



UK Visas
& Immigration

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Dear Ms Dustin

Thank you for your enquiry of 19 February in which you requested information on asylum claims and accommodation. Your request has been handled as a request for information under the Freedom of Information Act 2000. I apologise for the delay in providing this information.

Information Requested

1. Asylum decisions

- 1.1. *How do Home Office caseworkers identify whether an asylum applicant's claim is based on sexual orientation or gender identity or has a sexual orientation or gender identity dimension? If this is by asking set questions, what are these questions and at what stage of the asylum process does it happen?*
- 1.2. *For how long has the Home Office been recording this information?*
- 1.3. *How is this information held centrally by the Home Office?*
- 1.4. *Within the category of asylum claims on the basis of sexual orientation, does the Home Office keep separate records for claims on the basis of a lesbian identity, claims on the basis of a gay identity, and claims on the basis of a bisexual identity? If so, how far do these figures date back?*
- 1.5. *Can the Home Office provide a breakdown by gender and by country of the Experimental statistics: Asylum claims on the basis of sexual orientation published in November 2018?*
- 1.6. *Does the Home Office have figures differentiating asylum claims, determinations, appeals and appeal decisions for people claiming asylum on*

the basis of gender identity, and if so, how far do these figures date back and is it possible to provide data for 2015, 2016 and 2017 on the same basis as the Experimental statistics: Asylum claims on the basis of sexual orientation?

- 1.7. *Does the Home Office have figures differentiating asylum claims, determinations, appeals and appeal decisions for the people claiming asylum on the basis of intersex variation and if so, how far do these figures date back and is it possible to provide data for 2015, 2016 and 2017 on the same basis as the Experimental statistics: Asylum claims on the basis of sexual orientation?*
 - 1.8. *Does the Home Office plan to publish asylum statistics relating to gender identity or intersex variation and if so, when?*
 - 1.9. *Does the Home Office record the reason for refusals and the different basis on which applications are refused?*
2. Training
- 2.1. *What training do case workers receive on handling asylum claims relating to sexual orientation or gender identity and who provides this training?*
 - 2.2. *How regularly is refresher training provided?*
 - 2.3. *Is training mandatory for all case workers?*
 - 2.4. *Does the Home Office monitor the sexual orientation and gender identity of asylum case workers for equality purposes?*
3. COMPASS contracts
- 3.1. *Are asylum claimants who are provided with accommodation through the regional COMPASS contracts entitled to ask for accommodation specific to their sexual orientation or gender identity? If so, what criteria or guidelines are given to COMPASS contractors to assess these requests?*
 - 3.2. *What Home Office guidance, training and contractual requirements are in place for COMPASS contract holders to ensure that LGBTQI+ asylum claimants are not subject to homophobic or transphobic bullying and violence, including by staff and by other service users in shared asylum accommodation?*
 - 3.3. *Are individuals claiming asylum on the basis of sexual orientation identified as vulnerable adults for the purpose of providing asylum accommodation?*
 - 3.4. *Are individuals claiming asylum on the basis of gender identity identified as vulnerable adults for the purpose of providing asylum accommodation?*

Response

This Government is committed to an asylum system which is supportive and responsive to those claiming asylum on the basis of their sexual orientation or gender identity.

All claims are carefully considered on their individual merits, in accordance with the UK's international obligations, against relevant caselaw and available country information. Where someone is found to be at risk of persecution or serious harm in their country of origin because of their sexuality or gender identity, refugee status will be granted.

We do not remove asylum seekers who have had to leave their countries because their sexuality or gender identity has put them at risk of persecution. Allegations that we return gay asylum seekers to their home countries advising them to pretend they are straight are untrue. The UK does not require gay asylum seekers to conceal their identity or hide who they are to avoid persecution. To do so would be contrary to the UK Supreme Court judgement in HJ (Iran) which held that a person should not be required to 'modify their beliefs' or 'act discretely' to avoid persecution. If, on the other hand, they choose to act discretely for other – for example, private – reasons, then they may not qualify for asylum. Our guidance fully complies with this Supreme Court judgement.

When an asylum claim is refused, the claimant has the right to take their claim through the well-established appeals process, which is independent of the Home Office.

Those individuals who are found not to need international protection, and do not have any other basis to remain in the UK and who have exhausted their appeal rights, are expected to leave the UK. This is an essential part of a fair immigration system.

We remain confident that our approach to considering sexual orientation issues in asylum claims ensures that claims are properly considered, that decisions are sound and that, when protection is granted, it is granted to those who genuinely need it.

