Transform

HM Courts & Tribunals Service

Championing a value-based design approach:



Lessons and ideas from designing an appeal service for vulnerable groups in UK immigration detention

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pre-recorded segments

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What is immigration detention?

An individual whose immigration status is unsettled may be detained by the Home Office under immigration powers.

For example, whilst their identity is being established for an asylum application, or if facing imminent removal from the UK.



Harmondsworth Immigration Removal Centre (IRC)

HM Courts & Tribunals Service

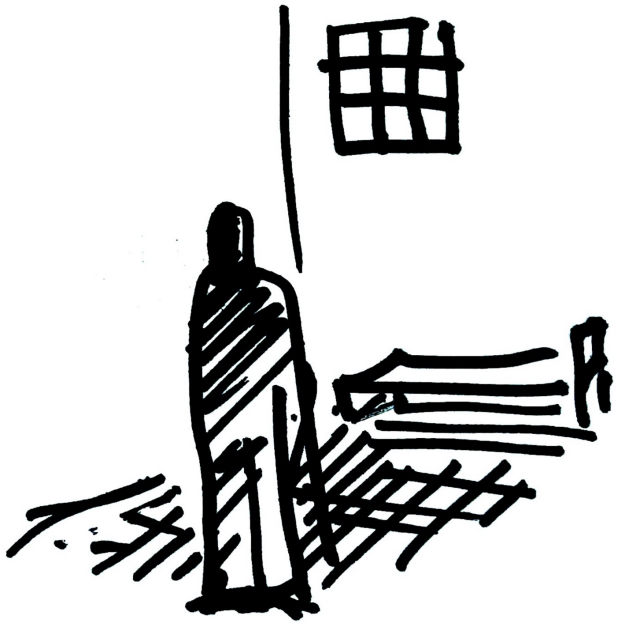
Immigration & Asylum Chamber (IAC)

First-tier Tribunal

IAC is responsible for handling appeals made against decisions made by the Home Office.

This project focused on appeals relating to:

- permission to stay or enter the UK
- not on requests for immigration bail



Contextual overview...



SAMIRA

Submits Immigration and Asylum Application to

Home Office

2 months later

Receives a Home Office decision letter

"Application refused but appealable"

Submits an appeal **IAC First-tier Tribunal**

HM Courts & Tribunals Service

What we designed - a new appeal type

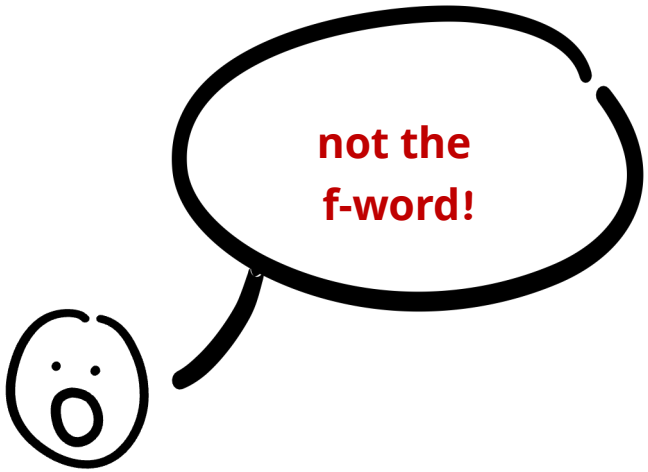
Nationality And Borders Act 2022 (NABA)

ACCELERATED DETAINED APPEAL (ADA)

25 days from submission of appeal to a decision by a First-tier tribunal judge

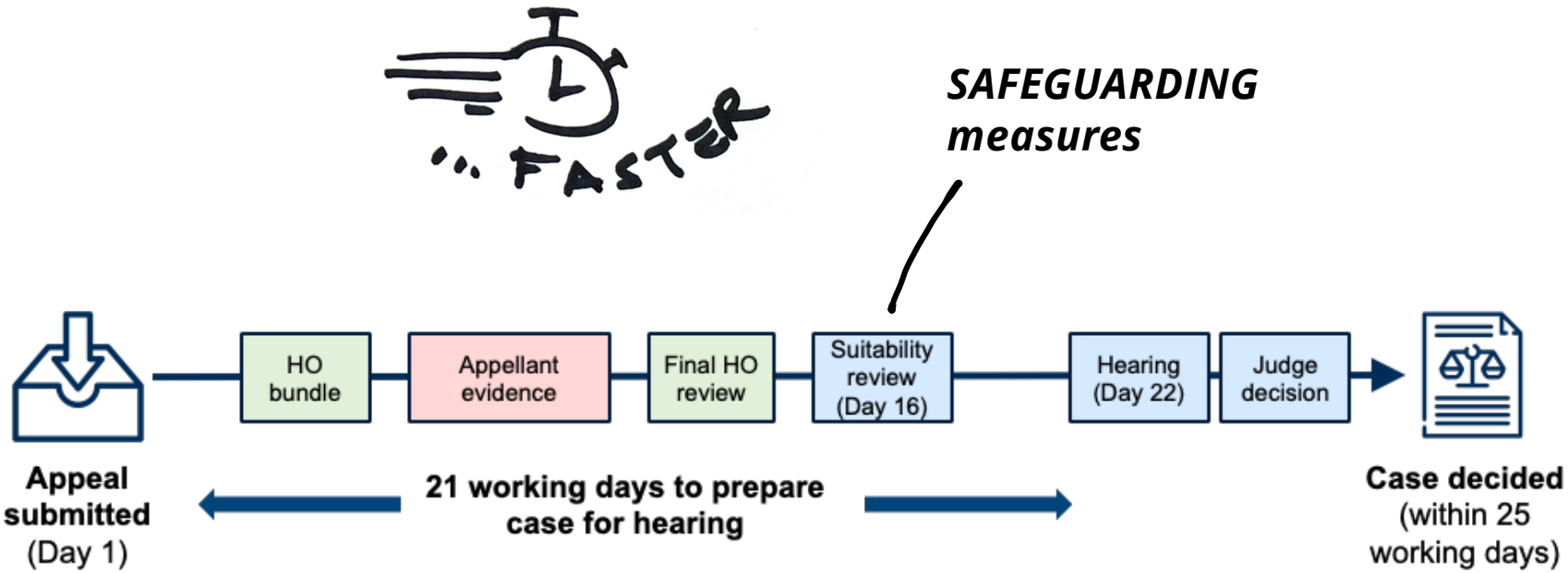


New policies do not always ‘replace’ the old. Instead, new and old often co-exist and interact.



