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Women's Asylum News

Women's Project at Asylum Aid

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Barriers to Asylum Support Appeals for Women

Gerry Hickey writes about ASAP's latest research.

About the Asylum Support Appeals Project (ASAP)

The Asylum Support Appeals Project (ASAP) is a small national charity specialising in asylum support law. We run a duty scheme at the asylum support tribunal in Docklands, East London which provides free legal advice and representation to about 550 asylum seekers a year. About 70 per cent of appellants represented by ASAP advocates are successful in their appeals. ASAP also runs an advice line and training for advice workers, refugee agencies and legal practitioners on asylum support law and asylum support appeals, and engages in policy and litigation to challenge inhumane and unlawful policies and procedures on asylum support.

This article sets out the findings of a study carried out by ASAP's Women's Project into the barriers women experience when appealing a decision by the UK Border Agency (UKBA) to refuse asylum support. Asylum seekers and refused asylum seekers can apply to UKBA for housing and support. If they are refused, or support is discontinued, they have a right to appeal the decision to the First Tier Asylum Support Tribunal (the AST). The asylum support appeals system is time pressured and complex, and is not easy for anyone to access and navigate.

Twenty two of the women who attended the tribunal between October 2010 and January 2011 were interviewed for the study, along with six agencies across the UK who provide advice to asylum

seekers and refused asylum seekers who have been refused support. The women we interviewed came from 14 different refugee producing countries. All of the women, bar one, had been refused what is known as Section 4 support, which is provided to some groups of refused asylum seekers to prevent their destitution. The criteria governing Section 4 support is very narrow which makes it difficult to obtain. Many of those applying for support will be refused, often on the grounds that UKBA do not consider the person to be destitute. The majority of appeals heard by the AST concern the refusal or discontinuance of Section 4 support.

The study was prompted by our observation, over a prolonged period of time, that the number of women attending hearings at the AST was consistently low. A snapshot survey of the tribunal's daily listings over a three month period in 2010 showed that only 13% of those listed to attend hearings during this period were women. We were also aware that many of the women we assist at the tribunal are vulnerable due to factors such as poor physical and mental health. Many of the women we see are also quite distressed when we meet them and often do not understand why their support has been refused. Some are also in the late stages of pregnancy or have had to attend the tribunal with young children as they have no access to childcare arrangements.

Given these issues, we set out to explore whether factors such as access to advice, language barriers, health issues and childcare responsibilities were creating additional barriers for women to appeal. The responses we obtained, from both the women and the agencies we interviewed, suggested these issues did create some serious difficulties for women and may ultimately be preventing more women from attending appeals at the AST.

An Overview of the Main Findings

Health Problems

More than three quarters of the women we interviewed (17) had mental or physical health problems which included conditions such as HIV, renal failure, post-traumatic stress disorder (PTSD), eating disorders and severe depression. Over half of the women had two or more medical conditions. 14 of the women said their health problems made it more difficult to appeal. For example, one woman being treated for depression found the experience overwhelming. "It makes me feel sad, like the whole world is on (its) head ... I felt suicidal, could not sleep". The agencies we interviewed agreed that health problems are a key barrier at different stages of the process, making it more difficult for women to access advice initially, cope with the process of - and travel to - the appeal. "It's the extra pressure and weight that someone has to deal with," said one advice worker. "The appeal process is extremely difficult for someone so vulnerable."

Childcare Responsibilities

Eight of the women interviewed had young dependent children in the UK (a number of others had children in their country of origin) and all were lone parents. Four brought their children to their appeals and all of them stated this had made the experience more difficult as it placed a number of additional strains on them. One woman who had to bring her three year old twins said: "We had to wake up early (5 am), they wanted food, juice and the train was very busy." For others, the presence of children during their appeal hearing presented it own set of difficulties. Sarah, one of the women we represented, had brought her children aged 1, 3 and 5 years to the tribunal for her appeal as she had no-one else to look after them. During the hearing, one of the children became disruptive, banged his head on the floor and started to cry. Then Sarah was asked to provide information about her previous accommodation which involved discussing an incident when one of the children was assaulted. Not only did this make it difficult for her to explain why the accommodation was unsuitable, it was inappropriate and upsetting.

Travel to the Tribunal

The location of the tribunal presented difficulties for three quarters of the women we interviewed. There is only one tribunal in the country that hears asylum support appeals and it is located in East London. The practice of dispersing asylum seekers outside of London to places such as Scotland, Newcastle, Leeds and Manchester means that many of those attending will have undertaken long journeys to attend. Overnight accommodation is provided by UKBA to those required to travel long distances. However, most of the women we interviewed had chosen to travel to London on the day of the hearing, which had meant a very early start for most. Their choice was often influenced by factors such as childcare responsibilities or pregnancy.

Common problems cited by the women we interviewed were: difficulties finding their way on public transport, ("I got lost. I entered the wrong train and had to get off and take another one"); not being able to read English signs; and concerns for their safety ("Since I don't know the city I was afraid"). The agencies we interviewed gave a long list of factors which made women reluctant to travel to the tribunal. Childcare and pregnancy were prominent among them. It is "totally untenable for women who are pregnant and have to bring all the belongings along ... Women are likely to resist, particularly those in the late stages when they have many (medical) appointments. It is difficult to justify travelling". Another said "Navigating the system is an incredible challenge. It is a lot to ask someone to travel to London, especially with more than one child"

Fear of the Process

Eight of the women (over a third) said they were afraid of the appeals process. Often this fear was focused on the Tribunal judge or UKBA. One woman said "Women do not want to come in front of a judge, they find it intimidating." Agencies identified fear as a major issue for women, believing it often originated in distrust of authority because of negative experiences in their country of origin. "Women feel they are being punished if they ask for help. They associate courts with the criminal process..."

