



House of Commons
Women and Equalities
Committee

**Equality and the
UK asylum process:
Government response
to the Committee's
Fourth Report**

**Seventh Special Report of Session
2022–23**

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Women and Equalities Committee

The Women and Equalities Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Government Equalities Office (GEO).

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Seventh Special Report

The Committee published its Fourth Report of Session 2022-23, [Equality and the UK asylum process](#) (HC 93), on 27 June 2023. The Government response was received on 8 September 2023 and is appended below.

Appendix: Government Response

The UK Asylum Process and Ongoing Reforms

The asylum system is undergoing substantial reform, in part due to the Home Office's inability to process the volume of asylum claims it receives effectively and expeditiously. The Government is now seeking to reduce the ability of people to claim asylum in the UK despite recent figures showing the majority of those seeking to do so will have a genuine claim and would, in all likelihood, meet the criteria to be accepted. As this Report will set out, people with vulnerabilities arising from Equality Act protected characteristics are particularly affected. This cohort is experiencing unnecessary risks under the Home Office's current management of the asylum process, and recent and proposed changes to the system may lead to those risks increasing. (Paragraph 32)

Government Response to Recommendation at Paragraph 32

In relation to the recommendation at paragraph 32, over 45,000 individuals made a dangerous, illegal and unnecessary crossing of the Channel in small boats in 2022. There is no greater risk to an individual than making this journey in the first place and bold action is necessary to tackle the scale of this illegal migration into the UK.

Our Illegal Migration Act makes it unambiguously clear that, if a person enters the UK illegally having travelled via a safe third country, they will not be able to remain here and instead will be detained and promptly returned to their home country, if safe to do so, or to a safe third country, where any asylum claim will be considered.

Article 31(1) of the Convention provides that Contracting States must not penalise an individual on account of their illegal entry or presence, providing they come directly, present themselves without delay to authorities and show good cause for their illegal entry. It is a longstanding principle that those in need of protection should claim asylum at the earliest opportunity, in the first safe country they reach. This is an established part of international asylum procedures and applied across the EU, such as through the Common European Asylum System.

Critically, the Court of Appeal in the judgement of 29th June regarding the Migration and Economic Development Partnership (MEDP) with Rwanda, agreed with Government's interpretation of the Refugee Convention by stating that the removal of an individual to a safe third country does not amount to a penalty within the meaning of Article 31(1).

We published the Equality Impact Assessment for the Illegal Migration Act on 10 May 2023. The Assessment is clear any differential impact is because of an individual's conduct and is proportionate in order to achieve the legitimate aim of controlling illegal migration and reducing crime.

Equality Data on Decisions and Final Outcomes

It is not currently possible from published official data to monitor outcomes in the asylum process for groups of people with vulnerabilities arising from Equality Act protected characteristics. Experimental statistics on sexual orientation-based claims are a good start and we welcome the Home Office's intention to increase its collection of data on protected characteristics and UN Convention protection grounds. Data collection and transparency is the vital first step needed to ensure that inequalities in the process can be identified and addressed. We recommend the Home Office collect and publish data in relation to claims, initial decisions, appeals and final outcomes disaggregated by: UN Convention ground; whether the claim included sexual and gender-based violence and other abuse; and the protected characteristics of claimants. (Paragraph 40)

Government Response

In relation to the recommendation at paragraph 40, as the Committee's report acknowledges, we publish regular statistics on certain protected characteristics for asylum seekers, including age, sex, and sexual orientation. Official statistics published by the Home Office are kept under review in line with the code of practice for statistics, considering a number of factors including user needs, availability and quality of data, and sensitivities regarding data protection.

Details on other protected characteristics, such as religion, will be established during the asylum registration process. However, whilst we hold information regarding various protected characteristics of asylum claimants, and the reason for applying for asylum, this information is often held in the case notes rather than a reportable format, which presents challenges to regular statistical reporting.

We recognise our responsibility to comply with the Public Sector Equality Duty in considering how we can best meet the needs of people with protected characteristics. There are specific methodological challenges in collecting data about protected characteristics from non-UK nationals, but we are actively undertaking work to understand how we can best manage this.

The existing caseworking system had limited the ability to provide detailed information regarding, for example, why individuals have claimed asylum and information related to gender-based harm. We are developing a new caseworking system (Atlas) for immigration data, to improve the data we are able to record. Once the new data system is established, we hope to publish further detail, for example on individuals' grounds for applying for asylum.

Asylum Decision Making

The Home Office's heavy reliance on a single substantive asylum interview disadvantages women with histories of sexual and gender-based violence and abuse. These women will invariably be experiencing the effects of trauma and related mental health issues, with potential effects on memory and their ability to provide a cogent, chronological narrative of what has happened to them. This can unfairly harm their claim. We recommend the Home Office establish a specially trained team to determine the claims

of women with histories of sexual and gender-based violence and abuse. It should not rely on a single substantive interview to determine such claims. Women should be afforded sufficient time and space to recount distressing and traumatic experiences in a safe and supportive environment. They should be supported in all aspects of the process by an independent specialist advocate. (Paragraph 48)

Government Response

In relation to the recommendation at paragraph 48, of the 97,390 people who applied for asylum in the year ending June 2023, 75% were male and 25% were female. The “Gender issues in the asylum claim” policy is clear that interviews must be responsive to the possible trauma of claimants and breaks are taken during the interview process if necessary.

In some cases a subsequent interview may be required in order to establish trust and obtain all the necessary information; particularly in cases relating to sexual violence or other forms of trauma.

We do try to keep interview lengths to a minimum. Where it is clear a positive decision can be made based on the information available, for example provided during the screening interview or via an asylum questionnaire, we may not need to conduct a substantive interview following the initial interview upon arrival.

We appreciate that it may be difficult for claimants to disclose sensitive information, however it is essential to gather all information relevant to an asylum claim to ensure accurate decisions are made. If there is a discrepancy between the information someone provides at different stages in the asylum process, we will ask about this.

During the asylum decision making process, we ensure that vulnerable claimants are identified and recognise they may face difficulties when disclosing their experience. Claimants can request to bring a friend or companion with them to the interview to provide moral support if there are exceptional circumstances, such as additional vulnerabilities, assuming that it is not otherwise inappropriate for them to attend, for example because they are separately claiming asylum themselves.

The Home Office document, ‘Gender issues in the asylum claim’, includes very welcome guidance on gender sensitive asylum interview practice, including on meeting claimants’ requests for female interviewers, providing childcare where necessary and allowing female claimants to have a friend or other companion present to provide emotional or medical support. It is regrettable that awareness of these policies among asylum-seeking women appears to be low and that requests, when made, often go unmet. It is crucial that all asylum-seeking women are aware of the opportunity to make gender sensitive interview requests, and that such requests are met. We recommend that the Home Office immediately carries out, and publishes within three months, a review of the implementation of its gender sensitive interview guidance, including requests for female interviewers and interpreters, provision of childcare, and presence at substantive interviews of emotional and medical support companions. Alongside this review, it should publish an action plan to ensure all female asylum claimants are aware of these policies and requests made in accordance with the guidance are met. (Paragraph 52)

Government Response

In relation to the recommendation at paragraph 52, women who claim asylum can request a female interviewing officer and interpreter if this would make them feel more able to disclose sensitive information. They can also request to bring a friend or companion with them to the interview to provide support if there are exceptional circumstances, assuming that it is not otherwise inappropriate for them to attend, for example because they are separately claiming asylum themselves. We do not expect claimants to disclose sensitive information in front of children and recognise the importance of childcare to give claimants the space they need to disclose relevant information.

