

MINUTES ARISING FROM THE INDEPENDENT CHIEF INSPECTOR OF BORDERS AND IMMIGRATION, INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION (IAGCI) ON 3 DECEMBER 2015

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

Present:

Members

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

Representatives from ICIUKBA

David Bolt	- Independent Chief Inspector
Stuart Harwood (SH)	- Independent Chief Inspector's office
Alex Cheatle (Secretary) (AC)	- Independent Chief Inspector's office
Foizia Begum	- Independent Chief Inspector's office

Representatives from Country Policy Information Team (CPIT)

Robin Titchener (RT)	- Home Office
Martin Stares (MS)	- Home Office
Andrew Saunders (AS)	- Home Office
Jacqueline Niven (HO)	- Home Office
Ros Coles (RC)	- Home Office
Stewart Wheatley (SW)	- Home Office
Susan Betts	- Home Office

Commissioned reviewers

Natacha John
John Campbell (& Jacqueline Niven)
Alan George

Apologies:

Patricia Daley (PD)	- University of Oxford
Ceri Oeppen (CO)	- University of Sussex
Elena Fiddian-Qasbiyeh (EFQ)	- LSE

<u>Agenda Item</u>	<u>Issue</u>	<u>Action point</u>
Introduction and welcome	The Chair (LH) welcomed everyone and went round the table asking everyone to introduce themselves.	
1. Chairs Report	LH informed the group of the return to the 'old' tendering system and summarised the process.	

	<p>She said there had been a lot of responses and she felt it was due to the reversion to the old system which, due to its complexity, had put people off.</p> <p>LH summarised how and why each tender was selected.</p> <p>LH asked FB if there was any feedback from the previous week's Refugee and Asylum Forum (RAF). FB said the RAF had asked for a preview of the inspection and IAGCI reports prior to publication. David explained that prior site of the inspections was not possible but that we will inform them of when reports were due to appear.</p>	
<p>Minutes of last meeting</p>	<p>The group confirmed that they were all content with the previous meeting's minutes and further review was not necessary.</p>	
<p>2. IAGCI Commissioned Reviews: Libya</p>	<p>LH introduced AG who reviewed the Libya: Minority ethnic groups, Country Information and Guidance.</p> <p>AG thanked the panel for asking him to review the report and presented his findings.</p> <p>AG opened by saying he was "baffled" by elements of the Home Office's response to his report, specifically the Home Office reporting that it would not be looking to review the COI material until sometime in the future. MS said their stance was to review information when they saw fit.</p> <p>DB said that he thought the HO should review sooner as the information was important and time dependent s the timing was important. AJ agreed and pointed out that "as a user" of the COI and guidance that if the Home Office was accepting the report's recommendations then surely COI and guidance should be amended as soon as possible. HS agreed with the need for the Home Office to make the amends as quickly as possible.</p> <p>AG said that despite his issue with the Home Office's proposed delay in amending their material he said his 'general picture' of the COI and guidance was good.</p> <p>MS said he did not feel that it was for the Chie Inspector or the IAGCI to look at immigration</p>	

	<p>policy. MS agreed to look at the grammatical errors highlighted by AG.</p> <p>LH said that reports were the reviewer's perspectives and opinions and not necessarily the opinion of the IAGCI. And that the reviewers can find it difficult to sift out what is policy and what is guidance.</p> <p>DB said that whilst there is nothing to specifically prevent him commenting on there can sometimes be a tendency to fog the line between Home Office guidance and government policy. However if something was clearly set out as policy then he would not comment but for other Home Office guidance and instructional notices the starting point should be is it right or wrong.</p> <p>MS said that if the IAGCI Terms of Reference (TOR) said they should not examine policy then why are we? DB reiterated that it was only government policy that he does not comment on and stance taken by the Home Office or guidance it issues regarding a specific issue is different.</p> <p>AG addresses the point of information he found that was not in the version of the COI and guidance that he was reviewing. LH said this was part of a wider issue and MS has previously tabled a question regarding timings of the reviews. LH said the reviewer should only look at the current information as given, AG said that as he was writing his report information became available which 'inevitably' impacted on his findings.</p> <p>AG said that as a tool for case workers he thought they [COI and guidance] were very good and very useful"</p> <p>The group discussed the sources the Home Office use to compile their COI and guidance. MS said they use "in house" and external sources including those of partner governments and specifically mentioned Canada and Australia. MS went on to say they are trying to engage more with caseworkers and ask them to feedback on issues raised in cases they are assessing.</p>	
<p>3. IAGCI Commissioned Review: Iraq</p>	<p>AG summarised his findings, initially focussing on typos, grammatical errors, split infinitives and other stylistic issues. He said he was aware that these points were trifling but found them</p>	

