

**Refugee and Asylum Forum**  
**3 October 2018**

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| <b>Location</b>  | ICIBI, 5th Floor, Globe House, 89 Eccleston Square, London SW1V 1PN |  |
| <b>Chair</b>     | David Bolt (ICI)  | Independent Chief Inspector of Borders and Immigration |
| <b>Attendees</b> | Judith Dennis (JD)  | Refugee Council  |
|                  | Kris Harris (KH)  | Medical Justice  |
|                  | Tom Southerden (TS)   | Amnesty International                                  |
|                  | Hannah Copper (HC)  | Refugee Action   |
|                  | Andrea Vukovic (AV)   | Asylum Matters   |
|                  | Helen-Marie Fraher (HMF)  | UNHCR  |
|                  | Gary Christie (GC)  | Scottish Refugee Council                               |
|                  | Deborah Singer (DS)   | Asylum Aid   |
|                  | Leila Zadeh (LZ)  | UK Lesbian and Gay Immigration Group                   |
|                  | Monika Kukar (MK)   | ICIBI  |
|                  | Carol-Ann Sweeney (C-AS)  | ICIBI  |
|                  | David Rhys-Jones  | ICIBI Minutes  |

| <b>Item</b> | <b>Notes</b>   | <b>Action</b>   |
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| Welcome     | ICI welcomed everyone, after which C-AS, who was retiring shortly, took the opportunity to say goodbye and to thank members for their support during her 5+ years in the inspectorate.   |   |
| Reports     | ICI noted and highlighted the points of likely interest for RAF members from the reports published since the last meeting in February 2018: <ul style="list-style-type: none"> <li>• Home Office consideration of the 'Best Interests' of Asylum Seeking Children</li> <li>• Reinspection of the identification of Potential Victims of Modern Slavery at the Border</li> <li>• 'Right to Rent'</li> <li>• Exit Checks</li> <li>• Stanstead Airport</li> <li>• Vulnerable Persons Resettlement Scheme</li> <li>• Reinspection of Family reunion process (Amman)</li> </ul> | ICI to look at the inspection process to see where further stakeholder engagement could be included, in particular when citing stakeholders and when framing recommendations. |

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|                   | <p>ICI also noted the reports with the Home Secretary awaiting publication and provided a brief synopsis of relevant findings:</p> <ul style="list-style-type: none"> <li>• South Coast Sea Ports</li> <li>• Asylum Accommodation</li> <li>• Country of Origin Information</li> <li>• Vulnerable Adults</li> </ul> <p>Members said that they would like to:</p> <ul style="list-style-type: none"> <li>• know if the evidence they have submitted will be a focus of the report</li> <li>• be more involved in the later stages of the process – when inspectors are considering their findings</li> <li>• have the opportunity to shape recommendations, where appropriate</li> <li>• know what the report will say - findings and recommendations - before publication, as this would help them with publicising and capitalising on reports</li> </ul> <p>ICI explained that, where relevant, he was trying to reflect a broader range of stakeholder opinion than in the past and wanted to make sure that this was done accurately. Equally, the inspectorate did not want to make recommendations that did not consider the potential impact on stakeholders. The inspectorate would look at its process to see what could be improved, however he was prohibited from sharing completed reports before publication.</p> <p>ICI said that he valued the airing given to reports by RAF members, since this ensured that they reached a much wider audience. The inspectorate would ensure that members were informed as soon as possible of when a report was due to be published, but ICI was given little advance notice.</p> | <p>ICI to ensure that stakeholders are informed as soon as possible of when a report will be published.</p> |
| <p>Discussion</p> | <p>Members understood that decision making in respect of family reunion applications was being ‘onshored’ to the UK and asked if ICI knew any further details.</p> <p>ICI told members of his discussions with UKVI, in which he had been informed that decision making would be moved incrementally from visa decision makers to asylum caseworkers. ICI believed this was a good thing. However, the largest number of applications is now received in Pretoria and it was not clear when these would be ‘onshored’. ICI planned to visit Pretoria in the next 12 months if it is still deciding family reunion applications, in order to complete the cycle of reinspections.</p> <p>The RAF felt it would be useful to carry out an inspection into decision quality, comparing for example, Pretoria and Sheffield,</p>  |   |

and ICI explained that inspectors had just started looking at decision quality in the context of 'onshoring', though not limited to family reunion applications. ICI said he would be interested to hear from members whether they had seen any change in decision quality recently.

The group discussed the problem of inconsistency, for example with the Dublin procedure, and delays caused by requests for clarification of evidence. In the context of family reunion, ICI had argued that 'pausing' the process to seek further evidence was better than outright refusal, though not if this created long delays.

