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Women's Asylum News

Women's Project at Asylum Aid

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Without free legal assistance for family reunion refugees are unable to bring family members to safety

Women and children are the primary groups left in dangerous and unstable situations abroad because of restrictive and complex family reunification procedures for refugees, according to a new [report](#) published by the British Red Cross. The report draws on the findings of a joint project with Asylum Aid providing legal representation to recognised refugees attempting to bring their families to join them in the UK.

Legal Aid funding has not been available to refugees applying for family reunification since the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act came into effect in April 2013. Under this Act, family reunion is seen as a straightforward matter relating to immigration, rather than asylum, and therefore those pursuing it no longer qualify for free legal assistance.

The findings of this report, however, show that the application procedure for family reunion is in fact rife with complexities – for which most refugees will need assistance from qualified legal professionals. In many cases it is impossible for refugees to meet the costs of private legal advice, while it is also not feasible for them to undertake the process by themselves. The report argues that family reunion is much more an asylum than an immigration matter, often involving people at risk in unstable parts of the world, and that Legal Aid funding must be reinstated in order to allow recognised refugees to benefit from their right to be reunited with family.

Women and Children in Danger

“My family was persecuted by the authorities because I was wanted. They asked them every time ‘where is your dad’ and they don’t tell them that I had travelled to the United Kingdom. So every time they come they just told the authorities that I had gone somewhere. I was wanted because I was demonstrating for our rights as Bidoon. We wanted the same rights as other people. They were persecuted because they were Bidoon and because of my activities.”

-Male Bidoon refugee, on his application for family reunion.

Recognised refugees are entitled to be reunited with their families by bringing them to the UK. In the report, which draws on the experiences of 91 refugees making applications to bring over family members, the vast majority of applicants were men, attempting to bring women and children to the UK.

In a large proportion of cases, the women and children were living in insecure situations in conflict regions and often were unable to travel safely, including to British embassies in or-

der to submit paperwork in support of their application. In some cases, embassies are not functioning in the country where the family is, as is the case in Syria, and travelling to another country to go to an embassy is dangerous or impossible.

In some cases where families had already been displaced they had no legal status in the country in which they were resident.

The report urges the government to recognise the protection and humanitarian needs of families applying for reunification, and to treat the issue as more akin to asylum procedures than a straightforward immigration process. It further stresses the need for innovative solutions to ease access to reunion procedures, including the possibility of mobile biometrics clinics in areas where travel is impossible.

Another obstacle confronting many families is a lack of documentation. In three quarters of the cases in this study, children lacked birth certificates or wives lacked marriage certificates to prove their family ties. The situation of displacement and upheaval that they find themselves in means that in many cases, birth or marriage registration is not possible, or else when people have fled in a hurry they may have lost what documents they had. This lack of formal documentation is a significant issue for family reunion that the Home Office needs to consider.

A More Flexible Approach

Often refugee families and dependants, like all families, do not conform to a narrow interpretation of the nuclear family. The report finds that cases of adoption, de-facto adoption, dependent children over the age of 18, or when the applicants were siblings or step-children, presented significant legal and procedural difficulties.

The report recommends a more flexible approach to such atypical cases; the government should review its restrictive interpretation of refugees' right to live with their family.

Not So Straightforward

It is because family reunion is viewed as a 'straightforward' procedure that it was considered appropriate to remove funding for Legal Aid for it. But this research finds that applications are often extremely complicated, and for most people, even if they spoke English, it would have been impossible to complete them without competent legal advice.

The Home Office must develop a purpose-built application form that is much simpler than the form that is currently required, and clear and consistent guidance should be easily accessible for applicants throughout the procedure. More specific and coherent instructions are needed as regards documentation and eligibility requirements.

Parliamentary Launch

The report was launched at an event in parliament on Wednesday 15 June, hosted by MP Daniel Kawczynski. Attendees heard from experts from the Red Cross as well as the testimony of one beneficiary of the family reunion project on which the report's findings are based. Under this project, the Red Cross, in partnership with Asylum Aid and the Rochdale Law Centre, assisted 250 refugee families to be reunited and begin new lives together in safety. At the launch, it was argued that without schemes such as this providing free and accessible legal support, many families will be kept apart simply because of the failings and complexity of the reunification process.

