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Determination in the United Kingdom**

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A Culture of Disbelief or Denial? Critiquing Refugee Status Determination in the United Kingdom

James Souter

Abstract

In recent years, British refugee organisations have built up a substantial body of evidence that the United Kingdom's procedure for refugee status determination (RSD) suffers from a 'culture of disbelief' which has led to the unjust refusal of many asylum claims. In this article, I draw on the sociological work of Stanley Cohen to argue that much of the evidence presented by these organisations also indicates the existence of a parallel 'culture of denial'. This evidence strongly suggests that disbelief is often one manifestation of a deeper pattern of denial, such as when disbelief is the end result of a prior refusal to engage with the facts of the case. The notion of a 'culture of denial' also allows for the possibility that some asylum seekers are refused despite the belief that they are entitled to refugee status.

Introduction

Over the course of the last two decades, British refugee and human rights organisations have frequently claimed that the UK's procedure for refugee status determination (RSD) is blighted by a 'culture of disbelief'. Such organisations have often contended that the Home Office, which is responsible for first-instance RSD in the UK,¹ has a strong propensity to disbelieve the testimonies of asylum seekers, and to refuse them asylum on that basis. As the word 'culture' implies, they see this disbelief as not being merely confined to isolated individuals, but as permeating its decision-making at large. The purpose of this article is to strengthen this critique by showing how the notion of a 'culture of disbelief' needs to be supplemented by that of a 'culture of denial' to explain the workings of RSD in the UK fully. After outlining the accusation of a culture of disbelief, I argue that various reports produced by refugee organisations² provide ample evidence not only of disbelief in RSD in the UK, but also of denial.

According to these refugee organisations, the culture of disbelief has arisen from the Home Office's acceptance of the familiar and widespread assumption among politicians and the general public that large numbers of asylum claims are unfounded, mendacious or 'bogus', and are made by 'economic migrants' as a means of improving their standard of living, rather than by 'genuine' refugees as defined by the 1951 Refugee Convention. Such organisations argue that the Home Office's concern to prevent what it considers to be abuses of the system has led it to refuse many asylum seekers who have well-founded fears of persecution or are otherwise at risk

¹ 'First-instance RSD' refers to the initial determination of an individual's asylum claim. In the UK, if an asylum seeker is refused by the Home Office in the first-instance, in many cases he or she can appeal the decision.

² See Asylum Aid (1995; 1999), Amnesty International UK (2004), the Medical Foundation for the Care of Victims of Torture (Smith 2004), UNHCR (2005), Independent Asylum Commission (IAC) (2008a), Immigration Advisory Service (Pettitt 2009). While these reports do not present identical critiques of the Home Office's decision-making in every respect, they all provide evidence of the 'culture of disbelief', whether or not they explicitly use the phrase itself.

of serious harm upon return to their countries-of-origin. They view the ‘culture of disbelief’ as one component of a largely draconian and exclusionary asylum system which works alongside, and often directly leads to, the detention, enforced destitution and deportation of asylum seekers.

The accusation that the Home Office suffers from a ‘culture of disbelief’ has become an important part of the media and advocacy work of British refugee organisations in recent years (see Sherlock 2005; Refugee Council 2007; Medical Foundation for the Care of Victims of Torture 2009), and has appeared in numerous comment pieces in the British press (see Russell 2004; Gupta 2007; Yeo 2010). As a result, the critique appears to have become orthodoxy among these organisations, acting as a sound-bite or slogan, and at times a cliché or mantra. As Maeve Sherlock (2005: 4) has observed, the Home Office has been ‘routinely described as bound by a culture of disbelief’ and Louise Pirouet (2001: 62) has commented that refugee organisations ‘all agree’ on its existence. Its impact as an advocacy tool, however, appears to have been mixed. On the one hand, the popular influence of the accusation of a ‘culture of disbelief’ has remained limited, for it has largely been smothered by general political and tabloid hostility towards asylum seekers, and its appearance has been mostly restricted to left-of-centre broadsheets. On the other hand, it has engaged the Home Office, and, surprisingly, has entered its parlance. Indeed, its code of practice on dealing with children warns against becoming caught in a ‘culture of disbelief’ (UK Border Agency 2008: 5).

