

IAP NEWS

No 60

The newsletter for the Inter-Agency Partnership August 2006.

Welcome to the August 2006 edition of IAP News. This edition features: deportations to resume to Zimbabwe, Rashid judgement, handling of Lebanese asylum claims, countersigning travel documents, BID report, report into children detained in Yarl's Wood.

RASHID JUDGEMENT

The Rashid judgement challenged the decision to refuse asylum to an Iraqi national of Kurdish ethnicity on the grounds that he could relocate from the part of Iraq formerly controlled by Saddam Hussein – Government Controlled Iraq (GCI) - to the then 'Kurdish Autonomous Zone' in northern Iraq. The courts found that the Home Office was wrong to refuse asylum on this basis as it went against Home Office policy at that time. Three other Iraqi asylum seekers in slightly different circumstances have brought cases to see if they could benefit from this judgement, and there is now clarity as to who might benefit as a result of the judgment in those cases of (A), (H) and (AH).

The impact of the judgments will be that a limited number of Iraqi failed asylum seekers will now qualify for Indefinite Leave to Remain (ILR). In general, this will only apply to those Iraqi failed asylum seekers whose cases meet one of the criteria below and who in addition do not have a criminal record for a serious offence:-

- those Iraqis who were refused asylum between 5 April 1991 and 20 March 2003, were from Government Controlled Iraq and were accepted as having a well founded fear of persecution, but were refused asylum on the basis of internal relocation to the Kurdish Autonomous Zone.
- Iraqi nationals from any part of Iraq who were refused asylum between 5 April 1991 and 20 October 2000 and were not granted four years Exceptional Leave to Remain (ELR) in line with Home Office policy at that time.
- those Iraqis who were refused asylum between 5 April 1991 and 20 February 2003, were from Government Controlled Iraq and were not granted four years Exceptional Leave to Remain in line with Home Office policy at that time.

IND will now consider these representations in light of these judgements, and anyone else who considers they fall into these categories should write to IND at the address below outlining why they consider their case is affected:

Rashid Consideration Exercise
PCRG
Whitgift Centre (Block C)
15 Wellesley Road
Croydon
CR9 3LY

Since charter and scheduled flights to principal destinations in Iraq have become established, failed asylum seekers from Iraq can no longer qualify for support on the basis that there is no viable route of return, and they must now show that they otherwise meet the criteria for support under section 4 of the Immigration & Asylum Act 1999 (see IAP News 59 for details).

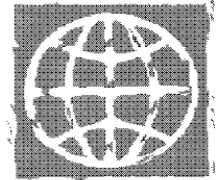
Anyone who feels they may qualify for Indefinite Leave to Remain under the Rashid judgement should seek legal advice.

DEPORTATIONS TO ZIMBABWE TO RESUME

The government is to resume deporting failed Zimbabwean asylum seekers after a tribunal judge ruled they would not automatically face persecution. Deportations were halted in 2005 after the Asylum and Immigration Tribunal (AIT) ruled Zimbabwe was unsafe for all failed asylum seekers. Its ruling in a test case meant, in effect, that the very act of claiming asylum in the UK endangered Zimbabweans so the government was obliged to protect them.

In the latest ruling Justice Henry Hodge said asylum-seekers linked to Zimbabwean opposition parties were most likely to face ill-treatment. This will mean that Zimbabwean asylum seekers whose applications are denied will be expected to leave the UK. During quarter 1 of 2006 (January, February and March) 525 Zimbabwean nationals were refused asylum at the initial decision stage.

*asylum
support
programme*



**MIGRANT
HELPLINE**



HANDLING OF LEBANESE ASYLUM CLAIMS

The Immigration and Nationality Directorate (IND) has confirmed that from 3 August decision making on Lebanese asylum claims (and protection-based human rights claims) has been suspended. This applies to Lebanese nationals and to claims from people who are habitually resident in Lebanon.

The screening process will continue and Statement of Evidence forms (SEFs) will continue to be distributed which must be returned within the usual deadlines. Substantive asylum interviews for Lebanese claimants will continue, however, no decisions will be made or served until further notice.

IND will also cease forcible deportations to Lebanon until further notice.

Lebanese nationals who are already in the UK and who wish to extend their stay on its current basis are welcome to make applications in the usual way. They will not be penalised because of the situation in the Lebanon. Those who consider that they do not qualify for an extension but who feel they cannot return because of the uncertainties that await them may apply for leave outside the Immigration Rules. Such applications will be considered primarily under article 3 of the ECHR and will entitle applicants to asylum support where this is needed.

