



The use of country of origin information in deciding asylum applications: A thematic inspection

October 2010 – May 2011

John Vine CBE QPM
Independent Chief Inspector of the UK Border Agency

Our Purpose

We ensure independent scrutiny of the UK Border Agency, providing confidence and assurance as to its effectiveness and efficiency.

Our Vision

To act as a catalyst for improvement ensuring that the UK Border Agency delivers fair, consistent and respectful services.

All Independent Chief Inspector of the UK Border Agency inspection reports can be found at www.independent.gov.uk/icinspector

Email us: chiefinspectorukba@icinspector.gsi.gov.uk

**Write to us: Independent Chief Inspector of the UK Border Agency
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
United Kingdom**

Contents

	Foreword	2
1.	Executive Summary	3
2.	Summary of Recommendations	5
3.	The Inspection	6
4.	Background	9
5.	Sources of COI and their application	12
6.	Making decisions in the absence of COI	17
7.	The appropriate use of COI	20
8.	The use of Operational Guidance Notes as sources of COI	25
9.	The accurate referencing of COI	29
10.	Quality assurance methods and their application	31
11.	File accessibility and information management	34
	Appendix 1 Inspection Framework and Core Criteria	35
	Appendix 2 List of Stakeholders	37
	Appendix 3 Glossary	38
	Acknowledgements	42

Foreword from John Vine CBE QPM



Making the decision whether to grant or refuse a claim for asylum or humanitarian protection is one of the most challenging and sensitive issues faced by the UK Border Agency. Country of Origin Information (COI) is researched by the Agency and plays a vital part in ensuring that decision makers are equipped with the most up-to-date and accurate information about conditions in other countries to enable them to establish whether an individual asylum claim is well founded.

While Case Owners are generally familiar with, and use, the reports produced by the Country of Origin Information Service (COIS), I found evidence that country information had been used selectively or otherwise inappropriately in decision-making. In addition, there was inconsistency in the way Case Owners obtained information in the absence of a COIS report and in the way it was referenced in decision letters to asylum applicants.

Furthermore, I found evidence that COI material contained in Agency policy documents (Operational Guidance Notes) did not accurately reflect the full country situation. As Case Owners in practice often use these documents as a concise summary of country information, there is a real risk of inaccurate decisions being made. It is important for the Agency to rationalise the number of documents it produces containing country information and to remove any such information from statements of policy.

A handwritten signature in black ink that reads 'John Vine' followed by a period.

John Vine CBE QPM
Independent Chief Inspector of the UK Border Agency

1. Executive Summary

1. The UK Border Agency is responsible for considering asylum applications. In order to do so effectively the Case Owner must fully take into account relevant information from the applicant's substantive interview and any evidence submitted on their behalf. This is then reviewed in conjunction with available country of origin information, relevant case law and the credibility of the applicant's statements before a decision can be made on whether the applicant qualifies for protection.
2. Decision makers were required to assess the country information as objectively as possible and to be aware of as much information from as many sources as possible in order to conduct fair, efficient and well-informed decisions. The principal sources of country information used were reports by the Agency's Country of Origin Information Service (COIS) available for the top 20 countries from where asylum seekers originated. Where there was limited or no country information, Case Owners adopted an inconsistent approach to identifying their own sources although guidance had been issued to direct Case Owners to use only sources approved by the COIS. There was evidence of some liaison with the Foreign and Commonwealth Office but limited work with government departments overall to identify up-to-date country information.
3. There was a lack of efficiency and consistency where limited or no country information existed with no mechanism to pool knowledge obtained by individual Case Owners. The Agency had issued instructions to Case Owners to highlight that the absence of country information did not necessarily mean an alleged incident had not occurred. However, as the Agency did not collect information based on the particular nature of asylum claims, there was a risk that where no information was included in a country report, Case Owners might make an assumption that an applicant's evidence was not credible. The Agency did not produce country information reports for all the countries whose nationals may undergo either the non-suspensive appeals process or the detained fast-track. As a result, people who had no right to appeal before being removed or whose cases were processed very quickly were at particular risk where there were inconsistent approaches to obtaining country information.
4. 17% of reasons for refusal letters (12 cases) from our file sample showed either the selective use of country information or unjustified assertions based on the evidence available. Over 13% of reasons for refusal letters (7 cases) included country information which was, at best, tangential to the issues relevant to the asylum claim.
5. There was no consistent co-ordination of the various documents produced by the Agency which contained country information. Operational Guidance Notes provided policy advice to Case Owners but their purpose was not understood by all staff, the country information contained in them at times contradicted information in the COIS reports and at other times contained different sources of country information.
6. Country information was poorly referenced in 33% of cases sampled making it exceptionally difficult for applicants and legal representatives to check the information and consider whether the decision was justified. This included instances where the original source could not be found. There was no guidance on how country information should be referenced with consequent inconsistency in approach between individual teams. Inconsistent references were exacerbated by website links that had expired, did not exist or did not work.

7. A quality assurance framework had been developed in conjunction with UNHCR. This contained questions on the appropriate use of country information. However, there was too much of a focus on the scoring mechanism devised by the Agency to assess whether a decision was 'fully effective' and insufficient focus on improving the individual elements of lower quality decisions.
8. The Agency was only able to provide 84 of the 100 files requested and only 42 of these were provided for the original period requested.

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Removes country of origin information from policy documents.
2. Rationalises its documentation containing country information; and ensures that up-to-date country information is set out factually and consistently in any documentation.
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.
4. Sets clear guidelines for Case Owners in researching COI where the COI already available does not meet the needs of the individual case.
5. 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 the COIS.
6. Strengthens its country information by liaising with, and obtaining information from, other relevant government departments.
7. Establishes a knowledge base for lower intake asylum countries to ensure consistency of approach and efficient processing.
8. Produces COIS reports for those countries appearing in the top 10 countries within the non-suspensive appeals process and the detained fast-track, and reviews these reports every six months.
9. Ensures the country information referenced in Reasons for Refusal Letters is relevant to the individual claim under consideration.
10. Ensures all sources of COI are referenced consistently in decisions and website links in COIS reports are up-to-date.
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.
12. Improves its information management and file location abilities and ensures all relevant documents are readily available.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and the work of UK Border Agency contractors.
- 3.2 The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
- 3.3 The Independent Chief Inspector's core inspection criteria were used to assess the efficiency and effectiveness of the use of Country of Origin Information (COI) in the Refugee Status Determination (RSD) process under four broad headings:
- High level outcomes of the business;
 - Processes and procedures including quality of decision making and consistency of approach;
 - Impact on people subject to UK Border Agency services; and
 - Management and leadership.

Purpose and Aim

- 3.4 To undertake an inspection of the use of Country of Origin Information (COI) in the Refugee Status Determination (RSD) process of the UK Border Agency, collecting evidence to enable the Chief Inspector to make an assessment of the UK Border Agency's quality of decision making; and to make recommendations for improved efficiency and effectiveness.

Scope

- 3.5 The inspection focussed on the use of COI in the initial stages of the RSD process and at appeal. It considered how the UK Border Agency ensured the quality of decisions taking into account targets, granted and refused applications and reviews of decisions.

In particular the inspection examined:

- variance in the quality of Reasons for Refusal Letters (RFRLs), including the over- or under-use of COI from all sources, selective quoting and speculative argument;
- the effectiveness of the practical application of COI before and after the substantive interview;
- the correct use, sourcing and citation of the various sources of COI e.g. Country of Origin Information Service (COIS) reports, Key Documents, Country Guidance notes and Operational Guidance Notes (OGNs);
- any constraints on the Case Owner or Presenting Officer in effective and efficient use of relevant COI; and
- whether sources of COI were used appropriately to ensure that each applicant's case was considered fairly.

The inspection did not examine:

- the quality or accuracy of reports and information provided by the COIS as this is separately monitored by the Chief Inspector's Independent Advisory Group on Country Information (IAGCI)¹; or
- the use of COI in non-asylum decisions such as discretionary leave.

Methodology

3.6 The onsite phase of the inspection took place between 6 December 2010 and 20 January 2011. A one day pre-inspection planning meeting was held onsite on 17 November 2010.

3.7 A range of methods were used during the inspection, including:

- initial scoping and research;
- pre-inspection visit;
- final scoping;
- stakeholder engagement (see Appendix 2);
- further research and analysis;
- file sampling;
- onsite inspection in Liverpool, Manchester, Leeds, Cardiff and London; and
- evaluation of evidence.

3.8 The file sample was selected from five countries – Afghanistan, Iran, Uganda, Albania and Bhutan – where initial decisions had been made within a specified 12 month period. These countries were chosen because they represented a wide spectrum in terms of asylum applications to the UK and availability of COI:

- Afghanistan and Iran regularly featured in the top 10 asylum application generating countries in the UK and there was a wealth of COI available from official 'in house' sources and elsewhere.
- Uganda and Albania produced a consistent, if lower, number of asylum applicants and while there were no COIS reports for either country, there were Key Documents and OGNs available which were significantly less detailed.
- Bhutan saw a far smaller number of applicants and there was, at the time of decisions made within the sample set, no COIS report, Key Document or OGN available, although there were a number of specific information requests published internally. These were not available publicly at the time of the inspection and dealt only with very specific requests by individual Case Owners for situation reports in the relevant country.

3.9 We randomly selected and requested 100 files from the UK Border Agency which were a mixture of grants and refusals. Of these files, we received 84. Thirteen of these 84 files could not be included in the analysis either because critical information such as a grant minute or RFRL was missing and irretrievable, or because the asylum decision had been made without a substantive interview completed. There were two reasons why this could have happened – the applicant may have either absconded before the interview or been returned to a 'safe third country' under the Dublin Convention² without substantive consideration of their claim.