Evidence of the ‘culture of disbelief’

Whatever its impact, the accusation is supported by a substantial body of research conducted by British refugee organisations. While these reports are too numerous, and the evidence they present is too voluminous, to list and summarise exhaustively here, two themes within them are particularly pertinent. Firstly, much of this research relies on analyses of the Reason for Refusal Letters (RFRLs) which the Home Office sends to refused asylum seekers. These letters have provided invaluable evidence of the ‘culture of disbelief’, for they reveal the arguments relied upon by decision-makers, and show that refusal often directly follows disbelief. Indeed, a burgeoning tradition of ‘RFRL studies’ has developed, for Asylum Aid (1995; 1999), Amnesty International UK (AIUK) (2004), the Medical Foundation for the Care of Victims of Torture (Smith 2004), the Immigration Advisory Service (IAS) (Pettitt 2009) and Trevor Trueman (2009) have all identified and produced countless examples of a wide range of flaws and factors which lead decision-makers to disbelieve asylum seekers. These include highly subjective and speculative arguments; unsubstantiated assumptions about asylum seekers’ behaviour, beliefs, motivations, actions and knowledge; bald assertion; and fallacious and disingenuous reasoning.

A second, related theme of the reports is the Home Office’s assessment of asylum seekers’ credibility. The reports demonstrate that caseworkers have engaged in what Trueman (2009: 296) calls the ‘manufacture of discrepancy’, by frequently seizing upon apparent inconsistencies in peripheral elements of asylum seekers’ claims (AIUK 2004: ch. 4). Often the Home Office has used the identification of minor discrepancies as a means of disbelieving an entire claim, triggering what Trueman (2009: 299) describes as the ‘domino effect’. The reports reveal that the Home Office has disbelieved asylum seekers because of their inability to provide documentary evidence of persecution or an accurate chronology of events down to the nearest day. These practices ignore not only the fact that many refugees are forced to flee without

having time to gather written proof of their identity and situation, but also that many come from cultures in which events are related in non-linear ways (Trueman 2009: 9), and that trauma can significantly hinder their ability both to recall their experiences accurately and to recount them coherently (see J. Cohen 2002).

While the studies mentioned above have only sometimes used the phrase ‘culture of disbelief’, their findings have often been taken as evidence of its existence. For instance, in its evaluation of the UK’s asylum system, the Independent Asylum Commission (IAC) (2008a: 40) brought together many of the findings of previous reports to argue that they indicate the presence of a ‘culture of disbelief’. Other reports have used different phrases to critique the Home Office’s decision-making. AIUK (2004: 19) has varied the accusation to highlight a ‘negative culture’ and, in its Quality Initiative reports on RSD in the UK, UNHCR (2005: 12) observed a damaging ‘culture of refusal’. While broadly similar to the notion of a ‘culture of disbelief’, these alternative epithets have subtly different emphases. While the concept of a ‘negative culture’ is somewhat broader and vaguer, the accusation of a ‘culture of refusal’ appears to focus on the eventual decision to refuse asylum seekers, rather than on the cognitive processes that led to the final refusal. Moreover, these alternatives have not gained anything close to the popularity of the notion of a ‘culture of disbelief’.

It could be objected that the ability of some of these reports to reveal an ongoing ‘culture of disbelief’ is limited by their dates of publication, especially in light of the significant changes that have been made to RSD in the UK over the course of the last decade, which could be seen as rendering them outdated. In particular, the introduction of the New Asylum Model (NAM) in 2005, whose main innovation was the assignment of individual case-owners to new asylum seekers to handle their claims from start to finish, was widely regarded as a substantial improvement (UNHCR 2007: 3). Nevertheless, analyses of post-NAM RFRLs have identified many of the very same flaws as those documented in previous reports (Pettitt 2009; Trueman 2009), and recent research has highlighted that an ongoing ‘culture of disbelief’ continues to be a concern of experts and legal representatives working on asylum cases (Tsangarides 2010: 48). More recently, the testimony of a whistleblower, Louise Perrett, who has lambasted the disbelieving attitude of many of her former colleagues within NAM itself, can be seen as further evidence of the culture’s tenacity (Taylor and Muir 2010). It therefore appears that the findings of earlier reports remain, at least to a significant extent, valid.

