings – RLS and RDC

Strengths

- The RLS has developed good working relationships with ORAC and RAT in an attempt to ensure the asylum application process remains fair and equitable.
- The RLS is bound by strict legislative timelines when dealing with cases that are going to Appeal (15 days for oral hearings, 10 days for papers only hearings – those from designated safe Countries of Origin).
- The RDC is in a good position to provide a single source of data and has a series of improvement actions already identified from the Rusu Report.

Current Challenges

- **Declining volumes:** Although now taking a higher % of the clients moving through the asylum process the overall numbers have dropped over the past two years. RLS client numbers will now stabilise.
- **Judicial Reviews:** An increasing number of JRs will create more work for RLS staff.
- **Acting up allowances:** a high number of staff are on acting up allowances, some for a considerable period of time (31 staff in total).
- **Quality:** ensuring capacity and quality in the private practitioners panel.

Areas for Improvement

- **Refugee Documentation Centre:** The RDC needs to re-position itself (and staff up accordingly) to act as the definitive single source of information, particularly Country of Origin information. Consideration must be given to ensure that it remains a model of best practice and a reliable source of information for the RLS.
- **Scheduling of hearings:** RLS staff are affected by how hearings are scheduled – this is an area that requires further co-ordination with RAT.
- **Staffing:** The staffing mix between solicitors/paralegals should be continually reviewed to ensure the correct balance – also work allocation should ensure skills are being used correctly.
- The mix of in-house versus private practitioners should also be kept under review.
- The quality aspects of the service delivered by private practitioners should be assessed from a Value for Money perspective, and action undertaken to improve the overall quality, if necessary through revisiting the structure of fees paid to these private practitioners (note: this must be considered in the context of the overall fee structure applied in state funded legal services).

A.4 Reception and Integration Agency (RIA)

Main Role and Function

RIA is primarily responsible for the provision of accommodation, in both Reception Centres and dispersed housing, for asylum seekers until a decision has been finalised to grant them status or to remove them. In addition they have responsibility for coordinating policy in relation to integration services for refugees and those who have been granted Special Leave to Remain (acting in a coordinating role with NGOs and service providers). The European Refugee Fund is also managed by this agency.

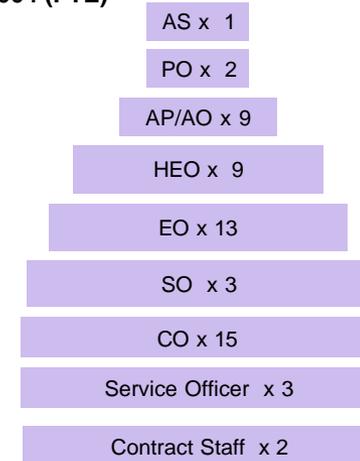
Reception
(Operations/
Dispersal)

Integration

2005 Nos. in accommodation

2005	FTE	Current Trend
A peak of 8080 people were being provided with accommodation as of April 2005 (expected to fall significantly with the IBC Scheme).	57.5	Increase in the number of refugees for both accommodation provision and integration services. Further pressures on integration services due to the outcomes of IBC '05 processing arrangements

Staff by Grade at end of 2004 (FTE) - total 57



Historical

Nos. in accommodation

2004	6,785
2003	5,838
2002	4,316
2001	4,752

2004 Costs (€)

Salary Costs	2,169,238
Other Costs	853,292
Total Costs	3,022,530

A.4 Findings - RIA

Strengths

- **RIA maintains a strategic perspective in developing Integration plans for refugees who have been granted status** - This is an increasing part of RIA's work with its general objective being to positively engage with the Agency's client base - refugees, government Departments, NGOs, and other service providers.
- **RIA has a proven record of 'getting things done'** - RIA has progressed significantly in providing accommodation - from the early days of finding whatever accommodation was available to meet immediate needs of the asylum seekers - to their current structured response of a combination of dispersed accommodation centres (74 centres in 24 counties).
- **RIA manages its centres well** - Accommodation centres are well managed with accommodation levels in centres being closely monitored and managed. There has been a drive to improve accommodation facilities and services.
- **RIA has a proven record of flexibility/responsiveness** - RIA maintains a contingency capacity of 500 beds available for emergency / unexpected surges in arrivals or to fulfil RIA's obligations under the Dublin Major Incident Plan. RIA's ability to respond to urgent accommodation needs is now well-developed, particularly considering the nature and immediacy of the accommodation service that they supply. This has been partly reflected by a lower, less critical media coverage. RIA is also now providing temporary accommodation for people from EU (new accession) Member States who wish to return to their home country.
- **RIA is devoting resources to integrating RIA's residents** – RIA is now opening up its accommodation centres for use by local communities and has hosted 300 Special Olympians in Baleskin.
- **RIA is learning and adopting best practice** - RIA has learnt valuable lessons and gained knowledge on best-practice on Reception and Integration from other countries' experiences – most notably UK, Finland and the Netherlands. For example, because of an initial lack of integration policies, the NL is now suffering from increasing levels of radicalism and fundamentalism from particular groups.
- **RIA is successful in fostering key relationships** - RIA has invested considerably in developing relationships with the NGO sector over the last three years. It has established a Resettlement Unit and has encouraged the development of local voluntary support groups. RIA has also organised a national conference and other conferences around the country. However, maximising the effectiveness of developing relationships and successfully dealing with evolving competing stakeholder networks requires considerable effort. RIA recently established a cross-Departmental integration committee – there is a requirement for cross-Departmental dealings on, for example, Ireland's Resettlement Quota (pre-qualified refugees identified by UNHCR) who typically require intensive attention.
- **Health initiatives have received praise** - Recent health-related initiatives have been externally recognised, e.g. a Health Information Programme that won second prize in the Irish Pharmaceutical Awards - the Baleskan Maternity Clinic also won an award.