One of the women interviewed for the study had been trafficked, while three of the agencies interviewed identified that these very vulnerable women face particular barriers to support and the appeals process. For example, they are less able to meet the evidence threshold for appealing a negative decision because they do not have identifying ID and/or are reluctant to disclose past experiences. Anna, who we represented and interviewed for this study, stated that she had found the whole process extremely difficult. Trafficked at the age of 14, she informed us that she had encountered difficulties getting help with her appeal as she had spent years underground, trying to hide from her traffickers and consequently had no means of proving her identity, which in turn made it difficult to prove she qualified for support. She found it painful to explain her situation at the appeal hearing when she was asked about her past. "I lost my hope when the lady from UKBA was asking questions - she was not having any of it. She asked about the *Poppy Project* (an agency that provides support to trafficked women). It made me feel really bad... very difficult, my worst nightmare, very painful and intimidating. I had to say things that happened to me... with the male judge... I was surprised when he said yes."

Conclusion

The lower number of women appealing to the tribunal may be partly explained by the fact that women may be dependent on a partner for support and so less likely to qualify in their own right or, due to the presence of dependent children in their household when their asylum claim failed, remained entitled Section 95.¹ However, ASAP considers that this still does not fully account for the very low numbers of women appealing to the AST. Our findings support our experience of the difficulties women face in the appeals process because of language barriers, increased isolation, and fear of the process, childcare responsibilities, and reluctance to make the journey to London.

¹ Under Section 94 (5) of the Immigration and Asylum Act 1999, a refused asylum seeker, who had a dependent child their household before they received a final refusal on their asylum claim, continues to be entitled to Section 95 support until the child turns 18 and the family remain in the UK.

Furthermore, these same factors impacted on our ability to carry out interviews with women. During our study, we were only able to interview those women who had been helped to overcome these barriers through the support they received from advice agencies or members of their communities. On several occasions women scheduled to attend the tribunal, who we wanted to interview for the study, failed to show up and feedback from agencies assisting these women confirmed that the difficulties identified in our study had been a contributing factor in the women's decision not to attend.

For a full copy of ASAP's findings please email Gerry Hickey at gerry@asaproject.org.uk.

Women's Asylum News would like to thank Gerry Hickey for writing this article.

Legal Issues

Country Guidance on treatment of divorced women with an illegitimate child and women subjected to domestic violence in Bangladesh

SA (Divorced woman – illegitimate child) Bangladesh CG [2011] UKUT 00254(IAC)²

SA, the appellant in this case, is a woman from Bangladesh who initially had leave to remain in the UK as the dependent spouse of her husband who was studying in the UK. When the couple separated due to domestic violence, she made her own application for a student visa which was subsequently refused. SA had a daughter with her husband and a second child, a son, by a different father after her divorce from her husband. She then applied for asylum which was refused in July 2009. Her appeal was refused thereafter but she was granted an order for reconsideration on the basis that the manner in which SA would be treated by society as a result of her younger illegitimate child had been inadequately dealt with and the country information before the immigration judge had not been properly taken into account. Furthermore, the immigration judge had failed to analyse the effect of SA's removal on her relationship with her daughter. SA feared return to Bangladesh, and more particularly Dhaka, because her father had cut her off as a result of her child born out of wedlock and her mother would not openly support her, meaning that she would return without any family and support networks. SA argued that there was a real risk she and her son would be treated as social outcasts, women without male support were particularly vulnerable to gender-based violence and that she would be unable to access legal protection against discrimination and domestic violence. SA also argued that the conditions that awaited her on return to Bangladesh would breach her rights under article 3 of the European Convention on Human Rights (ECHR). Finally, SA relied on the assertion that she would be unable to internally relocate in Bangladesh with her one year old child and without relatives or other sources of support. Returning SA to Bangladesh would also impact on her family life with her first child under article 8 ECHR who remained in the care of her former husband who had limited leave to remain in the UK but who showed no intention to return to Bangladesh.

The Upper Tribunal found that there is a very high proportion of domestic violence in Bangladesh and that the police routinely fail to report and investigate complaints of domestic violence. The Upper Tribunal therefore noted that depending on the facts of each case, if a woman was able to show a real risk of domestic violence on return to Bangladesh and that there was no internal relocation available, she might be able to show that there is insufficient state protection, despite the efforts by the government, due to her membership of a particular social group, namely women in Bangladesh. The Upper Tribunal stated that whether a woman returning to Bangladesh who is divorced and with a child born out of wedlock is at risk of being abandoned will depend on the attitude of her family and the likelihood of family support. The Upper Tribunal concluded that "the divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to endure a significant degree of hardship". However, it noted that the living conditions SA would experience if returned to Bangladesh

² http://www.bailii.org/uk/cases/UKUT/IAC/2011/00254_ukut_iac_2011_sa_bangladesh_cg.html.

would not breach article 3 ECHR because she may well be able to find employment in the garment trade and obtain some form of accommodation, even if at a low standard. She would also be able to receive some form of state aid and enrol her child in a state school.

The summary country guidance conclusions are that:

- (1) *There is a high level of domestic violence in Bangladesh. Despite the efforts of the government to improve the situation, due to the disinclination of the police to act upon complaints, women subjected to domestic violence may not be able to obtain an effective measure of state protection by reason of the fact that they are women and may be able to show a risk of serious harm for a Refugee Convention reason. Each case, however, must be determined on its own facts.*
- (2) *Under Muslim law, as applicable in Bangladesh, the mother, or in her absence her own family members, has the right to custody of an illegitimate child.*
- (3) *In custody and contact disputes the decisions of the superior courts in Bangladesh indicate a fairly consistent trend to invoke the principle of the welfare of the child as an overriding factor, permitting departure from the applicable personal law but a mother may be disqualified from custody or contact by established allegations of immorality.*
- (4) *The mother of an illegitimate child may face social prejudice and discrimination if her circumstances and the fact of her having had an illegitimate child become known but she is not likely to be at a real risk of serious harm in urban centres by reason of that fact alone.*
- (5) *The divorced mother of an illegitimate child without family support on return to Bangladesh would be likely to have to endure a significant degree of hardship but she may well be able to obtain employment in the garment trade and obtain some sort of accommodation, albeit of a low standard. Some degree of rudimentary state aid would be available to her and she would be able to enrol her child in a state school. If in need of urgent assistance she would be able to seek temporary accommodation in a woman's shelter. The conditions which she would have to endure in re-establishing herself in Bangladesh would not as a general matter amount to persecution or a breach of her rights under article 3 of the ECHR. Each case, however, must be decided its own facts having regard to the particular circumstances and disabilities, if any, of the woman and the child concerned. Of course if such a woman were fleeing persecution in her own home area the test for internal relocation would be that of undue harshness and not a breach of her article 3 rights.*