previous **Detained Fast Track** challenged in court and ruled unlawful in 2015

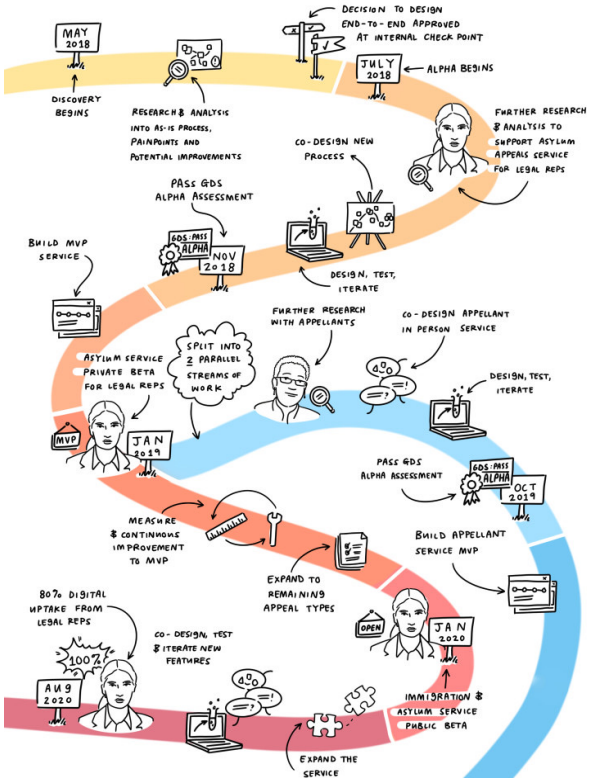
Accelerated Detained Appeals timeline

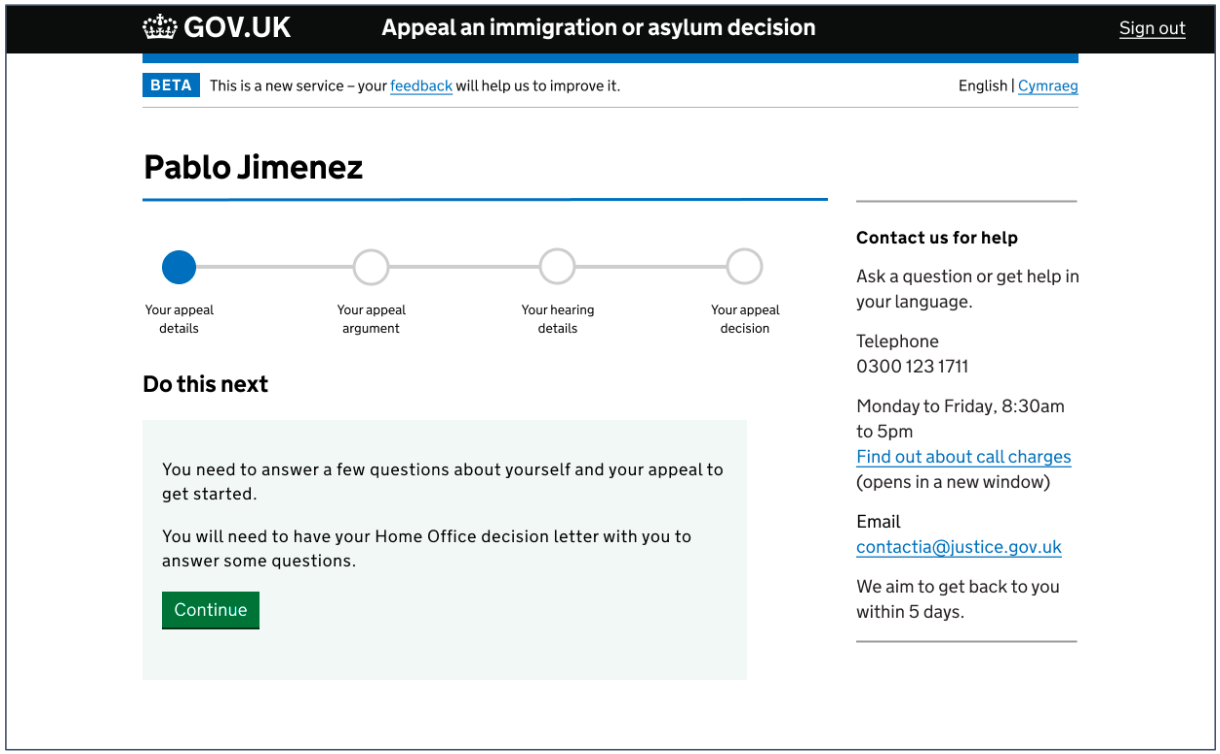


Building on previous reform work in IAC

SERVICE DESIGN AWARD
WINNER 2021

The digital service for unrepresented appellant





This session



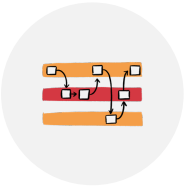
CHALLENGES



OUR VALUE-BASED DESIGN APPROACH



TRANSLATING DIGITAL REFORM TO A PAPER JOURNEY



CO-DESIGN WITHIN IMMIGRATION REMOVAL CENTRE

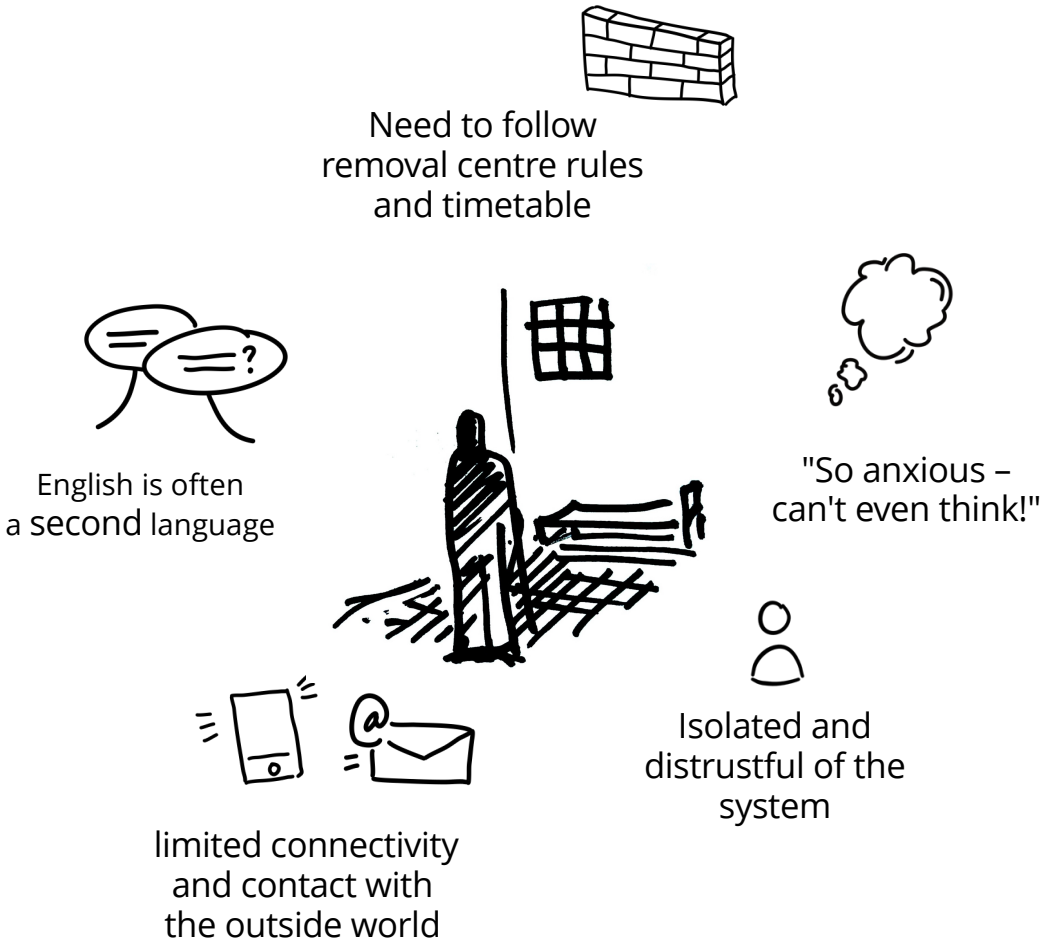


IDEAS ON HUMAN-CENTRED DESIGN AND POLICY DESIGN

Challenges

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Significant challenges to people in detention appealing a Home Office refusal



Immigration & Asylum system under intense pressure

Impacted willingness of service providers to engage with us.

