



MINUTES ARISING FROM THE INDEPENDENT CHIEF INSPECTOR OF BORDERS AND IMMIGRATION, INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION (IAGCI) ON 27 APRIL 2015

Venue: 5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN

**Present:
Members**

Laura Hammond (Chair) (LH)	- School of Oriental & African Studies
Ceri Oeppen (CO)	- University of Sussex
Katinka Ridderbos (KR)	- UNHCR
Michael Collyer (MC)	- University of Sussex
Andrew Jordan	- First Tier Immigration Tribunal

Representatives from ICIUKBA

Stuart Harwood (SH)	- Independent Chief Inspector's office
Charmaine Figueira (Secretary) (CF)	- Independent Chief Inspector's office

Representatives from Country Policy Information Team (CPIT)

Martin Stares (MS)	- Home Office
Andrew Saunders (AS)	- Home Office
Jacqueline Niven (HO)	- Home Office
Ros Coles (RC)	- Home Office

Commissioned reviewers

Dr Matt Nelson (MN)	- Pakistan
Vanessa Leigh (VL)	- India
	- Uganda
	- also presenting China review on behalf of MM

Observer from the Government of Switzerland

Erich Bertschi, (EB)	- Head of Analysis, State Secretariat for Migration
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Apologies:

Patricia Daley (PD)	- University of Oxford
Harriet Short (HS)	- ILPA
Elena Fiddian-Qasmiyeh (EFQ)	- University of Oxford
Michele Morel (MM)	- China reviewer

<u>Agenda Item</u>	<u>Issue</u>	<u>Action point</u>
Introduction and welcome	<p>The chair (LH) welcomed everyone to the Chief Inspector's Independent Advisory Group on Country Information.</p> <p>LH welcomed EB to the meeting. He was present at the meeting to observe. She also welcomed KR, who will be taking over as UNHCR's representative to the Group, as Blanche Tax has moved to a new position.</p>	
1. Chairs Report	<p>LH apologised for the length of time between meetings and attributed this largely to the new HO procurement process which was used to consider the tenders submitted for the contracts to be a reviewer.</p> <p>LH suggested that it would be useful to come up with a work plan for the next two meetings in AOB in order to avoid future delays.</p>	
2. Minutes of last meeting	<p>LH discussed the previous minutes. Action point one from the last minutes (replacing member Heaven Crawley) had not been completed as it was decided to delay finding a replacement for Heaven Crawley until after the new Chief Inspector had started.</p>	
3. IAGCI Commissioned Reviews: Pakistan	<p>LH introduced MN who reviewed the Country Information and Guidance (CIG) and Information requests for Pakistan: Sexual Orientation and Gender Identity</p> <p>MN thanked the panel for asking him to review the report.</p> <p>He presented his findings to the group.</p> <p>MN focused on items 5-7 and 9-10 in the Home Office response to his review. These were the items with which the HO did not agree. He suggested new wording for the paragraphs concerned.</p> <p>MS disagreed with the changing of the wording on the grounds that it would mean that the paragraph would become more cumbersome.</p>	

	<p>He agreed that he would look into the recommendations for items 5 and 6 again.</p> <p>AJ said that the basic function of the panel was to be concerned with COI 'raw data'. To look at the sources provided and consider its accuracy, neutrality and reliability. He had no problem with the reviewer suggesting other sources of evidence. However he exercised caution, stressing that the panel was not there to advise on policy.</p> <p>CO said she felt that it was in the panel's mandate to not only look at the facts but how they are represented. If the country expert feels that the information is incorrect the panel needs to look into it.</p> <p>LH said she could see both points of view. She asked MN to submit the suggested re-wording to CPIT.</p> <p>MS said that CPIT has tried to separate the policy and guidance within CIG. The reviews should be based on country information and not the policy-related information contained in the reports.</p> <p>MN said he found looking at the Information Requests interesting. He found it difficult to know where to aim his comments at the requests. He could look at the footnotes but could also provide lots of detailed information.</p> <p>MS stated that in his opinion, the value of IAGCI reviewing the IR's was limited. Whilst he agreed some comments on the requests were helpful, many requests are very case specific and sometimes have a short turnaround period.</p> <p>LH responded that reviewing IRs helps the IAGCI – and the Chief Inspector - form a view of the ways that COI is used across multiple types of products, so utility to the HO may not necessarily be the prime motivating factor.</p>	<p>1. MN to resubmit wording for items 5 and 6 to CPIT.</p>
<p>4. IAGCI Commissioned Review: China</p>	<p>LH introduced VL who presented the review on China: Christians on behalf of MM.</p> <p>VL presented the review. Overall the review was positive.</p> <p>Regarding information requests VL felt that headings in the responses linking the information to specific questions in the requests would be beneficial.</p>	

