



Home Office

The Home Office response to the All-Party Parliamentary Group (APPG) for International Freedom of Religion or Belief and the Asylum Advocacy Group (AAG) report entitled, ‘fleeing persecution: Asylum claims in the UK on religious freedom grounds’.

September 2016

Introduction

The Home Office thanks the All-Party Parliamentary Group (APPG) for International Freedom of Religion or Belief and the Asylum Advocacy Group (AAG) for its report, 'Fleeing persecution: Asylum claims in the UK on religious freedom grounds', which highlights important issues.

Asylum Operations, which is part of UK Visas and Immigration (UKVI), is responsible for making decisions on asylum claims lodged in the UK and we work hard to make sure that all claims are handled with sensitivity in accordance with Home Office policy. In the year ending March 2016, there were 26,618 asylum claims decided, of which 40% (10,549) resulted in a grant of asylum or an alternative form of protection.

All asylum claims are carefully considered on their individual merits in light of published country information, which covers issues relating to freedom of religion or belief, and is drawn from a wide range of reputable and publicly available sources. Those who demonstrate a well-founded fear of persecution on return are normally granted asylum, in accordance with our obligations under the Refugee Convention.

In assessing claims based on religious persecution, caseworkers are expected to ask appropriate and sensitive questions based on an understanding of religious concepts and forms of religious persecution. Where the credibility of a conversion to a particular faith needs to be established, an interview will be far more an exploration of a claimant's personal experiences and journey to their new faith, both in their country and in the UK, rather than a test of religious facts.

We are pleased that the report acknowledges that we have appropriate policy guidance in place for caseworkers that covers consideration of claims based on religious persecution. Our guidance on asylum interviews and assessing credibility and refugee status are both published and available on Gov.UK on the following pages:

- [Asylum Interviews](#)
- [Assessing credibility and refugee status](#)

This guidance is regularly reviewed and takes into account the views of religious groups and other partners. We work closely with a range of stakeholders to improve decision making in this area and we welcome the continued engagement with faith groups.

A key concern highlighted in the report is that Home Office policy is not always followed in practice. This was on the basis of examples of poor practice provided to the APPG by stakeholders. UKVI has already sought to address such issues and is committed to continuous improvement in decision quality. We have rolled out improved credibility training which covers how to assess the evidential value of interview questions, the reasons why someone may not come across as credible in an asylum interview and discusses issues such as speculation and implausibility. Our five-week Foundation Training Programme (FTP) for new decision makers trains staff on all aspects of asylum decision making, including religious-based claims and religious conversion and has been endorsed by the UNHCR.

We also systematically assess the quality of asylum decisions against a detailed audit framework drawn up in consultation with external partners, including the UNHCR, which includes checks on compliance with existing asylum policies, relevant case law and the appropriate Country of Origin Information products.

The Home Office response to the recommendations

- 1. Immediately start to disaggregate asylum claims on different convention grounds and, specifically, keep a record of the number of asylum claims made on the basis of religious persecution as well as the acceptance vs. rejection rate of such cases so as to assess the true scale of such claims and how sensitively such claims are being dealt with.**

Accepted in part:

We do not routinely record the basis of an asylum claim on Home Office databases in a way that can be easily aggregated. That is why it has not historically been possible to produce figures on the number of asylum claims made on a specific Refugee Convention ground, such as religious persecution. Isolating specific categories of claim can also be difficult because, in many cases, the reasons for claiming asylum can be wide-ranging and cover a number of different categories.

The Home Office is, however, working to develop a new casework system across immigration - the Immigration Platform Technology (IPT). A proposed requirement of IPT is the ability to record claim type in a way that will allow us to produce figures on the number of claims in a particular category. This will include religious-based claims.

- 2. Provide focused training on freedom of religion and belief and assessments of religious freedom and persecution based asylum applications to decision makers.**

Accepted in part:

Our existing Asylum Learning and Development prospectus includes more than 18 different courses. While there is no specific religious claims-based course, we believe the existing package is appropriate and equips staff to deal effectively with all claim types, including religious claims.

