

Advisory Panel on Country Information

Minutes of 11th Meeting held on 7 October 2008 at
Chatham House, 10 St James's Square, London SW1Y 4L

Present:

Members

Dr Khalid Koser (Chair)	Geneva Centre for Security Policy
Dr Chris McDowell	City University
Dr Laura Hammond	School of Oriental and African Studies
Mr Gottfried Zürcher	International Centre for Migration Policy Development, Vienna
Ms Alexandra McDowall	UN High Commissioner for Refugees, London office
Mr Andrew Jordan	Asylum & Immigration Tribunal
Ms Helen Muggerridge	The Refugee Council
Dr Alan Ingram	The Royal Geographical Society

Observers

Ms Jan Shaw	Amnesty International
Ms Jacky Devis	Foreign & Commonwealth Office
Ms Jane Shenton	Médecins sans Frontières
Mr Sebastian Rocca	UK Lesbian & Gay Immigration Group
Ms Shirin Sethna	Asylum Aid
Ms Jo Pettit	Immigration Advisory Service
Ms Anne Singh	Immigration Law Practitioners Association

Chief Inspector

Mr John Vine	Chief Inspector of the UK Border Agency
Mr Alex Cheatle	Chief Inspector's Office

Home Office

Mr Nick Swift	Head of COI Service, UKBA
Mr Andrew Elliot	Central Operations & Performance Directorate, UKBA
Dr Rosemary Murray	Immigration Research & Statistics, UKBA
Ms Kavita Khanna	COI Service, UKBA
Ms Sally Palmer	COI Service, UKBA

Researchers

Dr Fiona Adamson (Turkey)	School of Oriental and African Studies
Ms Ceri Oepen (Afghanistan)	University of Sussex
Dr Reza Molavi (Iran)	University of Durham
Ms Anisa de Jong (LGBT issues)	University of Kent

Secretary

Mr Adam Lavine	COI Service, UKBA
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Apologies:

Prof Roger Zetter	Refugee Studies Centre, Oxford
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Mr Jerome Sabety	University UN High Commissioner for Refugees, Geneva
Ms Ana Fonseca/ Mr Besim Ajeti	International Organisation for Migration
Mr Jonathan Ellis	The Refugee Council
Mr Reinhold Jawhari	Austrian Centre for Country of Origin and Asylum Research and Documentation
Ms Vanessa Davies	Refugee Legal Centre
Ms Caron Röhslers	Foreign & Commonwealth Office
Mr Alexander Fraser	Assistant Chief Inspector of the UKBA

Item 1: Introduction

1.1 The Chair welcomed those present to the 11th meeting of the APCI; this would be the last meeting of the Panel in its present form, as the APCI's remit had transferred to the Chief Inspector of the UK Border Agency. Dr Koser welcomed Mr John Vine, who had taken up the post of Chief Inspector on 7 July 2008 and had also been present for part of the previous APCI meeting on 1 May. Dr Koser also individually welcomed those who had not attended an APCI meeting before.

The function of the APCI

1.2 Dr Koser briefly explained the function of the APCI for the benefit of those attending for the first time. He said the APCI's remit was very specific – to consider and provide advice on the Home Office's country of origin information (COI) material. Although COI played a crucial role in the asylum process, it was not part of the Panel's function to discuss wider asylum-related issues.

The role of observers

1.3 The Chair reminded observers that they were welcome to participate in the Panel's discussions, but should seek permission from the Chair before speaking. Priority would be given to members wishing to speak.

Matters Arising

How COI is used in practice (Para 3.2 of the previous minutes)

1.4 The Chair noted that, at the meeting on 1st May, Dr McDowell had presented a report on how the material produced by COI Service is used by Case Owners; to this end, he had spent time interviewing an asylum Case Owner at the UKBA offices in Fleet Street. The Panel agreed that this had been a useful exercise and that the research should ideally be extended – perhaps to cover several case owners and various other users of COI. Dr Koser pointed out that an investigation of this nature now fell within the remit of the Chief Inspector and that it would be for him to determine whether and how to take this forward.

1.5 There were no other matters arising.

Item 2: Chief Inspector – The Way Forward

2.1 Dr Koser invited the Chief Inspector to outline his thoughts on the future role and structure of the Panel. Mr Vine said that, since the meeting on 1st May, he had been giving careful thought to the direction and membership of the group and had been holding discussions with various stakeholders. He had taken note of the briefing paper provided by the Chair, which set out the views of members on the future direction of the APCI, and had also chaired a 'round table' discussion on 22 September which he found very useful. All Members and Observers and a number of commissioned researchers had been invited to the 'round table' and Mr Vine was grateful to those who were able to attend. He intended to put forward proposals for the way ahead on country information issues by the end of the year.