Despite SA being found credible at her initial appeal, the Upper Tribunal re-assessed her credibility on the basis of further evidence regarding her parents' divorce and the fact that both had children from subsequent relationships. This, the Tribunal considered, was relevant to whether she would receive their support if she was returned home. Thus, the Tribunal concluded that it did not believe that her father had disowned her or that she would lack the support of her parents if she returned to Bangladesh. Under Muslim law, she would maintain custody of her illegitimate child. The Tribunal concluded that she would not be at risk from her own family and her former husband's family. The Tribunal also concluded that she would be able to hide the fact that her child was illegitimate as she would be able to say that she had separated from the child's father in the UK and therefore it would be less likely that her parents would refuse to support her and that she would suffer from social discrimination shown towards women with illegitimate children in Bangladesh.

SA's appeal was allowed under her right to private and family life under article 8 ECHR. The Tribunal noted that SA had been in the UK for more than eight years and that her daughter with her former husband was born in the UK and was almost six years old. SA has weekly contact with her daughter and the Tribunal highlighted that it was in the daughter's "best interest to have close and regular contact with her mother". Noting that if SA made an application for leave to remain in the UK on the basis of exercising rights of access to her daughter, it would be likely to be successful and that it would

be disproportionate to require her to leave the UK and apply from Bangladesh, the Tribunal concluded that requiring her to return home would be a disproportionate interference with her right to private and family life under article 8 ECHR.

Thus, the Tribunal dismissed SA's appeal on asylum grounds as there was no risk of persecution on return to Bangladesh and dismissed the appeal on humanitarian protection and human rights grounds under article 3 ECHR as the conditions on her return would not be such to amount to inhuman or degrading treatment. SA would be allowed to remain in the UK for the duration of her daughter's leave to remain under article 8 ECHR.

Welfare of children central to an assessment of the effect of removal on children

E-A (Article 8 – best interests of child) Nigeria [2011] UKUT 00315 (IAC)³

The appellants in this case were citizens of Nigeria with leave to remain in the UK on a student visa and as the dependent children and spouse. The spouse then made an unsuccessful application for a tier 2 visa as her employer at the time could not sponsor her. The main applicant was granted a tier 1 post study work visa until September 2010. An extension of this leave to remain was refused by the Secretary of State for the Home Department (SSHD) on the basis that leave to remain was being sought for a purpose not covered by the Immigration Rules and that there were no exceptional, compelling or compassionate circumstances to justify granting leave to remain outside the Rules. The SSHD also considered whether returning the family to Nigeria would be in breach of her obligations under article 8 of the European Convention on Human Rights (ECHR) and the family's right to private and family life but considered that it would not as the family would be returning together.

On appeal the First-Tier Tribunal considered that the main applicant's credibility had been adversely affected because he had studied business management at the Cambridge College of Learning which had been found in a previous case never to run any such course. The immigration judge also found that the parents would be able to return to Nigeria and take up work providing for their children in the same way as they did in the UK and that the children would be able to re-adapt to life in Nigeria. There would therefore be no breach of article 8 ECHR if the SSHD returned the appellants to Nigeria.

The First-Tier Tribunal later granted permission to appeal in relation to the case of *ZH (Tanzania)*⁴ noting that "it is arguable that in her assessment of the effect on the children of removal the Immigration Judge does not give effect to the principle of the centrality of the welfare of the children as set out in *ZH (Tanzania)*, and to that extent it is arguable that the Immigration Judge made a material error of law".

On appeal the Upper Tribunal confirmed that there was a material misdirection in the First-Tier Tribunal and that the immigration judge's analysis of the best interests of the children solely through consideration of their right to education was too narrow an approach. The Upper Tribunal has set out that the starting point for the welfare of the child is that living with and being brought up by his or her parents is in the best interests of a child. If this is the case then the child's removal with his parents does not involve any separation of family life. In the circumstances of this case, the parents are of Nigerian nationality and initially came to the UK on a temporary basis as a student and his dependent family. The children had no other connection to the UK than by way of their residence as part of the parents' household. The Upper tribunal noted that there was no evidence to suggest that either child "has any particular difficulty, special educational needs, special ability, or particular dependency on

³ http://www.ait.gov.uk/Public/Upload/j2397/00315_ukut_iac_2011_ea_others_nigeria.doc.

⁴ See Women's Asylum News, May/June 2011, Issue 102, pp. 5-6, http://www.asylumaid.org.uk/data/files/publications/164/WAN_May_June_2011.pdf.

any provision made by their schools” nor are there any health problems. The Upper Tribunal also noted that apart from their parents the children had no other family in the UK and that despite some siblings of their parents living outside Nigeria, the children’s grandparents and other relatives lived in Nigeria. The Upper Tribunal found that there was nothing to suggest that returning the children to Nigeria with their parents would place them at any risk of harm or prejudice to their welfare. The children had lived in the UK for four and five years respectively and the Upper Tribunal considered that existing and past guidance and policy (including the “seven years child concession policy” – DP/5/96) does not suggest that the whole family should now be allowed to remain in the UK. Despite appreciating that both children had spent their entire or most of their life in the UK, the immigration judges considered that the nature and degree of their private life in the UK was “still of a very personal, intra-family nature in the main, with the focus on the home and family, although they have begun to take their first tentative steps toward socialisation and the world outside the family” and that therefore returning them to Nigeria would not be in breach of their article 8 ECHR rights. The Upper Tribunal distinguished the case from *ZH (Tanzania)* because the move from the UK to Nigeria would not involve separation from a carer or the country of nationality and the decisions by the SSHD and the Tribunal “do not interfere with the enjoyment of family life on the part of any of the appellants”. The Upper Tribunal also found that the decision to return the whole family to Nigeria is justified in light of the reasonable requirement of firm and fair immigration control and is proportionate to achieve this aim.