1 <http://icinspector.independent.gov.uk/country-information-reviews/>

2 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/safethirdcountrycases?view=Binary>

- 3.10 The file sample therefore included 71 files for five countries from a variety of Agency case working offices in the UK. We requested data on initial decisions made between 1 October 2009 and 30 September 2010. However, we received files from as early as January 2009 and only 42 of them fell within the requested range. We nevertheless included those that fell outside the time range in the analysis. Of these decisions, 52 were refusals and 19 were grants of refugee status.
- 3.11 The files were analysed in terms of the type of COI used, if any. We looked at:
- whether COI was cited;
 - what sources of COI were used;
 - the referencing of COI;
 - the relevance of COI used in terms of how closely it related to the substance of the claim;
 - the appropriateness of how the COI was used;
 - the use of language in the grant minute or RFRL; and
 - whether the COI was preserved on the file or not.
- 3.12 It is important to clarify that where good practice is noted in percentage terms in the report, it cannot be assumed that the remaining number of cases are therefore examples of shortcomings or vice versa. If 15% of refusals were appropriately referenced, it does not follow that 85% of refusals were poorly referenced as, for example, COI may not have been used by the Case Owner. Facts from the file sample are presented in isolation and should not be taken out of context.
- 3.13 We were also provided with a small number of specimen files by the United Nations High Commissioner for Refugees (UNHCR) who had two officers based within the Agency for three days a week as part of the Quality Integration Project³. The files were a variety of examples of what UNHCR considered notable good and bad practice. While these did not form part of the overall file sample for statistical purposes we used them as an external reference to further inform our conclusions. Where relevant, we have cited these as case studies and explicitly stated that they were not randomly selected.
- 3.14 We also reviewed the most recent product available from COIS for the selected countries in terms of consistency and effectiveness.
- 3.15 During the onsite phase of the inspection, we conducted 16 focus groups, 13 individual interviews and held four drop-in sessions. These covered all staff involved in the decision making process, and included Case Owners, Senior Case Workers, managers, the Director of Asylum and staff from the Quality Audit Team (QAT), the COIS and the Country Specific Litigation Team (CSLT).
- 3.16 Four weeks after the completion of all interviews, the inspection team provided feedback on high level emerging findings to the Agency.
- 3.17 The inspection identified 12 recommendations for improvement to the use of COI in the RSD process. A full summary of recommendations is provided on page 5 of this report.

³ Under the Quality Integration Project (QIP), which is the next phase of the Quality Initiative Project, the UNHCR enacts a supervisory role (as set out in Article 35 of the 1951 Convention), providing expertise to the Agency on the quality of asylum procedures and first instance decision making.

4. Background

What is Country of Origin Information?

- 4.1 Country of Origin Information (COI) is used in procedures at various stages of the Refugee Status Determination (RSD) process to assess applications for refugee status or other forms of international protection. It informs decision makers and legal advisers about the political, social, cultural, economic, and human rights situation of a particular country as well as humanitarian situations.
- 4.2 The information can be used by a wide range of people during the RSD process – asylum seekers, legal representatives, UK Border Agency Case Owners and Presenting Officers, the Country of Origin Information Service (COIS)⁴, and immigration judges. Sources for COI include reports provided by the COIS which draw from a variety of objective evidence, Non-Governmental Organisations (NGOs), human rights reports, newspapers and media reports, academic books and journals, as well as opinions by country experts.

Why is COI necessary?

- 4.3 COI is integral to asylum decision-making in the UK at all stages of the RSD process. COI can enable decision makers to assess if an asylum seeker's subjective fear is based on objectively adverse circumstances, and therefore whether an asylum claim is well founded. It can also be used to assess the risk for individuals on return to their country of origin.
- 4.4 The use of COI in the RSD process is explicitly stated in the UNHCR Handbook: *'As regards the objective element, 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'*⁵. The legislative and policy framework underlining the use and importance of COI are also outlined in UK Border Agency policy instructions⁶ and the EU Qualification and Procedures Directives⁷.

Who produces COI?

- 4.5 The Country of Origin Information Service (COIS) forms part of the UK Border Agency and consists of 20 staff. COIS researches, collates and summarises information on countries giving rise to asylum claims in the UK. These 'country researchers' monitor the situation in their allocated countries daily and have access to a variety of sources, some through subscription sites and more general access through the internet. The function of the COIS is to provide accurate, up-to-date, objective and sourced information on asylum seekers' countries of origin for use by other Agency officials at all stages of the RSD process. The main COIS products are Country Reports, Key Documents and Bulletins.
- 4.6 Country Reports are produced for the top 20 asylum generating countries and are summaries of material produced by external sources. They attempt to focus on the main asylum and human rights issues in that country and also provide background information on geography, economy and history. Key Documents are produced for the next 30 countries, are much smaller and come in the form of a brief country profile and an index. Bulletins have also been issued in the past for some countries for which neither a report nor key document exists or for when information is needed at short notice.

4 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

5 <http://www.unhcr.org/3d58e13b4.html>

6 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/>

7 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:NOT>

- 4.7 Occasionally the COIS will also produce full reports on other countries depending on demand and they sometimes undertake ‘fact finding missions’ to countries where ‘objective evidence’ is not easily available and in the public domain. Finally they also offer a request service for Case Owners and Presenting Officers.
- 4.8 Country reports are reviewed by an independent body that falls within the remit of the Independent Chief Inspector of the UK Border Agency – the Independent Advisory Group on Country Information (IAGCI).
- 4.9 The IAGCI reviews the efficiency, effectiveness and consistency of approach of COI material collated by the COIS and assesses the sources, methods of research and quality control used by the Agency to help ensure that these support the production of COI material which is as accurate, balanced, impartial and up-to-date as possible. The IAGCI makes recommendations to the Independent Chief Inspector of the UK Border Agency about the content of material produced by the COIS as well as recommendations of a more general nature.

What about comparative work in the European Union?

- 4.10 The UK is one of a number of EU member states with a specific team responsible for compiling COI reports. The size of the team and whether they are specifically trained in research varies. The COIS team is relatively small compared with comparable institutions across the EU and the vast majority of the team do not have a research-trained background. Nevertheless, it is important to reiterate that COIS reports are documents which contain sources of information written by other organisations, they are selected and structured by the COIS. They are not written by COIS researchers.

What else does the UK Border Agency use to inform decisions?

- 4.11 Reported Case Law and Country Guidance⁸ cases also contain guidance, assessments and sources of COI. Operational Guidance Notes (OGNs⁹) are Home Office policy documents and provide country specific guidance to Case Owners on particular asylum seeking groups. These documents are produced by the Country Specific Litigation Team (CSLT) which comprises of six full-time and one part-time members of staff.

How are asylum applications assessed?

- 4.12 Asylum applications are assessed initially by the Agency and later, if the application is refused, by the upper and lower tiers of the Immigration and Asylum Chambers, against the relevant background information on the country from where the claimant allegedly fears persecution. In this way, decision makers are able to assess the credibility of claimants and their risk of persecution if returned to their country of origin and as a result whether the UK, in accordance with its international obligations under the 1951 Refugee Convention¹⁰ and Article 3 of the ECHR¹¹, should provide protection.

The RSD Process in the UK

- 4.13 Figure 1 is a simplified flowchart showing the RSD process in the UK. The darker shaded sections of the flowchart show stages of the RSD process where COI can be used by the asylum seeker, their representative, the Case Owner, the Presenting Officer or the Immigration Judge.

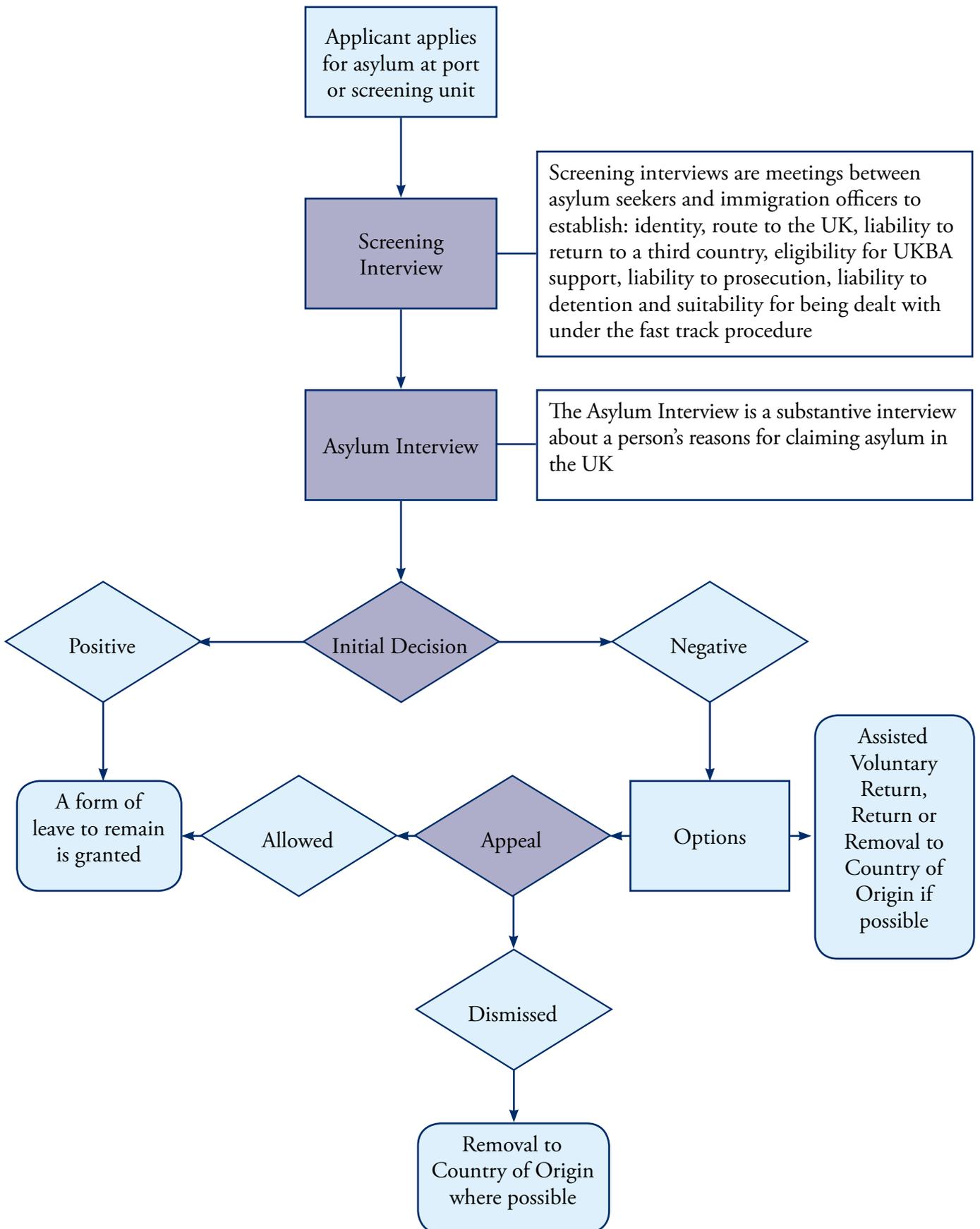
8 Case Law is that which makes new interpretations of law and therefore sets precedent. Country Guidance cases are decided in the Upper Tribunal and address country specific issues, often in conjunction with specific circumstances or social groups, such as women in Afghanistan or MDC supporters in Zimbabwe. They set out the legal interpretation of the risks of return for individuals and are binding on the tribunals, although not the Court of Appeal. The Court of Appeal has held that ‘failure to apply a country guidance decision unless there was good reason, explicitly stated for not doing so would constitute an error in law.’