2.2 The Chief Inspector acknowledged the important and valued work that had been done by the APCI. He said that he wished to look afresh at the 'make-up' and structure of the panel and see how its work could be dovetailed into the day-to-day workings of the Inspectorate. For example the Panel membership could usefully provide input to an inspection on the Non-Suspensive Appeals (NSA) process.

2.3 Mr Vine said that the Chief Inspector's office was still in "listening mode" but that specific proposals for future work on COI should be ready by the end of the year. There would be another 'round table' meeting to discuss these proposals. Dr Koser would be part of the working group to make future plans. He confirmed that this would be the last meeting of the Panel in its current format.

2.4 Dr Hammond noted that one of the advantages of the APCI was that it was seen to be independent. She asked whether it would remain independent under the new arrangements. Mr Vine said that the core function hitherto undertaken by the panel would not change significantly. He would have to see how that fitted in with the wider work of his office, which was itself independent. The APCI currently represented one of the most productive of the monitoring functions the Chief Inspector was inheriting. Dr McDowell asked Mr Vine whether he was aware of any other advisory bodies that he thought should serve as a 'model' for the future. Mr Vine said he was not, but invited members to suggest any models.

2.5 The Chief Inspector concluded by saying that as well as reviewing the membership and composition of the panel, he would be considering the question of Operational Guidance Notes (OGNs) alongside other key issues. He invited all present to let him have any comments or suggestions by email.

Item 3: APCI-commissioned reviews on Turkey, Iran, Afghanistan and Kosovo

3.1 The Chair confirmed that researchers had been commissioned to review the COI Reports on Afghanistan and Iran, and a COI Key Documents for Kosovo. In addition, follow-up reviews of the COI Report and Fact-finding

Mission (FFM) Report for Turkey had been carried out. COI Service had annotated certain of the researchers' review papers with responses to their comments. This had not been possible in all cases owing to time constraints. Unfortunately it had not been possible to send out some of the papers as early as had been hoped, owing to COIS staffing issues and the availability of certain of the researchers. Each paper would be discussed in turn, and Mr Swift would then be invited to make any comments on behalf of COI Service.

Countries being considered for NSA designation

3.2 Dr Koser pointed out that three of the countries for which COI was under review – Turkey, Afghanistan and Kosovo – were being considered for possible full or partial NSA designation. The term 'Non-Suspensive Appeals' denoted that the right of appeal for applications subject to the NSA process did not suspend removal from the UK; therefore these applicants had no right of appeal in the UK. Partial designation was where a particular geographical area within the country, or particular section of the population, were designated. Ministers had given an undertaking that the COI for any countries proposed for NSA designation would be reviewed by the Panel before a Designation Order was made. UKBA had always held that the APCI's role in assessing the COI for countries where NSA was an issue was exactly the same as for other countries where NSA was not an issue. The task in either case was to look at whether the material was balanced and accurate and covered the main asylum and human rights issues; and to provide feedback on how it might be improved, if necessary.

3.3 As with the issue of OGNs, the precise role of the Panel in looking at COI material for countries proposed for NSA had caused much discussion at past APCI meetings. Mr Koser had suggested to the Chief Inspector that it might be helpful for him to clarify the panel's role in relation to NSA as he progressed this area of work. For this meeting, therefore, the panel was asked to avoid getting into a discussion on this particular aspect and instead focus on the COI itself. Where applicable, researchers had been informed of the NSA context of their work. The annotated copies of their evaluations would be provided to the legal and policy officials whose task it was to make recommendations to Ministers regarding NSA designations.

3.4 At its Extraordinary meeting in January 2007 the Panel recommended that, to assist its consideration of the COI for NSA countries, it should be provided with a full COI report rather than a COI Key Documents on all countries being considered for designation. COI Service responded at the 8th meeting that it would bear this in mind but that its ability to do so would be dependent upon resources and priorities. In the case of Kosovo, a Key Documents had been provided.

3.5 Dr Ingram asked whether the regional or demographic details of possible partial designations were available to the Panel. Mr Swift advised that this information could not be disclosed.

Turkey (APCI.11.1A and APCI.11.1B)

3.6 Dr Koser noted that at the meeting on 1st May, the panel had considered evaluations of the Turkey COI Report of December 2007 and the draft report of a fact-finding mission to Turkey carried out by COI Service in February 2008. These reviews were co-authored by Dr Fiona Adamson of SOAS and Dr Başak Çali of UCL, both with extensive expertise in this area. Turkey remained under consideration by the Home Office for possible full or partial NSA designation; COI Service therefore requested that the APCI conduct follow-up reviews on both of these reports, and the Panel re-commissioned Dr Adamson and Dr Çali to do this. The Fact Finding Mission Report had been amended to take account of the issues raised in the first evaluation of it and the COI Report had been updated. Dr Koser invited Dr Adamson to briefly review their findings, starting with the COI Report.

