

Independent Asylum Commission

CONDUCTING A NATIONWIDE REVIEW OF THE UK ASYLUM SYSTEM

IN ASSOCIATION WITH THE **CITIZEN** ORGANISING FOUNDATION

PRESS RELEASE

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GRAVE FLAWS IN APPEALS SYSTEM DRIVES ASYLUM SEEKERS TO SUICIDE, CITIZENS' ENQUIRY TOLD

A national citizens' enquiry into the UK asylum system this week heard evidence of grave flaws in the asylum appeals system. Commissioners were told of several cases where asylum seekers attempted suicide as a result.

On September 20th the Independent Asylum Commission held its fifth public hearing and roadshow at Leeds Metropolitan University. The hearing focused on the impact of the asylum appeals process on asylum seekers and the consequences of asylum dispersal on the Yorkshire and the Humber region.

Five of the Commissioners chosen to lead the enquiry, including former High Court judge Sir John Waite, President of the Association of Muslim Lawyers Ifath Nawaz, Bishop Pat Lynch, and Canon Professor Nick Sagovsky of Westminster Abbey, heard testimony from a dozen witnesses including local government representatives, the Legal Services Commission, the Refugee Council, a local solicitor, and regional refugee support organisations.

Local asylum seekers and refugees also gave evidence and talked from their own experiences about their experiences of appealing against Home Office decisions.

Councillor Olivia Rowley, Chair of the Yorkshire and the Humber Regional Strategic Group – which represents local authorities, the private, statutory, voluntary and community sector organisations involved in supporting asylum seekers and refugees – opened the hearing with an account of the impact of asylum dispersal on the region. She noted that Yorkshire and the Humber had a long history of receiving refugees but that the lack of affordable housing was affecting community cohesion.

Councillor Rowley said:

“In Wakefield we have 20,000 people waiting for council housing. At the same time we

have new refugees needing housing - and with increased numbers of economic migrants there are further pressures on local resources.”

She also criticised the Borders and Immigration Agency, the Home Office body with responsibility for asylum, for failing to take into account the regional implications of government policy.

Councillor Rowley said:

”Despite regionalisation of the Borders and Immigration Agency, there are still real problems. The Agency is not communicating with local authorities properly and is failing to give us timely information. And they are not using the regional co-ordination mechanisms to inform and consult effectively. I worry that this is straining community cohesion.”

Witnesses outlined a litany of difficulties that asylum seekers faced once their claims had been refused and they tried to appeal against the Home Office. These ranged from lack of access to legal advice, poor legal representation and the strict, short timescales for lodging an appeal. The Commissioners were taken aback by the effects that these problems had on the lives of asylum seekers.

Ismail, whose mother and brother were shot dead in front of him by the Janjawid militia in Darfur, was ditched by his lawyer just a day before the deadline for lodging his appeal – despite previous assurances that he would be represented.

Ismail said:

“My appeal failed and I spent four months homeless and hungry. One day it became too much and I tried to kill myself at Leeds train station. I will never forget the kind lady who took my hand and stopped me – but I would prefer to die than go back to the Sudan.”

Karen Gray, Project Co-ordinator at the Manuel Bravo Project, explained that the organisation was set up to compensate for the lack of legal representatives willing to support asylum seekers’ appeals.

Ms Gray said:

”There is a major lack of legal representatives in Leeds and we try to fill the hole using volunteers – but demand always outstrips what we can supply. The impact on the asylum seeker of not having proper support to prepare for an appeal is huge.”

The Project has forty volunteers, some with legal qualifications, who help asylum seekers prepare for their appeal, and was established by citizens concerned about the plight of asylum seekers trying to navigate the complicated legal process, often without knowledge of English or the legal system.

Ms Nash said:

“People get desperate and do desperate things. Our project is named after an asylum seeker from the Democratic Republic of Congo who committed suicide in 2005. He did this because he was so scared of what faced him on his return – but also because he feared for his young son and thought he would have a better chance of staying in the UK if he killed himself.”

Kerry Jopling, a solicitor from the Refugee Legal Centre in Leeds, criticised government targets which increased the speed of the appeal process and prevents asylum seekers from preparing adequately for their appeal.