A.4 Findings - RIA

Current Challenges

- **The downturn in the number of asylum applications has not led to a reduction of numbers in direct provision** – The extent of the end-to-end asylum and Leave to Remain process means that it takes a long time for outcomes to filter through the process and results in asylum seekers remaining in accommodation for extended periods. RIA has an obligation to provide support until a failed asylum seeker is removed from the country which can be months (if not years) following the decision.
- **Integration has not traditionally been a high priority** - RIA has been established 5 years and much of their early work was naturally concentrated on Reception. RIA has studied the long term consequences of integration in other countries (incl. the Netherlands which experienced challenges similar to Ireland's a generation ago). Irish society is only starting to adjust to newcomer integration and consider the long term implications.
- **RIA possesses poor client information** - Because of a lack of focus on Integration, coupled with a census issue with regard to the collection of data on ethnic minorities, very little client information (such as ethnic background, client needs) has been recorded. Interview-intensive research focusing on clients' issues has been carried out by the advocacy sector and used by the Department. Consequently, DJELR relies on NGO data but would prefer access to their own primary data. However, there are now efforts ongoing to improve the quality of research, for example, through initiatives such as that with Limerick University.
- **Service provision has not been mainstream driven** – State services should be driven by the respective government department, for example, checking of schools and Principal meetings should be conducted by Department of Education and Science personnel rather than RIA personnel. Similarly, health and crèche services should be delivered by the HSE and other relevant authorities.
- **Inter-departmental co-ordination is underdeveloped** – There is a significant need for DJELR and other Departments and Agencies (e.g. Department of Education and Science; Department of Trade, Enterprise and Employment; Department of Social and Family Affairs; and the Garda Síochána) to communicate with each other in the development of relevant schemes. Attempts have been made but were never implemented. There is also an increasing requirement for Departments to take responsibility for the provision of mainstream services, including at national planning level, e.g. in the area of Social Inclusion.
- **Local responses to the presence of accommodation centres can initially be negative.** Accommodation centres are located in 24 counties but residents still face local opposition. RIA has devoted resources to meeting local communities to help allay concerns.
- **The delivery and coordination of health services can be specialist in nature** to a client group that has specific needs distinct from the general population (e.g. illegal circumcision, female genital mutilation, particular mental health problems, well-being issues related to direct accommodation provision).

A.4 Findings - RIA

Areas for Improvement

- **Ensure that Integration should be, and be seen to be, a high priority client service issue** – This reflects the ‘maturity continuum’ where the focus moves from Reception towards Integration. Lessons can be learnt from countries which experienced more than a generation ago a similar influx of asylum seekers that Ireland has recently experienced. Programmes/structures need to be put into place that facilitate the integration of the refugee community and which will reduce the extremist-type behaviours apparent in other countries.
- **Apply organisational best practice gained through the MORE project** – Modelling of National Resettlement and implementation of Emergency Measures Project (MORE) is providing valuable lessons to the RIA based on Finland’s experience with refugees. It illustrates best practice on how to deal with conventional refugees. International codification of practices is due to be complete by April 2005.
- **Deepen positive relationships with ethnic-led volunteer groups and NGOs** – This includes the organisation of conferences with fuller involvement by ethnic-led community refugee groups and establishment of ongoing contact mechanisms with community refugee groups. There is a realisation that the lack of ethnic-led group creates some distance between the RIA and its residents. Progress can continue to be made in the development of common agendas with both NGO and refugee community groups.
- **Review Department’s platform for delivery of integration services and implement changes** - particularly in relation to the integration of client base and development of services for legal migrants.
- **Development and delivery of mainstream message with service providers** – This will involve bringing together the stakeholders from the education and health sectors as a critical element of RIA’s annual business plan.
- **Source quality information available on client core base (will need a review of recording practices)** – The Department is starting to consider bringing various IT systems together. This will facilitate the recording of information on ethnic minorities and would facilitate the delivery of core mainstream services through coordinated local structures.
- **Little regular interaction between RIA and residents** - There is a perception that asylum seekers are dispersed to (sometimes remote) accommodation centres with little subsequent support for either the Centre or the resident. While the presence of health and education related documentation and services in particular might refute this, the perception nevertheless exists.

A.5 Ministers Decision Unit (MDU) and Repatriation

MDU - Main Role and Functions

The main role and function of the MDU is to make decisions on behalf of the Minister in line with the provisions of the Refugee Act, 1996 on each asylum application. These decisions are based on the recommendation of ORAC or of the decision of RAT as appropriate. It also deals with applications for Ministerial consent to the making of further asylum applications under the Refugee Act, 1996 as well as the revocations of declarations of refugee status.



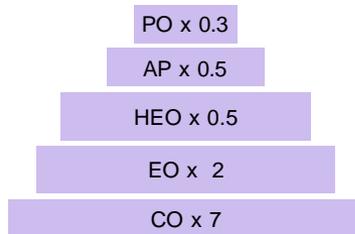
Repatriation - Main Role and Functions

The main role and function of the Repatriation Unit is to consider the cases of unsuccessful asylum seekers and illegal immigrants for Leave to Remain in the State or repatriation to their countries of origin. The unit also effects the transfer of persons under the Dublin Convention and Dublin II Regulation to the appropriate country and liaises with GNIB in the effecting of Deportation orders made by the Minister under Section 3 of the Immigration Act 1999.

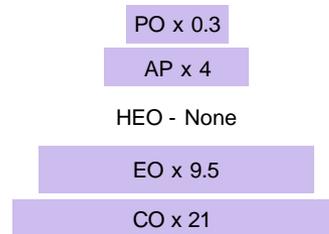


The Repatriation unit also contains a Registry unit, Corporate Services and Judicial Review. The functions of these areas is assessed separately over the following pages.

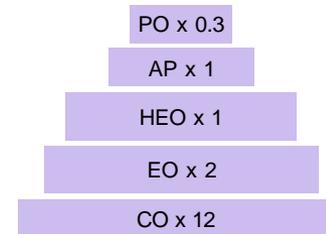
Staff by Grade at end of 2004 MDU



Case Processing



Arrangements



A.5 MDU and Repatriation Caseload

MDU	Grant	Refuse	Total
2004	1,029	7,560	8,715
2003	1,219	5,313	6,544
2002	Detail data not available	5,992	5,992 plus
2001		3,891	3,891 plus

A number of asylum seekers will also select to withdraw from the asylum process – these figures are currently included in the refusal total from ORAC.

The refusal outputs from MDU is the largest input to the Repatriation area, which also processes the Leave to Remain submission for an illegal immigrant.

Caseload Inputs to Repatriation

	Ex-MDU	Ex-General Immigration	Total Inputs
2004	7,560	125	7,688
2003	5,313	300	5,613
2002	5,992	151	6,143
2001	3,891	106	3,997

Submissions Completed

2004	3,666
2003	3,245
2002	3,129
2001	2,419

Outstanding Submissions

	Per Year	Cumulative
2004	4022	10982
2003	2368	6960
2002	3014	4592
2001	1578	1578

Caseload Outputs

Deportation Orders Signed	Leave to Remain Granted	Voluntary Return Confirmed
2,915	75	611
2,397	86	762
2,465	158	506
1,986	77	356

Removals

Deportations effected (GNIB)	Dublin II
599	65
590	N/A
521	N/A
365	N/A

2004 Staff Costs (€) includes MDU, Corporate Services, Registry, Case Processing and Arrangements.

Salary Costs	2,281,241
Overtime Costs	235,816
Total Staff Costs	2,517,057

2004 Deportation travel costs (€)

Deportation costs	1,006,800
Deportation costs C/F	963,235
Voluntary Return	19,764
GNIB Travel costs	23,099
Total Costs	2,012,898

There is a sizeable backlog of submissions for the Case Processing teams to complete (consideration as to whether to grant Leave to Remain). This backlog of outstanding submissions (a cumulative total of 10,982 at the end of 2004) needs to be tackled in order to rectify the status of these individuals and their families, if they are still to be found in the State. The 2005 IBC arrangements will make substantial inroads into this backlog.

