

# Making Asylum Work for Women

Our recommendations for a fair asylum system

June 2013

# Introduction

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We are a group of refugee and asylum seeking women, supported by Scottish Refugee Council and funded by Comic Relief, whose aim is to ensure that the voices of refugee women in Scotland are heard. As supporters of the Women's Asylum Charter we work with others to represent the views of refugee and asylum seeking women to key decision-makers and service providers, in order to influence the policy and practices that affect our lives.

Our group is an integral part of the Scottish Refugee Policy Forum, which is a federation of Refugee Community Organisations.

We believe that women have particular needs that are often not recognised in the current asylum process and result in many women being refused protection. In simple terms, the asylum process doesn't work for women.

It is our view that there are some relatively simple and cost-effective policies and procedures that could be put in place or improved to ensure that the asylum process is genuinely gender sensitive. This document outlines our recommendations for an asylum process that ensures that women fleeing persecution receive the protection that they deserve.

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# Our recommendations

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## 1: Applying for asylum

- a. Women seeking sanctuary in Scotland should not have to travel to Croydon to make an application for asylum. The UK Government should enable routine **asylum screening** in Scotland and all other regional offices.
  - b. Women should be provided with independent advice before entering the asylum process and access to good **quality legal advice** should be guaranteed before screening and substantive interviews.
  - c. Asylum officials should take into account **the particular needs and experiences of women** at screening (including by ensuring privacy and providing childcare) to enable disclosure of sensitive experiences. Training and procedures at screening should reflect the principles of the gender guidelines for decision-makers and include awareness of vulnerability indicators.
  - d. Asylum officials should be flexible in the timing of both screening and substantive interviews to allow women who have experienced trauma sufficient **rest and recovery** time where appropriate.
  - e. Women must be referred to appropriate health and support services at the earliest possible opportunity following a holistic assessment of their needs and any vulnerability. A **referral mechanism** for women who disclose sexual violence at screening should be fully implemented immediately.
  - f. The **Detained Fast Track** process is unjust, unsuitable for complex cases of gender based violence, and should be abolished. While it remains, robust procedures should be put in place to ensure that women who have experienced gender based violence are never placed in Detained Fast Track.
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## 2: Assessing the asylum claim

- a. Women must be informed of and understand **their rights and entitlements** at all stages of the asylum process, including in relation to interpreting, the substantive interview and childcare provision.
- b. All women should be routinely provided with a **female decision maker and interpreter** and clearly informed that they can request otherwise if they wish. Screening and substantive interviews should be rearranged if female staff are not available.
- c. **Country of Origin Information and Operational Guidance Notes** must be regularly updated and accurately reflect the status and rights of women in countries of origin. Internal relocation should not be applied without sufficient analysis of the risks women would face upon return in accordance with gender guidelines.
- d. All frontline and decision-making **Home Office staff must be trained to understand and consider the impact of gender and trauma** on the asylum claim, and on working with interpreters. Late disclosure must not be held against women or used to doubt their credibility.
- e. It must be ensured that **interpreters adhere to professional codes of practice and are trained in and understand gender issues**.
- f. **Childcare** (from babies to 16 years) should be provided for all substantive interviews and interviews should be rearranged if childcare is not available.
- g. **Children should never have to report** in any circumstances during the asylum process. The UK Government must acknowledge the impact of reporting and consider alternatives such as telephone reporting for vulnerable groups (including pregnant women and those who have experienced trauma).



### 3: Asylum Support

- a. Asylum support should be **reintegrated into the mainstream benefits system** and separated from the decision making process.
  - b. **Levels of asylum support** should be equivalent to mainstream income support and asylum seekers should be able to access other benefits such as Disability Living Allowance and Education Maintenance Allowance.
  - c. Asylum support for dependent **young people over 16yrs** should remain the same as for younger children.
  - d. **Section 4 cashless support should be abolished** and support should be provided in cash.
  - e. The UK Government should end its deliberate policy of making women destitute as it leaves them particularly vulnerable to exploitation and abuse. **End to end accommodation and financial support** should be provided to women at all stages of the process, including women who have been refused asylum, until they leave the country or are granted some form of leave to remain.
  - f. **Pregnant women** should not have to move accommodation after 34 weeks gestation or sooner than 6 weeks postnatally.
  - g. Asylum seekers should be **permitted to work after 6 months** in the UK, regardless of the status of their asylum claim.
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## 4: Detention and Removal

- a. The UK Government must **end indefinite detention** and establish in law a maximum time limit on administrative detention for immigration purposes.
- b. **Vulnerable women**, including those with mental health needs, victims of gender based violence and those who have experienced trauma, should never be placed in **detention**.
- c. The practice of removing women in the late stages of **pregnancy** should be reviewed.
- d. Stricter training and monitoring should be put in place to ensure that **inappropriate** force is never used on anyone during the removal process.

## 5: Leave to Remain

- a. Women who have been in the UK for 3 years or more and have not received a final decision on their asylum claim should be granted some form **of leave to remain on humanitarian grounds**.
- b. The **5 year review system for refugee status should be abolished** and replaced with Indefinite Leave to Remain.



## Contact details

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If you would like to contact us please email

[rwsg@mail.com](mailto:rwsg@mail.com)

or you can contact us c/o

**Elaine Connelly / Fiona Ballantyne**

Women's Community Development Worker

Scottish Refugee Council

5 Cadogan Square

Glasgow

G2 7PH

0141 248 9799

[elaine.connelly@scottishrefugeecouncil.org.uk](mailto:elaine.connelly@scottishrefugeecouncil.org.uk)

[fiona.ballantyne@scottishrefugeecouncil.org.uk](mailto:fiona.ballantyne@scottishrefugeecouncil.org.uk)

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