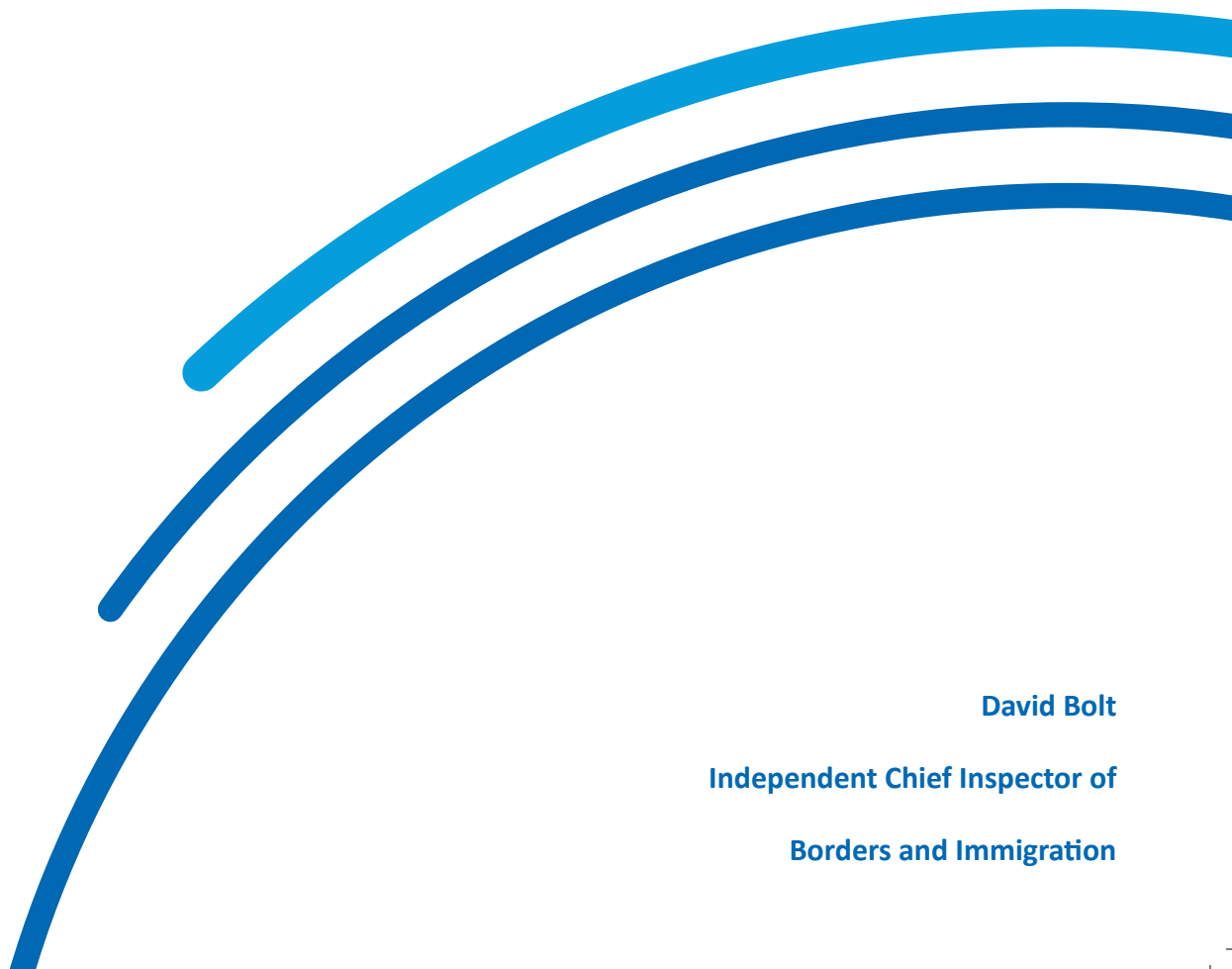




# An inspection of the Home Office's production and use of Country of Origin Information

April – August 2017



David Bolt

Independent Chief Inspector of  
Borders and Immigration



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**April – August 2017**

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

January 2018



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# Foreword

Country of Origin Information (COI) has a key role in asylum decision making. Guidance from the UN High Commissioner for Refugees (UNHCR) explains that knowledge of conditions in an applicant's country of origin is an important element in assessing their credibility and evaluating statements made by them, and ultimately in determining whether they qualify for protection under the 1951 Refugee Convention. The UK's Immigration Rules recognise this and refer to "reliable and up-to-date information" being made available to those responsible for examining applications and taking decisions.

The Home Office produces COI for this purpose, and Section 48 (2)(j) of the UK Borders Act 2007 ("the Act") places a responsibility on the Independent Chief Inspector to "consider and make recommendations about ... the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials".

The Independent Advisory Group on Country Information (IAGCI) is a panel of experts and practitioners, created in 2009 to assist the Independent Chief Inspector with this task by advising on the content and quality of COI products.

During 2016–17, I made changes to the way that reports from IAGCI are handled, bringing the final stages of the process into line with other inspections by sending reports, with my recommendations, to the Home Secretary for her to lay in Parliament. My aim was to ensure that this important area of the Inspectorate's work receives the same level of ministerial attention as other areas, and in that respect the new process has been successful.

The value of independent assurance through IAGCI of the information contained in specific COI products is recognised by the Home Office, and by stakeholders here and overseas. However, my responsibilities under the Act extend beyond IAGCI's reviews of COI content to the efficiency and effectiveness of the functions that produce and use COI. Consequently, in this inspection I looked to examine how COI products are commissioned, developed and disseminated, and how they are used, particularly within the asylum process, which was the subject of a parallel inspection.

The inspection found that COI producers (since 2014, the Country Policy and Information Team) had made some efforts to engage the main users of their products, and COI products had been made shorter and topic-specific as a result. But, much more needed to be done to create effective feedback loops, to understand and satisfy demand for specific COI, and to train asylum decision makers in how to use COI. With such a small team of COI producers, brigaded under a separate Director General from asylum caseworkers, it was difficult to see how this would be realised.

However, the inspection identified a more fundamental problem with COI, and one that requires urgent attention. In order to achieve the purpose set out by UNHCR and recognised in the Immigration Rules, COI must be not only "reliable and up-to-date", but must also be presented in a way that permits decision makers to reach their own objective judgements and decisions on individual applications. As currently constructed, the Home Office's COI products do not do this.



As their title implies, Country Policy and Information Notes (CPINs) combine country information and “Policy”. This is wrong in principle and, whatever the intention, the effect is to direct the user towards a predetermined outcome, particularly where a significant body of asylum decision makers are inexperienced, unfamiliar with COI, have insufficient time to master every detail, and are likely to interpret anything labelled “Policy” as something they are required to follow.

IAGCI will continue its programme of reviewing and advising on the content of specific COI products, and in doing so will undoubtedly add value by ensuring that information is as reliable, up-to-date and complete as possible. I will continue to send reports based on IAGCI’s work to the Home Secretary to ensure that COI receives the attention it merits.

However, while it persists with COI products that combine country information and “Policy”, produced by a team that has “Policy” in its title that sits in the Border, Immigration and Citizenship Policy and Strategy Directorate, any assurances I am able to give in relation to this area of the Home Office’s work must remain heavily qualified.

This report makes 7 recommendations, which include changes that if implemented would address my particular concerns. It was sent to the Home Secretary on 23 October 2017.

**David Bolt**

**Independent Chief Inspector of Borders and Immigration**

# 1. Purpose and Scope

- 1.1 This inspection examined the Home Office's production and use of Country of Origin Information (COI), looking at how COI products are commissioned, developed and disseminated, and at how they are used, particularly in the asylum process in interviewing, decision making, at appeal hearings, and when dealing with further submissions.
- 1.2 The inspection focused on:
- the commissioning process, including the timeline for COI products and updates and how demand is assessed
  - how the Home Office's Country Policy and Information Team (CPIT) develops COI products
  - product consistency and quality assurance
  - the distinction between country information and policy guidance
  - guidance for Home Office users and how they use it
  - views of external stakeholders
  - CPIT's collaboration with international counterparts and the latter's views of the Home Office product
- 1.3 This inspection excluded from scope:
- "Content and quality" of specific COI products, a number of which each year are reviewed by the Independent Advisory Group on Country Information (IAGCI)
  - Potential Victims of Modern Slavery (PVoMS), where COI is used in reasonable grounds and conclusive grounds decisions, as decision making in PVoMS cases will be covered in an inspection of the identification and treatment of PVoMS in the UK, planned for 2018-19
  - Statelessness; the lack of COI products has concerned stakeholders, but Home Office data records only a handful of cases in 2016-17<sup>1</sup>
  - gender bias, which was in scope for a parallel inspection of Asylum Casework<sup>2</sup>

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<sup>1</sup> Independent Chief Inspector's comment "The small number of claims recorded as by 'Stateless' individuals may be indicative of a broader problem with the Home Office's identification, categorisation and consideration of Statelessness. Subject to further research, this may form the basis of a separate short inspection."

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/662769/An\\_Inspection\\_of\\_Asylum\\_intake\\_and\\_casework.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf)

## 2. Methodology

### 2.1 Inspectors:

- on 24 April 2017, convened a meeting of stakeholders (attended by representatives from Amnesty International, Asylum Aid, Refugee Council, UK Lesbian & Gay Immigration Group, and UN High Commissioner for Refugees) to inform the scope of the inspection
- on 9 May 2017, visited CPIT at Apollo House, Croydon, for a familiarisation briefing by the Senior Management Team (SMT)
- on 11 May 2017, visited the Asylum Intake and Casework (AIC) unit at Lunar House, Croydon, for a familiarisation briefing and a walkthrough of the functions and processes of London and South East Asylum Operations
- on 7 June 2017, attended a meeting with the Immigration Law Practitioners' Association (ILPA) and some of its members
- on 9 June 2017, met the Asylum Research Consultancy
- on 15 June 2017, attended a meeting with immigration barristers specialising in asylum appeals, and later met with another barrister
- reviewed previous relevant reports and recommendations, including the ICIBI's 2011 report on 'The use of country of origin information in deciding asylum applications: a thematic inspection (October 2010 to May 2011)',<sup>3</sup> and the Home Affairs Committee (HAC) October 2013 report 'Asylum'<sup>4</sup>
- researched and analysed relevant open source material, including Home Office guidance to applicants, the 'Common European Union Guidelines for Processing Country of Origin Information (COI)', dated April 2008,<sup>5</sup> and the European Asylum Support Office's (EASO)<sup>6</sup> research guidelines, 'Country of Origin Information report methodology', dated July 2012<sup>7</sup>
- examined Home Office COI products, policies and staff guidance available on the Home Office intranet, and performance data and management information provided by the Home Office
- examined 143<sup>8</sup> Home Office case files from 4 'cohorts' of asylum claim, where a decision was made between 1 October 2016 and 31 March 2017:

54 claims from Iranians and Albanians<sup>9</sup>

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<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545935/Use-of-country-of-origin-information-in-deciding-asylum-applications\\_2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545935/Use-of-country-of-origin-information-in-deciding-asylum-applications_2011.pdf)

<sup>4</sup> <https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>

<sup>5</sup> [https://www.ecoi.net/blog/wp-content/uploads/2012/07/coi\\_common\\_guidelines-2008-04-en.pdf](https://www.ecoi.net/blog/wp-content/uploads/2012/07/coi_common_guidelines-2008-04-en.pdf)

<sup>6</sup> EASO is an agency of the European Union set up in 2011 to act as a centre of expertise on asylum matters and to contribute to the development of the Common European Asylum System by facilitating, coordinating and strengthening practical cooperation among Member States on the many aspects of asylum. For more information about EASO see <https://www.easo.europa.eu/about-us>

<sup>7</sup> [https://coi.easo.europa.eu/administration/easo/PLib/EASO\\_COI\\_Report\\_Methodology.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Methodology.pdf)

<sup>8</sup> Inspectors requested 150 asylum case files but, in 7 of the cases, the Home Office had refused the claims under the Dublin Convention as other EU countries had accepted responsibility for the asylum claimants. They contained no information relevant to COI and were deemed out of scope.

<sup>9</sup> Iranians and Albanians are consistently in the top 20 nationalities for asylum claims and there are multiple COI products for each country. As a Non-Suspensive Appeal (NSA) country, the Albanian cases do not routinely attract a right of appeal so they also allowed inspectors to assess the use of COI in that type of claim.

29 claims from a list of countries with mid to low levels of claims,<sup>10</sup> where the Home Office had no published COI reports<sup>11</sup>

30 claims from unaccompanied children seeking asylum

30 claims based fully or in part on sexual orientation or gender identity

- called for written evidence from a variety of stakeholders, including those who attended the initial scoping meeting, international legal representatives identified by ILPA, EASO, and 9 international producers of country of origin information
- visited the Specialist Appeals Team and Presenting Officers Unit at Fleetbank House, London to interview managers and staff
- observed 4 appeal hearings at the First Tier Tribunal at Taylor House and the Upper Tribunal at Field House
- visited Croydon and Liverpool to interview managers and staff from the Home Office's Asylum Intake and Casework and the Further Submissions Team
- visited CPIT and interviewed staff, managers and the Senior Civil Servant

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<sup>10</sup> Russian Federation, Lebanon, Philippines, South Africa and Morocco. At the time of sampling, there were no COI reports published on the Home Office intranet for any of these countries, but in July 2017 the Home Office published a report for South Africa.

<sup>11</sup> An outdated 2013 Operational Guidance Note for South Africa remained on the GOV.UK site, however CPIT confirmed that this was an oversight and needed to be removed. At the time of sampling, there were no reports published for these countries, however in July 2017 the Home Office published a report for South Africa.

## 3. Summary of conclusions

- 3.1 The UNHCR publication 'Handbook and guidelines on procedures and criteria for determining refugee status' makes it clear that anyone charged with deciding whether an individual claiming asylum has a well-founded fear of persecution should have a knowledge of the conditions in that individual's country of origin.
- 3.2 The Home Office aims to support decision makers with a range of country of origin (COI) products, containing "reliable and up-to-date information ... obtained from various sources",<sup>12</sup> the purpose of which is to promote consistency and links to the wider departmental objectives to "bear down on abuse across the immigration system".<sup>13</sup>
- 3.3 Since 2014, when the Home Office merged 2 functions performed by 2 separate teams,<sup>14</sup> the production and updating of COI products has been the responsibility of the Country Policy and Information Team (CPIT), part of the Borders Immigration Citizenship System (BICS) Policy and Strategy Directorate.
- 3.4 CPIT's main 'customer' is the Asylum Intake and Casework Unit (AIC), within UK Visas and Immigration (UKVI) Directorate, although there are other regular users of COI. Inside the Home Office, these are principally staff presenting the Home Office's case at asylum appeal hearings. Externally, there are many stakeholders, including those providing asylum claimants with advice, support and legal representation, and CPIT's international counterparts.
- 3.5 At the time of the merger and following an internal review, the new unit's headcount was reduced by one third (8 posts). The number of Home Office staff and others who rely on COI, the volumes of asylum claims and appeals, their variety and complexity, and the weight placed on COI, make it hard to see this as anything other than aggressive cost-cutting. The cancellation of subscriptions to specialist research websites appears to have had the same aim. As a result, the Home Office has saved approximately £360,000 a year on this function, however there has been no tracking of any knock-on costs that may have fallen elsewhere.
- 3.6 CPIT's size clearly affects its output. For its size, output is high. It looks to produce between 100 and 120 updated or new Country Policy and Information Notes (CPINs) a year and responds to around 1,000 requests from staff for specific information (Country of Origin Information Requests - COIRs), as well as fulfilling other functions, the demand for which senior management told inspectors was increasing.
- 3.7 Nonetheless, this is not enough to meet CPIT's own target of updating all CPINs when or before they are 2 years old, nor does it meet customer demand, as evidenced by the extent of largely unsupervised (and unknown to CPIT) research carried out independently by decision makers, unable to find the answers they need in existing COI products.

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<sup>12</sup> Extracted from the Immigration Rules part 11: asylum, Paragraph 339JA, accessed at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

<sup>13</sup> Taken from the business objectives of the Country Policy and Information Team (CPIT).

<sup>14</sup> The Country Specific Litigation Team (CSLT) was responsible for producing OGNs and advising on policy, and the separate Country of Origin Information Service (COIS) was responsible for producing COI reports and responding to requests from caseworkers for additional information.

- 3.8 The quality of this independent research is variable. The fact that, by accessing third-party websites, decision makers were finding and using COI that had been produced by the Home Office but had been removed from the intranet and the GOV.UK website because it was out of date, should be of particular concern.
- 3.9 CPIT's rationale for producing certain CPINs was not always clear, especially to external stakeholders, some of whom found it difficult to understand how and why some CPINs had been prioritised over other topics for which they saw a more pressing need.
- 3.10 Inspectors found limited evidence that claim trends were analysed to inform demand for COI. But, with no central flagging for types of asylum claim, CPIT staff would have to search laboriously through the electronic database of immigration records to find the relevant data. The planned transformation of UKVI's case records offered an opportunity to fill this knowledge gap, but CPIT had not tasked the transformation programme with any user requirements.
- 3.11 CPIT's current staff are unusual in the Home Office in terms of the length of time they have been doing the same work – the newest joiner started in February 2015. This is in stark contrast to their primary customers, asylum decision makers, over a third of whom had been in their role for less than a year at the time of this inspection.<sup>15</sup>
- 3.12 While this longevity is to CPIT's advantage overall, there are risks: for example, of an over-dependence on individuals and the creation of single points of failure; and of resistance to new thinking and new techniques. CPIT does not maintain a risk register, so inspectors could not examine whether these and other risks had been identified, assessed and effective mitigations put in place.
- 3.13 On the subject of risks, COI users identified a risk that CPIT's access to specialist medical information could be reduced or lost because of the rising costs of the MedCOI subscription service and the UK's planned departure from the EU. From the evidence provided to inspectors, if CPIT were to lose access to the MedCOI service it would impact heavily on those business areas dealing with Article 3 (Human Rights) claims. Such claims to remain in the UK based on the claimant's medical condition(s) can attract media attention, and poorly informed decisions could damage the Home Office's reputation, quite apart from any harm they may cause to the claimant.
- 3.14 A further risk concerned what stakeholders (including legal practitioners) saw as a failure to learn from litigation, and in particular to respond quickly to Tribunal determinations. More generally on legal matters, inspectors identified that CPIT did not always accept advice from Home Office Legal Advisers (HOLA) that the legal position as set out in a draft CPIN needed clearer explanation, or that the country information was not reflected accurately.
- 3.15 Inspectors found that CPIT was not aware of the levels of inexperience within AIC, or the risks that this, and inadequate training, posed to the understanding and correct use of COI products. This also affected CPIT's own understanding of demand, which in part relied on intelligent customer feedback (of which inspectors could find little evidence beyond the CPIT-chaired Quarterly Steering Group meetings).
- 3.16 CPIT's expectations of COI users are set out in the standard "Preface" to CPINs, its principal COI product. This states that "Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance

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<sup>15</sup> The parallel inspection of Asylum Intake and Casework (AIC) established that in July 2016 it had 228 "active" decision makers. By March 2017, after recruiting to fill vacancies, the number had risen to 352.

contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.” This does not match the reality.

- 3.17 To its credit, CPIT had listened to its customers regarding the length and encyclopaedic nature of previous COI products, and CPINs are shorter and focus on specific topics. However, inspectors found that time pressures, inexperience, lack of training in the use of COI, plus the force of the term “policy”, implying as it does a requirement to comply, were leading asylum decision makers and other users to turn straight to the “Policy guidance” section of the CPIN. From interviews and focus groups, it appeared that few went on to read much of the later, longer and more nuanced, “Country information” section.
- 3.18 CPIT sees itself as both a research and a policy unit. Staff have received some research training, but most are not formally trained in policy development.<sup>16</sup> In any event, the inclusion of “Policy guidance” in a COI product is contentious, including among CPIT’s international counterparts, who pointed inspectors to the EU guidelines for processing COI and European Asylum Support Office (EASO) research guidelines,<sup>17</sup> both of which caution against combining policy guidance and country information in the same document.
- 3.19 Inspectors saw no evidence that what was included in the “Policy guidance” section of CPINs, and particularly under the heading “Policy summary”, had been seen and signed off by ministers, and was therefore government policy, except where it stated whether the country in question was “designated”.<sup>18</sup> CPIN sign off was either by the Grade 7 Head of Unit or by the Senior Civil Servant (SCS) lead for CPIT.
- 3.20 Government policy in relation to asylum decision making is that the UK will comply with the 1951 UN Convention. The “Policy guidance” section of the CPIN, meanwhile, represents the Home Office’s position in relation to risk on return, internal relocations, the availability of state protection, and other considerations. In setting out this position by reference to selected country information the Home Office is going against internationally recognised guidelines.
- 3.21 Inspectors looked at the internal and external pre-publication quality assurance processes for CPINs, and at the post-publication review process delivered by the Independent Advisory Group on Country Information (IAGCI).<sup>19</sup> Each of these assurance mechanisms has its limitations, which are explained in detail in the body of this report, but in essence boil down to capacity and authority.
- 3.22 Ultimately, CPIT decides for itself what recommendations for additions, deletions or amendments to a CPIN it accepts, and in the case of IAGCI recommendations when it will make any changes.
- 3.23 This has resulted in some difficult exchanges with IAGCI, particularly where CPIT has rejected certain sources of information because it has not felt able to corroborate them, for example foreign language sources and internet-based social media. While quoting uncorroborated sources carries risks, inspectors found that CPIT’s approach was uneven. For example, they found some sources that supported the position taken in the “Policy guidance” not prefaced with any qualifying adjective or phrase, whereas sources of contrary information could be labelled “unconfirmed” or followed by “but no other sources were available to support this”.

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<sup>16</sup> At the time of the inspection, only the Head of Unit and the 2 Team Managers had been formally trained in policy development.

