

# Annual Report 2019

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# About us

ARC's Foundation's **mission** is to improve standards in refugee status determination processes, the realisation of asylum seekers' and refugees' rights and entitlements, and ensure that those in need of protection are recognised as such.



Find out more about our trustees and associates on our website.

## Trustees

### Mike Kaye – Chair

(reappointed in November 2019), Freelance consultant and former Advocacy Manager for **Still Human Still Here**

### Duncan Grant – Treasurer

(reappointed in November 2019), Corporate Account Manager for **Place2Be**

### Christine Bacon

(reappointed in December 2018), Artistic Director at **Ice & Fire**

### Alfredo Campos Garcia

(appointed in November 2019), General Secretary and Head of Legal Department at **MUN2**

### Lucy Gregg

(appointed November 2019) Senior Protection Associate at **UNHCR London**

### Raza Halim

(reappointed in July 2018) Barrister at **Garden Court Chambers**

### Kalvir Kaur

(stepped down in December 2019), Solicitor at **Freedom from Torture**

### David Neale

(appointed November 2019) Legal Researcher at **Garden Court Chambers**

### Jo Pettitt

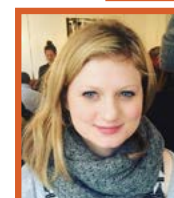
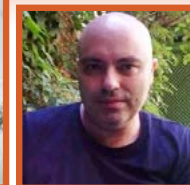
(reappointed in December 2018), Head of Research and Survivor Activism at Freedom from Torture

### Christel Querton

(reappointed in December 2018), Lecturer at the **University of the West of England** and Barrister at **Lamb Building**

## Associates

- Lizzy Galliver
- Rachel Gasowski
- Bogdan Ghenea
- Dastan Salehi
- Natasha Tsangarides





## Message from the Directors

While we have run the Asylum Research Centre (ARC) since 2010, we only established ARC Foundation as a registered charity in 2016. ARC Foundation aims to improve standards in refugee determination procedures by ensuring that decision makers have access to high quality Country of Origin Information and in this way help to ensure that all those in need of protection are properly recognised as such and not returned to countries where their lives may be at risk.

In our first three years, we have built ARC Foundation's systems and procedures; recruited an active Board of Trustees with a range of expertise relevant to the charity's work, and grown our income from zero to over £50,000.

We also rely on support from five associates who are all experienced human rights researchers and who we contract on a project basis. 2019 has been an exciting year for us as we have developed a number of projects, which:

- Improve UK and EU country of origin information products
- Fill country of origin information gaps
- Provide a case-specific research service
- Deliver country of origin research training webinars
- Conduct a comparative analysis of U.S. Department of State reports
- Publish free public resources

The reduction in the availability of quality legal representation and legal aid means that many asylum applicants are not properly supported to provide the evidence which shows that they are at risk of serious harm if returned to their country of origin. In addition, the continued pressure on the decision-making process, which can lead to poor asylum decisions, makes improving the quality of key decision-making documents in the UK and wider Europe so much more crucial.

ARC Foundation's work aims to mitigate these problems by improving the country of origin information available to caseworkers, providing tools and other resources for legal representatives across Europe to assist their case preparation, and by joining forces with other civil society partners to address our concerns in relation to specific countries and risk profiles.

Stephanie Huber

Liz Williams

### What is COI?

Country of Origin Information (COI) should be accurate, reliable, relevant, current, objective, traceable and transparent country information, and central to refugee status determination.

COI informs decision makers about conditions in the countries of origin of asylum applicants.

It also assists them in establishing objective criteria as to whether an asylum claim is well founded.

# What we do

ARC Foundation aims to drive up standards in the quality and use of Country of Origin Information (COI) in the refugee status determination process through three main streams of work:

1.