Sector Update

End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes UK launches National Training Centre

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) is to open a National Training Centre in central London.

ECPAT UK, which campaigns against the commercial sexual exploitation of children in the UK and abroad, will offer a range of comprehensive training courses and seminars essential for all practitioners working with children.

The National Training Centre will open on the 5th of September at its base in Victoria, London. It will offer a training programme that will support and develop good practice in safeguarding children.

Training is based on up-to-date research and evidence, such as case law, the experiences of children, government guidance and legislation. Courses will include:

- Safeguarding Children: an Introduction to Child Trafficking
- Safeguarding Children: an Advanced course on Child Trafficking
- The Trafficked Children Toolkit, developed by the London Safeguarding Children Board

Also available will be thematic seminars on a range of issues, including risk assessments, private fostering and children’s rights, and bespoke sessions on topics such as creative therapy, and the impact of abuse and trauma.

For more information on ECPAT UK training, please call 020 7233 9887, email training@ecpat.org.uk or visit <http://www.ecpat.org.uk/training>.

Research on victims of trafficking from Nigeria

Eaves (The Poppy Project) and Institute for Public Policy Research (IPPR) are carrying out research to find out more about the experiences of people who have been trafficked from Nigeria to the UK. They are interested in interviewing male and female Nigerians who have been identified as being trafficked to the UK for any form of exploitation. Interviewees **do not** need to be taking part in the NRM to be eligible. The research is **completely confidential and anonymous**. They will use the information to write a report to make recommendations about how to provide better information to people in Nigeria so they understand the dangers related to trafficking, and to improve support for people who have been trafficked to the UK. They are particularly interested in looking at the treatment of victims here in the UK and how they may best access their rights, as Eaves works on trafficking in the framework of the Convention. As a thank you they will give interviewees £15 for taking part in this research project and pay for any travel costs. If an interpreter or childcare is required they will arrange and pay for this also.

For further information and to make referrals for interviewees please contact Louise Harcourt, Outreach and Research Specialist on louise.harcourt@eaveshousing.co.uk or 07841500228/02077352062 (Eaves main reception).

Websites:

Eaves housing (the Poppy Project) www.eaves4women.co.uk.

Institute for Public Policy Research (IPPR) www.ippr.org.

National News

New guidance on the domestic violence rule in relation to unspent criminal convictions⁵

Over three months after the Immigration Rules were changed to prevent women with unspent criminal convictions from being eligible for Indefinite Leave to Remain (ILR) under the domestic violence rule, the UKBA has now produced guidance for caseworkers on how applicants with unspent criminal convictions should be dealt with. The guidance comes in two forms, an updated Immigration Directorate Instruction (IDI) on the domestic violence rule⁶ and specific guidance on criminality.⁷ However, the two documents are contradictory. The IDI states that where the unspent conviction is linked to the 'claimed' domestic violence, then:

“leave outside the rules may be appropriate” but that “applicants applying under the domestic violence provision who have an unspent criminal conviction related to a serious offence, or an offence unrelated to their claim to be a victim of domestic violence, must have their application for settlement refused.”

The guidance on the new criminality requirement, however, states that:

“case owners should consider whether to exercise discretion and grant leave outside of the immigration rules if any unspent convictions relate to an applicant's claim to be a victim of

⁵ Rights of Women, Women's Migration and Asylum Network e-bulletin, 29 July and 5 September 2011.

⁶ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/family/section4.pdf?view=Binary>.

⁷ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idichapter6a/criminality-requirement.pdf?view=Binary>.

domestic violence or where the offence is very minor and where there are compassionate and compelling circumstances"

Rights of Women, along with the Immigration Law Practitioners' Association, Southall Black Sisters and Eaves, believe the two documents are deeply unsatisfactory and wrote to the Home Secretary to express concerns that the new requirement:

- fails to reflect or address the realities that women who are eligible to apply under the domestic violence rule face;
- undermines the Government's commitments to eliminate violence against women; and,
- will result in women remaining in violent and abusive relationships.

Rights of Women will be seeking to clarify this guidance and to ensure that women with unspent criminal convictions which are unrelated to the violence they have experienced are granted ILR outside of the Immigration Rules where it is necessary to secure their protection from violence. They will also argue that where a woman meets the other criteria in the domestic violence rule and has a conviction that is related to the violence she has experienced she should (rather than 'may') be granted ILR outside of the rules.

Rights of Women is concerned that the two documents are inconsistent and that more detail is needed to ensure that decision-makers are equipped with an understanding of the dynamics of domestic violence, and the State obligation to protect all women, regardless of their immigration status.

Recent Parliamentary Questions in relation to asylum claims based on sexual orientation or sexual identity

Asylum Seekers: Medical Treatment⁸

Caroline Lucas: To ask the Secretary of State for the Home Department pursuant to the answer to Lord Roberts of Llandudno of 14 February 2011, *Official Report, House of Lords*, column 500, on asylum seekers: medical treatment and the answer to the right hon. Member for Bermondsey and Old Southwark of 15 February 2011, *Official Report*, column 651W, on asylum: sexuality, if she will make it her policy to issue guidance to the UK Border Agency instructing it immediately prior to removing a failed asylum seeker to assess whether the claim for asylum was made on the grounds of sexuality and rejected, by reference to the issue of discretion addressed by the Supreme Court in HJ (Iran) and HT (Cameroon) [2010] UKSC 31; and if she will direct the agency to review each such case where consideration has not yet been given to the Supreme Court's judgment. [66501]

Damian Green: Immediately following the HJ and HT judgment the agency initiated a review of all cases which had not yet exhausted their appeal rights. The agency does not, however, routinely review cases which have exhausted their appeal rights and does not plan to do so. The agency provides clear guidance on its website to individuals who have exhausted their appeal rights on how to bring forward further submissions if new circumstances apply since the original asylum decision and appeal determination were made.

