

Independent Race Monitor

Annual Report April 2002- March 2003

Mary Coussey

Introduction and Terms of Reference

1. I was appointed as the Independent Race Monitor in April 2002. My terms of reference are defined in Section 19 E of the Race Relations (Amendment) Act 2000, and are to
 - Monitor the likely effect of Ministerial authorisations to discriminate on grounds of nationality or ethnic origin relating to the carrying out of immigration and nationality functions
 - Monitor the operation of the exceptions made under Ministerial authorisations.
2. The authorisations are made under Section 19 D of the Race Relations (Amendment) Act.
3. Under Section 19 E I am required to make an annual report on the discharge of these functions. The terms of appointment also require the Race Monitor to make an interim report half way through the period, and this was published on 12 December 2002, and placed in the Libraries of both Houses of Parliament. The Interim Report covered the period up to the end of September 2002. This report covers the remaining period from October 2002 to March 2003.
4. My Interim Report was written after only a short period of monitoring. At that time, concerns had been expressed about the breadth of the authorisations permitting exemptions to the Race Relations (Amendment) Act particularly the exemption for specified national and ethnic groups, which was revoked on 11 June 2002. The other concerns were mainly about the potentially adverse effect on individuals of targeting specified nationalities based on statistical evidence of breaches.

Authorisations

5. There were several changes to the authorisations during my first year of monitoring. The most wide-ranging authorisation, (No 1) which allowed discrimination in the examination of passengers, and in removals, was made in April 2001. The format of this authorisation was revised in October 2002, following a judicial review (Tamil Information Centre v Secretary of State for the Home Department, October 2002) which held that the Minister had to exercise

control personally over the decision. As a result the Minister now reviews the statistical evidence of breaches and adverse decisions, along with specific intelligence each month and determines the nationalities to which the authorisation will apply. Probably the most contentious authorisation (No 2) made in April 2001, allowed discrimination against specified national and ethnic groups. This was revoked in June 2002, as mentioned in paragraph 4 above. The third authorisation (No 3) was made in October 2001 and allows language analysis testing, where there are doubts about the applicant's claimed nationality, of nationals from Afghanistan, Somalia, Sri Lanka and (added in March 2003) Iraq. The current authorisations are summarised in Appendix 1.

6. There were also several other policy and procedural changes which directly or indirectly affected the priority given to particular nationalities, the depth of any checks made, and the frequency of refusals to enter. For example, in November 2002, nationals of Zimbabwe and in January 2003, of Jamaica were required to have visas to enter this country. Also in January, nationals of Mauritius were no longer required to produce visas. In December 2002 six countries (Poland, Estonia, Latvia, Lithuania Bulgaria and Romania) joined the au pair scheme, allowing young people to spend up to two years with a British family. In February, seven countries (Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia) were added to the original list of six 'presumed safe' countries introduced under the Nationality, Immigration and Asylum Act. The Seasonal Agricultural Workers Scheme was expanded in 2003 and in October 2002, two new schemes were developed to bring in temporary workers for hotel and catering and food processing.

Monitoring Activities

7. I continued to make visits to ports, either wholly unannounced, or unannounced to immigration officers. I spent a day each at Heathrow Terminals 2 and 3, Gatwick and Stansted. During these visits I was able to go where I wished. I observed the work of Surveillance Officers, Immigration Officers (IOs) at the desk, interviews with passengers including asylum seekers, and talked to Assistant Directors, CIOs, IOs, Forgery and Intelligence Officers about how they made decisions and about the impact of the authorisations on their work. I spent most of my time monitoring the application of the authorisations to asylum seekers, as I said I would in my Interim Report. This included meetings with senior officials in the Asylum Casework Unit, attending screening and substantive interviews, examining samples of decisions, and interviewing asylum caseworkers about the criteria used in decisions and the impact of nationality on these.
8. I had informal meetings with the Minister Mrs Beverley Hughes MP in December 2002 and March 2003. I met staff in the Home Office Research and Statistics Directorate to discuss the feasibility of statistical monitoring of passengers who are held up for further questioning. I was also briefed on the details of current immigration research. In March 2003 I met officials at the Commission for Racial Equality to discuss their proposals for monitoring passenger arrivals.