3.7 Dr Adamson said that the August 2008 edition of the Turkey COI Report, at over 280 pages, was comprehensive, largely up to date, incorporated a broad range of sources and reflected considerable research effort. Most of the suggestions made by her and Dr Çali, in reviewing the December 2007 version, had been incorporated into the new version. In particular, Sections 18-20 had been expanded and improved. Some minor issues still remained, including certain sources becoming outdated (e.g. a 2006 UNHCR Global report and a Netherlands report of 2001). The researchers suggested alternate sources for medical issues and recommended that the information on the Constitution and the issue of headscarves be updated and expanded.

3.8 Dr Adamson noted that the report of the February 2008 Fact Finding Mission (FFM) had been used extensively as a source for the August 2008 COI Report. She recommended that the information transferred into the COI Report – particularly statistics – should be cross-checked for accuracy, as it often appeared to reflect the opinions or impressions of interviewees rather than objective fact. Also, paragraph ii of the standard Preface in COI Reports, which states that the report is “compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy”, should be amended because the report contained material from the UKBA mission.

3.9 Dr Koser said he was pleased that the researchers had registered an improvement and noted their recommendations in cases where information from an FFM had been incorporated into a COI Report. Responding on behalf of COI Service, Mr Swift thanked Drs. Adamson and Çali, particularly for their work in identifying additional sources. Where any specific Turkish language documents were recommended by the researchers as being important, UKBA would arrange for these to be translated. He noted that the FFM report was not designed to be a ‘standalone’ document, but to supplement the COI Report. Also, the information contained in FFM reports did not claim to be ‘objective fact’, but the views of the individuals interviewed. Mr Swift said that these points would be made clear in the introductory sections of future reports

of FFM. COI Service had prepared a paper on FFM methodology and this would be presented later in the meeting.

3.10 The Chair asked whether it was appropriate that information from a FFM report should be included in a COI Report. Mr Swift said he did not think that information from a fact finding mission report was any less authoritative than that from published sources; in many cases the sources interviewed were the same as those used in COI Reports. There was no reason why it should not be included.

3.11 Dr Hammond agreed that information from FFM reports could be included in COI Reports, but said that it was information of a different nature; and this should be made clear at the beginning of the COI Report. Mr Jordan said that, as a user, he considered that information from fact finding missions should not be separated from other country information. Mr Zürcher noted that the country information contained in most printed sources also represented the particular viewpoints of those who had authored it; in this respect, he would not make a distinction between the two source types. Ms Sethna said that, generally, she regarded information in published sources, from expert academics, to be more rigorous and objective. Mr Jordan said it was up to the user to decide how much weight should be given to respective sources. The user should, however, have the benefit of information from all of the sources available.

3.12 Moving on to the FFM report, the Chair noted that Dr Adamson and Dr Çali had reviewed the initial draft report of COI Service's February 2008 mission to Turkey and their evaluation paper was considered by the Panel at its meeting on 1 May 2008. COI Service had then prepared an amended version of the FFM Report and the Panel had invited Dr Adamson and Dr Çali to conduct a follow-up review, the main findings of which would now be discussed.

3.13 Dr Adamson said that the follow-up review paper should be read in conjunction with the authors' earlier evaluation of the FFM Report, as certain issues relating to methodology and sampling had not been re-addressed. COI Service had expanded the FFM Report to include more detailed documentation and background information, and had made the report more user-friendly through cross-referencing. The reviewers had not cross-checked the accuracy of all facts and statements made by the interviewees, but had commented on certain statements they felt warranted closer scrutiny; for example one pertaining to the registration of children born out of wedlock. In many instances, the interviewees had referred to various regions of the country in vague, colloquial terms; it was important for geographic regions to be defined more specifically. The reviewers also recommended that any statistical evidence cited by interviewees be 'flagged up' as being the opinion of those interviewees, and not necessarily accurate.

3.14 Responding on behalf of COI Service, Mr Swift said the evaluations of the Turkey FFM reports had been helpful in developing methodology for future fact finding missions to be undertaken by COI Service. With respect to the

Turkey FFM under consideration, additional background material had been incorporated where possible, but it would not be practical to go back to the interviewees at this stage in order to seek clarification on statistics or on regions of the country. However, lessons had been learned for the future.

3.15 The Chief Inspector asked whether the points raised by the reviewers would be applied in COI Service training and would convert into guidance for future such missions. Mr Swift confirmed that this would be the case. Dr Koser noted that a Guide for Fact Finding Missions was in the course of preparation. Ms Singh asked whether the problems mentioned by Dr Adamson undermined the integrity of the FFM Report. Dr Adamson said there were certain issues that had been raised by the researchers, such as the selection of interviewees, and these reservations should be borne in mind by users of the report. But these did not undermine the information that was actually in the report. Dr Koser commented that no report could be perfect and all-encompassing.

