

## SELF-HELP TOOL 3: CHALLENGING HOME OFFICE REFUSALS

Women's asylum claims should be assessed by following the rules: “**Policy Instruction on Gender Issues in the Asylum Claim**” and other “**Asylum Policy Instructions**”. These rules apply to Home Office officials (the person who interviews you or makes a decision in your case).

Below are four reasons that the Home Office (HO) commonly gives for refusing women's asylum claims. For each reason they give we have written what the HO's instructions are to its officials on how cases should be treated. If these instructions have not been followed by officials in your case, the quotes can be used to challenge the reasons you have been refused.

### REASONS FOR REFUSAL AND HOW TO CHALLENGE THEM

#### 1. **You were not believed** (“not credible”, “lack credibility”)

##### **a. Because you did not report rape to the HO earlier (“delay in reporting”).**

You should have been asked in your interview why you did not tell the Home Office about being raped earlier. You should explain now.

The instructions to HO officials says: *“There may be a number of reasons why an applicant may be reluctant to disclose information, for example feelings of guilt, shame, and concerns about family honour, or fear of traffickers or having been conditioned or threatened by them.”*

##### **b. Because you did not claim asylum earlier (“delay in claiming”).**

In your asylum interview you should have been given a chance to explain why you did not claim asylum earlier. If you were not asked to explain this during your interview explain the reason why now.

The instruction says that it is *“important . . . that relevant issues are clarified with the applicant.”*

##### **c. Because there were details in your account which didn't match up (“discrepancies”).**

Were you made uncomfortable during your interview? Did this make it difficult for you to describe what happened? If the answer is yes explain this.

The instruction says: *“You should have been given the chance to explain if you said things which were contradictory or didn't make sense: It is therefore important that an interview is conducted sensitively, thoroughly, and that **relevant issues are clarified with the applicant** [our emphasis].”* 7.1 The Interview.

##### **d. Because your account lacked detail (“vague”).**

Did you feel that you could trust the interviewer and tell them all about what you had suffered? If not explain why.

The instruction says: *“A reassuring environment will help to establish trust between the interviewer and the claimant, and should help the full disclosure of sensitive and personal information.”* 7.1 *The Interview*.

**This is of particular significance to rape survivors** because the instruction says that: *“For victims of rape or sexual violence, it is not necessary to obtain precise details about the act itself.”*

It is horrible to be told you don't need to go into the details thinking you are being treated sympathetically, only to find out this has been used to disbelieve your account more easily. This is against instructions which say: *“information should be obtained about the events leading up to and following the assault, the context in which it took place as well as the motivation of the perpetrator.”*

**2. You could get protection from the police in your country** (“sufficiency of state protection”).

Why can/could you not get protection from the police in your country? The instructions say that Home Office officials should: *“take into account the relevant sections on actors of persecution and the sufficiency of state protection”* (our emphasis).

Even if it is possible to have asked the police etc. for help, you may still have good reasons for not approaching them, which should have been considered. The instructions say: *“it is not always reasonable or possible . . . because by requesting protection she risks violence . . . even further persecution.”* API 8.1

**3. You will be safe in another part of your country** (“internal relocation”).

You should be asked directly in your interview about how possible it would be for you to live in another area away from where you suffered previously.

If you were not asked during your interview use what the instructions to HO officials say: *“the ability of the individual to relocate in practise must be assessed and these issues should be explored at the interview for a sound decision to be reached.”*

**4. You will no longer be in danger** (“no risk on return”).

You should have been asked at your interview to explain in detail why you fear being sent back to your country. Any gap between when you suffered persecution/torture and when you left the country will be used to say you will be safe, unless you can describe how you managed to survive.

The instructions say: *“Establishing the material facts of a claim and the credibility or otherwise of past experiences and the various aspects of the reasons for seeking asylum or humanitarian protection is essential in assessing the merits of the claim.”* *The Interview* 7.1