All newly recruited asylum caseworkers receive a five-week Foundation Training Programme (FTP). The FTP covers all aspects of the asylum decision-making process, including religious-based claims and religious conversion, and has been endorsed by the UNHCR.

After completing their probationary period, new caseworkers also undergo dedicated credibility training, which was also developed with the UNHCR and is based in large part on the CREDO report. This course trains caseworkers on how to assess the evidential value of their interview questions (including when assessing religious-based claims and religious conversion), the various reasons why someone may not come across as credible in an asylum interview and discusses issues such as speculation and implausibility. Ultimately, caseworkers are trained to assess an applicant's credibility 'in the round' and not to focus purely on a general knowledge test of a particular issue, such as religion.

- 3. Ensure that the policy guidelines and judicial decisions that relate to freedom of religion or belief cases are used by decision makers.**

Accepted

All decision makers are expected to refer to and apply Home Office policy guidelines when considering asylum claims. In particular, guidance which covers our approach to asylum interviews and assessing credibility and refugee status has recently been updated and communicated to staff. It is readily available online and we continue to improve our suite of guidance, including country guidance, across the asylum process to ensure decision makers have access to up-to-date instructions that reflect the latest judicial decisions and country information. Where there is evidence that decision makers have not followed policy guidance we will provide appropriate training and mentoring or performance management measures to ensure quality is maintained.

4. Issue a specific statement to decision makers clearly stating the good practice principles and legal frameworks that apply to religious persecution cases and examples of shortcomings by decision makers stated in this report in light of them.

Accepted in part

Our existing policy guidance already sets out the principles and legal framework that caseworkers are expected to apply as is acknowledged in the report. In addition, our quality assurance process provides regular feedback to decision makers where shortcomings are identified so that we can drive continuous improvement. As such, we do not think a separate statement is needed. However, in light of this report we will remind staff of the need to follow published policy guidance and discuss the report with decision makers in our regular team meetings to highlight its findings.

5. Ensure that the caseworkers and interpreters used by the Home Office and decision makers uphold the same standards of professional conduct expected from Home Office staff. All such individuals should be trained to have adequate knowledge of different forms of religious persecution and the right to freedom of religion or belief, the specific religious terminology of different religious groups as well as the cultural contexts of applicants, especially if the applicant identifies as a member of a religious group perceived as 'heretical' by others adhering to the same religion. This depth of knowledge is needed so that the religious and cultural contextual meaning of the asylum applicants' words can be understood and clearly conveyed. In particular, it must be ensured that the case worker /interpreter's own cultural context does not give rise to bias in their work.

Accepted

Home Office interpreters are fully qualified, accredited and expected to act on an impartial basis in accordance with the Home Office Interpreter Code of Conduct. This is in line with the expectations we have of staff, and both caseworkers and claimants are free to feed back on the conduct of an interpreter following interview. Where we see repeat patterns of poor conduct we will investigate and act accordingly.

With regards to training, the role of the interpreter is of course different to that of a caseworker. An interpreter must impartially interpret the spoken word accurately and clearly, meaning a more detailed knowledge of claims (such as religion) is unnecessary. However, it is of course important that an interpreter, in a professional capacity, is familiar with the concepts and terminology of religious groups in the country of origin. Any interpreter who is found not to be capable of ensuring understanding between claimant and interviewer will not be used.

We recognise, however, that there may be issues interpreting the specific religious terminology of different religious groups. As such, we will work to produce an information document to be issued to all Home Office interpreters to raise awareness of the issues at hand, remind them of

their professional obligations and to ensure they keep their skills and knowledge up to date via their own personal professional development. We will be happy to receive input from the APPG in developing this.

- 6. Given the complexities of asylum cases involving religion, just as all LGBTI asylum case decisions are reviewed by a Technical Specialist before being issued to the applicant, ensure that cases involving religious persecution are also checked by an expert supervisor to ensure consistency and due process in all cases.**

Reject

We are grateful for the evidence provided by the APPG in this report and we are working to identify the specific details of the cases referred to so that we can understand the issues highlighted in the context of the individual case. However, reviewing all decisions made in religious-based claims by a senior member of staff will have a significant operational impact and a decision to do so will need a thorough and detailed evidential basis.