Asylum: Sexuality⁹

Caroline Lucas: To ask the Secretary of State for the Home Department how many asylum claims were made on the basis of sexual orientation or sexual identity in each of the last six quarters. [66498]

⁸ 19 July 2011 : Column 774W and Column 775W,
<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110719/text/110719w0001.htm>.

⁹ 19 July 2011 : Column 775W

Damian Green: The UK Border Agency does not routinely collect data on the basis of asylum claims; however, following the HJ and HT Supreme Court ruling in July 2010, arrangements were made to record data manually, but the resulting figures were initially not robust. Improved manual data were subsequently collected for the period April to June 2011 inclusive, as part of an internal audit of sexual orientation claims. Since 1 July, cases involving sexual orientation have been recorded on the agency's electronic case information database and this will provide a better basis for published data.

Data on claims based on sexual identity are not recorded.

Caroline Lucas: To ask the Secretary of State for the Home Department if she will make it her policy to remove sexuality asylum cases from the Detained Fast Track category; and if she will make a statement. [66500]

Damian Green: Entry to the detained fast track procedure is determined by reference to published policy. There are no plans to exclude applicants from the detained fast track process solely because their asylum claim is sexuality-related. However, published policy already stipulates that cases may enter and remain in the process only if they are amenable to a quick, fair and sustainable decision. If at the time of application it is apparent that this condition cannot be fulfilled in a sexuality-related persecution claim, or indeed in a claim with any other basis, the applicant will not be entered into the process.

International News

Afghanistan: Problem of human trafficking needs urgent attention

A report by a leading human rights organisation in Afghanistan has highlighted the crucial need to address the problem of human trafficking within the country. Afghanistan Independent Human Rights Commission (AIHRC) interviewed victims of trafficking, family members and members of the general public in 20 of Afghanistan's 34 provinces. They found that the majority of victims were women and children – identifying 1,889 cases among this group. Among the women, 81% had been married before reaching the legal age of marriage of 18. Even more worryingly, 50% had been married before the age of 15. Just under a third (29%) of victims had been forced into marriage following rape, kidnap, harassment or violence.

While around 60% of all victims interviewed were trafficked within Afghanistan, 40% were trafficked to countries such as Iran and Pakistan. The latter was the prime destination for women and children trafficked across borders, where they were forced to weave carpets or become part of the commercial sex industry. Poverty is the key underlying issue of trafficking; more than half of the victims interviewed came from families with no stable income. The crime frequently goes unpunished. Only 17% of victims interviewed reported that the perpetrator had been arrested, while an even smaller percentage, 13%, reported that their perpetrator had been punished. This may in some part be due to the fact that respondents frequently reported their perpetrators to be powerful people within their communities. AIHRC are calling for the government to urgently raise awareness of the issue, provide much-needed support for victims and prosecute perpetrators.

To read the full article, see: <http://www.irinnews.org/report.aspx?reportID=93318>.

Egypt: Academic freedom threatened by homophobic state-owned press

An Egyptian state-owned newspaper has threatened to bring a case to the public prosecutor accusing Cairo University of moral corruption. This is following the inclusion of a short story with lesbian scenes on the English Department's 2010/11 curriculum. The al-Akhbar newspaper accuses all those involved in selecting "Snow-Drop", by Tanith Lee, of perversion and corrupting "innocent minds". The article is not the first attempt in Egypt to limit academic freedom, and appears to be following a well-worn path of inflaming public opinion against academics. The timing of the article has been held as deeply suspicious, coming not before the text was taught, in the first term of the 2010/2011 year, but in the second term, shortly after the democratic election of a female professor as dean of the faculty of arts. This election has not yet been ratified by the president of the university and is significant as it is the first time a democratic process has been used to fill the position, following years of appointments made by the university board, and the first time a woman will have held the post. English students and graduates have reacted strongly towards the article, pledging to "fight the good fight against ignorance and intolerance".

To read the full article, see:

http://www.guardian.co.uk/commentisfree/libertycentral/2011/jun/29/academic-freedom-egypt?CMP=tw_t_gu.

Iraq: UN report finds women's and minority's rights being ignored in 'new' Iraq

A report by the UN High Commissioner for Human Rights (OHCHR) has found that the level and standard of women's rights in Iraq has worsened since the end of the war. Rupert Colville, the spokesperson for OHCHR has highlighted the lack of legislation against domestic violence and says that in fact the "criminal code in Iraq almost encourages these crimes." He called for the urgent introduction of laws to prevent this widespread violence against women. The report also revealed that minorities have been receiving terrible treatment in Iraq, a fact borne out by other reports compiled by Human Rights Watch (HRW). Their work has reported on how Kurds, Christians, Persians and Yarsans continue to be persecuted and subjected to violence by gangs due to perceptions of them being incredibly wealthy. Colville called on the Iraqi government to not only bring in a legal system that works, but also reexamine the heavy use of the death penalty in the country. He added, however, that legal changes are not enough. "Society in Iraq must change too and this will take time."

To read the full article, see: <http://ipsnews.net/print.asp?idnews=56796>.

Saudi Arabia: Women held after peaceful protest

15 women and 5 children were arrested on 3rd July for protesting outside the Ministry of Interior in Riyadh. They were calling on the government to provide fair trials for male relatives currently being held without charge. While the majority were released, two women were detained further, following their refusal to sign a pledge not to protest again. One of the women, Rima bint Abdul Rahman al-Jareesh, a member of the Saudi Civil and Political Rights Association (ACPRA), has previously been detained for three days for her part in a similar protest in July 2007. Amnesty International has called on the Saudi Arabian government to end the inhumane treatment of government critics and protestors.

To read the full article, see: <http://www.amnesty.org/en/news-and-updates/saudi-arabia-detains-women-protesters-2011-07-04>.

