



Home Office

**The Home Office response to the
Independent Chief Inspector's report:
Country of Origin Information
March 2017**

Introduction

The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for this report, as well as the Independent Advisory Group on Country Information (IAGCI) and the individual reviewers for the positive overall nature of the reviews, the complimentary remarks about the quality standards of the team and their products and the constructive comments and feedback to enable further improvement.

Response to Recommendations

Recommendation 1

1. *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.*
- 1.1 **Accept.**
- 1.2 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.
- 1.3 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.

Recommendation 2

2. *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.*
- 2.1 **Accept.**
- 2.2 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.
- 2.3 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.

- 2.4 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.

Summary

Recommendation	HO Response
<p>1. <i>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.</i></p>	<p>Accept.</p>
<p>2. <i>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.</i></p>	<p>Accept.</p>