<sup>17</sup> ‘Common EU [European Union] Guidelines for Processing Country of Origin Information (COI)’, dated April 2008, and the European Asylum Support Office’s (EASO) research guidelines, ‘Country of Origin Information report methodology’, dated July 2012. The Home Office contributed to the development of the EASO guidelines.

<sup>18</sup> Claims from certain countries are certified to be “clearly unfounded” under Section 94 of the Nationality, Immigration and Asylum Act 2002 and individuals may appeal only after their removal from the UK.

<sup>19</sup> The IAGCI supports the Independent Chief Inspector of Borders and Immigration in discharging his responsibilities under Section 48(2)(j) of the UK Borders Act 2007.

- 3.24 Both Home Office users and external stakeholders had difficulties with aspects of CPIT’s methodology for researching and reporting information, not least that it was opaque in places, for example CPINs did not include “Terms of Reference” as recommended by international guidelines, and did not appear to follow CPIT’s own internal guidelines. CPIT’s international counterparts were particularly critical of CPIT’s failure to adhere to EU and EASO guidelines, despite one of its pre-merger teams having contributed to the creation of the latter.
- 3.25 CPINs refer to COI having been researched “in accordance with principles set out in” these guidelines, a change from the previous rubric which was “with reference to”. It was unclear to inspectors whether this signalled a change in CPIT’s methodology (towards closer adherence to EU and EASO guidelines), but inspectors found that, in practice, CPIT chooses which guidelines to apply and how, rather than following any to the letter, and without explanation of why it is necessary to deviate from them.
- 3.26 The inspection looked at CPIT’s preparation for fact-finding missions. Inspectors were told that CPIT had held an in-house workshop on fact-finding missions, but that managers felt that staff were already equipped with the skills to undertake missions as these were similar to those required for producing COI. Most of the funding for fact-finding missions had been secured from the EU’s Asylum, Migration and Integration Fund (AMIF). CPIT planned to bid for further funding in October 2017.<sup>20</sup> It was not in a position to know how the UK’s planned exit from the EU might affect the bid or future funding arrangements; however, inspectors did not find evidence of any contingency planning or of the matter having been raised at a more senior level.

## Overall

- 3.27 Under the current Head of Unit, CPIT has increased its engagement with the users of its products. However, there is still much more for it to do in this regard, in particular (with AIC) to train asylum decision makers in the use of COI, to create effective feedback loops, to understand and satisfy demand for specific COI, and thereby reduce the need for independent research with all of its pitfalls. At its current size, and organisationally divorced from its principal customers, it is difficult to see how CPIT can achieve this, and become the “one stop shop” for COI that it aspires to be.
- 3.28 More urgently, the Home Office needs to examine whether the current format and contents of CPINs are consistent with the UK’s obligations to refugees in relation to COI material.<sup>21</sup> This inspection identified a number of areas where CPINs deviate from international guidelines for COI research and products, and, as a first step, the Home Office needs to demonstrate that these deviations are necessary and justified and that its own methodology is sound.

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<sup>20</sup> By the time of writing, CPIT had successfully bid for funding for a new project.

<sup>21</sup> As outlined in Part 1 of the United Nations High Commissioner for Refugees’ (UNHCR) ‘Handbook and guidelines on procedures and criteria for determining refugee status’ and Paragraph 339JA of the UK’s Immigration Rules. See chapter 5 of this report for further context.



## 4. Recommendations

### The Home Office should:

1. Adhere to the European Asylum Support Office (EASO) Methodology for Country of Origin Information (COI) products, or publish (on GOV.UK) its own methodology with a clear explanation of where this deviates from EASO and why (in either case, putting an immediate stop to the inappropriate use of the description “policy” in its COI products).
2. Move (and rename) the Country Policy and Information Team (CPIT) under the management of UK Visas and Immigration Directorate (UKVI), so that it is better aligned with its principal Home Office ‘customers’ (better able to understand and meet their needs, including for particular COI, for training in understanding and using of COI, and in when and how to conduct independent research).
3. Carry out a thorough and open needs analysis for Country of Origin Information (COI), involving both Home Office ‘customers’ and external stakeholders, and use the results to ‘right-size’ CPIT and resource it appropriately, and to establish effective ongoing feedback mechanisms.
4. Review the user requirements for the UK Visas and Immigration (UKVI) “transformation programme” and ensure that these capture the data needs of CPIT, including asylum nationality and basis of claim.
5. Review, formalise and seek ministerial approval for the use of an external consultancy to provide quality assurance of draft Country of Origin Information (COI) products.
6. Explore with UNHCR whether a marker can be attached to CPIT’s superseded Country of Origin Information (COI) products on Refworld.org to show that there is a more up to date product on GOV.UK.
7. Produce and maintain a risk register covering Country of Origin Information (COI) production and use.

## 5. Background

### Refugee status and the requirement for country information

5.1 The 1951 Refugee Convention defined a refugee as any person who:

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

5.2 The UN High Commissioner for Refugees (UNHCR) has produced a ‘Handbook and guidelines on procedures and criteria for determining refugee status’.<sup>22</sup> These “are intended to guide government officials, judges, practitioners, as well as UNHCR staff applying the refugee definition.”

5.3 Part 1 of the Handbook refers to the need to take both “subjective” and “objective” elements into consideration when determining whether an individual’s fear of persecution is “well-founded”. The subjective element refers to the individual’s state of mind.

5.4 Regarding the objective element, the Handbook states:

“it is necessary to evaluate the statements made by the applicant. The competent authorities that are called upon to determine refugee status are not required to pass judgement on conditions in the applicant’s country of origin. The applicant’s statements cannot, however, be considered in the abstract, and must be viewed in the context of the relevant background situation. Knowledge of conditions in the applicant’s country of origin – while not a primary objective – is an important element in assessing the applicant’s credibility. In general, the applicant’s fear should be considered well-founded if he can establish, to a reasonable degree, that his continued stay in his country of origin has become intolerable to him for the reasons stated in the definition, or would for the same reasons be intolerable if he returned there.”

5.5 Except where an individual poses a threat to national security or is a convicted serious criminal, the 1951 Refugee Convention prohibits the expulsion or return (“refoulement”) of a refugee:

“in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” (Article 33)

5.6 It follows that, in order to assess the merits of an application for refugee status and, in particular, when considering the enforced return to their country of origin of an asylum seeker whose claim has been refused, the Home Office requires up-to-date and accurate information about the conditions in the country concerned. This information may also be relevant to other immigration decisions.

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<sup>22</sup> <http://www.unhcr.org/uk/publications/legal/3d58e13b4/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html>

5.7 This requirement is recognised in the UK's Immigration Rules:

“Reliable and up-to-date information shall be obtained from various sources as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited. Such information shall be made available to the personnel responsible for examining applications and taking decisions and may be provided to them in the form of a consolidated country information report.”<sup>23</sup>

## Home Office responsibilities for country information and policy

### 1997: creation of the Country Information and Policy Unit

5.8 Prior to 1997, there was no single Home Office unit responsible for producing country of origin information (COI). Instead, individual casework teams collected information relevant to their work and developed practice in relation to particular categories of claimants within the overall framework of asylum policies in place at that time. Any country-specific asylum policies that may have existed were not set down in discrete guidance documents.

5.9 In 1997, the Home Office established the Country Information and Policy Unit (CIPU), with the aim of providing asylum decision makers with accurate and balanced country information, against which individual asylum claims could be assessed, plus advice on the development of country-specific asylum policies.

5.10 Twice a year, CIPU produced ‘COI Reports’ on the 35<sup>24</sup> countries generating the largest number of UK asylum claims. The Reports focused on the main issues most likely to arise in the asylum determination process, and comprised “factual information ... compiled from a wide variety of independent, reliable and well-recognised sources”.<sup>25</sup> CIPU also produced ad hoc ‘COI Bulletins’ to cover significant events that occurred between Reports.

5.11 Initially, CIPU's ‘policy’ role was concerned primarily with advising ministers regarding blanket country exceptional leave to remain (ELR) policies,<sup>26</sup> put in place in respect of countries where the human rights and humanitarian situation was generally very poor and a substantial majority of claimants clearly qualified for asylum or other forms of protection. CIPU did not formulate “more detailed country-specific policies, such as whether and in what circumstances internal relocation arguments should be deployed in relation to applicants from a specific country or in a specific group.”<sup>27</sup>

### 2000: introduction of Operational Guidance Notes

5.12 In 2000, the Home Office introduced Operational Guidance Notes (OGNs). These “provided an evaluation of the relevant country information and applied that together with general asylum policy and caselaw, to provide Home Office caseworkers and presenting officers with clear guidance on how to deal with the main categories of asylum and human rights claims received from applicants from the country concerned.”

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23 Immigration Rules part 11: asylum, Paragraph 339JA, accessed at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

24 From 2004, this became the top 20.

25 From the narrative history of COI function provided by the Home Office.

26 Where such country policies existed, asylum seekers whose claims had been refused (subject to them having no criminal convictions or other countervailing factors) were automatically granted Exceptional Leave to Remain (ELR).

27 From the narrative history of COI function provided by the Home Office.

- 5.13 OGNs were intended to supplement, not replace, other information, guidance and policy instructions and to “ensure the consistent interpretation of the known country information” and thereby contribute to the quality and consistency of decision making.

#### **2004: separation of COI and policy**

- 5.14 In 2003, the Home Office Research, Development and Statistics Directorate (RDS) produced a report entitled ‘Country of origin information: a user and content evaluation’. The report, which updated research carried out in 2001, made 32 recommendations, including making a clear separation between COI and policy and guidance:

“Responsibility for production of OGNs, standard paragraphs and bulletins containing updates on countries specific policies should be given to those tasked with policy development. Responsibility for the writing of country assessments and bulletins containing factual updates of country conditions should be given to those tasked with the provision of accurate and objective COI.”

- 5.15 In 2004, the Home Office split the 2 functions, replacing CIPU with the Country Specific Litigation Team (CSLT), responsible for producing OGNs and advising on policy, and a separate Country of Origin Information Service (COIS), responsible for producing COI reports and responding to requests from caseworkers for additional information.

#### **2014: creation of the Country Policy and Information Team**

- 5.16 In 2014, following a wider restructuring within the Home Office and a review of the 2 teams, CSLT and COIS were once again merged and became the Country Policy and Information Team (CPIT).<sup>28</sup> Staff numbers were reduced from 23 to 15, and CPIT’s management structure was one Grade 7 and 2 Senior Executive Officers (SEO), where COIS and CSLT had each had a Grade 7 and 2 SEOs. This saved the Home Office approximately one third of a million pounds a year in operating costs.

#### **2014-2016: changes to COI products**

- 5.17 Later in 2014, CPIT rationalised the OGNs and COI Reports into a single document, referred to as ‘Country Information and Guidance (CIG) reports’. These included both policy and COI sections.
- 5.18 In 2016, following judicial criticism that the name ‘Country Information and Guidance’ might be confused with Country Guidance determinations,<sup>29</sup> CPIT’s reports were renamed ‘Country Policy and Information Notes’ (CPIN).

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<sup>28</sup> At the time of this inspection, CPIT sat within the Home Office’s ‘Borders Immigration Citizenship System (BICS) Policy and Strategy Directorate’.

<sup>29</sup> Country Guidance determinations are judicial findings on the risk on return to a specific country. They become binding for future asylum appeals relating to that country, unless the country guidance is superseded or is shown not to be applicable to a specific asylum claim.

## 6. Inspection findings – previous evaluations and inspections

### 2003: Internal Home Office evaluation

- 6.1 By the time the 2003 RDS report was completed, some of its recommendations had already been implemented, notably the creation of an Independent Advisory Panel<sup>30</sup> “to provide advice on the content of country information provided by the Home Office” and “a structured mechanism for ongoing public consultation with external stakeholders”.
- 6.2 However, some of the core concerns identified in the RDS report regarding the production of COI were not so readily resolved. In particular, 2 recurred in this inspection. Firstly, whether the COI function is adequately resourced and whether staff producing COI reports receive the appropriate training. Secondly, whether the dual role of producing country information and developing and advising on policy constitutes a ‘conflict of interest’ and compromises the objectivity of the COI, in reality or in people’s perception.
- 6.3 The RDS report also noted concerns about the use made of COI. While the format, content and, not least, the length of COI products has changed since 2003, the underlying concerns raised in the RDS report remain. Do staff have time to consult COI at the interview, decision and appeal stages of the asylum determination process? Is there sufficient training in the use of COI products? Is there effective feedback from caseworkers to COI producers about the usefulness of COI?

### 2009: Role of the Chief Inspector

- 6.4 The role and remit of the Chief Inspector were set out in the UK Borders Act 2007. In relation to COI, the Act specified that:

“... the Chief Inspector shall consider and make recommendations about—

the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials”.<sup>31</sup>
- 6.5 From 2009, the Chief Inspector assumed responsibility for the functions of the Independent Advisory Committee, which was reconstituted as the ‘Independent Advisory Group on Country Information (IAGCI)’.<sup>32</sup> Since its creation in 2009, IAGCI has continued to meet 2 or 3 times a year to review selected COI products and make recommendations to the Home Office regarding their content and quality.

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<sup>30</sup> This was formed in 2013 and took the title ‘Independent Advisory Committee’.

<sup>31</sup> UK Borders Act 2007, S.48(2)(j).

<sup>32</sup> A detailed explanation of how the IAGCI works, its membership, plus the minutes of its meetings can be found on the Inspectorate website [www.gov.uk/icibi](http://www.gov.uk/icibi)

## 2011: ICIBI Report

- 6.6 In July 2011, the Chief Inspector reported on the use of COI.<sup>33</sup> The report, 'The use of country of origin information in deciding asylum applications: a thematic inspection' (October 2010 to May 2011), focused on the quality and consistency of asylum decisions and examined the use of Home Office COI and of other sources of country information.
- 6.7 The inspection highlighted that separate policy documents, known as Operational Guidance Notes (OGNs), quoted country information selectively and this provided inconsistent information to case owners. It found that some caseworkers used OGNs as the primary source of country information, rather than referring to the country report or other available sources.
- 6.8 The inspection report also raised concerns regarding the coverage of COI products, particularly for Non-Suspensive Appeal (NSA) countries,<sup>34</sup> and sampling of files identified poor practice when quoting COI in refusal letters, including where its relevance was "at best, tangential" to the substance of the asylum claim.
- 6.9 The inspection's 12 recommendations and the UK Border Agency (UKBA)<sup>35</sup> responses are set out in full at Annex A. UKBA accepted 9 recommendations and partially accepted 2 others.
- 6.10 UKBA rejected Recommendation 1, which read "We recommend that the UK Border Agency removes country of origin information from policy documents". In rejecting this recommendation, UKBA argued:

"Without the inclusion of relevant country information, OGNs would be far less effective in supporting caseowners to reach high quality decisions and simply a set of assertions without any evidence base or context. This also assists transparency. It enables the applicant and their legal representatives to have a clear view from the published OGN of the weight we are putting on elements of country information and how we are guiding caseowners in the use of Country of Origin Information."

- 6.11 The inspection report had included a quotation from the Immigration Law Practitioners' Association (ILPA):

"We maintain the view that Operational Guidance Notes constitute country information because of the way they are used by Home Office representatives in court and the fact that they actually contain country information. [There is] the tendency to dress policy as information."

- 6.12 UKBA's published response to the report sought to counter this challenge:

"Rather than present or, 'dress country information as policy', the country of origin information is very clearly sourced as such and is separated from, for example, caselaw, which is also cited in the documents, and the conclusions which provide case owners with guidance on the handling of the particular category of claim concerned."

<sup>33</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/UK-Border-Agency-response-to-the-country-of-origin-information-report.pdf>

<sup>34</sup> Claims from certain countries are certified to be "clearly unfounded" under Section 94 of the Nationality, Immigration and Asylum Act 2002 and individuals may appeal against that decision only after their removal from UK.

<sup>35</sup> UKBA was dissolved on 1 April 2013 and UKVI became responsible for COI.

## 2013: Home Affairs Committee – Seventh Report – Asylum

- 6.13 In its October 2013 report ‘Asylum’, the Parliamentary Home Affairs Committee (HAC) looked at ‘Country of Origin information and Country Policy Bulletins’. HAC referred to the Inspectorate’s 2011 report and stated that 2 issues highlighted in the report had been repeatedly raised by witnesses<sup>36</sup> to its enquiry: the selective use of COI to support the case for refusing asylum; and, the inconsistency between COI, OGNs and sources of information which case owners might identify for themselves.
- 6.14 HAC was concerned that “the sporadic nature” of OGNs and Country Policy Bulletins meant they may not contain the most up-to-date information or reflect the latest UNHCR guidelines, citing examples of this, and the fact that the latter had led to an adverse Upper Tribunal judgement.
- 6.15 Noting that ministers were in the process of reviewing where the Country of Origin Information Service (COIS) and the Country Specific Litigation Team (CSLT) ought to sit following the reintegration of the UK Border Agency’s functions into the Home Office, HAC recommended:
- “improved integration of country of origin information provision and the country specific litigation team within the Home Office. Where possible, a particular individual should review all new guidance relating to the same country before it is issued.”
- 6.16 The Home Office accepted this recommendation, stating:
- “We are considering how to ensure that the work on country information and country policy is aligned to provide readily accessible, up to date guidance that supports caseworkers in making the right decision. We aim to be able to produce and test guidance in a new format next year.”<sup>37</sup>
- 6.17 The outcome of the review of COIS and CSLT was the merger of the 2 into one unit, the Country Policy and Information Team (CPIT), in order to:
- “promote greater coherence between the guidance the Home Office provided to caseworkers (primarily through the use of Operational Guidance Notes (OGNs)) and the country of origin information which informed and underpinned it”.<sup>38</sup>
- 6.18 With this move, the Home Office addressed the HAC’s recommendation about improved integration of COI and OGN production. However, in doing so it raised further concerns about its ability to keep country information and Home Office policy distinct, particularly with far fewer staff and a unitary management structure following the merger.

## 2013 – 2016: References to COI use in ICIBI Reports

- 6.19 Between 2013 and 2015, 3 ICIBI inspections touched on the use of COI for particular cohorts of asylum claimants, but none made any recommendations relevant to its production.

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<sup>36</sup> The report cited Asylum Aid, Women for Refugee Women, the Refugee Council and the Law Society, Freedom from Torture and Justice First, alongside the Independent Chief Inspector.

<sup>37</sup> Government response to the seventh report from the Home Affairs Committee session 2013-14 HC71, December 2013.

<sup>38</sup> From the narrative history of COI function provided by Home Office.

- 6.20 ‘An inspection into the Handling of Asylum Applications Made by Unaccompanied Children’,<sup>39</sup> published in October 2013, found that child-specific COI was used in 52% of the cases that were sampled, but, while identifying that COI would not have been relevant in every case, “usage could have been higher”.
- 6.21 ‘An Investigation into the Home Office’s Handling of Asylum Claims Made on the Grounds of Sexual Orientation (March – June 2014)’, which was published in October 2014, found that COI was used in over three quarters of decisions, but that staff felt that available COI “did not provide comprehensive coverage of sexual orientation issues”.
- 6.22 ‘An Inspection of Asylum Casework (March – July 2015)’,<sup>40</sup> published in February 2016, identified examples of decision makers not following the published guidance on using COI in asylum decision letters.

### 2016-17: Recommendations from IAGCI covering reports

- 6.23 In 2016, the reporting arrangements for IAGCI’s reviews were brought into line with the arrangements for other inspections. Previously, the final stage of the IAGCI process involved the IAGCI chair sending a covering report to the Director of Immigration and Border Policy (to whom CPIT reports) and the Director responding by letter to the Independent Chief Inspector. The individual reviews and CPIT’s responses were then published on the ICIBI website.
- 6.24 Since May 2016, after each IAGCI meeting, the Independent Chief Inspector has produced a covering report of his findings and recommendations for process improvements based on that round of IAGCI reviews, and sent this to the Home Secretary, attaching the IAGCI reviews and CPIT responses. These reports are then laid in Parliament in the same way as all other inspection reports.
- 6.25 There were 3 meetings of IAGCI in 2016-17. The 3 covering reports contained a total of 13 recommendations, of which 12 were accepted and 1 rejected. A full list of recommendations and Home Office responses is at Annex B.
- 6.26 Of the 13 recommendations, 2 related specifically to the need to distinguish more clearly between objective information about the conditions in particular countries and the Home Office’s policy (or “guidance”) on the treatment of claims.
- 6.27 The May 2016 report recommended:
- “The Home Office (Country Policy and Information Team) should structure the guidance section of its Country Information and Guidance reports in order to distinguish more clearly between the guidance provided to decision makers and the information about country conditions on which the guidance is based, responding in full to any IAGCI recommendations concerning the latter.”
- 6.28 The Home Office accepted this recommendation, and responded:
- “Whilst the ICI’s report states that “the question of what is ‘policy’ is moot”, the Home Office believes that it is an important distinction to maintain.

<sup>39</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/546850/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-Oct\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/546850/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-Oct_2013.pdf)

<sup>40</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2016/02/ICIBI-Asylum-Report-Feb-2016.pdf>



Although the Home Office believes that distinction between what is policy/guidance and what is country of origin information is already clear – ostensibly through 2 clearly headed sections in CIGs: one entitled ‘Guidance’ and one entitled ‘Country Information’ – on occasions, CIGs may have directly quoted material from the COI section in the guidance section and therefore blurred this distinction.

We agree that we should keep COI out of the guidance section, other than where it is necessary to provide context.”

6.29 The March 2017 report recommended:

“The Home Office should distinguish more clearly between what is country information and what is policy in the “Guidance” section of its Country Policy and Information Notes (CPINs).<sup>41</sup> In particular, the “Policy Summary” should not make selective use of country information to validate a policy position on the likely strength of asylum or humanitarian claims.”

6.30 The Home Office accepted this recommendation, but in doing so commented:

“We believe we already comply with this recommendation, though we reject the assertion that we make selective use of country information to validate a policy position. The policy conclusions are based on the evidence (i.e. the country information); not the other way round. This is formed only after evaluating the evidence in its entirety.”