South Sudan: Women abducted in their thousands due to cattle disputes

Thousands of women and children have been abducted this year as a result of inter-ethnic conflicts over cattle. Furthermore, over a thousand people have died in these increasingly violent cattle raids. The newly formed South Sudanese government is now under pressure to tackle the root causes of this problem- the role of cattle in dowries for brides, and the status that the ownership of cattle denotes. The value of cattle has recently risen dramatically following the end of the 21 year-long civil war. When women are captured during these raids, the abductors co-opt them as their 'wives' and children taken are also forcibly adopted and assimilated. The UN and the Sudan People's Liberation Army (SPLA) have so far consistently failed to take action against the perpetrators of this violence and kidnap, citing the lack of resources to take on attackers who are more heavily armed. The Commissioner of Uror County, Tut Puok Nyang has claimed that the only solution is for the government to enact a comprehensive disarmament of civilians.

To read the full article, see: <http://ipsnews.net/news.asp?idnews=104857>.

Swaziland: Lawyers' strike blocks justice for women

The prolonged and seemingly never-ending lawyers strike in Swaziland is stopping women and their children from being able to seek legal redress for abuses they have suffered. The strike is a result of a clash between the Law Society of Swaziland (LSS) and the Judicial Services Commission (JSC). The LSS are demanding an investigation into the behaviour of Chief Justice Michael Ramodibedi, who they say has sexually harassed High Court female staff. Non-governmental organizations in the country are calling for a quick resolution to the dispute. Save the Children Swaziland and Swaziland Action Group Against Abuse (SWAGAA) have raised strong concerns over the plight of victims of abuse, who already face an overly lengthy legal process. SWAGAA director Cebile Manzini-Henwood says that the boycott has further added to problems within Swaziland's justice system, which does not prioritise the concerns of women and children. The lack of family courts has led to a backlog of cases that the strike is worsening. Prime Minister Sibusiso Barnabas Dlamini has appealed to both sides to take action so that the strike can end.

To read the full article, see: <http://ipsnews.net/print.asp?idnews=56827>.

Uganda: Wartime victims of sexual violence still need help

An organization working with the female victims of the Ugandan civil war has called on the government to rethink its reconstruction plans, as they are not taking the needs of these women into account. Isis-Women's International Cross Cultural Exchange (Isis-WICCE) has highlighted the severe lack of appropriate services available to support women who were abducted, raped or forced to fight during the war. They point out the government's recovery plan, put in place in 2009, focused on building physical structures without thinking about the kind of health services that a post-war population might require. Isis-WICCE have set up camps in Uganda to offer medical services designed to address reproductive health problems, most commonly incurred as a result of being sexually assaulted during the war. For the majority of women attending the camp this is the first time they have been able to access this specialist medical help since the war ended in 2006. In Ogur, Lira in northern Uganda there are only 2 gynaecologists and most health centres do not have medical officers.

Isis-WICCE have also drawn attention to the other difficulties these women face- the stigma attached to having been raped and the complications to family life that their resulting medical conditions pose. Women they have seen have been abandoned by their husbands or can face having to endure painful sex as their husbands refuse to understand the effects of chronic pelvic pain. A district health officer from Lira, Nelson Opio, has also joined Isis-WICCE in criticizing the Ugandan government's approach to reconstructing the country: "When war ends, there's a silent war that has to be fought. Politicians here think they will just put up structures so they can say 'This is what I did during my time' and ignore people's real needs."

To read the full article, see: <http://ipsnews.net/print.asp?idnews=56840>.

Zimbabwe: Women denied access to justice

A woman from Zimbabwe has successfully prosecuted the Zimbabwean government after court delays denied her the right to an abortion following gang rape. Her case has highlighted the plight of women in the country seeking justice, and their frequent inability to secure it. Mildred Mapingure, aided by the Zimbabwe Women Lawyers Association, has now won 52,000 dollars in compensation four years after her ordeal. Despite making an application for a termination of pregnancy order in her second month of pregnancy (abortion is only permitted in the first trimester in Zimbabwe), it was not granted until she was eight months pregnant. The director of ZWLA, Emilia Muchawa, claims that many women are unable to access justice in Zimbabwe as they lack the financial resources. This can mean that they do not approach the courts at all, or if they are brave enough to do so, lack the legal representation that men in Zimbabwe can more easily afford. They are further hindered by the remote locations of courts, the administration fees, the extensive paperwork they must complete to apply for protection orders and the banning of children from courtrooms. In addition, there is often cultural and family pressure to remain silent. The wife of Attorney General Wallen Chiwawa, for example, withdrew her charges against him for torturing her, 'after a dialogue between their families'. Deputy Minister for Women's Affairs, Fungayi Jessie Majome, both an MP and a practicing lawyer, has acknowledged the difficulties women face in pursuing justice in Zimbabwe's courts and said that government plans to create a family court, which is more gender sensitive, are nearing fruition.

To read the full article, see: <http://ipsnews.net/print.asp?idnews=56737>.

New Publications

The use of country of origin information in deciding asylum applications: A thematic inspection

Independent Chief Inspector of the UK Border Agency, October 2010-May 2011

The report looks at a sample of decisions from Afghan, Iranian, Ugandan, Albanian and Bhutanese applicants and the manner in which country of origin information (COI) is being relied on in UKBA decision-making. Overall, the Chief Inspector "found evidence that country information had been used selectively or otherwise inappropriately in decision-making. In addition, there was inconsistency in the way Case Owners obtained information in the absence of a COIS report and in the way it was referenced in decision letters to asylum applicants". Furthermore, he "found evidence that COI material contained in Agency policy documents (Operational Guidance Notes) did not accurately reflect the full country situation. As Case Owners in practice often use these documents as a concise summary of country information, there is a real risk of inaccurate decisions being made". The following points are some of the main findings in the report and gender-related findings are in italics.