9 <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/>

10 <http://www.unhcr.org/3b66c2aa10.html>

11 http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf

Figure 1: The process for determining asylum claims



5. Sources of COI and their application

- 5.1 We assessed the COI used by Case Owners in order to make decisions on whether people qualified for refugee status. In particular, we considered the principal sources of COI, the approach taken where there was limited COI routinely available and the effect of the performance targets that Case Owners were required to meet.
- 5.2 The approach to be taken by Case Owners was set out in a training module produced by the Austrian Centre for Country of Origin and Asylum Research Documentation (ACCORD) which the Agency used to train staff:

“Decision makers must be aware of as much information from as many sources as possible in order to conduct fair, efficient and well-informed refugee status determination procedures.

They must be able to assess the country situation as objectively as possible, with neither positive nor negative information being withheld or ignored”¹².

- 5.3 In practice, the primary sources of COI used by Case Owners were the reports produced by the Country of Origin Information Service (COIS). These were available for the top 20 countries from which asylum applications were most commonly received. In interviews with staff, these reports were consistently regarded positively both in the way they were written and for the level of information provided. They were viewed as objective and containing information from a reliable set of sources. Where a report existed, Case Owners rarely undertook any additional research to identify further COI.

COIS request service

- 5.4 If Case Owners found a lack of information within the COIS products for specific countries, ethnic groups or other specific groups such as women, minors or Lesbian, Gay, Bisexual or Transgender (LGBT) people, they were required to seek the advice of their Senior Case Worker (SCW). If the SCW was unable to advise, they would refer the Case Owner back to the COIS or approve a request to the COIS to obtain information. In some regions, the Case Owner would request information without SCW approval. It was not clear whether there was meant to be a common protocol for Case Owners in these circumstances or why this additional layer of authorisation was required in some areas but not others.
- 5.5 Staff and managers consistently described the COIS request service as prompt and informative. From 1 December 2009 to 30 November 2010, the service had responded to 1666 specific requests from Case Owners and Presenting Officers.
- 5.6 Some of these requests were made because the COIS had access to a small number of subscription-only resources not made available to Case Owners. Given the cost involved, it did not seem unreasonable to restrict access to the COIS team. However, this could have led to difficulties for the applicant, legal representative or Immigration Judge had it been necessary to retrieve these sources at a later date.
- 5.7 All requests were archived and available via the Agency’s intranet. However, although they were indexed by a key word, they were not indexed by theme and Case Owners could not therefore use the intranet search facility to find answers to a specific query. For example, queries about the

¹² <http://www.coi-training.net/content/doc/en-COI%20Manual%20Part%20I%20plus%20Annex%2020060426.pdf>

availability of medical treatment were variously indexed under 'A' for 'Availability', 'D' for 'Drugs for [the condition]', the particular condition (e.g. diabetes) or the actual drug (e.g. insulin). In other instances, queries about specific key people in country-specific events were indexed under the first name rather than the family name, or, in the case of army members, by their rank rather than name.

- 5.8 Similar problems arose when searching for substantive COIS products. For example, searching on the basis of a particular country name would result only in a long list of COIS reports detailed only as 'COIS report' followed by a month and/or year. These were not necessarily COIS reports for the specified country, merely ones in which that country name had appeared. This meant Case Owners spent longer than necessary finding relevant information, thereby increasing the time taken to make a decision.

Case Owner research

- 5.9 If there was no COIS report, Case Owners operated very different approaches to research. Some regions encouraged them to conduct their own research, others discouraged this. Some Case Owners informed us they would *'like to conduct research but time does not permit'*. One region had an unofficial list of recommended 'objective sources' whilst others referred simply to United States State Department (USSD) reports. The main non-country specific sources seen most regularly during our file sampling included the USSD, the Refugee Documentation Centre (Ireland), Human Rights Watch, the Immigration and Refugee Board of Canada, Danish Immigration Service reports and the Red Cross.
- 5.10 Given the varied aims and objectives of the sources which Case Owners used, and the lack of uniformity in terms of the production of information by these sources, issues arose over identifying criteria for an ideal standard of COI. Whilst ACCORD, UNHCR¹³ and the European Union provided useful guidance to address these issues, their focus was on how to conduct COI research and how to improve the quality of COI products, not on how COI was applied in the RSD process. Whilst the COIS were aware of these standards and all COIS staff had completed the ACCORD training, Case Owners were largely unaware of these. In terms of training they had only encountered a snapshot of the theory behind COI as a small part of their initial 'Foundation Training Programme'. This was mandatory training for Case Owners who joined the Agency post-2007 at Higher Executive Officer (HEO) grade as a result of the introduction of the New Asylum Model (NAM). Some Case Owners who joined prior to NAM had not received training nor had they received refresher courses.
- 5.11 There was no prescribed or minimum set of sources that Case Owners were expected to use. Case Owners said it was very much a matter for their individual discretion. During the inspection a 'COI source list' was made available via the intranet. This detailed a number of sources by theme but was not comprehensive. For example, the only suggested source for information on the death penalty worldwide was 'Hands Off Cain'¹⁴, an Italian website with an English translation. This was despite the fact that other sources of information were readily available, including comprehensive annual reports on the death penalty produced by Amnesty International. In addition, the source list did not include selections such as the annual Foreign and Commonwealth Office reports on Human Rights. During the inspection process, it was observed that Foreign and Commonwealth Office reports (both country-specific and general human rights reports) were referred to only once in an RFRL and were rarely mentioned by Case Owners as a potential source.
- 5.12 There was no obligation on Case Owners to check any particular source on any given theme during the decision making process. Therefore, for an applicant from a country where there was no COIS Report or Key Document, the decision made would depend on the understanding of the Case Owner in terms of research, sourcing, selection and awareness of that country. Indeed as one senior manager said, *'it comes down to the intelligence of the Case Owner at the end of the day'*.

¹³ UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, February 2004

¹⁴ <http://www.handsoffcain.info/>

- 5.13 The potential inconsistency was highlighted in our own assessment. Based on the limited information contained in country information for Albania, we conducted a brief search of the internet on the issue of 'blood feuds' which can feature prominently in asylum claims from that country. We identified one particular report that was not referenced in any of the documentation produced by the Agency:
- <http://www.unhcr.org/refworld/country,,RDCI,,ALB,,4a89476b0,0.html>
- 5.14 This is a report by the Irish Refugee Documentation Centre (IRDC) specifically on blood feuds. It includes primary research and inclusion of a number of sources including acknowledged country experts who have been interviewed. Referencing is very clear and the original sources can be identified easily.
- 5.15 However, in the absence of a prescribed or minimum set of sources that should be consulted, different Case Owners may have researched different types and numbers of sources with the potential for inconsistent decision-making.
- 5.16 The approach to COI amongst Case Owners varied. Many set out detailed views on different sources and their focus on using COI correctly. One focus group said '*COI was very important and not used enough by Case Owners*'. Other groups, however, took a different view with one group saying they '*didn't place much importance on COI anyhow*'.
- 5.17 Many staff and managers believed that research of COI should be very separate from the decision maker. This view explained why the COIS had been established as a separate group with no responsibility for decision making and existed solely to produce country reports. However, we noted the view of groups such as UNHCR that, while ideally COI units and decision making functions should be separate, it may not always be possible to maintain this position particularly if more information is needed quickly or because limited information has been made available. UNHCR reported that as long as the following two conditions were met, the decision maker could conduct COI research without fear of criticism:
- a) Decision makers should be specifically trained in COI evidence collection and assessment methods
 - b) Decision makers should understand and receive training on the various electronic COI systems that exist.
- 5.18 The first element is crucial in order to ensure decision makers collect COI in a balanced and comprehensive manner and the criteria for assessment are vital for the Case Owner to be able to determine the probative value of COI in an objective manner.
- 5.19 We found that this guidance was not well known outside the COIS or even within, where some Senior Executive Officers (SEOs) indicated they would discourage Case Owners from undertaking their own research. One case working office contained Case Owners, some of whom were research trained from previous careers, and their knowledge of how to use COI was of a markedly higher level than most other regions. We noted that, in research conducted by Asylum Aid¹⁵, the allowed appeal rate in this region was significantly lower than two other regions – 14% compared with 47% and 62%. While this inspection did not assess how relevant the correct use of COI had been in whether appeals had been allowed, the Agency had not yet sought to identify the reasons for this difference and the factors relevant to it. We understand this is likely to be reviewed shortly as part of the Quality Integration Project and that some local research had recently begun.

¹⁵ <http://www.asylumaid.org.uk/data/files/unsustainableweb.pdf>

Objectivity

- 5.20 The public website for the COIS states *'The Country of Origin Information Service provides accurate, objective, up-to-date, sourced information on asylum seekers' countries of origin.* Our inspection showed a lack of understanding among decision makers regarding the term 'objective' and Case Owners in particular were not able to define this consistently.
- 5.21 Most staff cited the sources contained in COIS reports – such as the United States State Department – as 'objective' although were unable to explain why. We were informed that, on occasions, information from blogs had been included in decision letters and regarded as 'objective'.
- 5.22 We found no published guidance for Case Owners on the types of sources that should be used or avoided. While a definitive list is unlikely to be feasible – particularly as many sources may be better identified on a country basis – there needs to be greater emphasis on the importance of Case Owners making decisions in light of evidence from as many sources as possible and greater information on the suitability of such sources.

