

The Home Office response to the Independent Chief Inspector's report:

**“An Investigation into the Home Office's
Handling of Asylum Claims Made on the
Grounds of Sexual Orientation”**

March – June 2014

The Home Office thanks the Independent Chief Inspector for his report.

The Home Office's UK Visas and Immigration (UKVI) command has responsibility for making millions of decisions every year about who has the right to visit or stay in the country, with a firm emphasis on national security, protecting the vulnerable, and a culture of customer satisfaction for people who come here legally.

The Asylum Casework Directorate (ACD) manages and decides asylum seekers' claims for asylum. ACD works hard to ensure that claims for asylum based on sexual orientation and, indeed, all claims, are handled with sensitivity. When making an assessment of those claims, ACD needs to establish that the risk of persecution is real, and this will often depend on whether the sexual orientation of the asylum seeker is as claimed. We seek to establish this at interview through questions about sexual orientation, not sexual behaviour.

On 26 March the Home Secretary asked the Independent Chief Inspector to conduct an investigation into the Home Office's handling of asylum claims made on grounds of sexual orientation following the media attention of one case in the Observer, in which the relevant guidance was not properly followed. In his investigation, the Independent Chief Inspector was asked to cover areas including:

- the adequacy of guidance for staff and claimants
- staff training
- whether guidance and training is being followed, based on for example the sampling of cases, observation of interviews, discussion with staff and stakeholders
- how well we are working with stakeholders to improve this aspect of our work
- recommendations for improvement

The Home Office is pleased that the Chief Inspector did not find any further questions of the type highlighted in the Observer article. We welcome the Chief Inspector's recognition of areas of good practice, notably improvements to guidance and training that have been made in close consultation with stakeholders. The Inspector found the existing guidance to be clear and concise, addressing difficult areas with sensitivity and emphasising that sexually explicit questions of the type highlighted in the Observer article are never acceptable. The Chief Inspector was satisfied with the quality of training materials and with the delivery of training, particularly the delivery of refresher training for more experienced staff. It is welcome that the Chief Inspector did not find any evidence of asylum claimants finding it difficult to disclose their sexual orientation to the Home Office.

We are grateful to the Chief Inspector for highlighting shortcomings in some of the questioning at screening and the substantive asylum interview, which the ICI noted were not however of the same magnitude as the questions highlighted in the Observer article. We welcome the fact that the Chief Inspector did not find any direct correlation between inappropriate lines of questioning and the likelihood of the claim being refused. We are also grateful to the Chief Inspector for highlighting some inconsistency in the handling of explicit material submitted by claimants and issues related to the quality of management information in sexual orientation cases. We agree with all of these points and are putting measures in place to address them.

The Home Office accepts all eight of the Chief Inspector's recommendations, seven in full and one in part. We are committed to treating all asylum claimants with respect and dignity and we will continue to improve on current practice in this area.

The Home Office response to the recommendations:

1 Improves training so that stereotyping and stereotypical expectations of LGB activity and lifestyle do not appear in interview questions

1.1 Accepted

- 1.2 We will continue to review our training and mentoring of new and existing decision makers to ensure that decision makers know that it is not acceptable to ask questions which stereotype LGB claimants.
- 1.3 The revised asylum instruction, currently in draft, makes it clear that stereotyping is inappropriate. The formal training provided to decision makers fully reflects this position and the new LGB refresher training module reinforces these messages further. Once the asylum instruction has been formally published, the Home Office will look at how the messages imparted to decision makers through the training can be reinforced at the local and national levels.

2 Ensures that caseworkers do not ask sexually explicit questions, and equips them with the interviewing skills to cope professionally when sexually explicit responses are received

2.1 Accepted

- 2.2 The existing interview guidance and the revised asylum instruction, currently in draft, make it absolutely clear that there are no circumstances in which it will be appropriate to initiate questions of a sexually explicit nature, and attempts to guide decision makers on responding to claimants who volunteer sexually explicit information. The formal training supports this guidance and the new LGB refresher training module specifically focuses on interviewing skills and on how to handle sexually explicit information.
- 2.3 In support of the training and guidance, senior caseworkers will deliver focus groups for decision makers to reinforce these messages. We will structure the sessions so that staff can openly discuss and explore the practical skills required to cope when sexually explicit evidence is provided by claimants.
- 2.4 Since February 2014, all LGB interviews and decisions have been subject to a second pair of eyes check by a senior caseworker who provides constructive feedback to the decision maker. Senior caseworkers provide ad-hoc support and guidance to decision makers during the course of the asylum process. These checks will continue on all asylum claims based on sexual orientation until at least the end of 2014.