6.31 This confuses process with product. Whether or not the policy conclusions are based on an evaluation of “the evidence in its entirety”, what appears in the “Policy Summary” is self-evidently a selection of the country information contained in the CPIN (the country information is typically 10 to 20 pages, while the “Policy Summary” is typically 5 or 6 short paragraphs). All of the selected information points to the policy conclusions, and therefore has the effect of validating them, while the importance of the de-selected information is inevitably diminished, regardless of what is intended.

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<sup>41</sup> NB transition from COI and OGN to CIG and then to CPIN..

# 7. Inspection findings – Country Policy and Information Team

## Country Policy and Information Team’s Purpose

- 7.1 In August 2017, the Country Policy and Information Team (CPIT) advertised a Senior Executive Officer (SEO) “Team Manager” vacancy on the Civil Service Jobs website. In it, CPIT described its purpose as “to support high quality and consistent decision making on asylum and other immigration applications by providing relevant and up-to-date country information; evaluating and assessing country evidence; applying the relevant policy and legal framework; and explaining (often complex issues) clearly and concisely”.
- 7.2 CPIT’s business objectives seek to “bear down on abuse across the immigration system”.<sup>42</sup> Its managers told inspectors that the key aim of the team is to “ensure consistency in asylum decision making”. Replacing separately produced and issued Operational Guidance Notes (OGNs) and Country of Origin Information Reports with single Country Policy and Information Notes (CPINs) was seen as an important step towards achieving this, as “you cannot get consistency in decisions without providing guidance on outcome”.
- 7.3 A key aim of the 2014 merger of CSLT and COIS to form CPIT was “to create a web-based “country portal” made up of smaller units of guidance and information, so that it can be updated promptly as and when new information or case law is published”.<sup>43</sup>
- 7.4 At the time of the inspection, CPINs were accessible to Home Office users via the internal intranet, and to external users, such as asylum claimants, legal practitioners, and other (international) COI-producing agencies, on GOV.UK.

## CPIT’s Home Office “customers”

- 7.5 CPIT told inspectors that the primary Home Office “customers” for its products were decision makers in the Asylum Intake and Casework unit (AIC), part of UK Visas and Immigration (UKVI).
- 7.6 UKVI’s ‘Business Plan 2016-20’ stresses the importance of consistency. UKVI’s aim is to be “consistently competent”, and its Business Plan refers to “failure to make safe and secure decisions through inconsistent guidance” as a key strategic risk. Therefore, CPIT’s purpose and key aim are entirely in line with UKVI’s priorities.

## CPIT staff resources

- 7.7 As at May 2017, CPIT had the following staff in post – see Figure 1.

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<sup>42</sup> The CPIT Business Plan 2016-17, an internal Home Office document.

<sup>43</sup> Country of Origin Information Service (COIS) and Country Specific Litigation Team (CSLT) Review Submission, dated 11 December 2013, an internal Home Office document.

**Figure 1: CPIT staff in post as at May 2017**

Grade	Number	Full-Time Equivalents (FTEs) <sup>44</sup>	Role
Grade 7	1	0.89	Head of Unit
Senior Executive Officer (SEO)	2	2.0	Team Manager
Higher Executive Officer (HEO)	5	3.7	Country Manager
Higher Executive Officer (HEO)	1	1.0	Asylum Migration and Integration Fund Project Manager <sup>45</sup>
Executive Officer (EO)	6	5.73	Country Officer
Executive Officer (EO)	2	0.8	Intern (employed by the Home Office on fixed-term contracts)
<b>Total</b>	<b>17</b>	<b>14.12</b>	

- 7.8 The Country Managers and Country Officers are formed into teams consisting of at least a Country Manager and Country Officer. These teams are responsible for drafting COI products for a geographical area. For example, a 2 person team is responsible for Iran, Iraq, Syria and Yemen (as at September 2017, a total of 27 CIGs and CPINs), while a 3 person team drafts reports for Afghanistan, Bangladesh, Burma, China, India, Jamaica, North Korea, South Korea, Pakistan, Sri Lanka and Vietnam (as at September 2017, a total of 54 CIGs and CPINs).

## Staff turnover

- 7.9 At the time of the inspection, CPIT staff were all long-serving by comparison with staff in most other Home Office units. The newest joiner started in February 2015, and some staff members had been in their posts for over 10 years, having originally joined CSLT or COIS (or CIPU). By contrast, UKVI has suffered from a high turnover of asylum decision makers, particularly in 2016-17, which has adversely affected its performance in terms of both decision quality and output.<sup>46</sup>

## Training

- 7.10 The CPIT staff began their Home Office careers as generalists, not as accredited researchers. The longer-serving Country Officers told inspectors that they had completed the ACCORD<sup>47</sup> training on COI and had been to Dublin in 2008 for the face-to-face part of the course (with the remainder done online). More recent joiners had not had the same intense initial training.
- 7.11 Staff told inspectors that they receive ongoing training, and had recently completed workshops on assessing risk and an in-house masterclass on writing CPIN guidance sections. They all felt that the training they had received was sufficient for their current role.

<sup>44</sup> The full-time equivalents (FTE) figure represents the number of notional full-time employees working their standard hours who would be required to produce the total working hours of all actual full and part-time employees.

<sup>45</sup> See Chapter 13.

<sup>46</sup> See footnote 15.

<sup>47</sup> Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD),

[https://www.coi-training.net/mwg-internal/de5fs23hu73ds/progress?id=S0WcPuakoC3nVo3Hcy0ZsHr9tkSz352b\\_14Nwxq08J8](https://www.coi-training.net/mwg-internal/de5fs23hu73ds/progress?id=S0WcPuakoC3nVo3Hcy0ZsHr9tkSz352b_14Nwxq08J8)

## CPIT Productivity

- 7.12 CPIT's main product is the Country Policy and Information Note (CPIN). Its Business Plan assigns between 30-40% of the time and effort of Country Managers and Country Officers to the production of CPINs. A further 30-40% of Country Officers' time and effort, and 10-20% of Country Managers' time and effort, is assigned to responding to COI requests (COIRs).
- 7.13 At the time of the inspection, CPIT maintained a suite of around 160 CPINs and responded to around 1,000 COIRs a year.
- 7.14 The Senior Civil Servant (SCS) responsible for CPIT told inspectors that there were no fixed targets for CPIN production, but there was instead a "general expectation" at the start of the year of what reports would be produced. CPIT's Head of Unit (a Grade 7) builds a work plan each year and provides the SCS with progress reports against this work plan at intervals during the year.
- 7.15 For the 2017-18 business year, CPIT planned to produce between 25-30 CPINs each quarter (100-120 for the year). This included updates to existing reports and entirely new reports. The latter typically required more work as they involved more research and engagement with customers and external stakeholders.
- 7.16 Inspectors examined CPIT's progress against its 2017-18 work plan. Between 1 April and 26 July 2017, it published 30 CPINs; 17 in Quarter 1 (April to June 2017), and a further 13 in July.
- 7.17 As at 26 July 2017, around 30 CPINs were over 2 years old. CPIT regards 2 years as the "cut-off" point after which a CPIN is no longer "current".
- 7.18 In addition to producing CPINs and responding to COIRs, CPIT's Business Plan identified 8 further workstreams, which were not quantified in terms of planned time and effort. These included:
- support to litigation, which includes supporting the Home Office to defend Country Guidance<sup>48</sup> cases and challenges to NSA<sup>49</sup> 'safe country' designations
  - briefing and correspondence, which includes responding to Parliamentary Questions, correspondence, Freedom of Information requests, media enquiries, information for ministerial trips abroad and lobbying from NGOs
  - international cooperation, which includes working with international partners bilaterally and via EASO "to identify common areas of interest for joint-COI work"
- 7.19 The Head of Unit told inspectors that CPIT was resourced to meet current demand, and staff confirmed that their workloads were manageable. However, the demand for COI to support "non-asylum functions" was increasing. This included the medical information, family and social support information, and information to facilitate removal of Foreign National Offenders (FNOs). The SCS lead told inspectors that CPIT could not take on any of these additional work streams without increased resources.

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<sup>48</sup> Country Guidance determinations are judicial findings on the risk on return to a specific country. They become binding for future asylum appeals relating to that country, unless the country guidance is superseded or is shown not to be applicable to a specific asylum claim.

<sup>49</sup> Non-suspensive appeal (NSA) refers to claims where the claimant has the right of appeal but may be removed so that the appeal is processed once they have left the UK.

## Access to information sources

- 7.20 The Country Officers often made use of online sources of country information, such as the Canadian Refugee Board, Refworld.org and ECOI.net. However, due to a combination of factors including the costs, they no longer had access to certain resources such as Reuters, Africa Confidential and (part of) allAfrica.com. CPIT has only one remaining subscription which it is considering renewing. Country Officers' access to expert academic reports was also limited as these usually required a subscription.
- 7.21 Staff believed that further loss of online resources would adversely affect the speed of drafting and the quality of the finished product. However, for now, despite the fast-changing conditions in some countries, they felt able to keep on top of the changes in the more significant countries covered by CPINs. "Smaller countries" sometimes presented more of a problem as less information about them was available.

## 8. Inspection findings – assessing demand

### Home Office customers for COI

- 8.1 As the UNHCR Handbook explains, knowledge of conditions in an applicant’s country of origin is integral to deciding an asylum claim, in particular in assessing the applicant’s credibility and in determining whether the applicant’s fear of persecution is well-founded.

### Asylum Intake and Casework Unit (AIC)

- 8.2 In January 2017, the Home Office reorganised the business areas responsible for managing asylum claims and the removal from the UK of unsuccessful claimants and created a new directorate - Immigration and Protection Directorate (IPD). IPD sits within UK Visas and Immigration (UKVI) and consists of 5 commands, one of which is Asylum Intake and Casework (AIC).
- 8.3 At the time of the inspection, AIC was “responsible for managing and processing asylum claims from initial screening to decision, granting or refusing leave and assisting with the removal process in some cases.”<sup>50</sup>
- 8.4 Within AIC, the intake function includes the National Asylum Intake Unit (NAIU) and allocation unit, which receive and register claims, conduct screening interviews, and route cases to decision-making units which arrange and conduct substantive interviews, and make and communicate the initial asylum decision. There are 12 casework units - in Belfast, Bootle, Cardiff, Croydon, Folkestone, Glasgow, Hounslow, Leeds, Liverpool, Newcastle, Sheffield and Solihull. Asylum decisions are also made by Detained Asylum Casework for claimants in detention, the Third Country Unit (TCU)<sup>51</sup> and the Non-Suspensive Appeals (NSA) Hub.<sup>52</sup>

### Other asylum-related business areas

- 8.5 Two other IPD business areas have asylum-related responsibilities. Appeals, Litigation and Subject Access Request Directorate (ALS) prepares and presents asylum appeals at tribunals and courts. Refused Case Management (RCM) is responsible for making decisions on further submissions made by unsuccessful asylum claimants, and documenting and referring those who have no right to remain in the UK to Immigration Enforcement for removal.

### CPIT’s response to its customers’ requirements

- 8.6 CPIT regards AIC as its primary customer, and as such needs to understand AIC’s existing and likely future requirements in order to respond efficiently and effectively with the right products at the right time. It also needs to capture feedback from AIC on the use made and usefulness of its products in order to know where it needs to make improvements.

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<sup>50</sup> Information published on ‘Horizon’, the Home Office Intranet.

<sup>51</sup> The Third Country Unit is responsible for managing those cases where the Home Office considers that another EU Member State may be responsible for managing the asylum claim, in accordance with the Dublin III Regulations.

<sup>52</sup> An asylum claimant from a designated NSA state can appeal against refusal of asylum only when they have left the UK. This is different to the normal in-country appeals process and is aimed at reducing the cost of support for claimants and the financial burden on the Home Office. The NSA hub deals predominantly with NSA designated states.

## Format

- 8.7 Prior to the creation of CPIT, there had been criticisms from Home Office users of COI and from external stakeholders about the content, excessive length and format of COIS Reports.<sup>53</sup> There was also some confusion about how to use OGNs in combination with COIS Reports, particularly when the publication dates did not match.
- 8.8 The call from decision makers for a concise product, tailored to the most common asylum claims, was a significant factor in the move from OGNs and COIS Reports to CPINs<sup>54</sup> that followed the merger of the Country Specific Litigation Team (CSLT) and the Country of Origin Information Service (COIS) to form CPIT.
- 8.9 CPINs were intended to meet customers' requirements for country information "focused on key priorities and pressures" and analysis that "unpicks the key issues that determine whether protection is justified for particular case types."<sup>55</sup>
- 8.10 CPIT senior managers told inspectors that the CPIN format was a better fit for the needs of decision makers and had reduced duplication. They were acutely aware of the need to provide products that dealt with decision makers' key issues, and the resource reduction following the merger had sharpened the focus on adding value rather than simply providing large amounts of general country information. All CPIT staff were clearly committed to this approach.
- 8.11 Inspectors found that asylum decision makers, specialists and managers were largely positive about the move to a single product that combined country information with guidance, was shorter and dealt with specific themes, such as the conditions for LGBTI individuals in a country.

## Range and focus of CPINs

- 8.12 CPIT aims to provide CPINs for the 20 countries that have the largest intake of asylum claims, which it was achieving at the time of the inspection. The senior managers considered that, with current resources, it would be difficult to take a different, more granular, approach to deciding what range of countries CPINs should cover.
- 8.13 The customer requirement for more concise products "focused on key priorities and pressures" meant that for some key countries CPIT produced 5 or 6 separate CPINs. For Afghanistan, for example, at the time of the inspection there were 6 (including 2 CIGs that were still in current use):
- 'Country information and guidance: Afghanistan: Prison conditions, September 2015'
  - 'Country information and guidance: women fearing gender-based harm/violence, Afghanistan, December 2016'
  - 'Country policy and information note: fear of anti-government elements, Afghanistan, December 2016'
  - 'Country policy and information note: Sexual Orientation and Gender Identity, Afghanistan, January 2017'
  - 'Country policy and information note: Hindus and Sikhs, Afghanistan, February 2017'
  - 'Country policy and information note: security, Afghanistan, August 2017'

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<sup>53</sup> Results of a survey carried out in August 2013.

<sup>54</sup> Extant Country Policy and Information Notes (CPINs) referred to in this report are not individually footnoted. They can be accessed at <https://www.gov.uk/government/collections/country-policy-and-information-notes>.

<sup>55</sup> Taken from a Home Office Presentation, 'What country information do immigration staff need?' (delivered to the IAGCI in December 2013).

## Customer engagement on the requirement

- 8.14 Although CPIT's engagement with its customers had increased under the current management, its staff felt that it was still insufficient, and there was not enough challenge from its primary customer, AIC, on CPIT's selection of the themes and issues to be covered. They would like to have more interactions with decision makers in order to gain a better understanding of their requirements, but had limited capacity for this.
- 8.15 When it did occur, everyone recognised that it was useful and positive. Senior CPIT staff cited a recent working group on Albania (July 2017) as an example of effective interaction and a potential template for more regular exchanges with users of their products.

## Planning and prioritising work on CPINs

- 8.16 As well as reflecting asylum intake and customer requirements, CPIT's decisions on which existing CPINs to update and which new ones to produce need to take into account other factors, such as geopolitical changes, migration trends, policy changes, and new caselaw.
- 8.17 CPIT managers told inspectors there was "no fixed methodology" for assessing demand for an updated or new CPIN, but cited 10 factors that contributed to its decisions about planning and prioritising its work on CPINs.

### Factor 1: "Real world events"

- 8.18 CPIT managers said that it was largely left to the Country Officers to identify and draw attention to relevant "real world events" in the countries for which they were responsible. There was no set way in which the Country Officers were expected to keep abreast of such events. However, certain potential sources of news of "real world events" were not used. These included postings on social media and weblogs ("blogs"), as CPIT had difficulty verifying and assessing the reliability of such sources.
- 8.19 External stakeholders told inspectors they were sceptical that changes on the ground in asylum source countries were factored appropriately into CPIT's 'commissioning' process. They gave examples of key countries, such as Libya and Zimbabwe, where worsening conditions had not resulted in updated products.

### Factor 2: "Asylum intake"

- 8.20 Between August 2016 and July 2017, CPIT had reviewed a random sample of 100 CID<sup>56</sup> case records from 5 countries for which there were CPINs, where the initial asylum decision had been made within the previous 2 years. The value of this exercise was unclear to inspectors, particularly given the time lag between registration of a claim and initial decision (the Home Office's customer service standard is 6 months for "straightforward" claims) and the inconsistent recording of data on CID (noted in numerous inspection reports).<sup>57</sup>
- 8.21 From May 2017, CPIT had had access to AIC's digital interview records and intended using this to support analysis of asylum trends by searching for certain key words. At the time of the inspection, this option remained largely untested.

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<sup>56</sup> The Case Information Database (CID) is used by Home Office borders and immigration staff to record action and decisions.

<sup>57</sup> CID does not have a data field for basis of claim so, where recorded, this is in free text.



- 8.22 The parallel inspection ('An inspection of the Home Office's Asylum Intake and Casework') looked at how Decision Support for Operations (DSO),<sup>58</sup> part of Home Office Science, works with AIC to forecast asylum intake. CPIT stated that it had been involved in forecasting exercises with DSO in 2015 and 2016, but the asylum inspection found no evidence of more recent collaboration and current managers in DSO said that they were not aware of CPIT.

### **Factor 3: "Significant new external reporting on a country or on a topic"**

- 8.23 In relation to new reporting on a country or topic, CPIT does not have a definition of what is "significant" enough to trigger the production of a new or updated CPIN. It is left to the judgement of individual Country Managers and Officers to decide.
- 8.24 CPIT is not routinely 'plugged in' to external expert groups that could alert it to changes in country conditions, and some stakeholders doubted its willingness and capacity to translate reported changes quickly into new guidance.

### **Factor 4: "The age of existing CPINs and the need to maintain relevance"**

- 8.25 CPIT managers considered that for a CPIN to remain relevant it should not be more than 2 years old. This was an internal rough guide, rather than a performance measure set to drive production, and managers ultimately used their judgement to decide which CPINs needed to be updated when.
- 8.26 Managers told inspectors that CPIT was stretched to stay on top of its body of existing CPINs. At the time of the inspection, they estimated that 20% (around 30) CPINs were more than 2 years old.

### **Factor 5: "Current, planned or potential Country Guidance cases"**

- 8.27 CPIT provides research for live Country Guidance<sup>59</sup> cases and, on occasion, holds back publication of an updated or new CPIN to co-ordinate with an expected Country Guidance determination to ensure consistency between "Policy guidance" and caselaw.

### **Factor 6: "Other issues arising from litigation"**

- 8.28 CPIT managers told inspectors of regular meetings with Appeals, Litigation and Subject Access Request (ALS) Directorate, part of UKVI. However, inspectors found no defined process for capturing issues arising from litigation or determining their relevance to existing or planned CPINs, so it was unclear how effective these interactions with ALS were.
- 8.29 CPIT sometimes assessed allowed appeal rates. A body of successful appeals might indicate that those deciding appeals take a different view of country conditions from that offered by CPIT. However, inspectors could not identify any updating or production of CPINs linked to allowed appeal rates.
- 8.30 The Immigration Law Practitioners' Association (ILPA) told inspectors that, in its view, CPIT was purely "reactive" to adverse litigation and unwilling to respond to appeal determinations with the exception of binding Country Guidance cases that undermined its policy or country information.<sup>60</sup>

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<sup>58</sup> Decision Support for Operations (DSO) is a mixed team of generalists, economists and operational researchers providing analysis to support operational decisions across the Home Office.

<sup>59</sup> Country Guidance determinations are judicial findings on the risk on return to a specific country. They become binding for future asylum appeals relating to that country, unless the country guidance is superseded or is shown not to be applicable to a specific asylum claim.

<sup>60</sup> There are 5 categories of Tribunal determination: starred, country guidance, reported, unreported, and unreportable. Except for First-tier Tribunal determinations and unreportable determinations, all are published. First-tier Tribunal sends written determinations to the Home Office. Published tribunal decisions are available at <https://tribunalsdecisions.service.gov.uk/utiac>

### **Factor 7: “Common issues raised via COI Requests made to CPIT”**

- 8.31 Where a decision maker cannot find the specific country information they need in an existing CPIN they can submit a request. CPIT’s response takes the form of a Country of Origin Information Request (COIR).<sup>61</sup>
- 8.32 If CPIT judges that a COIR may be of use to other decision makers it is published on the Home Office intranet under the heading ‘General’ or ‘Medical’. CPIT managers said that receipt of a large number of similar requests could prompt a new CPIN, although this happened rarely.
- 8.33 In the last 3 years, the number of country information requests CPIT had received had reduced by over 50% (from 1,965 in 2014-15 to 945 in 2016-17). Meanwhile, asylum claims had increased from 25,950 in 2014-15 to 29,549 in 2016-17. By the end of 2016-17, only 3% of claims prompted a COIR.
- 8.34 CPIT managers saw this as a positive, and an indication that CPINs were meeting decision makers’ needs. However, no analysis had been done to support this interpretation, or to test other possibilities.

### **Factor 8: “Fact finding missions by CPIT or other partners”<sup>62</sup>**

- 8.35 Typically, fact-finding missions to asylum source countries, either by CPIT staff, by CPIT’s international counterparts, or by others, are in response to identified information gaps. They are not specifically aimed at helping CPIT to decide which CPINs need to be updated or created, but will inform such decisions.

### **Factor 9: “IAGCI recommendations”<sup>63</sup>**

- 8.36 IAGCI oversees a programme of reviews by appropriately-qualified reviewers of existing CPINs and COIRs, and reports 2 or 3 times a year with detailed comments and recommendations for additions, deletions or amendments to specific CPIT products. CPIT considers each review and accepts or rejects the recommendations.
- 8.37 Where acceptance entails making changes to a CPIN, CPIT normally undertakes to do so when that CPIN is next due for updating. It is unclear how often an IAGCI review has caused CPIT to revise its work plan for updating or producing new CPINs. However, since 2015, CPIT has shared its quarterly work plan with IAGCI with the aim of coordinating IAGCI reviews with upcoming CPINs, where appropriate.