Acknowledgements

9. I would like to thank all the staff concerned in arranging visits and interviews and for the time spent with me. In particular the staff in the Integrated Casework Directorate gave me a great deal of assistance and time arranging and taking part in interviews and obtaining samples of decided cases, at a busy period, when there were changes to the system.

Observations: port visits

10. In my Interim Report I described the way in which certain flights and carriers are given priority at Heathrow T3 because experience shows that they bring higher numbers of passengers whose entry is not straightforward. Terminals 1 and 2 cannot target particular carriers and flights to the same extent because of the wide range of flights with links to large international hubs such as Amsterdam, Rome, Frankfurt and Paris. They may be clearing up to 375 passengers from one airbus. I was told that the focus is on assessing passengers' initial responses, and any behaviour which raises doubts about their credibility. The IO must decide whether the passenger is genuinely seeking entry for the purpose and period stated. I was informed that nationality becomes relevant only after the initial questions, since if there are doubts, individual background and the kind of turmoil in the country may be relevant to the likelihood of return. IOs become skilled at assessing behaviour. I was informed that IOs do not have views about any particular area but use disseminated intelligence and statistical information to keep up with current world events. The authorisations were considered necessary to protect staff against complaints about what they do. For example if there were recent patterns of nationals of particular countries destroying travel documents, or that particular nationals on temporary admission had absconded, this information made it possible to tackle the abuse by focusing resources on more careful checking of passengers of those nationalities. Without the authorisation to cover such action, it might be challenged.
11. There was a need to detect document forgeries. It was prevalent among some EU identity cards but IOs had to be sensitive about challenging EU documents where the practice is 'light touch' control. Where there is intelligence about stolen documents and impersonations, this is the basis for more careful checks of passengers arriving from EU countries. Again I was told that the authorisation was considered necessary to cover such checks.¹
12. Stansted was named the fastest growing airport in Europe for the third year in a row. A total of 16.04 million air travellers passed through the airport last year. There are very few passengers to whom the port control authorisation would apply as a high percentage of flights are from European

¹ According to official guidance, IOs do not need to rely on the authorisations for the purposes of checking for forgeries, as this is based on objective evidence and is not discrimination based on nationality.

destinations. However, the EU control is busy and highly pressurised. In terms of traffic throughput, it is the most difficult place to stop passengers. Approximately 80% of forgery cases at Stansted are EU documents. I was told that IOs focus on how the passenger is behaving, for example whether they are 'hanging back'. Many identity cards are in a bad state, passengers are busy talking and telephoning as they approach the desk and it may be difficult for the IO to check. I was told that sometimes staff coverage is inadequate and access to interpreters is limited, since demand does not warrant the cost of them on site. Stansted's location means that there can be a 4-5 hour delay before one is available to conduct a full screening interview. Whilst I was there an undocumented passenger from Sri Lanka claimed asylum. As he spoke no English, initial basic questioning had to be done over the telephone, with the passenger sitting in an immigration casework office. This was not ideal for anyone, but it was done so that the passenger could be told what would happen to him while they waited for an interpreter.

13. Flights from the Czech Republic arrive at Stansted and there were occasions when Czech nationals claimed asylum because of their Roma ethnic origin. The treatment of Roma is one of the concerns raised by interest groups, as it is alleged that they are singled out for refusal on the basis of their ethnic origin. At the time of my visit to Stansted, (and my visits to Heathrow and Gatwick), entry checks were being done at Prague airport.² The Home Office informed me that this is not covered by my monitoring function because the authorisations were not being operated there.
14. Passengers arrive at Gatwick from all parts of the world, and there are links with other 'hub' airports. I was told that at present all the work is based on passenger credibility, and passenger behaviour, unless there is specific intelligence about trends and statistics relating to particular nationalities and forged documents, in which event particular flights are targeted and all documents are checked. The nationality authorisations are said to be needed for such specific exercises. There had previously been particularly high entry refusals of passengers from Jamaica and many asylum seekers from Zimbabwe. Both were now insignificant because of the requirement for visas from these countries. For some carriers with a history of poor document checks IOs will examine documents as passengers disembark. Where there are such problems Airline Liaison consultants work with the airline in the home airport, to train their staff in document checks and in recognising forgeries. This has enabled Gatwick to reduce the level of refusals based on inadequate documents.
15. All ports referred to the difficulty of checking some EU arrivals because of poor quality identity cards, and I saw for myself some very worn ID cards with faded typewritten details. In such circumstances IOs have to rely on infra-red document checks and passenger appearance compared to the ID photograph. I was briefed on the problems and techniques involved in checking documents. There is a pattern of good quality forgery of certain passports. Forgery officers target