Iran (APCI.11.2)

3.16 The Chair stated that the Iran COI Report had last been reviewed for the APCI meeting of October 2006. Earlier in 2008 there had been a good deal of attention in Parliament and the media about conditions in Iran for LGBT persons and COI Service had suggested that it might be helpful if the Panel could evaluate the latest COI Report on Iran. Dr Koser clarified that Iran was not under consideration for NSA designation. The Panel had selected the Centre for Iranian Studies at Durham University to review the COI Report of August 2008 and was grateful to Dr Reza Molavi, Executive Director of the Centre, for agreeing to come to the meeting to introduce his paper.

3.17 Dr Molavi outlined the aims and objectives of the review, which had been co-authored by himself and Dr Mohammad Hedayati-Kakhki. He noted that the COI Report was generally comprehensive, was based on reliable sources and provided an objective evaluation of the human rights situation in the country. However, there was scope for a fuller assessment of the transformed legal and human rights situation since the changes in government which occurred in 2006. In particular, there had been certain changes in judicial application that had not yet been formalised in law. Dr Molavi outlined the difficulty in obtaining reliable, up to date country information from published sources; for example, annual reports from human rights NGOs usually contained information from the previous year and this may have become dated. The Centre for Iranian Studies was able to provide input from researchers who had made frequent fact finding trips to Iran. Much of the reviewers' 83-page paper aimed at making additional information and analysis available to COI Service, citing further recent sources. It was also suggested that COI Service refer to the Centre for Iranian Studies website.

3.18 Dr Molavi noted that the researchers had been given only three weeks to carry out the review, which he considered insufficient time for the volume of work involved.

3.19 The Chair thanked Dr Molavi for a very comprehensive report and apologised for the tight timeframe. The Chief Inspector said he found the report to be very comprehensive and interesting. Regarding the timeframe for such projects, the Chief Inspector's office would seek to schedule reviews as an ongoing process, rather than being timed to meet deadlines for meetings.

3.20 Ms Pettit asked about unsourced information in the reviewers' paper and how this could be imported into the COI Report. Responding to a suggestion by Dr Molavi that, were the reviewers allowed more time they may have undertaken an information-gathering trip to Iran as part of their service, Dr Hammond commented that going to the country had not previously been part of the APCI review process. Mr Jordan observed that Dr Molavi's paper had been largely in the nature of an expert witness report on Iran, rather than being limited to the consideration of available published sources. This approach could, perhaps, be considered for future reviews.

3.21 Mr Swift thanked Dr Molavi for a very comprehensive and detailed review, which had exceeded the Panel's brief. It provided valuable information, particularly on the legal/judicial system. COI Service would seek to include this in the COI Report at the right level of detail. Mr Swift asked whether the Centre for Iranian Studies could provide the material to COI Service in a different format and under a covering letter, so that the Centre could be quoted as the source. Dr Molavi said the Centre would be happy to assist in this.

3.22 Dr Koser suggested that researchers commissioned by APCI could perhaps be retained as consultants and perhaps also undertake fact finding missions on behalf of COI Service. Dr McDowell noted that there were certain advantages in retaining researchers as consultants, for example in achieving continuity – but that it could also be disadvantageous to have input from just one particular consultant over an extended period of time. The Chief Inspector said that the issue of transparency in commissioning researchers had been discussed at the 'round table' meeting on 22 September; he would be looking to formalise the process to ensure accountability.

Afghanistan (APCI.11.3A and APCI.11.3.B)

3.23 The Chair stated that Afghanistan was under consideration for partial NSA designation. Accordingly, the Panel had commissioned Ms Ceri Oeppen to review the May 2008 edition of the Afghanistan COI Report. Ms Oeppen had reviewed earlier editions of the Afghanistan Report, in 2004 and 2006, and thus had a 'longitudinal' view of the Report's development. Dr Koser received Ms Oeppen's evaluation of the May 2008 version in June. Her paper raised significant concerns and suggested a number of areas where the COI Report could be improved, particularly with regard to the high proportion of information drawn from pre-2007 sources. COI Service was keen to address these concerns, and Dr Koser agreed that Ms Oeppen would be invited to carry out a follow-up evaluation of a revised version of the COI Report once it was ready. Dr Koser invited Ms Oeppen to speak about the main findings of her reviews of the May 2008 and August 2008 editions of the COI Report –

copies of both of her papers had been circulated to Members and Observers prior to the meeting.