Mr Kawczynski has pledged his support for the recommendations of the report and will ensure the issue is placed on the agenda of the Foreign Affairs Committee, of which he is a member.

Sector update

New video on credibility assessments in women's asylum claims

Receiving a negative credibility assessment, not being believed, is the key reason why women's asylum applications are refused. Debora Singer, Policy and Research Manager at Asylum Aid, has contributed a chapter on navigating credibility assessments in women's asylum claims to a multi-disciplinary [training manual](#) on credibility assessments in asylum procedures aimed at asylum professionals across Europe. The manual was published by the Hungarian Helsinki Committee, and includes sections on credibility issues in the asylum applications of LGBT asylum seekers and unaccompanied children.

At the launch event for the manual, held at No.5 Chambers on 25 June and chaired by UNHCR, Asylum Aid also launched a new [video](#) dealing with credibility in women's asylum claims. The video presents a discussion on the key hurdles facing women in terms of credibility. These hurdles are: a lack of documentary evidence in support of their claim, a reliance on their oral testimony which may be difficult to recount due to cultural stigma or trauma, and finally, the application by decision-makers of too high a standard of proof to accept the claim.

Zoe Given-Wilson from the Centre for the Study of Emotion and Law also presented the findings of the chapter she contributed to the manual, on credibility assessments in children's cases. Just as with women, Zoe noted how a vicious circle can emerge in interviews, where the subject feels that they are not believed, causing them to panic and get confused, perhaps forgetting details and appearing even less credible because of this

to the interviewer.

S. Chelvan of No.5 Chambers also presented his chapter of the manual, explaining his DSSH model for assessing the credibility of LGBT asylum applications. Chelvan argues that by approaching the question of sexuality through how the applicant has felt Difference, Stigma, Shame and Harm directed at them, rather than focussing on intimate or sexual activity, credibility assessments can be carried out without degrading the applicant or relying on offensive stereotypes.

Report by UN Special Rapporteur on Violence Against Women

Women who disclose gender-based persecution to the Home Office when they make their asylum claim continue to face disbelief and detention, according to a new report by Rashida Manjoo, the UN Special Rapporteur on Violence Against Women (SRVAW). Ms Manjoo visited the UK in April 2014. Her [report](#) was published by the UN Office of the High Commissioner for Human Rights on Wednesday 17 June 2015.

The SRVAW raises concerns regarding the inadequate assessment made by the Home Office to identify and acknowledge women's past experiences of violence when applying for asylum. She notes that women are less likely than men to receive a correct initial decision on their asylum claim. In addition, approximately one third of women are granted asylum on appeal, with cases being overturned because of poor initial credibility assessments. Her report recommends that women who have experienced rape or domestic abuse should be provided with a positive response when they disclose past experiences of violence.

Also, the SRVAW notes that the use of the Detained Fast Track process does not favour the proper identification and examination of cases involving gender-related violence or trafficking, owing to the speed with which asylum decisions are made, and the limited involvement of claimants' legal representatives. In addition she raises concerns about allegations of ill-treatment and abuse within immigration detention facilities, including at Yarl's Wood. In fact Ms Manjoo was denied access to inspect Yarl's Wood immigration removal centre when she visited the UK (see [WAN 123](#)). However she notes there were numerous media reports prior to her visit of allegations of abuses and a culture of bullying and intimidation of detainees.

The SRVAW also expressed concerns regarding the situation of destitute women asylum seekers, particularly those who have had their asylum claims refused. She heard of women sleeping on the streets and having to rely on the good will of friends or on food

parcels from churches and from charities. She noted that destitution puts women at further risk of experiencing violence, including sexual violence, or having to engage in transactional sexual activities in exchange for food and shelter.

In conclusion, the report recommends that women's histories of victimisation and abuse are taken into consideration when examining asylum claims and when considering the detention of asylum seekers.

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National News

Yarl's Wood Update

A recent [report](#) by the Independent Monitoring Board (IMB), a body of civilians tasked with monitoring the welfare of prisons in the UK, cited serious concerns about the Healthcare provisions of Yarl's Wood Immigration Removal Centre. G4S, the world's largest security company, took over the delivery of healthcare to detainees in Yarl's Wood from Serco in September.