Asylum claimants are provided with an information booklet at screening, which includes information on the asylum process and the support available, including during the interview. They are asked at screening and in the invitation to interview letter if they have a gender preference for their interviewer and interpreter. Further, the invitation to interview letter provides answers to frequently asked questions, which includes information on requesting a male or female interviewer and interpreter, who can accompany claimants in the interview and information regarding childcare.

We do not record the number of requests made by female asylum seekers to have a female interviewer in a way that can be easily aggregated so we cannot provide figures for this response. However, claimants are asked at the screening interview if they would like a male or female interviewer. They are also asked again in the invitation to interview letter and advised to telephone us if they have a preference; in cases when they have not advised us, we do our best to arrange this. When a request for a male or female interviewer or interpreter is made in advance of the interview, every effort is made to meet this requirement as far as operationally possible. If this requirement cannot be met on the scheduled day the interview is normally re-arranged.

The Home Office should demonstrate it is taking effective steps to mitigate the risk of unequal effects in the asylum process. There is a range of distinct difficulties faced by people claiming asylum on grounds of sexual orientation or gender-identity. These claims are difficult to evidence, legally complex and difficult to determine accurately. They are not determined consistently well, leading to expensive appeals and overturned decisions. We were disappointed that the Minister was unable to set out in any detail the steps the Department has taken since the internal review it conducted in 2019–20 to improve the accuracy of its initial decision-making in such cases. In response to this Report the Home Office should set out the main findings of the 2019–20 review and the steps it has taken to improve decision-making in cases involving sexual orientation and gender identity-based claims. (Paragraph 62)

Government Response

In relation to the recommendation at paragraph 62, we will not be publishing the main findings of the internal review.

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.

Our processes are underpinned by a robust framework of safeguards and quality checks, ensuring that claims are properly considered, decisions are sound, and that protection is granted to those who genuinely need it.

We are committed to sampling 3.5% of all asylum decisions completed by decision makers. We sample all decisions made by new decision makers until they are able to complete sustainable decisions independently.

Additional checks are completed for some claim types. If the claim is based on persecution on the grounds of sexual identity or Female Genital Mutilation (FGM), the decision maker's first three cases, will be checked by a technical specialist. This includes a check of the interview and the decision. If a case is not satisfactory, feedback will be provided, and a further check will be completed until the required standards are met. If the three cases meet the required standard, the decision maker does not need to submit further cases for checking but will be subjected to future checks as part of our routine quality sampling procedure.

Those completing the quality assessments must adhere to the Home Office interview and decision marking standards. These marking standards can be shared with Decision Makers to improve understanding on quality standard scorings when receiving feedback.

We share expert witnesses' concerns about the performance of the Home Office Country Policy and Information Team and the accuracy and timeliness of Country Policy and Information Notes (CPINs). We heard several examples of outdated or otherwise inaccurate CPINs leading to poor initial decisions and flawed legal arguments being made, particularly in relation to sexual orientation and gender identity-based claims. (Paragraph 69)

We recommend the Home Office conduct a review of the performance of the Country Policy Information Team, including its ability to maintain and update high quality CPINs in a timely manner. We further recommend the Home Office introduce a new programme of training for asylum decision-makers and presenting officers on correctly using and interpreting CPINs in the claim determination process. (Paragraph 70)

Government Response

In relation to the recommendations at paragraphs 69 and 70, we consider that the Country Policy and Information Team (CPIT) can maintain and update high quality CPINs in a timely manner and that a discrete review of its performance is not necessary.

CPIT produces CPINs on the main, but not all, types of protection claim from the top 20 to 30 nationalities making claims. The team keeps CPINs under regular review, aiming to update notes that continue to be relevant at least once every two years (or more regularly where necessary). It also operates an information request service where decision makers can seek information to supplement CPINs or to cover a country or issue where there is no existing CPIN.

CPIT's country information (COI) products, including CPINs, are already subject to regular review by the Independent Advisory Group on Country Information (IAGCI), which reports to the Chief Inspector of Borders and Immigration (ICIBI). The IAGCI commissions third party reviewers—usually academic country experts—to check the

accuracy, reliability and currency of CPIT's COI products. The IAGCI focuses on CPINs, meeting two to three times a year covering the top 20 asylum intake countries over a two-to-three year cycle. The Group also commissions reviews of thematic issues, such as gender or sexual orientation and gender identity, on an ad hoc basis. The IAGCI reviews, and the publicly available ICIBI's reports of these, are overwhelmingly positive and help ensure that CPIT's COI products are generally accurate, reliable and current.

Additionally, since CPINs are operational tools which are publicly available, they are routinely 'stress-tested' in the immigration courts and by other interested parties. CPIT uses feedback from this public scrutiny to update and revise its CPINs where necessary.

Our decisions strive to be well reasoned and properly consider the evidence provided by the claimant against available country information.

Our processes are underpinned by a robust framework of safeguards and quality checks, ensuring that claims are properly considered, decisions are sound, and that protection is granted to those who genuinely need it.

As part of the current Foundation Training Programme, asylum decision makers are provided with a bespoke module which focusses on the correct use and interpretation of CPINs.

Furthermore, there is currently work underway to review the training of asylum decision makers and the focus of the project is to ensure that the right training is given at the right time. The expectation is that by moving to this model it will help decision makers become more productive in a quicker timeframe as the training will be more focused on the type of cases they are going to work and the tasks they will need to undertake at that time. This will include country specific learning interventions, including utilising relevant CPINs.

Biased or prejudiced interpreters can adversely affect a person's asylum claim, particularly in cases where claims are based on sexual orientation or gender identity and religion or renunciation of religious belief. No interpreter contracted by the Home Office should be able to influence the determination of any claim, particularly where this is motivated by their own beliefs, prejudices or stereotyping. (Paragraph 74)

We recommend the Home Office establish a programme of religious impartiality and LGBT sensitivity training for all language interpreters on its approved list. We further recommend the Department review and enhance its training of asylum interviewers on avoiding application of stereotypes to asylum claimants in sexual orientation and gender identity-based claims. (Paragraph 75)

Government Response

In relation to the recommendations at paragraphs 74 and 75, as our interpreters are not Home Office employees we are unable to mandate training, however they must adhere to our code of conduct which sets out clear expectations around impartiality www.gov.uk/government/publications/code-of-conduct-interpreters-working-for-uk-visas-and-immigration

In respect to claims involving sexual identity issues, our published guidance¹ to staff conducting interviews provides for establishing with the interpreter the available words in the claimant's language of origin and whether they may carry any derogatory connotations.

Further, all asylum decision makers are introduced to the legal and policy framework underpinning their work with a series of case studies specifically designed to illustrate how underlying factors such as sexual orientation are to be considered in the assessment of evidence.

Each case is considered on its individual merits by caseworkers who receive extensive training and in line with published guidance which sets out our policy and required interviewing standards. We have redesigned our training programme and practical skills workshops, including on interview skills, emphasising the need to sensitively explore a claimant's sexual and or gender identity and to ensure individuals can explain their claim in a safe environment.

A period of regular assurance checks also take place until a decision-maker is deemed fully competent in assessing these claims. The process was introduced following stakeholder feedback on the consideration of these claims. A wide range of country policy information notes are published and guide decision makers by providing an objective basis for the assessment of claims.

There is a lack of access to expert legal representation for people claiming asylum in the UK. This is particularly problematic in relation to complex claims, often involving sexual orientation or gender identity, religious belief or renunciation of belief, and sexual and gender-based violence and abuse. There is evidence that lack of legal representation during the initial claim determination phase leads to poor initial decisions and unnecessary and expensive appeals later in the process. We agree with expert witnesses that an overhaul of legal aid for these types of complex asylum cases is needed. (Paragraph 81)

Government Response

In relation to the recommendation at paragraph 81, the Government acknowledges the importance of ensuring the availability of legal aid provision for people claiming asylum in the UK. Access to justice is a fundamental right and we are committed to ensuring that everyone gets the timely support they need to navigate the justice system. We do not accept the Committee's suggestion that there is insufficient access to legal advice and representation.