Leave to Remain has been granted annually for between 3% and 5% of cases. There is an increasing level of Judicial Review cases. 90% of failed LtR applicants evade deportation upon receipt of the Arrangements Letter.

A.5 Findings with regard to MDU and Repatriation

Strengths

- A new IT Lotus Notes database has recently been introduced, the 'Repatriation Case Tracking' database. This was an internal initiative to take action to address the disparate methods of tracking applications within the process.
- Possible options for streamlining removals are currently being examined.
- A newly established Acknowledgements Unit will manage and immediately record the receipt of all new correspondence onto the database.
- The current strategy of the Case Processing teams is to prepare submissions for recent cases which have a high chance of successful completion, focusing on applicants whose location is known (i.e. on the RIA accommodation list)
- There is an improved use and management of charter flights for deportations
- Voluntary Return uptake is promoted to the failed asylum applicant, with assistance provided by the IOM in certain cases.
- The Arrangements Section maintains live performance data in a very visual manner within the local area.
- Leave to Remain is counter-signed by the PO to ensure consistency in decision-making.
- The Case Processing teams are specialised by country, allowing team members to develop an expertise in a particular country and the associated concerns.

Current Challenges

- Adjusting case processing to reflect court decisions and outcomes of Judicial Review that can occasionally be contradictory from an operational perspective.
- The Repatriation area has been historically under-resourced relative to both the volume of submissions and Deportation Orders that it processes.
- There is a requirement to demonstrate thoroughness of review and approach at all stages of the Repatriation process.
- The MDU unit must currently choose from over 75 different types of Minister Decision Letter to issue (this many permutations exist due to amendments to different Acts).
- There is little time or resource available to investigate revocations within MDU. The current delay in processing revocations is difficult to defend from an external perspective.
- All cases must be processed for Leave to Remain, even if the applicant makes no response or actually consents to deportation.
- There is a large backlog of submissions for completion/deportation orders issuing. The reliability of 'old' databases is uncertain, particularly with regard to the status of the individual (may have since had a child, married an Irish national, left the country, applied for Judicial Review etc). Some of this backlog will be addressed by the new IBC processing arrangements, others are cases undergoing Judicial Review. However, a decision needs to be made as to how best to address this backlog once the number of IBCs has been ascertained and removed from the backlog. The feasibility of options will need to be reviewed given that in certain cases five years may have elapsed without a decision. It is questionable as to whether a successful removal could be completed in these situations.
- Correspondence management is a large concern in this area, where Leave to Remain applications may arrive in numerous packages. The length of time that an individual is waiting for a Leave to Remain outcome also affects the volume of correspondence received.
- Obtaining travel documents for proposed deportees can be a complex and lengthy process. As the maximum period of detention is a total elapsed time of eight weeks, this impacts on the work of GNIB and Arrangements in obtaining travel documents.

A.5 Findings with regard to MDU and Repatriation

Areas for Improvement

- Training is delivered 'on-the-job' to new staff in both MDU and the Repatriation area with insufficient documented procedures and guidelines which need to be updated particularly within Case Processing. Expertise and knowledge resides within staff and needs to be supplemented with more expansive written procedures or handbooks. It is noted that this issue is being addressed and it is expected that new staff guidelines will be drawn up by Autumn 2005.
- Every single file received and its associated Decision Statement is reviewed by two CO's and one EO within the MDU. Although there is an obvious requirement to ensure the correct decision letter is issued (and there are over 75 types of letter to choose from), this is a very high level of checking, which is process and resource intensive for a process already completed by ORAC and possibly RAT. It is noted that, legally, the MDU process is not a 'rubber stamping' exercise by the Minister in respect of recommendations made by ORAC and RAT.
- The timescale for the issue of the Ministers decision and '15 day letter' for prioritised cases is short at 5 days. However, it can take up to two months for the issue of '15 day letters' for 'non-prioritised' asylum applicants. Each initiative that increases the priority of selected nationalities impacts on the timescale for all other cases (it naturally elongates their timescale as less resources are available, and also the management and government focus shifts to the new priority processing cases). It is acknowledged that prioritisation is a function of resource allocation, i.e. an implicit acceptance that resources targeted to one area are not available in another.
- The applicants file is kept in the Registry area until the Case Processing team requests it - a 'pull' system where files might sit untouched for longer than the stated 15 days. It is accepted that resources are not available to deal with every case just as the 15 day period elapses due to the decision to accelerate and prioritise certain cases over others. This is not just a resource issue: it is also a management information issue. The new repatriation case tracking system, which came into operation in October 2004 and to which migration of data from existing systems will be completed by August 2005 allows a more 'targeted' approach to dealing more quickly with cases which may have a more immediate impact.
- Country of Origin research is completed by CO's and EO's in the Case Processing team. Relevant sections of Country of Origin information are manually added to the second submission. The entire report is also added to each file for the Minister to review if deportation is recommended. This research activity is conducted by COs and EOs with no previous librarian or research background, with limited Internet access and does not utilize the full library recently built by the Refugee Documentation Centre. Case Processing teams are not engaged in determining whether an individual is a refugee or not. Their principal function is determining whether returning the failed asylum seeker to their country of origin would breach the refoulement prohibition. Thus the RDC is not a resource for Case Processing teams in the same way as it would be ORAC or RAT. Notwithstanding this, several EOs in the Case Processing area have been on Training courses provided by the RDC. It is also important not to underestimate the nature of the information resources currently relied upon by Repatriation Unit. For example, the UK Home Office website distils information from several sources, not just from UK sources.
- The Minister currently signs all deportation orders *as required by law*. Determination of Leave to Remain guidelines could reduce uncertainty regarding cases which should not be submitted for deportation order signature, and potentially reduce the workload for the Minister. However, the relevant legislation dealing with the process of issuing a deportation order provides for criteria to be considered (e.g. humanitarian concerns) which are quite broad and possibly subjective. These legal criteria are difficult to put in the form of guidelines allowing for a purely administrative decision on each case to be made. Furthermore, the import of the deportation order, i.e. the permanent exclusion of a person from the State, has been held by the Courts to be of such significance that the decision is more than merely an administrative one. There therefore exists practical and possibly legal impediments to making the issuing of a deportation order an administrative function (e.g. Assistance Principal level).
- There are no HEOs in the Case Processing teams in Repatriation, resulting in the AP and PO positions becoming overly operational.