² Pre-entry clearance operated at Prague for most of 2002 until 26 February 2003. There has been a significant drop in asylum claims from Czech nationals. In May 2003 the Court of Appeal dismissed an appeal against the decision that the pre-entry practices at Prague were unlawful, but gave leave to appeal to the House of Lords. (*European Roma rights Centre v The Immigration Officer at Prague Airport and The Secretary of State for the Home Department*. [2003] EWCA Civ 666).

arrivals of nationals from these countries and undertake spot checks of documents. Again, I was informed that the authorisations are considered necessary for such checks. (See footnote 1).

16. Concerns have been expressed that passengers who are more likely to be held up for questioning before entry or are refused entry tend to be not white. I have noticed during my visits that many of those sitting before the control desk awaiting interview or waiting in holding areas are visibly not white. However it is difficult to say that this is a matter of colour discrimination. It is a result of the application of immigration rules, and reflects the pattern of breaches of these rules by particular nationalities. It is worth noting that according to 2001 statistics³, 45% of passengers refused entry and subsequently removed were from non-EEA European nationalities.
17. I did not see any indication during my visits that a passenger's colour was the trigger for further checks beyond the basic questions about purpose and length of visit. All IOs to whom I spoke were well informed about the ethnic diversity of returning residents and also of the diversity of nationals from other EU countries such as France and The Netherlands. One IO said that it was possible to distinguish returning UK residents from passengers resident in the country of origin because the former dressed, behaved and spoke like 'locals'. IOs and Airside Surveillance Officers do take appearance and demeanour into account. I questioned several officers about these more subjective tests. There was a combination of factors which did not quite 'add up' and made the passenger 'stand out'. Examples given were subtle mistakes in dress (e.g. wearing baseball caps in too-young a manner, or a group in similar too-new clothes). Some IOs said to me that they could distinguish Roma by appearance, especially because of style of dress. Also significant was the way passengers presented themselves, whether they were connected with the rest of the flight or had 'hung back', if they seemed uncomfortable or gave incorrect, vague or evasive replies. Some IOs were unable to be specific about what they looked for, but said one developed a 'sense' from subtle clues. Some IOs acknowledged that information about breaches by specific nationalities could become self-reinforcing because it would result in closer checks of passengers from these nationalities.
18. I was concerned that airside surveillance, whereby IOs meet passengers at the plane door either to check documents or verify arrivals, appeared to take colour and ethnicity into account, as well as behaviour and dress. When I queried this it was explained by the fact that the officials are simply observing and noting passengers, not checking or stopping them, so that if asked about someone presenting themselves without documents, they could recognise them and say which flight the person was on. I was informed that the Race Relations (Amendment) Act has changed the way airside surveillance is done. Now where there is intelligence on specific routes, all passenger documents will be checked whereas previously they would check only documents of passengers from suspect national or ethnic groups.

³ Control of Immigration: Statistics United Kingdom, 2001. Mallourides, E. and Turner, G. National Statistics September 2002.