Immigration and asylum

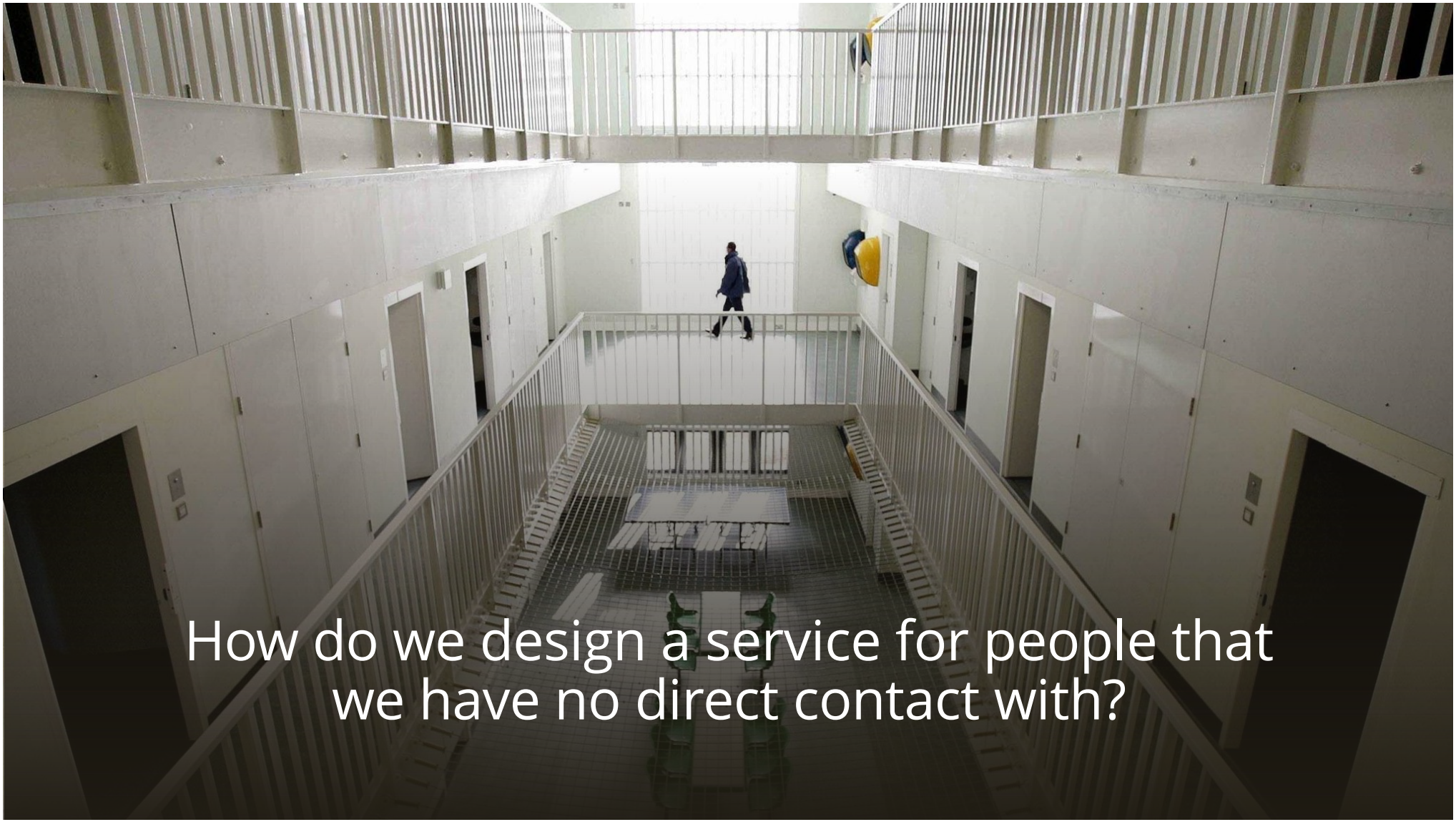
This article is more than **4 months old**

Death of detainee near Heathrow prompts immigration detention crisis fears

Frank Ospina's death followed by reports of suicide attempts by other detainees at immigration centre



Colnbrook detention centre. Combined with its neighbour Harmondsworth, it forms Heathrow immigration removal centre, the largest detention centre in Europe. Photograph: Mark Kerrison/Alamy


How do we design a service for people that
we have no direct contact with?


How can unrepresented people in removal centres communicate with the tribunal – and vice versa?

Emerging policy area with many dependencies

Example: suitability review

“Some of the policies were still being devised as we're going along. So, there's a lot of uncertainty there.

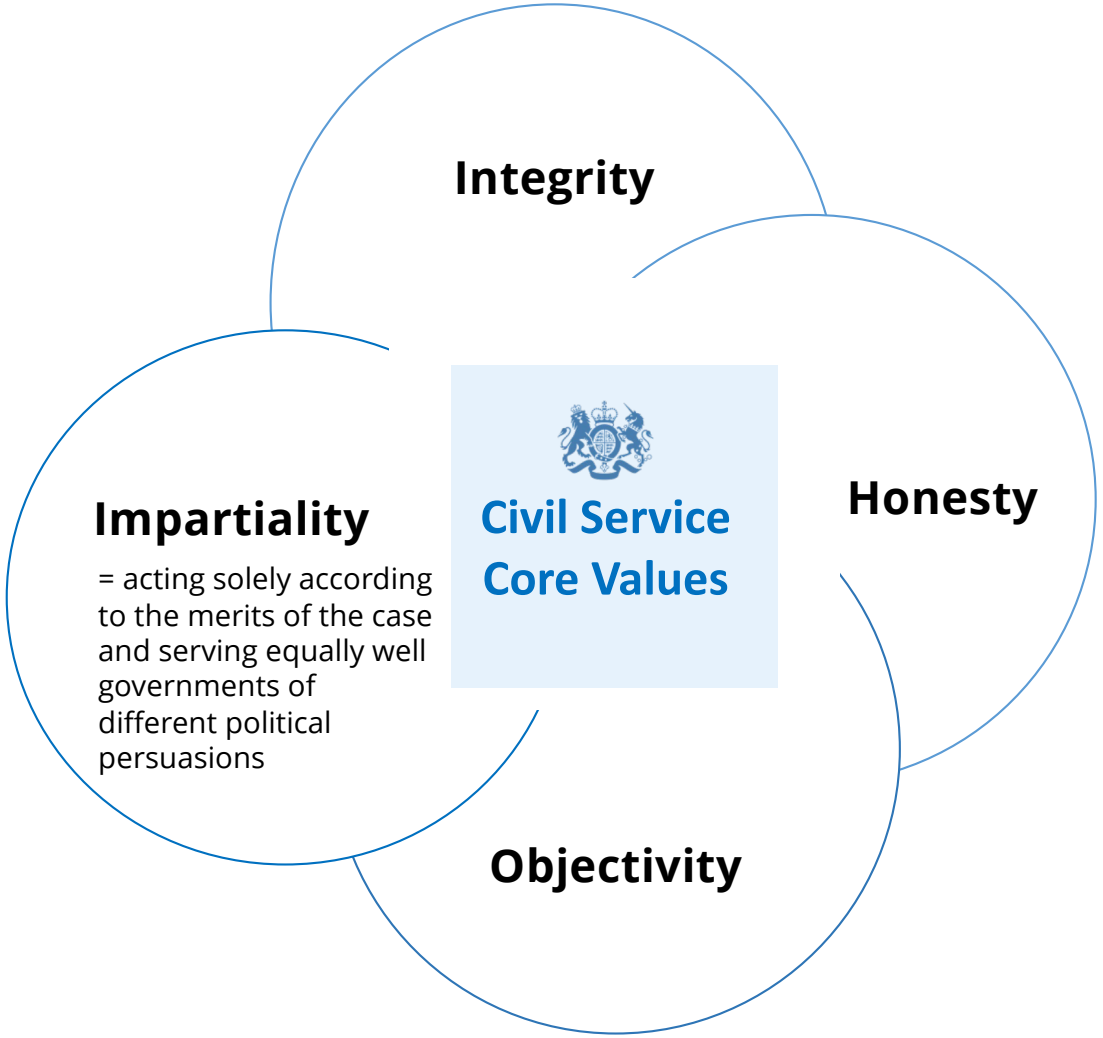
Now we got experience of dealing with detained appeals but this was done in an accelerated route which was much quicker. So how can we still give access to justice.”