A.5 Findings with regard to MDU and Repatriation

Areas for Improvement (cont'd)

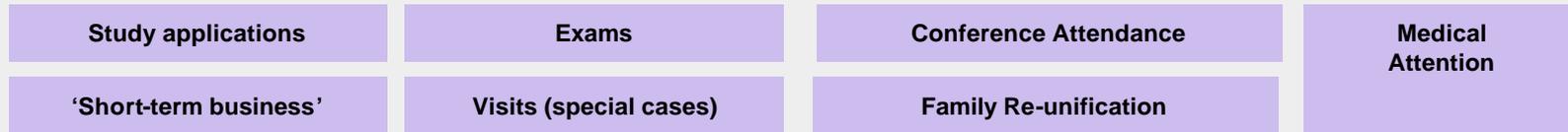
- In the past, there has been an 'over-the-wall' approach between Case Processing and Arrangements, with no demonstrated follow-through of management information or process timelines between individual teams. Many of the inefficiencies in the Repatriation area are currently being addressed. The lack of clear 'beginning to end' coherence within the Unit was principally caused by disconnected information systems. MDU, Registry, Case Processing, Arrangements and Judicial Review each had their own databases, disconnected from one another, meaning that it was a difficult matter to follow cases from start to finish. A single new database came on stream in October, 2004 and will have full retrospectivity from July, 2005. This will allow greater coordination and cohesion within Repatriation Unit. Associated MIS is unclear and historically unreliable, although this is currently being addressed with the new Repatriation Case Tracking system.
- A shortage of writing and analytical skills at EO and CO level which has been recognised and addressed already. Courses have been delivered by consultants in respect of written communications skills. Furthermore, courses have been delivered by a practicing barrister to staff in respect of the Judicial Review process and legal requirements in case processing.
- There is no monitoring of the overall timescales for processing by staff of cases, from MDU through to Arrangements. This is an information management issue which is being addressed.
- There was in the past, little mobility of work between the Case Processing teams, with an apparent reluctance at all levels to take on files from other teams specialism. This reduced the overall flexibility of the unit and means that each team has their own backlog and pipeline of work that can vary considerably in size. While this was true it is no longer the case. For example, leading up to specific charter operations Case Processing teams are re-assigned to deal with countries which are not within their usual remit.
- Little recording is made of timelines for Leave to Remain processing or Arrangements – no single view (including length of time in system) is presented of the status of the backlog. Again, this was not possible prior to the introduction of the Repatriation Case Tracking System which allow such 'beginning to end' views.

A.6 Visa Service

Main Role and Function

The function of the Visa Service is to determine the criteria to be applied by Irish embassies and the Department of Foreign Affairs when issuing visas under delegated sanction. The Visa Service also decides on certain categories of visa applications that are not dealt with under these same delegated sanction arrangements.

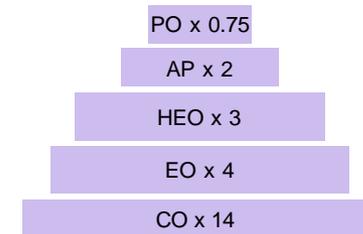
These categories are:



2004 Caseload Data

2004 Applications	FTE	Current Trend	Output per FTE per month
26,350 (Dublin) 14,434 (China) 7,105 (Russia)	23	Increasing volumes of applications. A high refusal rate of 56.7%. High number of appeals	There were 105 visa applications processed per FTE per month in the Dublin Visa Service

Staff by Grade at end of 2004 (FTE)



Emails	Post	Helpline Telephone Calls
260 emails per week	47 items per wk	An average of 423 telephone calls per week

The Dept. of Foreign Affairs processed approximately 72,000 visa applications in 2004 under delegated sanction from DJELR.

The Visa Service is currently restructuring itself with a focus on three areas; 'Communications and Customer Service', 'Processing' and 'Appeals, Investigation, International Liaison and Security'.

Timeline

It takes approx. 4-6 weeks to approve a visa application once it is received in DJELR. This timeline is dictated by the volume of applications rather than the processing time itself.

Historical Caseload

	Dublin	Total (Dublin, China, Russia)
2004	26,350	47,889
2003	27,688	47,666
2002	27,133	38,001
2001	22,619	32,869

2004 Costs (€)

Salary Costs	450,721
Overtime Costs	36,086
Total Staff Costs	486,807

A.6 Findings with regard to the Visa Service

Strengths

- A Review of the Visa Service was completed in late 2004, through consultation with staff and examination of best practice in other countries. This has resulted in the restructuring of the Visa Service, and has also identified a number of improvement areas.
- A single IT visa database system is being introduced by the Department of Foreign Affairs in conjunction with DJELR, which should improve the production of statistics, the ability to track an application, enhance the consistency of decision-making and improve the clarity of outcomes.
- There is an email service (Visa Mail) for customers to make enquiries as to the status of their application. There is also a telephone helpline service.
- The visa service also now publishes its decisions on the website so applicants can check the outcome of their application online.

Current Challenges

- The Visa Service has been significantly under-resourced until very recently resulting in a considerable amount of overtime being worked by CO's.
- By nature of the delegated sanction, the section deals with those applications which are more problematic and contentious, and there is a lack of clearly documented criteria for the making of both positive and negative visa decisions.
- Study applications (particularly for studying English in private schools) are a matter of significant concern due to the extent of abuse, where students pay large fees to private schools in order to work in Ireland (receiving little or no tutoring). This situation will be impacted by changes in the working entitlements of students (of courses of less than 18 months duration).
- The CO's are the decision-makers in the visa process, they require considerable training in order to gain experience and develop the ability to spot the questionable situations that may merit a refusal.
- There is an ever increasing need for vigilance with respect to security. Investigations and research expertise need to be developed internally to address this need.
- The physical accommodation of both staff and paper applications/files is insufficient. There is no storage space provided in the Registry area for visa applications.

Areas for Improvement

- Delegated sanction to DFA – the rules and criteria are somewhat 'woolly' and require improved documentation.
- Customer Service - while some complaints are a result of visa refusals, customer service in general could be improved. Action has already been taken to address this with the introduction of a Customer Services unit.
- There is a very high refusal rate. However a large percentage of applications are refused due to incomplete documentation (there are a number of initiatives already underway to address this, e.g. the return of an application before a decision is made to allow for correction and prevent the subsequent appeal, email, complaint etc.).
- There is no clarity for the reasons for visa refusals as issued to the applicant.
- There is little formal job training available to new staff. Training has tended to be 'on-the-job' rather than conducted in a professional consistent manner.
- The level of interaction between the Russia and China offices and the Dublin office should be increased, with improved monitoring of these remote offices and their decisions.
- There is a risk of rushed and sloppy decisions in order to keep up with volume pressures.
- There is no transparency of decision making. There were very few quality audits (of both positive and negative decisions) conducted in the past due to resource constraints. Such audits are now being undertaken.
- There is no facility for interviewing applicants.
- Decisions were taken are written down in a very brief abbreviated manner, with little explanation of the basis for the decision. However, in recent months a more detailed explanation of the decision is recorded.
- The approval percentage varies between locations.