	<p>annoying and had expected the writing quality to be higher. However he went on to say the COI and guidance was 'very good' and singled out the 'humanitarian section' for particular praise.</p> <p>AG said he was surprised to see COI and guidance on the Home Office website which had been updated in November but did not take into account of any of his findings.</p> <p>LH proposed and HO agreed to clarify the use of ISIS or ISIL in the COI and guidance.</p>	
<p>4. IAGCI Commissioned Reviews: Syria</p>	<p>LH asked NJ to summarise her points and any comments on the Home Office's response.</p> <p>NJ noted that the information provided in the CIG for Syria generally provides a good overview of the situation in Syria given the difficulties involved in obtaining accurate information on the ground due to the complex political dynamics and adverse security environment. However, it was pointed out that there were tendencies to omit footnotes when reproducing text and to leave in old evidence/information. The situation inside Syria changes rapidly and it is important that the CIG is kept up to date and references to old material removed. NJ finally noted that it is important when assessing source reliability to consider source accessibility into the territory of Syria and whether sources are first, second or third-hand as well as any potential bias the author of the source may have before including a source in the report.</p> <p>MS said they appreciate the positive feedback.</p> <p>LH asked if there was a hierarchy of sources and whether any evaluation of the source's validity is carried out MS said that whilst sources were evaluated there was no 'set formula' on how this is done. He said the starting position is to ask 'how does the source know what they claim to know and work back from there.' The group explained that it would be useful to see these 'workings' on the COI website. MS said that he could see the value to others of seeing the Home Office's 'working,' i.e. why they are saying what they are saying and where the source was based.</p> <p>LH asked a series of questions on behalf of EFQ</p> <p>LH made the point of how difficult it must be to keep COI and guidance up to date for a country like Syria that is in such a fluid situation in Syria</p>	

	<p>MS explained the difficulties when trying to convey in the COI and guidance two opposing opinions from two different sources that may have equal validity. RT elaborated saying they weighed up the sources to try and establish a final position that a case worker could use.</p> <p>NJ said that when the Home Office uses information sourced from other countries they should be mindful that this information may also have been sourced from elsewhere.</p> <p>MS said that they would look at showing 'workings' along with where in the COI reports the sources are used.</p> <p>The issue of statelessness was discussed and MS mentioned the issue of 'Palestinians in other countries.' RT said there is some guidance for stateless cases.</p> <p>KR said stateless individuals could have their claim assessed as 'coming from the country they have travelled from' even if they are stateless.</p> <p>LH moved onto the 'information request.' NJ made some brief comments but said the material was generally 'good and balanced.'</p> <p>AJ asked about the resources committed to COI work on Syria given the very unique set of circumstances there. MS responded saying that there was no great resource invested in returning applicants to Syria as any returning asylum seeker would immediately be seen by Syrian officials as against the Assad Regime and therefore in danger. MS asked NJ if she would be content for the Home Office to contact her to assist with some information on Palestinians and NJ agreed.</p>	
<p>5. IAGCI Commissioned Reviews: Eritrea</p>	<p>LH asked JC to summarise his findings and report.</p> <p>JH said he thought there had been an over reliance on a single resource. JH directed some questions towards MS and RT but LH responded to say she did not want to pursue these at the moment. JH went on to summarise his report. JH said there was a "misrepresentation of data" in the COI and guidance and that the source data, which was a quote, had been changed"</p> <p>LH clarified to JH that it is not for the IAGCI to direct what the Home Office should do with information received from the IAGCI or its researchers.</p>	

	<p>MS responded to JH saying he disagreed with the assertion that they “over-relied” on the Danish report because it was constructed from 20 further sources.</p> <p>MS clarified that the Home Office is not claiming that all of Eritrea is safe but rather not all Eritreans are in danger if returned. MS made a further point that they do weigh and evaluate all their information sources using the same evidential standards.</p> <p>LH informed the group that the Home Office had updated their Eritrea COI and guidance since JH had looked at it.</p> <p>KR said she was glad to see the Home Office had accepted a number of the recommendations but that she also had about the Danish report and rebutted the HO’s justification of basing such emphasis on the Danish report due to it having 20 sources.</p> <p>AJ spoke about the need to use ‘anonymous sources’ but emphasised the importance of assessing the correct weight given to their evidence. For example if they were identified as someone reliable i.e. an embassy staffer consideration still needs to be given to the staffer’s circumstances. If they rarely or never left a compound then the weight given to their evidence would have to be duly adjusted to reflect this. AJ also questioned the weight the HO gave to the Danish report especially as it was unclear if the Danes use the report themselves. AJ said you cannot dismiss the report whilst it exists in the public domain but must balance its use with other sources. He continued saying it was important to capture the “true divergence” of views and information about the country.</p> <p>MS agreed to consider some of the points that had been made and especially how they establish the credence and weight given to a source. MS said the Danish report is still available. KR clarified that it is actually a slightly amended version.</p> <p>LH said that a commissioned report reflects the findings of the reviewer and the HO’s response the rebuttal. She said she recommend the group issues a piece after this reflecting the discussion that has been about the Eritrea report. MS</p>	
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