Legal aid has been and will continue to be available for asylum cases, including for victims of domestic abuse and modern slavery, for separated migrant children and for immigration cases where someone is challenging a detention decision. In the year 2021/23 the MoJ spent over £34m in legal aid for asylum.

Where an issue falls outside the scope of legal aid, funding may still be available through the Exceptional Case Funding (ECF) Scheme. ECF may be available where there is a risk that not providing legal aid could result in a breach of human rights under Article 2 of the European Convention on Human Rights or retained enforceable EU law. ECF applications

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf

are determined by the Legal Aid Agency on an individual basis. The Ministry of Justice and the Legal Aid Agency to update the ECF process to ensure this is as simple and easily accessible as possible.

We recommend the Government increases funding for asylum legal aid to ensure specialist support is available for claimants across the UK during the initial determination process, particularly for sexual orientation and gender identity, sexual and gender-based violence and abuse, and religious belief and apostasy-based claims. (Paragraph 82)

Government Response

In relation to the recommendation at paragraph 82, the Ministry of Justice is undertaking a Review of Civil Legal Aid to identify evidence-based options for moving to a more effective, efficient and sustainable system for legal aid providers and the people who rely on legal aid, including for people who need legal aid for immigration and asylum matters. The Review will consider the specific experiences and complexities of individual areas of law, including immigration, and will seek to identify potential policy options for improving the delivery of legal aid to people claiming asylum in the UK.

We will continue working with our partners and key stakeholders in this field, to gain a deeper understanding of the issues that affect the delivery of immigration and asylum legal aid services.

In order to fulfil the Prime Minister's pledge to clear a substantial part of the backlog of asylum cases this year, the Home Office will need many more highly-trained decision-makers making initial decisions faster. Data on decision-making rates and appeal outcomes show initial decisions are far too slow and too often wrong. Evidence also shows delays in the Home Office engaging with the Tribunals and actioning its decisions. (Paragraph 93)

The Home Office must establish a new programme of training for Home Office decision-makers and presenting officers particularly on matters concerning gender, sexual orientation and gender identity-based asylum claims. Training should be delivered by independent expert stakeholders, drawing on lived experiences of refugees. The Home Office must also improve the timeliness of its actions once notice of an appeal has been served and when an outcome is known. It is simply unacceptable, as well as unnecessarily costly for the taxpayer, for successful appellants to then have to wait months for their leave to be granted. (Paragraph 94)

Government Response

In relation to the recommendations at paragraphs 93 and 94, the initial training provided to asylum decision makers already includes specialised modules on sexuality and gender identity, gender issues and modern slavery.

We have previously collaborated with external experts including academics when designing our training materials on, for example, medical evidence, religion or belief and sexuality, and will seek to do so in any future review of our current training materials.

Asylum Support

£40 per week was clearly inadequate to meet the essential living needs of people seeking asylum in the UK. Women, including those with children, face particular difficulties and near-impossible choices about how to provide for themselves and their families. It is unsurprising that the High Court ordered an immediate increase to £45—the “minimum legal action required” for the Home Secretary to meet her legal duty. It is clear that a long-term solution is required after many years of below inflation increases to asylum support have left people facing severe poverty. We believe the simplest, fairest and most sustainable solution is to link the rate of asylum support to that of the main annually uprated mainstream social security benefit. In the context of the asylum system, this would also be relatively inexpensive, at a likely initial annual cost in the low tens of millions of pounds. (Paragraph 110)

We recommend the Government set the weekly asylum support payments at 70% of the standard over 25s rate of Universal Credit. The Government should also consider increasing the payment for women to address specifically concerns regarding period poverty. (Paragraph 111)

Government Response

In relation to the recommendations at paragraphs 110 and 111, our position remains that Universal Credit is not set according to the “essential living needs” test but to ‘help with basic living costs’. UC generally covers a broader range of costs, including paying for utilities and expenses incurred in looking for work, such as travel. Most supported asylum seekers are provided with free, furnished accommodation with no utility bills or Council Tax to pay and are ineligible to work. There are also individuals accommodated in catered accommodation, where a number of other essential living needs are provided for them, such as food. For these reasons, we do not consider that aligning asylum support allowances with a set proportion of the level of universal credit is appropriate.

We annually review the level of the asylum support rate to assess the correct level of financial support that should be provided to meet essential living needs. In December 2022, we increased the support rates to £45 for individuals in self-catered accommodation and £9.10 for individuals in catered accommodation in line with the September 2022 CPI figure. Since January 2023, we have been working on this year’s review, which is due to conclude later this year.

However, in the interim, prices have continued to rise and evidence (which consists of the CPI rate and other inflation reporting) has shown that there has been a marked increase in the costs of essential living items. Therefore, as of 17 July, the weekly level of allowance increased for asylum-seekers who would otherwise be destitute from £45 to £47.39 in line with CPI from September 2022 to April 2023. This increase is on an interim basis for each supported person (i.e., the individual supported under section 95 or section 4(2) of the 1999 Act and any dependants in their household) in self-catered accommodation. For individuals in catered accommodation, the standard weekly level of the allowance will be proportionately increased from £9.10 to £9.58 for each supported person.

For women in catered accommodation, feminine hygiene products are provided by the accommodation provider, as set out in the Asylum Accommodation and Support

Contracts (AASC). For women in self-catered accommodation, we are content that the current rate of support is sufficient enough to allow individuals to meet their essential living needs.

Substandard conditions in asylum accommodation are unacceptable. No one should have to endure unsanitary conditions, particularly people who are vulnerable. The slow claim determination process means people can be stuck in poor accommodation for excessive periods leading to and exacerbating adverse effects on people's physical and mental health. Concerns over the standard of asylum accommodation have been raised repeatedly over many years. It is disappointing that the latest round of contracts to provide such accommodation appear to have yielded little improvement. It is also concerning that the Government is now planning to exempt those properties from basic safety requirements. (Paragraph 119)

The Home Office must do more to ensure contracted providers of asylum accommodation provide accommodation of a decent, safe standard and hold contractors to account with financial penalties when they fail to do so. The Home Office should enhance its resources for inspection and contract management and give particular regard to the experiences of pregnant women and those with young children. (Paragraph 120)

Government Response

In relation to the recommendations at paragraphs 119 and 120, we are committed to ensuring that otherwise destitute asylum seekers are housed in safe, secure and suitable accommodation, and that they are treated with dignity while they are in our care. We have been investing considerably in our contract assurance function to ensure that is consistently the case.

If accommodation providers have been found to have fallen short of the required standards then we can take action, including but not limited to the application of financial remedies

The reform in licensing requirements for HMO properties housing asylum seekers is important to the Government as part of the wider asylum dispersal plans. There are over 56,000 asylum seekers living in contingency accommodation (mainly hotels); the temporary reform will form part of a suite of measures being taken to accelerate moving asylum seekers out of costly hotels into more suitable and cost-effective accommodation. The introduction of the licensing exemption will remove the higher regulatory standards set by local authorities over and above other privately rented accommodation. This will mean that national housing standards will apply uniformly to all new HMO properties acquired for asylum seekers. Whilst the barriers posed by local authorities will be temporarily removed, housing quality standards including fire and safety will be maintained as the HO requires its accommodation providers to comply with all statutory and regulatory requirements when sourcing and providing accommodation. We have worked with the National Fire Chiefs Council (NFCC) to ensure that our fire safety checks / standards are of an appropriate level. Additionally, we have committed to inspecting each of the eligible HMO properties that will be temporarily exempted from licensing, at least once during this period.