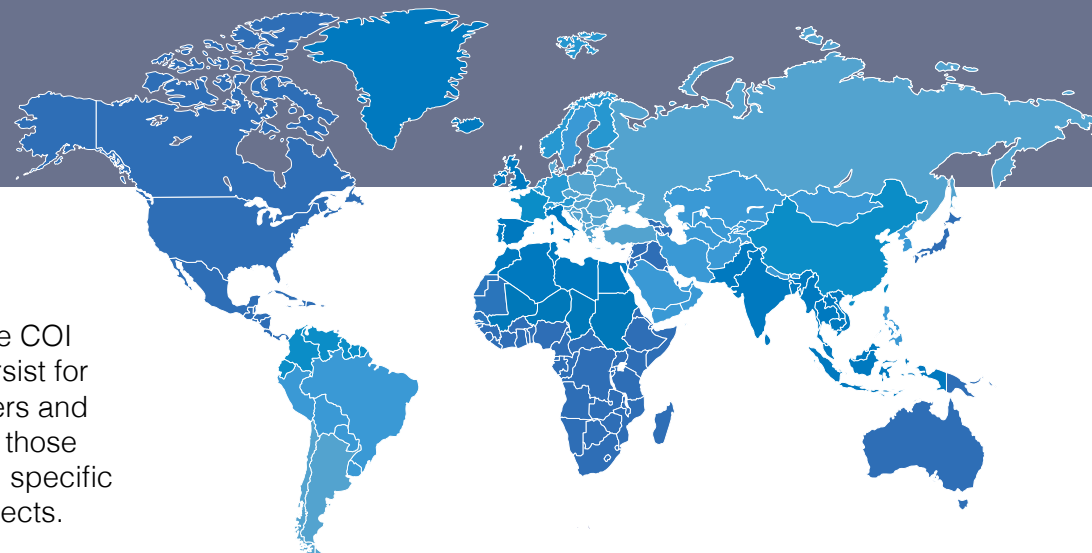
Reviewing country information reports published by the UK Home Office (**Country Policy and Information Notes**) and the European Asylum Support Office (**European Asylum Support Office's COI products**) and advocating for improvements in the quality of these products;

2.

Assisting legal representatives and those supporting asylum seekers to access relevant COI research and undertake their own COI research through our case-specific research service, our research reports and by providing training opportunities;

3.

Identifying the COI gaps that persist for asylum seekers and seeking to fill those gaps through specific research projects.



“ARC Foundation has established itself as an internationally recognised source of expertise in the research and analysis of country of origin information in asylum claims and has a strong track record of positively contributing to improvements to UK asylum country specific policy documents and the European Asylum Support Office's country reports.”

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Mike Kaye, Chair



Photo: © Adel Kamel/Adobe Stock

# Highlights of our work in 2019

## Comparative Analysis of U.S. Department of State reports

In July 2019 the Joseph Rowntree Charitable Trust awarded us three years of project funding to examine the changes in five of the U.S. State Department's country reports on 'Human Rights Practices', comparing the 2016 edition produced under the previous administration to those under the current administration (2017-2020). We are concerned that the mission statement of the State Department has shifted away from shaping peace and democracy around the world to more narrowly advancing "the interests of the American people"<sup>1</sup> and that this has adversely affected the country reports by:

- Stripping down the overall size of and content of the country reports covering 2017/2018, compared to 2016. For example, omitting crucial human rights abuses committed by non-state actors in the section on violations committed against women and reduced reporting on LGBT rights;
- Removing whole sections. For example the former 'Reproductive rights' section was replaced by 'coercion in population control' in the 2017 edition, in line with the government's scaling back of international sexual and reproductive health programmes; and
- Watering down of human rights abuses, which are not reflective of reporting on the ground.

<sup>1</sup> See U.S. Department of State, About the U.S. Department of State, Undated [last accessed: 16 March 2020]

These reports are relied upon to: inform foreign aid and policy decisions; as a tool for human rights defenders and governments to highlight human rights abuses and to hold regimes to account; and as a key resource in refugee decision making in the UK and throughout the world.

Given the trends above, we are concerned that uncritical reliance on U.S. Department of State country reports could lead to abuses and threats being inaccurately assessed which could then impact on refugee recognition rates.

Our reports will be widely circulated to draw the attention of those working on human rights issues to the concerns highlighted above.

In particular, legal representatives and those supporting asylum seekers will be able use this analysis to assist in case preparation and challenge individual refusals of asylum applicants that rely on incomplete information in these reports. In addition, we will use them in advocacy with the UK Home Office, the European Asylum Support Office and UNHCR.

The findings of the first two rounds of reviews are expected in mid-2020.



Photo: © BortN66/Shutterstock.com

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“The U.S. State Department's annual human rights reports are readily used by legal representatives in the UK and are often seen in Home Office Reasons for Refusal Letters. A rigorous public analysis of the U.S. State Department reports such as ARC Foundation is undertaking will assist legal representatives and decision-makers in assessing how much weight to place on the US State Department's annual human rights reports and will inform their decisions, thereby ensuring that refugees who might otherwise be denied protection are recognised as such.”

David Neale, Trustee

# Highlights of our work in 2019

## Strategic Research Project

In May 2019 in collaboration with our project partners Asylos, we published **'Albania: Trafficked Boys and Young Men'**, the first in a series of five 'Strategic' COI reports aimed at addressing a systemic weakness in the refugee status determination process; namely the absence of high-quality, publicly available information for asylum seekers with particular risk profiles.