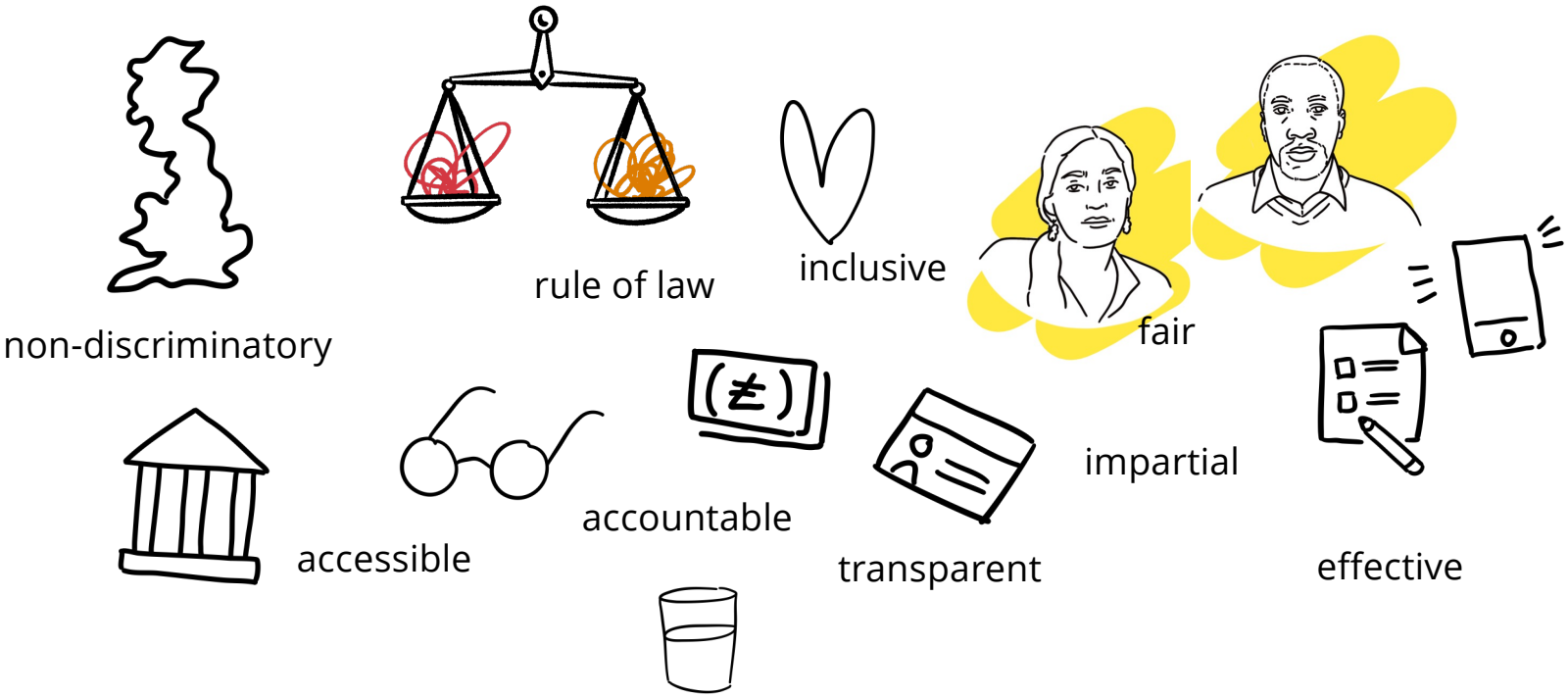
Our value-based design approach

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Understanding and framing our work in government



Equal access to justice



can means many things and has implications on many things

The overarching value of equal access to justice with all its complexity mirrors central values and concerns that inform a human-centred design approach (e.g. inclusivity, accessibility…)

Meeting user needs integral to upholding the value of access to justice

Appellants need to be able to:

...understand their rights and what is happening
...understand what is required of them
...be able to do what is required of them
...have enough time to do what is required



Creating an engaged community

























Research process and its challenges can be seen as a measure of the challenges faced by the appeals service and its users.

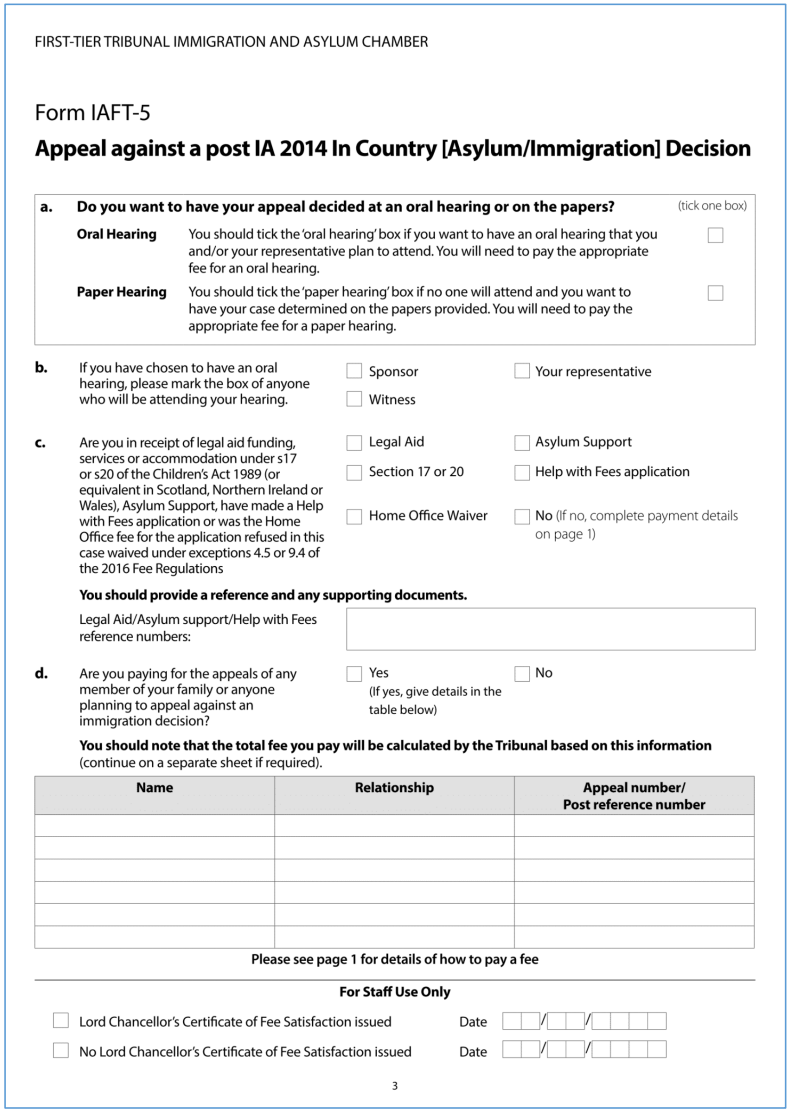
An embodied approach to the research process encourages us to tune into the learning opportunities in all out interactions.