BAIL FOR IMMIGRATION DETAINEES – NEW REPORT

Bail for Immigration Detainees (BID) has released a report showing that the fast track process is too fast to give asylum seekers a fair chance to succeed in their claims. Asylum seekers at Harmondsworth Immigration Removal Centre detained for their claims to be fast tracked are expected to put forward their asylum case in a matter of days and more than half are left without representation at their appeals.

Figures disclosed to BID show that only one percent of fast track claimants get a positive initial decision, compared to 22 percent in the non-detained system.¹ Most detainees go on to appeal, but the majority are refused – only seven of the 290 appeals heard in the first three months of 2006 were allowed.

Working against the clock: inadequacy and injustice in the fast track system presents evidence from a week of Harmondsworth fast track appeals heard in March 2006, and discloses fresh evidence about the scale of the injustice in the fast track obtained by BID under the Freedom of Information Act. Download a copy of the report here:

¹ <http://www.biduk.org/pdf/Fast%20track/BIDFasttrackReportFINAL.pdf>

CHIEF INSPECTOR OF PRISONS PUBLISHES A REPORT CRITICISING THE CONTINUED DETENTION OF CHILDREN AT YARL'S WOOD IMMIGRATION REMOVAL CENTRE

The report was based on an announced inspection made by Anne Owers, the Chief Inspector of Prisons, from 13-16 February 2006 designed to ascertain whether recommendations made following the full inspection in the previous year had been adhered to. Yet despite identifying areas of improvement, the report remains critical of the detention of children in the centre and labels this issue as the 'most important concern' facing Yarl's Wood. The report which calls for "a complete overhaul of the detention of children" was supported by the No Place for a Child Coalition.

Yarl's Wood in Bedfordshire held 32 children at the time of the inspection, seven of whom had been there for more than 28 days. Inspectors carried out structured interviews with 13 detained children. Key concerns were:

- there was no evidence that children's welfare was taken into account when making detention decisions;
- a social worker had been appointed to make independent assessments of children's welfare, though she later resigned. Her role was unclear and there were no systems to ensure that her advice affected decisions; and
- there were weaknesses in child protection arrangements.

Download the Inspectorate report: <http://www.inspectorates.homeoffice.gov.uk/hmiprisons> The No Place for a Child campaign has attracted over 13,500 signatures for a postcard to the Home Secretary calling for a stop to detention for children. Visit the campaign website: www.noplaceforachild.org.uk

COUNTERSIGNING TRAVEL DOCUMENTS

From Wednesday 2 August IND will accept countersignatures for travel documents from people who are OISC Level 1 accredited.

This policy was due to be introduced in May but has been subject to delay.

APPLICATION FOR NEW REMOVAL CENTRE AT GATWICK

A planning application has been submitted to Crawley Borough Council for a three-storey building to be built around 200m (220yds) from the runway at Gatwick airport. The unit would cover almost 13,000 sq m (3.2 acres) within the airport grounds and would have provision for 426 beds. The new unit would be surrounded by a 5.2m (17ft) security fence. A visitor centre and a gatehouse are also included in the planning application.

The Home Office says that more provision is needed near to major airports to assist with unauthorised immigration activity in the UK.

More than 400 people are expected to be employed at the centre which is expected to be built in 2008. An existing centre at Gatwick has 146 places.

There are currently 10 removal centres in the UK with 2,545 places in total.

PARTNERSHIP NEWS -

REFUGEE TEACHER DEVELOPMENT PROJECT

It is estimated that there are hundreds of refugee teachers in the UK who want to work in the education sector, but meet significant barriers and have difficulty accessing information. The Refugee Teacher Development Project (RTDP) hopes to change this.

The RTDP is a national project, with a focus on London and Birmingham, which aims to provide an ongoing information, guidance and training service for teachers hoping to work in the UK. The project is led by the Refugee Council, and will signpost potential teachers to various forms of training available through our partners and other providers. Teachers will be asked to register on our database, and their details will be used to map and monitor the distribution and number of teachers in the UK, and allow us to give specific training advice and referral. The final aim is to get teachers to Qualified Teacher Status (QTS) or other suitable classroom roles.

For overall enquiries about the project, please contact the project manager Fiona Prendergast on 020 7346 1233 or Fiona.prendergast@refugeecouncil.org.uk

If you would like to register, please contact Juliette Stevenson on 020 7346 1166 or Juliette.stevenson@refugeecouncil.org.uk



REFUGEES INTO BUSINESS

Refugees are up to six times more likely to be unemployed than non-refugees. That's a huge waste of untapped potential. Like many disadvantaged groups, refugees starting up in business face a number of barriers.

Refugee community organisations do not have the necessary skills to provide basic business advice and mainstream advisers are not sufficiently aware of the barriers and how to offer appropriate support.

Refugees into Business was set up to address some of these problems.