Regarding your request for information and the questions used to identify the basis for an asylum claim, we do hold the information, but have decided to exempt this information under section 31 of the FOIA 2000. Section 31(1)(e) allows us to exempt information if its disclosure would or would be likely to prejudice Law Enforcement - the operation of immigration controls.

This exemption requires us to consider whether, in every respect the public interest in maintaining the exemption stated above, outweighs the public interest in disclosing the information. Arguments for and against disclosure in terms of the public interest are set out in the attached Annex 1.

Information regarding sexual orientation and gender identity will have been recorded in one form or another since the beginning of the asylum claims process operated by the Home Office.

An asylum claim would be registered as LGBT, it would only be identified as lesbian, gay or bisexual on the file minutes or within the case information database notes. At the moment the HO does not record claims separately based on gender.

1.6/1.71.8 UK Visas and Immigration do not hold data regarding the differentiation between asylum claims because of gender identity and those because of intersex variation. We also do not record data on asylum claims based on gender identity or expression. The option to record this data remains under review.

UK Visas & Immigration does record the reason for refusal for all applications, but it is not possible to report on this information. To provide this information would be neither cost nor resource effective therefore under section 12(1) of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the designated cost limit. We believe that to provide the information you are seeking would breach this cost limit and as such we are unable to supply it to you.

2. Training

We are committed to delivering an asylum process that is sensitive to all forms of persecution including those based on gender identity and sexual orientation.

All asylum Decision Makers receive extensive training on considering asylum claims and must follow published Home Office policy guidance, including specific guidance on gender issues, which covers specific forms of gender-based persecution. They are introduced to the legal and policy framework underpinning their work before putting these principles into practice with a series of case studies specifically designed to illustrate how underlying factors such as gender, sexual orientation, torture, medical conditions, Female Genital Mutilation (FGM) and domestic violence are to be taken into account in the assessment of evidence.

We have a robust assurance mechanism for all claims based on sexual orientation, including additional scrutiny by a Second Pair of Eyes.

Refresher training is also available for Decision Makers and Second Pair of Eyes when required.

3. COMPASS

Accommodation providers are also contractually required to take account of any circumstances and vulnerability of those that they transport and accommodate this includes their sexual and/or gender identity. The definition of vulnerability in the contracts is the same as the one set out in the 2005 Regulations.

The circumstances of other supported asylum seekers and their dependants who may have other vulnerabilities are also carefully considered, for example because they have care needs or health problems that require a need for a specific type of accommodation or accommodation in a particular location. Further details regarding these policies can be found at: <https://www.gov.uk/government/publications/asylum-accommodation-requests-policy>
<https://horizon.fcgs.gsi.gov.uk/file-wrapper/asylum-seekers-care-needs>
<https://horizon.fcgs.gsi.gov.uk/file-wrapper/healthcare-needs-and-pregnancy-dispersal-guidance>

The statement of Requirements for the services delivered by the accommodation providers can be found at;
<https://data.gov.uk/data/contracts-finder-archive/contract/503107/>

Providers are responsible for arranging their own training however they must adhere to the requirements set in the SOR. All service providers have housing and/or welfare officers that service users can speak to if they are subject to any kind of bullying or violence. Each provider also has a formal complaints process in place.

In the case of Clearsprings Ready Homes and G4S, they have a contract with Micro Rainbow International (MRI) providing accommodation specifically to LGBTQI+ service users. MRI are looking at ways to replicate this service across the other service providers. Currently MRI may receive referrals from other NGOs to see if they can accommodate cases. MRI carry out their own assessment to establish if somebody is suitable for accommodation with them subject to availability.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference 52467. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request will be reassessed by staff not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

J Slater
Central Operations

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:
<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

Annex 1

Public interest test

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Considerations in favour of disclosing the information

Disclosure of the information requested would ensure public confidence in the asylum claim process and how the Home Office is administering it. It would also enhance the public's understanding of Home Office process. All of these factors are in the public interest and there is some weight to be given to the considerations in favour of disclosing the information.

Considerations in favour withholding the information

There is strong public interest in ensuring that effective operation of immigration controls is preserved. Exemption allows the Home Office the necessary space and confidentiality in which to carry out the processing of asylum claims. To release the requested information would, in effect, provide a reference point for unscrupulous parties to actively manipulate the immigration system. This would have the negative effect of not only weakening immigration controls, but potentially allowing persons to remain in the UK who might have intentions that are contrary to the public good. This is clearly not in the public interest.

We have therefore concluded that the balance of public interests identified lies in favour of maintaining the exemption. This is because the overall public interest lies in ensuring that the Home Office protects its processes.