### **Factor 10: “Direct requests from UKVI”**

- 8.38 Direct requests from UKVI for an updated or new CPIN carry particular weight with CPIT. These requests are made either by the Chief Caseworker<sup>64</sup> and local managers,<sup>65</sup> or through the CPIT-chaired Quarterly Steering Board (QSB). Regular attendees at the latter include:

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<sup>61</sup> Incorporating the country information request and CPIT’s response.

<sup>62</sup> When the report was sent for factual accuracy checks, the Home Office stated that this factor was more correctly described as “Fact-finding missions conducted by, or other work planned or completed by counterpart COI units internationally”.

<sup>63</sup> The Independent Chief Inspector’s Independent Advisory Group on Country Information.

<sup>64</sup> The AIC Chief Caseworker provides guidance to asylum decision makers and raises issues relating to decision making in interactions with the rest of the Home Office and other government departments. As part of this remit, the Chief Caseworker identifies and addresses trends in asylum intake and claim types.

<sup>65</sup> AIC has 12 decision-making hubs throughout the UK, each with its own manager(s).

- CPIT management
- Home Office Legal Advisers
- AIC Chief Caseworker
- Non-Suspensive Appeals Hub representatives
- Presenting staff<sup>66</sup>
- Asylum Policy representatives
- Specialist Appeals Team (SAT) representatives

8.39 External representatives capable of providing updates on country situations are not regular attendees at the QSB. The Foreign and Commonwealth Office (FCO), for example, is invited but seldom attends, CPIT's Head of Unit told inspectors that he aimed to encourage the FCO's regular attendance at the QSB.

### Applying the 10 factors

8.40 CPIT managers and staff recognise that the team's research and production schedule should be geared to the nationalities, themes and key issues that asylum decision makers will find of most value. In most cases, it relies on the experience and judgement of its staff to determine what is needed, rather than on data or structured analysis.

8.41 It is not clear, where CPIT has done some analysis of demand, how this has fed through into decisions about which CPINs to prioritise, as the example below shows – see Figure 2.

#### Figure 2: Lack of connection between CPIT's analysis of demand and CPIN production

In 2016-17, Iran was the top intake country for asylum claimants, with 2,458 claims.

As at August 2017, there were 15 current CPINs dealing with different aspects of country conditions in Iran, the most recently produced being:

- Zoroastrians – published in June 2017
- Women fearing domestic violence – published in July 2017

In 2017, CPIT had examined a random sample of 100 Iranian claims raised on CID in 2015-16. This had revealed 2 leading claim types: religion (including 10 conversions to Christianity), which accounted for 40% of the claims; and, political opinion, which had accounted for 34% of the claims. None of the claims examined were made on the basis of fear of domestic violence or membership of the Zoroastrian faith.

CPIT also examined user feedback from October 2015. This did not contain references to domestic violence or Zoroastrian claims.

To supplement the CID data, CPIT also analysed country information requests (COIRs). Of 42 COIRs linked to Iranian asylum claims, 5 related to religion, 1 of which was about Zoroastrianism.

<sup>66</sup> Presenting Officers represent the Home Secretary at appeal hearings.

### Independent Chief Inspector's comment

Based on the analysis done by CPIT, it is difficult to see why it decided to prioritise production of CPINs focusing on Zoroastrians and on women fearing domestic violence. While these CPINs may be of value to decision makers, they do not appear to have any connection with customer demand.

## UKVI "transformation"

- 8.42 The disorderly way that asylum claims are recorded on CID, and in other systems, makes it harder for CPIT to extract data and other information that might help it to prioritise its CPINs more effectively.
- 8.43 Since 2016, UKVI has been engaged on a "transformation" project, part of which involves new IT systems to meet the needs of users. However, CPIT's SCS lead and Head of Unit told inspectors that CPIT had made no requests of the 'transformation' programme.

## Examples of unsatisfied demand

### Children

- 8.44 The ICIBI's October 2013 report 'An inspection into the Handling of Asylum Applications Made by Unaccompanied Children',<sup>67</sup> found that Home Office COI specific to children had been used in over half of sampled cases. However, the report considered that "usage could have been higher", and emphasised that "COI reports should contain a section on children".
- 8.45 In late 2013, children's issues ceased to be a standing item for COI products, in line with the move away from comprehensive country reports to shorter topic-specific products. During the current inspection, both Home Office users of COI and external stakeholders pointed to a current lack of coverage of children-related country information. This was despite the routine requirement for decision makers to know about reception and care arrangements in 'home' countries, in order to make an informed decision about the child's welfare as required by Section 55 of the Borders, Citizenship and Immigration Act 2009.<sup>68</sup>
- 8.46 Inspectors examined 23 asylum refusals involving unaccompanied or dependent minors. Only 9 contained any reference to COI in the section 55 consideration. In 4 of these, the COI used was over 4 years old. There was no indication that decision makers had checked with CPIT the information they had researched for themselves, which included older, outdated COI reports that CPIT had removed from the intranet and GOV.UK but that staff had accessed via third party websites such as Refworld.org.

### Women

- 8.47 CPIT staff do not receive any specific training on gender issues. CPIT pointed out that where gender issues are relevant to the claim covered by a CPIN, the CPIN includes links to Asylum Policy Instructions (API)<sup>69</sup> on gender and gender identity issues.

67 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/546850/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-Oct\\_2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/546850/An-Inspection-into-the-Handling-of-Asylum-Applications-Made-by-Unaccompanied-Children-Oct_2013.pdf)

68 <http://www.legislation.gov.uk/ukpga/2009/11/section/55>

69 Asylum Policy Instructions can be found at <https://www.gov.uk/government/collections/asylum-decision-making-guidance-asylum-instructions>. API are produced by the Asylum and Family Policy Unit, a separate policy team within BICS Policy and Strategy Group.

- 8.48 Meanwhile, decision makers and other users of CPINs have a clear requirement for information on the experiences of women in countries of origin. Roughly one third of asylum claimants are female.
- 8.49 External stakeholders believed that more research was urgently needed to capture the experiences of women, particularly in relation to state protection and internal relocation. CPINs were seen generally to reflect mainly male experiences and perspectives. For example, the “Policy summary” in the CPIN covering sexual orientation in Iran only discusses the ability of homosexuals and bisexuals to relocate but makes no mention of lesbians.
- 8.50 Inspectors examined a number of case records of women asylum claimants and found that decision makers often ignored the gender element of a claim or misunderstood the heightened vulnerability of female claimants.
- 8.51 In one example, the decision maker failed to give full and balanced consideration to the claim of a Moroccan woman, including the general conditions for women in Morocco, attitudes to mothers of children perceived as illegitimate (and to the children), and access to justice for women. In another, the decision maker relied on COI relating to the conditions for gay men in Algeria to decide the claim of a lesbian claimant. A further example is described in Case Study 4 – see Chapter 12.

## 9. Inspection findings – the COI product

### European Union guidelines for COI products

- 9.1 The European Asylum Support Office (EASO) was established to enhance and streamline asylum cooperation between European Union Member States' asylum authorities. The Home Office has been an active participant in the development of EASO, and COIS (one of 2 teams that were merged to form CPIT) was a member of a working party mandated to draft a methodology for EASO COI reports, and completed the editing of 'European Asylum Support Office's Country of Origin Report Methodology', published in July 2012.<sup>70</sup>
- 9.2 The EASO Methodology requires COI reports to adhere to the following structure:

#### **"Disclaimer"**

Reports must begin with a standard disclaimer, which includes "this document does not pretend to be exhaustive. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. This document is not conclusive as to the merit of any particular claim to international protection or asylum."

#### **"Terms of Reference"**

Terms of Reference are described in the Methodology as "the frame and backbone of the report".

#### **"Executive summary"**

The purpose of this is "[to present] the key aspects of the research, how it was undertaken and the main conclusions of the analysis".

#### **"Introduction"**

The Methodology states that the "Introduction" sets out "The main topic dealt with in the report [and] In order to maintain a high level of transparency, the introduction should explain in detail the methodology used in the specific report". It should also mention and comment on the possible impact on the analysis contained in the report "If major new developments took place in the country/region after the information for the report was collected".

#### **"Presentation of collected information"**

Described as "the basis of the subsequent analysis ... [the information should be] summarised and presented in a systematic and well-arranged way [in] a short and concise statement of

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<sup>70</sup> European Asylum Support Office's (EASO) 'Country of Origin Report Methodology' [https://coi.easo.europa.eu/administration/easo/PLib/EASO\\_COI\\_Report\\_Methodology.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Methodology.pdf)

all major, significant points of a subject ... Contradictory information should be identified and pointed out clearly in the summary .... The information collected should be presented objectively and there should not be any analysis or conclusions in this part. The language should be neutral and objective.”

### “Analysis”

This should be “a neutral evaluation or study of [the collected information] ... that helps [the intended readers] to draw informed conclusions relevant to their tasks. The collected information should be analysed by explicitly validating the sources as well as the information ... Contradictory information should be discussed.

...

The analysis should not speculate but should look at the impact events or situations may have on a given situation ... [it] should not include any recommendations on how to interpret or process the analysed information in a legal way. To ensure this, the language used should be neutral and objective and should not include legal terminology (concerning the decision-making process, not e.g. laws and regulations of country and/or topics under investigation).

The conclusion is the final step of the analysis. The report should present conclusions based on analysis of the collected information. Conclusions should take into account all relevant parameters, as well as their mutual interdependence and their individual importance in comparison with the whole.”

### “Sources/literature”

A note of the sources used in the report and suggested further reading.

### “Glossary and abbreviations”

This is self-explanatory, and is optional.

## The structure of Country Policy and Information Notes (CPINs)

- 9.3 Despite the Home Office’s close involvement in the development of the EASO Methodology, Country Policy and Information Notes (CPINs) do not adhere to this structure. Instead, they are divided into 3 sections: a “Preface”; “Policy Guidance”; and “Country Information”.

### “Preface”

- 9.4 The “Preface” is standard to all CPINs. It explains that the CPIN provides COI and policy guidance to Home Office decision makers “on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.”
- 9.5 It makes clear, however, that responsibility for the decision on any asylum claim or other application rests with the decision maker. “Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including:

the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.”

- 9.6 The “Preface” includes a brief description of CPIT’s approach to researching and including country information in a CPIN. This description was revised in April 2017. Previously, it had stated that the COI had been researched and presented “with reference to” EU guidelines for processing COI and European Asylum Support Office research guidelines.<sup>71</sup> The revised text refers to COI being researched “in accordance with principles set out in” these guidelines.
- 9.7 No explanation for the change was given, so it is unclear whether it was intended to signal a change in CPIT’s methodology (towards closer adherence to EU and EASO guidelines). However, in practice, CPIT chooses which of these guidelines to apply and how, rather than following them as set down.
- 9.8 The description of CPIT’s selection of sources was also revised and expanded. The revised text includes “generally reliable, publicly accessible” ... “Multiple sourcing is normally used” ... “Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.”, and excludes “a wide range of external information sources (usually) published in English”. However, the aim remained unchanged, to ensure the “relevance, reliability, accuracy, objectivity, currency, transparency and traceability” of the COI.
- 9.9 The remainder of the “Preface”, which has not changed since CPINs were introduced, deals with feedback to CPIT and with a description of the Independent Advisory Group on Country Information.

### “Policy guidance”

- 9.10 The precise shape and contents of the “Policy guidance” section of a CPIN differ according to the country and topic or theme the CPIN covers. However, there are normally 3 sub-sections to the “Policy guidance”: “Introduction”; “Consideration of issues”; and, “Policy summary”.
- 9.11 The “Introduction” sets out the “Basis of claim” to which the CPIN relates. For example, if the CPIN concerns “Prison conditions” in a particular country, as a number do, under “Basis of claim” it states that the guidance applies to “fear of being imprisoned on return ... and that prison conditions are so poor as to amount to torture or inhuman or degrading treatment or punishment.” Other examples of “Basis of claim” are “fear of persecution or serious harm by state or non-state actors due to a person’s actual or perceived sexual orientation or gender identity” or “because of a person’s actual or perceived involvement” with particular political or religious groups.
- 9.12 The Introduction might also include “Points to note”, for example any definitions relevant to the basis of claim, other potentially relevant CPINs, and whether the country in question is listed as a “designated State” under section 94 of the Nationality, Immigration and Asylum Act 2002. In the case of “designated” States, where a claim is refused it must be considered for certification as “clearly unfounded”, if it is certified as clearly unfounded, the claimant may not appeal the decision until after they have left the UK.<sup>72</sup>

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<sup>71</sup> ‘Common EU [European Union] Guidelines for Processing Country of Origin Information (COI)’, dated April 2008, and the ‘European Asylum Support Office’s (EASO) research guidelines, Country of Origin Information report methodology’, dated July 2012. The Home Office contributed to the development of the EASO guidelines.

<sup>72</sup> <http://www.legislation.gov.uk/ukpga/2002/41/section/94>



- 9.13 The particular issues that a decision maker may need to consider when using a CPIN to inform their decision on an asylum claim will depend on the nature of the claim. The scope, length, and complexity of the “Consideration of Issues” sub-sections of CPINs therefore vary. However, there are certain common “issues”, for example “Credibility”, where the reader is directed via hyperlinks to various Asylum Policy Instructions (API).
- 9.14 Other common “issues” include the risks to individuals should they be returned to their country of origin; the possibilities for internal relocation within the country of origin (to a location where the risks to the returnee may be lower); and, the availability of protection from the state and other parties. Typically, these paragraphs will refer to the information contained within the “Country information” section of the CPIN, with a hyperlink that takes the reader there, plus references and links to relevant caselaw, particularly Country Guidance cases.
- 9.15 The final sub-section is the “Policy summary”. Typically, this consists of 5 or 6 short paragraphs that contain selected country information and summarise the Home Office position on risk of persecution, availability of state protection, potential for internal relocation, and whether the claim type is suitable for certification as being clearly unfounded. The “Policy summary” is where the deviation from the EASO Methodology is most stark.
- 9.16 CPIT senior management told inspectors that the inclusion of “guidance”, “policy” and “country information” in the same document was a deliberate decision. They saw a fine line between objective COI analysis and “policy”, and significant overlap between collating COI, analysing the value of the different sources and then formulating the guidance for decision makers. The SCS lead told inspectors that, as the analysis of COI that formed the “Policy guidance” was implicitly a further part of the collation process, it was inefficient to separate these functions.
- 9.17 International COI counterparts were broadly complimentary to inspectors about CPIT’s research and reports. However, they were critical of the failure to adhere to the EASO and EU methodologies and of the inclusion of country information and policy guidance in the same document. This limited their use in some countries’ background and source material, as anything that would lead to a conclusion on the merits of a claim could not feature in their COI products.
- 9.18 One international stakeholder described CPIT’s decision to merge country information and policy guidance as having been highly disputed and having led to a debate amongst European COI units on the appropriateness of the approach. Another commented that their reservations related “mainly to the inclusion of policy guidance in the documents and our awareness of potential controversy over previous reports, and claims of bias.” A third viewed this approach as “a risk of instrumentalisation of COI and a potential influence of policy on the COI production and the integrity of the COI research”. A number of international COI teams found they needed to employ disclaimers, either on the documents themselves or in discussion with colleagues, when sharing CPIT’s products.
- 9.19 CPIT managers and staff told inspectors that they saw themselves as a “policy team that does research”. However, only the CPIT Head of Unit and 2 Team Managers are trained in policy development<sup>73</sup> and the unit’s processes are not compliant with established policy development processes within the Civil Service, such as including formal impact assessments.
- 9.20 When used in relation to management instructions to staff, as in the case of Asylum Policy Instructions (API), policies are generally designed to ensure compliance with the law, relevant regulations, or organisational standards, and failure to comply normally results in some form of

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<sup>73</sup> The Civil Service offers a range of training courses for staff involved in developing and drafting policy.

sanction. CPIT, and all the COI users questioned by inspectors, agreed that the “Policy guidance” within a CPIN did not require compliance, as to do so would be contrary to the decision maker’s obligation to consider each individual asylum claim on its merits.

- 9.21 Since CPINs are publicly available documents, published on GOV.UK, it would be reasonable to assume that any contents labelled “policy” will reflect government policy, and therefore have explicit ministerial approval. Inspectors saw no evidence of a process to obtain ministerial sign off for the “Policy guidance” section of CPINs, which are signed off either by the Grade 7 Head of Unit or by CPIT’s SCS lead. In practice, the “policy” in this area, supported by successive governments, is to comply with the 1951 Convention. What CPIT labels as “Policy guidance” is, for the most part, the Home Office’s adopted position.

### **Country Information**

- 9.22 The “Country Information” section of CPINs vary in length and topics covered. The average is between 10 and 20 pages, and the sub-sections cover such matters as “Legal rights” or “Societal attitudes”. It takes the form of quotations and extracts from a range of sources, which in most cases are accompanied by a brief description of the source or a qualifying comment from CPIT on reliability of the source or corroboration for the information. There are hyperlinks that allow the reader to navigate the CPIN and access other relevant material. There is no analysis of the collected information or conclusion.

### **Version control**

- 9.23 At the end of each CPIN there is a “Contacts and Version Control” entry. This gives the effective date for the CPIN. While it identifies the sections that have changed since the last version of the CPIN, the changes themselves are not highlighted or marked.

# 10. Inspection findings – quality assurance

## Quality assuring CPINs pre-publication

- 10.1 CPIT told inspectors that it had a multi-layered quality assurance process that provided the necessary “checks and balances” to ensure that it produced “robust, measured and balanced guidance and country information”. Chapter 13 covers the arrangements in place for statutory post-publication reviews of COI. Pre-publication assurance has 2 stages, the first internal and the second involving external reviewers.

## Internal pre-publication assurance

- 10.2 All new and updated CPINs are reviewed by CPIT’s 2 SEO Team Managers before going to the unit’s ‘Editorial Board’ meeting, which is attended by the same Team Managers, the original drafter and the Grade 7 Head of Unit. The Editorial Board was established in early 2015 to ensure that COI quoted in CPINs met the “relevant, reliable, balanced, accurate, current, traceable and transparent” criteria, and that the “Policy guidance” is supported by the COI quoted.<sup>74</sup>
- 10.3 Following Editorial Board scrutiny, draft CPINs go to Home Office stakeholders for comment. CPIN users in the asylum and appeals areas told inspectors that they rarely had time to comment, and CPIT managers confirmed that, while they tried to give draft products a “wide exposure”, it was “rare” to receive comments. However, presenting officers told inspectors of a recent move by ALS managers to develop some presenting officers as country specialists, in order to act as a source of knowledge for their colleagues. Looking forward, this could increase their feedback on draft CPINs.
- 10.4 CPIT also consults Home Office Legal Advisers (HOLA) about CPINs at the draft stage, and inspectors were provided with some examples of HOLA feedback. The comments from HOLA often highlighted where the legal position needed clearer explanation, or included where HOLA considered that the country information was not reflected accurately. CPIT did not always accept HOLA’s feedback.
- 10.5 CPIT’s Head of Unit signs off updated CPINs for publication where they do not contain substantive changes to guidance or policy. New CPINs and updated CPINs containing substantive changes go to CPIT’s Senior Civil Servant (SCS) lead<sup>75</sup> for approval. This approval process was designed “to ensure an appropriate level of seniority and responsibility for approving guidance that is to be used to determine case working practice”.
- 10.6 The SCS lead told inspectors that she begins by reviewing the country information section. She said that she paid most attention to whether the ‘policy’ was consistent with the country information, and it was not uncommon for her to comment to CPIT “I don’t understand how that policy summary is supported by that information”.

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<sup>74</sup> CPIT Training Manual – internal Home Office document.

<sup>75</sup> Deputy Director of Legal Strategy, within the BICS Policy and Strategy Group.

10.7 Inspectors examined the comments made by the SCS on 4 CPIN examples provided to them. In 2 cases, the comments consisted of a few sentences sent by email to the initial drafter. In the other 2 cases, the SCS had made numerous amendments to the language used in the “Policy guidance” section.

### Pre-Publication External Review

10.8 CPIT engages with a UK research consultancy to review the contents of draft CPINs. In doing so, it goes some way towards satisfying EASO guidelines which recommend that COI is subject to a “peer review” by “national” or “external experts” prior to publication.

10.9 The consultancy’s position as the sole external pre-publication reviewer developed from the Home Office’s historic relationship with ‘Still Human, Still Here’ (SHSH), a humanitarian project involving over 80 NGOs focused on ending destitution among asylum seekers. In 2010, SHSH began publishing commentaries on OGNs. The Home Office saw value in this external review and, with ministerial approval, invited SHSH to review draft OGNs before publication.

10.10 SHSH worked with a small research consultancy with country information research expertise to produce the reviews. In December 2016, SHSH’s funding ended and the project was disbanded. However, the consultancy managed to secure other funding and began working directly with the Home Office.

10.11 Notwithstanding the changes to the relationship and to the funding, no new agreement was struck between the consultancy and the Home Office. The consultancy representatives responsible for reviewing CPINs told inspectors that the current relationship with CPIT was a “developed understanding based on historic arrangement”. Meanwhile, CPIT’s management team described the relationship as a “subcontracted legacy”.

10.12 CPIT regarded the consultancy’s country information research expertise as “quite rare” and “had confidence in the credentials and experience of the reviewers”. It had no understanding of the consultancy’s external funding, and had not considered whether the relationship should be formalised. It had not looked to broaden the pool of external reviewers, as there was concern at potentially having “too many cooks” in the process.

10.13 The consultancy told inspectors that it was usually given between 5 and 10 working days to comment on a draft CPIN.<sup>76</sup> CPIT’s tight deadlines and the consultancy’s capacity meant that it was unable to provide comments on some CPINs. Meanwhile, it was aware that CPIT published some CPINs without inviting its input.