The Department is more than doubling the size of its contract assurance function, which undertakes inspections and other assurance activities, as well as enhancing its other contract management resources, and gives particular regard to the experiences of pregnant women, those with young children, and others with specific needs.

The AASC contracts awarded in January 2019 set out clear minimum standards for all asylum accommodation which are similar to those used in local authority licensing. For example, all dispersal accommodation is required to meet the room and space standards in the Housing Acts as appropriate.

The accommodation providers are required to visit each property at least monthly, and the Home Office Contract Assurance Team also inspects properties and undertakes other assurance activities on an intelligence-led basis, for example where issues with a property have been identified via Migrant Help. If accommodation providers have been found to have fallen short of the required standards then we can take action, including but not limited to the application of financial remedies.

We were disturbed to hear reports of serious safeguarding issues, including LGBT hate crime and violence against women, occurring in all types of asylum accommodation. Despite the asylum support contracts safeguarding framework, published in May 2022, many settings appear to lack effective complaints and safeguarding mechanisms. It is unacceptable that reported issues are routinely ignored. (Paragraph 127)

The Home Office should conduct an urgent review of safeguarding policies and practices across all asylum support contracts, to ensure the asylum support contracts safeguarding framework is being consistently and effectively implemented in all settings. It should publish its review and an action plan within three months. We further recommend the Home Office increase contracted provision of female-only and family-only accommodation, and dedicated safe asylum accommodation for LGBT people. (Paragraph 128)

Government Response

In relation to the recommendations at paragraphs 127 and 128, we take the safety and wellbeing of service users extremely seriously. Migrant Help is available 24/7 via telephone, webchat and Raise an Issue—with access to interpreter services—for all Service Users to utilise in obtaining advice and guidance, raising complaints, reporting maintenance issues, providing feedback and logging Requests for Assistance (RFA).

RFAs in this context can relate to communications from Service Users who are identifying risks to their health and wellbeing or have concerns over their welfare. This may include reports of instances of domestic abuse, violent or anti-social behaviour on the part of other Service Users, concerns over medical conditions, or reports of criminal activities by other Service Users. Migrant Help is responsible for referring the request or report to the appropriate Provider, through the Provider's designated point of contact within 30 minutes of the contact. The Provider is then responsible for taking any action it considers necessary to assure the safety and wellbeing of Service Users (including contacting the Police). Where any allegations are raised relating to a Service User concerning sexual or physical abuse, the safeguarding of children or vulnerable adults, neglect, harassment and/or exploitation, the provider is mandated to report this to the relevant Local Authority Team, Police and Home Office within 1 working day of being made aware.

In addition to this, providers have their own Safeguarding processes for staff to follow when responding to specific incidents/complaint types. For example, in instances where there are suspicions or allegations of domestic abuse, there is the domestic abuse checklist which includes mandatory steps, such as offering access to National domestic abuse helpline to consider refuge placement if appropriate (Home Office funded), and involvement of the Home Office Safeguarding Hub.

The Safeguarding Hub staff advocate for an individual's needs with the statutory agencies to promote appropriate safeguarding interventions, adopting a multi-agency approach in order to protect and support vulnerable children and adults at risk. As well as making safeguarding referrals to the appropriate statutory agencies, other duties include attendance at child/adult protection meetings with police and social workers and liaising with both external and internal partners to share information. The statutory agencies retain responsibility for all decisions on intervention activity.

Service Users can raise complaints through Migrant Help at any time. Complaints relating to Providers must be acknowledged by the Provider within 24 hours and a comprehensive response provided directly within 5 working days. Where an individual is unhappy with the response, they have the right to escalate this to the department for review and response within 20 working days. The Independent Examiner of Complaints (IEC) was also established in 2022 as a further point of escalation once we have responded if the service user is still dissatisfied. The IEC is not a civil servant or Home Office employee. They are an independent post holder, appointed under contract. This allows them to make fully independent decisions based on the merits of each complaint on a case-by-case basis.

We have taken the approach of working closely with its providers and stakeholders to develop a safeguarding assurance framework, agreed by all, that has been shared with stakeholders and published².

In addition to the more established channels of communication with stakeholders, the joint Safeguarding Board has been re-established and is in place between the department and its providers to oversee progress on all aspects of safeguarding work.

Furthermore, a national safeguarding forum has been established with local authorities to discuss safeguarding across the contracts and help develop and share best practice. Finally, local safeguarding groups are held in each contract region, bringing together police, local authorities, health authorities and other partners to ensure safeguarding obligations are met within localities.

A full review of all ASC Provider Safeguarding training packages was conducted in 2022, with feedback and support to address identified inconsistencies provided by Home Office Safeguarding personnel to enhance the offering. A review of the Domestic Abuse policies and protocols also took place during this exercise, and a further review of all products is due to take place towards the end of 2023.

Where Initial Accommodation is hostel type accommodation, providers are obligated to supply gender-specific wash facilities and appropriate communal areas for Service Users for the purposes of rest and relaxation. Such communal areas must, wherever possible, include a mixed gender communal area, a separate female only communal area and a

2 www.gov.uk/government/publications/asylum-support-contracts-safeguarding-framework/asylum-support-contracts-safeguarding-framework

separate communal area for families.

Where a Service User is identified as vulnerable or at risk (which may include LGBT Service Users), the Provider is obligated to specify how the Accommodation Proposed is meets their specific needs. Unrelated adults of the opposite sex, Service Users who the department or the Provider have identified as having specific needs or being at risk and pregnant Service Users who are within six weeks of their due date are not to share sleeping quarters with other unrelated adults.

Accommodation of asylum seekers with a range of vulnerabilities arising from protected characteristics, including single women, mothers, children and LGBT people, in crowded hotel and other contingency accommodation, including the recently acquired accommodation barges, is unacceptable from both safeguarding and equalities perspectives. Despite the asylum support contracts safeguarding framework, we heard evidence of clear safeguarding risks and people living in fear, often for many months. While the practice of accommodating asylum seekers in hotels and other forms of contingency accommodation persists, there must be effective policies and practices in place to protect vulnerable adults and children from harm. (Paragraph 133)

As part of the safeguarding review and action plan recommended above, the Home Office must publish a robust safeguarding policy in relation to the use of hotels and other facilities as contingency accommodation. This should include a requirement for a needs-based risk assessment to be carried out before any women, families, children, or LGBT people at risk of hate crime are housed in hotels and other types of contingency accommodation alongside single men. (Paragraph 134)

Government Response

In relation to the recommendations at paragraphs 133 and 134, the pressure on the asylum system from illegal, dangerous, and unnecessary small boat arrivals has continued to grow and requires us to look at a range of alternative accommodation site options which are more appropriate and offer better value for the taxpayer than expensive hotels.

When we receive new information about a supported asylum seeker, either at the point of application or when their circumstances change, we will assess whether this information indicates that they should be treated as vulnerable. If a vulnerable status is supported, we will identify accommodation which is suitable for their ongoing needs whilst they are in receipt of support. Asylum seekers are assessed against our Allocation of Accommodation Suitability Criteria before being accommodated at sites including ex-Ministry of Defence sites and barges, and room sharing across the wider accommodation estate.

We are committed to ensuring that the safety and wellbeing of service users is supported whilst in our care. In August 2022, we commissioned user-centred research into how to improve mental health and wellbeing in initial asylum accommodation, we are implementing changes based on this research. The Safeguarding framework is in place and published³.