19. In almost all of the interviews I witnessed, it was clear why the passenger had been referred for further questions before entry. These included passengers arriving as tourists, with insufficient funds for the stated period, and inconsistencies in their stated intentions, or potential students with previous histories of failure to complete a qualification, and insufficient funding. Sometimes the doubts became stronger when the sponsor failed to verify the passenger's account. In a few cases, in which passengers arriving as students were refused entry, I felt decisions were harsh, although I did not consider this was based on the passengers' ethnicity. Nationality was relevant to the IO, because passengers in these cases were from relatively poorer countries. I also observed a couple of passengers given entry whose accounts of the purpose of the visit raised doubt in my mind but not in that of the IO.
20. Some passengers described complex circumstances and histories which required the IO to spend significant amounts of time interviewing them and checking with sponsors in order to satisfy themselves of his/her credibility. This was particularly so for unaccompanied minors where the IO had additionally a duty of care and has to establish that there is a safe place for them to go and satisfy themselves of the credibility of the sponsor or relative. In all cases where there is doubt, the IO consults a Chief Immigration Officer, (CIO) both about the further questions to ask and about the decision.
21. All the IOs whom I observed were professional and many were skilled interviewers with experience and good understanding of different circumstances in the countries from which passengers arrive. There were also less experienced IOs, who had to check more frequently with CIOs. I have already commented favourably in my Interim Report on the ethnic diversity of IOs at Heathrow. I also saw examples of 'case-hardened' officials with a cynical attitude towards some nationals in particular, based on dealing with refusals.
22. I commented in my Interim Report on the difficulty of drawing any robust conclusions based on my observations of a tiny fraction of arrivals. To put it in context, in 2001 there were 88.1 million international arrivals, of which 12.8 million were non-EEA nationals subject to immigration control. To be effective, monitoring needs to be supported by focused qualitative and quantitative research. One example of research proposed in referred to is in paragraph 35 below.

Observations: asylum casework

23. New applicants are screened at interview either at the port of arrival if the claim is made there, or in the Croydon Asylum Screening Unit. Streaming of asylum claims by nationality, which is specifically included in my terms of reference, is not currently being done. Serving decisions are processed against a numerical target, which for 2002/3 was 65% of applications decided within 2 months. This will increase to 75% for 2002/3. A co-ordination unit manages the workflow, referring applications to one of sixteen units in Croydon or fifteen in Liverpool, according to location of applicant, and capacity, expertise and knowledge of the

country concerned of units. When I visited Croydon in November 2002, about 700 applicants were interviewed each week. A similar number of interviews were conducted in Liverpool over the same period. Quality control is maintained by random sampling by a senior caseworker, and each caseworker has one decision per month reviewed against a ten-point standard. In addition, Treasury Solicitors assess twenty-five cases per month selected at random in Liverpool and Croydon, including sixteen which have been assessed previously by a senior caseworker. Lawyers acting for IND also advise on standard paragraphs and give feedback from appeals and judicial reviews.

24. Screening interviews are done to check on the applicant's travel route, identity and status. Most applicants are required to submit a statement of evidence, and are invited for a substantive interview. Claims are decided by asylum caseworkers, who will consult a senior caseworker as necessary. Most caseworkers concentrate on a few specific nationalities, to enable them to gain detailed knowledge of the countries concerned. There are detailed country reports, regularly brought up to date, available on the IND website. Asylum caseworkers are required to state what they believe, what they disbelieve, and what they are in real doubt about. Some claims are decided mainly on the basis of lack of credibility of the applicant. Many others are refused for reasons such as the treatment not amounting to persecution or the applicant not having called on the protection of the authorities in their own country. Where credibility is doubted it may be because the person lacked detailed knowledge of the area, minority group, and/or political circumstances of the country from which he or she has fled. Alternatively there may be serious inconsistencies in the information the applicant has supplied.
25. Caseworkers told me that they use their country knowledge and knowledge of local events to assess credibility. They also take into account information such as where there is a reasonable degree of likelihood that the person will be subjected to persecution, whether he or she could seek protection of the state or could relocate internally without undue hardship. Caseworkers said that they see advantages in specialising in certain countries, as they can be more effective, anticipate questions to ask, and make decisions quicker without having to familiarise themselves with a new area. However they also consider that there are benefits in changing specialities, as the disadvantage of specialisation is that they may become hardened by experience, or become bored or jaded. (See also paragraph 21 above). One person said that 'I sometimes feel that I've been here before, but it could be a genuine claim.' Another told me that more experienced caseworkers are tougher, and acknowledge there was cynicism because they 'hear similar stories.' Most examples of 'similar stories' given to me related to the accounts of the journeys to the UK where agents have been used, and the person has been instructed to give no details for fear of enabling contact and routes to be traced. Teams discuss cases together and less experienced caseworkers said that they consult before making a decision about granting and giving exceptional leave to remain. Most know that senior caseworkers carry out checks on files but none of those whom I interviewed had had any of their decisions questioned.⁴

⁴ According to returns from monthly random sampling of decisions (refusals and grants of asylum and other forms of protection) by senior caseworkers, 15-20% of decisions assessed using standard assessment forms are found to be less than fully effective.