3 Ensures a consistent approach towards the handling of explicit material presented to support an asylum claim

3.1 Accepted

- 3.2 The revised asylum instruction, currently in draft, guides decision makers on handling and considering sexually explicit material presented to them in support of an asylum claim. This guidance is consistent with the guidance in the Interviewing asylum instruction and it is supported by the existing training. The Home Office is considering how the guidance can be strengthened further to make clear the practical requirements, including those related to the storage of such material.
- 3.3 To ensure compliance with the guidance and a consistent approach across ACD, we will remind staff of the correct approach of the handling of explicit material through our senior caseworker forum.
- 3.4 We will continue to conduct second pair of eyes checks on all asylum cases based on sexual orientation until at least the end of 2014. Part of this check is to ensure that the case has been handled in accordance with the guidance; this will include the handling of sexually explicit material.

4 Ensures that all asylum claims recorded on the grounds of sexual orientation are accurately recorded as such

4.1 Accepted

- 4.2 Information on the basis of an asylum claim is not usually recorded but the Home Office has made arrangements to record this data for LGB cases on our Case Information Database. However, as the Inspector notes, recording compliance rates have been low. To address this, the Home Office has recently conducted a data cleansing exercise to retrospectively apply the recording flag to LGB asylum cases.
- 4.3 As part of the ongoing monitoring of LGB cases, 100% of LGB cases are subject to a second pair of eyes check until at least the end of 2014. We will ensure that CID data quality is also reviewed as part of this process and we will remind all staff of the importance of maintaining data quality through the senior caseworker forum.

5 Ensures that staff who conduct screening interviews comply fully with the Home Office guidance, so that applicants are not questioned on the substance of their asylum claim

5.1 Partially accepted

- 5.2 Whilst we agree that it is inappropriate to stray into the detail of the asylum claim during the screening interview, we have had to take full consideration of the findings of the courts who have been critical when insufficient information has been obtained during screening, and their concern that supplementary questions have not been asked, for example in deciding entry to the Detained Fast Track (DFT). In order to balance these needs, we have revised the screening form to give more direction to screening officers, providing examples of the type of questions which should be asked.

- 5.3 Training provided to screening officers includes guidance on collecting brief but sufficient information to confirm the reason for the person making an asylum claim and seeking international protection.
- 5.4 We will issue renewed communications to screening officers about striking an appropriate balance in asking for the basis of claim information and ensuring that any supplementary questions are both sensitive and appropriate.

6 Clarifies its policy and guidance on use of DFT medical induction material for case considerations

6.1 Accepted

- 6.2 Medical information obtained at induction into DFT should not be used by the asylum decision makers when assessing the asylum claim. This has been clarified with all DFT decision makers through internal communications via email and at staff meetings.
- 6.3 We will continue to conduct second pair of eyes checks until at least the end of 2014 on all asylum cases based on sexual orientation. Part of this check is to ensure that case has been handled in accordance with the guidance; this will include monitoring compliance with this requirement.

7 Provides more detail about the DSSH model in its training for caseworkers so that it can contribute to the quality of interviewing

7.1 Accepted

- 7.2 The Difference, Stigma, Shame and Harm (DSSH) model is already included in the LGB refresher training which has been delivered to decision makers in ACD. This will be developed into a module to sit within the Consolidation Training course which will be rolled out for existing decision makers. The Consolidation Training is currently under development.
- 7.3 We will consider the scope for providing greater detail and clarity in our training on the DSSH model but will want to do this in consultation with other partners as there is not necessarily consensus amongst them on the efficacy of the model.

8 Ensures that future thematic examination of asylum claims made on the ground of sexual orientation makes use of a wide evidence base

8.1 Accepted

- 8.2 In line with our response to recommendation 4, we will ensure that all asylum claims made on the grounds of sexual orientation are accurately identified on our database. This will enable us to randomly select a larger number of relevant cases to be included within any future thematic audit of asylum claims based on sexual orientation.