



Home Office

# Home Office Response to IAGCI Review Covering Note

24 November 2015

## Reviews of Country Information and Guidance

In line with previous reviews, the Home Office appreciates that the reviews on Iraq, Libya and Syria were generally positive, constructive and helpful. We will discuss Eritrea below.

The reviewers have made sensible suggestions of text to update and provided helpful sources to consider.

Therefore, our responses reflect this. They are mostly positive, accept the bulk of the recommendations and our proposed action is to include the material in the next iteration/update to the country information and guidance (CIG) – with the usual provisos around the information remaining relevant and not being superseded.

The Syria reviewer was particularly interesting on discussing sources and reliability of evidence. The considered nature of these reviews and the measured and dispassionate language firstly served as a useful reminder for us on the need to carefully assess sources and use a variety of material, and secondly was in stark contrast to the approach taken on Eritrea (see below).

## Standardised Template for Reviews

Whilst it will invariably be the case that different reviewers approach the task of reviewing the products in their own way, the Home Office reiterates its suggestion from the previous IAGCI meeting (April 2015) about developing a more standardised way of presenting the reviews, **in particular, we recommend (a) developing a standard template; (b) being clear(er) which recommendation(s) the reviewer would like the Home Office to respond to; and (c) creating a separate section to cover ‘suggested material for updates’ (or similar).**

## Commentary on Policy/Guidance

The Home Office notes that despite the ‘Terms of Reference’ being clear that “[t]he review should focus exclusively on the country of origin information contained within the document, and not pass judgment on the policy guidance provided.” (see, for example, [paragraph 6\(ii\) of the Terms of Reference for the Eritrea review](#)) the reviews on Eritrea, Iraq and Libya all fail to adhere to this.

Even if the reviewer’s suggestions are well-meaning, to avoid any blurring of the purview of the Chief Inspector of Borders and Immigration and, by extension, the IAGCI, **the Home Office recommends that:**

- (a) it is made explicitly clear to reviewers which part(s) of the country information and guidance products are subject to the review and which are not; and/or**
- (b) the IAGCI removes any part of a review which are outside of the scope of the Terms of Reference before sending it to the Home Office.**

This could be done in line with the provision that “[t]he IAGCI reserves the right to ask reviewers to amend their reviews, and if necessary to reject reviews” (see bullet point 8 under [Commissioning Reviews](#)).

We also believe a standardised template (see above) would help this.

On this occasion, the Home Office has responded to each of the comments that we consider fall into this category with a standard response reiterating our position.

## Footnoting/Referencing

The Iraq and Libya reviewer made the sensible suggestion that our footnotes should be amended from:

Source, Title of Report, date, [weblink](#). Date accessed ...

to:

Source, *Title of Report*, date, [weblink](#). Date accessed ...

i.e. the title of the report should be italicised.

Whilst we do agree this is the preferred method for referencing source material, we have a requirement to make our products 'accessible' to those with disabilities. One of the steps the Home Office have taken in this regard is to remove text that is in italics. The products produced by CPIT therefore have to comply with this house style.

## Reviews of COI Requests

As with the reviews of the CIG 'reports', the Home Office notes and welcomes that the reviews of the responses to the COI Requests (COIRs) appeared to be generally positive and constructive, with the main recommendation being on providing updates.

Whilst acknowledging that it is well within the remit of the IAGCI to review **all** forms of country of origin information provided by the Home Office to its decision makers, the reviews do not always appear to acknowledge the inherent limitations that are outlined in the disclaimer on the COIRs.

Similarly, even where we accept the very sensible and well considered suggestions by the reviewers, it is difficult for the Home Office to give meaningful responses as to when we will incorporate the changes.

Our general response has been to point out that responses are time- and case-specific; that we do not propose to update at the current time; but that we will use the suggested sources in future CIG products (in whichever format they are provided).

We are also considering how better to incorporate the content of the COIRs into the country information and guidance. This includes both practical (how and where to present the information; which COIRs to select) and technical (moving to more web-based than paper-based output) questions.

**The Home Office would welcome a discussion with the IAGCI on this aspect of your work and recommends that we do so at the next meeting.**

## Eritrea

The Home Office wishes to raise a particular concern regarding the review of the Eritrea CIG on national service and illegal exit.

We do not consider that the review has been conducted in the manner in which the Home Office has come to expect from the IAGCI. It stands out in comparison to the measured, balanced and constructive approach evident in the other reviews. It is therefore extremely difficult to constructively engage with the review in its current form.

In addition to going outside of the remit of the terms of reference [by reviewing the policy/guidance section (see above)], the reviewer's commentary on the evidence is coloured by their very strong personal opinions about our policy and the organisation of CPIT. This, together with the volume of comments and the tone used by the reviewer, clouds the objectivity in which they have approached the part of the review they were meant to focus on – namely the country of origin information contained within the CIG.

For example, under the heading “Overall comments on both CIG reports” (p3), the reviewer points to his version of the history of Country Policy and Information Team (and its predecessor(s)) and the quality of work produced by it. We consider this to be factually incorrect (for example CPIT was not created in 2008 but 2014), irrelevant, lacks balance, is imprudent in its selection of sources as well as appearing opinion- rather than evidence-based.

The reviewer refers to dated criticisms from 2008 and 2009 which have – in the case of the Immigration Advisory Service[s] – been produced by an organisation who advocate against the Home Office and thus not independent.