Limitations of the evidence

Despite the success of the refugee organisations’ reports in providing strong evidence of a ‘culture of disbelief’, their limitations should not be overlooked. Firstly, studies of RFRLs do not provide unmediated access to caseworkers’ attitudes. Despite the reports’ critique of speculative arguments in RFRLs, researchers working within refugee organisations may, similarly, risk speculating about caseworkers’ thought-processes. Indeed, they ordinarily lack direct access to the Home Office and thus cannot subject it to the first-hand study required to reveal the culture of disbelief’s forms and influence fully. Nevertheless, fieldwork by Olga Jubany-Baucells has corroborated the findings of the reports, as she concludes that the UK’s immigration service is permeated by a ‘meta-message’ of disbelief and deterrence (Jubany-Baucells 2003: 2).

Secondly, because of the gaps between the reports' publication and the limited samples of RFRLs upon which many are based, they can neither be used to gauge the extent of the 'culture of disbelief' precisely, nor to identify fluctuations in the levels of disbelief over the course of the decade in which they were published. The systematic and continuous review of all aspects of RSD required to achieve this would stretch far beyond these organisations' capabilities and resources.

Thirdly, refugee organisations tend to imply that disbelief is an unmitigated evil, which perhaps overlooks the fact that, under the Refugee Convention, disbelief may be legally appropriate, if the asylum seeker presents no evidence of a well-founded fear of persecution. It must be borne in mind that such organisations use the phrase in a pejorative sense, to refer to the many occasions in which disbelief is clearly unwarranted. Nevertheless, refugee organisations could reply that, while individual instances of disbelief can be justifiable in RSD, it is far harder to justify a *culture* of disbelief, in which disbelief appears to be the starting point, or an automatic response, to asylum seekers' claims.

A fourth note of caution is that the reports cannot justifiably be used to conclude that the 'culture of disbelief' is monolithic or all-pervasive, which is suggested by UNHCR's findings of 'mixed' practice in its Quality Initiative reports (UNHCR 2005: 6). That this is not reflected in the reports may be because many of the organisations that produced them have the primary aim of improving the lives of asylum seekers and refugees in the UK, and therefore have an interest in highlighting the shortcomings of the Home Office's decision-making as forcefully as possible.

Strengthening the critique

While refugee organisations have built up this evidence of a 'culture of disbelief' by scrutinising the minutiae of the Home Office's decision-making in RFRLs, academic work on asylum has tended to take a far broader view, focusing on the exclusionary character of asylum policies throughout the global North. Many studies have identified a strong tendency throughout Western liberal democracies towards the criminalisation of refugees and the securitisation of asylum (see Gibney 2004: chs. 3-6; Marfleet 2006: ch. 12). Others have taken a domestic approach and have shown how restrictionism has shaped asylum policy specifically within the UK (see Squire 2008; Capdevila and Callaghan 2008).

This broader treatment of the factors that have led Western governments to prioritise refusal and exclusion – from the end of the Cold War to modern racism and their response to terrorism – can go a long way towards explaining the political roots of the 'culture of disbelief'. However, these works consider in less detail how this wider emphasis on exclusion has translated into domestic decision-making on asylum claims. When academic works have discussed the 'culture of disbelief', they have often taken their cue from the reports discussed above. For instance, Teresa Hayter (2000: 91-93), Louise Pirouet (2001: 55-56) and Bohmer and Shuman (2008: 138; 184-185) appear to be quite heavily reliant upon such research, as they uncritically cite substantial passages of Asylum Aid's study (Asylum Aid 1999). Furthermore, academics who have used the phrase 'culture of disbelief' in their work have tended to do so in passing and rather unreflectively (Marfleet 2006: 233; Jubany-Baucells 2003; Millbank 2009: 16). For instance, Stanley Cohen writes:

For two decades, the media and the political elites of all parties have focused attention on the notion of ‘genuineness.’ This *culture of disbelief* penetrates the whole system. So ‘bogus’ refugees and asylum seekers are not really driven from their home countries because of persecution, but are merely ‘economic’ migrants, attracted to the ‘Honey Pot’ of ‘Soft Touch Britain’. (Cohen 2002: xix, emphasis in original)

As a result, some academics have accepted the accusation without stopping to scrutinise its meaning, presuppositions or limitations carefully. In so doing, they may have endorsed a concept which, although supported by empirical evidence, has been largely intended for the realm of advocacy, media and campaigns, rather than being primarily sociological or analytical in character. As has been shown in a related context (Turton 2003: 1), concepts developed for practical uses are not necessarily sound bases for academic analysis, because they are not formulated solely in the light of empirical observation, and can be distorted by their specific purpose.