Translating the values of digital reform to a paper journey

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Current form difficult and confusing for appellants, especially if in detention

like the **IAFT-5 form** which we redesigned



FIRST-TIER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER

Form IAFT-5

Appeal against a post IA 2014 In Country [Asylum/Immigration] Decision

a. Do you want to have your appeal decided at an oral hearing or on the papers? (tick one box)

Oral Hearing You should tick the 'oral hearing' box if you want to have an oral hearing that you and/or your representative plan to attend. You will need to pay the appropriate fee for an oral hearing. ☐

Paper Hearing You should tick the 'paper hearing' box if no one will attend and you want to have your case determined on the papers provided. You will need to pay the appropriate fee for a paper hearing. ☐

b. If you have chosen to have an oral hearing, please mark the box of anyone who will be attending your hearing.

☐ Sponsor ☐ Your representative ☐ Witness

c. Are you in receipt of legal aid funding, services or accommodation under s17 or s20 of the Children's Act 1989 (or equivalent in Scotland, Northern Ireland or Wales), Asylum Support, have made a Help with Fees application or was the Home Office fee for the application refused in this case waived under exceptions 4.5 or 9.4 of the 2016 Fee Regulations

☐ Legal Aid ☐ Asylum Support ☐ Section 17 or 20 ☐ Help with Fees application ☐ Home Office Waiver ☐ No (If no, complete payment details on page 1)

You should provide a reference and any supporting documents.

Legal Aid/Asylum support/Help with Fees reference numbers:

d. Are you paying for the appeals of any member of your family or anyone planning to appeal against an immigration decision?

☐ Yes (If yes, give details in the table below) ☐ No

You should note that the total fee you pay will be calculated by the Tribunal based on this information (continue on a separate sheet if required).

Name	Relationship	Appeal number/ Post reference number

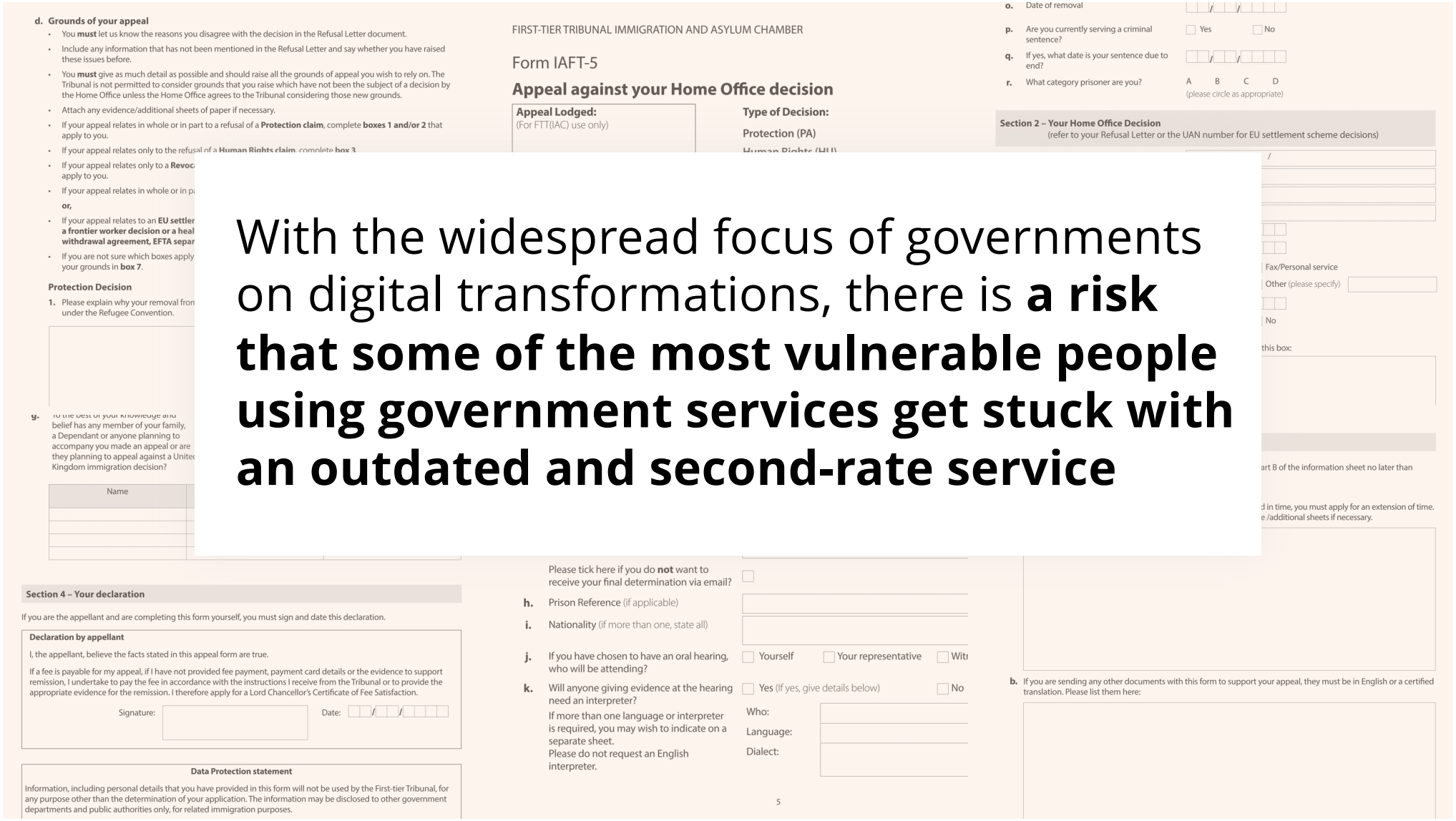
Please see page 1 for details of how to pay a fee

For Staff Use Only

☐ Lord Chancellor's Certificate of Fee Satisfaction issued Date ☐☐/☐☐/☐☐☐☐

☐ No Lord Chancellor's Certificate of Fee Satisfaction issued Date ☐☐/☐☐/☐☐☐☐

3



FIRST-TIER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER

Form IAFT-5

Appeal against your Home Office decision

Appeal Lodged:
(For FTT(IAC) use only)

Type of Decision:

Protection (PA)

d. Grounds of your appeal

- You **must** let us know the reasons you disagree with the decision in the Refusal Letter document.
- Include any information that has not been mentioned in the Refusal Letter and say whether you have raised these issues before.
- You **must** give as much detail as possible and should raise all the grounds of appeal you wish to rely on. The Tribunal is not permitted to consider grounds that you raise which have not been the subject of a decision by the Home Office unless the Home Office agrees to the Tribunal considering those new grounds.
- Attach any evidence/additional sheets of paper if necessary.
- If your appeal relates in whole or in part to a refusal of a **Protection claim**, complete **boxes 1 and/or 2** that apply to you.
- If your appeal relates only to the refusal of a **Human Rights claim**, complete **box 3**.
- If your appeal relates only to a **Revoc** apply to you.
- If your appeal relates in whole or in pa
  or,
- If your appeal relates to an **EU settler a frontier worker decision or a heal withdrawal agreement, EFTA separ**
- If you are not sure which boxes apply your grounds in **box 7**.