10.14 Inspectors established that between 1 January and 15 June 2017, of 49 CPINs published, covering 27 countries, 8 were published without the consultancy having been invited to review them. In some cases, CPIT had apologised to the consultancy for the “oversight”. CPIT stated that it sent around 95% of new reports to the consultancy for review.

10.15 The EASO guidelines highlight the need for discussion between reviewer and author and state: “If there are discrepancies between the views of author and peer(s), these should be clarified directly. In exceptional cases where there is no agreement, this should be clearly mentioned in the report, either by footnote or within the text.”

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<sup>76</sup> The consultancy had other work, including private consultations for individuals claiming asylum.

- 10.16 CPIT is not fully signed up to the EASO guidelines, and rejects this approach. The consultancy told inspectors that, on average, over half of its comments are incorporated into the published CPIN. If it felt that comments CPIT had decided not to include were crucial, the consultancy was free to publish a commentary on the new published CPIN on its own website, which it did from time to time, for use by those representing asylum claimants.
- 10.17 Inspectors identified a lack of clarity within CPIT about the consultancy's remit. When acting for SHSH, the consultancy had been asked to comment on the COI content of the OGNs with SHSH relying on these to additionally propose changes in the "guidance" section contained in OGNs. CPIT staff told inspectors that while they valued the consultancy's identification of additional sources of country information, it tended to "overstep its brief" and comment on the policy guidance as well.
- 10.18 Inspectors raised these points with CPIT senior management. They said that they did not regard the consultancy as providing an EASO-type external review but, instead, characterised it as a "critical friend".
- 10.19 Inspectors concluded the relationship between CPIT and the consultancy was no longer in line with what had originally been approved at ministerial level, and that it did not reflect the EASO approach. However, inspectors found that this latter point was not understood by some non-Home Office stakeholders. They were under the impression that what was in place was a formal external assurance process.

## Post-publication quality assurance

### Independent Advisory Group on Country Information

- 10.20 The Independent Advisory Group on Country Information (IAGCI) supports the Independent Chief Inspector of Borders and Immigration in discharging his responsibilities under Section 48 (2) (j) of the UK Borders Act 2007.
- 10.21 This requires the Independent Chief Inspector to consider and make recommendations about "the content of information and conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration and other officials".<sup>77</sup>
- 10.22 Through the Inspectorate, IAGCI commissions post-publication reviews from appropriately qualified independent reviewers of selected CPINs and COIRs.<sup>78</sup> It considers both the overall number of asylum claims and the number of rejected claims when deciding which countries, topics or themes should be reviewed next, and agrees this with the Independent Chief Inspector. Since 2015, CPIT has shared its work plan with IAGCI so that this can be factored in to IAGCI's decisions about the timing of its reviews.

### Handling of IAGCI reviews

- 10.23 IAGCI members quality assure the completed reviews, and the Inspectorate sends them to CPIT to respond to the detailed points and recommendations made by the reviewer. IAGCI then

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<sup>77</sup> <https://www.legislation.gov.uk/ukpga/2007/30/crossheading/border-and-immigration-inspectorate>

<sup>78</sup> Membership of the IAGCI is by invitation of the Independent Chief Inspector, is voluntary and unpaid. Members are respected academics and representatives of organisations with a working interest in country information and how it is used by the Home Office. For a list of current members see <http://icinspector.independent.gov.uk/country-information-reviews>

meets with CPIT and the reviewers to go through the reviews and consider, in particular, any points of disagreement. The Independent Chief Inspector also attends this meeting.

- 10.24 Until 2015-16, the publication process for IAGCI reviews differed from that for other ICIBI inspection reports. Completed reviews with their recommendations and CPIT's responses were published on the Inspectorate's website, but were not sent to the Home Secretary for her to lay in Parliament.
- 10.25 In 2017-18, in order to ensure that this statutory part of the Inspectorate's work received the same level of ministerial and Parliamentary attention as other areas, the Independent Chief Inspector introduced a new process. IAGCI reviews and CPIT's responses are now sent to the Home Secretary under cover of a report from the Independent Chief Inspector, which includes the latter's recommendations for improvement in the way COI is produced and used, to follow the same format as other inspection reports.
- 10.26 These reports are laid in Parliament, normally within 8 weeks, along with the Home Office's formal response to the Independent Chief Inspector's recommendation. As soon as they are laid, the reports, with the reviews and CPIT's responses are published on the Inspectorate's website.

#### **The views of CPIT and stakeholders of the IAGCI function**

- 10.27 CPIT told inspectors that it regarded the IAGCI as a valuable external assurance mechanism. This view was shared by numerous external and international stakeholders.
- 10.28 One international stakeholder told inspectors that the IAGCI was a unique system, no other country had it, and the Home Office should be commended for facilitating the review of its COI products in this way. The stakeholder said that the system had its flaws, for example, IAGCI could be quicker to act when it identifies an emerging problem with current COI, but it was an important mechanism for highlighting the need for amendments to COI and for bringing about incremental improvements.

#### **IAGCI's capacity**

- 10.29 The widely held perception of IAGCI as the principal quality assurance mechanism for CPIT's products needs to be set in the context of IAGCI's capacity.
- 10.30 IAGCI meets 2 or 3 times a year, and aims to have reviews of COI products (typically 2 CPINs and 10 COIRs) relating to 3 or 4 countries completed for each meeting. In that way, it aims to have reviewed a selection of COI products relating to each of the top 20 asylum intake countries over a 2 year period.
- 10.31 Since the new format containing both COI and policy guidance was introduced 2014, CPIT has produced around 250 new or updated CPINs. In the same period, IAGCI has reviewed 36 old-style CIGs or CPINs, covering a total of 20 nationalities (14%), plus around 160 COIRs.<sup>79</sup> While the impact of IAGCI reviews may extend beyond the specific product report being reviewed, this is still only a fraction of CPIT's output.<sup>80</sup>

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<sup>79</sup> Nigeria, Somalia, Kuwait, Iraq, Libya, Syria, Vietnam, Ukraine, Sri Lanka, Egypt, Iran, Eritrea, China, India, Pakistan, Uganda, Afghanistan, Sudan, Bangladesh and Albania.

<sup>80</sup> The Home Office accepted a recommendation that, where CPIT has 'accepted' the substance of a recommendation but has judged it to apply to other topic-specific COI, that COI is amended as soon as the covering Independent Chief Inspector's report has been laid in Parliament. <http://icinspector.independent.gov.uk/wp-content/uploads/2016/07/Inspection-of-Country-of-Origin.pdf> for full report.

10.32 In principle, IAGCI could commission more reviews. The costs of reviews, plus the incidental costs of IAGCI's attendance at meetings, are borne by the Inspectorate, which also commits staff resources to supporting the process. In 2016-17, excluding related staff costs, ICIBI's spend on IAGCI was £23,000 (£22,000 fees paid to reviewers and £1,000 incidental expenses for members). This represents roughly 10% of the Inspectorate's non-salary budget, and could be increased within the existing overall budget. However, the key constraint is not cost but IAGCI members' time. Without members' knowledge and expertise the process would not work, but all of them already have busy full-time jobs.

### **Timeliness of implementing IAGCI's recommendations**

10.33 "Competing priorities and available resources"<sup>81</sup> affect how quickly CPIT updates CPINs where it has accepted a recommendation from an IAGCI review that something needs to be amended, deleted or added to the current product.

10.34 CPIT's internal training manual instructs staff: "after the IAGCI has completed a review, you must update the CPIN with the recommendations which the Home Office has accepted (or to the extent to which we have partially accepted them)". It does not specify a timescale.

10.35 Up to 2016, a common CPIT response to an IAGCI recommendation had been variations on "we will update in the next iteration [of the COI report]". For example, the 'Iran Background Information CPIN', dated July 2016, incorporated recommendations from an IAGCI review in 2013.

10.36 In July 2016, CPIT gave an undertaking to make agreed changes "as soon as the relevant report is laid in Parliament" (normally within 8 weeks of it being sent to the Home Secretary), or if this is not possible, to "use the Home Office intranet to make decision makers aware of the IAGCI's recommendations and the CPIT response." Inspectors did not see evidence of this having yet happened.

10.37 CPIT staff told inspectors that the new timescales reflected the process change from May 2016 when the Independent Chief Inspector began sending IAGCI reviews to the Home Secretary to be laid in Parliament in the same way as all other inspection reports. Since then, IAGCI recommendations that CPIT change the body of a CPIN and overall assessment are treated as a priority, while further information that supplements what was already contained in the CPIN will be incorporated when the CPIN comes up for updating.

### **Methodological differences between CPIN and IAGCI**

10.38 CPIT managers identified for inspectors what they saw as an important methodological difference between how CPIT researched and developed its country information products and how IAGCI undertook reviews.

10.39 IAGCI would often commission reviews from academics who are country specialists, and would therefore have a knowledge and understanding of the culture and language of a country, acquired inter alia from non-English sources. CPIT did not routinely make use of foreign language sources and, in particular, internet-based social media (which CPIT said was often cited by IAGCI reviewers) because these were difficult to corroborate.

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<sup>81</sup> From CPIT's response to Recommendation 2 of 'Inspection report on Country of Origin Information, July 2016'  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539686/21\\_07\\_16\\_Home\\_Office\\_response\\_to\\_ICI\\_report\\_-\\_Country\\_of\\_Origin\\_Information.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539686/21_07_16_Home_Office_response_to_ICI_report_-_Country_of_Origin_Information.pdf)

10.40 In July 2016 the Home Office rejected a recommendation from the Independent Chief Inspector that it should:

“ensure that the Country Policy and Information Team (CPIT) is resourced to fund the translation into English of information that IAGCI has recommended and CPIT has ‘accepted’ should be included in a Country Information and Guidance (CIG) report and is not available from any other source.”

10.41 In response, the Home Office stated:

“We will continue to decide on a case-by-case basis whether a translation is necessary, balancing the value of the information to the understanding of the country situation and the cost of translation”.

10.42 Other COI producers told inspectors that they were looking at ways in which rapidly growing “alternative” (social) media sources might be corroborated and incorporated into COI. However, there was no evidence that CPIT was doing work on this.

10.43 CPIT told inspectors it often disagreed with an IAGCI reviewer’s weighting of specific sources, particularly where information was derived from individual testimonies. Overall, CPIT managers and staff felt that the value of IAGCI recommendations was variable and depended on the methodology adopted by each individual IAGCI reviewer.

10.44 CPIT managers also felt that certain country specialists did not appreciate that CPIT was working within a “pseudo judicial process” and had to apply the relevant legal tests and caselaw to its products. In this context, Home Office staff working in the litigation field told inspectors that they would like to see CPIT engaging with country specialists prior to CPIN publication. They felt that this would give CPINs more “gravitas” and make the Home Office position more “watertight” when they were challenged by other country experts during the appeals process.

## Sampling evidence

### Application of ‘common principles’

10.45 CPIT’s own internal manual is not referenced in the “Preface” to CPINs. This manual draws together parts of the EASO Methodology, ACCORD’s ‘Researching Country of Origin Information Manual (2013)’,<sup>82</sup> the older Home Office Country of Origin Service (COIS) manual,<sup>83</sup> and input from CPIT’s Head of Unit.

10.46 These documents espouse a number of ‘common principles’ that should apply to all COI products:

- neutrality and objectivity of sources and language
- use of multiple, original and validated sources
- usability in terms of structure and relationship to policy
- validity, including an emphasis on use of primary sources
- quality control, including peer review
- transparency, including bibliographies

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82 Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)  
[https://www.coi-training.net/mwg-internal/de5fs23hu73ds/progress?id=S0WcPuakoC3nVo3Hcy0ZsHr9tkSz352b\\_14Nwxq08J8](https://www.coi-training.net/mwg-internal/de5fs23hu73ds/progress?id=S0WcPuakoC3nVo3Hcy0ZsHr9tkSz352b_14Nwxq08J8)

83 An internal Home Office document.



10.47 Inspectors examined 72 current COI products (mostly CPINs) for consistency with these ‘principles’. The 72 were chosen from the top 10 intake countries for asylum claims (at the time of the inspection, Iran, Pakistan, Iraq, Bangladesh, India, Afghanistan, Albania, Sudan, Nigeria and Vietnam). Their findings are set out below.

### Age of sources

10.48 CPIT had been updating CPINs and purging out-of-date COI material from the Home Office intranet and GOV.UK. At the time of the inspection, around 80% of CPINs were no more than 2 years old (CPIT’s cut-off for what it still considers current).

10.49 However, some updated CPINs contain information that was sourced much longer ago than 2 years. For example, the updated ‘Country Policy and Information Note Albania: Background information, including actors of protection, and internal relocation July 2017’ still cited, as a source for more detailed history, a book referenced in the CPIN as “27 July 2010”. However, the link to a scanned copy of the book showed that the research for it was completed in April 1992. The CPIN did not include comment on why such an old source remained valid.

10.50 Another example was the updated ‘Country Policy and Information Note Iraq: Return/Internal relocation June 2017’. This quoted sources that dated from 2012, despite the changes in that country since then, and did not contain an acknowledgment of the age of the sources or any confirmation that they remained current.

10.51 A second Iraq CPIN,<sup>84</sup> produced in 2017, quoted population figures from 2009 for the various governorates, which were unlikely to bear much relation to the current picture. Inspectors could not tell from the CPIN whether there had been a conscious decision to include this information in case of a historical claim.<sup>85</sup>

### Weighting, qualifying and referencing of sources

10.52 CPINs do not indicate CPIT’s weighting of the sources used. UK-based external stakeholders told inspectors that the lack of clarity over the weighting of sources, including why some are included and others not, created a transparency issue. International counterparts also noted the lack of weighting.

10.53 The CPIN ‘Afghanistan: Sexual orientation and gender identity January 2017’ failed to highlight limitations of information on LGBTI conditions in Afghanistan. The “Policy summary” repeats language used in a Country Guidance case from 2009, which remains the most recent, regarding “... a practising gay man who, on return to Kabul, would not attract or seek to cause public outrage, would not face a real risk of persecution”. However, this statement is made without attribution or acknowledgement that the judge was quoting from an expert report that also stated that “[Afghan] society regards homosexuality as a shame and unIslamic but [it] is tolerated in its various forms. Homosexuals are not respected. Open declaration of being gay and lesbian will outrage the society.”<sup>86</sup>

10.54 The CPIN included, in an Annex, a letter from the FCO lead in Afghanistan disagreeing with its conclusions, essentially challenging the “Policy summary” in relation to its statements on persecution, risk on return and internal relocation. An extract reads: “The report notes there

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<sup>84</sup> ‘Country Policy and Information Note Iraq: Security and humanitarian situation, March 2017’.

<sup>85</sup> A decision maker may need to make use of older COI if a claim for asylum is made a number of years after entering the UK, or the asylum determination process was protracted, for example because of litigation. CPIT would expect to be consulted in such cases.

<sup>86</sup> Report by Dr Shah, referred to at paragraph 54 of the judgement.

have been no known death sentences for homosexuality and a fall in criminal convictions since 2001. We do not believe that this is an expression of an increased openness to homosexuality, but evidence that there is significantly greater accountability and respect for the rule of law under the current government than the previous Taleban regime.”

- 10.55 Including this conflicting view from the FCO testifies to the integrity of the CPIT assurance process in this instance. However, decision makers and other staff explained how they were confused when they read apparently conflicting statements without any analysis to help them understand.
- 10.56 Inspectors found that some sources that supported the position taken in the “Policy guidance” were not prefaced with any qualifying adjective or phrase, whereas sources of contrary information could be labelled “unconfirmed” or followed by “but no other sources were available to support this”.
- 10.57 Inspectors found examples where the referencing of sources could have been clearer. ‘Iran: journalists and internet based media, October 2016’ and ‘Iran country information and guidance - background Information, including actors of protection and internal relocation July 2016’ both cite a ‘New York Post’ story about 8 Iranian models being arrested after their self-portraits posted on social media were considered to be too Western. Within the ‘New York Post’ piece it stated that the story was first printed in ‘The Sun’ newspaper in the UK. ‘The Sun’ gave the original source as a short message on the social networking service Twitter from an Iranian exile ‘blogger’,<sup>87</sup> who in turn appeared to have found the story via an Iranian news agency.

### Changes not flagged

- 10.58 External stakeholders told inspectors that they found it unhelpful that updated CPINs did not highlight or point to the changes that had been made to the earlier version. This was a particular concern when key information was removed without an explanation, as with the removal of the list of proscribed organisations from a Sri Lanka CPIN with no replacement.

### Unexplained gaps in CPINs

- 10.59 The EASO methodology advocates using “Terms of reference” for COI products. CPIT’s own training manual also includes guidance on suggested “Terms of reference”, although these are not compulsory. CPINs do not include them.
- 10.60 One benefit of clearly stated “Terms of reference” is that they may explain why certain information is not included in a CPIN. Inspectors found that information gaps in a CPIN were generally not explained. This risked the users filling the gaps themselves, either through their own research or with uninformed speculation. Inspectors found examples of both in the sampled records.
- 10.61 Home Office users and external stakeholders complained to inspectors about the way that CPINs often dealt with the question of state protection for returnees by simply referring to the existence of relevant laws. For decision makers, there was the risk of assuming that because laws existed they were being actively enforced. Meanwhile, staff presenting Home Office decisions at appeal hearings found the lack of analysis of the sufficiency of the legislation was also problematic.

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<sup>87</sup> A weblog (‘blog’) tends to be in the form of a diary, discussion or information.

## Internal consistency

- 10.62 A number of external stakeholders drew attention to the selective quoting of information in different parts of a CPIN (CIG). ‘Pakistan country information and guidance - Women fearing gender based harm and violence February 2016’ is an example. In the “Policy guidance” section (under “Consideration of Issues”) it states: “some police and security forces raped some women. The government rarely took action against those responsible.” However, the “Policy summary” states: “Although some police may be unwilling to offer it, in general effective state protection is likely to be available for women fearing gender based violence.”

### Case Study 1: Example of selective quoting of information in different parts of the same CPIN

#### ‘Country Policy and Information Note Iran: Zoroastrians June 2017’

At paragraph 4.6.1 the CPIN states:

“The Institute for War and Peace Reporting article on Zoroastrians dated 30 June 2010 noted that: ‘Conservative Parsis<sup>88</sup> oppose marriage outside the faith and do not recognise the children of such unions as Zoroastrian.’”

Paragraph 2.2.3 states:

“Some traditional Zoroastrians - namely Parsis who are based in India - do not accept converts nor do they accept children born to parents who have married outside of the Zoroastrian faith. However other parts of the Zoroastrian faith, including those in Iran, do accept children born of a Zoroastrian mother and non-Zoroastrian father, as well as converts from other religions or beliefs. Zoroastrians do not however actively seek to convert others to their faith; and some resist accepting converts for fear of being accused of proselytising”.

In the “Policy summary”, paragraph 3.1.2 states:

“Traditional Zoroastrians do not accept converts into their faith, although some sections of the Zoroastrian faith do. The onus will be on a person to show that they have converted to Zoroastrianism and to have been accepted as such by the Zoroastrian faith.”

#### Independent Chief Inspector’s comments

Inspectors considered that this CPIN was internally confusing as it moved between traditional Zoroastrians (Parsis) who are based in India and who have a stricter interpretation of conversion and the status of children from mixed marriages, and Iranian Zoroastrians in what was an Iran CPIN. The source used is 6 years old.

<sup>88</sup> Often rendered as ‘Parsees’.

# 11. Inspection findings – use made of CPINs

## Expectations of users of COI

- 11.1 The “Preface” of each Country Policy and Information Note (CPIN) sets out CPIT’s expectations of Home Office decision makers when using the product:

“Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.”

- 11.2 This echoes various Asylum Policy Instructions (API). For example, the API dealing with use of COI in asylum interviews, which states:

“Caseworkers must be familiar with the current CIG reports (or COIS reports) before an interview to ensure that the claimant is given an opportunity to explain any inconsistencies between their account and the COI.”<sup>89</sup>

## Quality assurance of CPIN use by AIC

- 11.3 CPIT told inspectors that the quality assurance mechanisms the Home Office employed for the asylum process, such as the “Second Pair of Eyes Process”<sup>90</sup> and “QATRO”<sup>91</sup> provided the assurance that CPINs were being used correctly, consistently and effectively by CPIT’s primary customers in AIC.
- 11.4 Inspectors reviewed the relevant QATRO criteria and found no evidence that the correct, consistent and effective use of CPINs was being fully measured by AIC.

## User reality

- 11.5 The implicit working assumption in both the CPIN Preface and the API is that asylum staff and others who use COI are equipped, in terms of their training, experience, and the time and resources available to them, to absorb and weigh all of the evidence before them. In the case of CPINs, this includes several pages of nuanced and sometimes contradictory country information.
- 11.6 In reality, most users of COI are working under significant time pressures, while some are new and inexperienced and ill-equipped to engage as intended with CPINs. This inspection was conducted at the same time as an inspection of Asylum Casework, which found that for much of 2016-17 AIC’s casework units (responsible for substantive interviews of asylum claimants and initial decisions) carried a significant number of vacancies.

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<sup>89</sup> The API has not been updated to refer to the current COI product.

<sup>90</sup> “Second Pair of Eyes” is a process within Asylum Intake and Casework applied to certain types of decision, and involves a review by a peer, technical specialist or senior caseworker prior to service of the decision.

<sup>91</sup> UKVI’s quality assurance tool, which assesses interviews and decisions against set criteria.

