



Home Office

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Dear Caroline

Thank you for your letter of 8 March 2007 about the monitoring of failed asylum seekers on return to countries such as Iran and the Democratic Republic of Congo, and following on from my reply to your 6 February letter to Liam Byrne. I am happy to be able to provide further clarification.

The only documentation that Home Office officials accompanying failed asylum seekers on return pass to the authorities in the receiving country are travel documents and possibly other documentation needed to establish the returnee's nationality: these do not identify the returnee as having made an asylum claim.

Our assessment of the risk facing asylum seekers from any country is based on all the available information, including where available, information about the treatment of returning failed asylum seekers. The available country information on both DRC and Iran is available to decision makers in regularly updated country reports which can be accessed through the Home Office website at:

http://www.homeoffice.gov.uk/rds/country_reports.html

We would of course want to know if people were ill-treated on return, but equally we believe that the best way to avoid ill-treatment is to make sure that we do not return those who are at real risk, not by monitoring them after they have returned.

Perhaps it would help if I clarify that I am referring here to active monitoring of individual returnees, and that it would generally be inappropriate and impractical for the UK to actively monitor individual citizens of another country once they return there.

It is sadly true that the authorities in many countries which generate asylum claims are capable of and do persecute some people, which is why it is so important that we consider each claim on its individual merits and grant asylum where appropriate. It is also true that the regimes in some such countries can be paranoid and suspicious of the motives of other countries. In that context, I do not believe there is a contradiction in the proposition that an individual who, although the grounds of their asylum claim would not bring them to the adverse attention of the authorities in such a country, and hence is found not to be at risk on return, may nonetheless find themselves subject to adverse attention that did not previously exist if, following their return, they *appeared* to be of interest to a foreign government such as the UK.

This is of course very far from saying that a person returning to such a country could not approach support organisations in that country, or that in itself it implies a potential breach of Article 11 of ECHR which provides that "Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests".

It is, however, necessary to take a pragmatic approach, but one that certainly should not be interpreted as disinterest. The Foreign and Commonwealth Office follows the human rights situation through its network of posts around the world, including in the countries to which we return failed asylum seekers. They will pass to us any allegations that returnees have been mistreated, and where appropriate we can ask them to make discreet enquiries, often through NGOs or other third parties. Such information will always be taken fully into account as a factor in the formulation of our policies and hence in the decision whether it is safe to return an individual."

I assure you that the government is wholly committed to providing protection to those who genuinely need it in accordance with our international obligations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joan Ryan', with a long, sweeping flourish extending to the right.

JOAN RYAN