3.24 Ms Oeppen said that the quality of the Afghanistan COI Report had improved considerably from 2004 to 2006, but she felt that the May 2008 edition represented a backward step. Specific problems included currency (several recent sources had not been included and certain sections had not recently been updated), referencing errors, an over-use of 'dry' language, and the fact that some recommendations made by the reviewer in October 2006 had not been taken on board. Ms Oeppen did, however, find that the May 2008 Report generally represented source material fairly and that efforts had been made to make the Report more user-friendly, for example by way of cross-referencing

3.25 In reviewing the August 2008 edition, Ms Oeppen had focused on the updated sections and on new source documents that had been accessed since May 2008, as well as addressing whether the COI Report's authors had responded to her previous recommendations. She found that much work had been done on the Report since May; new sections had been added and most sections had been updated. However, Ms Oeppen remained concerned that the deteriorating security situation had not been adequately represented and that certain recent key issues, such as the growing reach and confidence of the Taliban and other insurgent groups, had not been adequately addressed. Accuracy of referencing had improved considerably. In general, the Report represented the majority of source documents in a balanced way. But the reviewer still felt it was the case that COI Reports tended to focus on 'dry' information, at the expense of illustrative events and examples. She welcomed the addition of information on kidnappings and 'night letters', but recommended additional content on certain issues, including the situation in the border region with Pakistan, corruption, criminality and the situation of returned asylum applicants. In general, the August 2008 Report represented a significant improvement on the previous version.

3.26 Ms Oeppen said she would like to make a couple of general comments on COI Reports and the COI process: (a) She felt that the current structure of COI Reports, and their more limited use of narrative commentary, made them unsuited to describing gradual and qualitative changes in a country situation; (b) Ms Oeppen was also concerned about the reliance on reports published by humanitarian organisations and donor governments, who may have a vested interest in portraying country conditions in a more positive light. In the case of Afghanistan, there appeared to be a disparity between the information in such reports and the accounts given by people in the Afghan diaspora. It may therefore be beneficial to include in each COI Report some commentary on the research environment and the availability and reliability of information for the country concerned.

3.27 Replying on behalf of COI Service, Mr Swift noted that COI Service had responded to Ms Oeppen's findings by annotating each comment in her review papers. Regarding Ms Oeppen's comments on currency of information, COI Service fully accepted the need to include all relevant up to date material

in the report and included almost all of her recommended sources in the revised Afghanistan report. Mr Swift also accepted that the May Afghanistan report had contained a significant proportion of information from older sources which related to previous years. He said that it was an ongoing housekeeping task to weed out such material, but none of this was inaccurate and it did not compromise the currency of the report, provided the latest information was also included.

Mr Swift referred to Ms Oeppen's comment that the 'deteriorating security situation' was not adequately represented in the report. He said that the key issue for users of the report was that it adequately represented the *current* situation. He said that the report correctly represented the security situation at time of publication, including the position regarding the Taliban. Ms Oeppen had made a few suggestions for the inclusion of additional material and these were being considered for the next update, but they would not significantly affect the general picture of the security situation presented. Mr Swift agreed that the structure of COI Reports had limitations in terms of narrative to describe gradual processes, but noted that the reports provided a significantly more user-friendly COI resource than the databases of source documents that most countries relied upon.

Regarding COI Service's choice of source documents, Mr Swift said that COI Service used reliable source material from a broad range of sources. While some organisations may have certain agendas, these were balanced by other 'classic' COI sources such as Amnesty and Human Rights Watch which obviously had no interest in portraying country conditions in an over-positive light. Mr Swift agreed with Ms Oeppen's suggestion that explanatory information about the research methodologies of sources would be useful and this would be considered.

Mr Swift said that using information obtained from individuals of diaspora communities would be problematic because of its subjective nature. Ms Oeppen said she was not suggesting including interviews with people in the diaspora; she was merely pointing out that there was a different point of view.

3.28 Dr McDowell said that Case Owners he had spoken to had raised the question, 'How do we know we are looking at the latest information?' He suggested that there might be a more sophisticated way of flagging up new content, presently highlighted in grey for reports provided to UKBA users. Mr Swift said that all COI material was dated and that the highlighting seemed to be an effective way to highlight information added since the previous edition, but he would welcome any suggestions. Ms Pettit noted that the situation in countries like Afghanistan was very fluid, and asked how COI Service ensured that information remained current. Mr Swift said that COI Reports for such countries were updated more frequently, but case owners also had access to a rapid information request service. When a major, unexpected development occurred in any country, this was immediately addressed by way of a special bulletin or an 'inspired' COI Request.

3.29 Ms McDowall advised that UNHCR was preparing a list of comments on the Afghanistan COI Report, based on information from field officers based within the country. These covered aspects of the security situation, as well as more generalised issues. The paper would be forwarded to the APCI Secretariat in due course [A copy of UNHCR's comments on the Afghanistan COI Report, as well as on the LGBT analysis prepared by Ms Anisa de Jong, was sent to Members and Observers on 23 October.]

Kosovo (APCI.11.4)

3.30 The Chair noted that Kosovo was also being considered for possible NSA designation. COI Service had advised that the COI Key Documents report would be updated for August 2008. The review was carried out by Mr Bekim Ajdini, who had been commissioned by ICMPD. Dr Koser invited Mr Zürcher, Director General of ICMPD, to discuss the main findings.

