

Evidence submission: Asylum claims from people with protected characteristics as defined in the UK's Equality Act

Asylum and protected characteristics

Qu/ What is the nature and extent of UK asylum claims based on discrimination or persecution relating to the protected characteristics?

1. The Home Office publish as national statistics, details of asylum claims made in the UK. These statistics do not report on all protected characteristics as defined in the UK's Equality Act 2010 but do include data about:
 - nationality (which forms part of the characteristic of race)
 - age
 - sex
2. Data concerning the numbers of claims presented wherein sexual orientation formed a basis of the claim are also published. These statistics do not reflect an individual's confirmed sexual orientation. The sexuality element if presented may form either the sole basis, or one of multiple grounds for the claim. It also may have no bearing upon an initial decision or appeal outcome. The data does not cover gender identity.
3. The remaining characteristics of disability, gender reassignment, marriage/civil partnership, pregnancy/maternity leave and religion or belief are recorded as part of the claim registration process. These however are not recorded in a reportable format as detail will be noted within internal parts of our databases such as Case Notes relating to an individual's claim. As such they represent management information data and are not appropriate for publication.
4. In developing our new Home Office database (Atlas) we are building in a facility to record the applicant's Convention reason and further details under certain Convention types; namely membership of a particular social group, female genital mutilation (FGM), sexuality, transgender identity and religion.

5. Published statistics do not report a 'reason for claim' basis. Therefore reported characteristics relating to race (nationality), age (where the claimant is not an unaccompanied asylum-seeking child) or sex, do not infer that people holding those characteristics are seeking protection based on that characteristic. No inference can therefore be made on the reasoning for any grant or refusal. This includes whether any decision outcome is based upon that characteristic.
6. Grants of protection may be made for a range of reasons that may not be related to protected characteristics. From the data we record, we cannot determine whether any differences in grant rate for individuals with certain protected characteristics are linked to those characteristics, or how various characteristics may work in combination with each other and additionally, with other factors which are not recorded such as the reason for an individual's claim.
7. It is not possible to draw inferences from decision outcomes within published statistics covering people with some protected characteristics. Grant rates vary and are skewed by a range of factors . Nationality accounts for much of the variance in grant rates, as people's need for protection often depends on the situation in their home country.
8. As an example, if considering grant rates for the characteristic of sex, comparing male and female grant rates does not take into account whether claimant may be single, married, or comprising a family group. Such factors may have a confounding impact, all of which can influence the likelihood of a grant. Similarly, other determinants such as the individual reason for the claim will play a part.
9. If the Committee should find it useful we can further submit data that relates to the characteristic of sex, age group, unaccompanied asylum-seeking children and where sexual orientation formed part of the basis for the claim. This data could present grant rates for these characteristics broken down by nationality and covering the last five years. As noted, nationality accounts for much of the variance in grant rates, as people's need for protection often depends on the situation in their home country. The data provided would be subject to the limitations outlined above and therefore it would not be possible to draw accurate conclusions as to why grant rates differ for different groups of individuals.

Qu/ Are those with certain protected characteristics more or less likely to be granted asylum in the UK?

10. Our published statistics do not allow for an analysis to be made as to whether people holding a certain protected characteristic are more or less likely to be granted asylum than people not holding that particular characteristic. This, as submitted above is on the basis that cases are assessed on their individual merits and we do not report data on the reason for claim or the subsequent decision. Therefore, we cannot determine whether or how grant rate variances may be linked to or determined by any given protected characteristic.

Qu/ What is the nature and extent of the dangers for those with protected characteristics who are seeking asylum in the UK?

11. All asylum claims irrespective of any protected characteristic, are considered on their individual merits in accordance with our international obligations including the Refugee Convention and the European Convention on Human Rights.
12. For each claim, an assessment is made of the risk to the individual owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Included in this process will be an assessment of any relevant caselaw and the latest available country of origin information.
13. The assessment of the situation for particular groups in any given country is set out in the relevant country policy and information note (CPIN), all of which are available on the [Gov.UK](https://www.gov.uk) website. Also published, are bespoke CPINs that deal with gender-specific issues. Our CPINs are based on evidence taken from a wide range of reliable sources, including the FCDO, reputable media outlets, local, national and international organisations such as UNHCR, and human rights organisations including Amnesty International and Human Rights Watch. They are kept under constant review and updated periodically.