A.7 Immigration Operations

Main Role and Function

The Immigration Operations unit is one of two immigration units within DJELR (General Immigration is the other unit). Immigration Operations is responsible for the following categories of work:

Permission to Remain

Marriage to an Irish national
Business Permission
IBC granted prior to 23/01/03

State entry/re-entry

Foreign Adoptions
Dublin II Regs / Dublin Convention

Travel Documents

1951 UN Convention
(refugee status)
Temporary LtoR

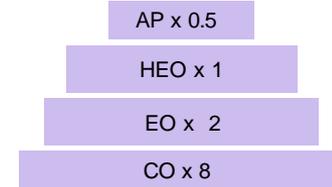
EEA Residence Permits

Applications made by EEA
Nationals for residence permits

2004 Caseload Data

Application Type	2004 Applications	2004 Completed	FTE	Comment	Output FTE per year
Marriage to Irish National	326	292	2	16 months timeline (223 cases on hand)	163
Travel Documents	3914	3829	2	8 wks backlog for UN convention docs	1962
EEA Nationals for permits	126	87	0.5	39 cases on hand	87 (0.5)
Business Permission	350	196	1	Large increase , 234 cases on hand	196
Visa clearance for adoptions	699	699	1	10 cases on hand	699

Staff by Grade at end of 2004 (FTE)



Post

Avg 572 ordinary items per month
Avg 183 registered post items per month

Helpline Telephone Calls

18,027 calls to the General Immigration line.
6,095 calls answered on the IBC helpline

Email

Approx 10 to 12 per day for Immigration, into a common Inbox.

Historical Caseload

Year	Caseload
2004	5,415
2003	4,985
2002	3,306
2001	2,711

2004 Costs (€)

Salary Costs	433,430
Overtime Costs	23,502
Total Staff Costs	456,932

There has been a large increase in total immigration activities, almost 100% in the volume of applications related to the Immigration Operations area since 2001.

The two immigration areas deal with an average of 1,700 calls per month (actual calls answered).

Immigration Operations and General Immigration were a common unit until relatively recently – they were separated as additional management resource were obtained (previously all immigration, visa and citizenship was managed by one PO).

FTE numbers relate to CO caseworkers only

A.7 General Immigration

Main Role and Function

The General Immigration unit is one of two immigration units within DJELR (Immigration Operations is the other unit). General Immigration is responsible for the following categories of work:

Family Re-Unification

Change of Name

General Permission
to Remain

Proposals to Deport
(15 day letter)

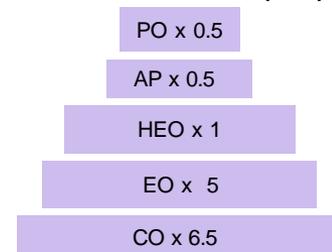
Diplomatic Passports

Without Condition
Stamps

2004 Caseload Data

Application Type	2004 Applications	2004 Completed	Comment
Family Re-Unification	1480	1657	911 cases on hand at the end of 2004
General Permission to Remain	2235	2302	319 cases on hand
Diplomatic Passports	289	289	None on hand
Without Condition Stamps	297	297	None on hand
Proposals to Deport	364	372	18 cases on hand at the end of 2004
Change of Name	113	139	47 cases on hand at the end of 2004
EU Treaty Rights	355	374	119 cases on hand at the end of 2004

Staff by Grade at end of 2004 (FTE)



Helpline Telephone Calls: 18,027 calls to the General Immigration line (shared with Immigration Operations)

Email: Approx 10 to 12 per day for Immigration, into a common Inbox.

Historical Caseload (total applications received)

2004	5,133
2003	3268
2002	1195
2001	494

2004 Costs (€)

Salary Costs	337,961
Overtime Costs	34,676
Total Staff Costs	456,932

There has been a large increase in total immigration activities, over 939% in the volume of applications related to the General Immigration area since 2001.

The two immigration areas deal with an average of 1,700 calls per month (actual calls answered) on a single manned line.

Immigration Operations and General Immigration were a common unit until relatively recently – they were separated as additional management resource was obtained (previously all immigration, visa and citizenship was managed by one PO).

A.7 Findings with regard to Immigration Operations and General Immigration

Strengths

- There is a large amount of expertise in these units, with key members of staff having worked within the immigration area for a number of years. They have developed their knowledge and experience as the volumes of applications to the immigration area has grown.
- A considerable volume of work has been completed by these teams over the last couple of years, particularly notable given the resources available to them.
- There is a customer helpline which services immigration queries, available Monday to Friday.
- An IBC helpline is also currently being manned three mornings per week.
- The General Immigration area also deals with one-off cases where there are no guidelines or precedents on the best action to take, e.g. with regard to same-sex relationships.
- Some short focused training sessions were organised for staff (2 hours duration).
- Staff appear to enjoy working in the area, there is a large amount of responsibility exercised at CO level.

Current Challenges

- Paper-based processes
- Permission to Remain based on marriage to an Irish national is taking approximately 16 months to process an application. Although now excessive, somewhere between 7 to 9 months is considered ideal (i.e. long enough for a fraudulent situation to manifest itself)
- Investigation resources are not available, and no face-to-face interviews are conducted.
- Business Permission processing skills at CO level are insufficient. Consideration should be given as to whether this is really a suitable function for DJELR staff.
- Obtaining legal advice from the AG can take a considerable length of time, elongating the processing time for complex cases.
- There is a sense that staff do not want to deal with the more problematic cases.
- PQ's are running at a very high level.
- Judicial Review is becoming more prevalent.
- Action should be taken to increase the use of statistics to help set Policy, e.g. number of a particular nationality wanting to stay who originally entered for a holiday – should this country become 'visa-required'?
- Family re-unification processes, where the process is completed by both DJELR and ORAC can take too long from the perspective of the customer and external support groups (over six months for a decision in some cases).

A.7 Findings with regard to Immigration Operations and General Immigration

Areas for Improvement

- Checking of decisions is minimal with not enough resources to review positive and negative decisions thoroughly.
- Correspondence management is an ongoing issue, i.e. who does a particular letter or file belong to, who should process it?
- There are few target service times for immigration processes, other than residence permits for EEA nationals which must be processed within six months, and Business Permission with an internal target of two months for completion.
- A standard submission for applications for Business Permission would assist the processing and improve the ease of decision-making.
- A 'copy' of the Registration system is available to Immigration, however it is only updated monthly, and staff do not have the full view which includes a comments section.
- An internal source of legal advice would speed up processing times and improve customer response.
- There are no documented manuals or guidelines for staff to follow, and training has tended to be delivered in an ad-hoc manner recently (with the exception of an internal initiative to deliver 2 hours focused staff training).
- The immigration service has become fragmented with the split into General Immigration and Immigration Operations. This has spread the current expertise and processing work between two different units who now report into different PO's.
- Due to absence of regularly updated guidelines there appears to be a lack of consistency in the manner in which telephone calls are handled - with the quality of the responses provided being over reliant on the level of experience of the individual officer concerned.
- There is a need for a more coordinated approach to training to include induction training, IT training and general skills training (e.g. general writing and analytical skills).
- A central source of reference material, documents, court judgements etc would ensure a more consistent approach.
- The issuing of Travel Documents is costly and is not a self-financing operation. It is also easy to duplicate the 'soft' Travel documents (normally issued to asylum seekers at the discretion of the Minister). Further equipment investment (and an increase in charges to ensure it is self-financing) would eliminate the possibility of abuse of this permission to travel.