We will continue to work with the APPG to understand the detail of the cases highlighted in the report, and will monitor the issue through our own internal quality assurance processes. Where we see further evidence to suggest these issues have not been resolved despite the clear policy guidance that is already in place, we will take appropriate action.

- 7. Work with faith communities and charities specialising in freedom of religion and belief to check credibility of applicants, and keep up to date information on global developments.**

Accepted

We have worked with faith groups, including the AAG, for several years to improve our approach to asylum claims based on religious persecution. We welcome such engagement and are grateful to our partners for helping us to develop our policy guidance in what is often a complex and difficult area. We are happy to continue to develop relationships with faith-based groups to check the credibility of applicants, so that we can quickly grant protection to those who need it, better tackle abuse of the asylum process, and ensure staff have an update to date knowledge on global religious developments.

- 8. Ensure that the asylum procedures are sensitive to the applicants' experiences, backgrounds and wellbeing. Also ensure that applicants should not be caused unnecessary distress and should feel able to speak freely, especially in cases where the caseworker/interpreter is a member of the religious community that has carried out the applicant's persecution. In such cases, applicants should be re-assigned to a different interpreter (and/or caseworker) with whom they feel comfortable to speak freely.**

Accepted in part

The UK has a proud history of providing protection to those who need it and decision makers are trained to impartially consider asylum claims on their individual merits in accordance with our international obligations under the Refugee Convention. We are fully committed to treating all those who claim asylum with sensitivity, dignity and respect and decision makers are expected to be sensitive to claimants' experiences, background and wellbeing. In his latest report into the efficiency and effectiveness of asylum casework, the Chief Inspector of Borders and Immigration noted the professionalism, dedication and commitment to fairness of asylum staff.

However, we do not believe it is appropriate or necessary to re-assign applicants to different caseworkers or interpreters in this way. Caseworkers receive mandatory unconscious bias training to ensure that they approach all cases impartially and without prejudice. Similarly, all Home Office interpreters are fully qualified and accredited and expected to act on an impartial basis and in accordance with the interpreters' Code of Conduct. We employ interpreters for their professional skills and cannot discriminate on the basis of their religious beliefs.

9. In cases where individuals have been granted asylum on grounds of religious persecution, the UK Home Office should fast-track dependents' applications and visas for them to join the successful applicant. While it is of course welcome that dependents are permitted to settle outside the country in which they are persecuted, the current 3 – 6 month processing period of dependents' applications is a time during which the applicants may also be at real risk of persecution.

Accepted in part

We recognise that those granted asylum or humanitarian protection wish to be reunited with their families as soon as possible. All family reunion applications are carefully considered on their individual merits without unnecessary delay. We do not believe it would be appropriate to fast track dependants of those granted asylum due to religious persecution at the expense of those who qualify on other grounds – it is important to consider all such applications as quickly as possible.

In 2015, the average time take to resolve a family reunion application was 40 days and we are looking at ways to improve processing times. Some applications are decided more quickly but others may taken longer if, for example, further information is needed to reach an informed decision or the case is subject to an appeal hearing. We have recently revised our guidance on considering such applications to make it clearer for caseworkers, applicants and sponsors what is expected of them, including the types of evidence that can be provided to support an application, to further improve the efficiency of our processes.

10. Take account of judicial findings and objective information on the safety of internal relocation of religious minorities in the countries from which they have fled. Developments in communications technology have enabled information about individuals targeted by violent 'extremist' groups to be shared with ease, even if they move across a country, making the possibility of internal relocation often an unviable option.

Accepted

All asylum claims are carefully considered on their individual merits in accordance with our international obligations and against the background of available country of origin information, which takes account of the latest country guidance caselaw. When considering whether it is reasonable for a person to relocate to another area on return, the situation in the country of origin, means of travel and proposed area of relocation in relation to the individual's personal circumstances as well as those of any dependants forms part of the consideration. This includes an assessment on whether an aggressor is likely to pursue an individual if they were to move elsewhere within the country.