The Asylum Support, Resettlement and Accommodation Safeguarding Board meetings have been re-established in light of structural and staffing changes experienced across

3 www.gov.uk/government/publications/asylum-support-contracts-safeguarding-framework/asylum-support-contracts-safeguarding-framework

both internal departments and key stakeholders in the past several months and, having worked to gather details of new stakeholders for a revitalised cast list reflecting the current priorities, the next meeting is due to take place in August 2023.

The focus of the board will be to drive continuous improvement, share best practice and generate consistency across all of the contracts within the Safeguarding space. This work will be undertaken on a regular basis with a clear focus on improving outcomes for vulnerable asylum seekers, as well as to identifying patterns, trends or needs for improved partnership working.

However, despite the temporary suspension of the board, regular communication in other forms still exists and actively takes place between internal teams and external partners on safeguarding matters, whether this be case specific, event-driven matters, or thematic led discussions.

Asylum Support Operations has recently updated the Accommodation Special Requirements policy/process to reflect the roles of Service Delivery Teams in addressing any issues in sourcing adequate accommodation that meets the needs of vulnerable Service Users. This process has been significantly enhanced and articulates timebound activity required to address any failure. The process:

- is clear to follow;
- is consistent across all providers;
- ensures clear deadlines are given for proposals; and
- provides a robust escalation mechanism for when those deadlines are not met.

As part of this process, information is gathered about anyone who is considered vulnerable (against a set criterion) to identify any additional needs they may have, such as physical disability or mental health, and to understand how this might relate to identification of adequate accommodation. This ensures that information is quickly escalated to accommodation providers and that greater oversight is maintained when finding the right accommodation for that person.

The Home Office is too often failing to comply with guidance on moving pregnant women and new mothers between asylum accommodation settings. The guidance is clear that such moves are potentially harmful and should only be made where advice on safety has first been sought from a clinician and acted on. We heard that the health of mothers and babies has been put at risk, with moves taking place within days of women's due dates and shortly after births. This is dangerous and unacceptable. There is a lack of data on pregnant women in the system by which to monitor the Home Office's compliance with its own guidance. (Paragraph 139)

The Home Office must stop moving pregnant women and new mothers between asylum accommodation settings unless clinical advice has been sought and acted on, the mother has consented to a move, and it is in the mother's and baby's best interests. The Home Office must collect and publish data on the number of pregnant asylum-seeking women and new mothers in the asylum system, the category of accommodation in which they are living, the number of times they are moved, and in which trimester, and whether on each occasion clinical advice was sought and acted on. (Paragraph 140)

Government Response

In relation to the recommendations at paragraphs 139 and 140, every effort is made to protect the health of pregnant women, new mothers and their babies when considering relocation. No single solution is likely to be in the interests of all pregnant women and each case is sympathetically considered on its own merits. Relocating pregnant women away from the area in which they are living and receiving maternity care, and in which they can access social and family support, should be avoided wherever possible.

Relocation for pregnant service users should not take place within six weeks of their due date and for at least six weeks after giving birth, unless requested by the service user, or if unavoidable. If relocation is unavoidable, for example, to assure the safety and wellbeing of a pregnant service user and/or their unborn or new-born child, then particular care is taken when arranging accommodation. Where relocation needs to take place in the late stages of pregnancy, caseworkers should liaise closely with health teams to ensure that all issues relating to the set up and/or effective handover of care, including any referrals to maternity services at the dispersal destination are completed before the dispersal takes place. If someone believes they are being moved contrary to this policy or against medical advice, we urge this to be raised with Migrant Help for swift investigation.

The Maternal Health Sub-Group was established in 2021 and has worked with both internal and external stakeholders including Public Health England, NHS colleagues, third sector organisations and internal Policy and Safeguarding teams, to develop the departmental policy and guidance around pregnant women and new mothers. The group has worked in collaboration with the Routing and Initial Accommodation Validation (RIAV) team to revise the access to accommodation form to ensure that accommodation needs relating to maternal health and other vulnerabilities/healthcare needs are captured at the beginning of the asylum process. The group has also led on a suite of work to ensure that this information is captured and included in any Service Commissioning Form (SCF) and accommodation requests issued, so that providers are aware of specific accommodation needs. The Specialist Casework Team's Standard Operating procedures have been enhanced to include requirements for pregnant women and new mothers, as well as those with markers for Suicide, Self-Harm and PVoT.

Alongside our providers, we routinely ask service users if they wish to declare health or pregnancy matters for us to better meet accommodation needs and therefore in such cases there is a limited and lawful basis for us collect such information. There is, however, no necessity or requirement for service users to provide such information. We have established mechanisms, such as through the Asylum Support Form (ASF1), to collect and record data on pregnancy in way that enables us to meet individual's needs and processes in place to assure that services are being delivered suitably. The Home Office is also now making provision for pregnant women, babies and infants who are accommodated in Initial Accommodation (IA), inclusive of hotels, to receive weekly support payments. This provision is already in place for Dispersed Accommodation (DA). Payments will commence upon grant of s.95 support. Current weekly rates are £3 pregnancy, £5 baby (0-1) and £3 infants (1-3). Where an asylum seeker has been identified to be pregnant, all relevant provisions including suitable accommodation will be provided as a matter of urgency.

Nationality and Borders Act 2022

We agree with legal and policy experts that the Government's equality impact assessment of the Nationality and Borders Act 2022's asylum provisions is inadequate. There are clear risks, acknowledged by the Government, of unequal effects on asylum claimants with vulnerabilities related to Equality Act protected characteristics. These include women and girls with histories of sexual and gender-based violence and abuse; LGBT people who have complex sexual orientation and gender-based claims; and disabled people. Without effective mitigations, these groups are likely to be disadvantaged by the new procedures. It is unacceptable that the Home Office remains unable to set out a clear plan to monitor and mitigate unequal effects. (Paragraph 153)

Government Response

In relation to the recommendation at paragraph 153, whilst the majority of the Nationality and Borders Act reforms have been implemented, we are still in the early days of their operation. As part of the implementation of these reforms, guidance and training was developed and delivered, helping to provide some mitigations to the risks that have been set out. We also undertake ongoing dialogue with NGOs and other stakeholders, where any issues can be brought to our attention.

In addition, we are committed to monitoring and evaluating the implementation and impact of our policies, keeping these under review. This includes through our published migration statistics, which forms the basis of our analysis.

The Home Office must publish an updated equality impact assessment of the Nationality and Borders Act's asylum provisions within three months. Alongside this assessment it should publish a mitigation plan to prevent discriminatory effects of the Act's asylum provisions on people with vulnerabilities arising from protected characteristics, including women with disclosed histories of sexual and gender-based violence and other forms of abuse, people with physical and mental disabilities, children and families, and LGBT people. It should seek the advice of the Equality and Human Rights Commission to ensure the equality impact assessment and mitigation plan follow best practice and fully comply with the Equality Act's Public Sector Equality Duty. (Paragraph 154)

Government Response

In relation to the recommendation at paragraph 154, the Government has already published an Equality Impact Assessment for the Nationality and Borders Act 2022. This has been kept under review as reforms have been implemented. We are committed to monitoring and evaluating the implementation and impact of our policies, keeping these under review.

- This includes through our published migration statistics, which forms the basis of our analysis. In addition, we have ongoing dialogue with a range of stakeholders, including NGOs, where any issues can be brought to our attention. In addition, as part of our implementation work, we:
- Worked with stakeholders on creating and updating policy guidance

- Delivered training to relevant front-line and other teams, including on matters concerning safeguarding, vulnerabilities and equalities;
- Considered any safeguarding and assurance requirements, so that we can protect the vulnerable, identify any issues—including unintended consequences—and seek to address these where appropriate;
- Maintain ongoing routine engagement with our stakeholders, including NGOs, so we can identify any issues.

