



An Inspection of Asylum Casework March – July 2015
by the Independent Chief Inspector of Borders and Immigration
Aspects relating to the claims of women seeking asylum
Asylum Aid briefing

Introduction

Despite the input of women refugees/asylum seekers and practitioners to this inspection, we are disappointed that the Chief Inspector's [report](#) does not include any statistics disaggregated by gender. The aspects of the report that are particularly relevant to women seeking asylum are therefore limited and we have not sought to draw any conclusions from them.

This briefing provides a summary of the findings and recommendations that are relevant to women.

1. Quality of interviews

The report finds 12 out of 56 cases with room for improvement, in relation to material facts, inconsistencies and unfairness. Unfortunately none of the cases regarding inconsistencies are detailed. Two of the sampled cases where material facts had not been effectively identified, established or tested were women's cases:

- Victim of domestic violence, and fear of persecution by other non-State actors. The interview focused on the material facts only in relation to the claimant's account of having been a victim of domestic violence. Fear of persecution by other non-State actors was not probed. The claimant's responses as recorded suggested they did not understand some of the questions posed, but there was nothing to indicate that the interviewer recognised this and took steps to ensure that the claimant had understood and could answer the questions. P 26
- Fear that the claimant's daughter might be subject to female genital mutilation (FGM) if the claimant and their daughter were to be returned to their country of origin. The interviewer asked a series of questions about the claimant's own experience of FGM. As the claimant had been very young at the time, they were unable to provide detailed responses. This line of questioning was inappropriate and not necessary to establish the material facts of the asylum claim, as the applicant had agreed to provide a medical report to evidence this element of their claim. P 27

2. Request for a male or female decision-maker.

The Home Office were now monitoring requests for a male or female interviewer and meeting them in 98.5% of cases. Again a gender analysis of the requests would have been useful. The report states this is a positive step, and likely to lead to more effective interviews as the claimant should feel more at ease, in particular in discussing sensitive matters. However, the finding that only 18 claimants out of 142 in the sample made such a request underlines our concern that claimants are not recognising the significance of this question. The Home Office is now considering a proposal for automatic allocation of female interviewers and interpreters to female claimants put by the Charter of Rights of Women Seeking Asylum.

3. Membership of a particular social group (PSG)

As the Refugee Convention grounds do not include gender, women's claims are more likely than men's to fall within the PSG ground. Gaps in its application will have a disproportionate effect on women therefore.

There were three cases in which the decision-maker did not consider whether the claimant's circumstances and basis of claim constituted membership of a PSG: a potential victim of trafficking, a victim of sexual assault and a victim of domestic violence. However the inspection found that the same circumstances were taken to constitute membership of PSG in other cases. This demonstrated inconsistency therefore.

Report recommendation: extend the 'second pair of eyes' process for asylum claims based on membership of a PSG in order to improve the quality of decision-making in all complex and sensitive cases.

We welcome this recommendation.

4. Quality of decision-making

The inspection of decision-making included whether credibility and the application of the 'benefit of the doubt' had been appropriately assessed. There was no record that the decision-maker (DM) had assessed the credibility of material facts in accordance with the Asylum Policy Instruction in these cases:

- The claimant believed that her daughter would be subject to female genital mutilation (FGM) if the family were returned to their country of origin. The Home Office considered that the risk on return to be limited because the claimant was educated and could relocate to a city. We found that insufficient consideration was given to the claimant's membership of a particular social group, as required by Section 7.2 of the Asylum Policy Instruction, in that 64-80% of her tribal group suffered FGM as she had done herself. P 29
- The DM refused the claim as it did not qualify as a 'Convention reason' under the Refugee Convention. In this case, the DM did not take into account that the claimant had been referred to the National Referral Mechanism (NRM) as a potential victim of trafficking. Although the Home Office had previously determined that the claimant was not a victim of trafficking, the guidance on trafficking had changed by the time the asylum decision was made. Had the claimant's status been reassessed, as should have happened, it would have resulted in the claimant being recognised as a victim of trafficking and the DM should then have considered whether this constituted membership of a particular social group. P 29