Ms Jopling said:

“Just because something is done quickly does not mean it is done well. The over-riding concern should be to achieve a fair and just decision. Unfortunately, speed seems to have pushed justice into second place.”

Paul Newell, Head of Civil Legal Aid at the Legal Services Commission, the government body responsible for overseeing legal aid, told Commissioners that reforms in the past few years had reduced the available budget for asylum appeals, but said that they may review some of the rules that prevent asylum seekers being properly represented at their appeal.

Mr Newell said:

“The reforms that cap legal aid available to asylum seekers were designed to derail the legal aid gravy train – we were spending a lot of money on appeals and too many were failing. But we are dealing with a particularly vulnerable client group – who could face torture and even death if a wrong decision is made – so it would be wrong to rule out looking at the rules again.”

Charlotte Cooke, Head of Operations at the Refugee Council in Leeds, shared the experiences of asylum seeker clients who were let down by the asylum system, claiming that there was a culture of disbelief among Home Office staff who were encouraged to refuse asylum cases wherever possible.

Ms Cooke said:

“In one case heard under the Home Office’s New Asylum Model (NAM), the caseowner denied refugee status to an asylum seeker saying: “I am going to fail this case now, but it will be overturned at the appeal stage.” The asylum system is failing in many respects – it is as if it is designed to catch asylum seekers out.”

Audrey Smith of the Calderdale Immigration Support Service, a voluntary body set up to assist asylum seekers, recounted cases where asylum seekers’ appeals had been hindered by outdated country information used by the Home Office which suggest that the country the appellant comes from is safe when it is not.

Ms Smith said:

“From the experience of our clients it seems clear that the Home Office is hellbent on

finding reasons to discredit their stories. Caseworkers who should be assessing whether people are in danger and need protection just seem intent on disbelieving them.”

Germaine, a political activist from the Democratic Republic of Congo, explained to the Commissioners how his story had not been believed by the Home Office, and that he had been forced attend his appeal despite being extremely ill.

Germaine said:

”Back home my father was beheaded because of our political activities. I was arrested, gaoled, beaten daily, sexually assaulted and was forced to watch my sister being raped by guards. I claimed asylum in the UK, was refused and appealed. I was ill but the judge refused to adjourn the hearing – I traveled to Bradford but was immediately hospitalised.”

Since that hearing, Germaine has had to represent himself. His appeal has been rejected and he is destitute – sleeping rough and relying on charity.

Germaine said:

”This is a pain I still live with and I don’t know how I will cure it.”

Shoherah, a Somali asylum seeker who fled to the UK with her daughter, had problems accessing legal support to fight her appeal. When she was moved from Liverpool to Barnsley she had to find a new solicitor. When she eventually found one, there was not enough time to prepare her case. She had to sell her support vouchers to pay for legal help.

Shoherah said:

”I think about me and my child and I wish we had never come to the UK – nobody wants us. They say claiming asylum is not a crime, so why are there these invisible bars around us?”

Sir John Waite, Co-chair of the Independent Asylum Commission, said:

“At this fifth hearing of the Commission, we learned first-hand of the problems with the asylum appeals system in just one region of the UK. Through our travels across the country, we hear voices such as these and the stories they tell are shocking. This is a fair and impartial Commission and we will be seeking a response to these issues from the Home Office, which will also be used as evidence. I hope that the authorities will take note of our findings when we publish our report in 2008.”

Commission Co-ordinator, Jonathan Cox, said:

“The Commission was impressed by the incredibly powerful testimony heard in Leeds. We have discovered several major issues that need resolving – and that require credible and workable reforms. But these hearings are just the tip of the iceberg. We will be doing our utmost to listen to all sides of the debate before we publish our report

and recommendations next year, and so I urge people to write to and email us with their views on this issue.”

For further details contact Jonathan Cox, IAC Co-ordinator: 07919 484066.

Notes for editors:

- The Independent Asylum Commission is conducting a nationwide review of the UK asylum system.
- The IAC is independent of government and the voluntary sector, and is accountable to citizens.
- The Commission is keen to hear from any individual or organization who is concerned about the asylum system – from those who believe it is too generous to those who believe it is not providing adequate protection for refugees. Information on how to submit evidence can be found at www.independentasylumcommission.org.uk
- Photographs of the Yorkshire and the Humber Hearing are available on request.

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