In addition, we are working with the EHRC to improve our approach to comply with the Equality Act. We entered into a legally binding agreement (under section 23 of the Equality Act 2006) with the Equality and Human Rights Commission (EHRC). The original section 23 agreement concluded on 31 May 2023. However, we have entered in an extension period with the EHRC which commits the department to:

- demonstrate that it has actively sought and properly considered evidence, including feedback from relevant stakeholders to understand and respond to the equality impacts of its policies and practices;
- demonstrate that the PSED and wider equality data and evidence, including a clear understanding of the potential and actual impact of departmental policy and practice on different protected characteristic groups, informs decision-making and policymaking at all levels; and
- demonstrate meaningful action to improve internal capability to fully understand and comply with the PSED.

Through these initiatives we will keep the operation of our policies and reforms under close review.

Detention

The prolonged detention with no certainty of release of asylum-seeking people who pose no threat to the public and for whom there is little prospect of removal from the UK is potentially harmful, impractical and costly. We are deeply concerned that current and planned reforms in the Nationality and Borders Act and Illegal Migration Bill risk turning back the clock on policies intended to ensure detention is used only as a last resort, and to reduce the risks of harm to vulnerable people. We recommend the Government set out in response to this Report its planned approach to mitigating risks of harm to vulnerable adults in detention under Nationality and Borders Act and Illegal Migration Bill provisions, including whether it remains committed to the Adults at Risk in detention policy established after the Shaw reviews in 2016 and 2018. The Government has not yet set out its planned approach to the detention of children under Illegal Migration Bill provisions. We strongly believe the Government should abandon any intention of detaining asylum-seeking children under those provisions. (Paragraph 167)

Government Response

In relation to the recommendation at paragraph 167, detention plays a key role in maintaining effective immigration controls and securing the UK's borders, particularly in connection with the removal of people who have no right to remain in the UK but who refuse to leave voluntarily. Our detention policy is clear that detention must only be for the shortest period necessary. We have made significant reforms over the past few years in line with the recommendations in Stephen Shaw's reviews. The introduction of the Adults at Risk in Immigration Detention policy in September 2016 strengthened the presumption against the detention of vulnerable people. A person identified as vulnerable under the policy may only be detained where evidence of their vulnerability is outweighed by immigration factors in their particular case. The Government has been clear throughout the passage of the Illegal Migration Act that the Adults at Risk in Immigration Detention policy will remain in place, although it will be updated to work with the provisions in the Illegal Migration Act.

We recognise the particular vulnerability of unaccompanied children and therefore the Act provides that the statutory detention powers may only be exercised to detain an unaccompanied child in circumstances prescribed in regulations made by the Secretary of State, such as, but not limited to, for the purpose of family reunion or where removal is to a safe country of origin. It is worth noting that unaccompanied children are not subject to the duty to remove and the power to remove them will only be exercised in limited circumstances, so for the most part unaccompanied children will not be detained under the provisions of this Act but will instead be quickly transferred to local authority care. Where unaccompanied children are detained for the purpose of removal, the Act now provides that the First-tier Tribunal will be able to consider granting immigration bail after eight days for unaccompanied children, rather than the 28-days which applies to other cohorts.

Monitoring and mitigating adverse effects of detention on groups of asylum seekers with vulnerabilities arising from Equality Act protected characteristics requires much improved data. The Government should collect and publish data on the protected characteristics of detained asylum seekers, including where they are detained and for how long. (Paragraph 168)

Government Response

In relation to the recommendation at paragraph 168, information on detained asylum seekers is already published, as a subset of the data on all individuals detained under immigration powers, can be found in the immigration statistics quarterly release at - <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>. This includes age, sex, nationality, as well as length and place of detention. Data on the number of pregnant women in the detention estate is also published as part of the Transparency data, which can be found at <https://www.gov.uk/government/collections/migration-transparency-data> (see Immigration Enforcement subset).

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, availability and quality of data, and sensitivities regarding data protection.

We recognise our responsibility to comply with the Public Sector Equality Duty in considering how we can best meet the needs of people with protected characteristics. There are specific methodological challenges in collecting data about protected characteristics from non-UK nationals, but we are actively undertaking work to understand how we can best manage this. We are developing a new caseworking system (Atlas) for immigration data, to improve the data we are able to record.

We welcome the Government's announcement that all Detained Duty Advice Scheme appointments in immigration detention, including Derwentside Immigration Removal Centre (IRC), will now be delivered face-to-face. However, the Government must address further potential barriers to accessing legal advice in Derwentside IRC. It must ensure that information in foreign languages about how to access legal advice is more readily available and displayed on posters throughout Derwentside IRC and the wider immigration removal estate. The Government must also take steps to improve mobile phone reception in Derwentside IRC and set out in response to this Report the steps it has taken to do so. (Paragraph 175)

Government Response

In relation to the recommendation at paragraph 175, the Detained Duty Advice Scheme (DDAS) is currently advertised in immigration removal centres (IRCs) in England and Wales, including at Derwentside IRC, in line with our published IRC Operating Standards, all individuals who arrive at an IRC in England and Wales (including those moved from prison) must be advised of their right to legal representation and of how they can obtain such representation, within 24 hours of their arrival at an IRC. All individuals detained in an IRC in England and Wales are provided with a list of the Detained Duty Advice (DDA) scheme duty solicitors and are made aware that they are eligible for a free 30-minute consultation regardless of financial eligibility or the merits of their case.

There are at least two occasions when signposting to legal advice is provided; firstly, an IRC supplier conducts an induction interview within 24 hours of arrival and in this induction, suppliers ensure that individuals are made aware of how to access legal advice. Suppliers also advise individuals of the time of the surgeries under the DDA scheme, which operate daily in most centres. Inductions are carried out with the use of interpreters where appropriate.

Secondly, our induction occurs within 48 hours of arrival and is conducted by an Engagement Officer within the Detention Engagement Team (DET). Issues explored include: whether an individual has a legal advisor, the signposting of the Detained Duty Advice scheme and an explanation that the individual has the right to contact their Embassy or Consulate. The DET induction is carried out with the use of an interpreter where deemed appropriate to do so.

At all times, interpreters are made available where needed.

Further details about the induction process are set out in operational guidance⁴. Guidance for staff on the provisions available for interpretation in detention and the circumstances in which each method for interpretation should be used is also published⁵.

4 www.gov.uk/government/publications/reception-and-induction-checklist-and-supplementary-guidance

5 www.gov.uk/government/publications/interpretation-services-and-use-of-translation-devices

UK/Rwanda Migration and Economic Development Partnership

We are deeply concerned that the Home Office's case-by-case risk assessments prior to issuing notices of intent to remove potentially inadmissible asylum claimants to Rwanda appear to be inadequate. There is evidence that a significant number of vulnerable people, to whom the removal process would very likely be harmful, have received such notices. The Home Office should suspend all notices of intent and review its initial screening procedures. No new notices of intent should be issued until the legal challenges to the policy are complete. Should removals to Rwanda be operationalised, we believe thorough vulnerability assessments should be undertaken prior to issuing notices of intent, to avoid the risk of harm to individuals. (Paragraph 184)

Government Response

In relation to the recommendation at paragraph 184, people should claim asylum in the first safe country they reach, those coming by small boats to the UK have left a safe country with a similar asylum system to our own. People should not be paying smugglers to go to a destination of their choice, while passing through safe – and in many cases multiple safe – countries. That is why we have rules in place to make asylum claims inadmissible where people have travelled through or have a connection to safe countries. The recent Court of Appeal judgment confirmed that Article 31 of the Refugee Convention does not in principle prevent the UK from removing asylum-seekers to a safe third country.