Protection Decision

1. Please explain why your removal fron under the Refugee Convention.

y. To the best of your knowledge and belief has any member of your family, a Dependant or anyone planning to accompany you made an appeal or are they planning to appeal against a Unite Kingdom immigration decision?

Name	

o. Date of removal ☐☐/☐☐/☐☐☐☐

p. Are you currently serving a criminal sentence? ☐ Yes ☐ No

q. If yes, what date is your sentence due to end? ☐☐/☐☐/☐☐☐☐

r. What category prisoner are you? A B C D
(please circle as appropriate)

Section 2 – Your Home Office Decision
(refer to your Refusal Letter or the UAN number for EU settlement scheme decisions)

/

Fax/Personal service

Other (please specify)

No

this box:

art B of the information sheet no later than

d in time, you must apply for an extension of time.
e /additional sheets if necessary.

Section 4 – Your declaration

If you are the appellant and are completing this form yourself, you must sign and date this declaration.

Declaration by appellant

I, the appellant, believe the facts stated in this appeal form are true.

If a fee is payable for my appeal, if I have not provided fee payment, payment card details or the evidence to support remission, I undertake to pay the fee in accordance with the instructions I receive from the Tribunal or to provide the appropriate evidence for the remission. I therefore apply for a Lord Chancellor's Certificate of Fee Satisfaction.

Signature: Date: ☐☐/☐☐/☐☐☐☐

Data Protection statement

Information, including personal details that you have provided in this form will not be used by the First-tier Tribunal, for any purpose other than the determination of your application. The information may be disclosed to other government departments and public authorities only, for related immigration purposes.

Please tick here if you do **not** want to receive your final determination via email? ☐

h. Prison Reference (if applicable)

i. Nationality (if more than one, state all)

j. If you have chosen to have an oral hearing, who will be attending? ☐ Yourself ☐ Your representative ☐ Witr

k. Will anyone giving evidence at the hearing need an interpreter? ☐ Yes (If yes, give details below) ☐ No

If more than one language or interpreter is required, you may wish to indicate on a separate sheet.
Please do not request an English interpreter.

Who:

Language:

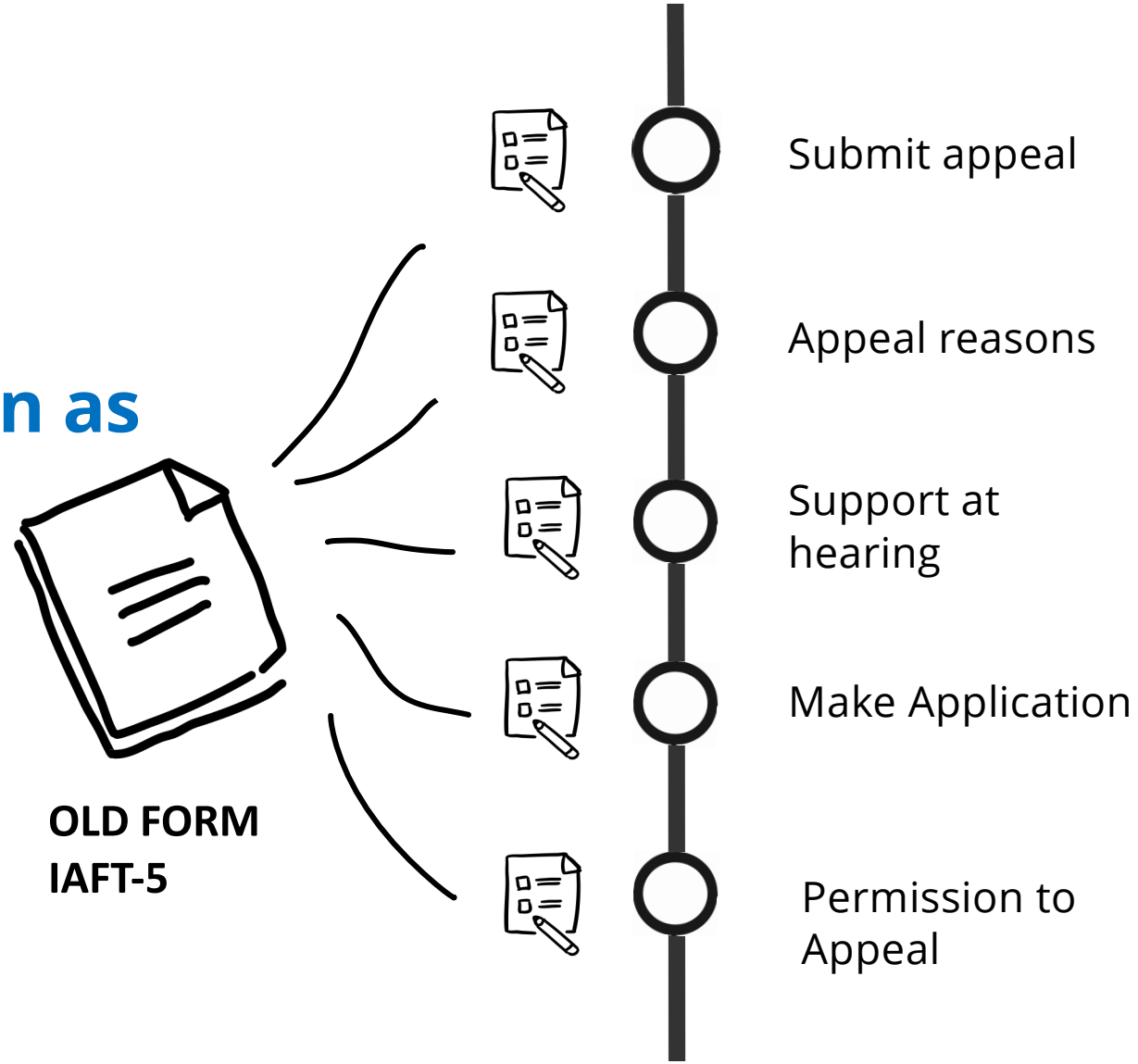
Dialect:

b. If you are sending any other documents with this form to support your appeal, they must be in English or a certified translation. Please list them here:

5

With the widespread focus of governments on digital transformations, there is **a risk that some of the most vulnerable people using government services get stuck with an outdated and second-rate service**

Ask for information as and when needed



Appeal service dependent on removal centre teams

Home Office Detention Engagement Team (DET)

- 40% under-capacity > staff retention poor
- Experience a high volume of complex cases involving asylum, trafficking and slavery claims
- Must meet competing strict legal timelines