A.8 Citizenship

Main Role and Functions

The main role and function of the Citizenship Unit is to process applications for certificates of naturalisation, process postnuptial declarations of Irish citizenship (in cooperation with the Department of Foreign Affairs where declarants are resident abroad), process requests for certificates of nationality, process renunciation of citizenship and declarations of intention to retain Irish citizenship from naturalised citizens who have taken up permanent residency abroad.

Post-Nuptial
Citizenship

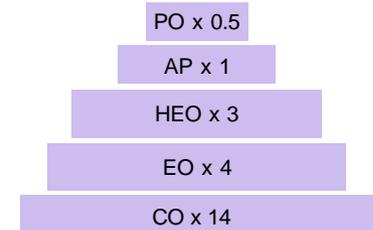
Naturalisation

The entitlement to lodge PNC applications was repealed in the Irish Nationality and Citizenship Act of 2001, with a transition process in place until 2005. Persons who wish to obtain Irish citizenship on or after 30 Nov 2005 must apply for a certificate of naturalisation.

2004 Caseload Data

2004 Applications	FTE	Applications completed	Applications outstanding	Current Trend	Output per FTE per year
4,074 Naturalisation	15	2,114	7,807	A 185% increase since 2001. There is a 24 months backlog.	140 cases
2,825 PNC	4	2,449	1,566	88% increase since 2001. There is a 10 month backlog.	612 cases

Staff by Grade at end of 2004 (FTE)



Emails

No email response service is provided, although customers can send emails to the Section.

Helpline Telephone Calls

The Helpline is open 5 hrs per week (over 2 mornings). There is one line open (10,127 calls answered at the end of 2004).

The entitlement to lodge PNC applications ceases after 30th November 2005. It is currently an entitlement provided some statutory conditions are complied with (3 years married, valid marriage, living together as husband and wife). Frequently, this unit must establish a case to show that the person was not living with his wife/her husband.

There are currently nine vacancies unfilled in the Citizenship Section, most of them in Naturalisation.

A standard fee of €126.97 applies for PNC, and €634.87 for naturalisation.

Historical Caseload (applications received)

	PNC	Naturalisation
2004	2,825	4,074
2003	2,491	3,580
2002	1,728	3,574
2001	1,502	1,431

2004 Costs (€)

Salary Costs	496,961
Overtime Costs	61,673
Total Staff Costs	558,634

Income (€) from fees

2003	708,000
2004	707,000

A.8 Findings with regard to the Citizenship Service

Strengths

- Staff within this unit have worked extremely hard to try and maintain some control over the sizeable backlog of applications – the management team have taken on operational elements of the process in order to make sure that processing work can be completed.
- There is a customer helpline, open two mornings a week to answer customer queries.
- Security considerations are taken into account, with the use of a locked storage area and a tracking system for reconciliation of all certificates issued.
- A manual for staff exists which can direct them on the key steps and checks for the different types of applications which can be received (Naturalisation Processing Guidelines for White Files).
- Improvements have already been implemented for the process step of obtaining the Ministers signature, where all the data is summarised in a convenient overview rather than contained on individual files.
- Three information leaflets (general and detailed) are available through the website.
- Although a sizeable backlog exists, there is a strong visual indication of progress through the use of colour coded files and dedicated storage areas.
- Additional resources are currently being deployed to this area.

Current Challenges

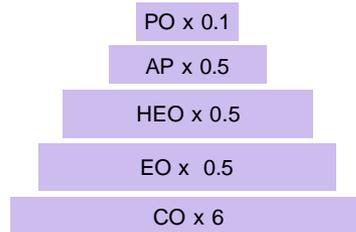
- All paper-based processes.
- Citizenship is a valuable commodity, with relatively few hurdles in the process, and no interviewing resource capacity. The applicant is not interviewed at any stage in the process (other than if a Garda investigation is triggered).
- The under-resourcing of this unit means that the processing work can stop if a particular staff member is on leave.
- Accounting and reconciliation of fees with certificates is a complex task – staff do not have a financial background.
- Storage capacity and access to Registry are issues, with limited space and access (usually achieved on overtime at the weekend).
- Naturalisation volumes will only continue to increase, as work permits, visa and asylum seeker numbers have risen dramatically in recent years (and there is no intermediate 'long-term resident status' granted to non-citizens).
- It is demotivating for staff to see the volume of files in the backlog, as despite their efforts and commitment, the backlog is larger than ever before.

Areas for Improvement

- The Naturalisation processing timeline is currently 24 months due to the sizeable backlog and under-resourcing of the unit.
- As already recognised and planned by the unit, some changes in processing practice will both improve customer service and should reduce processing times (in the long-run), such as returning ineligible applications upon receipt (e.g. where the residency requirements are not met) rather than 24 months later.
- Concentrate a small pool of less experienced staff on the straightforward cases, addressing these in the backlog as well, and thus speeding up their processing time while allowing the more experienced staff to concentrate on the complex cases which are more time-consuming. It should also ensure that there is more involvement of CO's in the processing work.
- Once sufficient further resources are obtained, consideration should also be given to responding to the customer emails, as well as extending the telephone line service.
- Website information and leaflets do exist, however both should be updated more regularly.
- The improved use of IT (e.g. a single integrated database with template letters and application information) would considerably reduce some of the processing 'hassle', such as cutting and pasting names/addresses into letters, retrieving files from storage, answering telephone and email queries.
- An increased CO to EO/HEO ratio would improve the output of the operation, with the EO and HEO taking on more of the management tasks. Currently, due to resource constraints, they are completing a lot of the actual processing work.
- Certificates are issued in Irish, which certainly means that a number of recipients will not understand the certificate of Naturalisation itself.
- Very few quality checks are conducted on positive applications, once again due to the large volume of work to be completed.

A.9 DJELR Corporate Services and Registry

Registry Staff at the end of 2004



Corporate Services Staff at the end of 2004



Registry

Registry supports the work of DJELR by tracking, storing and retrieving files. It also manages incoming and outgoing correspondence, by fax, ordinary and registered post. They currently operate under certain constraints including:

1. Resources – there is a minimal staffing level for the current workload and it is very dependent on overtime
2. Physical access – only two staff members can access the storage area at any one time
3. Historical misfiling and failure to track files – due to other staff, working with the best of intentions, going themselves to retrieve files from the storage area
4. Lack of storage space – off-site storage is currently being progressed
5. Huge volumes of incoming and outgoing post, plus redirections from other Sections.