3.31 Mr Zürcher noted that Mr Bekim Ajdini was a well-qualified researcher and journalist based in Kosovo. He was also familiar with asylum-related issues, having been involved with the Kosovo Information Project (KIP). Mr Ajdini had found the COI Key Document to be comprehensive and balanced in its selection of sources. The background information provided was mainly sufficient and accurate. Mr Ajdini identified some relatively minor errors such as an incorrect name given for the Kosovo Police Service and an error regarding the size of the Eulex mission; and noted that some of the weblinks needed to be checked. Mr Ajdini recommended the addition of further information on foreign donors, and remittances from workers abroad; and media freedom, and he suggested a number of useful links.

3.32 Ms Sethna said she was primarily concerned with gender issues and found that the gender section of the Key Documents was very limited and brief.

3.33 Mr Swift thanked ICMPD and said the Key Documents would soon be updated and amended according to Mr Ajdini's recommendations. COI Service would also look at the gender issues section in light of any suggestions Ms Sethna may wish to submit. Mr Swift reminded members that Key Documents were produced on lower asylum intake countries and had evolved from unwieldy 'Core Bundles' of hard copy material which users found inconvenient to use. Key Documents provided an electronic means of delivering the key COI source documents to users' desktops and covered the most important asylum issues for each country. In essence, Key Documents included almost all the same source material as COI Reports, but instead of the covering report, they provided a brief overview and detailed index.

Item 4: Review of the LGBT sections in COI Reports and certain COI Key Documents (APCI.11.5)

4.1 Dr Koser stated that the recent cross-cutting reviews on Gender Issues and on Children had proved very worthwhile. It had therefore been proposed

to commission a similar analysis on LGBT issues. In addition to covering the LGBT sections in all COI Reports, Dr Koser had decided that the review should also include any countries which were not in the 'top 20', but for which LGBT issues were often cited in asylum applications. Therefore, following advice from UKBA, he directed that the COI Key Documents for Albania and Ghana be included in the brief. A recent Bulletin prepared by COI Service on the LGBT situation in Iran was also included. Ms Anisa de Jong, of the Research Centre for Law Gender and Sexuality at the University of Kent Law School, had undertaken the project. Dr Koser thanked Ms de Jong for coming to the meeting and invited her to introduce her paper.

4.2 Ms de Jong briefly set out her methodology for carrying out the review. She said that she had set out a broadly similar template to that provided to COI Service authors, but had also detailed what information would be required under each heading for COI Reports to fully meet their purpose.

4.3 Ms de Jong then discussed her general findings:

- The COI Reports showed a very varying level of understanding of LGBT persons and relevant issues.
- Most reports addressed sexual *behaviour* only, and not the wider issue of sexual *identity*.
- Generally, the reports were strongest on the legal situation; not enough attention was paid to wider human rights issues relevant to persons with an LGBT identity (Ms de Jong noted that, for some countries, little relevant source information was available).
- There was sometimes a false assumption that 'homosexual behaviour' in public could not be distinguished from accepted social behaviours.
- Information on rape and child abuse was sometimes included in LGBT sections disproportionately.
- Source material often did not use appropriate terminology, and this tended to be transferred into commentary.
- Reports tended to simply omit information that could not be found in available sources, without mentioning that such information was unavailable.
- In most cases the reports did appropriately reflect the content of sources used, but there were instances where relevant information was not included.
- The use of LGBT-specific sources varied.
- Information provided about the legal position did not always cover the application of the law in practice
- The lack of information about the situation of lesbian and bisexual women was a problem across almost all reports.
- There was generally also a lack of information on the situation of transgender persons.
- None of the reports explicitly addressed the question of 'discretion', i.e. the possibility/practicability of an LGBT person living a 'discreet' life within a given country, the level of discretion required to prevent ill treatment or prosecution, resulting impact on other human rights, etc.

- The LGBT sections in some reports were poorly structured.

Ms de Jong's report gave examples of good and poor practice and provided links to suggested source material.

4.4 The Chair invited comments. Ms Muggeridge said the analysis had been comprehensive, and asked whether the guidance in it could be incorporated into the training of asylum decision makers and perhaps also into fact finding mission guidelines. Ms Sethna agreed guidance on the investigation of LGBT issues would be useful for everyone in the asylum process and said that the template developed by Ms de Jong should be used for all COI Reports. Mr Rocca noted that many people find it difficult to understand the concepts discussed in Ms de Jong's report and that training could help with that. He said that the issue of 'discretion' was often central to asylum cases involving LGBT persons and asked for it to be considered for COI Reports.