	<p>Sources should be targeted at the questions asked rather than giving extensive sources.</p> <p>CO wanted to know what the role of the panel was in regards to the requests? Was it to comment or just to observe?</p> <p>MC thought that the panel wanted to see patterns in the requests. MS advised that this was being done in the HO, and LH confirmed that this wasn't something IAGCI should be focussing on given the remit to judge the quality of COI used.</p> <p>In providing the requests for the reviewers to look at, LH had asked the HO to provide a larger number of cases than were ultimately reviewed. She then chose the requests from that list provided by the Home Office. This was to ensure that the IAGCI retained some control over which requests were considered. She noted that some countries had lots of information requests from caseworkers whilst others did not.</p>	
<p>5. IAGCI Commissioned Reviews: India</p>	<p>LH asked VL to present her findings on her review of Country Information and Guidance (CIG) and Information requests: – India: Sexual Orientation and Gender Identity.</p> <p>VL presented her findings and was pleased to see that recommendations from her previous reviews have been included.</p> <p>She highlighted those areas in which the Home Office did not accept her recommendations. MS provided explanations, and agreed to reconsider some of their responses.</p> <p>LH asked VL if 'Partially Accepted' is an acceptable response for the reviewer.</p> <p>VL felt sometimes is not clear why things are 'Partially Accepted', although MS stressed that "partially accepted" was accompanied by an explanatory note.</p> <p>KR suggested that in some circumstances maybe the wording 'Under consideration' could be used instead of 'Partially Accepted'. An example is where "partially accepted" or "not accepted" was used in response to a recommendation to use a source that had not been available to the HO at the time of publication. "Not accepted" in this example makes it look like the HO disagree with</p>	

	<p>the recommendation, which in many cases they don't.</p> <p>In regards to Information Requests VL understood the time constraints. She felt that where evidence could not be found in response to a query, it would be helpful to state this rather than supplying lots of information that does not answer the question.</p>	
<p>6. IAGCI Commissioned Reviews: Uganda</p>	<p>LH asked VL to present her findings on her review of Country Information and Guidance (CIG) and Information requests: – Uganda: Sexual Orientation and Gender Identity.</p> <p>VL discussed her findings. She highlighted that when referencing, the primary source should be used first.</p> <p>The broad use of the broad category of LGBTI was discussed, when often only some of the matters relevant to that overall label were considered. MS stated that not all categories were needed as they only received cases under some of them and that headings could perhaps be more specific.</p> <p>KR suggested that the CIG could use separate headings and under those headings not used 'No Information' in order to clarify that the reason that aspects of LGBTI themes were not considered, in order to indicate that they had not been merely overlooked.</p> <p>MS found the format of VL's review easy to follow and to respond to and suggested that if IAGCI wanted a template for reviews, VL's document could potentially be used.</p> <p>VL, as with India, found the responses to information requests should be tailored to answering the question.</p> <p>LH thanked VL for her reviews and for standing in for MM.</p>	
<p>7. Discussion on the Eritrean report by LH</p>	<p>LH reported that she had received a number of enquiries from a range of sources that, in their CIG on Eritrea, the Home Office were referencing a report by a Danish fact-finding mission which had been discredited. A policy change made by the Danish Government in response to the</p>	