- 17% of the cases examined showed selective use of COI, or assertions based on COI that were not supported by COI taken in the round; partial COI can be found in policy documents, which compromises decisions; among individual Case Owners there was “very different approaches to researching COI”.
- UKBA has not produced COI for all the countries disproportionately represented among those routed to fast-track, which places those receiving very swift outcomes at further risk of poorly-researched decisions.
- “Over 13% of reasons for refusal letters (seven cases) included country information which was, at best, tangential to the issues relevant to the asylum claim”. The Chief Inspector sees this mainly as something that detracts from information about the asylum decision in RFRL, rather than contributing to poor decisions themselves.
- *There is no clear procedure for how a Case Owner can obtain further information from COIS on potentially complex cases (the report lists claims by women, among others), if not covered by existing COI.*
- One UKBA office contained plenty of staff with research backgrounds, and the Chief Inspector observes that use of COI by many was accordingly more nuanced. “We noted that, in research by Asylum Aid, the allowed appeal rate in this region was significantly lower than two other regions – 14% compared with 47% and 62%”. A glance at p. 33 of *Unsustainable* tells us that the researchers can be found in Cardiff, and is being compared with London and Leeds.
- *One poor Key Document is for Uganda, with “only half a page on LGBT issues and one paragraph on women/violence against women. It described only the legal situation and contained little from non-governmental sources. ... Decisions made without the appropriate knowledge run the risk of being wrong decisions”.*
- The Chief Inspector criticises the Quality Audits, and in particular the fact that the same marks are awarded for completing complex COI research as for correct spelling of applicants’ names. One case owner is quoted making the point that staff have become very good at ensuring that high quality audit marks are earned, but that these have no relation to the sustainability of UKBA decisions at appeal.

To read the full report, see: <http://icinspector.independent.gov.uk/wp-content/uploads/2011/07/Use-of-country-of-origin-information-in-deciding-asylum-applications.pdf>.

“But it’s not Fair”

Aneeta Prem, 2011

A novel written for teenagers, this insight into forced marriage is an interesting educational tool. The author Aneeta Prem has recently set up the Freedom charity which aims to “save the lives of vulnerable children and young people who are at risk of, or are subjected to violent crimes, dishonour-based violence and forced marriages throughout the UK.” The novel tells the story of Vinnie who befriends Abby. Abby’s family do not seem to support her education in the same way as Vinnie’s, implying it is a waste of time. When Abby does not return from a family holiday, Vinnie is horrified to learn she has been left abroad to marry. The story highlights the importance of friends in helping potential victims and incorporates a checklist for anyone worried about young girls or boys they know. It also draws attention to the fact that the start of the school summer holidays is key period in the occurrence of forced marriages. While not specific to asylum seeking women and aimed at a younger

audience, the clarity of the story and the importance of its message make it of interest for anyone working in this area.

To purchase copies of the book and for more information visit: <http://www.freedomcharity.org.uk/>.

Immigration Detention: A Handbook for Visitors (Seventh Edition)

Association of Visitors to Immigration Detainees (AVID), 2011¹⁰

Every year over 20,000 people enter immigration detention in the UK. Many detainees are asylum seekers whose claims have been refused, and are isolated, frightened and anxious about what will happen to them. The AVID Handbook for Visitors is as a complete guide to immigration detention in the UK and will therefore be a useful resource for all volunteers and anyone interested in immigration detention or providing support to this vulnerable group. It contains information on an extensive range of issues including: asylum law and policy; current detention policy and practice in the UK; legal and medical issues in detention; supporting detainees; how to get out of detention and much more. There are also useful tips and tools to support volunteers, and guidance to help with any difficult issues that may arise while visiting or supporting an immigration detainee, such as removal. New material has been added, including guidance on supporting vulnerable people in detention such as trafficked persons. A directory gives details of all removal centres, visitors groups and support organizations. As such it is essential reading for all volunteer visitors as well as organizations providing support, advice and advocacy to anyone affected by immigration detention.

To find out more or to order a copy (£10.00 plus postage) please contact: enquiries@aviddetention.org.uk.

State of the World's Minority and Indigenous Peoples 2011

Minority Rights Group International, July 2011

In their flagship annual publication, State of the World's Minorities and Indigenous Peoples 2011, Minority Rights Group (MRG) have documented examples from across the world of women from minority and indigenous communities who have been targeted for rape and other forms of sexual violence, torture and killings, at disproportionately higher levels than other women.

These examples include cases that occurred during the armed conflicts of Iraq, Afghanistan, Somalia, Sudan, Democratic Republic of Congo, Sri Lanka, Columbia, Guatemala, Kyrgystan and Burma. Rape is used as a weapon of war in many of these countries, specifically against minority women as they are vulnerable and less likely or able to complain. They tend to come from poor socio-economic backgrounds, live in remote areas and face discrimination from the police because of both their minority status and gender. In Somalia, Bantu and other minority women have even been raped by police officers, who know they will not face prosecution. The report also documents the increasing reports of violence against Muslim women in the UK, easily identified due to their headscarves.

Furthermore, the report highlights the violence that minority and indigenous women face from within their own communities or families. The contributory factors to this violence can include poverty, low

¹⁰ AVID is the national network for volunteers who support immigration detainees wherever they are held; we have members across the UK visiting in every single IRC, as well as in other holding places such as prisons or short term holding facilities. The Handbook has been produced since 1997, and is now in its seventh edition. You can find out more at www.aviddetention.org.uk.

literacy and socio-economic marginalisation. However, the report also highlights the important awareness work and activism being conducted by minority women themselves, despite the personal safety risks the work poses for them.

Read full press release, see: <http://www.minorityrights.org/10851/press-releases/minority-women-deliberately-targeted-for-rape-and-other-violence-new-global-report.html>.

To read the full report, see: <http://www.minorityrights.org/10848/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2011.html>.

UK Training and Events

Supporting women affected by sexual violence

Wednesday 12th October, London

This course is informed by the stories related by women clients of the Refugee Council Specialist Team during the three year Comic Relief-funded Vulnerable Women's Project, designed to support refugee and asylum seeking women survivors of rape or sexual violence.