In contrast, rather than taking the notion of a ‘culture of disbelief’ as given, in this article I interpret the evidence of RSD in the UK presented in the reports and discussed above to develop a theoretically-grounded account of the culture which shapes it. Only then do I demonstrate the culture’s relevance for activism. Using the evidence presented in these reports, I argue that disbelief is only one part of the story of RSD in the UK, for it operates alongside a parallel culture of denial. While these cultures can function independently, they often interact, for disbelief can at times be but one manifestation of the culture of denial. While this may at first glance appear to constitute a minor shift in terminology, in what follows I argue that it has important implications for our understanding of RSD in the UK.

From Disbelief to Denial

While accusations of a ‘culture of disbelief’ have become a staple of the refugee sector’s response to the Home Office’s decision-making, references to a ‘culture of denial’ to describe its operations have been relatively scarce. The notion has, to my knowledge, only been applied to its decision-making by the Joseph Rowntree Charitable Trust (JRCT) (2007: 7) and by the IAS (2009). Moreover, Vaughan Robinson (1999: 79) has argued in the asylum context that a ‘culture of denial’ exists alongside cultures of disbelief and ignorance in Wales, using the phrase to describe the belief within Wales that the Welsh are more tolerant and less prone to racism than the English. However, in these cases there has been little or no explanation or theorisation of what is taken to constitute denial.

Moreover, it is somewhat surprising that some scholars have not already taken the opportunity to use the notion of a ‘culture of denial’ to explain RSD in the UK, given the foci of their research. For instance, when Stanley Cohen – the author of the major sociological study, *States of Denial* (Cohen 2001) – briefly discusses the issue of asylum in the UK, he draws on the conventional critique of a ‘culture of disbelief’ rather than making any connection with his sophisticated work on cultures of denial (Cohen 2002: xix). Similarly, Olga Jubany-Baucells’ doctoral thesis, *Constructing Truths in a Culture of Disbelief*, applies some of Cohen’s concepts regarding denial to the Home Office’s decision-making (Jubany-Baucells 2003: 235). However, this does not lead her to consider whether the notion of a ‘culture of denial’ might be a more apt epithet for the Home Office. In contrast, in the following section I draw on Cohen’s

theoretical framework to provide a working conception of denial, before demonstrating its applicability to RSD in the UK.

The Dimensions of Denial

Fundamentally, denial consists of a refusal to do something, whether to believe, know or act. It is, however, a complex and multi-faceted concept. Cohen's work serves as a useful starting point, for he distinguishes between *literal*, *interpretive* and *implicatory* denial (Cohen 2001: 7-9). In the context of RSD, literal denial consists of a flat refusal to engage with the asylum seeker, to whom the response is simply 'your story is not accepted as true.' Interpretive denial, in contrast, occurs when the asylum seeker's sequence of events is accepted, but the meaning attached to it is denied. While the story of abuse is undisputed, it is re-interpreted to avoid engaging the UK's legal obligations. Lastly, implicatory denial occurs when the Home Office accepts both the raw facts and the meanings attached to them, but disavows the moral or legal implications that flow from them.

However, Cohen's theoretical framework is relatively narrow and is unlikely to be capable of capturing the full complexity of RSD in the UK. Further distinctions may be required to reflect its nuances. Firstly, denial can be *epistemic*, when the Home Office denies the truth of asylum seekers' testimony or refuses to take certain facts or pieces of information into account; *ontological*, for instance, when the government denies the identity of asylum seekers and portrays them as manipulative 'economic migrants'; *existential*, when the very existence or presence of refugees is denied; and *performative*, when the government refuses to perform certain acts, such as grant refugee status. To complicate matters somewhat, these varieties of denial can combine to produce compound forms of denial. For instance, *literal*, *epistemic* denial can consist of a flat refusal to believe that something happened, whereas *interpretive*, *ontological* denial consists of interpreting an asylum seeker's characteristics, behaviour or circumstances to deny their identity and to claim they are somebody else.