This topic was chosen in a 2018 scoping exercise as Albanian children regularly form one of the top five largest groups of unaccompanied asylum-seeking children in the UK, but not one was granted asylum or humanitarian protection in 2018.

This was despite the fact that Albania was the third-most prominent foreign country of origin for trafficked children identified in the UK in 2018. In addition, the vast majority of information on trafficking in Albania refers to women and girls.

The report covers nine key research areas relating to the trafficking of Albanian boys and young men and includes interviews with ten individuals and organisations.

David Neale, Legal Researcher at Garden Court Chambers, published a **paper** for legal representatives which analysed our reports' main findings and provided practical guidance of how to apply it in legal cases.

Our report was well received with around 1000 downloads and feedback from UK legal representatives stating that the report was mentioned in asylum decisions, positively impacting on the outcome of the cases.

At the end of 2019 we started scoping for our next strategic COI topic and this will be: 'Vietnam: Returned victims of trafficking, Responses to returned victims of trafficking and factors affecting the likelihood of re-trafficking'. This report is expected to be published in Spring 2020.

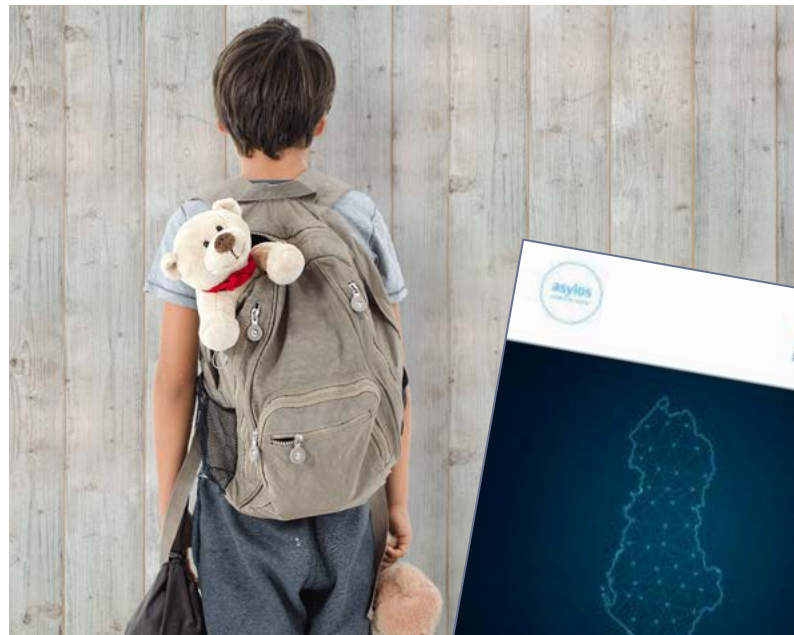


Photo: © S. Kobold/Adobe Stock.

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“I just wanted to say this is amazing and brilliant and helped us out enormously in our law clinic work this week ... It's a really really good report ... Never seen anything like it, incredibly credible, brilliantly written, totally fills a huge gap and full of compelling evidence and insight. Am going to use it with the students next term as best practice example when we talk about advocacy.”

**Clare Tudor, Senior Lecturer in Refugee Family Reunion/Refugee Family Reunion Clinic Coordinator**

“It is an extremely helpful report on risks of trafficking to boys and young men which I have referred to in every male Albanian case. This research was desperately needed as the background material was silent on these issues. Thank you for producing this.”

**UK based legal representative**

# Highlights of our work in 2019

## COI Training Webinars

With our project partner Asylos we delivered a COI research training session to 33 legal representatives and those working in the asylum field in the UK who are registered with Refugee Action in partnership with their **Front Line Immigration Advice Project**.

The interactive webinar covered:

- Introduction to Country of Origin Information (COI): what is it, when can it be used and what are its limits;
- Quality criteria for researching, selecting and presenting COI;
- How to develop a COI research strategy. Common pitfalls and challenges in conducting COI research and how to address these;
- Source assessments, useful sources and practical COI research techniques and how to present COI to decision-makers.

Of the 28 participants that gave feedback, 100% stated that as a result of the workshop they felt more confident in researching and using COI and 27 (96%) rated the training as 'excellent' or 'very good'.

Future free training webinars and face-to-face workshops are planned in 2020 for a range of stakeholders supporting asylum seekers.