The IMB report cited that the healthcare department is understaffed and lacked proper management for much of 2014. Detainees have consistently complained to the Board about dismissive attitudes among healthcare staff, and the subsequent difficulty in obtaining GP appointments.

The report reiterated the plight of detained women with serious mental health problems, and strongly recommends that people with identifiable mental health conditions should not be detained. The change of Healthcare contractor to G4S in September has exacerbated problems, including GP hours being cut and crucial counselling services withdrawn. Additionally, detainees with mental health problems frequently end up in the separation unit because of their behaviour, a potentially damaging cycle.

Further, a strong recommendation was included regarding pregnant women in the centre. Based on the fact that few pregnant women are removed and the difficulties they face, IMB recommends that the policy of detaining pregnant women should be abandoned and only implemented in exceptional circumstances where removal is imminent.

The long-term, indefinite detention of women was also condemned, noting that 68 women were detained for more than six months and there was one case of a woman detained for more than 800 days. Thus a maximum time-limit was also recommended by the report.

The health care at Yarl's Wood is undergoing a 'rebuilding' process prioritising patient care

in response to the pressures exerted by the report. Managing Director of G4S has [said](#) that they are working closely with NHS England, who adopted the commissioning of medical services from the Home Office at the same time as G4S.

On Sunday, 7th June a [demonstration](#) organised by Women For Refugee Women to shut down Yarl's Wood was attended by around 700 people, who gathered outside the gates of the centre in Bedford. Sections of the fence were torn down, and women detained inside the centre were heard shouting and holding signs in return.

In addition, an [Early Day Motion](#) (EDM) was put forward in Parliament on the 15th June regarding the renewal of Serco's contract in Yarl's Wood. The EDM notes the problems and poor treatment of women detainees by Serco, and calls on the Home Secretary to reassess the entire detention process so that 'radical changes' to the current system can be implemented, including an end to indefinite detention.

Detained Fast Track suspended

Meanwhile a case brought by [Detention Action](#) has resulted in the Immigration Minister, James Brokenshire temporarily [suspending the Detained Fast Track \(DFT\)](#) in its entirety on 2nd July 2015. The announcement followed the [suspension of the appeals stage of the DFT](#) by the Court of Appeal on 26th June. Mr Brokenshire stated "Risks surrounding the safeguards within the system for particularly vulnerable applicants have also been identified to the extent that we cannot be certain of the level of risk of unfairness to certain vulnerable applicants who may enter DFT."

The [Charter of Rights of Women Seeking Asylum](#) raises strong concerns about vulnerable asylum applicants being placed in the DFT. The DFT is intended for cases that can be determined quickly and some asylum seekers are routed into the DFT when they first claim asylum. The Charter argues that women who have suffered gender-based harm should never be detained, and if it is discovered that a woman in detention has experienced gender-based harm they should be taken out of the DFT immediately. Because of the need to interpret the Refugee Convention in a gender-sensitive way, such cases are always complex to determine. In addition, the Charter states that women who are breastfeeding or at any stage of pregnancy should not be detained. However, research by [Medical Justice](#) and by [Women for Refugee Women](#) has demonstrated that women who are pregnant and those that have suffered gender-based harm continue to be regularly detained including in the DFT. The suspension of the DFT has a particular significance for women therefore. [News reports](#) suggest 10 women were released from Yarl's Wood on the same day as the temporary suspension of the DFT as a result of the ministerial edict.

UK to modestly expand “Vulnerable Persons Relocation Scheme” for Syrian refugees

David Cameron has announced a modest increase in the numbers of Syrian refugees to be resettled in the UK under its [“Vulnerable Persons Relocation Scheme”](#) (VPRS). A further 200 refugees will now be accepted under the VPRS to the UK, on top of the 187 who have so far benefited from the scheme which was initially intended to provide resettlement for “several hundred” of the most vulnerable refugees. The Prime Minister [emphasised](#), however, that the total number of resettlement places under the VPRS will not exceed 1,000.

Survivors of sexual violence and torture, as well as disabled or elderly Syrian refugees are prioritised under the scheme whereby UNHCR representatives are tasked with identifying particularly vulnerable refugees from camps within the region.