Corporate Services

DJELR has a small Corporate Services team that looks after general building issues, security, access control, health and safety, car parking allocations, purchasing of office supplies, liaison with the IT division, Flexi-system, Ringmaster (the telephone monitoring system), liaison with Eircom, maintenance contracts etc.

The management of the Services personnel is the most time-consuming task within Corporate Services.

Corporate Services is also responsible for specific projects such as the upgrade of the telephone system.

A.10 DJELR Judicial Review

Main Role and Functions

The main role and function of the JR unit is to manage and respond to the legal challenges to deportation related matters in a timely, efficient and effective manner. There are mainly three categories of cases; Judicial Review, Article 40 inquiry and an injunction. The JR unit assesses each case and provides a response to the CSSO either defending the processing by DJELR or suggesting that the State should consider conceding the case if there are obvious fatal flaws in the Department's actions.

Judicial Review Cases Related to Deportation Matters

	New Cases	Cases Finalised	Cases on Hand
2004	211	90	309
2003	137	53	197
2002	95	101	113
2001	182	191	119
2001	128	0	128

There are an additional 30 cases before the Courts involving either Article 40 inquiries, Plenary proceedings or extensions of time.

Current JR staff including approved vacancies



Judicial Review Costs – the ‘Justice Vote’. This excludes the costs incurred by the CSSO.

High Court	338,191
JR Costs	603,015
Total Costs	941,206

A.10 Findings with regard to DJELR Judicial Review

Strengths

- The Department now has considerable expertise in relation to JR.
- The staff are highly dedicated, hard-working and have evolved a culture of coping with a growing volume of work.
- The Department is always present at critical stages of the JR process.

Current Challenges

- More than one issue tends to arise in any single Judicial Review case.
- It appears that JR is being increasingly employed to extend the overall length of time that an individual may stay in the country.
- There are a large number of IBC cases which may now need to be settled at significant cost to the State.
- Additional resources are required in order to meet the challenges.
- Staff spend a large amount of time at Court, often at short notice, making it difficult to schedule activities related to improvements.

Areas for Improvement

- There are not enough resources available within the JR unit to undertake value-added work, such as preparing briefing sessions for staff, following up on judgements to ensure that processing activities are altered if necessary, providing more information on experience to date from other areas. Para-legal staff redeployed from RLS should be allocated to JR.
- Immigration, Visa, Citizenship and Repatriation should all be served by a single JR unit, particularly as cases now tend to raise issues which can equally apply across all areas and procedures (early JRs challenged pure Section 3 procedures).
- The JR unit needs to also focus on ensuring the outcomes of Judicial Review are implemented correctly in a timely manner.

A.11 Immigration & Asylum - Policy Sections

Immigration

PO x1

AP x 2

AO x 1
HEO x 1

CO x 1 (p/t)

Asylum

PO x1

AP x 3

AO x 1
HEO x 2

EO x 3
CO x 2

There are currently two dedicated policy units dealing with immigration and asylum. While they have primary responsibility for driving policy development, in effect the policy function is spread across all operational areas as well as the policy units. Visa, immigration, citizenship and repatriation units therefore play an important role in policy development at EU and international level. This reflects the difficulty in practice of separating policy development from operational functions.

The **Immigration Policy Unit** now spends half of its time on EU-related policy areas. This also has resourcing implications in terms of Oireachtas scrutiny and monitoring 'opt ins'. The Unit also takes the lead in developing legislation, coordination with other government departments and progressing specific projects that arise in the area of immigration such as policy in relation to IBCs.

The **Asylum Policy Division** has been responsible for driving the legislative changes in the area of asylum and for overseeing the overall performance of the asylum system including the achievement of processing targets. In addition, it has responsibility for delivering specific projects and some corporate functions in relation to finance, IT, MIS. The Division also deals with EU and international-related policy.

A.11 Key Issues facing Policy Development

- **How to respond to the rapidly evolving policy and strategic agenda** reflecting the changing global context in which IA operates, particularly following 9/11. The EU Hague Programme represents a progressive evolution of EU responsibility in the area of freedom, security and justice that has the potential to significantly impact on the national policy framework. EU-related issues already occupy a significant portion of IA. In addition, other international fora such as UN and Council of Europe, continue to feature in the international policy arena. The national context also requires the development of legislative and policy frameworks in order to address both national issues and respond to international developments.
- **A specific challenge is to manage new issues arising in relation to security and control following 9/11.** This requires more intensive collaboration on security issues with the UK (because of the CTA) and also with other jurisdictions. Initiatives such as eBorders will require resources if they are to be implemented and managed effectively.
- **How to address the obscure boundary between the 'macro' and 'micro' dimensions of policy?** There are inevitable overlaps and inter-dependencies between policy and operational areas which mean that a strict separation in organisational terms is unrealistic. In addition, policy evolves through a 'bottom-up' process of responding to micro-issues and a 'top-down' approach incorporating major initiatives. The policy function needs to be able to manage both the macro and micro policy dimensions.
- **How best to develop clear strategic priorities** across the immigration and asylum areas? Given the finite resources available to IA and the growing policy and strategic agenda, an even clearer focus on priorities will be required.
- **How to develop detailed operational guidelines to** ensure that policy is effectively implemented? This is one of the most significant challenges facing IA which will provide it with the assurance that policy is actually being implemented as intended throughout the IA process.
- **How to manage the servicing of the high number of EU working groups** in the context of an expanding EU agenda in the area of immigration and asylum? There are two specific dimensions to consider (1) what are the priority EU working groups and how should they be serviced, recognising that all need representation, and (2) how best to manage and co-ordinate contributions and outputs from these working groups?

A.12 Legislative Framework

Primary:

The current primary statutes in the asylum, immigration and citizenship areas which govern the responsibilities of the various sectors of the asylum, immigration and citizenship process are as follows:

Aliens Act, 1935

Refugee Act, 1996

Immigration Act, 1999

Immigration Act, 2003

Immigration Act, 2004

Illegal Immigrants (Trafficking) Act, 2000

Irish Nationality and Citizenship Acts 1956 to 2004

Civil Legal Aid Act, 1995

A.12 Legislative Framework

Secondary:

Various European Communities (Aliens) Regulations,

European Communities (Right of Residence for Non-Economically Active Persons) Regulations, 1997 (S.I. No. 57 of 1997)

Various Regulations made under the Refugee Act, 1996

Various Regulations made under the Immigration Act, 1999

Various Regulations made under the Immigration Act, 2003

Various Regulations made under the Immigration Act, 2004

Various Regulations made under the Civil Legal Aid Act 1995

Various Regulations made under the Illegal Immigrants (Trafficking) Act, 2000

Forthcoming Legislation:

Immigration and Residence Bill

EU:

The development of new Common EU Asylum and Immigration policies is also having and will continue to have a large impact on the asylum and immigration sectors of the Department. A number of EU Legislative Instruments have been adopted to date in this area.