The asylum process for individuals with protected characteristics

Qu/ Is the UK asylum process safe and fair for those with protected characteristics?

14. As a signatory to the Refugee Convention and European Convention on Human Rights we are legally obliged to consider all asylum claims made in the UK, and also obliged to consider people's human rights in all circumstances where a person would be removed from the UK. This ensures that we do not remove anyone who faces persecution or serious harm on return to their home country.
15. Along-side CPINs, detailed Home Office policy guidance covering interviewing and assessing claims provide the framework for making the appropriate assessments of evidence presented. Bespoke policy instructions also exist which include considering children's claims and issues of religion, gender-based harm and sexuality-based issues within asylum claims. All are available on [GOV.UK](https://www.gov.uk), are regularly reviewed and we engage with partners to develop and improve our policies.
16. Our aim is to ensure that our asylum system is protected characteristic sensitive throughout. We recognise that any failing may make it more difficult for claimants to disclose information relevant to their claim. For example, decision-makers must give careful consideration whether protection is needed as a result of gender-related persecution or serious harm and address such issues with appropriate sensitivity. It is recognised that men may be subject to gender-based harm but equally, that there are some forms of gender-based harm which happen exclusively to females, for example FGM.
17. Our commitment to asylum seekers is to treat all regardless of any protected characteristics with dignity and respect. In delivering this, we frequently work with partners on key initiatives. Significant progress has been made, including the following:
 - all decision-makers receive extensive training and mentoring to consider claims sensitively, objectively and impartially
 - we have developed quality check regimes to ensure our required quality standards are met when our staff are applying our policies
 - we have ensured that asylum interviews are non-adversarial and that claimants are able to provide all evidence to support their claim

Written evidence submitted by the Home Office [EAP0023]

- we have reviewed the information provided to asylum seekers about their rights
 - we make provision for gender specific interviewers and interpreters
 - we do not expect claimants to disclose sensitive information in front of children and recognise the importance of childcare provision
 - we have developed specific LGBT+, gender and religion training
 - we have contracted with Migrant Help to provide advice and help claimants navigate the asylum process including the signposting to other agencies if any vulnerabilities or safeguarding concerns are apparent
18. In respect to disability, we recognise this covers a wide spectrum of conditions, both physical and mental. We recognise there are a number of ways that disabilities can potentially impact on a person particularising their claim and we therefore provide an information leaflet which includes information on how to notify us about special requirements so that we can make the asylum process accessible.
19. Further, we recognise that the provision of information and where appropriate, signposting to services from which claimants can provide support is critical and we ensure this is provided to all. Whenever a vulnerability is identified, either during an asylum interview or from other source such as documents submitted by the customer, the case is referred to the Home Office Safeguarding Hub. Asylum Teams works closely with the Safeguarding Hub to ensure that appropriate referrals are made (for example to social services of healthcare practitioners), and that all customer contact is conducted sensitively to mitigate any potential risks. Where particular vulnerabilities are identified prior to the asylum interview, the case is reviewed to ascertain whether an interview is required, or if special arrangement are required to safeguard the customer during the interview.
20. Our information leaflet provides detailed information about organisations who provide advice and assistance to asylum seekers, as well as information and contact organisations for such issues as modern slavery, gender-based violence including FGM, torture, and sexual orientation and gender identity support.
21. We recognise the importance of ensuring appropriate safeguarding. This includes a recognition that domestic abuse can be more

frequent in relation to some protected characteristics. For example, asylum-seeking women and LGBT+ individuals may be particularly vulnerable to domestic abuse if they are in a situation of destitution and may find themselves in exploitative, coercive relationships in return for food and shelter.

22. Our operational staff receive safeguarding training so that they can identify where a safeguarding issue may be present and how to make an appropriate safeguarding referral to facilitate a claimants on-going safety throughout the asylum process.

Qu/ Are individuals with certain protected characteristics more at risk of harm or unfair treatment when going through the UK asylum process?

23. In meeting our public-sector equality duty to eliminate unlawful discrimination, harassment and victimisation under the Equality Act, we take steps to ensure our process is safe and fair and that no unjustified equality impacts arise for those with protected characteristics by completing an Equality Impact Assessment (EIA) at the time we update our asylum policy guidance. This exercise is informed through consultation with both internal and external stakeholders.

Qu/ Are particular protected characteristics given priority in the asylum process?