We recommend that the UK Border Agency:

- Sets clear guidelines for Case Owners in researching COI where the COI already available does not meet the needs of the individual case.
- 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 the COIS.

The effect of targets

- 5.23 It is also important to consider productivity targets in this context. Conflicting departmental guidelines led to the poor utilisation of COI or, indeed, no use of COI. The Agency's overall target for decision making was 30 days after the application. However, we were consistently informed in interviews that there was a five day target for the Case Owner from interview to making a decision on whether a person qualified for asylum (serving the decision on the sixth working day), However, five days was also the target for the COIS to respond to a request from a Case Owner to obtain additional country information, and the Agency's 'process map' indicates that it expects Case Owners to interview between Day 7 and 12 post-application, with a decision made around Day 15.
- 5.24 Case Owners said that they would regularly ignore the potential need for a COIS request in order to meet their targets, or make a judgement call on whether the information would be critical to the decision, though some SCWs said that they would use 'common sense' if a Case Owner needed extra time. It was not clear how this would be reflected in assessing whether a Case Owner was meeting their targets.
- 5.25 In our sample, seven RFRLs referred to information obtained from the COIS special request service. Of these, it was only possible to identify one that had been made specifically for that individual case. In three of the examples it was clear from the date of the request that it was identified from the archives. The other three cases were inadequately referenced.
- 5.26 We undertook a stakeholder survey, from which we received 10 responses. Of the five respondents to the survey who had previously submitted COI on behalf of applicants none of them were satisfied that the information had been fully considered. Three reported that the evidence was partially considered and two that the material was not considered at all. We did not assess the particular cases concerned but, if correct, it is unacceptable for COI submitted by representatives not to be fully considered by Case Owners, whether this is because of time constraints caused by unrealistic targets or for other reasons. Without this consideration, the Agency can not be satisfied that a correct decision has been made. The Agency must ensure that all relevant information is considered at the earliest opportunity and ensure that targets take account of the work involved in producing a 'right first time' decision.

Inter-departmental liaison

5.27 The COIS also visit countries to obtain information not available from existing sources and state that they regularly liaise with other government departments. However, while there was evidence of some liaison with the Foreign and Commonwealth Office (FCO), we found limited evidence of joined-up work across the UK Border Agency, Home Office or wider government departments in this area. We contacted the Agency's International Group, the Home Office International Directorate, the FCO and the Department for International Development (DfID). Other than the Iran desk officers in the FCO who regularly responded to COIS, none of the other staff we contacted in these departments for the countries which we sampled had dealt with either the COIS or the COI process.

We recommend that the UK Border Agency:

- Strengthens its country information by liaising with, and obtaining information from, other relevant government departments.

6. Making decisions in the absence of COI

- 6.1 Case Owners will often need to make a decision on whether a person qualifies for asylum when there is a limited availability of COI either for the country as a whole or for specific groups within a country.
- 6.2 COIS reports were not published for every country whose nationals generated asylum claims. In general, a full report was published only for the top 20 asylum-generating countries while shorter Key Documents or Bulletins were sometimes available for the top 50. If a Case Owner received an application from a country with little or no information available from the COIS, they were *'ill placed to make a decision'* as one Case Owner said. In addition, even where a report or Key Document had been produced, it did not always cover the specific situation of every social group.
- 6.3 While it will not be feasible to capture every type of situation from every group in every country, there are three potential consequences of a lack of COI: inefficiency, lack of consistency and incorrect assumptions.

Inefficiency

- 6.4 Staff stated that, in the absence of COI, they would consult colleagues to see if they had dealt with similar cases but there was no easily accessible resource to find previous examples containing COI.
- 6.5 If consulting colleagues could not help, staff would then go to a Senior Case Worker (SCW) who might then go to another region or an SCW forum. If no more information was forthcoming, the SCW would go back to COIS. This was consistent across the regions – there was no collation or dissemination of information which was, at times, time-consuming to acquire. On occasion, some Case Owners would trawl the Case Information Database (CID) for records of other decisions made for the same nationality which they would use for guidance. When asked if they would ever feed back any new information to the COIS, one SCW said *'No – it's never occurred to me to do this.'* Others said that they sought the COIS's validation of any COI that they sourced independently and expected them to collect this centrally if it was of importance.
- 6.6 The lack of any type of central database or process for referring cases from low intake nationalities or less typical social groups meant Case Owners could spend a considerable amount of time trawling for information which may have been readily available from a previous case handled in a different team or region.

Lack of consistency

- 6.7 We sampled 14 files from Bhutan which saw a far smaller number of asylum applicants. At the time of decisions made within the sample of cases we looked at, no COIS Report, Key Document or OGN were available, although there were a number of specific information requests published internally. Decisions were therefore very reliant on the individual Case Owner's research. We noted that this had recently been remedied and a COIS report had been available since the end of August 2010.
- 6.8 The claims raised similar issues involving ethnic Nepalese, resident in Bhutan until some years previously before a forced or unforced move to India (sometimes as many as 18 years previously). The claims contained limited detail and substantive interviews showed a lack of knowledge of the general situation for ethnic Nepali Bhutanese. The decisions rarely addressed difficulties with returns to both Bhutan and India, both of which were relevant.

- 6.9 There was considerable variation in the quality and quantity of COI accessed and cited and in the outcome of the decisions themselves which, despite marked similarities between each claim, seemed more evenly balanced between grants and refusals of asylum than other nationalities. Of the 14 Bhutanese cases examined, eight were granted and six refused, while among the rest of the sample there were only 11 grants among a sample of 57. This represents a grant rate of 57% for Bhutanese cases compared to 19% for the others. Three of the granted cases followed an initial refusal and either a withdrawal of the decision before appeal or as a result of the appeal being upheld. In each of these three cases it was noted that COI was either completely absent, of little relevance to the individual claim in the original RFRL or selectively used.
- 6.10 Prior to the Agency's move to a more regionalised structure, we were informed by staff that Case Owners and SCWs frequently specialised in particular countries. This meant that there was an identifiable and accessible person who could be called upon for direction and in-depth knowledge. However a decision was made centrally that this was no longer possible given the resource implications within a de-centralised structure. Nevertheless some regions continued to localise knowledge on different nationality and claim types to concentrate expertise in decision making. While some decision makers welcomed the benefits this brought in terms of consistency, those in the COIS were less supportive of the concept, indicating that they believed it would be less likely to produce a tailored decision to the individual if an officer became too used to seeing certain types of claims. The CSLT, however, did consider there to be potential benefits in specialisation.
- 6.11 With regard to high intake countries, one Case Owner told us:

'We tried it on the back-log team. We did a couple of months of each country and it was really easy to do. By the time you'd read the COIS report a few times you didn't need to keep wading through it.'

- 6.12 There was some debate within the Agency as to whether a country-specific approach was of benefit in deciding claims from high or low intake countries. While it is unrealistic to expect that there should be specialist Case Owners for all circumstances it is reasonable for the Agency to consider the benefits of concentrating expertise where possible.

Incorrect assumptions

- 6.13 There is a risk that, if information on a particular social group or type of claim is not included in the COIS report and has not been captured as a result of previous individual claims, Case Owners could automatically assume there are no grounds for substantiating an applicant's assertions. This is particularly important for some of the most vulnerable applicants such as those claiming persecution on the grounds of female genital mutilation or on the grounds of sexuality or gender. For example, the Key Document for Uganda had only half a page on Lesbian, Gay, Bi-Sexual and Transgender (LGBT) issues and one paragraph on women/violence against women. It described only the legal situation and contained little from non-governmental sources. One article cited in the sources list was not referred to in the report body itself and LGBT issues were not addressed at all in the OGN. Decisions made without the appropriate knowledge run the risk of being wrong decisions.
- 6.14 This risk is also particularly important for applicants who may have their cases certified as clearly unfounded and who can only appeal against the decision once they have been removed from the UK and returned to their country of origin (non-suspensive appeals). Similarly, it is important for applicants placed in the Agency's Detained Fast-Track process which is designed for cases that can be resolved quickly. Although a right of appeal can be exercised before removal, it is not unusual for the entire process from application to appeal to be concluded in two weeks. In both these situations, it is therefore imperative that good quality COI is available to Case Owners as soon as possible.

- 6.15 At the time of inspection, the top 10 countries for non-suspensive appeals and Detained Fast-Track intake comprised of 15 different countries in total as some countries appeared in both lists. Of these, only 11 had full COIS reports available. COIS stated that they aimed to update their full reports at least twice a year and that since 2006 the updates had been even more frequent. However, two out of the 11 available reports for these countries were more than six months old. The remaining four countries (Albania, Ukraine, Kenya and Uganda) only had Key Documents available. This was also the case for many other lower intake countries that were ‘non-suspensive appeal designated states’.
- 6.16 Case Owners reported that the non-suspensive appeal system was ‘*a victim of its own success*’. As the number of applications from nationals of particular designated countries reduced, that country was even less likely to have a COIS report available for it. As one Case Owner stated:

‘The aim is to reduce the number of claims from these countries, but then they drop out of the top 20 so we don’t get the reports. We are hobbling ourselves.’

We recommend that the UK Border Agency:

- Establishes a knowledge base for lower intake asylum countries to ensure consistency of approach and efficient processing.
- Collates information on the basis of each claim to ensure that 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.
- Produces COIS reports for those countries appearing in the top 10 countries within the non-suspensive appeals process and the detained fast-track, and reviews these reports every six months.