The Notice of Intent process is part of the process of gathering evidence to assess whether it is appropriate to make an inadmissibility decision and relocate to Rwanda. The Notice of Intent allows individuals to raise claimed vulnerabilities or characteristics that mean it would not be safe for them to be relocated to the countries identified in the notice.

Throughout the inadmissibility process, regular reviews are undertaken to ensure that continued action remains lawful, appropriate and proportionate. Where a decision to detain is to be made, the Adults at Risk policy ensures that vulnerable people are detained only when the immigration factors outweigh the risk of harm to the individual in any given case. Case Progression Panels with independent panel members provide additional assurance and challenge on progression, reinforcing the consideration of removability, vulnerability and risk factors in decisions to maintain detention.

We believe the risks of harm to children arising from the removal process outweigh any risks of damaging the intended deterrent effect of the Rwanda policy. The Government should abandon any intention of forcibly removing children to Rwanda. (Paragraph 185)

Government Response

In relation to the recommendation at paragraph 185, the power to arrange removal of an unaccompanied child under the Illegal Migration Act will only be exercised in very limited circumstances ahead of them reaching adulthood as is set out on the face of the legislation. Once 18, they will be treated as adults and can be removed to a safe third country or their country of origin (if it is safe to do so).

Children would only be relocated to Rwanda as part of family groups. A further assessment of Rwanda's capacity to accommodate children will be undertaken before this would be considered as an option.

Should removals to Rwanda be operationalised after the legal challenges are complete, the Government must record and publish full equality data, disaggregated by Equality Act protected characteristics, of people issued with a notice of intent; people issued with a notice of removal; and those removed to Rwanda. It should also collect and publish equality data disaggregated by protected characteristics of those who challenge in the courts a decision to remove them, and the outcomes of those legal challenges. The Government should also set out how it intends to monitor and ensure that those removed to Rwanda do not suffer harm or experience discrimination in that country. (Paragraph 186)

Government Response

In relation to the recommendation at paragraph 186, we publish regular statistics on inadmissibility and returns in the 'Immigration System Statistics Quarterly Release', including information such as nationality, age and sex of individuals. Data on returns by destination are published.⁶

Whilst we hold some information regarding individuals' protected characteristics, this information is often held in the case notes rather than a reportable format, which presents challenges to regular statistical reporting.

We recognise our responsibility to comply with the Public Sector Equality Duty in considering how we can best meet the needs of people with protected characteristics. There are specific methodological challenges in collecting data about protected characteristics from non-UK nationals, but we are actively undertaking work to understand how we can best manage this.

Further, we have set out in Recommendation 27 how we are developing a new case working system and reviewing our official statistics.

The Partnership will be monitored through a bespoke joint committee and also an independent monitoring committee. The Joint committee has been established including officials from the UK and the Government of Rwanda. The monitoring committee provides for independent oversight and all members of the committee are independent from the UK and Rwandan government and the Migration and Economic Development Partnership process. They are all experts in their field with significant personal standing. This committee will monitor the entire relocation process from the beginning including the initial screening to relocation and settlement in Rwanda. The terms of reference and membership are published online. The Monitoring Committee will publish an annual report on their findings.

Best Practice in Resettlement and Humanitarian Visa Pathways

The Vulnerable Persons Resettlement Scheme (VPRS) provides a recent good practice example of an effective resettlement scheme, which was successfully scaled up in

6 Table Ret_D02 of the 'Returns detailed datasets' found at - <https://www.gov.uk/government/statistical-data-sets/returns-and-detention-datasets>

response to a migrant crisis. The scheme was adequately and predictably funded with a clear target for the number of refugees to be resettled, providing local authorities with the certainty they needed to plan and take part with confidence. The VPRS included a clear package of integration support, with improvements made to housing and employment support over time. The Government should replicate the VPRS approach in the UK Resettlement Scheme and in response to future migrant crises. (Paragraph 196)

Government Response

In relation to the recommendation at paragraph 196, upon successful completion of the Vulnerable Persons Resettlement Scheme (VPRS) and Vulnerable Children's Resettlement Scheme (VCRS), through which over 20,000 vulnerable refugees affected by the conflict in Syria were resettled to the UK, the Government launched the global UK Resettlement Scheme (UKRS) on 25 February 2021.

The UKRS is a direct successor to the VPRS and builds upon the success of this prior scheme. Instead of focusing on a specific region, the UKRS has expanded the geographic focus of resettlement beyond the Middle East and North Africa to offer safe and legal routes to the UK for some of the most vulnerable refugees around the world. This is to allow for a more agile and flexible approach to resettlement that is able to respond to developing crises anywhere in the world.

In the initial year, the Government had set out an aim to resettle 5,000 refugees under the UKRS. Due to the COVID-19 pandemic and subsequent recovery, the number resettled in the first year was impacted.

Since the launch of the UKRS, over 2,100 refugees have been resettled. This is in addition to the UK's other global resettlement schemes and bespoke safe and legal routes for those from Hong Kong, Afghanistan, Ukraine and the family members of refugees. Between 2015 and March 2023, over half a million people were offered a safe and legal route into the UK. The number of refugees we resettle every year through the UKRS depends on a variety of factors including future government funding commitments and local authorities' capacity for supporting refugees.

Whilst maintaining these generous safe and legal routes, the Government recognises the burdens on local authorities in providing accommodation. The Illegal Migration Bill will introduce a cap on the number of people brought to the UK through safe and legal routes each year. The cap will be based on the UK's capacity to accommodate and support those arriving effectively and will be determined through consultation with local authorities and relevant other organisations. It is only by determining a realistic picture on capacity that the UK can continue to operate safe and legal routes for protection and ensure these routes form part of a well-managed and sustainable migration system.

We will keep the cap under review, and also take into account any future humanitarian crises as they arise, just as the UK offered sanctuary to thousands of Ukrainians and Afghans. The Government remains committed to ensuring that those resettled can take positive steps towards integration as they rebuild their lives in the UK. Refugees in the UK have access to mainstream benefits and services to enable their integration.

We work across Government, and in partnership with local authorities, strategic migration partners and community sponsors to ensure these services meet the needs of refugees; and we provide local authorities with a core tariff to cover resettlement and integration costs for individuals arriving via the UKRS. This tariff is based upon the integration package provided for those resettled under the VPRS.

We have further adapted our approach to further strengthen refugee integration through the Refugee Employability Programme (REP), a new integration and employability support service for refugees that will operate across England, due to open this summer.

In contrast to the generally positive experiences of many Syrians who came to the UK via the Vulnerable Persons Resettlement Scheme, many Afghan refugees' experiences of resettlement have been fraught with difficulty. While some of the early issues were a consequence of the unplanned nature, and sheer scale, of the evacuation of Kabul, the Government has been too slow to respond to meet the needs of Afghan refugees, particularly those with vulnerabilities related to protected characteristics. It is deeply concerning that only 22 vulnerable refugees identified by the UNHCR in pathway 2 of the Afghan Citizens Resettlement Scheme had been resettled in the UK by the end of 2022, some 16 months after control of Afghanistan was ceded to the Taliban. Pathway 2 is currently the only viable route to safety in the UK for many women and girls and ethnic and religious minorities at extreme risk of persecution and violence. The Government must set out its plans for pathway 2 as a matter of urgency, including a clear and manageable target for the number of arrivals over the coming years. It should do so in response to this Report. (Paragraph 210)

Government Response

In relation to the recommendation at paragraph 210, The Government has made an ambitious and generous commitment to help relocate some of the most at-risk people in Afghanistan and, so far, we have brought around 24,600 vulnerable people to safety. This includes British Nationals and their families, Afghans who loyally served the UK and others identified as particularly at-risk, such as campaigners for women's rights, human rights defenders, Chevening scholars, journalists, judges and members of the LGBT community.