Other:

There is also a large volume of asylum and immigration procedures that arise from the operation of the various Acts and Regulations/Orders mentioned above.

Glossary of Terms

Asylum Application	Application for declaration of Refugee Status under the Refugee Act, 1996
Case Processing	Processing of asylum applications in the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal.
Citizenship Application	An application from a non-national who wishes to obtain Irish Citizenship. The process pertaining to this application is defined in the Irish Nationality and Citizenship Act 1956 as amended. On the granting of the above application the person is afforded the same rights and privileges as any other Irish Citizen.
Country of Origin Information	Information utilized in asylum determination process.
Deportation Order (Repatriation)	Ministerial order to remove a person from the State.
DJELR	Department of Justice, Equality and Law Reform
Dublin cases / EU Dublin Regulation	Regulation determining the EU Member State responsible for processing asylum applications.
European Refugee Fund	EU Fund for the provision of support for Reception, Integration and Voluntary Returns.
FTE	Full Time Equivalent
Garda National Immigration Bureau (GNIB)	Garda Bureau responsible for operational immigration matters including registration of non - EEA nationals, deportations and tackling illegal immigration.
Humanitarian Leave to Remain	Status granted to a person by the Minister under the Immigration Act, 1999.
Irish Born Child (IBC)	Child born in Ireland with residency rights subject to conditions.
Irish Naturalisation and Immigration Service (INIS)	Service established in 2005 as a "one stop shop" to provide asylum, immigration and citizenship services. Aims to provide a streamlined admission applications process for customers.

Glossary of Terms (Continued)

Judicial Review	Review of decisions of asylum / immigration process by the High Court.
Member of the Refugee Appeals Tribunal	Solicitors / Barristers who are Members of the Refugee Appeals Tribunal.
Ministerial Decisions Unit (MDU)	Unit within the Department of Justice, Equality and Law Reform which issues declarations of Refugee Status within the framework of the Refugee Act, 1996
Non-Refoulement	Obligations under national and international law not to return persons to countries of origin where in the opinion of the Minister such persons life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.
Office of the Refugee Applications Commissioner (ORAC)	Agency which processes asylum applications at first instance. It also investigates applications by refugees for family re-unification. (within INIS framework)
Presenting Unit	Unit in ORAC, the members of which represent the ORAC at RAT oral hearings.
Prioritised Cases	Applicants for Refugee Status whose cases are accorded priority for processing under the Refugee Act, 1996.
Reception / Scheduling / Dublin Unit / Fingerprinting	Frontline areas of ORAC which ? deal with initial asylum applications ? schedule interviews ? investigate Dublin cases ? take fingerprints of asylum applicants.
Reception and Integration Agency (RIA)	An Agency within the Department of Justice, Equality and Law Reform which deals with the accommodation of asylum seekers and the integration of refugees and persons granted leave to remain (within INIS framework)

Glossary of Terms (Continued)

Refugee Act, 1996	Statutory framework within which applications for declarations of refugee status are processed.
Refugee Appeals Tribunal (RAT)	Agency which deals with appeals in respect of negative recommendations of the ORAC (within INIS framework)
Refugee Documentation Centre (RDC)	An independent service operating under the aegis of the Legal Aid Board providing a research and query service in relation to Country of Origin information for organizations in the asylum process.
Refugee Legal Service (RLS)	Service which provides legal assistance and advice to asylum seekers.
RSD	Refugee Status Determination
Shared Corporate Services	A central service unit to manage Corporate Services for INIS providing core functions - HR, IT, Finance and other supports.
Single Procedure	Procedure within which all protection needs are considered together within a single asylum / protection determination process.
Visa Application	An Irish visa merely permits travel to the frontiers of the State during the validity period of the visa. It is only a form of pre-entry clearance, it does not give the holder permission to enter or to stay in Ireland.

Expenditure Review - Terms Of Reference

The review would be undertaken on the basis that there can be no change in existing approved staff numbers, pay and grade configurations (except through redeployment in the areas concerned) and having regard to overall Government Policy in this area.

- With a view to completing the Expenditure Review and the need to achieve value for money in respect of the optimum deployment of sanctioned staff and resources;
- Within the framework of settled Government policy in relation to asylum and immigration including the system of dispersal and direct provision;
- Having regard, but not limited to, the present statutory framework;
- With due regard to the present approved staff and resource allocations in the asylum and immigration process and the present organisational structures,

the following Terms of Reference are set out for this evaluation:

- To carry out a quantitative and qualitative analysis/assessment of the operation of the asylum, immigration and citizenship areas of the Department and associated agencies to include a review and assessment of the utilisation of resources including staff resources and operation of current processes and procedures;
- To evaluate the organisational effectiveness and interaction of the respective parts of the asylum and immigration process with each other;
- To evaluate progress to date having regard to the key objectives of the Governments asylum strategy and the effectiveness with which these objectives have been achieved;

Expenditure Review - Terms Of Reference (Cont'd)

- To evaluate requirements for change and for alternative policy or organisational approaches having regard to the Government's asylum strategy and the goals, priorities and objectives set out in the Department's Strategy Statement 2003 to 2005 in relation to asylum, immigration and citizenship and to the present Strategy Statement's of the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal;
- Where appropriate, to have regard to systems and procedures in other relevant jurisdictions (e.g. UK, EU, Canada, Australia, and New Zealand);

To make recommendations, where appropriate, in relation to:

- the optimum deployment and the most effective and efficient use and operation of existing sanctioned staff and resources;
- the most effective and efficient use and operation of present systems, procedures and processes and to identify and set out the processes needed to achieve this outcome;
- the identification of any necessary organisational and procedural changes and social consequences (including costs) of such changes;
- Potential future performance indicators for each element of the asylum and immigration process that might be used to monitor performance of these individual elements;
- The need for additional legislative amendments, if any;
- The organisational effectiveness and interaction of the respective parts of the asylum and immigration process.
- To make any other recommendations with a view to the achievement of the objectives of this Invitation to Tender as deemed appropriate.

Expenditure Review - Terms Of Reference (Cont'd)

All of which should have due regard, in particular, to the States' obligations under national and international law and to our developing obligations under the EU common asylum and immigration policy.

Insofar as the following areas are concerned and with a view to achieving the optimum use of existing sanctioned resources

- Immigration and Citizenship Division
- Asylum Policy Division
- Ministerial Decisions Unit
- Office of the Refugee Applications Commissioner
- Refugee Appeals Tribunal
- Reception & Integration Agency
- Refugee Legal Service

particular regard will be given to the need for the evaluation to include the following issues:

- Review of distribution and allocation of staff numbers;
- Review of processing systems, procedures and processes;
- The social consequences of change;
- An assessment of the arrangements in place for liaison between the various areas;
- The coherence of effort between the various Divisions within the Department and between the Department and the associated agencies;
- The need for any changes including legislative and procedural changes where appropriate.