7. The appropriate use of COI

- 7.1 In order to make a decision on whether a person qualifies for refugee status, Case Owners often have to make a subjective evaluation of the applicant's credibility. However, to make an accurate decision it is essential that COI is not used selectively and that Case Owners do not draw unreasonable inferences from it. A number of respondents to the survey highlighted issues with the correct contextual use of COI:

'The main problem is that Country of Origin Information is used to buttress Case Owners' decisions rather than consider the application placing it in the context of the COI. Very often the selections from reports that are cited in refusal letters totally ignore the fact that the report overall may say something else. The cases are refused on the basis of policy considerations rather than on purely matching or considering the specific facts of the case in the context of a set of country conditions. This means that COI is drummed up to support speculative queries [and] doubts on credibility.' (Survey Response)

- 7.2 In our file sample, we assessed whether the COI cited in the RFRL supported the overall conclusions drawn without using conjecture and whether it was clear that relevant information had been excluded when reaching the decision.
- 7.3 Of our sample, we found 17% (12 cases) contained selective use of COI or where unjustified inferences had been drawn.

Selectivity

- 7.4 In both the following case studies, the Case Owner's initial decision was to refuse the application. However, when the decisions were examined further, and the entirety of the individual sources referred to in the RFRL reviewed, it was clear that COI had been used selectively resulting in the Case Owner drawing an incorrect conclusion.
- 7.5 The first case study highlights a case where a review prior to a judicial review hearing exposed flaws in the selection of the COI.

Case Study 1

Mr D was a national of Albania who claimed asylum on the basis of a ‘blood feud’ between his family and another. He claimed that the Albanian authorities were unwilling to provide sufficient protection for him and that his life was in danger from the other family’s desire for retribution in a land dispute.

His application was refused and his appeal was dismissed as the Immigration Judge found ‘numerous reasons for finding him not credible’. However, Mr D applied for a Judicial Review (JR) of the decision on the grounds that, among others, the objective information had been interpreted incorrectly.

A review of the case by the Agency prior to the JR hearing concluded that the applicant had reasonable prospects of succeeding with the claim because the COI had been interpreted incorrectly.

The review referred to a paper by the Immigration and Refugee Board of Canada (IRBC) which had been cited in the Reasons for Refusal Letter (RFRL) and noted that the RFRL quoted certain parts of the source but did not take into account other conflicting views within the same source. In particular, it noted that one paragraph in the RFRL referred to the applicant’s contact with his father’s cousins who had experienced no difficulties with the blood feud. This was cited as evidence the blood feud did not exist at all. However the review notes that the IRBC paper notes only that paternal uncles will be drawn into the feud and concludes that this was an ‘unsafe leap of faith’ to conclude that the blood feud did not exist at all.

As a result of the review, the decision was made to withdraw the RFRL and grant leave to remain.

The second case study highlights the exposure of selectivity in the use of COI by an Immigration Judge during an appeal hearing.

Case Study 2

An Immigration Judge noted selective use of COI by the Agency and accessed the whole COIS report rather than just the element used by the Case Owner in the Reasons for Refusal Letter. The report was for India which included some information about treatment of Bhutanese nationals there.

The judge noted “The respondent’s bundle contains the Human Rights Watch Bulletin dated May 2007 concerning Bhutanese refugees. It is at pages C1 to C44 of the bundle. It is clear from...the refusal letter that reliance was placed by the respondent on the contents of that report. It is quoted in the context of conditions for Bhutanese refugees living in refugee camps but I have regard to the report as a whole as it has been lodged by the respondent without reservation. At Section 5 of the report and the following 7 pages there is set out in considerable detail the difficulties encountered by ethnic Nepalese who had not been evicted from Bhutan and who remained in Bhutan and it is said there that they face ‘persistent discrimination and ongoing threats to their citizenship status.’ It is clear that the UNHCR has appreciated the need for ethnic Nepali Bhutanese to be recognised as refugees because they suffer a real risk of persecution in Bhutan.”

The appeal was allowed.

Speculation

- 7.6 It is essential that the conclusions drawn by Case Owners solely reflect the evidence available. We found two almost identical instances where this was not the case amongst the 12 Iranian RFRLs sampled, one of which is shown in Case Study 3.

Case Study 3

Mr X from Iran claimed to have been arrested at a demonstration. The Case Owner used the following quote in the refusal letter:

“At least 170 people were arrested on 13/6/2009 during clashes between security forces and hundreds of demonstrators around the Ministry of the Interior and other areas in central Tehran. Those arrested included leading political figures who were accused by the authorities to have ‘orchestrated’ the unrest. Some have since been released.”

The Case Owner then went on to state:

“It is considered that as a low level demonstrator, you would not fit the profile of those the Iranian authorities were looking to arrest. The objective evidence also confirms that some have been released after being arrested and therefore attendance of the demonstration would not amount to you being persecuted by the authorities.”

The Case Owner concluded that because those arrested *included* leading political figures then it would specifically *exclude* those who were not ‘*high profile*’ which was clearly not sustainable. It was not clear how the Case Owner supported the statement that the subsequent release of people who had been arrested meant that the applicant had not been persecuted.

- 7.7 Speculative use of COI was also seen in the following extract from an RFRL relating to an element of an Afghan claim where the applicant claimed that members of the Basij, an Iranian volunteer force of Islamic government loyalists, attacked him close to a mosque.

Case Study 4

“Furthermore, objective evidence below states that the Basij are based in urban areas. You claim that the village is small with very few shops. Therefore, your claim that there is a Basij base there is not consistent with the objective evidence below:

COI Request Oct 2007 – Basij – Background;

‘The second policy initiated direct Basij intervention in society. The youth who had gathered around the Basij in the 1980s were mobilized in 1990s as the principal force responsible for upholding Islamic norms in society. Some Basij were enrolled in the Ansar-e-Velayat, a paramilitary group that helps the regime control major urban areas.’

“In light of this, it is not accepted that there is a Basij base 100 metres from the Mosque or that the Basij were present.”

The Case Owner seemingly used evidence that some Basij were enrolled in a paramilitary group to control urban areas to speculate that Basij were not to be found at *all* in the relevant area.

Inconsistency of application

- 7.8 We have already highlighted some inconsistency in decision making where very limited COI was available to the Case Owner (paragraphs 6.8 and 6.9 refer). We did not identify further examples of Case Owners interpreting COI inconsistently in our sample but were made aware of specific cases from stakeholders.
- 7.9 A particular example was provided to us by the UK Lesbian and Gay Immigration Group (UKLGIG) where Case Owners using parts of the same COIS report on the same theme reached differing conclusions. Although this was not part of our random sample we are highlighting this as it further illustrates the importance of consistent use of COI and the consequent impact it can have on decisions to grant or refuse people asylum.

Example provided by UK Lesbian and Gay Immigration Group (UKLGIG)

The UKLGIG supplied RFRLs for three Nigerian men for whom the basis of their claim was that they feared persecution because of their sexual identity as gay men. Of the three the individual Case Owners did not believe that two of them were genuinely gay. In these letters section 22 of the Nigeria COIS report from July 2010 was extensively quoted and the letters concluded:

‘Based upon the objective evidence...it is accepted that those openly homosexual would be at risk of receiving treatment contrary to both the 1950 and 1951 conventions.’

and

‘The objective information suggests that an openly homosexual man living in Nigeria would be likely to face persecution.’

However, as the applicants were not believed to be gay, their claims were refused.

This was contrasted with the conclusion in an RFRL written in the same month (December 2010) where the Case Owner accepted the applicant was gay as claimed:

‘Your claim has been considered alongside the guidance above [COIS report July 2010] and it is considered that your claim to be a gay man from Nigeria is accepted as your behaviour in Nigeria follows that as described in the objective evidence. The objective evidence demonstrates that homosexual practices are punishable by law of up to 14 years imprisonment in Nigeria but the evidence also shows that there have not been any convictions for sodomy as it is hard to prove. The evidence shows that homosexuality is taboo in Nigeria but the police can offer protection if a person is threatened for being gay...’

- 7.10 In order to work as efficiently as possible and to ensure that decisions are made on the specific issues raised in individual claims, it is important that the country information used in RFRLs is concise and relevant.
- 7.11 We found seven instances among the 52 refusals of asylum where COI had been included which was, at best, tangential to the issues under consideration. Case Study 5 highlights this.

Case Study 5

Ms H was a national of Albania. She claimed asylum on the basis of domestic violence and also claimed to have been a victim of trafficking.

Pregnant, detained and allegedly a victim of abuse, she said during her substantive interview that she was depressed. This was not given as grounds for asylum or to support her claim and appeared to be merely an oblique reference as part of a wider conversation. However the Case Owner addressed this as part of the Reasons for Refusal Letter and included two A4 pages of information about psychiatric services in Albania. This included details of beds per thousand head of population in psychiatric facilities and the number of social workers.

There was no value in the inclusion of this material as it was not relevant to the specific issues raised in the asylum claim. It made the letter difficult to follow and its prominence in the letter obscured the more substantive issues raised by the applicant.

- 7.12 In this instance, the Case Owner had made a specific attempt to obtain more information thereby taking longer to make the decision. However, our sampling identified an unacceptable use of 'cut and paste' whereby Case Owners simply transferred sections of COIS reports into RFRLs. As well as making the refusals less focused on the individual nature of the claim, this approach resulted in one unacceptable situation of an Albanian national being referred to throughout as a national of Nigeria.
- 7.13 From our interviews, it was clear that Case Owners were aware that 'cut and paste' was not ideal although a significant number believed it was better to put more information in and did not consider that targeted COI made for a more succinct decision and clarity for both the applicant and the Immigration Judge. Monthly national trend analysis reports that we saw showed that senior managers were aware that this was not acceptable and were planning to *'put a desk note out'* about the use of extraneous COI. This had been planned since at least October 2010 and had not occurred at the point of inspection. Some members of staff were keen to point out that having a quality audit process which encouraged staff to include 'everything' led to a perception that 'more is better'.

We recommend that the UK Border Agency:

- Ensures the country information in reasons for refusal letters is relevant to the individual claim under consideration.