UNHCR has announced, however, that the numbers of Syrian refugees registered in camps in surrounding countries has now surpassed four million; and a growing number of reports emphasise the high risk of further violence, including sexual violence, particularly for women and girls [in Syria](#) and [the camps](#) in surrounding countries, Asylum Aid is calling on the government to vastly expand its resettlement efforts.

International News

Human Rights Council report on Human Rights in Eritrea

A recent [report](#) by the Human Rights Commission highlights the systematic and widespread human rights violations occurring under the authority of the ruling government, The People’s Front for Democracy and Justice. The release of the report follows a couple of months after the publication by the UK government of a new [Country Information and Guidance](#) on Eritrea which has been severely [criticised](#) for claiming that the enforced conscription regime had been softened and that fewer asylum seekers from Eritrea would therefore be entitled to international protection. The guidance has been [slammed](#), including by the Independent Advisory Group on Country Information (AGCI), as a politically motivated attempt to control immigration by erecting barriers to settlement to Eritrean asylum seekers fleeing horrific human rights abuses. [Eritrea](#) was the number one country of origin for asylum seekers in the UK in 2014, with 3,239 applications and a recognition rate of 85%.

According to the HRC report, gender-based human rights violations are highlighted as a

particular issue in Eritrea, particularly violence against women and children. However, the commission faced significant difficulties in the documentation and investigation of human rights violations of women, and notes that the report may be only partially viable in capturing the extent of gender based violence. The findings include a high risk of rape and sexual violence perpetrated in an environment of impunity, where discrimination and violence against women is present in all areas of society.

Detention is used arbitrarily at the time of arrest, is not subject to judicial review, and continues unlawfully for long periods of time in extremely harsh conditions. The report notes that women are generally kept separate from men in detention facilities, but rarely under the responsibility of women officers. In turn this increases the risk of gender-based violence and humiliation. Arbitrary punishment along with inhumane conditions can expose inmates to illness, epidemics, death, and instances of suicide have been noted.

Eritrea is signed up to eight universal and regional human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women. Rape has been found to be employed as a method of torture in Eritrea with the intention of inflicting severe physical and psychological pain. Sexual violence against women is widespread and notorious in military training camps, where sexual abuse and enforced domestic servitude of women and girls in the camps amount to sexual slavery. The report states that the commission considers these violations amount to torture.

Finally, violations to the rights of women in property, employment, and freedom of movement result in women in Eritrea being vulnerable to food insecurity, survival or transactional sex, and a heightened risk of punishment for non-sanctioned work in absence of genuine rule of law. Women and girls are unable to access justice for the gender-based violence they endure.

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UK Training and Events

Working with Women Trafficked into Sexual Exploitation—17 September

The Women and Girls Network (WGN) is running a free one day expert led seminar on 17 September 2015. The course enables participants to enhance their understanding of the process of trafficking from a gender responsive perspective, as well as providing a context to appreciate the global impact of sexual exploitation. The training course will also include empowering holistic therapeutic techniques to support women's recovery.

Counselling and Therapeutic Interventions for Working with Women Overcoming Experiences of Violence—10 September-27th November

Deadline for applications is Friday 7th August, venue tbc. For updates, please visit www.wgn.org.uk/training

Recovery from Sexual Violence – 2 & 3 September

The Women and Girls' Network is running three different training courses relating to gender-responsive trauma-focused approach for engaging women's recovery from sexual violence . For more information and to apply, please visit www.wgn.org.uk/training

Tackling Gender-Based Violence Conference—2 September

A conference is to be held at the University of Central Lancashire on tackling gender-based violence on 2 September. The conference will cover approaches to 'honour'-based abuses, forced marriages and female genital mutilation.