4.5 Mr Zürcher noted that the situation of LGBT persons was only rarely an issue in asylum applications for most countries; he asked whether the inclusion of all the information considered necessary by the reviewer would not make this section of the COI Report disproportionately bulky. Referring to the length of COI Reports Ms de Jong suggested that, if LGBT issues were not important for a particular country, it would be better not to have a section on LGBT persons in the COI Report at all, rather than having a section that was inadequate in its coverage.

4.6 Dr McDowell advised that gay men interviewed by him in an asylum detention centre had been advised by their lawyers to hide their sexual identity and focus on other aspects of their claims. He asked whether COI Reports could really do justice to all the issues involved.

4.7 Mr Jordan asked whether COI Reports could really get to grips with the more complex issues. He felt that thematic reviews had been very useful and enabled a direct comparison between the quality reports for different countries. The Chief Inspector said his office was well placed to conduct thematic reviews, and to suggest appropriate training for UKBA personnel. Mr Rocca said the Bangladesh COI Report was a good example of how more complex issues could be covered.

4.8 Dr Hammond said she considered it important for COI Reports to specify when any particular information could not be found in available sources, rather than simply not referring to the issue at all. This also applied to the situation of returnees. She asked whether the Chief Inspector would be taking this up. Mr Vine said he would be looking into what was feasible and practical. He was aware of the difficulties inherent in researching such issues as the treatment of returnees. Ms Oepfen advised that a charity in Australia had done case studies on failed asylum seekers who had returned to Afghanistan.

4.9 Returning to the question of complexity, Ms de Jong commented that (a) a basic level of understanding could be achieved through training, and (b) in addition to relying on existing published sources, UKBA might consider the need for expert advice.

4.10 Responding on behalf of COI Service, Mr Swift thanked Ms de Jong for a thorough, comprehensive and very useful review. He said he agreed in principle with most of what she had said. In particular, he acknowledged the importance of the language issue and appreciated the role of training for this aspect. A delegate from COI Service would be attending a course being run by UK Lesbian and Gay Immigration Group and further training may be arranged following this.

4.11 Mr Swift advised that COI Service had looked into the question of whether COI Reports should explicitly state when source information on a given subject was lacking. He said this might be possible in specific circumstances such as when information could not be found about the implementation of legislation. However, it would not be practicable to do this throughout all the sections of a COI Report. Also, it would be beyond COI Service's remit to speculate about possible reasons for the absence of information.

4.12 Mr Swift acknowledged the reviewer's point that COI on LGBT issues tended to focus on sexual behaviour rather than sexual identity, but observed that this emphasis reflected the content of the available information. COI Service would include the relevant information in so far as it was available. Mr Rocca said the issue of 'discretion' had to do with both behaviour and identity; it was difficult to split the two. Regarding the concept of discretion, Mr Swift said that it was difficult to envisage how COI Service could provide information about the practical implications of differing 'discretion' levels that may be required in particular countries.

4.13 Mr Swift said the template developed by Ms de Jong was a useful basis for development of the existing COIS template. However, he cautioned that, in practice, some of the information specified would often not be available.

4.14 Mr Elliot said that the discussion taking place might serve as a 'warning light' that LGBT issues were perhaps not being adequately dealt with within UKBA. He thanked Ms de Jong and the Panel for their contributions.

Item 5: Fact finding missions (FFMs) – methodology and guidance (APCI.11.6)

5.1 Dr Koser reminded Members that the Home Office's Research Development and Statistics (RDS) had been working with COI Service to develop guidance for COI Service personnel undertaking fact finding missions. The draft '*Guide to Fact Finding Missions*', had been reviewed by Dr Alan Ingram, who had presented a paper to the Panel with his views on how

the draft *Guide* should be further developed. He had kindly offered to discuss with RDS and COI Service how to take this area forward, and they had met in Croydon on 4 September. At the last meeting Dr Koser asked COI Service to provide a paper outlining the purpose of COI fact finding missions. Mr Swift had prepared a paper explaining this; also setting out the process of carrying out COIS FFMs and responding to some of the feedback from APCI on FFM methodology.

5.2 Mr Swift said that the review of the Turkey FFM report by Dr Adamson and Dr Çali had provided useful suggestions on how COI Service could refine its approach to FFMs. Mr Swift said that the meeting with Dr Ingram had also been very helpful in determining how to develop methodology; particularly in clarifying the extent to which principles of social research were applicable to COI Service FFMs.

5.3 Mr Swift's paper explained the purpose of COI Service FFMs and set out the step by step process for carrying out a fact finding mission, under the following headings:

- Reason for the mission
- Terms of reference
- Selection of sources to be interviewed
- The programme of interviews
- Before the interview
- The interview
- After the interview
- Preparing the report of the mission

5.4 Mr Swift emphasised that COI Service FFMs did not attempt to undertake social research and they were not seeking to find 'absolute truth'. Rather, their purpose was simply to obtain a range of views from informed parties on the issues in question. Interviewees were briefed in advance on the questions to be asked and there was no intention to 'catch them off guard'. Their responses were then sent back to them for verification before being included in the report, and they had the opportunity to edit their statements if they so wished. Mr Swift believed that COI Service was unique in this approach and that the consent element gave the process inherent robustness and transparency.