- 11.7 The number of active decision makers (DMs)<sup>92</sup> in AIC fell from 319 in January 2016 to a low of 228 in July 2016. They were recruited throughout the year, but they told inspectors that their initial training had not prepared them adequately to do their job, and they had relied on guidance and support from more experienced colleagues and “on the job” learning to develop the necessary skills and knowledge.
- 11.8 “Fully effective” DMs are set a personal target of 225 completed “events” (substantive interviews, or writing and serving an initial decision) in a reporting year. Where they were scheduled to complete 2 interviews in a day, they said they felt it left them insufficient time to prepare. They also reported that the Home Office’s published customer service standard of 182 days for an initial decision on a “straightforward” claim put them under constant pressure and affected decision quality.
- 11.9 AIC staff told inspectors that they had received minimal training on using COI and none at all on referencing sources appropriately, which could create problems where the interviewer and decision maker were not the same person.
- 11.10 Inspectors found that CPIT was generally unsighted on the number of new decision makers across AIC.
- 11.11 Over time, DMs become familiar with those CPINs, or parts of CPINs, that they use frequently. There is an argument that this supports efficiency and consistency, however, previous inspections<sup>93</sup> have highlighted the risks of a “cut and paste” approach to decision making. The same risks apply with regular use of the same CPINs – that insufficient attention is given to the particulars of the claim, which is at odds with CPIT’s stated expectation.
- 11.12 Staff from the Further Submissions team within Refused Case Management (RCM) told inspectors that peer sharing of information was a common practice, with specific paragraphs from letters used the next time a similar case arose. There is a clear risk to COI currency from the “cut and paste” approach.

### **File sampling evidence**

- 11.13 Inspectors examined 141<sup>94</sup> substantive asylum interview records, where a decision had been made on the claim between 1 October 2016 and 31 March 2017.
- 11.14 Inspectors found limited evidence from these records that AIC staff were making use of COI during the interview. One record referred to the interview having been paused for a “research break”, but it was unclear whether this was to research country information.
- 11.15 In a small number of cases, there was some indication that the interviewer had consulted COI prior to interview. In 8 cases, the interview record included reference to COI, but without specifying the source. For example, an interviewer stated to a claimant: “The information I have is that there are effective measures in place to help people who have been forced into prostitution.” Another stated: “I understand there are non-governmental organisations in Albania that help people, for example a shelter in Tirana, did you consider seeking help from them?” Others referred vaguely to “background information”, “my information” or “external information”.

<sup>92</sup> “Active decision makers” refers to the number of decision makers available to conduct interviews and make decisions. Throughout 2016-17 there were around 50 decision makers categorised as ‘non-active’, meaning that they were conducting other duties, attending training courses or on leave.

<sup>93</sup> Most commonly, those dealing with visa operations, where “cut and paste” has been identified as a particular problem in the construction of appropriately worded visa refusal letters.

<sup>94</sup> Of the 143 case records examined by inspectors, 2 did not contain substantive interview records.

- 11.16 COI used to inform a decision to refuse was not referenced fully in refusal letters, raising issues of transparency and fairness, as the claimant or their legal representative would be hampered from challenging the COI relied upon with their own research at an appeal hearing. Use of referencing was more noticeable in grant minutes, where decision makers had followed guidance to include a reference rather than the material itself.

#### Use of older Home Office COI

- 11.17 In certain instances, it may be appropriate to use an older COI product where a newer one exists. For example where an asylum claim is made a number of years after the claimant has entered the UK, or where the asylum process has been protracted, perhaps because of litigation.
- 11.18 However, inspectors identified 23 cases in the sample of 141 records where DMs had wrongly used older COI. One of these 23 cases is described at Case Study 2.

### Case Study 2: Inappropriate use of older and superseded COI

#### Basis of claim

In July 2013, an Iranian male claimed asylum on the basis of his fear of persecution due to his political opinion and his involvement in assisting 3 political fugitives to leave Iran.

#### Home Office action

In March 2017, the decision maker:

- wrote a refusal letter quoting from a number of web-based sources dating from 1991 and 2011, and used COI sources accessed via Refworld.org dating from 2000 and 2005, to argue that the applicant would not have been able to smuggle fugitives from Iran in 2016 due to stringent approval criteria for exit
- did not refer to the July 2016 Home Office Country Information and Guidance (CIG) report entitled “Illegal exit”, despite this including COI that indicated that the exit requirements had been relaxed for those facing criminal prosecution and participants of political demonstrations
- in relation to risk on return, referred to a 2013 Danish COI report rather than the Home Office policy guidance clearly outlined in the 2016 CIG on illegal exit

#### Home Office response

Inspectors drew this case to the Home Office’s attention and, in response, it stated that:

- “A COIR<sup>95</sup> should have been considered in the absence of contemporaneous evidence
- The sources cited were not contemporaneous, and therefore not appropriate. The passage of time renders such information unreliable. Up-to-date information, sourced from either COI products or reliable, relevant external sources are appropriate
- There is no official guidance regarding age of source but as stated above, the guidance states that the COI must be reliable and relevant”

95 A formal request to CPIT for information.

### **Independent Chief Inspector's comment**

Clearly, a great deal of effort went into sourcing all of the COI used to inform the decision. However, the approach taken did not comply with instructions (Home Office Guidance – 'Assessing credibility and refugee status', January 2015), and meant that COI that may have corroborated the claimant's account was overlooked.

- 11.19 CPIT expects DMs to consult it where it is considering using older COI. However, inspectors found that CPIT was not aware of the volume of such use. When inspectors asked a range of experienced and specialist asylum staff about how old COI needed to be before they would not consider using it, one replied that they "probably wouldn't go back more than 3 or 4 years", but another thought 4 to 5 years was "probably ok". Overall, DMs appeared to have no clear understanding of what constituted "reliable and up-to-date information" as required by the Immigration Rules.<sup>96</sup>
- 11.20 Home Office staff dealing with appeals against initial asylum decisions told inspectors that they routinely see dated COI being used. It is unhelpful to them as they may be facing a legal representative with up-to-date research or even a report especially commissioned from a professional country information specialist.

### **Over-reliance on CPIN "Policy guidance"**

- 11.21 The inspection found that the structure of CPINs, plus the force of the term "policy", time pressures, and a lack of training in the use of COI, all led towards asylum DMs and other users turning straight to the "Policy guidance" section, without going on to read much of the longer and more nuanced "Country information" section. A number of users told inspectors that, where they did read the "Country information" section, they were often unable to understand the rationale behind the "Policy summary" as it did not appear to reflect large quantities of country information "apparently pointing in the other direction".

## **Feedback**

### **Feedback loops**

- 11.22 Inspectors looked at the feedback loops between COI users and CPIT. The "Preface" to each CPIN encourages feedback, including any additional sources of information users have become aware of, and provides details of how to provide it. In February 2017, CPIT had placed a feedback form on the Home Office intranet, but it was too early to judge how successful this would be in generating more user feedback.

### **Asylum Intake and Casework (AIC)**

- 11.23 Inspectors found limited evidence that decision makers in AIC were using the feedback loop for CPINs. Equally, there was no evidence in the sampled records of any engagement of CPIT by decision makers who had undertaken independent research, despite the API requiring it. Interviews and focus groups with decision makers confirmed that they seldom provided feedback on CPINs.

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<sup>96</sup> Immigration Rules part 11: asylum, paragraph 339JA.

11.24 CPIT had been contacted by AIC regarding the training for a large group of new asylum decision makers.<sup>97</sup> Inspectors found that, despite this, CPIT appeared largely unsighted on the numbers of inexperienced decision makers elsewhere in AIC and about the minimal coverage of COI in their training.

### **Appeals, Litigation and Subject Access Request Directorate (ALS)**

11.25 Inspectors were provided with evidence of feedback to CPIT from ALS, case-specific discussions between them, CPIT's attendance at relevant Virtual Litigation Team meetings, and standing invitations for ALS and the Specialist Appeals Team to attend CPIT's quarterly Country Policy Steering Group.

11.26 Senior Caseworkers in ALS told inspectors that they had a productive, albeit ad hoc, relationship with CPIT. They were positive about the COI request (COIR) service, finding it helpful and responsive, and reported good individual relationships with the CPIT Country Officers. They made use of the CPIN feedback loop, for example to identify additional topics that they would like to see covered in a "Country information" section.

11.27 Inspectors found that, where they had COI queries, first level presenting staff preferred to contact a Senior Caseworker rather than CPIT. Generally, the presenting staff did not comment on draft CPINs, and they rarely had time to read determinations, so if COI had been criticised in a determination this may well not have been identified. However, CPIT was itself on the email copy list to receive updates on latest court hearings.

11.28 The Senior Country Guidance Caseworker (SCGC) spoke of a close working relationship with CPIT. The SCGC considered CPIT's input to be "absolutely crucial" in preparing Country Guidance cases and found CPIT staff "incredibly helpful".

11.29 The SCGC provided Home Office staff, including CPIT, with a monthly update on changes relating to Country Guidance cases, and had a standing invitation to CPIT's team meetings to provide updates and feedback on recent, ongoing, planned and potential Country Guidance cases.

11.30 ALS showed inspectors examples of the data it collected and analysed relating to allowed appeals. This contained minimal information on the role COI had played in the process. ALS did not have statistics for the number of appeals allowed, in part or in full, due to the disputed use of COI, and therefore any value to CPIT from ALS's data was unclear.

### **External stakeholders**

11.31 Stakeholders with direct experience of litigation involving COI thought that there was a "lack of effective and accurate feedback being implemented immediately after a judicial decision". They believed that CPIT (and the Home Office more broadly) failed to identify and engage with relevant caselaw. One voiced concerns about the "level of legal understanding and knowledge in CPIT", commenting that "[you] cannot do country information or policy notes without knowing the law". Overall, they had no sense that the Home Office was learning from Tribunals.

11.32 Significant concerns were raised about the apparent lack of feedback on Country Guidance cases. One legal practitioner cited 'LC (Albania) v Secretary of State for the Home Department

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<sup>97</sup> During 2016-17, AIC senior managers developed a plan (the Next Generation Casework project) to recruit 140 new decision makers for a period of 12 months to concentrate on the non-straightforward asylum claims and reduce the asylum Work in Progress (WiP) level. There is more detail in the parallel inspection of asylum casework, see footnote 2.



[2017] EWCA Civ 351,<sup>98</sup> where it emerged that the Home Office had been unlawfully relying on 'MK (Lesbians) Albania CG [2009] UKAIT 00036'<sup>99</sup> in both guidance and refusal decisions, but this had actually been set aside in October 2011.<sup>100</sup>

- 11.33 Another stakeholder noted that there were a few CPINs where the guidance recommended a departure from Country Guidance caselaw,<sup>101</sup> while others relied on caselaw from as far back as 2006.

### Failure of quality assurance and feedback mechanisms

- 11.34 Consistency is a key aim of AIC (and of UKVI) and CPIT sets out to support this with its COI products. However, in the course of file sampling, inspectors found evidence of inconsistent asylum decision making that had not been spotted, and which pointed to the relevant CPIN not providing the information decision makers needed.
- 11.35 Of 25<sup>102</sup> randomly-chosen Iranian claims examined by inspectors, 18 were based on a fear of persecution due to the claimant's conversion from Islam to Christianity. Inspectors identified numerous commonalities in the 18 accounts of conversion but, while the claims appeared similar, half were refused and half were granted.
- 11.36 Inspectors looked at the CPIN on Iranian Christian converts in place at the time the claims were made. It contained limited information on Christian adherence and observance in Iran. It focused more on information indicating mistreatment of converts. The relevant API balances both, saying: "The issues to be decided are whether the claimant genuinely adheres to the religion to which he or she professes to belong, how that individual observes those beliefs in the private and public spheres, and whether that would place him/her at risk of persecution."
- 11.37 It was evident from the sampled records that, in lieu of COI enabling detailed questioning about the daily experience of Christians in Iran to assess the "genuinely adheres" point, many staff simply resorted to testing the claimant's knowledge of Christianity. This was often done using crib sheets to ask rote questions as in a 'catechism',<sup>103</sup> not least as some of the interviewers were not themselves Christians or were not equipped to go into matters of Christian observance. In the sample, much of the questioning was about famous figures in the Bible; in one instance, an educational website for children was used as a source for questions to ask.<sup>104</sup>
- 11.38 AIC told inspectors that it used a "variety of sources" when considering this type of claim, and that "Senior Caseworker Teams have a number of question lists". However, many staff told inspectors that they were concerned that a "pub quiz" approach to knowing about Christianity simply tested the ability of spurious claimants to learn information freely available in the UK.
- 11.39 CPIT told inspectors it did not provide direct questions because: "A person's adherence to a religion will also vary. And whilst it is important to consider the genuineness of a person's religious conversion, it should be done alongside the person's lived experiences so – on the face of it – such products would arguably have limited utility."

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98 Available at: [http://www.refworld.org/cases,GBR\\_CA\\_CIV,5919695e4.html](http://www.refworld.org/cases,GBR_CA_CIV,5919695e4.html)

99 Available at: <https://tribunalsdecisions.service.gov.uk/utiac/2009-ukait-36>

100 The Upper Tribunal included MK Albania on a list of Country Guidance cases on its website until December 2016.

101 For example, the Eritrea CIG on Illegal Exit (Sept 2015) advised that new information meant that the 2011 Country Guidance case was outdated and the categories of those not at risk for illegal exit were broader than those identified in the Country Guidance case.

102 Inspectors originally asked for 30 records, but 5 of those supplied were out of scope.

103 A repetitive question and answer approach used for learning the principles of Christianity.

104 <https://www.topmarks.co.uk/> - "a leading independent educational website".

## 12. Inspection findings – Country of Origin Information Requests (COIRs)

### The purpose of COIRs

- 12.1 Where asylum decision makers require country information not covered by a current CPIN they may request it from CPIT. They are informed of this option by means of an Asylum Policy Instruction (API), which states: “If existing products do not provide the COI required caseworkers should send an information request to CPIT.” The product CPIT produces in response to such requests is called a Country of Origin Information Request (COIR).
- 12.2 CPIT aims to produce a COIR within 5 days of receiving a request for information. It can expedite this service and respond in 1 working day for requests that are deemed urgent due to imminent appeal hearings or ongoing detention.

### CPIT’s “one stop shop” aim

- 12.3 CPIT’s Head of Unit told inspectors that it expected to satisfy all of the COI-related needs of AIC, and that decision makers should be consulting CPIT rather than relying on other sources of COI. CPIT managers and staff believed that this aim to be a “one stop shop” for AIC was best served by it producing and updating CPINs, as this was how CPIT added “real value”. COIRs were a “distraction from the primary product” and CPIT needed to “manage requests” to avoid them taking resources away from CPIN production.

### Alternative sources of COI

- 12.4 Longer-serving asylum staff recalled that CPIT’s predecessor had previously published a list of useful sources of COI that decision makers could consult themselves. At the time of the inspection, this list could still be found on GOV.UK, but under the defunct UK Border Agency branding.<sup>105</sup>
- 12.5 Inspectors examined 143 asylum records looking for the use made of COI.<sup>106</sup> In over half of these records, inspectors found evidence of decision makers relying on their own researches rather than making a request to CPIT. Staff and managers in all of the asylum business areas visited by inspectors confirmed that this was common practice. AIC decision makers were clear that they would make a request of CPIT only if they were unable to find relevant information through their own web-based research. One manager summarised AIC’s perception that CPIT “do the research that Asylum can’t do”.
- 12.6 From interviews, inspectors established that the main reason was that staff found that it was simply quicker and easier to “do a Google search”. Asylum decision makers and appeals presenting officers explained that their preparation time was short, which frequently made it impractical to wait for information from CPIT. Criminal Casework staff dealing with removals, interviewed as part of a contemporaneous inspection of Immigration Status Reviews, also felt that the COIR system

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<sup>105</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/257649/useful-sources.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257649/useful-sources.pdf)

<sup>106</sup> Chapter 2 provides a breakdown of the 143 cases.

could take too long, and that it produced less helpful information for countries the nationals of which were less frequently encountered. Most of the staff interviewed said they would be likely to make more use of the COIR process if they could be sure of a prompt response.

### Common 'types' of COIR

- 12.7 Inspectors identified 2 common 'types' of COIR: those dealing with specialist medical information; and those dealing with asylum claims involving children.

### Requests for specialist medical information

- 12.8 There is an identified need for COI about the treatment available for particular medical conditions in countries to which individuals may be returned should their asylum claim be refused or the right to remain in the UK removed. While the 'new style', shorter, topic-focused CPINs were generally welcomed by users, they no longer contained general country information, including access to medical treatment. General guidance on how to consider medical claims was now included in only 2 CPINs (relating to Nigeria and to Pakistan).
- 12.9 Staff interviewed reported that medical issues, particularly mental health conditions, were raised in around 90% of further submissions.<sup>107</sup> Refused Case Management (RCM) is responsible for claimants who are "appeals rights exhausted" and for referring cases for enforced removal. One member of RCM observed that "medical information is key as we are the last step before they get on a plane".
- 12.10 An RCM operational manager described a "void in understanding" of Articles 3 and 8 of the European Convention of Human Rights among decision makers, with frequent misunderstanding that the UK and European Courts have set a high threshold for an Article 3 or 8 defence of non-removal on medical grounds.<sup>108</sup>
- 12.11 A CPIT staff member described COIRs relating to medical issues as ranging from "generic" to "wacky". Inspectors were told of a recent medical request asking about the availability of treatment for flat feet in Nigeria. CPIT was corresponding with the business areas to discourage COI requests for medical information unless the condition was likely to reach the Articles 3 or 8 thresholds. Meanwhile, managers in RCM had also identified that this was a problem and had issued instructions to staff to try to reduce the numbers of inappropriate requests.
- 12.12 CPIT said that it was already looking into providing more medical information in CPIN-form,<sup>109</sup> in order to meet customer demand, but did not want to use its limited resources on matters that would not have a determinative impact on a decision to remove. Initially, it planned to provide medical information only for the "top 4 or 5 countries".<sup>110</sup> However, decision makers and other operational staff told inspectors that they would find it more useful if, as a simple first step, CPIT were to promulgate on the Home Office intranet the general guidance on using medical information.
- 12.13 Inspectors looked at the costs of providing medical information. The MedCOI (medcoi.eu) service charges around €300 per request for specific and reliable COI, which has been reviewed by a medical practitioner, on the availability of medical treatment in other countries. These

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107 "Further submissions" are where further evidence is provided on asylum or human rights grounds after the claimant has had their claim refused.

108 The European Convention of Human Rights 1950 was introduced into UK law in the Human Rights Act 1998. Article 3 states that "no one shall be subjected to torture or to inhuman or degrading treatment or punishment", and Article 8 covers "Right to respect for private and family life".

109 At the time of the inspection, there were 2 CPINs that explained assessing medical claims.

110 Based on asylum intake.

costs are currently met by EASO.<sup>111</sup> CPIT considers the requests it receives and decides which are worth putting to MedCOI, where necessary clarifying with the decision maker whether the medical information is essential to deciding on the claim. CPIT does not record the type of request, only the overall number. There are no contingency plans in place should EASO decide to charge for this service.

### Asylum claims involving children

- 12.14 The API 'Processing children's asylum claims' instructs decision makers "where relevant, be proactive in pursuit and consideration of objective factors and information relating to the child's claim". There is no guidance for decision makers on how this instruction is intended to sit alongside the API 'Assessing credibility and refugee status', which instructs staff to "send an information request to CPIT", if existing CPIT products do not provide the COI required.
- 12.15 Inspectors examined 30 asylum claims made by unaccompanied children and a further 12 claims where the claimant(s) had dependent children. In 9 cases, the decision maker referred to COI in relation to the safeguarding and welfare of the child.<sup>112</sup>
- 12.16 It was evident in each case that these decision makers had done their own research. In some cases, this research included accessing out-of-date COI products that had been produced by CPIT or its predecessors. While CPIT had removed these products from the Home Office intranet and GOV.UK, they were still accessible via third party websites.
- 12.17 In the records examined, inspectors found that the quality and application of the research carried out by decision makers varied to the extent that it undermined UKVI's aim of consistency in its decision making – see Case Studies 3 and 4.

### Case Study 3: Example of effective 'independent' research, but with a failure to provide feedback to CPIT

#### The claimant, an unaccompanied minor from Guinea:

- claimed asylum on the basis of ongoing ethnic tension in Guinea

#### The decision maker:

- did not request information from CPIT
- researched and quoted numerous COI sources, including the US Department of State Human Rights Report, Foreign and Commonwealth Office travel advice, and BBC news articles, to establish no risk on return due to ethnicity
- refused asylum, but granted a period of discretionary leave as an unaccompanied minor because of inadequate reception facilities
- did not feed back to CPIT on the results of their research

<sup>111</sup> At the time of the inspection, MedCOI was administered by the Dutch COI Service and funded by EASO through the Asylum, Migration and Integration Fund (AMIF). There were plans to transfer it to EASO, and there had been discussions about EASO charging Member States for MedCOI requests.

<sup>112</sup> Section 55 of the Borders, Citizenship and Immigration Act 2009 <https://www.legislation.gov.uk/ukpga/2009/11/section/55>

### **Independent Chief Inspector's comments**

The decision maker made effective use of the sources of COI readily available to them. The sources were current, clearly referenced and analysed to justify a decision regarding risk on return.

No CPIN existed for Guinea, but the result of not making an information request and not feeding back to CPIN with the results of research was that no one else was able to benefit from this research.

### **Case Study 4: Example of ineffective 'independent' research, leading to an inappropriate decision**

#### **The claimant, an Albanian woman:**

- applied for asylum with 2 dependent children (aged 4 years and 1 month) on the basis that she feared persecution in Albania from her family, and from her ex-husband's family, because she had had an illegitimate child fathered by another man

#### **The decision maker:**

- did not request information from CPIT
- refused the woman's claim on the basis that she could access state protection and internally relocate away from those she feared in Albania
- refused asylum for the children "in line with" their mother
- used sources of COI dating from 2008 to 2011 to support the decision that it was in the 'best interests' of the children to return to Albania, but did not reference where these sources had been accessed

#### **The appeal:**

- was allowed on the basis of the family's right to a private life and that returning to Albania with 2 children (one illegitimate) with an absence of available support would be a significant obstacle to reintegration

### **Independent Chief Inspector's comments**

The decision maker relied on dated COI to assess the level of support available in Albania for the particular circumstances of this family. The Immigration Rules are clear that information must be "reliable and up-to-date".<sup>113</sup>

The decision maker also failed to recognise the need for COI that dealt specifically with country conditions for a woman with an illegitimate child.