As with disbelief, different forms of denial can, to varying degrees, be either justified or unjustified. Although the notion of denial has pejorative connotations and is frequently rejected as an 'aberrant state' (Cohen 2001: 249), performative denial – in this case, refusal of refugee status – may be appropriate when faced with a groundless claim. However, denial is inappropriate in RSD if it prevents due consideration of a claim or leads to an unjust refusal.

Distinguishing Denial from Disbelief

It could be objected at this point that the distinction between a 'culture of disbelief' and a 'culture of denial' is more semantic than substantive, for the notions of disbelief and denial overlap considerably. Indeed, there can be literal, interpretive, implicatory, ontological and existential forms of disbelief as well as denial. Often the only difference between literal disbelief and denial will be that the former is expressed as 'I do not *believe* that your story is true', while the latter, without reference to the beliefs of the decision-maker, takes the blunt form of 'your story is not true'. In this sense, it may be justifiable at times to use the two notions somewhat interchangeably.

However, there are at least three differences between disbelief and denial, which renders a firm distinction between them important. Firstly, denial is a broader term than disbelief. There is no such thing as performative disbelief, since disbelief, unlike

performative denial, cannot itself constitute a refusal of refugee status, but can merely lead to such a refusal. Whereas the notion of a ‘culture of disbelief’ refers largely to an attitude, the culture of denial covers both attitudes and actions. Because of this, the notion can be used to refer to the Home Office’s propensity to refuse the majority of asylum claims, with the JRCT (2007: 7) identifying ‘a “culture of denial”...in which asylum applications are refused if it is seen that there is any reasonable means to do so’. Indeed, in the second quarter of 2010, the Home Office refused 76% of all applications for asylum, humanitarian protection and discretionary leave (Home Office 2010: 15).

Secondly, and more importantly for my argument, some forms of denial can operate independently of, and prior to, disbelief. Epistemic denial can involve the prior prevention of information from even being recognised or taken into account during the development of belief or disbelief. As Cohen (2001: 23) has observed, denial can involve an ‘advance decision to avoid situations in which...facts might reveal themselves’. The end result of this ‘advance decision’ can be disbelief. As we shall see, a good example of this in RSD is the filtering of country-of-origin information (COI) when deciding asylum claims.

Thirdly, although disbelief, according to its basic meaning, involves not believing somebody or something, denial can coexist with belief and knowledge. While it is impossible consciously to believe and disbelieve the same thing simultaneously, it is perfectly possible that a Home Office official may believe an asylum seeker, yet still deny him or her in one, or several, of the ways outlined above. As I discuss in the subsequent section, this has important implications for our understanding of the Home Office’s decision-making.

Evidence of Denial in the Home Office’s Decision-Making

Before exploring the implications of these two key differences between disbelief and denial for our understanding of RSD in the UK, it is worth pointing out that, given the overlap between disbelief and denial described above, much of the evidence presented in the aforementioned reports is just as indicative of a ‘culture of denial’ as it is of a ‘culture of disbelief’. For instance, AIUK (2004: 22) has documented cases of literal epistemic denial, in which decision-makers have made ‘blanket denials’ by colluding with other countries’ official narratives and regimes of denial and asserting fallaciously that because a government does not publicly condone torture they do not practice it.

Evidence of interpretive denial within the Home Office’s decision-making is particularly common in the reports. Indeed, what Asylum Aid (1999: 46) also identified in RFRLs as ‘word games’ corresponds almost exactly to Cohen’s notion of interpretive denial. RFRLs have often included euphemism – which Cohen (2001: 107) identifies as a key tactic of denial – by downplaying torture as ‘mistreatment’ (AIUK 2004: 36; Trueman 2009: 296). The Home Office has engaged in the ‘spatial isolation’ of abuses (Cohen 2001: 113), by claiming that abuse is an exceptional or random ‘failure of discipline’ rather than systematic and state-sanctioned (Asylum Aid 1999: 40; AIUK 2004: 11). Another classic case of interpretive denial in RSD is the argument that an asylum seeker has undergone ‘prosecution, not persecution’, even in the face of considerable evidence to the contrary (see Trueman 2009: 288).

