

**Rt Hon Sajid Javid MP**  
**Secretary of State for the Home Department**  
**2 Marsham Street...**  
**London SW1P 4DF**

**JOINT OPEN LETTER TO THE HOME SECRETARY**  
**on standards of proof in asylum decision-making**

**10 July 2018**

Dear Home Secretary,

Many from the Windrush generation were accused of telling lies, even as they tried to tell the truth, with devastating consequences. When calling for lessons to be learned, you insisted that this inhumane approach must "never happen again to any group of people".

We agree. But as charities, community organisations and faith groups we know that other groups are already mistreated in this way by the Home Office, with life-shattering consequences.

For example, every day, people seeking safety in this country from torture, persecution and other serious harm are accused of lying by the Home Office, despite evidence that points the other way.

Through our work with refugees, we see close-up how the UK government's discredited "hostile environment" approach - which you yourself have criticised - is also embedded in the UK's protection system.

The human being whose life is on the line in an asylum application is frequently forgotten, and evidence is disregarded by Home Office decision-makers who misapply the correct legal standard of proof. Too often, they are compelled by a climate of distrust and pressure to reject cases which go against basic principles of justice.

Many of our organisations have documented cases of survivors of torture and sexual violence who are not believed despite forensic medical reports detailing evidence of their abuse; people persecuted because of their faith who are not believed because they cannot answer questions on religious details that deliberately seek to catch them out; lesbian, gay, bisexual, trans and queer people who are not believed because they do not fit a narrow stereotype; and children who are not believed because they struggle to answer questions that are far beyond their age and capabilities.

The Home Affairs Committee was right in its recent indictment of the Home Office as a department where applicants are "automatically treated with suspicion and scepticism and... forced to follow processes that appear designed to set them up to fail".

To make it worse, many are rounded up in Home Office vans and transported to immigration detention centres where clear evidence of their vulnerability is dismissed all over again in a bid to keep them locked up at all costs. The Home Office's Adults at Risk

policy was meant to reduce the detention of vulnerable people, and yet survivors of torture, trafficking and rape are still routinely detained.

The human cost should not be underestimated. We see through our work how Home Office mishandling of these life and death decisions can lead people to terrible acts of self-harm, including taking their own lives. The message from the UK government that their abuse did not happen, that they are lying, is often too much to bear for traumatised people who know the danger that awaits them if they are turned back.

So it is not a case of ensuring that the shocking treatment of the Windrush generation “never happens again”. It is already happening -- redoubling the pain of those who have already suffered so much and holding them back from starting a new life in safety.

In the words of your predecessor, the Home Office too often “loses sight of the individual”. As a result, people fearing for their lives are forced into harrowing legal appeals that prolong their distress and impede their social integration. These appeals are also costly to the public purse. It would be better for everyone if the Home Office redoubled its focus on getting decisions right the first time around, for refugees and other affected groups.

We urge you to take two immediate steps:

- Ensure that the terms of reference for the Windrush lessons learned review include a strong focus on the misapplication of the standard of proof as a systemic problem in Home Office decision-making affecting many groups of applicants; and
- Agree to an independent public audit of the application of the standard of proof in asylum decision-making specifically, to be undertaken by a body with the requisite legal expertise such as the Office of the UN High Commissioner for Refugees.

Britain has long prided itself on taking in people who need our protection, and helping them to build a life free of danger. Yet, the institutionalised inhumanity that we continue to see has catastrophic implications for all the individuals affected. It is also damaging for our country’s reputation as a standard-bearer for decency and fairness. This must change.

Yours sincerely,

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Founder, African Rainbow Family

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Refugee and Migrant Rights Programme Director, Amnesty International UK

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Director, Liberty

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Wayne Myslik  
Chief Executive, Migrants Resource Centre

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