8. The use of Operational Guidance Notes as sources of COI

- 8.1 The Agency produces Operational Guidance Notes (OGNs) to assist Case Owners in decision making. They contain recent case law and set out the Agency's overall policy in respect of types of asylum claim from nationals of particular countries. They also contain country information and, although the OGNs refer Case Owners to COIS reports, the inclusion of country information in what are essentially policy documents has been of particular concern to stakeholders: *'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.'*¹⁶
- 8.2 There is a concern that the inclusion of country information in OGNs means Case Owners will use information selectively in individual decisions based on an overall policy position and will also use the OGN as the primary source of country information rather than referring to the COIS report or other available sources. Many Case Owners acknowledged in our focus groups that they were often the first port of call, if not the only one. Any shortcomings in OGNs would therefore translate into shortcomings in decision making.
- 8.3 Our interviews with staff and managers revealed they were unclear about the purpose of OGNs and the value of having both these and COIS reports.
- 8.4 We considered the OGNs for two of the countries included in our file sample to assess any inconsistencies with the country information more generally available. Our findings are set out below.
- Afghanistan**
- 8.5 The OGN was published on 8 April 2009. The most recent COIS report was 5 November 2010. There had been four COIS reports issued on Afghanistan since this OGN indicating that information was changing regularly and rapidly. The information contained within the OGN, all of which was linked in some way with COI, did not therefore reflect significant changes such as the outcome of elections that had taken place in August 2009. Where other documents such as OGNs are including country information, they should clearly reflect the most up-to-date information available, particularly if full COIS reports have been produced in the meantime.
- 8.6 Some interpretations of the case law included in the OGN were confused and at odds with the COI that was cited.
- 8.7 COI was not properly referenced in the OGN, citing only the general area in the COIS report where the conclusions could be found. However the references could not be located and examination of the COI in the COIS report indicated far greater weight of evidence *against* the conclusions drawn in the OGN than for it. Guidance in the OGNs was confusing and contradictory and would not serve to assist a Case Owner in conducting an interview or making a decision. The guidance did not seem to relate directly to any known COI. In particular, the following areas were weak.

¹⁶ ILPA response to ICI UKBA stakeholder survey

Internal relocation

- 8.8 Some asylum claims are based on a fear of persecution by particular groups in a particular part of a country. Therefore, if a person is able to move and live safely elsewhere within their country of origin, they are unlikely to demonstrate a well-founded fear of persecution and will not therefore qualify for refugee status. This is generally referred to as internal relocation.
- 8.9 The OGN concluded that, where asylum claims were localised, internal relocation was practical for men and for women who had a male support network. It cited the example of Pashtun men or married women from the north of the country who feared persecution in their home area and stated that they may relocate to the south of the country where they do not constitute a minority and where there is no evidence they would be at risk. It also stated it would not be unduly harsh to expect applicants who face a generalised risk because of their ethnicity to relocate to Kabul where they could rely on sufficient protection against generalised threats by non-state agents. However, this was not supported by the COIS report. That contained only one statement on relocation which was an extract from a UNHCR document stating the following:

“In the context of Afghanistan, UNHCR considers that internal flight or relocation alternative for those fleeing persecution or generalized violence is generally not available. Local commanders and armed groups are often able to extend their influence beyond local areas due to links to more powerful actors, including at the central level. Due to limited capacity and on-going conflict, State authorities are largely unable to provide effective protection from non-state actors.”

“Extended family and community structures within Afghanistan society are the predominant means for obtaining protection and economic survival, including access to accommodation. Thus, it is very unlikely that Afghans will be able to lead a relatively normal life without undue hardship upon relocation to an area to which they have no effective links, including in urban areas of the country.”

- 8.10 This contradicted the argument in the OGN which said:

“The law provides for freedom of movement within Afghanistan, but certain laws limit citizens’ movement and the Government limits citizens’ movement due to security interests. Local customs and traditions may also make it very difficult for women to travel without a male escort. This makes it practical for women with a male support network who have a well-founded but localised fear of persecution in one area of Afghanistan to relocate to other areas of the country where they would not be at risk and it is reasonable to expect them to do so.”

- 8.11 The OGN cited both the COIS report and a USSD report as the source of this information but the conclusion drawn in this paragraph is not logical. The paragraph describes difficulties with freedom of movement for all citizens but concludes that this makes it practical for women with a male support network to relocate.
- 8.12 The OGN stated eight times that ‘sufficient protection is not available, even in Kabul, for single women or female heads of household without a male support network.’ However, given that the OGN argues that even if other areas are not safe then Kabul may well be, the fact that this group are not safe even in Kabul should, logically, mean that this group are not able to internally relocate anywhere in Afghanistan.

Sufficiency of protection – Afghan National Police intervention

- 8.13 In assessing whether a person has a well-founded fear of persecution, the Agency needs to establish whether there is sufficiency of protection. In short, this means assessing whether the state can provide enough protection for an individual. The OGN set out the Agency’s views on the Afghan National Police stating:

“In Kabul, the police authorities are generally willing to enforce the law, although their ability to do so is limited by inadequate resources and dependent to some extent on the loyalties of individual officers.”

- 8.14 This is allegedly sourced from the February 2009 COIS report, from the section on Human Rights: Security Situation; Security Forces; & Judiciary. However there was no such direct conclusion in the COIS report and no further sources cited which indicated that the authorities were *'generally willing to enforce the law'*.
- 8.15 There were numerous references in the COIS report, mainly from the USSD and the Institute for War and Peace Reporting which detailed all the different sectors of the police and the corruption and incompetence in each. For example:

"...high-level corruption in the police force meant that the Balkh authorities were unable to provide security for residents. He acknowledged that much of the new Afghan National Police is made up of former mujahedin, the forces who fought and ultimately triumphed over the Soviet invaders. Atta, a former leading militia commander himself, said it was partly out of respect for their past record that he had been reluctant to remove them."

and

"Corruption is a growth industry for Afghanistan's police. They stand accused of extorting money from drug smugglers, gun runners, brothel owners and gamblers, in return for looking the other way. Those who refuse to pay can be arrested as part of an apparently virtuous clean-up campaign, and then released once they hand over the cash."

and

"But Afghans brush aside the notion that trained police are any improvement over the old force...Analysts tend to agree, saying that despite the best efforts of the international community, the police system is riddled with corruption and nepotism."

and

"Corruption remains a problem. There are credible reports of police positions, particularly in lucrative transit and drug trafficking corridors, being 'sold' for large amounts of money."

All of these examples appear to contradict the conclusion drawn in the OGN that police authorities are generally willing to enforce the law with the only caveats being that they have inadequate resources and some officers with differing levels of loyalty.

Uganda

- 8.16 The OGN was published in March 2009, shortly after the Key Document was published in February 2009. There was no full COIS report.
- 8.17 We did not identify any contradictions between the country information contained in the OGN and the Key Document. However, we noted that the OGN contained significantly more country information in respect of issues such as prison conditions and medical information, including HIV/AIDS than the Key Document. Different sources were cited in each with very little cross-over between the two. For example, the OGN contained information from the UN Disarmament, Demobilisation and Reintegration Resource Centre about an amnesty for members of the Lord's Resistance Army (LRA) – a group which opposed the government but had since renounced violence – and yet this source was not listed at all in the Key Document. The OGN also contained more detail about the treatment of former members of the LRA highlighting that there was no risk of persecution for those who complied with the amnesty. The Key Document did not refer explicitly to this. We found no rationale for the approach taken to information and sources included in one publication but not in another.

Summary

- 8.18 Managers were able to set out the intentions behind producing one set of country information via COIS (Reports, Key Documents and Bulletins) and one set of Operational Guidance Notes which contained country information as part of a policy position. However, there are risks with this approach.
- 8.19 Firstly, there is no consistent co-ordination between the different publications. An updated COIS report does not in itself prompt an updated OGN. Even if the updated COIS report does not contain information which significantly changes the basis on which decisions to grant or refuse asylum are made, it will inevitably contain more up-to-date country information and this will not be reflected in the earlier OGN that Case Owners are still required to consult. The fact that different sources were cited in the different documents also fails to provide the necessary assurance that a co-ordinated and consistent approach to the use of country information is being taken. Consequently, this provides less assurance in the overall quality of decisions.
- 8.20 Secondly, as OGNs are statements of policy, the inclusion of country information to support a particular position does mean there is a risk that only certain elements of COIS reports are regarded as relevant and/or that paraphrasing occurs which shifts the weight of the evidence. As many Case Owners highlighted the fact that OGNs were often seen as a one-stop-shop for country information, particularly if they believed they had limited time to make a decision or conduct an interview, this could potentially affect how a decision is reached on whether an individual qualifies for asylum.
- 8.21 We noted that some initial thinking had taken place in the Agency on whether country information should be removed completely from OGNs which would instead simply highlight case law. That would be one way of addressing the concerns outlined. Overall, the Agency needs to be absolutely clear on the purpose of its reports and guidance to staff, decide on the appropriate methods to convey accurate and up-to-date country information and provide greater assurance that this is being used consistently.

We recommend that the UK Border Agency:

- Rationalises its documentation containing country information; ensures that up-to-date country information is set out factually and consistently in any documentation.
- Removes use of country information from policy documents.

9. The accurate referencing of COI

- 9.1 Accurate referencing is important in enabling the applicant, representative or the courts to establish that arguments made in an RFRL are valid and credible, and to relocate sources easily and efficiently at a later date. Using a common referencing system, including when paraphrasing, summarising or quoting material is vital in presenting a credible and professionally considered decision.
- 9.2 67% (35) of RFRLs sampled were referenced acceptably although there was no evidence of a common system. 33% (17) were poorly referenced. This included instances where it was impossible to ascertain the original source of the information and those where it was not possible to establish whether information included was the Case Owner's opinion or inadequately quoted secondary material. Within this figure we have not included instances where source information contained within a COIS report was cited without the original referencing, which could arguably also constitute poor referencing.
- 9.3 In terms of consistent referencing, there was no evidence that guidance existed and no members of staff or managers were able to point to a particular document specifying expected referencing standards. The COIS indicated that their report should be the major reference, with minor sources from inside the report referenced at the end of each excerpt. We found that there was no official style guide and the majority of Case Owners said that the way they referenced was largely personal or at the behest of their SCW. This led to inconsistency within teams and regions.
- 9.4 In many cases, Case Owners referenced COIS reports with simply '*COI report, XXX date.*' While the assumption was that they were referring to the UK Border Agency COIS reports, many institutions globally produce COI reports and the presumption that it is the UK version should not be made. Furthermore, we noted three such references within decisions made in Bhutanese cases where, at the time of decision, there was no COIS report for Bhutan. In reality, these were references to the COIS report for India, but this was not always immediately clear.
- 9.5 Stakeholders also complained that the erratic referencing made it difficult to establish the origin of the information:
- "It is not always clear in the RFRL whether the citation comes from a COI report or, if it does, what the COI report itself is citing as evidence, or whether additional 'non-COI' sources are being cited."*
- 9.6 The following example shows how poor referencing can result in an inability to retrieve the original source.