The Home Office's COI has been reviewed since 2003, first by the Advisory Panel on Country Information then, from 2009, by the IAGCI. This includes COI material contained in Operational Guidance Notes from 2012 and our new-style CIG products from April 2014. They have also been conducted by a wide range of different reviewers. In general, reviews have been positive and found the COI to be accurate and balanced, with a gradual improvement in the quality of COI products over time. The outcomes of this review process, as opposed to ad-hoc reviews undertaken by the IAS, do not support the contention made by the reviewer.

It also raises a question about the IAGCI's own role in the review process: is the reviewer making this observation in his own capacity, or does it represent the view of the IAGCI?

The reviewer makes reference to the March 2015 version(s) of the country information and guidance on Eritrea, which was not within the scope of the review and does not reflect our most up-to-date guidance.

The reviewer suggests that material used by the Home Office dated from 2014 and 2015 is out of date – principally that provided by the Danish Immigration Service's (DIS) Fact-Finding Mission report but also Norway's COI Unit's (Landinfo) report on national service, published in December 2014 and March 2015 respectively following their own fact-finding missions to Eritrea – but, conversely, makes suggestions to include 'up-to-date' material from a variety of sources (including several academic source we do not have access to) from 2008, 2009, 2010 and 2011.

While we are of course aware that the DIS FFM report is the subject of controversy and much has been written about it. However, we think the best way to address this is for considered and objective discussion of its flaws and its merits, and the underlying methods of obtaining information and assessing it, as set out in EASO methodology on report writing and other guidelines on gathering COI.

Rather, the reviewer appears to have taken a wholly dismissive approach to the DIS FFM and Landinfo reports.

The underlying reason for dismissing the former appears to be based on the criticisms raised by others. The reviewer does not engage with the evidence provided by the DIS FFM report (or indeed Landinfo) in an objective fashion or with how this information is used in the CIG, which, in our view does accord to the EASO methodology on writing COI reports.

An examination of the reasons given by the reviewer (foot of page 4 and top of page 5) notes that the DIS FFM report was 'highly selective' in its use of information provided by UNHCR; other organisations and Professor Kibreab.

However, as we previously pointed out in our response to the IAGCI in June on our use of the material provided by the DIS FFM report, we have not used the summary section at the start of the Danish report, instead using the notes from the interviews contained in the Annexes.

In addition:

- The critique from UNHCR amounts to 8 paragraphs.

Paragraphs 1–3 set out the background to report, it welcomes states' attempts to gather COI and states they have a 'number of concerns'.

Paragraph 4 points out they are not the UN Agency referred to. However, aside from a potentially coincidental reference to UNHCR registered refugees in Shire, there is nothing to indicate that the DIS FFM report suggests they were or there was an attempt from DIS to mislead the reader.

Paragraph 5 comments on the absence or limited use of UNHCR's comments from the Annexes (p69-73) in the summary (p1-20). Paragraphs 6 and 7 also criticise the use of paraphrasing and lack of direct quotes in the summary (p1-20).

As above, this is somewhat irrelevant as the Home Office has drawn its information from the notes of the interviews, not the summary section.

This leaves paragraph 8, which outlines criticism of the lack of reflection of reliability of sources quoted as well as the lack of regulatory framework of NGOs, media etc and how that impacts on the reliability of the sources. Whilst it is important to consider this aspect of life in Eritrea, there is nothing in the report to suggest that those consulted were not able to speak freely about their view on the human rights situation or that, absent this commentary, the views of those consulted are somehow qualified, contrived or muted.

- The "other organisations" are not named.
- Professor Kibreab's interaction with the Danish FFM team is well documented in their report.

In summary, we do not share the view that the Danish FFM is 'discredited' as the reviewer alleges, and certainly not to the point where the material cannot be relied on in any capacity.

Regardless of this, the Home Office suggests that the reviewer should have focussed on the content of the material used, rather than generalised views of the DIS FFM report. It is evident to the Home Office that the reviewer's position has been heavily influenced by the general critique of the DIS FFM report and therefore it lacks objectivity or impartiality.

The reviewer also seems to be basing his out of hand dismissal of the DIS FFM report, at least in part, on the fact that the sources are not revealed. This is entirely in keeping with the nature of fact-finding work. Sources may well opt for either whole or partial anonymity for any manner of reasons. The Home Office would also point out that anonymised sources are cited frequently in reports from I/NGOs and, indeed, the UN Commission on Inquiry on Eritrea.

Despite this, the reviewer uncritically accepts material from these sources, yet the bulk of the evidence relied by these organisations is anonymous; age-indeterminate; not based on visiting Eritrea; from individuals who we know nothing about in order to test their credibility or potential bias; and contains partial/selective quotations rather than the full text of interviews.

In short, it appears as though there has been one set of evidential standards applied to some of the material used in the CIG; and another to other material. As such, it is difficult to reconcile the suggestion that those used in the DIS FFM report are somehow unreliable and unusable yet those used in other reports are not. The DIS FFM report at least benefits from having notes of the interviews provided so the reader can see for themselves the quotes in some degree of context in which they were given.

The reason for suggesting a dismissal of the Norwegian report is unclear and, in our view, wholly unmerited and seemingly fails to understand the principles set out in the EASO report methodology and other international guidelines on gathering and presenting COI, which Landinfo adheres in their products.

Again, in the view of the Home Office, it is illustrative of the overall approach taken to the review on Eritrea.

For these reasons, the Home Office has not provided a detailed response to this review **and recommends that the IAGCI discusses the Eritrea review both within the panel and with the reviewer with a view to considering our concerns about the objectivity and impartiality of the review and determining whether you wish to reconsider the review in light of these.**