

women's ASYLUM NEWS

Refugee Women's Resource Project - Asylum Aid - Issue 5 November 2000

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Legal advice problems threaten protection for asylum seekers

Staff at RWRP and Asylum Aid are aware of an increasing number of requests for advice and representation from asylum seekers. Early access to good quality legal advice is essential, as this year's report by the Audit Commission stated: "People who seek asylum are first and foremost making a claim for protection under international law. Legal advice and support is therefore a priority."¹ The report highlighted an acute shortage of provision, especially in the regions, and this is borne out by our own research. Because of the complexities of the Geneva Convention on which claims for refugee status are based, and issues of gender based persecution, good legal advice and representation for women can be particularly crucial.

RWRP has only one caseworker, and we often have to refer women to other solicitors, as well as giving advice over the telephone and at advice sessions. Of the 100 women who were given one-off advice or assistance by RWRP from July to the beginning of November 2000, almost half raised the lack of good legal advice as a problem – 20 of these had had their asylum claims refused. As well as this, women also had problems around gender-based persecution, domestic violence, trauma, homelessness, disability and having to return to London following violence in the dispersal area. 42 women were referred to other solicitors, with an average of 3 solicitors having to be contacted before one could be found to take on the woman's case. In one instance our adviser had to phone 7 different solicitors for one asylum seeker before she could find one who agreed to take her on.

Monireh Moftizadeh, RWRP's women's caseworker, explains:

"It is getting more and more difficult to find solicitors for people who contact us for advice and assistance. The solicitors we know are all busy and very rarely do we manage to refer people to them. Many people who are not pleased with their representatives have to stay with them because they are not able to find good solicitors. I do take on emergency cases, but I already have a heavy workload. A woman came to us for advice who had been here since 1996 but because of misrepresentation had not yet been able to submit her claim. She was about to be returned to her country of origin. I phoned over ten solicitors and they were all busy, so I agreed to take on her case."

Shortage of good advice means many poor and unscrupulous advisers are filling the gap. A woman in London told us that she had never seen her solicitor. Her appeal was adjourned because the solicitor had not forwarded documents to the court. Asther Hagos, RWRP's outreach worker, tells of a woman who was working as domestic help for a family in Kent: "This woman couldn't find her solicitor when she returned to London because he had moved. She got his phone number from the new occupiers of the office, but he was reluctant to tell her what stage her application was at on the grounds that she was no longer working and he wouldn't be paid for the information."

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Countless women on benefits or social services assistance have paid for solicitors' services, despite the fact that people who are unwaged are entitled to free advice. Payments range from £200 for filling in the SEF (the Statement of Evidence Form and basis of the asylum claim) to £500 or more for interviews.

It also appears that some solicitors have not discussed free legal assistance with their clients, and have informed clients very near to their appeal hearings that they will not be able to represent them if they cannot pay. This either leaves the client having to find an alternative representative at short notice, which is extremely difficult, if not impossible, or having to attend the court and ask for an adjournment on the day. When this is coupled with the courts' general reluctance to grant adjournments, the client is left in the dangerous situation of having his or her appeal heard without representation.

The impact of dispersal

Dispersal of asylum seekers to areas outside London has meant even greater problems in accessing good legal advice. From April to September 2000 over 1700 people were sent to the North West and over 1100 to the North East², yet the Community Legal Service Directory lists only 4 providers of specialist help in Newcastle, 3 in Liverpool and 7 in Leeds. The South Coast also has large numbers of asylum seekers, but only 1 specialist adviser is listed for each of Bournemouth, Margate and Hastings.

The timetable of the dispersal process contributes to problems in accessing advice. If dispersal works as it should, an applicant will be dispersed 7 days after making their application for support – halfway through the two week period for the return of the Statement of Evidence Form. Any information inadvertently omitted can count against the applicant in the future.

This gives newly arrived and probably disorientated asylum seekers 7 days in London or another 7 in the dispersal area to find a

lawyer, make an appointment to see them with an interpreter, provide information about their claim, and then attend one or more additional appointments to check the statement. Even if a lawyer is found, he / she may not be able to provide an appointment within the time limit, and some asylum seekers may need several appointments to complete their applications, especially when their experiences are sensitive or distressing to recount to a stranger. While in emergency accommodation applicants have no vouchers or cash, thus they are not even funded to travel to see a lawyer.

In many cases dispersal does not happen according to this timetable, and asylum seekers spend weeks in emergency accommodation. If an applicant does manage to find representation in this time, he or she may need to transfer to another solicitor in the dispersal area, causing further delays.