A paragraph in the RFRL for Mr. Z from Albania stated that despite court rulings, UNHCR considered that some individuals may be considered part of a Particular Social Group (PSG) but that the Home Office position remained that protection was available. It cited the reference in the footnote as '*UNHCR position on claims for refugee status under the 1951 Convention based on a fear of persecution due to an individual's membership of a family or clan engaged in a blood feud*'. There was no reference to the document from which this came.

- 9.7 Inconsistent references were exacerbated by website links in COIS reports which had expired, did not exist or did not work. When these links were copied into RFRLs, it was not possible to trace the original source.
- 9.8 We checked the links in COIS reports which were available for the countries which we sampled. Figure 2 shows the results:

Figure 2:

Country	Afghanistan (Report)	Iran (Report)	Uganda (Report)	Bhutan (N/A)	Albania (Key Document)
Date of report	November 2010	August 2010	February 2009	N/A	November 2009
Number of links	852	894	259	N/A	365
Live links	820 (96%)	856 (96%)	212 (82%)	N/A	256 (70%)
Dead links	25 (3%)	25 (3%)	40 (15%)	N/A	88 (24%)
Wrong links	7 (1%)	13 (1%)	7 (3%)	N/A	21 (6%)

- 9.9 We also noted that some sources such as Amnesty International and the Immigration and Refugee Board of Canada had recently changed their web archiving systems which rendered all of their links inoperable. This would have affected the majority of COIS products, not just those reviewed for this inspection.

We recommend that the UK Border Agency:

- Ensures all sources of COI are referenced consistently in decisions and that links to websites in COIS reports are up to date.

10. Quality assurance methods and their application

- 10.1 The UK Border Agency assessed the use of country information as part of its overall quality assurance framework. The Agency's Director of Asylum set out the Agency's view that '*...quality assurance plays a central role in asylum decision making, ensuring that high standards for decision making are maintained. This is achieved by regularly assessing a random 10 per cent sample of asylum decisions, identifying areas of improvement, promoting good practice, providing focused training and recommendations for continuous improvement.*'¹⁷
- 10.2 The Agency's Quality Audit Team (QAT) devised a marking template for both the interview and decision elements of the asylum process in conjunction with UNHCR. These included two questions about the use of COI during the interview and three for the decision element. The interview element allowed a Case Owner to score a maximum of two marks out of a potential 47 for correct use of COI. The decision element allowed a Case Owner to achieve a maximum of four marks out of a total 52.
- 10.3 We considered how the quality assurance process worked in respect of the use of country information looking in particular at responsibilities for quality assurance, the number of cases sampled and the method for selecting cases, how decisions were 'scored' and the effectiveness of the process.

Responsibilities for quality assurance and the number of cases sampled

- 10.4 There were two ways in which quality was audited or assessed. Both the QAT and Senior Case Workers (SCWs) had responsibility for assuring the quality of decisions and therefore the use of country information which formed the basis for the decision. The principal difference was the QAT reviewed cases once a decision had been made whereas SCWs considered cases before the decision was issued. The QAT audited 10% of all asylum cases while SCWs were expected to 'dip sample' 10% of cases for their regional teams (although this figure was subject to regional variations with one region expecting to sample only 5% of cases).
- 10.5 The QAT's role was to provide a national assessment of quality. Feedback was given to Case Owners in all instances. This feedback was conducted face-to-face where possible, but resources restricted this, not least because the majority of auditors were based in the North West region. SCWs used the same template as the QAT and gave feedback to Case Owners. However they used the tool primarily to mentor or develop and therefore often went into greater detail with regards to the use of COI.
- 10.6 However, SCWs (and Case Owners) expressed uncertainty about how their sampling contributed to the national assessment, if at all. While there is a clear benefit in SCWs sampling their own team's decision making, the Agency needs to provide greater clarity on how the two forms of sampling can be done most efficiently with the overall aim of ensuring high quality use of COI.
- 10.7 We noted that officers from UNHCR were embedded within the Agency to provide further auditing of the decisions made. They worked closely with the QAT as part of a Quality Integration Project. They provided both individual case feedback on auditors and audited cases and advised on aspects of quality auditing and general theme and trend analysis for areas that required improvement within the RDS process. They had been involved with the auditing process since its inception and reported a very useful and productive engagement between the two organisations.

¹⁷ <http://horizon.gws.gsi.gov.uk/portal/site/horizon-intranet/menuitem.752fbb630807ef3a43757f10466b8a0c/?vgnextoid=bc68abbab347c210VgnVCM1000002bb1a8c0RCRD>

Selection of cases

- 10.8 We heard from staff a number of complaints and comments that the selection of files for sampling was not random and therefore may not be a realistic assessment of the overall quality of decisions. We were also informed in interviews that auditors sometimes selected specific files that they wanted to review. At other times, they chose the next file in what was effectively the 'out' tray and individual Case Owners were asked to provide a file of their choosing. When auditors did choose specific files we were told that this was sometimes frustrated by difficulties in locating individual files. Some Case Owners from smaller units complained that they were audited far more frequently than those in larger units.
- 10.9 The Agency subsequently informed us that sampling was random and that specific files were not selected for audit. The Agency needs to clearly set out its approach to sampling and ensure that this is understood by all auditors and Case Owners to avoid confusion. It needs to be clear about whether the purpose is to review a truly random sample (which would likely see some Case Owners reviewed more than others) or whether the intention is to monitor and improve the quality of work of the individual Case Owner. At the time of inspection, the Agency was producing monthly regional and national reports which sought to identify trends and best practice. It is essential that this continues and the Agency can demonstrate that this affects and improves decision making on a continuous basis at case working level.

Scoring and effectiveness

- 10.10 The assessment process included a scoring system with each question carrying a weighting of one or two marks. The decision element potentially carried an overall mark of 52 and the interview element 47. We identified two issues of concern about this. Firstly, there was a limited sense of the relative importance of each area of assessment. For example, one of the questions relating to the use of COI - *'Does the letter/minute provide appropriate, sourced reasons regarding the availability of effective state protection and/or redress?'* – was scored and weighted the same as *'Was the applicant asked to confirm the spelling and order of name / correct date of birth / nationality.'* While the latter is clearly very important, the basic scoring mechanism used did not provide sufficient assurance that an issue of such fundamental importance to the overall decision as providing appropriate, sourced reasons about state protection was enough of a priority in the quality assurance framework.
- 10.11 As such, the scoring system was not capable of fully identifying and addressing areas considered in need of improvement. We noted that UNHCR had expressed similar concerns in its quarterly reviews about the quality audit process as a whole.
- 10.12 The second issue of concern related to the consequences of basing the assurance on a strict scoring mechanism. A score of 90% denoted that a decision was 'effective.' This had been increased by the QAT from 87% with the aim of raising standards. However, interviews with Case Owners indicated that the issue of including large volumes of country information, not all of which was relevant to the specifics of the individual case, was prompted in part by a desire to 'tick the boxes' of the quality audit process. This was described as *'carpet bombing'* by one quality auditor. Case Owners also highlighted a tendency to write to the marking standard to ensure a high score or to *'cherry pick'* good cases when given the opportunity. They went on to say that by doing so, the *'tail is wagging the dog'* and it did not necessarily lead to more easily defensible cases at appeal.
- 10.13 We found no evidence that the quality assurance process contributed effectively to the use of COI in decision making. In particular, issues of selective use of COI or use of irrelevant COI had not been identified specifically through the scoring mechanism. The Agency informed us that they were linking the scores from quality assessments with whether appeals were allowed or dismissed as part of the overall quality assessment. However we found no evidence that the content of the quality assurance framework itself had been re-examined to take account of the specific issues of whether a decision had been upheld at appeal by the First Tier Tribunal. This was despite the recommendation in our thematic report *'Asylum: Getting the Balance Right?'*¹⁸ - which stated that the Agency should *'systematically analyse the reasons for allowed appeals and link this with its overall quality assurance framework'*.

¹⁸ http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Asylum_Getting-the-Balance-Right_A-Thematic-Inspection.pdf

We recommend that the UK Border Agency:

- 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.

11. File accessibility and information management

- 11.1 As noted in paragraph 3.9 of this report, we received only 84 of the 100 files randomly requested. In addition, having requested files where initial decisions were made between 30 September 2009 and 31 October 2010, we received files where decisions had been made in January 2009. In total, only 42 files fell within the requested range.
- 11.2 The need to retrieve files and data accurately is a basic requirement for any public sector organisation. If the file has been lost or does not contain crucial information such as the RFRL, substantive interview or grant decision, should an applicant require a progress update or copies of documents concerning their application, these would not have been available in a significant proportion of cases according to our sample.
- 11.3 The issue of retrieving files promptly and accurately has been highlighted in previous inspections – notably in our thematic report on family removals published in July 2010.¹⁹ The Agency needs to identify better ways to locate and retrieve files and improve its management information to accurately identify cases that may be requested either by inspectors or because individuals require updates on their case. The fact that a straightforward request for cases with decisions made between specific dates could not be met is a particular concern given the importance of accurate management information.

We recommend that the UK Border Agency:

- Improves its information management and file location abilities and ensures all relevant documents are readily available.

¹⁹ <http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/Family-Removals-A-Thematic-Inspection.pdf>

Appendix 1

Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Core Inspection Criteria. They are shown below.

Section 1 – High level outcomes of the business

General Criterion:

UK Border Agency is compliant with equalities legislation and specific duties in relation to race and diversity.

The specific criterion is shown in Figure 1.