Led by the Refugee Council, the **Refugee Enterprise Partnership** was formed with a number of partner agencies to develop and implement a proposal to assist refugees to set up or sustain their own businesses.

The key objective of the Refugees into Business project is to provide a long-term improvement in the support available for refugees wishing to set up in business. Resources available on the site include:

- A guide to starting a business (Researching before you start; thinking about starting up; Getting started; Managing your business; Keeping it running; Sources of help; Issues for refugees)
- A toolkit for business advisers (The basics; Business advisers and RCOs, Business Advice for Refugees, Working with refugees)
- A toolkit for refugee community organisations (The basics, The role of the business adviser, Business advice for refugees, Basic financial and legal requirements, Working with refugees)
- Training materials

Access the web site here: www.refugeesintobusiness.org.uk

CONFERENCES

SAFE FROM HARM? HEALTH AND SOCIAL CARE FOR VULNERABLE REFUGEES AND ASYLUM SEEKERS

1 November 2006, Regent's College, London NW1 4NS
7 November 2006, Royal York Hotel, York YO24 1AA

About the conferences

Restrictions to access and entitlements to health and social care can have a devastating impact on already vulnerable refugees who have come to the UK for protection. Providing a comprehensive and joined up service to this group, at the same time as meeting the demands of new policy, is a real challenge. It is essential that the distinct needs and experiences of vulnerable refugees are considered as particular and part of mainstream service provision.

These conferences aim to

- Bring together staff working with or developing policy for refugees from a range of backgrounds
- Identify needs within the context of overall service provision
- Clarify the legislative and policy background
- Examine the current needs of health and social care professionals
- Relate health and social care needs to roles, rights and entitlements across the sectors
- Determine subjective and practical barriers access
- Discuss recommendations for ensuring access to mainstream and specialist services
- Share and develop good practice in the field

Plenary sessions include

- Access and entitlements to health and social care
- Surviving destitution: Access to services at the end of the asylum process
- Health as a human right: Responding to the health needs of refugees, asylum seekers and other vulnerable migrants in the UK

Workshop topics include

- Establishing new partnerships: forming links between statutory and voluntary sector service providers
- Understanding barriers to integration for refugee children with health, education and social needs
- Assessing need: Key issues when working with survivors of torture
- Improving advocacy skills: for non-lawyers working in the health and social care sectors
- Improving advocacy skills: for non-lawyers working in the health and social care sectors

These Refugee Council conferences are supported by the Social Care Institute for Excellence (SCIE).

The cost of the conference is £299 (full rate for central government/business), £249 (reduced rate for public, education body or local government) or £100 (supported rate for voluntary organisations).

For more details see <http://www.refugeecouncil.org.uk/> or contact the Training and Events Officer on telephone 020 7346 6737 or fax 020 7346 6730.

POSITIVE FUTURES CURRENT ASYLUM POLICY AND ITS IMPACT ON ASYLUM SEEKERS IN SCOTLAND

27 September 2006
The Teacher Building, St Enoch Square, Glasgow

The Government's five-year strategy on asylum and immigration published in 2005 set out plans for a New Asylum Model which would introduce faster, more tightly-managed processes for all new asylum applicants to the UK and would lead to better decision making. Ahead of its introduction to Glasgow at the end of the year, this conference sets out to examine what impact the New Asylum Model will have on asylum seekers in Scotland.

This conference for SRC members, stakeholders and practitioners will feature an overview of the New Asylum Model from Freda Chaloner, New Asylum Model Team Leader at the Home Office and a view from the ground from Phillip Williams, West Midlands Asylum Support Team Manager at the Refugee Council. There will also be presentations from Sarah Cutler from Bail for Immigration Detainees about the issues surrounding detention and returns and Simon Hodgson, Head of Policy and Communications at Scottish Refugee Council on the role of lobbying at a national, UK and European level. The afternoon session of the conference includes a selection of workshops on the topics of unaccompanied asylum-seeking children; asylum-seeking women; destitution; The Qualification Directive and IAN Act; and the role of refugees in influencing policy.

The cost of the conference is:
£95 per delegate for statutory and commercial bodies, Housing Associations and Legal Services
£45 per delegate for voluntary organisations and individuals
Free to Scottish Refugee Council members (£25 per additional delegate)
Refugee Community Organisations and non-funded community groups will receive two free places per organisation.

For more details see www.scottishrefugeecouncil.org.uk
Alternatively, you can request paper copies of the programme by emailing claire.paterson@scottishrefugeecouncil.org.uk or calling the Membership and External Affairs Officer on 0141 223 7930.

Please send articles that you would like to appear in the September edition of IAP News to:

Louise Mitchell
Tel: 020 7346 1154 Fax: 020 7737 3306
Email: louise.mitchell@refugeecouncil.org.uk
Closing date for submissions is 20 September