“I would like to thank you for this excellent course regarding a very important issue that is the COI course which can change the future life of many vulnerable people in this country...”

Training participant



Photo: © Patrick Daxenbichler/Adobe Stock

# Partnership work

We have developed a number of partnerships and collaborated with a range of stakeholders to promote higher COI standards including through:

Photo: © ACCORD.  
Workshop facilitation at the international COI conference



**Engaging** with the European Asylum Support Office's COI team and senior officials in the Home Office to review reports, share our findings and make recommendations for how their reports could be improved.

**Membership** of the **European Asylum Support Office's Consultative Forum** which brings together experts to consider and input on COI-related issues.

**Our membership** of the European Asylum Support Office Reference Group on 'Practical Tools for the use of Country of Origin Information by the case officers' and for which we undertook a detailed review.

**Facilitating** two workshops at the international COI conference convened jointly by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) and the European Asylum Support Office in October 2019 in Vienna.

**Our collaboration** with the European Network on Statelessness to review the methodology, content, format and presentation of several country position papers they had developed on the profiles of stateless individuals. These reports fill an important gap in the COI literature surrounding statelessness.

"In a very constructive manner, ARC has been providing valuable feedback on many COI products published by EASO, such as the EASO COI Report Methodology, and various EASO COI Reports.

... ARC have consistently demonstrated an in-depth knowledge of COI methodology and quality standards, a critical eye for detail and a genuine commitment to ensuring the quality of the COI products concerned, which are used in international protection procedures."

**Christophe Hessels,**  
European Asylum  
Support Office

"ARC's feedback has always been constructive and helpful and has ultimately assisted the continuous improvement of our COI products (and our approach to COI more generally)."

**Martin Stares, UK Home  
Office Country Policy and  
Information Team**

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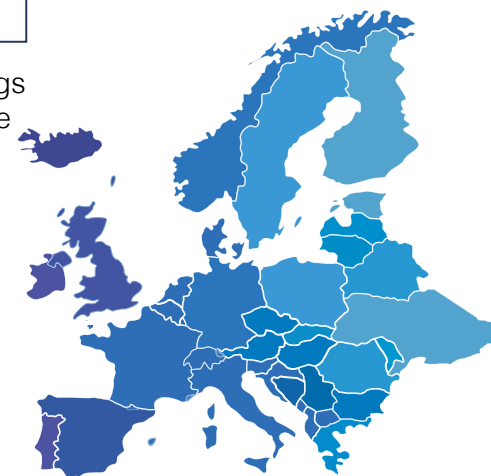
**Chris Nash, Director,**  
European Network  
on Statelessness

"For several years I have admired the work of ARC Foundation as a leading organisation working on the production and use of COI so they were an obvious port of call for advice when we started work to develop Country Position Papers for our #Stateless Journeys project.

Their expertise helped improve the robustness of these documents as credible and effective tools to use in refugee and statelessness decision-making processes. We look forward to continuing our strong collaboration to explore how we can work together to improve statelessness and nationality content in COI products."

 **The workshop was  
rated an average 4.5/5  
by 52 participants.**

**Attending** bilateral meetings with senior officials from the Home Office.



# Our publications

During 2019, we published two commentaries on 'prison conditions' as the Home Office had either archived or stopped updating the policy documents guiding decision makers on this topic for a number of years:

**September 2019: Prison conditions in Afghanistan**

**November 2019: Prison conditions in Nigeria**



“The commentaries on prison conditions fill an important gap in highlighting conditions in Afghanistan and Nigeria to help ensure that all relevant material is considered by decision-makers. The accompanying legal notes by David Neale of Garden Court Chambers are particularly helpful for legal representative, distilling the key legal principles found in domestic and Strasbourg authority.”