For further information see: http://www.uclan.ac.uk/conference_events/tackling_honour_abuse_conference.php

Surround Yarl's Wood – 8 August

Activists will be holding a demonstration outside of Yarl's Wood detention centre in Bedfordshire on Saturday 8 August. The demonstration follows from the successful demonstration called by Women for refugee Women in June which was attended by hundreds of protestors. The demonstration protests the ill-treatment of women in Yarl's Wood, calling for the centre to be shut down and for an end to all immigration detention in the UK. The protest has been called by Movement for Justice. More information here: <https://www.facebook.com/events/1446738212294105/>

Publications

28 Too Many release Report on FGM In Senegal

It is estimated that 25.7% of women and girls (aged 15-49) in Senegal have undergone FGM, and there has been no significant change in rates in recent years. Although the Government criminalised FGM in 1999 with an amendment to the Penal Code, which also criminalises domestic violence and rape, and despite widespread knowledge of the law, a new report shows that it is still happening, only now at a younger age and in secret.

FGM is usually performed on girls under the age of 14, in many cases marking the end of

a girl's school attendance. Rural areas (27.8%) have a slightly higher rate of FGM than urban areas (23.4%), however the majority of Senegalese reside in rural areas or in the capital Dakar, which contains 49% of the country's urban population and has a prevalence rate of 20.1%. In contrast, rural areas in the south and east have the highest prevalence of FGM at 92% in Kedougou.

The report notes that there are fears that modernity undermines traditional values in many remote rural locations, and consequently NGOs and the Senegalese Government's efforts to prevent FGM are viewed as cultural imperialism. This stance allows FGM to become a symbol of resistance therefore prevalence remains high.

More generally, FGM is considered as a part of cultural identity, although 48.5% of women and girls believed FGM had no benefits. Interestingly, men aged 45-49 had the highest levels of support for the continuation of the practice, while women of the same age group had the lowest. Additionally, there is large variation regarding the age at which FGM is practiced across Senegal.

15.5% of all women and girls (aged 15-49) who had heard of FGM believed it was a religious obligation. In the case of the Diola and Upper Casamance region, the adoption of Islam 50 years ago has led to an increase in the practice of FGM as part of the initiation into the Islamic form of women's secret society. Women strongly defend their right to such initiation, and men not in favour of FGM are seen as attempting to undermine women's autonomy. However, FGM predates the major religions in Senegal and is not exclusive to one religious group.

The report draws attention to the problem with relying on self-reported data, when talking of a reduction in the rate of FGM. Data also shows that daughters of younger women (less than 25 years old) were less likely to be cut than daughters of older women.

Still Human Still Here release Report on two Iraq CIG reports

Still Human Still here identifies several inconsistencies in the Home Office Country Information and Guidance (CIG) reports on 'internal relocation' and the 'security situation' in Iraq, released on December 2014 and April 2015 respectively. Country of origin information (COI) repeatedly notes how women are considered to be at heightened risk of targeted attacks and violence. Crimes of sexual harassment, murder, forced and early marriage, rape and domestic violence, perpetrated with impunity, are exacerbated by the continuing violence.

The Home Office 'CIG on the security situation' in Iraq notes that areas of control remain

fluid, and encourages decision makers to consider the latest COI to determine which areas are controlled or contested by the Iraqi government or allied forces. Likewise, due to the highly changeable situation, emphasis is placed on decision makers paying particular attention to the individual circumstances of the person when considering the extent of violence they face.

The SHSH critique references UNHCR's 'Positions on Returns to Iraq' as an imperative source, as it states that it is inappropriate for "States to deny persons from Iraq international protection on the basis of the applicability of an internal flight or relocation alternative".

The 'CIG on the security situation' states that internal relocation may be a viable option depending on personal circumstances of the claimant. The 'CIG on internal relocation' makes the same note, but provides extremely limited COI for such an assessment. Inexplicably, the 'CIG on security situation' refers to the 'CIG on internal relocation' for further information.

SHSH notes that the 'CIG on internal relocation' fails to address the actual living conditions and situations in areas that returnees will be returned to in practice.

The SHSH report notes that the UN Security Council has on numerous occasions highlighted the recurrent violations of women's rights, including the threat from ISIL and associated armed groups, citing the persecution and prolonged captivity of the Yezidi and other minority communities. Women fleeing ISIL controlled territories have confirmed that many had been trafficked as domestic and sexual slaves and subject to physical and gender-based violence.

Minority women and children are considered to be the most vulnerable group in Iraqi society, subject to a double discrimination due to their gender and minority status. COI information notes that forced displacement increases the risk of gender-based violence.

