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[www.gov.uk/home-office](https://www.gov.uk/home-office)

Rt Hon Caroline Nokes  
Chair, Women and Equalities Committee  
House of Commons  
Westminster  
SW1A 0AA

8 December 2022

Dear Chair,

Thank you for your letter of 25 October, addressed to the previous Immigration Minister in which you set out a series of questions addressed below.

We believe no-one should be persecuted because of their sexuality or gender identity and the UK can be rightly proud of its record in providing protection to individuals fleeing persecution based on their sexual orientation or gender identity. We understand that many asylum seekers come from cultures which shun any expression of sexual orientation or gender identity and that for some LGBT claimants, discussing what can be deeply personal and sensitive issues may be a distressing process.

The Home Office has and continues to work closely with a diverse range of organisations specialising in asylum and human rights protection to LGBT communities, not only to facilitate the development of bespoke guidance and training products, but also to further our work for LGBT claimants within our asylum system.

Our policies and training are designed to support claimants in being able to explain their claim in a sensitive and safe environment.

Under the provisions of the Nationality and Borders Act 2022, caseworkers are provided with flexibility to take into account a person's individual protected characteristics, and we will continue to ensure that claimants are given every opportunity to provide information relevant to their claim including where it may be sensitive or difficult to disclose (such as instances of persecution, serious harm or sexual violence).

We do not remove asylum seekers who have had to leave their countries because their sexuality or gender identity has put them at risk of persecution. LGBT people at risk in their home countries will continue to be welcomed into the UK and be protected

and given the chance to rebuild their lives free from homophobia, biphobia and transphobia.

## **Equality and the UK asylum process**

### **Equality data**

***You asked whether the Department is currently able to conduct comprehensive equality impact assessments of the asylum process based on published datasets including asylum claims, decisions, appeals and final outcomes, and detention, using internally held information. You also asked whether any such assessments have been conducted; and whether we are able to publish or share them with the Committee.***

All asylum decision making policies are developed and reviewed in line with our duties under the Equality Act 2010; to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition to the Equality Impact Assessment published for the Nationality and Borders Bill last year, we also completed Equality Impact Assessments to support the publication of policy guidance, such as the assessing credibility and refugee status and the permission to stay on a protection route guidance documents. All our Equality Impact Assessments conducted in relation to the Nationality and Borders Bill have been and will continue to be kept under review.

***You asked whether the additional data in our new Atlas database system would include the Equality Act protected characteristics that relate to an individual's membership of a Particular Social Group. You also asked whether the department intends to publish new data; and, if so, when will it be published.***

Within Atlas, an overarching "convention reason" for an asylum claim is recorded. This includes where a protected characteristic forms the basis of an asylum claim such as FGM, sexual orientation or gender identity. Characteristics can be recorded where such information is pertinent to the recording of a person's immigration status or the consideration of an asylum claim.

The protected characteristics of sex, age and nationality are disaggregated within our published statistics for asylum claims numbers, decisions and appeals. Information can be found at <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>. Age and sex breakdowns are published in table Asy\_D01 of the asylum and resettled detailed datasets: <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets>. These tables also include breakdowns by nationality.

In respect to the protected characteristic of sexual orientation the Home Office publishes data annually on asylum applications where sexual orientation formed part

of the basis of the claim. The latest report for the year 2021 can be found at: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2022/asylum-claims-on-the-basis-of-sexual-orientation-2021--22>.

The data set presents information on asylum claims, initial decisions, and appeals where sexual orientation was raised as part of the basis for the claim at some stage prior to reaching a final outcome.

The statistics do not however show whether sexual orientation was the sole basis for the asylum claim, the point at which it was raised or whether the sexual orientation element of the claim had any bearing on the decision outcome. Also, the statistics do not provide any indication of the number of asylum applicants who define themselves as gay, lesbian or bi-sexual. Applicants are not required to disclose their sexual orientation when applying for asylum. A claim recorded with an identifier that the case is based on sexual orientation does not indicate or reflect a confirmed sexual orientation of the applicant. Sexual orientation as a basis of claim could be due to imputed assertions or association rather than a defining characteristic of the claimant.

We do not routinely publish data on other protected characteristics. However, Official statistics published by the Home Office are kept under review in line with the code of practice for statistics, taking into account a number of factors including user needs, as well as quality and availability of data.