The Culture of Denial

So far, this article has established that the Home Office's decision-making can be understood just as readily in terms of a 'culture of denial' as a 'culture of disbelief'. I now want to draw upon both the evidence presented in the reports and the distinctions between disbelief and denial laid out above to argue the following. Firstly, disbelief in RSD in the UK is often the end result of a prior refusal to engage with the facts of the case, and can therefore be a manifestation of a deeper pattern of denial. Secondly, denial can operate independently of disbelief in RSD in the UK, when refusals are made despite belief, on some level, in the merits of a case. I will discuss each contention in turn.

Prior Refusal to Engage with the Facts of the Case

The reports discussed above present many instances of epistemic denial which involve a prior refusal to engage with the facts. To see how they constitute cases of denial rather than disbelief, it is helpful to state how RSD should ideally proceed. In theory, as the UNHCR Handbook recommends, 'it is necessary to ascertain the relevant facts of the case' (UNHCR 1992: para. 28), both from the asylum seeker and with COI. Only following a thorough and open-minded examination of the facts, and after providing the applicant with ample opportunity to address any discrepancies or contradictions within his or her account should the decision-maker believe or disbelieve the claim. Without this process, it is difficult, or even impossible, to establish a well-founded fear of persecution accurately.

However, the reports show that such an appraisal of the relevant facts often does not occur. They document many instances in which the Home Office's decision-makers appear to begin with the presumption that claims are either false or heavily embellished, and then reason backwards. For instance, both UNHCR's identification of a 'refusal mindset' (2005: 17), and Trueman's view that refusal is the 'default setting' (Trueman 2009: 304) is highly redolent of Cohen's observation, cited earlier, of an 'advance decision to avoid situations in which...facts might reveal themselves'. In fact, disbelief and denial may be mutually reinforcing, for a general attitude of disbelief towards asylum seekers may translate into a reluctance or refusal to engage with the facts that may challenge this presumption. This results in individualised disbelief towards a particular claimant.

The use of COI in decision-making can provide an excellent case study of epistemic denial which involves a prior refusal to engage with the facts of the case. The use of COI should not be seen as a straightforward case of disbelief, for it is harder for the Home Office explicitly to disbelieve information within reports produced by human rights or non-governmental organisations in the same way as it disbelieves individual asylum seekers. Rather, it has to resort to more subtle, interpretive forms of denial. Indeed, the Medical Foundation (Smith 2004: 42) has identified a 'propensity...to distort or misconstrue' COI, while the IAS's finding that 'particular sources become the only "truth" and anything at odds with them...is disbelieved' (quoted in IAC 2008a: 18) suggests that disbelief is often the end result of a process of filtering and selecting information that is allowed to be taken into account during the development of belief or disbelief in decision-making.

The reports give examples of how this prior refusal to engage with the facts operates from both the top-down in policy and the bottom-up in routine decision-making.

From the top-down, a study of the use of COI in Home Office policy documents known as Operational Guidance Notes mentions that ‘the selection and interpretation’ of COI ‘may distort the reality of the country situation’, by painting an idealised picture of country conditions (Huber 2009: 62). In contrast, from the bottom-up reports have pointed to the poor use of COI in RFRLs, highlighting the selective use of outdated information ‘to support unfounded conclusions’ (Pettitt 2009: 11).

Refusal Despite Belief

The evidence discussed above strongly suggests that the COI selected for consideration in the asylum seeker’s claim strongly influences the eventual belief or disbelief of the decision-maker. However, some refusals may be made *despite* the belief, on some level, that an asylum seeker is entitled to refugee status. Psychologically, this could range from near unconscious belief—where organisational priorities, overwhelming time pressure or ‘compassion fatigue’ causes awareness of an applicant’s deservingness to be repressed—to fully conscious, calculating and cynical denial. In such cases, using the notion of a ‘culture of disbelief’ to describe the Home Office’s decision-making is inaccurate, for no disbelief is involved.