- 12.18 Inspectors also found decision makers, who had been trained to deal with child claims, felt able to access "good tailored information" by using CPIT's request service as set out in the API. However, these decision makers felt that it would be useful to have more child-specific information readily to hand. One commented that claims from unaccompanied minors were becoming increasingly complex, and they were not "comfortable doing my own research on this issue, as it is so serious".

<sup>113</sup> Immigration Rules part 11: asylum, Paragraph 339JA <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

- 12.19 External stakeholders confirmed that the findings from the sampled decisions reflected what they had seen themselves. The widely held view was that the dearth of child-specific COI produced by CPIT as standard had a negative impact on decision quality, and it led some decision makers to do their own research and to give weight to inappropriate sources.
- 12.20 One stakeholder<sup>114</sup> felt there was a “lack of intelligent use of other sources”, and explained how its own report on Albanian orphanages, which had highlighted the poor conditions in these establishments, had been cited in support of the argument that as orphanages exist it was safe to return an orphaned child. The stakeholder contended that as a signatory to the ‘United Nations Convention on the Rights of the Child’, the UK should use UNICEF reports to inform asylum decisions.<sup>115</sup>

### Other ‘independent’ research

- 12.21 CPIT’s own guidelines, and the EASO methodology (referenced in the “Preface” to every CPIN), recommend giving consideration to the “relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information”.
- 12.22 File sampling for this inspection found other examples, beyond medical and child-based matters, where decision makers and other users chose not to make a COI request of CPIT, but then failed to consider the “relevance” of the information – see Case Study 5.

#### Case Study 5: Example of inappropriately conducted ‘independent’ research

##### The Claimant, a Malaysian woman:

- claimed asylum on the grounds that she was a lesbian and feared persecution should she return to Malaysia

##### The asylum decision maker:

- finding no relevant CPIT COI product, conducted their own research using web-based sources, including gay travel sites gaytimes.co.uk and gayhomestays.com
- on 12 October 2016 (one day ahead of the 182 day customer service standard for an asylum decision), rejected the claim of persecution, referencing the websites in the refusal letter as evidence of a “vibrant” and “flourishing” gay scene in Malaysia, and using a COIS response to an information request from 2011 to support the argument that there had been a lack of recent prosecutions of homosexuals in Malaysia

##### Inspectors:

- noted that a response to a COIR on LGBTI issues in Malaysia was published on the intranet only 7 days after the 182 customer service standard deadline for this case
- asked the Home Office if the referenced travel sites and a 2011 COIR were considered to be “reliable” evidence for a refusal

<sup>114</sup> Amnesty International.

<sup>115</sup> ‘The United Nations Convention on the Rights of the Child’ is a human rights treaty, which sets out the civil, political, economic, social, health and cultural rights of children. The UK signed the convention in 1990 and it came into law in the UK in 1992. UNICEF publishes an annual report, ‘The State of the World’s Children’, which includes the latest available statistics for countries on child survival, development and protection.

### Home Office responses

- CPIT responded: “CPIT’s view is that whilst we would not rule it out completely, this is not the best source of information for the reasons identified (the material is aimed at tourists, and may not reflect the situation for nationals).”
- AIC responded: “It was appropriate to use sources of background information (such as travel sites) in the absence of a COI report, in order to demonstrate the tolerance of LGBTI rights and persons within the country. The Day 182 for this case influenced the necessity for a decision to be made...however, at the time of writing, the Decision Maker was not aware that a COIR for Malaysia would be released the following week.”

### Asylum Policy Instruction

The relevant API states: “Published Home Office COI products or the COI request service should normally be relied on. However, caseworkers will sometimes need to undertake further research via the CPIT Useful Sources list, reliable news media, or from databases such as UNHCR’s Refworld. If undertaking their own research, caseworkers must consider the relevance and reliability of the information, and try to corroborate the COI from other sources if possible. Any COI gathered through research undertaken by caseworkers must be fed back to CPIT.”

### Independent Chief Inspector’s comments

It appears that the CPIT Useful Sources list was not used in this instance. The websites do not meet the description of “reliable news media”, and 2011 information was not suitable for a claim of this nature in 2017. Overall, this is an example of poor grasp of the standards required when conducting COI research.

By not requesting information from CPIT, the decision maker was unaware that a relevant CPIN was about to be published. Had they done so, CPIT may have been able to provide the required information in advance of publication of the CPIN or, if this was not possible, AIC management could have made an informed decision about whether to breach the customer service standard in order to be in possession of the best possible information.

- 12.23 Inspectors consulted a number of external legal stakeholders who specialise in representing asylum claimants in appeals based on sexual orientation or sexual identity. They all told inspectors that they regularly see refusal letters where decision makers have used websites which report solely on the experiences of LGBTI foreign tourists in a country, often referring only to the capital city. They argued that these website reports are not representative of the experience of a country’s own LGBTI nationals.
- 12.24 These stakeholders also drew attention to the second test in the *HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department*, [2010] UKSC 31, United Kingdom: Supreme Court, 7 July 2010.<sup>116</sup> This concerned whether there is a real risk of persecution for LGBTI individuals in their home country. They believed that LGBTI-focused CPINs produced after 2014 did not engage sufficiently with this test.
- 12.25 The inspection found that CPIT was not sighted on the extent of untrained or mistaken use of COI. The SCS lead said that there needed to be an “important clarification” between “factual” COI and “analytical” COI. A country’s currency is an example of the former, while risk on return

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<sup>116</sup> <https://www.supremecourt.uk/cases/docs/uksc-2009-0054-judgment.pdf>

is an example of the latter. 'Independent' research by decision makers might be appropriate for "factual" COI, but "analytical" COI required CPIT's nuanced analysis.

- 12.26 CPIT saw this as an AIC training issue. However, inspectors found no evidence that CPIT was actively involved in ensuring that AIC training made decision makers aware of the risks associated with 'independent' research that did not meet the quality criteria.



# 13. Inspection findings – Fact-finding Missions

## The purpose of fact-finding missions

- 13.1 CPIT undertakes fact-finding missions in order to assess and resolve “information gaps in key asylum intake countries for asylum decision makers”. CPIT management finds such missions “potentially useful” if well-designed with access to a range of good sources.
- 13.2 The aim is to talk to a balanced range of sources from both government and civil society, but this is not always possible. For example, during a visit to Bangladesh in May 2017, the UK delegation had access to only one government source, which was “disappointing”. Meanwhile, the fact-finding mission to Eritrea in February 2016 was dominated by meetings with government sources.

## How visits are organised and delivered

- 13.3 There is no set methodology for organising and delivering a fact-finding mission. However, the UK had contributed to the European guidelines for them, which give directions on the setting of clear terms of reference, structured interviewing, interview technique, technique for handling “reluctant” sources, and a fact-finding mission report template.
- 13.4 The value of fact-finding missions varied: “Sometimes we go to a country with the best will in the world but the country will only give what they want to give.” CPIT told inspectors that a lot depended on the engagement and effectiveness of officials in UK Embassies and High Commissions. Working with officials at overseas posts could be challenging, depending on the quality of their local contacts. Visits worked best when there was a Migration Delivery Officer looking after Home Office interests, otherwise FCO officials would advise CPIT whether a fact-finding mission was feasible and, if so, would support its delivery.

## Questioning sources and assessing what they say

- 13.5 CPIT staff who had been on fact-finding missions told inspectors that no particular skill set was required. Those involved needed to adopt the “inquisitive” stance of a researcher, and the CPIT staff were confident that they were capable of handling sources and interpreting what they were told correctly. Staff felt they had sufficient time to write up their notes and, typically, a report was published between 2 to 3 months after the visit.
- 13.6 Senior CPIT staff recognised that the sources encountered on a fact-finding mission were likely to have “an agenda and a bias”, but thought that it was still possible to emerge with a reasonably balanced picture. They told inspectors that the team was “reasonably well equipped” to carry out fact-finding missions, but conceded there was an impact on core business because of CPIT’s limited resources.

- 13.7 However, some stakeholders were sceptical about CPIT's ability to handle sources and derive value from fact-finding missions. One described the missions as "methodologically hopeless", incapable of digging beneath the generally positive picture presented by government officials and their selected representatives from civil society.
- 13.8 Stakeholders also considered that the terms of reference for fact-finding missions did not focus on filling identified knowledge gaps, but were instead driven by concerns about high asylum grant rates. This led some stakeholders to see fact-finding missions as a tool for reducing grant rates.

## **Funding for fact-finding missions**

- 13.9 Since 2016, the UK has received funding from the EU's Asylum, Migration and Integration Fund (AMIF) for its fact-finding missions. CPIT has a dedicated member of staff who acts as Project Manager for fact-finding missions, establishing "information gaps" in liaison with AIC decision makers, doing some dip-sampling of CID records, and organising the missions, liaising with the FCO to identify and organise access to sources to interview.
- 13.10 In January 2016, the Home Office was awarded £160,500 up to April 2018 (which the Home Office augmented, making a total of £214,000). This funding has allowed CPIT to continue to make overseas visits, which it considers are an important part of its toolkit for providing value to end users.
- 13.11 At the time of the inspection it was unclear how the UK's planned exit from the EU in March 2019 might affect AMIF funding. As at July 2017, CPIT management had not engaged with other parts of the Home Office, or with other government departments, to highlight and manage this risk.

## **Eritrea example**

### **2014 Danish fact-finding mission and its aftermath**

- 13.12 Fact-finding missions by CPIT's international counterparts do not typically trigger revisions to CPIT products. An exception was the report of a Danish Immigration Service (DIS) fact-finding mission to Eritrea published, in English, in November 2014.
- 13.13 The Danish report produced a strong reaction from stakeholders, who saw it as unbalanced and unreliable. In December 2014, UNHCR published its perspective on the report, noting a number of concerns about the methodology used by DIS, in particular the misattribution, misleading conflation, and partial reporting of statements made by the sources DIS interviewed in the summary section of the report, and the absence of any assessment of the reliability of these sources.
- 13.14 In 2014, Eritrea was in the 'top 10' source countries for asylum claimants, not just in the UK but in Europe. It has remained there ever since, though its position within the UK's 'top 10' has fluctuated, as it has for other countries. Many Eritrean claims are made on the basis that the claimant exited Eritrea illegally, in many cases to evade national service, and would face severe punishment and persecution if they were to return, and the DIS report directly challenged this view as no longer accurate.

- 13.15 In December 2014, a UK delegation<sup>117</sup> visited government counterparts in Asmara to improve the UK-Eritrea relationship and raise bilateral issues, including asylum and returns. The UK delegation reported that the “situation [in Eritrea] did not seem to be as difficult as we previously might have thought”.
- 13.16 However, when the Foreign and Commonwealth Office (FCO) updated its report on Eritrea,<sup>118</sup> subtitled “Country of Concern”, in January 2015, it contained the following passages:
- “We will continue to press for an end to obligatory and indefinite national service and to compulsory and onerous civilian militia duties (such as guarding, patrolling and dam-building), all of which could amount to forced labour.”
- “We are not yet able to assess whether [a 1995 Proclamation, and 2011 government order, setting a maximum of 18 months for national service, with conscripts allowed to serve in their own districts, allowing access to families] is happening in practice.”
- And, of particular relevance to the risks on return for refused asylum seekers:
- “Arbitrary, indefinite and incommunicado imprisonment without trial remain common.”
- 13.17 The December 2014 UK delegation noted that CPIT was “already looking at revising our operational guidance in light of the recent Danish Fact Finding Mission, to shift the balance of decision making”.
- 13.18 In March 2015, CPIT published new guidance on illegal exit and evasion of national service,<sup>119</sup> drawing extensively on the DIS report, which by this stage was being described by stakeholders as “discredited”, not least because one of the report’s key sources had publicly disassociated himself from the report, as had 2 of the report’s researchers.
- 13.19 The guidance<sup>120</sup> did ‘shift the balance’ of decision making, informing decision makers that: “Previous country guidance indicated that those who had left illegally were at risk on return to Eritrea. However, up-to-date information from inside Eritrea suggests this is no longer the case.”
- 13.20 In October 2015, the Independent Advisory Group on Country Information (IAGCI) commissioned a review of the updated Eritrea guidance as part of its normal cycle of reviews. The review, carried out by Dr John Campbell, a Reader in the Anthropology of Africa and Law, Department of Anthropology and Sociology, School of Oriental and African Studies, University of London, and endorsed by IAGCI, observed that the updated guidance relied on the “discredited” Danish report and omitted other important information. It concluded that: “The policy recommendations are completely divorced from, and unconnected to, relevant objective evidence.”<sup>121</sup>
- 13.21 In response, CPIT raised concerns about the “objectivity and impartiality” of the review, and stated that the reviewer had gone outside his remit and the IAGCI’s terms of reference by reviewing CPIT’s policy summary, which it declined to amend.

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117 These were policy-level discussions, involving both FCO and Home Office officials. CPIT was part of the delegation and drew on its findings when making changes to guidance on Eritrea.

118 <https://www.gov.uk/government/publications/eritrea-country-of-concern/eritrea-country-of-concern>

119 2 separate CIGs: ‘Country Information and Guidance - Eritrea: National (incl. Military) Service, 11 March 2015’ and ‘Country Information and Guidance - Eritrea: Illegal Exit, March 2015’.

120 ‘Country Information and Guidance - Eritrea: Illegal Exit, March 2015’, available at: <http://www.refworld.org/docid/5507fe424.html>

121 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/559478/Review-of-Home-Office-CIGs-on-Eritrea-Dec-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559478/Review-of-Home-Office-CIGs-on-Eritrea-Dec-2015.pdf)

13.22 The 'new' Eritrea COI had a marked operational impact. The initial grant rate for Eritrean claimants fell by more than half, and the number of appeals rose by almost 800%, as the Home Office noted in its commentary on migration statistics for 2015-16:

"The grant rate at initial decision for Eritrean nationals has fallen recently, coinciding with the publication of updated country information and guidance on illegal exit and national service in Eritrea in March 2015. In the year ending March 2016, the proportion of initial decisions for Eritrean nationals that were grants of asylum or an alternative form of protection was 42%, compared with 86% in the previous year. This has also been reflected in an increase in the number of appeals lodged by Eritrean nationals, from 224 in the year ending March 2015 to 1,760 in year ending March 2016. Of appeals determined in the year ending March 2016, 85% of those by Eritrean nationals were allowed, compared with 43% in the previous year."<sup>122</sup>

13.23 In early 2016, the Home Office put initial decisions for Eritrean asylum claims on hold after Eritrea was listed as a forthcoming Country Guidance case by the Upper Tier, Immigration and Asylum Chamber Tribunal, in part due to the increase in appeals.

13.24 Between 7 and 20 February 2016, CPIT carried out its own fact-finding mission to Eritrea, sending 3 members of staff.<sup>123</sup> The Home Office submitted its findings to the Tribunal for consideration in the Country Guidance case. In April 2016 the FCO updated its position on Eritrea.<sup>124</sup> On 4 August 2016, CPIT published updated guidance on both illegal exit and national service, adding evidence from the fact-finding mission that supported its March 2015 stance on the diminished risks on return. As a direct result, asylum decision making recommenced on 19 August 2016. This was after the Country Guidance hearing had ended, but before the Tribunal had promulgated its decision.

13.25 The Tribunal's decision was issued on 23 October 2016. The new 'Country Guidance, MST and others (national service – risk categories) Eritrea [2016] UKUT 00337'<sup>125</sup> broadly maintained previous Country Guidance, which found that people who had left Eritrea illegally or had evaded military service are at risk on return. However, it did add some qualifying factors.<sup>126</sup>

13.26 In response, CPIT published a revised Eritrea CPIN on 25 October 2016, in which the policy guidance in relation to risk on return was in line with the newly issued Country Guidance. At the time of the inspection, no further changes had been made to the October 2016 CPIN.

### Impact on Home Office users of the March 2015 CPIN

13.27 Staff responsible for presenting the Home Office position at asylum appeal hearings told inspectors about their experiences during the period after CPIT published its March 2015 guidance, with the latter's heavy reliance on the report of the Danish fact-finding mission. They described CPIT's position at that time as "embarrassing" and "basically undefendable". One summed up: "It was agonising to deal with Eritrea cases after the Danish report was rubbished.... We had cherry-picked and flawed information". Another said: "We are told to argue "black is white" to remove people."

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122 <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2016/asylum>

123 The team visited Asmara, Keren in Anseba region, Barentu, Tesseney and Bisha mine in Gash Barka region, and spoke to a wide range of sources.

124 This report can be found at: <https://www.gov.uk/government/publications/e-eritrea-human-rights-priority-country/eritreahuman-rights-priority-country>

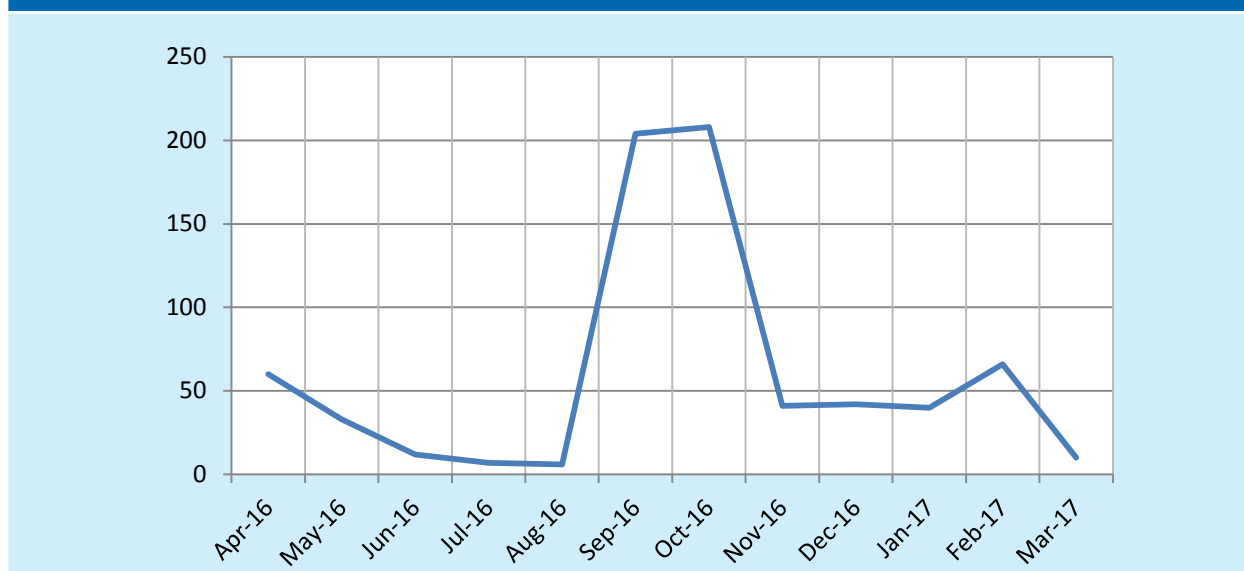
125 Accessed at: <https://tribunalsdecisions.service.gov.uk/utiac/2016-ukut-337>

126 Paragraph 346 ff read "The question is, therefore, what further characteristics are needed to place a person at real risk of persecution or serious harm on return. We consider two further characteristics are needed: (i) that they will be perceived on return as evaders/deserters; and (ii) that they will be persons subject to forcible return. Even then, however, we continue to think that this category is subject to certain exceptions and that they are exactly the same as those identified in MO (the previous country guidance)."

### Impact on asylum appeals of the October 2016 CPIN

- 13.28 Following the publication of the October 2016 CPIN, the numbers of appeals being lodged by Eritrean asylum seekers reduced significantly. Figure 3 shows that Eritrean appeals peaked in September and October 2016, and fell away steeply after publication of the CPIN.

**Figure 3: Number of Eritrean appeals lodged in 2016-17**



### Impact on UK stakeholders

- 13.29 A number of UK stakeholders told inspectors that the chain of events surrounding the FFMs to Eritrea and subsequent changes to guidance was an example of what can happen if high asylum grant rates are allowed to drive both the terms of reference and output of a fact-finding mission.

### Impact on CPIT's reputation with its international counterparts

- 13.30 Inspectors asked 9 international COI teams whether the problems with the Eritrea CPIN had had any impact on their perception and use of CPIT's products.
- 13.31 Two reported no adverse impact on CPIT's reputation from the debate over the Eritrea report. A third stated that the episode had highlighted the flaws with CPIT's reports - that they "do not explain or value the cited sources, [so] specific elements can easily be used in a wrong way by just citing some of them and by doing so, giving only one side of the story". This respondent went on to comment that they would "appreciate it if CPIT will write COI reports in the future that are more in line with EASO guidelines and practices".