26. I observed the asylum screening process in Croydon for a day, and observed several asylum screening interviews during my port visits. I observed five substantive interviews. I observed screening and substantive interviews with some of the main nationalities including Iraq, Somalia, Kosovo, Turkey, Sri Lanka, Zimbabwe, Angola, Romania, and Moldova. The interviewers were professional and well prepared. I reviewed a random sample of 47 files of cases decided in October 2002, excluding cases where the applicant had not complied with time limits and where there was no assessment of the credibility of the claim. I subsequently reviewed a second sample of 53 cases decided in November 2002, selected to increase the numbers from the main nationalities and also to include for comparison, some of the least successful nationalities, mainly from Eastern Europe and China. The cases were clearly documented and it was easy for an outsider to see the basis of decisions. The list of nationalities examined in the case review is at Appendix 2.
27. Many cases presented a horrific catalogue of lives blighted by war, repression, persecution, violence and sometimes torture. Significant numbers had a family history of forced expulsion from their homes and had lost parents and relatives. I saw no cases in the sample in which the decision to grant asylum or humanitarian protection seemed over-generous. Most seemed beyond doubt.

Rejected claims

28. In the majority of cases in my sample the decisions seemed to be based on reasonable grounds. For example, they were rejected if there were no specific instances of persecution, where the persecution complained about was not by the state authorities, or where there were factual errors raising doubts about the claimant's true nationality. Others, such as those from Kosovo and Afghanistan were rejected because there is now considered to be sufficiency of protection and the political circumstances which led to the claim no longer exist. Most of the claims in the sample from Chinese nationals, another large group, were rejected because although some official policies may be considered severe, they are not deemed to be coercively applied and do not amount to persecution. Most of the claims from Roma in the sample, many of whom were nationals of the Czech Republic, were rejected because, although it was accepted that they experienced discrimination and harassment, this was not at the hands of the state. There were government programmes in these countries to reduce disadvantage and support for institutions to tackle discrimination.
29. I saw a few decisions which seemed harsh. To put this in context, I saw fourteen cases out of a sample of one hundred which particularly concerned me, but it should be noted that my second sample comprised a disproportionate number of nationals of countries with a low success rate.

30. Those in which the claim was rejected entirely on the basis of lack of credibility troubled me. These were cases in which all the significant factual details given by the claimant were disbelieved simply on the assumption of credibility without any other indicated facts. For example, a claimant's evidence of arrest and torture by the authorities was not accepted because the account of his escape was disbelieved. Evidence that the authorities sexually harassed a claimant's sister was disbelieved on cultural assumptions rather than indicated facts. A claim was rejected partly because the applicant had not been tortured when detained. A video and newspaper article on events central to a claim was not accepted because such material 'can be' fabricated.
31. There is the safeguard of appeal and some of the sample had succeeded on appeal.⁵ However, it appeared to me that in some cases, the burden of proof applied was beyond the standard of reasonable doubt. A commonly expressed concern by interest groups is that in some cases, decisions on lack of credibility are not supported by analysis of the facts. Caseworkers should be considering whether the account is more probably true than not. Where the only issue is credibility, this involves considering whether or not the evidence is internally consistent and whether it is consistent with surrounding circumstances.
32. The decisions which concerned me covered claimants of several nationalities, and I cannot state from such small numbers whether there was any indication of a pattern. This is a matter for further evaluation as proposed in paragraph 38.