∴ Serving papers time intensive 

Notification	Trigger	Attached documents	Templates	Served or posted	Core	Non-core	NTH	Not needed	Notes
Appeal submission									
Appeal submitted (in time)	AO manually submits AiP appeal								This is covered in the direction to submit hearing requirements
Appeal submitted (out of time)	AO manually submits AiP late appeal								This is covered in the direction to submit hearing requirements
AiP: Appeal cannot proceed	LO records decision on late appeal								Will get ended appeal notification in this scenario
AiP: Appeal can proceed	LO records decision on late appeal								This is covered in the direction to submit hearing requirements
Home Office bundle									
HO directed to upload bundle	LO directs HO to upload bundle								This is covered in the direction to submit hearing requirements
HO directed to amend bundle	LO directs HO to amend bundle	Letter - Home Office has been asked to amend the bundle	Home Office has been asked to amend the bundle	Posted					
Case building									
Case listed	AO lists case								covered in the direction to submit hearing requirements
Submit hearing requirements (standard direction)	LO directs AiP to submit hearir requirements								ation to tell AiP that appeal has been submitted, HO has been directed to upload , case has been listed and to submit hearing requirements. Includes timelines
Hearing requirements submitted	AO manually enters AiP hearir								
Hearing requirements agreed	LO records agreed adjustment								covered in the suitability review notification
Submit Appeal Reasons (standard direction)	LO directs AiP to submit Appea								
Appeal Reasons submitted	AO manually submits AiP Appe								
Home Office review									
HO directed to review appeal	LO directs HO to review appea	your appeal							
HO directed to amend appeal response	LO directs HO to amend HO response	Letter - Home Office bas been told to amend the review	None	Posted					
Review HO response	LO directs AiP to review HO response	Letter - HO has maintained Document - HO response **OR** Letter - HO has withdrawn Document - Withdrawal Letter	HO has maintained **OR** HO has withdrawn	Served					
Suitability review									
Suitability review decision	Judge determines ADA suitabliity	Letter - Appeal is suitable **OR** Letter - Appeal is not suitable **AND** Document - ADA Suitablity doc	Appeal is suitable **OR** Appeal is not suitable	Served					
Transferred out of ADA	AO transfers case out of ADA			Posted					
Hearing									
Hearing details changed	LO updates hearing date, time and/or location	Letter - Your hearing details have changed Document - Hearing notice	Your hearing details have changed	Served					

Reduce notification numbers so these can be served with an interpreter and explained to appellants

A valued-based approach can evoke both shared and divergent concerns, aims and priorities.

For example, in the reform of tribunal services there is often a tension between offering support to unrepresented appellants and avoiding giving them legal guidance**.**

appellants struggle to understand what evidence is needed to make their case

In detention and under ADA timeline this was a bigger issue



Questions used as guidance & prompts to actions

Section 3 – Supporting evidence

3.1 You can add evidence to support your appeal such as letters, photos and documents.

If any evidence is:

- not in English, you must provide a copy of the original document and a certified English translation
- already part of your Home Office documents, you do not need to provide it again with this form

Use this table to tell the tribunal about your evidence.

What is the evidence? For example: A doctor's letter	**Why is this evidence important to your appeal?** For example: It shows I have a health condition	**Is this evidence included in your Home Office documents?**
		☐ No ☐ Yes
		☐ No ☐ Yes

‘evidence’ is just one ingredient in the policymaking process

But at the end of the day they could take all our research and say.. actually, we still want it this way because that's the LAW. So, it's a balancing act.



Co-design with DET team in the removal centre

Transform

Operational logic was key for unpacking policy measures as it helped narrow the gap between policy design and implementation.

When you're looking down 50,000 feet, everything looks easy to do.
But when you get down into the detail, in the weeds, that's where you get that operational logic which is really key.

One of the biggest challenges was actually, how do we engage with somebody who's unrepresented? How do we tell them what they need to do? And there was a lot of back and forth.



Using co-design to engage DET team task-based review

Processing tribunal emails & notifications



Printing
Filing
Archiving

Booking meeting with detainee

Booking a phone interpreter
Booking a meeting room
Requesting detainee (Care & Custody team)

Serving papers to detainee

Use of interpreter
Explaining the papers ....
Questions appellant asks



does the an unrepresented appellant

...understand their rights

...understand what is required of them?

... able to do do what is required of them

...have enough time

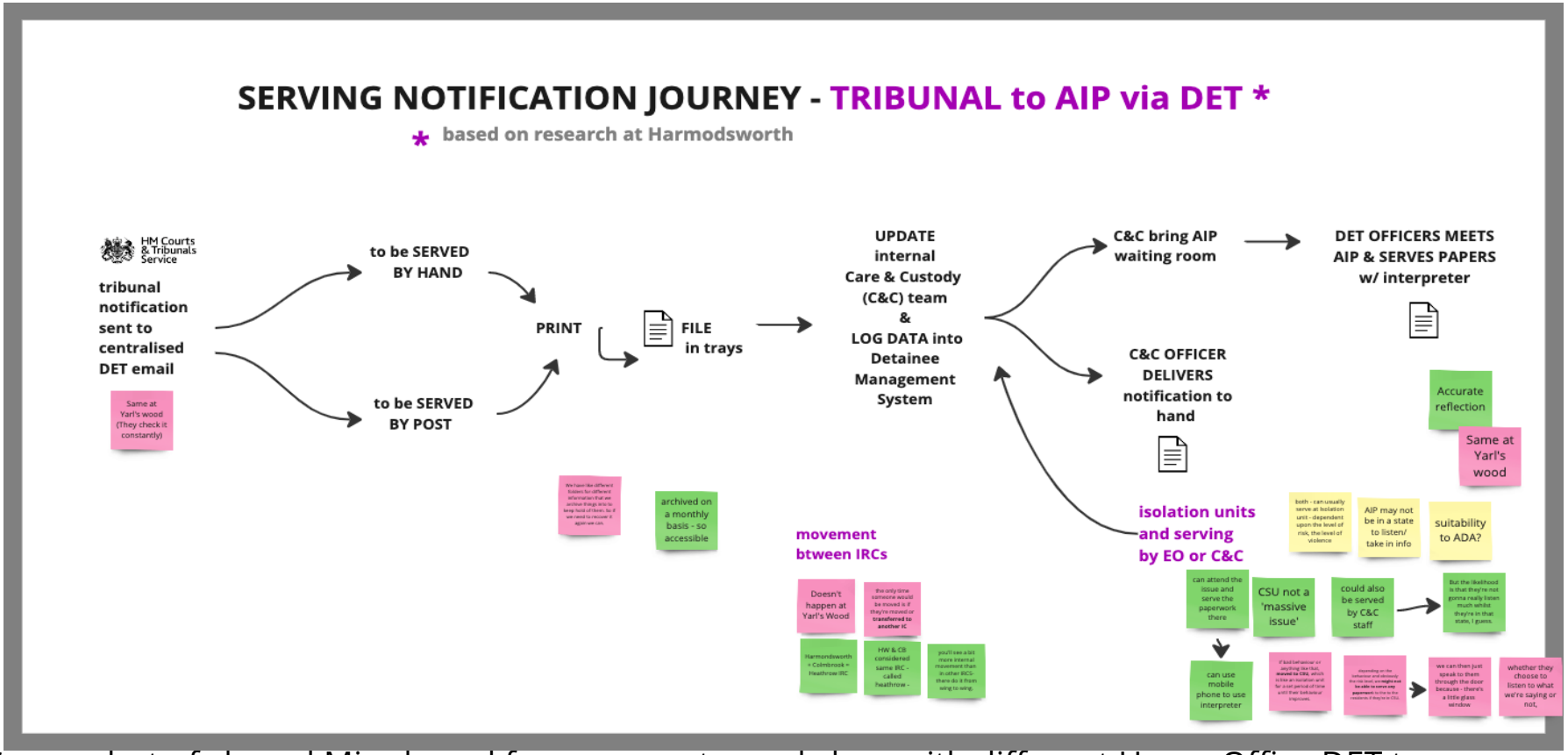


Issues identified were completely unexpected.

Justified a more resource-intensive dev solution but accommodated the processes of the DET team.

A reminder that there's no substitute for getting out into the field

Improved engagement with the DET team



Screenshot of shared Miro board from a remote workshop with different Home Office DET teams

Risk always a part of the design process, but delayed release introduces more complexity and therefore risk.

it's something that worries me because we've put so much effort into this.

But until you go live, you just don't know what works and what doesn’t – and there will be changes.