	<p>explained that the HO was concerned that if the report is issued as a whole then the courts could perceive it in a particular way and base judgements accordingly</p>	
<p>6. AOB</p>	<p>LH asked for suggestions about which countries to consider next.</p> <p>LH said that the DRC had been suggested to her. RT said the DRC was not a priority for the HO at the moment and that the latest version was published in June.</p> <p>The group discussed whether they wished to consider reports that the HO are due to imminently update or ones that have just been updated. AJ agreed with the view made earlier by AG that looking at a report that is not going to be updated for many months does not make much sense so his view was to look at reports that are due for updating.</p> <p>DB agreed and said that if the findings are not going to be incorporated for some time then is it worth conducting the review. He added that if the courts consider the IAGCI reviews but the HO is not going amend their guidance accordingly and at the same time then it could create an issue</p> <p>MC said that an argument for reviewing following the HO releasing their COI and guidance is that it gives the group an opportunity to assess how accurate they feel the report to be. However if the HO was not going to include or consider the IAGCI's recommendations for up to a year then any IAGCI recommendations were at risk of becoming valueless.</p> <p>AJ said the Immigration Tribunal website is updated once a month and includes the schedule of cases that may affect country guidance.</p> <p>LH asked whether MS and the HO would be able to advise the group if they knew which COI and guidance they would be updating in the next 2/3 months. MS said he could send their three month work plan but both he and RT emphasised that the plan can change quite a lot depending on external factors. MS said he could also share the full list of all COI reports and guidance.</p> <p>LH suggested that now that the HO products had changed to 'issue specific' then the 'top 20'</p>	

	<p>country list may not be as relevant as it once was when deciding what information to review. She said the IAGCI could consider reviewing a number of reports but on a specific issue only,</p> <p>LH raised the point of templates for reviewers to base their reports on. AJ suggested circulating examples of a “standard report” to give reviewers an example of what’s expected.</p> <p>LH suggested the IAGCI recruit another academic member. DB is going to consider</p> <p>DB pointed out that all members contracts had expired and will all require renewing so additional members will be considered with the renewals.</p> <p>Next meeting will be in “March”</p>	
7. Next Meeting		

Addendum: Statement on the IAGCI’s Commissioned Review of Eritrea COI, November 2015

The IAGCI Commissioned Dr John Campbell to review the use of country of origin information contained within the Home Office Country Information and Guidance Reports on Eritrea: National (Including Military) Service and Eritrea: Illegal Exit, both produced in September 2015.

Dr Campbell’s report can be found in its entirety on the IAGCI website. The Home Office’s Response can also be found there. It is not the role of the IAGCI to agree or disagree with an independent reviewer’s report (see the Role and Working Process of the IAGCI document, dated January 2015, and available on the IAGCI website).

The group takes note of the advice given and the problematic nature of some of the source documents relied upon in the Eritrea Country Information and Guidance reports considered by Dr Campbell.

In its own earlier review, the IAGCI registered its concern over the reliability of a Danish Fact Finding Mission Report from 2014 (‘Eritrea: Drivers and Root Causes of Emigration, National Service and the Possibility of Return’). Dr Campbell also raises objection to the use of this source document insofar as some of the sources consulted suggest that conditions concerning national military service and treatment of deportees has changed significantly in recent months, and that some deportees and national service deserters or evaders may not face a risk on return to Eritrea.

The Home Office’s response to Dr Campbell’s review, as well as to the IAGCI’s review of the use of the Danish Fact Finding Mission makes clear that the Home Office does not find the source document to be problematic in the way that he has suggested.

The Group’s focus in discussing Dr Campbell’s review has been in considering those aspects of the report that relate directly to Country of Origin information.

The IAGCI remains concerned that there is a lack of evidence that the Government of Eritrea's reported move to an 18-month period of national service in Eritrea has been implemented in practice.

There is also a lack of evidence about the treatment of deported asylum seekers to Eritrea and of people who left Eritrea illegally. What information is available tends to relate to returns by Eritreans who have become dual nationals and therefore arguably have greater protection than those who do not.

It is understood that there will be a Country Guidance Case on Risk on Return to Eritrea, scheduled for April 2016 at which the use of country information will be considered.