Sexual violence has been instrumentalised by ISIL as a strategy of spreading terror, particularly following the seizure of Mosul and surrounding areas in June 2014. In addition, ISIL has practiced abduction on a mass scale throughout 2014, not only as a method of controlling populations but also in order to procure wives for its fighters. Minority Rights Group International notes how the rape, or the threat of rape, of female family members is used as a method of torture for male detainees.

FGM continues in “secret pockets” of Iran

Female Genital Mutilation (FGM) continues to be practiced in four provinces of Iran, despite official denial and ignoring of the issue, according to a new [report](#).

Research undertaken over a period of five years in Iran shows that, while the practice is on the decline, FGM is still taking place in “secret pockets” of the country, particularly in rural areas and in Sunni Shafi'i Kurdish communities. The practice is mainly associated with Shafi'i Kurds speakers of the Surani dialect. The Shia government of Iran largely ignores or denies that the problem exists, viewing it as a Sunni matter that is not the majority Shia population's concern.

The four provinces where FGM remains prevalent are, in the West of the country, Western Azerbaijan, Kurdistan and Kermanshah, and, in the South, Hormozgan province and its surrounding islands. These regions are also associated with higher rates of other harmful cultural practices towards women including child and forced marriages, polygamy and “honour” crimes.

More detailed geographical insights are difficult to compile, however, as the incidence of FGM is patchy within these regions, varying sharply even between neighbouring villages.

A decline was noted in each of the four regions over the five-year period of study from 2009 to 2014 with rates dropping from 39% to 21% of women in Western Azerbaijan, 29% to 16% in Kurdistan, 31% to 18% in Kermanshah and from 68% to 60% in Hormozgan province. This drop is attributed in part to a combination of successful international media campaigns and the interventions of some clerics who view FGM as harmful. An increase in educational opportunity has also contributed to the decrease, with families where the women have received no formal education far more likely to subject their daughters to FGM. Relatedly, poverty is also associated with a higher likelihood of adhering to the tradition of FGM.

In some villages, the practice has died out because the local “Bibi” or cutter has died and not been replaced. In other cases women traditionally relied on Roma women who used to pass through the villages and perform the cuttings, but since they no longer pass through, there has been no one able to perform the operation, and so numbers have dwindled.

Charter of rights of women seeking asylum



Endorsements: 3564

Google group membership: 179

Sarah Menzies, Project lead of the Evelyn Oldfield Unit

I am very proud to be the project lead with the Evelyn Oldfield Unit on the Supporting Women Project. This is a Comic Relief funded project designed to support refugee women's groups to meet the needs of their clients on issues of violence and trauma and to build a voice for the sector. This is a multi-agency project led by a steering group of refugee and migrant women. This group form the backbone of the project and help me hugely. They are all super capable and full of good ideas. Working in a team like this is one of my favourite parts of the work.

I am pleased to say that the project's connection with Asylum Aid has grown over the last 2 years and we have gone from passive (but fully supportive) members of the Charter to Protection Gap activists. This has included giving testimonies of which excerpts were used for lobbying MPs through the postcard campaign where 1223 postcards were sent to MPs with a message to Theresa May, the Home Secretary. The postcards were presented by some of the steering group to Baroness Helena Kennedy. Furthermore, a video was recently launched, featuring one of the women active on the steering committee, focusing on the hurdles women face in obtaining a positive credibility assessment, which will be used to educate lawyers, decision makers and practitioners.

The video can be watched [here](#).

We are in current discussions about the next phase.

For more information, please contact the project lead: Sarah Menzies
sarah@evelynoldfield.co.uk

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She was detained without charge

Nobody believed her story and no-one spoke up for her

Her family and friends didn't know where she was

Afraid...isolated...

She had no idea what would happen to her next

And that was after she sought asylum in the UK

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Asylum Aid is an independent, national charity that secures protection for people seeking refuge in the UK from persecution in their home countries.

We provide expert legal representation to asylum seekers and campaign for a fair and just asylum system. Founded in 1990, we have since helped 30,000 people to get a fair hearing. In 2009 85% of our clients were granted leave to stay in the UK when decisions were made on their claims for protection.

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