Members said there were issues with applicants not knowing what was needed by way of further evidence because refusals were very generically worded. They were also concerned that evidential demands were unreasonable. This led to a discussion about requiring the wrong standard of proof, which the RAF saw as a thematic issue, and was one of the causes of the Windrush scandal.

The group discussed the notion of a 'culture of disbelief', a phrase which some members had stopped using. They described the problem as "attitudinal" - caseworkers always think people are abusing the system. Looking at successful appeals and overturns the issue is always credibility. Meanwhile, Windrush had forced the Home Office to reveal structures and targets etc. so it was difficult to refute the process issues, and the pressures. Overall, members felt there was a long way to go.

ICI referred to the 2017 asylum casework report, which had shown the system to be under enormous strain. It had also identified the high proportion of inexperienced staff. ICI understood that the Home Office was looking to remedy this by placing around 60 senior caseworkers (SCW) across UKVI to act as points of reference and provide high level assurance.

RAF noted that the Home Office already employed a 'second pair of eyes' in, for example LGBT+ cases, but that the standard of proof required was still too high. Members wondered therefore if the SCWs would make a difference.

RAF argued that third parties needed the ability to flag issues directly with the Home Office. Lawyers for RAF member organisations were able to do so in certain cases, but many individuals were not able to do so.

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|   | <p>ICI told the group that he wanted to look at training, including for asylum caseworkers, as a thematic inspection. Inspectors were told by caseworkers that their training was insufficient and they learned mostly from shadowing. However, this risked reinforcing bad practice. RAF members welcomed this.</p> <p>ICI spoke briefly about the series of inspections that had looked at different aspects of vulnerability. He had concluded that the Home Office needed to be more open to learning from others who had developed greater expertise in recognising and dealing with vulnerability e.g. social services, the police, UNHCR. The RAF noted that the Home Office was not good at trusting other departments.</p>  |  |
| <p>Shaw 2 and the 'Adults at Risk' policy</p> | <p>ICI explained that he had been commissioned by the Home Secretary to produce an annual report on how the Adults at Risk policy was being implement. This came from a recommendation in Stephen Shaw's follow-up report. He wanted to ensure that this process covered all of the key issues and needed RAF members' help to identify and prioritise them and decide which required annual inspection. Currently, he planned to produce the first annual report in April/May 2019.</p> <p>RAF had some reservations about the Shaw report and recommendations, including his endorsement the AAR criteria/framework. The group highlighted how vulnerability could rapidly increase, so that what started as Level 1 could quickly become Level 2 or 3, and questioned whether the Home Office process was too reactive and slow.</p> <p>There was also criticism of the Home Office's willingness to overrule or disregard medical evidence and allow immigration considerations to outweigh evidence. The AAR levels were a measure of available evidence, not of the level of risk, and vulnerable people were less able to provide evidence. The Home Office needed to look much more closely at borderline between levels 2 and 3. Splitting level 2 into two would not necessarily help.</p> <p>RAF argued that the Home Office should take a pride in providing someone with the protection they need. Also, the burden of proof for maintaining detention should fall on the Home Office not the individual.</p> |  |

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|   | <p>Shaw said nothing about LGBT+ issues. Trans people are included in AAR, but LGBT+ are not mentioned, and the Home Office did not recognise LGBT as an indicator of vulnerability. How were LGBT+ individuals able to prove this when they felt they had to hide it while in detention?</p> <p>There was some discussion about detention time limits. ICI indicated that he would be looking at how length of time in detention and indefinite detention affected vulnerability. The other issues discussed included the detention review panels, Shaw's comments about people who are "more British than foreign", and alternatives to detention, which the Home Secretary had indicated he wanted to explore.</p> |  |
| Children leaving the UK for criminal purposes | MK explained that the inspectorate was scoping a new inspection looking at BF response to children who had been taken out of the country for criminal purposes e.g. forced marriage and FGM. She would be contacting RAF members to get their views.  |  |
| Prosecution for false documents               | RAF raised the issue of offences related to false passports. How did BF decide which cases to pass to CFI for prosecution? RAF argued that an individual's asylum case must have primacy and noted that even if the individual is not prosecuted at the time the fact they have used false documents to enter the UK will be used against them when considering if detention is appropriate.  |  |
| Asylum Accommodation                          | ICI gave a brief read out from the Asylum Accommodation report that was with the Home Secretary awaiting publication. He was concerned that the Home Office was putting too much faith in the new contract and had argued that it needed to fix a number of underlying issues now. The inspection had looked in particular at the treatment of pregnant women and LGBT+ asylum seekers. When published, the report will be subject to a new follow-up process in which inspectors will seek quarterly updates from the Home Office in order to ensure actions are being taken forward.  |  |
| Date of next meeting                          | To be arranged, but no later than February 2019, in order to inform the 2019-20 inspection plan.  |  |