



Women and Equalities Committee

Tom Pursglove MP
Minister for Immigration
Home Office
VIA EMAIL

25 October 2022

Dear Tom,

Equality and the UK asylum process

I look forward to seeing you at our evidence session on equality issues in the asylum process next Wednesday, 2 November.

Evidence to our inquiry has raised a very wide range of serious equality concerns, some of which are technical or legal in nature, and lend themselves more to a written answer. I would be grateful for your reply, answering each of the below eight questions, by the end of November.

Equality data

Many witnesses to our inquiry have noted a lack of comprehensive published data disaggregated by Equality Act protected characteristics. None of the Department's published datasets, including on asylum claims, decisions, appeals and final outcomes, and detention, include a full breakdown. In the light of this, I would like to know:

1. Whether the Department is currently able, from internally held information, to conduct comprehensive equality impact assessments of the above aspects of the asylum process; whether any such assessments have been conducted; and whether you are able to publish them or share them with my Committee?

We understand that the Department intends to record a range of new data from the Atlas database system, including "the applicant's Convention reason and further details under certain Convention types; namely membership of a particular social



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group (PSG), female genital mutilation (FGM), sexuality, transgender identity and religion.”¹

I would be grateful if you could tell us:

2. Whether the additional data will include the Equality Act protected characteristics that relate to an individual’s membership of a Particular Social Group; whether you intend to publish the new data; and, if so, when do you intend to start publishing new data?

Monitoring and mitigating unequal effects: Nationality and Borders Act

As you know, many organisations in the asylum and immigration sector have deep concerns that the Act will disproportionately affect vulnerable groups, including women who have experienced sexual and gender-based violence or other abuse.

The overarching Equality Impact Assessment for the New Plan for Immigration and the Bill acknowledged that these measures could indirectly discriminate against “a range of vulnerable people, including children, disabled people and people who are vulnerable for reasons linked to other protected characteristics – including but not limited to gender reassignment, pregnancy and maternity, sexual orientation and sex.”

The EIA acknowledged the importance of ongoing monitoring and evaluation of any unequal effects and the Government committed to “continue to consider ways in which to mitigate adverse impacts on vulnerable people.”² Witnesses to our inquiry are concerned that plans to monitor, evaluate and mitigate inequalities in relation to the Act remain unclear and lack detail.³ We should therefore like to know:

3. What specific steps is the Department taking to monitor and evaluate unequal effects of the Act on groups of people with Equality Act protected characteristics?

4. Whether you will publish related data?

¹ Home Office ([EAP0023](#))

² Home Office, [New Plan for Immigration: Overarching Equality Impact Assessment of policies being delivered through the Nationality and Borders Bill](#), September 2021

³ See, for example, Women for Refugee Women ([EAP0026](#))



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5. What operational changes has the Department made to mitigate unequal effects?

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

We heard evidence from Dr S Chelvan, a leading asylum and immigration barrister specialising in asylum claims based on sexual orientation and gender identity. He expressed "grave concerns" that the Home Office's Country Policy and Information Team was failing to produce accurate and timely sexual orientation and gender identity CPINs and was "not fit for purpose". He gave three recent examples:

- **Sri Lanka** – he reported that the Home Office was using a "flawed" CPIN dating from September 2020, despite having more recent evidence of "forced anal and vaginal examinations by the Sri Lankan authorities of men suspected to be gay (gay men and a trans man), as well as evidence of prosecutions of gay men."
- **Kenya** – Dr Chelvan reported that in the asylum appeal case of the gay Kenyan rugby player, Kenneth Macharia, the Home Office's CPIN was used to argue gay men were not at risk of persecution. Mr Macharia won his case, with the Judge finding that he was at risk of persecution because of "discriminatory laws that create a hostile environment in which gay men are exposed to a real risk of discrimination."
- **Bangladesh** – Dr Chelvan noted that the CPIN "completely ignores" the risk to Lesbians. He told us that "the fact there is no evidence of actual reported persecution of named lesbians is generally accepted to be due to their forced invisibility".⁴

6. How many people, at what grades, work in the Country Policy Information Team? And what changes have there been to its staffing and grading levels in the last five years?

7. How does the Department evaluate the performance of the Country Policy and Information Team? And have you conducted any analysis of links between inaccurate or out-of-date CPINs and incorrect initial asylum decisions?

⁴ Dr S Chelvan ([EAP0008](#))



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Rising proportion of incorrect initial decisions

The proportion of asylum appeals determined in favour of the applicant has risen from under a third in 2010 to over half last year.⁵ We note Ministers' answers to PQs, which state that the Department analyses the reasons for allowed appeals.⁶ I should like to know:

8. Do you hold information on the protected characteristics of asylum claimants whose appeals are allowed, and are you able to publish or share it with the Committee?

Thank you and I look forward to your reply, and hearing your oral evidence on 2 November.

Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee

⁵ Gov.uk, '[Asylum and resettlement datasets](#)', Outcome analysis of asylum applications ASY_04; also, Gov.uk, '[How many people do we grant asylum or protection to?](#)', accessed 27 September 2022

⁶ [PQ11509](#), answered on 11 February 2020