Access to interpreters is an additional problem. The Statement of Evidence Form (SEF) issued to asylum seekers has to be returned in English. The Home Office also demands that all supporting documents be translated by the applicant into English. Asylum seekers should have access to specialist legal advice along with any necessary interpreting and translating support in order to have the best chance of securing the protection they need.

Our outreach worker comes across many women for whom dispersal has exacerbated their problems: "Most dispersed women have solicitors in London and some in other areas outside the town they're living in. Contacting them is difficult mainly due to travel costs, but also because they cannot communicate with them on the phone. I met a woman in Hastings who has a solicitor in London and has no idea what is happening with her case: she can't call and speak to him because she lacks English. Dispersed women are living too far away from sources of supporting materials like newspaper cuttings and witness statements, and from the people who could help them find such evidence."

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The Inter-Agency Partnership of organisations responsible for delivering NASS services reported last month on the issue of dispersed asylum seekers returning to London and the South East. The reasons for return include bad experiences such as racial harassment, lack of specialist care in the regions for victims of torture and the severe shortage of solicitors who can do asylum work.³

Non-compliance refusals

Home Office figures for September state that a massive 38% of decisions made that month were refusals for non-compliance. This term refers to asylum claims which have been refused without the applicant's substantive case even being considered (in Home Office terms, "failure to provide evidence to support the asylum claim within a reasonable period"⁴). This shocking figure suggests that a large number of people were unable to complete their SEFs on time, which in many cases may be due to difficulties finding a legal representative. The figure also includes cases where the SEF has been returned but not completed in English. The refusal rate for non-compliance has increased over 4-fold from 9% in January 2000: a sure sign of the negative impact of the new Immigration and Asylum Act.

Other asylum rights groups as well as Asylum Aid are monitoring these problems and lobbying for improvements. If you or your organisation have any evidence on the difficulties accessing good legal advice, or other problems for clients with the asylum process, please let us know.

Please also contact us if you, or anyone you know, need help in obtaining a good quality legal representative for an asylum claim, and we will do our best to help you.

¹ 'Another Country', Audit Commission, June 2000

² IAP News, Inter-Agency Partnership newsletter, November 2000

³ IAP News, Inter-Agency Partnership newsletter, October 2000

⁴ Home Office Asylum Statistics: September 2000

Women's human rights news

Problems for girls in Iran

Reports have highlighted the growing problems facing girls and young women in Iran. The Council of Guardians has ruled this month that girls can still be married as young as nine as long as there is parental permission. The Council of Guardians said the measure passed by parliament late last month was contrary to Islamic law, which would have required court approval for girls under 15 or boys under 18 to be married. Many of these young girls run away from married life, and are frequently raped, murdered, or end up the victims of the illegal trafficking of slaves.

(International Federation of Iranian Refugees (IFIR) and the Committee for Humanitarian Assistance to Iranian Refugees (CHAIR), November 2000)

Discrimination against women in Kuwait

A recent Human Rights Watch report has criticized the Kuwaiti Government for disregarding UN Human Rights treaties to which it is a signatory.

The report, entitled "Kuwait Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression", details both social and institutional discrimination against women. The penal system continues to condone "honour" crimes by laws that mean perpetrators are not charged with murder, and serve a maximum sentence of only three years. Women have few marital rights, and are still not allowed to vote or stand for election.

The report can be found at:

www.hrw.org/reports/2000/kuwait/

An Arabic summary of the findings and recommendations is available at:

www.hrw.org/arabic/mena/list/text/bidun.htm

New maternity payment for NASS applicants

NASS, the National Asylum Support Service, has introduced a new Maternity Payment of £300 per child to help with costs arising from the birth of a new baby. Whilst any additional financial help is to be welcomed, unfortunately there are a number of problems with the way the scheme is to be administered which will limit its positive impact on women and families.

A maternity payment can be made if the father or mother of the child applies in writing between one month before the due date and 2 weeks after the birth, if the child was born to, or the expectant mother is a NASS supported person, and if a birth certificate or medical evidence of the due date is submitted. A child of less than 3 months born outside the UK to someone who now qualifies for NASS support is also eligible; there is also an exceptional cases provision.

The extremely tight timetable for claiming – between 1 month before and 2 weeks after the birth - means people could easily miss out on the payment. The time around the birth of a baby is particularly busy and can be stressful; many expectant and new mothers can be experiencing health problems at this time and some time is likely to be spent in hospital. Others may miss out if a claim is submitted "too early" (more than 4 weeks before the due date), as their form will be sent back and they will be asked to reapply.