General observations

33. Changes to the asylum rules came into effect whilst I was reviewing cases. One change in January was that asylum seekers who do not claim asylum when they arrive at a port or as soon as possible afterwards will no longer receive support. Since the decision of the High Court, upheld by the Court of Appeal in May 2003⁶, certain aspects of the new system have been changed to ensure that individual circumstances are fully considered. The IND Associate Race Equality Scheme under the Race Relations (Amendment) Act requires there to be an assessment of the possibility of differential impact of significant changes to policy or procedure. Although asylum support is not within my terms, it is disappointing that more detailed consideration was apparently not given to the potentially adverse impact of the measure on different nationalities. For example, 90% of Iraqis and 88% of Somalis apply for asylum in country, and these nationals have some of the highest grant rates of rates asylum and other forms of protection (75% and 58% respectively). In contrast, 93% of Czech applications are made at ports, and fewer than 1 % are granted asylum or other forms of protection.⁷ On these examples, the policy had the potential to adversely affect people from nationalities that are most likely to need protection.

⁵ Nineteen percent of appeals were successful in 2001, and 22% in 2002. *Asylum Statistics: 4th Quarter 2002 United Kingdom*. Home Office 2003

⁶ R (Q and others) v Secretary of State for the Home Department [2003] EWCA 364.

⁷ Based on figures given in *Asylum Statistics 4th Quarter 2002*. Home Office 2003. Grant rates do not include cases overturned on appeal.

34. During the first year of my appointment, there were regular press reports in some newspapers expressing inflammatory and negative opinions about asylum. On one occasion when I visited Lunar House where interviews are held, a tabloid newspaper was besieging the office. The common themes in press reports were that most people seeking asylum were not genuine refugees, that Britain was attracting a disproportionate share of a people seeking asylum because of its alleged generosity, and linking asylum seekers with criminals and/or terrorists. These reports helped to encourage negative views among the general public about immigrants and it sometimes appears that little distinction is made in the public mind between refugees, immigrants and people from the ethnic minorities as the terms are used interchangeably. Several caseworkers commented that publicity about the asylum process was unfair and misrepresented the position. The recent changes in asylum arrangements have mostly been announced in the context of reducing numbers and abuses. There is little said on the other side to acknowledge that many people are fleeing from states in turmoil and from repressive regimes. Caseworkers are of course aware of the negative publicity and all said they hoped it did not influence them. But the climate must influence perceptions and may help engender the feelings of cynicism referred to in paragraphs 21 and 25.
35. In my Interim Report I referred to the concerns expressed that the pre-clearance procedures at Prague airport, were discriminatory against Roma. However, as noted earlier, my remit does not extend to pre-entry clearance at Prague because it is outside the UK. As the numbers of overseas controls are growing, it is essential that the provisions of the Race Relations Act are included in such international arrangements as has been done in the Channel Tunnel Orders. I am reassured to know that this is being done.
36. Discussions with Home Office Research and Statistics Directorate about the possibilities of monitoring the ethnicity and circumstances of arriving passengers who are delayed for further questioning, are continuing.

Recommendations

37. I am concerned about the effect of the current emotive and hostile climate about asylum seekers. It may adversely affect the perceptions not only of caseworkers but also others in a position to practise racial discrimination. It is important to encourage a more balanced and tolerant public mood on asylum seekers. Government statements could help, for example by giving greater prominence to the wider context for the increase in numbers this year, and by explaining more about the circumstances from which people are fleeing.
38. Although I am aware that asylum caseworkers' decisions are reviewed as described in paragraph 23, it would be also helpful for there to be annual monitoring of the consistency of decisions by nationality, comparing different officers and units where possible. Differential grant/refusal rates by different officers or units or significant increases in refusal rates in similar or comparable circumstances, should be examined, as this may be an indication of toughening up because of over-familiarity or other reasons. There is a balance to be struck

between specialisation, which gives expertise of particular countries, and rotation to other areas to maintain an open-minded approach. Reviewing consistency may identify the optimum period for effectiveness and fairness, and also help avoid any discriminatory decisions. When the Asylum Directorate considered this suggestion, they were not convinced that it would produce meaningful results, partly because of a lack of homogeneity about asylum claims from particular nationalities. They have proposed, as an alternative, that if significantly more than 15% of appeals for a particular nationality are lost each month, this could be trigger for management intervention. I remain of the view that a method of monitoring consistency of decisions could enhance quality control and will pursue the matter further.

