



Home Office

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Ruth Maguire MSP
Convenor, Equalities and Human Rights Committee
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The Scottish Parliament
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Dear Ms. Maguire,

Female Genital Mutilation (Protection and Guidance) (Scotland) Bill

Thank you very much for inviting me to give evidence to your Committee in relation to the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill. I apologise for the delay in replying to you.

I regret that, due to the upcoming general election, I will be unable to accept this invitation. However, I can address in this letter the issue which you have raised.

FGM is an horrendous crime and it is child abuse. The UK Government will not tolerate a practice which can cause extreme and lifelong physical and psychological suffering to women and girls. I am delighted that the Scottish Parliament is considering proposals to provide additional protections against this deeply harmful practice.

You have raised the issue of whether a FGM Protection Order (FGMPO) could be used for the purposes of an asylum claim based on a stated risk of FGM in a person's country of origin. The legislation and legal processes surrounding FGMPOs and asylum claims are separate. In England and Wales, a court may issue a FGMPO if, and only if, it would either protect a girl against the commission of a genital mutilation offence or protect a girl against whom any such offence has been committed. FGMPOs are not intended for the purposes of assisting asylum claims, which are made and considered separately under the Immigration Rules.


However, a person seeking asylum is of course free to submit any relevant evidence to help them substantiate their claim to be in need of international protection. Asylum decision-makers must carefully consider all evidence submitted, including issues relating to gender-based harm such as FGM. In cases where there is a FGMPO caseworkers are expected to carefully

consider the detail of the order and give it appropriate weight in reaching a decision on whether an individual is at risk of persecution or serious harm on return to their country of origin. The Home Office is committed to delivering an asylum process which is gender sensitive, in line with the Government's wider strategy to tackle violence against women and girls.

There is detailed Home Office policy guidance covering gender issues raised in asylum claims, including how caseworkers are expected to approach protection orders. This is available on gov.uk at:
<https://www.gov.uk/government/publications/gender-issue-in-the-asylum-claim-process>.

There is therefore no general link between FGMPOs issued in England and Wales and asylum claims – any link would be made on a case by case basis. Asylum decision-makers would apply the same principles in considering the applications of people in relation to whom a similar protection order had been made by a Scottish court, should this Bill become law.

I hope that this information is helpful to your consideration of the Bill.

Yours sincerely,

Victoria Atkins MP