The payment will be made in "emergency" vouchers, not cash-redeemable ones - as with food vouchers, cheaper sources like markets, discount stores etc will not be covered, let alone second-hand items which can be obtained at a fraction of the cost of new ones. It is currently unclear which shops the vouchers can be used in and if baby equipment shops are included.

One of the worst features of the new scheme is that the vouchers expire after only 4 weeks. This does not leave any opportunity for someone on an already extremely tight budget to spread the extra money over a longer period. Nappies for example, one of the major ongoing costs, cost approximately £7 to £10 per week, but it would not be possible to buy 6 months' worth at the outset as sizes needed cannot be predicted. The same applies to baby clothes. If any time limit needs to be imposed, 6 or 12 months would be much more appropriate.

As yet we are not aware that NASS are planning to publicise the payment. Applications have to be made in writing to NASS's central office – there is no application form at present - and will be passed to Assessment Caseworkers. The address is NASS, Voyager House, 30 Wellesley Rd, Croydon CR0 2AD. Please contact Asther Hagos at RWRP if you need more information about the criteria or the scheme, or how to claim.

News and events

Human Rights Act seminar

Action for Refugee Women will be holding a seminar on the Human Rights Act on 6th December.

Sarah Cooke, of the British Institute of Human Rights, will be speaking on the implications of the new Act for women asylum seekers and refugees.

The seminar will take place in the morning, and will be held at 46 Francis Street in London. For details please contact Laurence Pouliot, Women's Officer at Refugee Action on 020 7840 6513.

Welfare rights advice

London Advice Services Alliance (LASA) have just relaunched their "rightsnet" website. This extensive site has a section on welfare issues concerning asylum seekers, including details of the Asylum Support Regulations 2000 with latest updates on entitlements. The site also contains LASA's regular "asylum support briefing". Their website address is www.rightsnet.org.uk; alternatively, briefings can be obtained from LASA on 020 7377 2748.

New service for women

Europe-Roma and Romani Woman are holding new drop-in advice sessions for women asylum seekers on Mondays between 11am and 3pm. These sessions will be run by RWRP's Outreach Worker.

Europe-Roma and Romani Woman are also keen to recruit volunteers for all their work, including assistance with their women's group, befriending service, work with children, teaching English and fundraising. For more information please contact Amanda Sebestyen on 020 7267 8198.

New refugee fund launched

The European Union has announced a new European Refugee Fund for the financing of projects relating to conditions for reception, integration of persons whose stay is of a lasting and/or stable nature, and voluntary repatriation. The fund has a budget for the UK of over £2m this year and £4m next year, and is being administered here by the Home Office Immigration and Nationality Directorate. Further details and application forms can be obtained from Stephen McCracken, Refugee Integration Section, NASS, 5th Floor, Voyager House, 30 Wellesley Rd, Croydon CR0 2AD. Tel: 020 8633 0064; Fax 020 8633 0079; email stephen.mccracken@homeoffice.gsi.gov.uk
The deadline for applications is 29th December 2000.

NASS policy on domestic violence

NASS Policy Bulletin no. 18 details procedures to be followed for NASS-supported asylum seekers who experience racial harassment or domestic violence. It appears that the priority is for "victims" to be supported to remain in their existing accommodation where possible, and for action to be taken against the perpetrator(s) in conjunction with the appropriate authorities. However, there are circumstances where NASS may accept that this is not safe for the applicant, in which case a rehousing decision may be taken, including the option of a women's refuge for women experiencing domestic violence.

We would therefore strongly encourage advisers to make sure NASS agrees to place a woman applicant in a refuge, if that is what she wants, rather than accept NASS's view of what is appropriate. Due to the lack of information on this issue, some women's refuges have been unaware that the accommodation costs of NASS-supported women may be covered, meaning that women asylum seekers have not had access to the support they are entitled to. Please contact NASS or RWRP for a copy of the NASS bulletin covering this issue.

Your feedback on Women's Asylum News

Our first edition of Women's Asylum News included a questionnaire aimed at finding out what you would like to see in our bulletin. Thank you to everyone who replied. This feedback has been helping us to shape the contents of the next few editions.

We were pleased to find that in general readers have been finding the information useful and interesting. Many people would like us to focus on specific country information. Since we have limited scope for how much information we can include, we plan to write articles on specific themes relating to women's rights in particular countries alongside references to other sources for information on that country. Our choices of countries will reflect research work that staff in the project have been undertaking.

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