	<p>mission's findings had been reversed after the report was discredited.</p> <p>She decided to undertake a short report on the country and table it at the meeting.</p> <p>Before presenting the findings of her Eritrea Report LH told the meeting that AJ would step out of the room because of his role as country convenor for Eritrea in the Upper Tribunal. His obligations to the Tribunal prevent him from taking part in deliberations that may have a bearing on any case that may ultimately come before him (Annex A).</p> <p>AJ left the room.</p> <p>LH felt that in light of the criticisms, it was better that the report was reviewed sooner rather than later. She talked through her findings.</p> <p>LH asked the panel whether they agreed with her report and would support its submission to the Home Office. Members generally supported the report but wanted the opportunity to provide comments first.</p> <p>KR asked if the report would be issued by LH or the panel. LH advised that she felt it would be stronger as an IAGCI report, hence allowing members to provide comments in advance of submission.</p> <p>MC said he would support the report coming from the panel.</p> <p>It was agreed that the panel, excluding AJ, would examine the report and submit comments to LH by Friday 1 May. She would then edit the report ready for onward submission to the new Chief Inspector, David Bolt, and the Home Office.</p> <p>MS said that he was due to meet with Professor Gaim Kibreab, who claims that the evidence he provided to the FFM was distorted, later this week.</p>	<p>2. LH to email the Eritrea report to the panel for comments.</p>
<p>9. AOB</p>	<p>AJ rejoined the meeting.</p> <p>LH led a discussion on Non-Suspensive Appeal (NSA) designated countries and non designated countries. In light of a court decision concerning</p>	

	<p>LGBT issues in Jamaica, a number of countries are slated to be removed from the list of NSA designated countries. Currently the panel only review countries that are being considered for NSA designation.</p> <p>It was agreed that the decision on whether or not to review undesignated countries would take place once the new chief inspector was in post and LH had discussed the matter with him.</p> <p>Due to the new protracted procurement process the work plan for the next two meetings was discussed.</p> <p>It was decided that all of the academic panel members would be added to the procurement system.</p> <p>The reviews chosen were:</p> <p>1st Meeting</p> <ul style="list-style-type: none"> - Iraq - Syria - Libya - Eritrea <p>2nd Meeting</p> <ul style="list-style-type: none"> - Afghanistan - Nigeria - TBC <p>AJ asked MS if he would provide data on the number of applications per country.</p>	<p>3. Alex Cheatle to add members to the eSourcing system.</p> <p>4. MS to email these statistics to the panel.</p>
<p>10. Next Meeting</p>	<p>The next meeting would take place in September and the following meeting to take place at the end of the year. Dates to be confirmed.</p>	<p>5. LH to circulate doodle poll for next meeting date.</p>

Annex A

Note from Andrew Jordan

I declare my interest in this item on the agenda. It only came to my attention during the course of the morning; the meeting being scheduled for 2 pm.

As the country convener for the group of countries of which Eritrea is one, I am involved in the selection of cases which may potentially be useful in the provision of country guidance affecting the risk of return to Eritrea. The Upper Tribunal's country guidance on Eritrea is contained in *MO (illegal exit-risk on return) Eritrea CG [2011] UKUT 190 (IAC)*.

As the issues raised in this item may well have to be determined by the Tribunal and, on appeal, by the Upper Tribunal, I must maintain neutrality on matters which I may be required to determine in a judicial capacity and cannot therefore participate in the Advisory Group's deliberations.

The Advisory Group's chairman has expressed the view that the country information contained within the Danish fact-finding mission's report is inaccurate and misleading and is supported in this by Professor Kibreab whose comments are said to have been inaccurately conveyed in the Danish report. The report has found its way into Country Information used by the Home Office.

The Home Office has not yet been able to give proper consideration to or comment upon these matters. They raise serious concerns about the reliability of the material provided in the Danish fact-finding mission's report and the reliance, arguably, that can properly be placed upon its conclusions. These will have to be resolved elsewhere but the Home Office is now on notice that they will need to be addressed.