During this one day course participants will explore the impact of gender based violence in a systemic context, looking at potential consequences it may have on the lives of asylum seeking women according to their varied experiences in the country of origin and the host country.

The aim of this course is:

- To develop an understanding of the asylum system and its impact from the point of disclosure to later stages in the process
- To examine the effects of gender based violence from the individual, family and community perspectives
- To explore practical ways of overcoming barriers to accessing health and other services

10% discount offered on the course if "Asylum Aid" quoted when booking.

To book, complete the booking form:

<http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/eventsAndtraining/Training%20Booking%20Form%202010.doc>.

Reflective Sessions - Support for Voluntary Sector Female Workers providing Frontline Services

The Women's Therapy Centre is running a series of reflective sessions to support voluntary sector female workers providing frontline services. **The sessions are free.**

Who would the sessions be suitable for?

Staff and volunteers in the voluntary sector that require support with some of the difficult issues and the emotional impacts that arise from their work with;

- Domestic violence

- Mental health issues
- Childhood sexual abuse
- Refugees and asylum seekers
- BME communities
- Past traumatic events
- Self harm
- Eating problems

What issues will be addressed during the sessions?

- Exploring difficulties and feelings that can arise when working with clients
- Looking at the impact these can have on your organisation and yourself
- How to take care of yourself in relation to clients
- How to set boundaries for yourself and your clients

The programme will consist of 6 sessions on a weekly basis.

For more information and to download booking form:

<http://www.womenstherapycentre.co.uk/news/Reflective%20Sessions%20October%202011.doc>.

“VICTIMS OF TRAFFICKING AND THE LAW”

By Advice on Individual Rights in Europe (The AIRE Centre)

A FREE full day conference addressing key legal issues related to sexually exploited and trafficked young people.

Monday 19th September 2011

Glasgow Quaker Meeting House, 38 Elmbank Crescent, Glasgow, G2 4PS

This Conference, for Third Sector and Refugee Community Organisations, is aimed at building individual and organisational capacity to identify victims of trafficking and respond effectively. Specialist legal practitioners working in the field of human trafficking from London and Glasgow will lead practical and interactive sessions on identifying victims of trafficking and their rights under a range of protective measures.

Slave - A Question of Freedom

Slave - A Question of Freedom is a true story about a young Sudanese woman who was enslaved in London, managed to escape and is now living in freedom. On from the 6th September to the 1st October at the Riverside Studios, Hammersmith, the producer is keen to give refugee groups the chance to see this for free, and therefore the shows on 9th, 10th, 13th, 14th, and 15th of September at 7.30 and the matinees on 14th and 15th of September at 2.30pm are FREE for refugees and asylum seekers only.

For further information or to request tickets please email JohannaDamm@riversidestudios.co.uk.

Charter of rights of women seeking asylum



Endorsements: 269

Google group membership: 147

Influencing Women: a new women's project at the Refugee Council

The Refugee Council has long been committed to campaigning for an asylum system that better meets the needs of refugee women. But the most powerful advocates for refugee women are refugee women themselves. So we were delighted to secure funding from Comic Relief to deliver a two year project, *Influencing Women*, that aims to support refugee and asylum seeking women to influence the policies that have such a profound impact on their lives.

Working with existing grassroots networks and organisations led by refugee women, this project will provide opportunities for women, and their organisations, to advocate for a more gender sensitive asylum system. Through the provision of workshops and specialised training, *Influencing Women* will build on the existing skills of refugee women, increasing their understanding of the influencing process, developing public speaking skills and equipping them to speak out about the changes they want to see. The project will seek to increase women's access to forums and platforms where they can raise awareness among politicians, opinion-formers, the media and the wider public, getting their voices heard in the debates that affect them.

The Refugee Council is an active partner in the **Charter** which highlights that women have the right to accommodation and support appropriate to their needs as women. This is a key area of expertise within the Refugee Council as we advise thousands of women each year on their entitlement to asylum support and accommodation, and see firsthand the devastating impact of a support regime that fails to meet women's needs or protect them and their children from destitution and poverty. The project will continue the Refugee Council's ongoing work of seeking policy change in these areas. However, ultimately, refugee women, and the partner organisations that support them, will inform the campaign goals of the project.

If you are a refugee or asylum seeking woman and would like to know more about how you can get involved, we'd be delighted to hear from you. Please contact Anna Musgrave, Women's Advocacy and Influencing Officer on anna.musgrave@refugeecouncil.org.uk / 020 7346 1031.

For more information on the Charter and the Every Single Woman campaign, please go to www.asylumaid.org.uk/charter

If your organisation would like to endorse the charter, please send an email simply stating the name of your organisation to charter@asylumaid.org.uk

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

Our asylum system is now so tough that, all too often, this is how people seeking help are treated. And that can't be right.

We believe the system should be fair and just and that every asylum seeker should have legal help to make their case - only then can we say in good conscience 'let the law take its course'.

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.

Please support us

Your donation will safeguard our independence and enable us to stand up for fair asylum rights without fear or favour.

You can make a donation via our website:
www.asylumaid.org.uk/pages/give_now.html
OR send it to us by post with this form:

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If you are a UK taxpayer, the value of your donation can increase by at least 25% under the Gift Aid scheme — at no additional cost to you! Please tick the box below to join the Gift Aid scheme.

I confirm that I am a UK taxpayer and that I pay as much income or capital gains tax as Asylum Aid will reclaim in the tax year. Please treat all donations I make or have made to Asylum Aid for the past four years as Gift Aid donations until further notice.

Please notify us if you are no longer eligible to Gift Aid your donations.

We will not sell or swap your personal details with any other organization. We would like to keep you informed about our work, campaigning and membership. If you do not wish to receive any information from Asylum Aid other than relating to your donation, please tick this box.

www.asylumaid.org.uk

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each month/ quarter/ year (please circle) until further notice and debit my bank account:
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Starting on (date):
Signature:
Date:

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Please return this form in an envelope to:
Freeport RRJJ-BRGA-ZHAR,
Asylum Aid, Club Union House,
253-254 Upper Street,
London N1 1RU



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