**Raza Halim, Trustee**

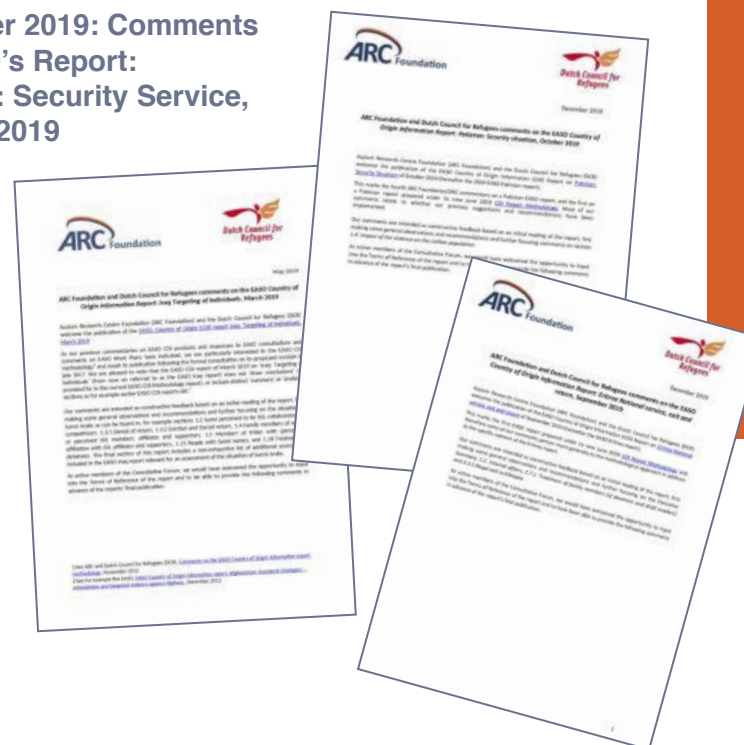
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In collaboration with the Dutch Council for Refugees, we also prepared the following commentaries on published COI reports by the European Asylum Support Office:

**May 2019: Comments on the EASO Report: Iraq: Targeting of individuals, March 2019**

**December 2019: Comments on EASO's Report: Eritrea: National service, exit and return, September 2019**

**December 2019: Comments on EASO's Report: Pakistan: Security Service, October 2019**



## Feedback loops

A feedback mechanism was developed for our publications in the second half of the year and was included as a link directly into our reports as well as into an (optional) pop-up download dialogue box on our website. We hope that over time this will give us a clearer idea of who is using our reports, what impact they are having and how they could be further improved.

# Free public resources

We have developed the following free online COI resources for legal representatives and others working in the asylum sector:

## A thematic sources

**database:** available pro bono on our website, as part of our efforts to raise the capacity of legal representatives and others undertaking COI research. It was updated in September 2019 and now comprises over 350 publicly available sources (e.g. government, UN agencies, international and domestic NGOs, think tanks, research institutes, international media outlets and academic sources) organised across nine themes in addition to a repository of country experts.

**The COI Forum:** an online platform for 100+ legal representatives and others working on COI with the opportunity to connect and thereby enhance each others' expertise in this field as well as to develop shared resources.

The bi-monthly newsletter **COI Update**, sent to over 600 subscribers, which provides an update of UK Country Guidance case law, UK Home Office publications and developments in refugee producing countries, focusing on those which generate the most asylum seekers in the UK.

“Thank you so much for publishing this invaluable resource! We are sharing it with our 120+ volunteers, who will be introduced to new sources for their COI research supporting 845 legal representatives in over 20 countries.”

**Sophie Kloos, Asylos Director**

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# COI research service

We offer a case specific research service for asylum and human rights claims:

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We continued to offer a **case specific research** service for asylum and human rights claims and provided COI research for the Country Guidance case AAR & AA (Non-Arab Darfuris - return) Sudan [2019] UKUT 282 (IAC) (7 August 2019).

“From my experience, both Stephanie Huber and Liz Williams are very experienced at providing high quality COI research reports using a wide range of sources of information.”

**James Howard, Fountain Solicitors**



# Our finances

ARC Foundation aims to drive up standards in the quality and use of Country of Origin Information (COI) in the refugee status determination process through three main streams of work.

INCOME	
Grants	£50,467
Case-specific research service	£2,118
Unrestricted funds carried over from 2018	£7,037
<b>TOTAL</b>	<b>£59,622</b>

EXPENDITURE	
Consultancy costs and direct programme costs	£51,196
Office costs	£2,571
<b>TOTAL</b>	<b>£53,767</b>

RESERVES	
Unrestricted reserves	£3,750
Restricted reserves	£2,105
<b>TOTAL</b>	<b>£5,855</b>

# Funders, partners and friends

Our work would not have been possible in 2019 without the generous financial assistance awarded by the Paul Hamlyn Foundation and the Joseph Rowntree Charitable Trust.

We are grateful for the pro-bono legal advice provided to us by LawWorks and to Iris Teichmann for designing this report.

We are grateful for the constructive relationship we've further developed in 2019 with colleagues at the European Asylum Support Office (EASO), and the Home Office Country Policy and Information Team.

Last but not least our heartfelt thanks go out to our fantastic board of trustees and our colleagues at:

- Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)
- Asylos
- the Dutch Council for Refugees
- the European Council on Refugees and Exiles (ECRE) and
- the European Network on Statelessness.





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