39. As described in paragraphs 30 and 31, I was also concerned about cases in which a caseworker is inclined to disbelieve an applicant's entire evidence without other indicated facts. I recommended that the caseworker should be required to consult a senior caseworker, and give the reasons for rejecting the evidence on the basis of credibility alone. However the Asylum Directorate responded that this proposal would introduce a 'second pair of eyes' into decision-making with resource implications. They felt that the current quality control arrangements of random sampling were working well, and there was adequate feedback from the appeals process. This too is a matter which I intend to consider further.
40. The IND Associate Race Equality Scheme states that 'when significant changes to policy or procedure are considered, IND will always assess the potential impact with regard to the avoidance of unlawful discrimination.... including the possibility of differential impact on various groups...' I understand that the Home Office Scheme is being reviewed and I suggest that this review should consider the effectiveness of any impact analysis done prior to the new legislation and new procedures in IND. This should include evaluating what weight was given to evidence of any adverse impact of changes, how the change was justified and whether the desired outcome could have been achieved in a less discriminatory way.
41. In my Interim Report I suggested that consideration should be given to greater openness about the nationalities subject to greater scrutiny. The Home Office is of the view that it would not be in the interests of immigration control to publish the list of nationalities covered in the authorisation. I accept that there are real difficulties in full publication but will keep the question of transparency of the nationalities covered in the port control authorisation under review. Another point is whether the statistical evidence of breaches and adverse decisions for each nationality included in the authorisation should be proportionate to the numbers of arrivals for this nationality. I understand that this is currently under consideration by the Home Office.

Future work

42. There are several activities so far unexamined by me, which I intend to monitor in the next year. These include the operation of the authorisation on language testing,

and on removal directions. I shall also continue to carry out post visits, will review a random sample of port case files, and will consider the operation of fast track asylum procedures on different nationalities.

43. I shall continue discussions on the feasibility of further research on passenger arrivals with RDS, and, as mentioned in paragraphs 38 and 39, give further consideration to monitoring consistency and to quality control of asylum decisions.

16 June 2003

Appendix 1
CURRENT MINISTERIAL AUTHORISATIONS UNDER SECTION 19D OF
THE RACE RELATIONS ACT 1976 (AS AMENDED BY THE RACE
RELATIONS (AMENDMENT) ACT 2000)

27 March 2001 Authorisation

Asylum work-streaming (prioritisation of asylum applications from persons of particular nationality or ethnic or national origin where a significant number of claims are unfounded or raise similar issues in relation to the Geneva Convention or ECHR)

Permission to work (employment concession outside the Immigration Rules for BUNAC and Japan Youth Mobility Scheme participants, and British Dependent Territories Citizens with connection to St Helena or Tristan Da Cunha)

Translation of documents (no requirement translate material into every language in use by applicants)

25 October 2001 Authorisation - as amended in March 2003

Language analysis (asylum applicants from Afghanistan, Somalia, Sri Lanka and Iraq may be required to undergo language analysis where there are doubts about the person's nationality)

23 May 2003 Authorisation (replacing earlier authorisation dating back to March 2001)

Examination of Passengers (prioritisation of examination of arriving passengers for examination on the basis of nationality where certain conditions are met)

Persons wishing to travel to the UK (applies the authorisation to cases covered by the Immigration (Leave to Enter and Remain) Order 2000 where passengers are granted leave to enter before their arrival by an immigration officer in the UK)

Removal Directions (prioritisation on grounds of nationality of cases for setting of removal directions where certain conditions are met)

30 May 2003 Authorisation

Sectors-Based Scheme (proportion of employment documents available for issue in respect of persons coming to work in the food preparation and hospitality sectors to be set aside for nationals of countries acceding to the EU in 2004)

Appendix 2

List of nationalities included in review of asylum decisions.

Nationality	Number
Iraq	15
China	12
FRY/Kosovo	10
Democratic Republic of Congo	8
Czech Republic	7
Zimbabwe	6
Afghanistan	6
Turkey	6
Somalia	5
Iran	3
Romania	3
Eritrea	3
Albania	2
Algeria, Bangladesh, Burundi, Lithuania, Macedonia, Nepal, Pakistan, Poland, Palestine, Rwanda, Serbia, Sudan, Sri Lanka, Togo, Vietnam, Yemen	1 of each
Total	100