24. All asylum claims are considered on their individual merits and in line with published policy. We recognise that many claimants, irrespective of protected characteristics are potentially vulnerable and claims are therefore prioritised on the basis of those with acute vulnerabilities and those in receipt of the greatest level of support, including UASCs. Additionally, we are prioritising older cases and cases where an individual has already received a decision, but a reconsideration is required.

Qu/ What challenges do those with protected characteristics face on the basis of those characteristics if they are granted asylum in the UK?

25. Where a person qualifies for refugee status and is granted protection they are signposted to relevant support specific to their needs. They will be able to access mainstream benefits and

services to enable their integration in the UK. They shall also have immediate and unrestricted access to the labour market.

Qu/ What specific issues do those with certain protected characteristics face?

26. Where safeguarding concerns are established, referral will be made to the National Asylum Allocation Unit (NAAU) who will find suitable accommodation, for example if the person requires an adaptive accommodation if they are disabled. Referral will also be made to Safeguarding leads who will facilitate onward signposting to relevant organisations.
27. All our accommodation providers are required to recognise and take account of the fact that service users may have diverse ranges of characteristics, vulnerabilities or special needs, which may impact their ability to access and use services. Included in this are people who may be physically disabled, living with mental health conditions, LGBTI individuals, victims of FGM or modern slavery or domestic and/or gender-based violence.
28. This means that providers must ensure that service users have equality of access to required services and that services are available, regardless of the individual's location or which stage of the support process they are in. It also means that services are delivered in a manner which all users can understand including where required, interpretation services. Service users who are vulnerable with specific needs, or who are at risk, or who are unable to utilise remote or digital methods of communication, are provided with services in a manner appropriate to their needs, which may include face-to-face service delivery by qualified personnel.
29. In respect to people who are LGBT+, our providers Clearsprings Ready Homes and Serco have a contract with Micro Rainbow International which provides accommodation to LGBT+ users.

Qu/ Do current domestic and international laws and conventions governing the UK's asylum process provide effective protection against discrimination for those with protected characteristics

30. Current UK asylum law is derived from a range of sources; international law, primary and secondary legislation, the Immigration

Rules (which are in turn supported by policy and guidance), and a substantial body of case law.

31. We are committed to providing effective protection against discrimination for those with protected characteristics. This includes consideration of equality issues as part of the process of asylum policy development, decision making, evaluation and review.
32. As part of this, there is a mandatory requirement for Home Office officials to complete an Equality Impact Assessment for all policy decisions and development, and that is the way in which we demonstrate that we have had due regard to the Public Sector Equality Duty.

Qu/ How is the Government addressing any discrimination or specific dangers for those with protected characteristics in the asylum process, and what more could be done?

33. As submitted, in meeting our public-sector equality duty, we complete an Equality Impact Assessments when we update our policy guidance. As an example, we recognise that our asylum interview policy may have differential impacts on people who certain protected characteristics, including disability which we recognise covers such a wide spectrum of conditions. We consider that any differential impacts can be objectively justified given the overarching aim of the policy and we have explored in detail within the EIA the steps that we have taken to mitigate these impacts.

This includes:

- asking claimants to inform us about any special requirements
 - provision of a contact number if claimants have questions or concerns before their interview
 - individual case consideration before deciding whether to invite claimants for video conference or face to face interview.
 - permitting a friend, companion or supporter to attend the interview where appropriate
 - provision of copies and written transcripts of the interview recording including in accessible formats to legal advisors.
34. The Asylum Interview guidance was re-published this year. In ensuring it is effective for all claimants, internal and external stakeholders were invited to comment on the draft version before it

was published. Suggestions received were taken into consideration and incorporated where appropriate. An EIA was prepared alongside the updated interview guidance, and the impact of the changes will be kept under review to ensure no unjustified equality impacts arise and that we continue to comply with our Equality Duty.

35. The Asylum Credibility guidance is currently being updated and will go through a similar consultation process and an up to date EIA will be completed at the same time.

Qu/ How has the Covid-19 pandemic affected those with protected characteristics who are seeking asylum?