It is important to note that it is nearly always impossible to determine with certainty whether an asylum seeker has been refused despite belief in the truth of their claim. As was discussed earlier, one limitation of studies of RFRLs is that they are unable to uncover the mental processes or internal discussions between colleagues that lead to eventual refusal, but can only draw on what made it onto paper. Consequently, there is something speculative about the charge that refusals are made despite belief in the truth of the claim. However, what can be said with certainty is that this hypothesis is fully consistent with much of the evidence found within RFRLs and presented in the reports. For instance, while AIUK (2004: 22) concluded that RFRLs betray ‘a pursuit of the refusal of asylum claims’, Trueman’s notions of ‘the manufacture of discrepancy’ and ‘foul play’ suggest the workings of deliberate denial (Trueman 2009: 296, 294). As Bohmer and Shuman (2008: 136-137) have put it, ‘checking for discrepancies seems to be part of the *effort* to limit the number of successful applicants by discrediting as many as possible’ (emphasis added).

It is not difficult to see how the Home Office’s decision-makers could come to refuse asylum seekers despite, on one level or another, believing their testimony. The political pressure surrounding RSD in the UK, and the very structure of the Home Office has created the conditions in which this kind of decision-making could flourish. Indeed, it may appear that the main focus of the Home Office’s work in asylum and immigration is on preventing abuse of the system and strengthening the UK’s borders rather than offering protection to refugees. As the JRCT (2008: 7) has argued, the fact that the Home Office is responsible for both RSD and immigration enforcement has meant, perhaps inevitably, that the political emphasis on deterrence leads to the politicisation of RSD. Home Office targets, such as the ‘tipping-point’—which has aimed to remove more refused asylum seekers than the number of applications predicted to fail—have appeared to influence RSD strongly, by emphasising removal over protection (IAC 2008b: 15). Similarly, while the Home Office has a category of ‘manifestly unfounded claims’, there is no parallel category of ‘obviously *well*-founded applications’ (Pirouet 2001: 134, emphasis added). Some also argue that the adversarial, rather than inquisitorial, nature of the RSD process

can lead to attempts by the Home Office to engage with asylum seekers to ‘catch them out’ (Refugee Council 2007).

A Culture of Disbelief or Denial?

In this article, I have argued that disbelief is only one element of the Home Office’s decision-making. Does it follow from this conclusion that the notion of a ‘culture of disbelief’ should be dispensed with and replaced with a new critique centred around the accusation of a ‘culture of denial’? Given the extent to which disbelief and denial are overlapping and the ways in which they are mutually reinforcing, this conclusion would be unwarranted. Rather than denigrating the notion of a ‘culture of disbelief’, the cultures of disbelief and denial should be seen as operating in tandem. The ‘culture of disbelief’ remains an apt description when decision-makers disbelieve asylum seekers, and then refuse them on that basis. To some extent, using the phrases interchangeably may at times be justified, given how slight the differences between literal, interpretive, implicatory and ontological disbelief and denial can be. However, the notion of the ‘culture of disbelief’ becomes inaccurate when this disbelief is the end result of a process in which relevant information has been shut out. It is also not adequate when refusals are made despite belief, on some level, in the merits of a claim. However, while it appears that disbelief and denial operate side-by-side, it is not clear from the reports whether one or the other predominates within the Home Office’s decision-making. Only detailed fieldwork within its walls could hope to establish this.

Conclusion

In this article, I have sought to strengthen, and provide theoretical backing for, the currently predominant critique of RSD in the UK. I have suggested that refugee organisations, while along the right lines, have picked out one aspect of the Home Office’s decision-making – its propensity for disbelief – but not appreciated its deeper source. This argument has implications for both academics and activists working on asylum issues. For academics, the article’s domestic focus has left unclear the applicability of the notions of the cultures of disbelief and denial to RSD in other countries. For sociologists in particular, it can pave the way towards work which draws on Cohen’s work more thoroughly to treat RSD in the UK as a case-study of the working of denial in modern society.

For activists and refugee organisations, there are clear benefits to using the notion of a ‘culture of denial’ alongside that of a ‘culture of disbelief’ when pressing for improvements to RSD in the UK. Having built up a substantial body of evidence of deep flaws within the process, it would be highly beneficial to employ terms which most accurately reflect it, providing a nuanced diagnosis before proposing viable alternatives. This shift in language could allow activists to highlight more effectively the fact that refusal may be the result of a prior refusal to engage with the facts of a case, which may be undertaken consciously. It is to be strongly hoped that such a strengthened critique of RSD in the UK can be translated into improvements which weaken, and ultimately eliminate, the cultures of disbelief and denial, thereby improving the lives of many vulnerable asylum seekers in the UK.

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