### **Monitoring and mitigating unequal effects: Nationality and Borders Act**

***You asked what specific steps the Department is taking to monitor and evaluate unequal effects of the Act on groups of people with Equality Act protected characteristics. You also asked whether we will be publishing related data.***

We are monitoring the implementation and impact of the Act through a range of indicators and are supplementing this with in depth policy evaluation using bespoke and robust methodological approaches.

Given the breadth of what the Act covers, we need to consider the cumulative impact, including through an assessment of multiple measures and, with the ongoing implementation of our policies, it will take time before we see the full effect of reforms.

As you are aware, the Home Office regularly produces statistics, and its work is subject to monitoring by the independent Chief Inspector of Borders and Immigration. We are also committed to engaging with all external stakeholders to explore any trends or issues.

As we set out above, official statistics published by the Home Office are kept under review in line with the code of practice for statistics, taking into account a number of factors including user needs, as well as quality and availability of data.

***You asked what operational changes the Department has made to mitigate unequal effects.***

This is being addressed in a number of ways, including through the delivery of training to relevant front-line and other operational teams, including matters concerning safeguarding, vulnerabilities and equalities and the operation of established safeguarding mechanisms and assurance frameworks across relevant operational

teams so that we can protect the vulnerable, identify any issues – including unintended consequences – and seek to address these where appropriate.

### **Sexual orientation-based claims: Country Policy Information Notes (CPIN)**

***You asked how many people at what grades, work in the Country Policy Information Team. You also asked what changes have the department had to staffing and grading levels in the last five years.***

The Country Policy and Information Team (CPIT)'s current headcount, by grade, is:

|     | Headcount Full Time Equivalent |              |
|-----|--------------------------------|--------------|
| G6  | 1                              | 1            |
| SEO | 3                              | 2.6          |
| HEO | 10                             | 9.42         |
| EO  | 7                              | 6.59         |
|     | <b>21</b>                      | <b>19.61</b> |

The staffing has been broadly consistent over the last 5 years.

***You asked how the Department evaluates the performance of the Country Policy and Information Team. You also asked whether the Department conducted any analysis of links between inaccurate or out-of-date CPINs and incorrect initial asylum decisions.***

CPIT are subject to regular inspection by the Independent Advisory Group on Country Information (IAGCI), which is a sub-group who report to the Independent Chief Inspector of Borders and Immigration. Details of the IAGCI's remit, composition and copies of its reports are available here: <https://www.gov.uk/government/collections/the-independent-advisory-group-on-country-information-iagci>

We do not accept the CPINs are inaccurate, and whether they are “out of date” is highly subjective. All asylum and human rights claims are carefully considered on their individual merits in accordance with our international obligations. Each individual assessment is made against the background of any relevant caselaw and the latest available country of origin information. This is based on evidence taken from a wide range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign, Commonwealth and Development Office.

We strive to ensure we make the right decision first time in all asylum applications. If, as is implied, allowed appeals are the barometer of the correctness of those decisions, then we should point out that appeals are allowed for a manner of different reasons. It also overlooks the decisions that are “correct” first time.

We are committed to improving the quality and accuracy of our decision making to ensure that we get decisions right the first time. There are various reasons why appeals are allowed. Further evidence is often submitted post initial decision, during

the appeal stage, that was not previously available to the initial decision maker or circumstances can change. This can impact on appeal outcomes and does not always mean the original decision was incorrect at the time. Regular analysis of asylum appeal data and Judicial determinations is undertaken by both decision makers and appeals staff. Appeals Operations has several account managers who regularly liaise with their key decision-making area counterparts to identify themes or areas for action that will lead to less decisions being overturned.

Most of our decisions are well reasoned and properly consider evidence provided by the claimant against country information available. Where we get decisions wrong, we learn from this by addressing issues through improved guidance, training and our established quality audit process.

### **Rising proportion of incorrect initial decisions**

***You asked whether the Department holds information on the protected characteristics of asylum claimants whose appeals are allowed, you also asked if we could publish it to the Committee.***

Each asylum claim is dealt with on its own individual merits and the protected characteristics of that claim would be taken into account. However, we do not investigate appeals claims based solely on protected characteristics.

However, where we get decisions wrong, we learn from this by addressing issues through improved guidance, training and our established quality audit process.

Yours sincerely,

A handwritten signature in dark ink, reading "Robert Jenrick". The signature is written in a cursive style with a horizontal line under the name.

**Rt Hon Robert Jenrick MP**  
**Minister of State for Immigration**