5.5 Mr Swift said he agreed with feedback from Dr Ingram and the Turkey researchers that FFM reports should be more explicit about the process followed in selecting sources, but said it would not be feasible to apply social research models of sampling and representativeness. Mr Swift also pointed out that COI Service had to work within the practical constraints of time and availability and that FFMs sometimes had to be undertaken at very short notice. Triangulation and other cross-checking of data would be carried out as far as possible, but the primary aim remained simply to obtain the views of sources and represent them accurately; any statistical or other facts cited by interviewees should be considered alongside information from the COI Report and other available sources. Further, as with other COI products, COI Service did not seek to analyse the information obtained by FFMs.

5.6 COIS carried out FFM's relatively infrequently and training for FFM's was by mentoring, as required. But COI Service would welcome suggestions for a more systematic approach to training. Mr Swift said that, in general, the transparency of the process and interviewee consent reduced the level of reliance on interviewer ability. Mr Swift thanked all those who had contributed to helping COI Service develop methodology and guidance on fact finding missions.

5.7 The Chair noted that Mr Swift had set out clearly COI Service's position on most of the key issues, and invited comment.

5.8 Dr Ingram noted six recommendations for taking forward FFM methodology:

- There should be explicit statements and procedures for the design, conduct and writing up of FFM's.
- Scoping and terms of reference – there was a need to define beforehand what would 'constitute success'.
- Information to clarify representativeness / sampling / balance should be provided - this was important for acceptance of validity by stakeholders.
- Verification / triangulation / cross-checking should be undertaken where possible to establish validity.
- Training should be developed for officers undertaking FFM's.
- The question of independence should be addressed further in the guidelines, as FFM's are currently undertaken by officers of HMG.

5.9 Dr Ingram said he was happy that some of these recommendations appeared to have been accepted to an extent. Dr Koser thanked Dr Ingram for meeting with COI Service in September.

5.10 Mr Zürcher commented that certain other European COI units commissioned fact finding missions by external researchers, rather than actually undertaking them. He said he found Mr Swift's paper particularly valuable and suggested that it could contribute to European standardisation in this area.

5.11 Dr Adamson said that while some social science principles may not be directly applicable to COI Service FFM's, some of the methodology could be very useful to inform matters such as the design of questionnaires. She said that methods used could influence results and that relevant training was available.

5.12 Dr McDowell said he had worked in British diplomatic missions abroad and would caution against relying solely on political secretaries in embassies to suggest sources. He recommended that COI Service maintain in-country contacts directly. Mr Swift confirmed that COI Service drew up a list of interviewees before approaching FCO to arrange the programme. Ms Shenton referred to a statement in Mr Swift's paper, "...our process is largely confined to obtaining what amount to prepared statements from people used to giving their views...", and said this implied that when COI Service undertook an FFM

they had already selected interviewees and knew what they were going to say. Mr Swift replied that the interviewees selected represented a wide range of views.

ITEM 6 - Any other business

6.1 Dr McDowell asked the Chief Inspector how it would be announced that the Panel had disbanded. Mr Vine said that had not yet been decided. But in the interim, Dr Koser and Mr Fraser, the Assistant Chief Inspector, would determine matters. Mr Vine thanked those present for their participation over the years and said he believed their work had been very useful. He would come up with some proposals on the future of the Panel and then convene a meeting to discuss them. He said he wanted to retain the expertise of the members and observers. Mr Vine thanked Dr Koser in particular for his work on the Panel and for agreeing to participate in its transition.

6.2 Dr Koser noted that, in the past, at the end of each meeting, the Panel had considered what might be on the agenda for the next meeting. He said that, as Chair, he would have suggested some of the following issues and that the Chief Inspector might wish to take some of these forward:

- Further investigation into the use of COI in practice, following Dr McDowell's initial report.
- Another thematic review.
- Further development of FFM guidance.
- Re-visiting the Gender analysis, to see to what extent the reviewer's recommendations had been implemented.

6.3 Dr Koser recalled that he had been a member of the Panel since its second meeting, in 2004. Since then, a substantial amount of work had been carried out by Members and Observers, all of whom were unpaid. In total, over 50 COI Reports had been reviewed, as well as about 15 COI Key Documents and two FFM reports. There had also been cross-cutting analyses on Gender, Children and LGBT issues. He said that the Panel had overseen a substantial and widely acknowledged improvement in the quality of reports produced by COI Service since 2004, and thanked Members and Observers past and present for their hard work.

6.4 The Chair thanked Mr Swift and Mr Lavine for their support in the running of the APCI. He wished the Chief Inspector all success in taking the Panel's work into the future.