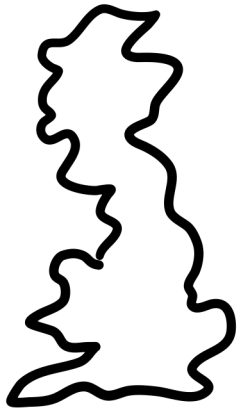
Ideas
Human Centred Design & Policy Design

Transform

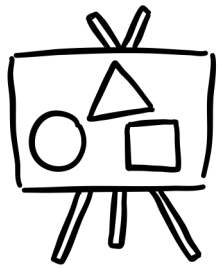
Though not designing policy, in designing public services human-centred design can impact emerging policy design, especially in dynamic policy areas

....within limitations! 

Since human centred design operates on both scales, micro and macro, our input and insights to decision makers, while echoing what some other stakeholders say, have added value in the policy design space







Our value-based design approach is about articulating shared and divergent perspective and, in this way, giving each stakeholder the sense that they can make a difference.

It's challenging, it's difficult.

Sometimes you think, ah, what's the point. But I absolutely love it. That's the truth of the matter. And I'll tell you why. Because we're separate to the Home Office. We're completely separate. What we're doing is we're giving the appellant a voice.

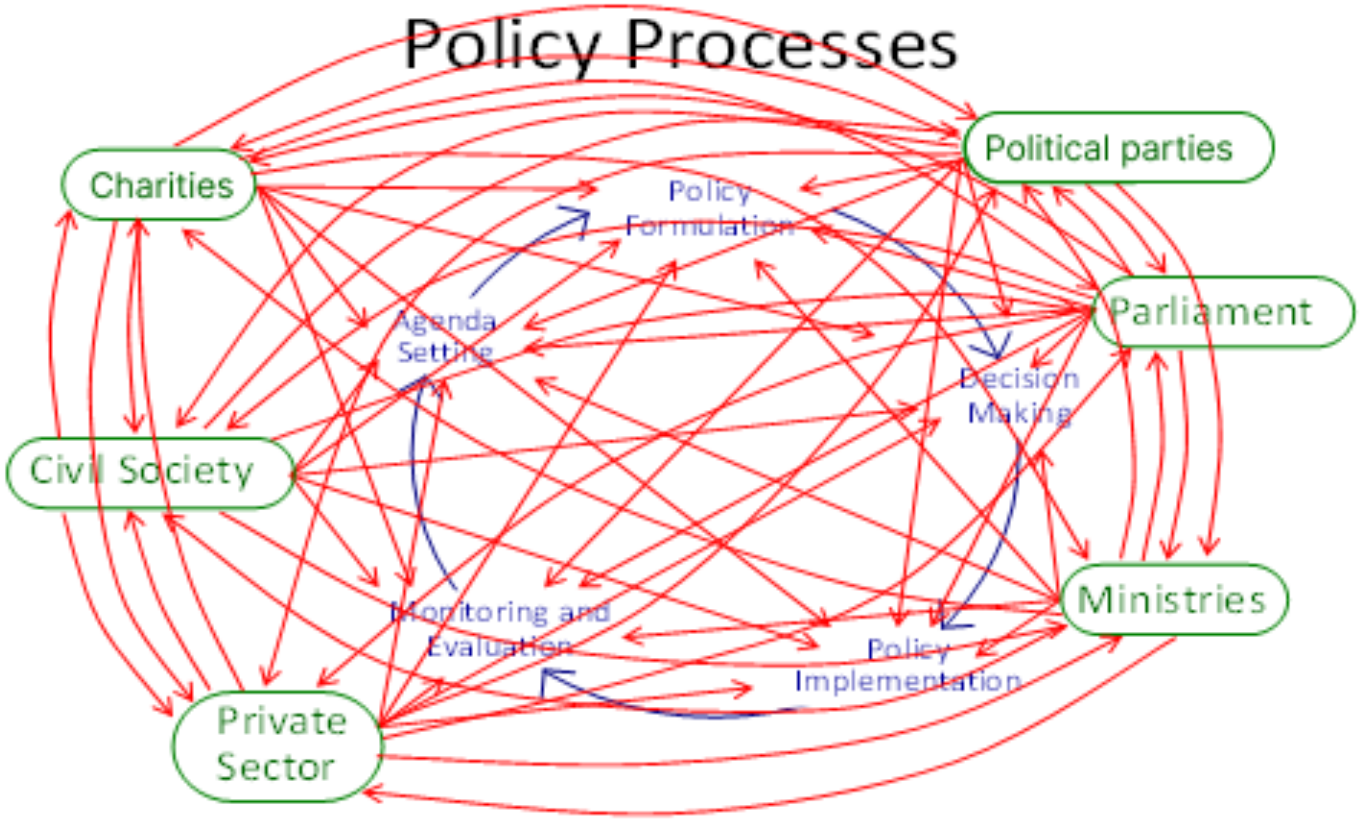


Thank you

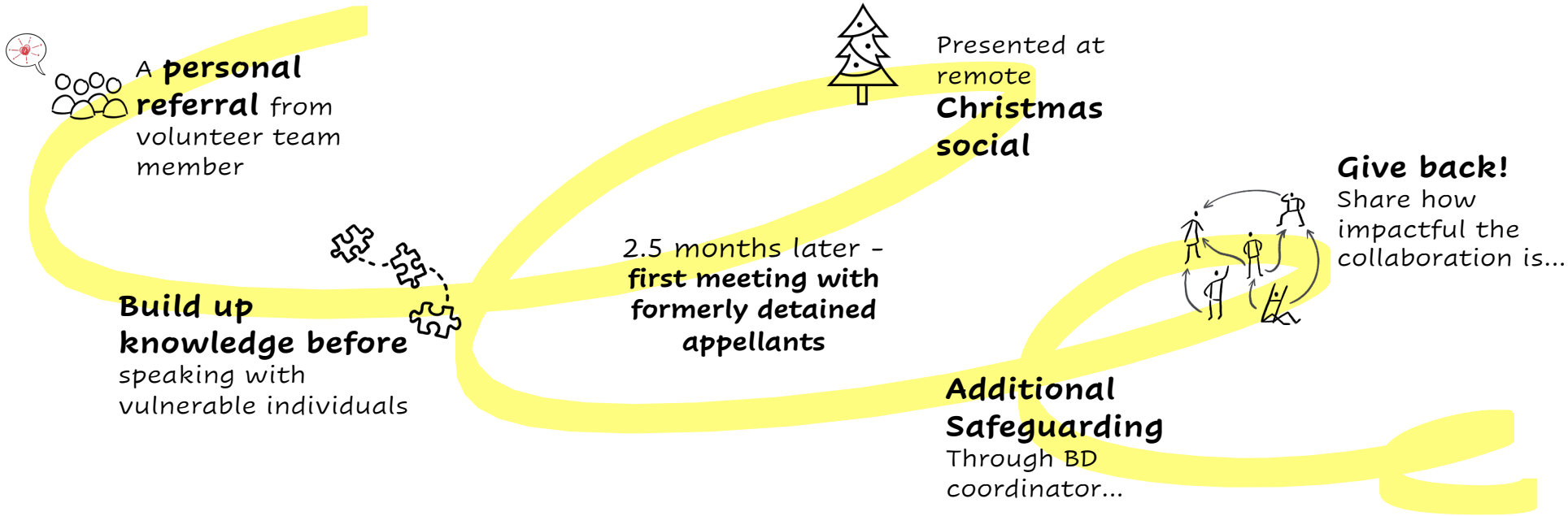
Value-based design is about making a difference each in their own way



Policy making is messy



The research process embodies the challenges to the service and to appellants and can be seen as a learning opportunity.



Engaging with previously detained appellants through deepening relationships with *Beyond Detention*