36. The asylum system has been under mounting pressure for several years, but this has been exacerbated by the pandemic. Whilst intake reduced, so did our interviewing and decision-making capacity. We have therefore instigated recovery plans and continue to develop these in light of recent intake surges.
37. At the start of the COVID outbreak, we reacted quickly to suspend in-person asylum interviews and develop the ability for claimants to be interviewed remotely, thus protecting the health and wellbeing of all involved. Caseworkers consider whether a remote interview is appropriate on a case by case basis.
38. Each case continues to be considered on its individual merits by caseworkers and a robust quality assurance strategy remains in place to ensure that asylum caseworkers meet the standard expected of them, and to ensure compliance with published policy.

Afghanistan Citizens' Resettlement Scheme

Qu/ In what ways does the Afghanistan Citizens' Resettlement Scheme differ from other routes to claiming asylum?

39. Resettlement plays an important role in the global response to humanitarian crises, alongside vital support in the region. Our resettlement schemes provide opportunities for a new start to those who have been forced to flee their homes.
40. Resettlement involves the identification of vulnerable people, who have usually fled their home country and are unable to have their

specific needs met in the country where they have sought protection. People are therefore referred for resettlement, typically by the UNHCR to a safe third country such as the UK, which can provide the protection and support required to start a new life. By contrast, asylum claims are made by people within the UK who wish to seek the UK's protection.

41. The Afghan Citizens Resettlement Scheme (ACRS) will prioritise and refer eligible people for resettlement to the UK in one of three ways.
42. First, some of those who arrived in the UK under the evacuation programme, which included individuals who were considered to be at particular risk, namely women's rights activists, prosecutors and journalists will be resettled under the ACRS. People who were notified by the Government that they had been called forward or authorised for evacuation, but were not able to board flights, will also be offered a place under the scheme if they subsequently come to the UK. Efforts are being made to facilitate their travel to the UK.
43. Second, the Government will work with UNHCR to identify and resettle refugees who have fled Afghanistan, replicating the approach taken in response to the conflict in Syria, and complementing the UK Resettlement Scheme which resettles refugees from across the world. We will work with UNHCR and partners in the region to prioritise those in need of protection, such as women and girls at risk, and ethnic, religious and LGBT+ minority groups at risk.
44. Third, the Government will work with international partners and NGOs in the region to implement referral processes for those inside Afghanistan, (where safe passage can be arranged,) and for those who have recently fled to countries in the region. This element will seek to ensure we provide protection for members of Afghan civil society who supported the UK and international community effort in Afghanistan. This category may include human and women's rights activists, prosecutors and others at risk. We require some time to work through the details of this process, which depends on the situation in Afghanistan.

Qu/ Are people resettled through the Afghanistan Citizens' Resettlement Scheme more likely to be facing persecution based on certain protected characteristics?

45. The Afghan Citizens Resettlement Scheme remains under development. The first to be resettled through this scheme will be those who arrived in the UK under the evacuation programme.
46. The ACRS will provide those put at risk by recent events in Afghanistan with a route to safety. The scheme will prioritise:
 - those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, rule of law (for example, judges, women's rights activists, academics, journalists)
 - vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+)

Qu/ What measures are needed to support people with certain protected characteristics arriving via the Afghanistan Citizens' Resettlement Scheme route?

47. Local authorities who participate in the scheme and resettle people in their areas will be expected to deliver a core offer of integration support.
48. To facilitate this, we will match the local authority tariff for the successful Syrian Vulnerable Persons Resettlement Scheme (VPRS) to provide a complete package covering health, education and integration support costs. We expect the tariff for each person to be frontloaded in the first year of arrival, to deliver the vital support needed in the early stages of resettlement.
49. Local authorities may use the tariff funding flexibly to deliver key integration outcomes for those they are resettling, tailoring the support to individuals in line with their identified needs.
50. Casework support will be available to resettled persons, with local authorities developing bespoke support plans for each family or individual for the first year to facilitate their orientation into their new home area. Casework support ensures a dedicated source of advice and support is provided to assist with registering for

mainstream benefits and services and signposting to other advice and information-giving agencies. This includes accessing healthcare providers in line with identified needs, including appropriate specialist services. Bespoke plans enable the caseworker to tailor the support to the needs of the individual, including the potential impact of any protected characteristics.

51. For each resettled person identified as needing extra support for specific needs, local authorities may make additional arrangements before their arrival. This includes property adaptations for people with disabilities, and arrangements to meet responsibilities in relation to SEND needs. Local authorities may access exceptional costs on a case-by-case basis to facilitate this support.

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