# Annex A: Recommendations from ‘The use of country of origin information in deciding asylum applications: A thematic inspection (October 2010 to May 2011)’

<p><b>Recommendation 1</b></p> <p>Removes country of origin information from policy documents</p>	<p><b>UKBA response – Not accepted</b></p> <p>Operational Guidance Notes (OGNs) have an important role in ensuring consistency in decision making by setting out the relevant considerations in determining various categories of asylum claims from the country concerned. Without the inclusion of relevant country information, OGNs would be far less effective in supporting caseowners to reach high quality decisions and simply a set of assertions without any evidence base or context. This also assists transparency. It enables the applicant and their legal representatives to have a clear view from the published OGN of the weight we are putting on elements of country information and how we are guiding caseowners in the use of Country of Origin Information. We therefore believe it right to continue including appropriate country information in OGNs.</p> <p>We are committed to making sure OGNs refer to the most up-to-date information produced by COI service. The OGNs give an indication of the range of relevant material that should be considered. It is made clear to case owners – and set down in the introduction to OGNs - that they must refer to the original and latest COI service product and use it in conjunction with the guidance contained in the OGN. This is because the COI contained in the OGN is not intended to be comprehensive, rather to act as an indication of the range of relevant material that should be considered. Regarding the observation that information included in the OGNs is selective, it is a challenge we face in providing suitable guidance against the nature of all country information being (a) historic (b) negative and (c) often contradictory. Whatever source is included is open to the charge of being selective. Rather than present or, ‘dress country information as policy’, the country of origin information is very clearly sourced as such and is separated from, for example, case law, which is also cited in the documents, and the conclusions which provide case owners with guidance on the handling of the particular category of claim concerned.</p>
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	<p>As regards the specific OGNs mentioned in the report, the Afghanistan OGN was last updated in March 2011 and work is currently in hand to update the Uganda OGN and this will be issued shortly. Prior to their publication, draft OGNs are circulated for comment to relevant internal units. As part of this process, COI service is invited to comment and make suggestions as to the COI contained within OGNs. However, COI contained within OGNs can sometimes be different from the COI service country reports due to:</p> <ul style="list-style-type: none"> <li>• new information emerging after the COI report has been published</li> <li>• information being contained in responses to COI requests rather than the COI report</li> <li>• Information having been suggested for inclusion by an external body.</li> </ul> <p>We acknowledge that some external stakeholders oppose the conclusions reached in OGNs or object to the case law reflected in them. On the other hand, other external stakeholders are working closely with us on OGNs to improve their quality.</p>
<p><b>Recommendation 2</b></p> <p>Rationalises its documentation containing country information; and ensures that up-to-date country information is set out factually and consistently in any documentation.</p>	<p><b>UKBA response – Accepted in part</b></p> <p>As indicated above in our response to Recommendation 1, we do not believe we should rationalise documentation containing country information in the sense of removing that information from OGNs. We do, however, accept that we should aim to co-ordinate the timetabling of the COI report and the OGN and are committed to moving to this position. We already do this whenever possible and continue to explore ways in which the production of these documents can be better coordinated. That said, some situations will remain where this is not possible. For example, where there is a need to reissue an OGN to reflect new case law handed down by the courts which cannot wait until the next COI Service report is completed.</p> <p>We are constantly looking at ways to make our country-based guidance clearer and more effective, in particular that it can be accessed and maintained online quickly. This approach is reflected by the wider review of casework guidance as part of the Asylum Improvement Project (AIP), which aims to ensure case owners have all the available information they require at their disposal and thereby deliver consistent and accurate decisions.</p>

**Recommendation 3**

Collates information on the basis of each claim to ensure collective knowledge is preserved and used appropriately by case owners; and makes explicit reference in COIS reports where research has been conducted but no relevant information found.

**UKBA response – Accepted in part**

We recognise the need to ensure collective knowledge is retained and used to maximise efficiency. There is a process in place for case owners to follow where a lack of information around the particular circumstances of the claim leads to the need for further research. This process requires case owners to consult existing reports, responses to COIS requests available on our knowledge base and local Senior Caseworkers (SCWs) to check that information has not already been researched and made available. When these avenues are exhausted case owners can conduct their own research but must check with SCWs and/or COIS before relying upon information obtained. We will make sure our guidance is updated to make it clear that information obtained and used as part of this process needs to be preserved and used appropriately by case owners.

In the longer term, as part of our Immigration Case Work (ICW) programme we are aiming to collate much more information electronically to ensure we capture claim profiles more easily. We are in the process of piloting a more structured approach to decision making that will provide a more efficient way of accessing the information case owners require to deliver accurate and well reasoned decisions and better ways of recording relevant information to preserve knowledge.

In regard to stating that no relevant information has been found in COI Reports, we do not accept that this is appropriate. We put considerable effort into researching reports, focussing on the main human rights issues arising in claims, and it is rare that there is no information on a particular subject relevant to the decision making process. Nevertheless, given the complexities of countries and the variety of issues arising in asylum claims, it is not possible for reports to be completely comprehensive or provide detail on all matters that might arise in casework (indeed we provide links to sources for further detail). This is why we offer UK Border Agency officials access to the information request service, so that issues that aren't covered or where there is little depth of information in reports can be further researched as required.



	<p>If, however, we are unable to find information which is relevant to decision making via desk-based research we can, and do, approach the Foreign and Commonwealth Office to undertake investigations on our behalf. We also ask European COI colleagues, and have, on occasion, conducted fact finding missions to obtain information that is otherwise not readily available. Should it not be possible to obtain information from these sources/methods of research, then we can quote the findings of these sources in the respective COI Report.</p>
<p><b>Recommendation 4</b></p> <p>Sets clear guidelines for case owners in researching COI where the COI already available does not meet the requirements of the individual case.</p>	<p><b>UKBA response – Accepted and already implemented</b></p> <p>We already have instructions that set out what case owners should do if they are unable to find the case-specific information in existing COI products: they are required to consult colleagues locally and, if the information is still not available, then contact COIS, which will research the matter. We will review the instructions and reissue to case owners.</p> <p>We also provide guidance on researching COI. Case owners receive substantial training on the information and skills needed to make well reasoned decisions supported by subjective evidence and objective information. As part of the foundation training course case owners are advised on types of objective evidence, reliability, scope and accuracy of sources. Case owners are specifically advised that if they are still in need of further information, they can conduct individual research but they must carefully analyse the sources used and check them with a Senior Caseworker (SCW) and/or COIS before use.</p> <p>Case owners also have online access to guidance entitled ‘Research methods of key COI sources’ which provides further guidance on core sources used by COIS when compiling their products. We do however recognise the importance of consistent research and will continually strive to ensure that case owners have clear guidance to follow to ensure this. We have already issued a desk note that includes information on researching and referencing COI and will ensure we further communicate existing guidance on the list of sources that should be referred to.</p>

<p><b>Recommendation 5</b></p> <p>Develops a list of appropriate sources of country information in conjunction with stakeholders which should be used both alongside and in the absence of information from COIS.</p>	<p><b>UKBA response – Accepted and already implemented action</b></p> <p>We have produced a list of useful general sources, which is currently available on the Home Office intranet and is included as a link in our guidance desk note on using COI. We have revised the source list and have placed it on the UK Border Agency website. We also welcome corporate partners to make suggestions to add to this list.</p>
<p><b>Recommendation 6</b></p> <p>Strengthens its country information by liaising with, and obtaining information from other relevant government departments.</p>	<p><b>UKBA response - Accepted and already implemented action</b></p> <p>We already have substantial contact with the FCO – we referred around 12% of the 1,500+ information requests submitted to COIS in 2010/11. We will contact other government departments to see what relevant information they may be able to provide.</p>
<p><b>Recommendation 7</b></p> <p>Establishes a knowledge base for lower intake asylum countries to ensure consistency of approach and efficient processing.</p>	<p><b>UKBA response - Accepted</b></p> <p>We currently have a COI information request service which provides response to specific enquiries for information not available in existing COI products. This is a tool that can be used for lower intake asylum countries. The answers to requests are archived on the country information and guidance pages of Horizon. We recognise, however, that we need to improve the archiving mechanism to ensure specific requests can be clearly located and will work on a consistent approach that is easily identifiable.</p>
<p><b>Recommendation 8</b></p> <p>Produces COIS report for those appearing in the top 10 nationalities within non-suspensive appeals process and the detained fast rack, reviewed every six months.</p>	<p><b>UKBA response - Accepted and already implemented action</b></p> <p>During 2010 we expanded our range of country reports to cover the top 20 countries generating asylum seekers, plus countries where there was particular operational need. Since July 2010 we have published COI Reports which include the top 10 countries dealt with on the detained fast-track (DFT) process and the top 10 fully or partially NSA designated countries (based on statistics for 2010).</p> <p>We will continue to publish COI Reports on the top 10 countries handled in the DFT process and the top 10 countries appearing within the NSA process. We will review and aim to produce at least one report per year on these countries subject to resources and business priorities.</p>

<p><b>Recommendation 9</b></p> <p>Ensures country information in reason for refusal letters is relevant to the individual claim under consideration.</p>	<p><b>UKBA response - Accepted and already implemented action through established quality assurance processes</b></p> <p>We provide detailed guidance to case owners on what needs to be included in reasons for refusal letters and this includes reference to considering individual claims in light of all relevant evidence available but we will review our instructions to make sure this is more explicit in relation to COI by the end of July. Our case owners receive substantial training on the information and skills needed to make well reasoned decisions supported by subjective evidence and objective information. This training is classroom based and includes practical case studies covering the use of country information. Our quality assurance process has already identified issues around the use of COI and continues to provide further support to case owners through timely feedback and work with local managers to implement recommendations aimed at driving improvements generally and ensuring country information used in decisions is concise and relevant.</p>
<p><b>Recommendation 10</b></p> <p>Ensures all sources of COI are referenced consistently in decisions and that links to websites in COIS reports are up to date.</p>	<p><b>UKBA response – Accepted</b></p> <p>We provide guidance to case owners on referencing country of origin information used in decision letters. This is contained in our asylum instruction, ‘Considering the asylum claim and assessing credibility’. We have also introduced a one page decision checklist that sets out requirements to fully source objective evidence used in support of a decision. Whilst this guidance is in place, we recognise there is a need to explicitly set out expected referencing standards and provide examples to promote consistency across all regions. We will revise our instructions to include this by July 2011 and promote accurate referencing through the quality assurance process.</p> <p>All COI Reports are regularly revised, and this includes updating web links. The Reports are then carefully edited and proofed before being published. This process includes checking the integrity of external web links. Inevitably as a COI Report ages some of its web links ‘erode’: the website address changes, disappear or the content is moved onto a different page or website. Where a web link no longer works and the Report is not due to be revised, case owners can contact COIS to obtain the correct web link or the document referred.</p>

**Recommendation 11**

Ensures its quality audit identifies appropriate use of country of origin information and reviews allowed appeals to identify whether use of COI was a contributing factor.

**UKBA response – Accepted**

The UK Border Agency welcomes reference made in the report to the very useful and productive engagement between UNHCR and the Agency in developing quality assurance processes and the need for this to continue. We agree that quality is essential and believe we already demonstrate high standards of case work but we recognise there is always room to improve and are committed to driving further improvements in quality and efficiency. As part of our current audit framework we measure decision quality against set criteria and standards agreed with UNHCR. This allows us to identify good practice and key concerns, including issues around the use of COI in decisions. As the Independent Chief Inspector notes in paragraph 10.5 of his report, we provide feedback directly to individual case owners on every case audited and produce monthly regional and national reports with the aim of improving all aspects of our casework, including but not limited to the appropriate use of COI in our decisions.

We recognise there are some issues around the use of a strict scoring mechanism to measure decision quality and we are already in the process of reviewing our current framework, in conjunction with UNHCR, to ensure key aspects of the decision making process are given appropriate weight and all issues impacting quality are identified. As part of this review we are looking at how to build appeals analysis into our assurance framework as a business as usual function. This will ensure we are able to highlight to case owners the impact of a decision at appeal as part of the regular feedback process.

We are currently undertaking specific work to build a comprehensive understanding of the reasons why appeals are allowed, including whether use of COI was a contributing factor. Following successful pilots in two regions we rolled out an allowed appeals reduction plan in April that aims to quantify and analyse the reasons why decisions are overturned. We have also linked quality scores to appeal outcomes and we are currently undertaking further analysis of all allowed appeals where the decision was considered well reasoned. Early indications are that post decision evidence is a significant factor in such cases but work is ongoing and we aim to produce a full report in July.

<p><b>Recommendation 12</b></p> <p>Improves its information management and file location abilities and ensures all relevant documents are readily available.</p>	<p><b>UKBA response – Accepted</b></p> <p>The UK Border Agency receives, processes, transports and stores a high volume of supporting paper documentation to complete an application. A file tracking system (FTS) is used to locate and retrieve casework files across the Agency. Not all locations are able to track files in and out using the FTS which can make it difficult to immediately locate files that appear to be ‘in transit’ around the Agency. Of the sixteen files that could not be provided for this thematic inspection ten were in transit and the remaining files were unavailable due to operational reasons. The Agency will nevertheless look into ways that current processes can be improved.</p> <p>The UK Border Agency notes the Independent Chief Inspectors comments around the request for decisions made between specific dates and that some files provided fell outside the requested range. Management information was provided based on the specific parameters of the request. The Agency was not made aware of the shortcomings of that information during the inspection and would have rectified the matter had this been forthcoming.</p> <p>The UK Border Agency has a Casework Information Database (CID) which case owners use to record decisions and key actions in all cases. It is noted that the Independent Chief Inspector highlighted instances where crucial information was not available on CID and our quality team has also identified isolated instances as part of the assurance process. Immediate action is taken to address such instances through local performance management. In the longer term the ICW programme will deliver a new electronic caseworking system. This is being phased in across the Agency and will be rolled out to asylum in 2013. It is envisaged that documents relevant to an individual’s application will be scanned onto this system so that the case and all the information that is needed in order to make an informed decision can be routed electronically.</p>
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## Annex B: Recommendations from IAGCI covering reports 2016-17

May 2016 IAGCI covering report, published July 2016	
Recommendations	Home Office response
<p><b>Recommendation 1</b></p> <p>The Home Office (Country Policy and Information Team) should structure the guidance section of its Country Information and Guidance reports in order to distinguish more clearly between the guidance provided to decision makers and the information about country conditions on which the guidance is based, responding in full to any IAGCI recommendations concerning the latter.</p>	<p><b>Accepted</b></p> <p>Whilst the ICI’s report states that “the question of what is ‘policy’ is moot”, the Home Office believes that it is an important distinction to maintain.</p> <p>Although the Home Office believes that distinction between what is policy/guidance and what is country of origin information is already clear – ostensibly through two clearly headed sections in CIGs: one entitled ‘Guidance’ and one entitled ‘Country Information’ – on occasions, CIGs may have directly quoted material from the COI section in the guidance section and therefore blurred this distinction.</p> <p>We agree that we should keep COI out of the guidance section, other than where it is necessary to provide context.</p>
<p><b>Recommendation 2</b></p> <p>The Home Office should ensure that Country Information and Guidance reports (CIGs) are amended as soon as the relevant (ICI) report has been laid in Parliament. Pending this, the Country Policy and Information Team (CPIT) should use the Home Office intranet to draw the attention of decision makers to IAGCI’s recommendations and the CPIT response.</p>	<p><b>Accepted</b></p> <p>The Home Office endeavours to quickly update CIGs in light of IAGCI reviews, but this is subject to competing priorities and available resources.</p> <p>Where it is not possible to update a CIG as soon as the relevant report is laid in Parliament the Home Office will use the Home Office intranet to make decision makers aware of the IAGCI’s recommendations and the CPIT response.</p>

<p><b>Recommendation 3</b></p> <p>The Home Office should ensure that where IAGCI has made a recommendation in relation to a Country of Origin Information Request (COIR) the recommendation and the Country Policy and Information Team (CPIT) response is linked to the case(s) that initiated the COIR.</p>	<p><b>Accepted</b></p> <p>CPIT will endeavour to notify whoever has ownership of a case which triggered the COIR of the updated material.</p>
<p><b>Recommendation 4</b></p> <p>The Home Office should ensure that where Country Policy and Information Team (CPIT) has ‘accepted’ the substance of a recommendation but has judged it to apply to another topic-specific Country Information and Guidance (CIG) report (i.e. not the one that IAGCI has reviewed) the relevant CIG is amended as soon as the covering (ICI) report has been laid in Parliament.</p>	<p><b>Accepted</b></p> <p>As this recommendation is similar to recommendation 2 (above), the Home Office’s response is as set out above.</p>
<p><b>Recommendation 5</b></p> <p>The Home Office (Country Policy and Information Team) should not reject information it agrees is accurate and relevant to the questions raised in a Country of Origin Information Request (COIR) on the grounds that it post-dates the COIR to which it refers.</p>	<p><b>Accepted</b></p> <p>The Home Office has taken the view that, to date, to ‘accept’ this recommendation would mean that the ‘product’ (CIG or COIR) was somehow faulty and deficient when it was published, based on the IAGCI’s terms of reference for reviews. We will in future accept the information is accurate but make it clear where is post-dates the CIG or COIR.</p> <p>As identified in the ICI’s report, further discussion on the use and meaning of specific terms – both in IAGCI’s reviews and the Home Office’s responses – is likely to resolve this issue.</p>

<p><b>Recommendation 6</b></p> <p>The Home Office should ensure that the Country Policy and Information Team (CPIT) is resourced to fund the translation into English of information that IAGCI has recommended and CPIT has 'accepted' should be included in a Country Information and Guidance (CIG) report and is not available from any other source.</p>	<p><b>Rejected</b></p> <p>We will continue to decide on a case-by-case basis whether a translation is necessary, balancing the value of the information to the understanding of the country situation and the cost of translation.</p>
<p><b>Recommendation 7</b></p> <p>The Home Office (Country Policy and Information Team) should prioritise the production of a Country Information and Guidance (CIG) report on the availability of protection from the Ukrainian authorities for members of ethnic and other minority groups.</p>	<p><b>Accepted</b></p> <p>The Home Office is planning to produce a CIG on this topic.</p>

### November 2016 IAGCI covering report, published February 2016

Recommendations	Home Office response
<p><b>Recommendation 1</b></p> <p>The Home Office should clarify the guidelines it is currently working to when processing information for the purpose of Country Policy Information Notices, or in responses to Country of Origin Information requests, including its definition of any specific terms, for example 'publicly available'.</p>	<p><b>Accepted (already comply).</b></p> <p>We believe we already comply with this recommendation. The 'preface' section of each Country Policy and Information Note contains text (see below) which explains the guidelines we are working to. In turn, these include descriptions of common phrases, including 'public information'.</p> <p>"Country information. The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012."</p>



<p><b>Recommendation 2</b></p> <p>The Home Office should ensure that where an IAGCI review raises issues that fall outside CPIT’s remit the relevant business areas are made aware and respond. In this instance, the Home Office should confirm that the area responsible for ensuring the safety of vulnerable asylum seekers is aware of the reviewer’s comments in relation to the risks to LGBT Afghan asylum seekers living in mixed refugee communities.</p>	<p><b>Accepted</b></p> <p>Country Policy and Information Team (CPIT) will notify other business areas where a comment is made that is relevant to them (and has done so in relation to the quoted comment). However, the purpose of reviews commissioned by the IAGCI is to review the country of origin information and not to comment on other immigration matters. There are other more appropriate mechanisms for raising broader concerns. 1 For example, Common EU Guidelines for Processing Country of Origin Information (COI), 2008</p>
<p><b>Recommendation 3</b></p> <p>The Home Office should ensure that responses to points and recommendations made in IAGCI reviews are complete, and explicit regarding what action(s) CPIT and others will take and by when.</p>	<p><b>Accepted</b></p> <p>CPIT has always endeavoured to respond to points and recommendations in full, including where they are unclear and/or not explicitly raised by the reviewer. We believe the updated template we have suggested should help ensure this happens.</p>
<p><b>Recommendation 4</b></p> <p>The Home Office should share COIRs and CPINs that refer to trafficking and modern slavery with the Independent Anti-Slavery Commissioner (IASC) in draft to ensure that Country Guidance reflects the IASC’s knowledge and expectations.</p>	<p><b>Accepted</b></p> <p>We will share draft Country Policy and Information Notes (CPINs) that relate to trafficking with the IASC to draw upon their expertise.</p> <p>However, we do not believe that sharing Country of Origin Information Requests (COIRs) is necessary because: (a) they do not contain “country guidance” – only country of origin information; and (b) they are often produced to challenging deadlines which makes this impractical. However, we will discuss with the IASC how we may be able to do this once they are published.</p>

**March 2017 IAGCI covering report, published July 2017**

Recommendations	Home Office response
<p><b>Recommendation 1</b></p> <p>The Home Office should distinguish more clearly between what is country information and what is policy in the ‘Guidance’ section of its Country Policy and Information Notes (CPINs). In particular, the ‘Policy Summary’ should not make selective use of country information to validate a policy position on the likely strength of asylum or humanitarian claims.</p>	<p><b>Accepted</b></p> <p>We believe we already comply with this recommendation, though we reject the assertion that we make selective use of country information to validate a policy position. The policy conclusions are based on the evidence (i.e. the country information); not the other way round. This is formed only after evaluating the evidence in its entirety.</p> <p>The example cited, on Albania, suggests that we ‘effectively dismiss’ homophobic attitudes and risks from non-state groups’ in the policy summary. This is not the case. Rather we conclude that, in general, they do not meet the high threshold required to constitute persecution. The same conclusion has been reached by the Upper Tribunal in previous country guidance cases in relation to Albania.</p>
<p><b>Recommendation 2</b></p> <p>The Home Office should clarify the ‘legal test’ it uses to assess the availability of state protection for particular individuals and groups, and specify how ‘intent and actions in practice of protection’ will be tested and assessed as sufficient to support a policy of removal and, where relevant, internal relocation.</p>	<p><b>Accepted</b></p> <p>We believe we already comply with this recommendation. The ‘legal test’ is set out in the asylum instruction on ‘Assessing Credibility and Refugee Status’, which is available on the Gov.Uk website. We link to this instruction in each of the Country Policy and Information Notes we produce and apply the principles set out in it when assessing the position in a particular country.</p> <p>The Country Policy and Information Notes are not meant to replace or replicate other guidance (e.g. asylum instructions) but to provide pointers to that material and set it in a country- and topic-specific context. In addition, their purpose of is to assist decision makers in considering whether a person qualifies for protection, not whether they should ultimately be removed from the UK in the event that they do not qualify.</p> <p>As noted by the Chief Inspector, the concept of whether protection is effective is ‘open to interpretation’. The Home Office agrees. Similarly, what is a level of effective protection for one person may not be for another. These points apply equally to when internal relocation is ‘reasonable’. A person may disagree with the Home Office’s conclusion on that but that does not mean the Home Office’s conclusion was incorrect or that the wrong legal test was applied. The Country Policy and Information Notes also stress the importance of considering each case individually on its particular facts and merits.</p>

# Annex C: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

# Acknowledgements

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