Figure 1 – Specific criterion:

Objective criteria based on evidence are applied consistently and transparently, without unjustified/unauthorised adverse impact on any nationality/ethnic group

Section 2 - Processes and procedures including quality of decision making and consistency of approach

General criteria:

UK Border Agency staff make lawful and reasonable decisions.

Decisions made are fair and consistent.

The specific criteria are shown in Figure 2.

Figure 2 – Specific criteria:

Decisions are made clearly based on all the evidence and in accordance with current statutory requirements, published policy, guidance and procedures

Training and written guidance enables staff to make the right decision

Objective information used to make decisions is factually accurate and appropriate

Decisions are consistent, appropriate and proportionate

Decisions are relevant to the individual's circumstances and based on the evidence provided

Decisions are clearly explained in plain language

Managers regularly review the quality of decisions and consistency across the agency

Section 3 - Impact on people subject to UK Border Agency services

General criterion:

UK Border Agency staff ensure customers are clear about progress and outcomes of any application.

The specific criterion is shown in Figure 3.

Figure 3 – Specific criterion:

Customers receive a clear and detailed explanation if their application is refused.

Section 4 - Management and Leadership

General criterion:

Communication

The specific criterion is shown in Figure 4.

Figure 4 – Specific criterion:

Up to date COI and OGNs are accessible and communicated to staff

Appendix 2

List of Stakeholders

During the inspection, we contacted and consulted with a wide variety of stakeholders. The stakeholders are as follows:

- Asylum Aid
- Stonewall
- UK Lesbian and Gay Immigration Group (UKLGIG)
- Still Human, Still Here
- Immigration Law Practitioners' Association (ILPA)
- United Nations High Commissioner for Refugees (UNHCR)
- The Children's Commissioner
- Independent Advisory Group on Country Information (IAGCI)
- Asylum Research Consultants (ARC)
- Medical Foundation for the Care of Victims of Torture

Appendix 3

Glossary

Term	Description
A	
ACCORD	The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) was established in March 1999 and is part of the Austrian Red Cross. ACCORD provides case-related query responses to all parties involved in Refugee Status Determination procedures, COI training and an online information system.
Asylum and Immigration Tribunal (AIT)	See First-tier Tribunal (Immigration and Asylum Chamber).
Asylum Policy Instructions	The UK Government's policy on asylum which should be followed by Case Owners.
Asylum Aid	A charity which provides legal advice and representation to those who seek asylum in the UK.
B	
Bulletin	Country of Origin Information 'Bulletins' were produced in the past by the Country of Origin Information Service for some countries for which neither a report nor key document existed or for when information was needed at short notice.
C	
Case Information Database (CID)	Electronic database widely used throughout the UK Border Agency to record casework information.
Case Owner	The UK Border Agency's term for an official within its New Asylum Model (NAM), responsible for processing an asylum seeker's claim from start to finish. A Case Owner's role includes deciding whether refugee status should be granted, refused or temporarily granted based on all the evidence presented. Case Owners handle the latter part of the process including appeals, organising support, integration or removals from the UK. Case Owners are also found in the Case Resolution Directorate at Senior Executive Officer level and oversee several teams of Case Workers responsible for 'legacy' cases.
Country of Origin Information (COI)	Country of Origin Information, known as COI, is used in procedures at various stages of the Refugee Status Determination process to assess claims of individuals regarding refugee status or other forms of international protection. It should inform decision makers and legal advisers about the political, social, cultural, economic, and human rights situation of a particular country as well as humanitarian situations.
Country of Origin Information Service (COIS)	The COIS forms part of the UK Border Agency and its staff collate and summarise information on countries giving rise to asylum claims in the UK.

Country of Origin Information Service (COIS) Report	COIS reports are summaries of Country of Origin Information compiled from material produced by a wide range of external information sources. Each report focuses on the main asylum and human rights issues in that particular country, and also provides background information on geography, economy and history. The reports are produced by a unit within the UK Border Agency called the Country of Origin Information Service and are for the 20 countries generating the most asylum applications in the UK.
Country Specific Legislation Team (CSLT)	The team within the UK Border Agency responsible for producing Operational Guidance Notes.
D	
Detained Fast Track (DFT)	A process operated by the UK Border Agency whereby certain applicants (assessed by the UK Border Agency as making claims that can be decided 'quickly') are detained in Immigration Removal Centre custody. Their claims are processed in faster timescales to those made by individuals in the community.
Department for International Development (DfID)	UK Government department responsible for promoting development and the reduction of poverty.
E	
Executive Officer (EO)	Lower management grade. Equivalent grades exist in the UK Border Agency, including Officer and Immigration Officer.
F	
Fact Finding Missions	The Country of Origin Information Service occasionally conducts 'Fact Finding Missions' to a country where 'objective evidence' is not easily available and in the public domain.
First-tier Tribunal (Immigration and Asylum Chamber)	A tribunal where applicants with the right of appeal, can appeal against asylum and immigration decisions made by the UK Border Agency. It is independent of the Home Office and is part of the Tribunals Service. It is presided over by an Immigration Judge and the UK Border Agency is often represented by Presenting Officers defending the decision of Case Owners. It replaced the Asylum and Immigration Tribunal (AIT) on 15 February 2010.
Foreign and Commonwealth Office (FCO)	UK Government department responsible for promoting British interests overseas and supporting British citizens and businesses around the world.
G	
Grade 7 (G7)	Senior manager, subordinate to Grade 6, superior to Senior Executive Officer.
Grade 6 (G6)	Senior manager, subordinate to the Senior Civil Service, superior to Grade 7.
Grant Minute	The documentation kept by the UK Border Agency if an asylum seeker is granted refugee status or humanitarian protection. It is not publicly available.
H	
Home Office	The lead government department for policies on immigration, passports, counter-terrorism, policing, drugs and crime.
Horizon	The internal IT system for the Home Office.

Humanitarian Protection	A form of immigration status afforded to a person who does not qualify as a refugee but can show that there are substantial grounds for believing that if they were returned to their country of origin, they would face a real risk of suffering serious harm. Serious harm means either the death penalty, torture or inhuman or degrading treatment or punishment, or a serious and individual threat to a person's life or safety in situations of armed conflict.
I	
Immigration Law Practitioners' Association (ILPA)	ILPA is the professional association of lawyers and academics practising in immigration, asylum and nationality law.
Immigration Case Work (ICW) Programme	The ICW programme aims to replace all the various UK Border Agency IT systems presently used in case working with one complete system by 2013.
Immigration Group	Part of the UK Border Agency responsible for regional operations and in-country decisions, including asylum.
Immigration Judge	Appointed by the Lord Chancellor to preside over the Asylum and Immigration Tribunal and decide appeals made by applicants and legal representatives on behalf of their clients against the UK Border Agency's decisions
Independent Advisory Group on Country Information (IAGCI)	The IAGCI makes recommendations to the Chief Inspector about the content of material produced by the UK Border Agency's Country of Origin Information Service as well as recommendations of a more general nature.
Independent Chief Inspector (ICI) of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
J	
Judicial Review (JR)	The means through which a person or people can ask a High Court Judge to review the lawfulness of public bodies' decisions.
K	
Key Document	Key Documents are produced by the Country of Origin Information Service (COIS) for countries that generate fewer asylum applications, ranking 21-50 on the asylum intake list. It contains a brief country profile and index along with the 'main sources' of Country of Origin Information for the country in question.
N	
New Asylum Model (NAM)	The end-to-end case management system for processing asylum applications made after 4 March 2007. See also 'Case Owners'.
Non-Suspensive Appeals (NSA)	An appeal which is exercised against a decision by the UK Border Agency but only after removal has been effected. Removal is not prevented by instigating the appeals process.
O	
Operational Guidance Note (OGN)	Produced by the Country Specific Litigation Team, they are a combination of COI 'headlines' and case law and aim to be relevant to the most common types of asylum claims for each nationality.

P	
POISE	The IT system/platform used by Immigration Group.
Presenting Officer	Also known as Home Office Presenting Officer (HOPO). A Higher Executive Officer who presents appeals on behalf of the Agency at both lower and upper tier tribunals. Their role is to be 'Officers of the Court' and to assist the court in any way necessary.
Q	
Quality Integration Project	Under the Quality Integration Project (QIP) the UNHCR enacts a supervisory role (as set out in Article 35 of the 1951 Convention), providing expertise to the Home Office on the quality of asylum procedures and first instance decision-making.
Quality Audit Team (QAT)	The team that conducts the internal quality assurance programme operated by the UK Border Agency.
R	
Regionalisation	The creation of six UK Border Agency immigration regions.
Reasons for Refusal Letter (RFRL)	A letter sent by the UK Border Agency to those refused asylum explaining the reasoning behind the decision and the next steps the asylum seeker should take.
Refugee Status Determination (RSD)	The process by which a government assesses whether an application for refugee status meets the criteria that apply.
S	
Senior Executive Officer (SEO)	A management grade, subordinate to Grade 7. Equivalent grades exist within the UK Border Agency, including Senior Officer, Senior Case Worker and Her Majesty's Inspector.
Sufficiency of Protection	When making a claim for asylum, sufficiency of protection must be considered by the decision maker i.e. is the individual unable, or unwilling because of their fear, to avail themselves of the protection of their home country?
U	
United Kingdom Border Agency (UKBA)	The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications.
United States State Department (USSD)	The US equivalent of the UK's Home Office.
UK Lesbian and Gay Immigration Group (UKLGIG)	A charitable organisation representing the interests of lesbian and gay people in the immigration system.
United Nations High Commissioner for Refugees (UNHCR)	The UNHCR is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide.

Acknowledgements

We are grateful to the UK Border Agency for its help and co-operation throughout the inspection and for the assistance provided in helping to arrange and schedule inspection activity in London, Liverpool, Leeds, Manchester and Cardiff.

We are particularly grateful to all the staff and stakeholders who participated in interviews, focus groups and surveys.

Assistant Chief Inspector:	Mark Voce
Lead Inspector:	Jake McClure
Inspection Officer:	Sally Allbeury
Analysts:	Susanne Chan, Aalia Shamji