Under Pathway 2 of the Afghan Citizens Resettlement Scheme (ACRS), the United Nations High Commissioner for Refugees (UNHCR) refer refugees to the UK for resettlement. UNHCR make referrals based on an assessment of protection needs and vulnerabilities, in line with their resettlement submission criteria, which specifically includes women and girls at risk. As of March 2023, the UK has welcomed 40 arrivals through Pathway 2 of the Afghan Citizens Resettlement Scheme.

We requested referrals from UNHCR for around 2,000 refugees during the first year of this pathway and will continue to receive referrals to the scheme in coming years.

The numbers resettled in a particular period will depend on a range of factors including the flow of referrals from UNHCR in the field and the availability of suitable accommodation and care packages in the UK. We will manage the flows based on need and in support of the wellbeing of the people and communities involved, rather than rushing to meet targets.

It is vital that those arriving have somewhere suitable to stay once they are in the UK. We continue to work with Local Authorities and other partners to source suitable accommodation, to be able to welcome more Afghans.

Accommodation of Afghan refugees in bridging hotels for many months has been deeply problematic, with serious safeguarding issues for people with vulnerabilities arising from protected characteristics, including women and children enduring crowded conditions alongside single men. For many, integration and employment support has been entirely lacking. The lessons of the Afghan resettlement programme must be learnt so that mistakes are not repeated in future migrant crises. The Government should commission, and publish within six months, an independent review and equality impact assessment of its approach to the resettlement of people from Afghanistan, including the funding model, use of hotels as bridging accommodation, and the integration support package. (Paragraph 211)

Government Response

In relation to the recommendation at paragraph 211, all eligible individuals brought to the UK under the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS) have the right to work, access to education and healthcare and are able to access public funds.

The Government provides a warm welcome to Afghans arriving in the UK, providing families with accommodation, food, integration support, English lessons, and healthcare. All those on ACRS and ARAP are granted with Indefinite Leave to Remain (ILR), along with all the associated benefits.

The Government is providing a substantial level of funding to local authorities so they can provide a package of support to help families rebuild their lives and integrate into communities. This includes new government funding of £285 million, to speed up the move into settled accommodation consisting of: £35 million for local authorities, which will go towards increasing the level of support available and overcoming the barriers to private rented accommodation; and a £250 million expansion to the Local Authority Housing Fund to help councils source homes to house Afghans currently in bridging accommodation.

Once households are in settled accommodation, local authorities will be able to access further funding to support integration to help families integrate into life in the UK, which includes; £20,520 per person (over three years), up to £4,500 per child in the first year to cover education, £850 for adults requiring English language support, £2,600 to cover healthcare costs in the first year.

Dedicated cross-government casework teams, made up of Home Office Liaison Officers and Department for Work and Pensions staff, are based in hotels and work alongside local authority officials to provide advice to Afghans, including information on how to rent in the private sector, support people find jobs and English language training.

The safety and welfare of those who are resettling or relocating in the UK is of paramount importance to us. Alongside this, all our resettlement and relocation schemes are continuously monitored to inform delivery and ensure any adjustments to the policy are made in a timely manner.

The online visa application processes for the Ukrainian humanitarian protection pathways are a barrier to access for several groups of people with protected characteristics. These include older and younger people, Roma and other ethnic minority groups, and disabled people. We appreciate that the schemes were designed at pace and that barriers to access may have been unavoidable in the early stages. However, more than a year later we expect action to have been taken to improve access to visa applications for those previously excluded. The Government should set out in response to this Report the actions it has taken or plans to take to address these barriers. In relation to disabled people's access to the scheme and suitable accommodation, we recommend the Government expand across the UK the enhanced support previously available via the Scottish and Welsh governments' "super-sponsor" schemes. (Paragraph 218)

Government Response

In relation to the recommendation at paragraph 218, guidance for the Ukraine schemes advises that, if an applicant has a named sponsor, their sponsor can fill in the application form on their behalf. This is aimed at assisting those who are unable to make digital applications independently. To provide tailored support for those fleeing the conflict, the forms and guidance on how to apply to all the Ukraine schemes are translated into Ukrainian and Russian.

The Ukraine Scheme allows all people, regardless of their age and including those with a disability, to benefit in the same way. The greater evidential flexibility during the application process is intended to assist all applicants but may be of particular benefit to disabled applicants unable to obtain all specified supporting evidence. Information on how to apply to the schemes is available for all on gov.uk. A helpline has been made available to all applicants, but this may be particularly helpful to disabled people whose needs may be more complex and who therefore require additional assistance. All those who are granted leave under the schemes have access to public funds, including disability benefits where needed.

The application process is free of charge and there is no limit on the number of applications submitted under the scheme.

Ukrainians with valid international passports can apply for UK visas entirely online, without having to visit Visa Application Centres. To allow for the exceptional circumstances that arise in crisis, those who do not have a valid international passport are able to apply for a visa and if they are eligible, will be issued with a form to affix a visa (FAV) allowing them to travel. This concession is available to everyone, regardless of their age.

Guidance for the Homes for Ukraine Sponsorship Scheme, the Ukraine Family Scheme, and the Ukraine Extension scheme is available online on GOV.UK.

With regards to accommodation, local authorities are required to undertake a check of the suitability of the accommodation. We advise councils to check that the accommodation is suitable for the number and profile of people intending to live in it. Councils must make at least one in-person visit prior to the arrival of guests wherever possible.

Following the guest's arrival, councils should confirm as soon as possible that the guest is well and that there are no serious safeguarding or welfare concerns or needs for care and support. Where it is suspected that the adult may have care and support needs, a needs assessment should be undertaken in line with the requirements of the Care Act 2014.

The UK Government's response is outlined above, however some aspects of the policy are devolved, we would recommend the Committee to make similar enquiries to the Devolved Administrations. Homes for Ukraine is a UK-wide scheme and Ukrainian families can be accommodated across the whole of the UK. From the outset, we have worked closely with the Devolved Governments, supporting them to resolve issues when they have arisen.

We heard worrying evidence of safeguarding risks to vulnerable adults and children where UK sponsors and Ukrainians in the Homes for Ukraine scheme have self-matched via the internet and social media. We welcome safeguarding guidance to local authorities published earlier this year, but it is regrettable that it was not published sooner. It is not clear the extent to which safeguarding concerns in relation to self-matching of UK sponsors and Ukrainians in the Homes for Ukraine scheme have arisen and what action, if any, has been taken to address them. The Government should set out in response to this Report the steps it has taken to monitor and mitigate safeguarding concerns within the Ukrainian schemes. It should carry out a review of safeguarding in the schemes within three months, to ensure that lessons are learnt and any failings not repeated. (Paragraph 221)

Government Response

In relation to the recommendation at paragraph 221, we carry out mandatory security checks on all adults prior to issuing a visa for each application, to keep people safe in the UK, and protect people making journeys from Ukraine. Local authorities then conduct accommodation and DBS checks as a second layer of safeguarding to ensure all guests are safe and well. Councils must make a welfare visit after a guest has arrived to ensure they are safe and well, and there are no serious health and safety or welfare concerns. Only then can the sponsor payment be made. Guidance has been clarified that councils should retrospectively undertake safeguarding checks when a guest rematches.

Many successful matches have been made on social media, providing a fast and effective way for prospective guests to find a suitable sponsor under Homes for Ukraine. The scheme recommends taking precautions when matching online, and guidance on how to stay safe is published at GOV.UK. The Homes for Ukraine Scheme recommends taking precautions when matching online and these are published at GOV.UK. These are helpful resources for both adults and children published on gov.uk⁷.

7 <https://saferinternet.org.uk/guide-and-resource/young-people>

<https://saferinternet.org.uk/guide-and-resource/parents-and-carers>