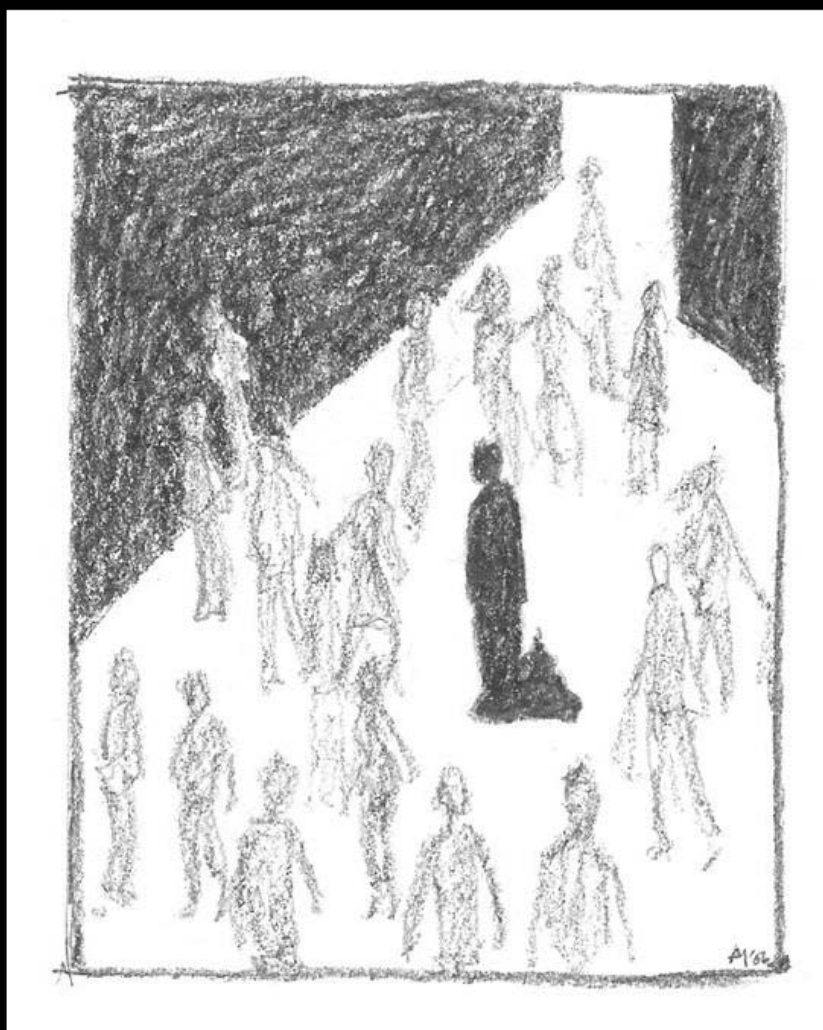


I came here for safety



the reality of detention and destitution
for asylum seekers

I Came Here For Safety

Preface

This book is published in Refugee Week June 2006. The current asylum climate is therefore of that time but many of the issues are much more lasting than the latest Immigration Act.

We thank the scores of people who have contributed to this book including Andrea Mbarushimana for the artwork and Alan Paxton for much of the text. The contributors all care deeply about those caught up in the inhumane systems. Systems which mean that most people who have come here for safety are rejected, sometimes imprisoned and eventually made destitute.

Although many of the contributions are from people living in Coventry, this is a national book. It outlines the asylum system in Britain, using Home Office statistics and numerous research papers. It explores theories of why we have these systems and looks at the historical and global context of migration. It focuses particularly on detention and destitution and has articles, interviews and poems from those who are affected by those systems. It also looks at why we might try to avoid the issue and how we might bring change.

We dedicate this book to Soufiane Saadani, a destitute asylum seeker who hanged himself in the early hours of April 1st 2006 in the garden of Coventry night shelter.

We want the book to be read as widely as possible and so have not made a charge. However if you are able to contribute to the costs please send a donation— make cheques out to the Night Shelter, and send to Penny Walker at Coventry Peace House 311 Stoney Stanton Road, Coventry CV6 5DS. Thank you. (the shelter itself runs on donations).

Most of all we have written this book so that people can learn and understand what is happening to asylum seekers in Britain today and act on it in whatever positive way they can.

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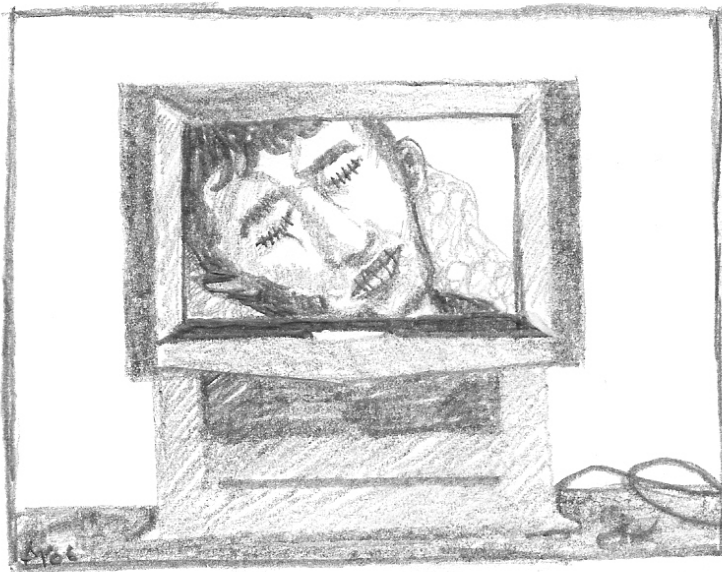
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Chapter One

Telling it like it is



Destitution: The state of being extremely poor and lacking the means to provide for oneself....’ – Oxford English Dictionary

‘I’ve lived with friends some of the time. You stay, maybe one month, and they ask you to leave, you go to another friend, you stay maybe six months and they ask you to leave. You stay two days here and two days there. Sometimes you go in the streets – walking. Sometimes you go to the pub – to pass the time. My life is no good at the moment – I live like that. The most difficult is that when I walk outside I get cold. I went to the doctor and he told me that my problem is that I am staying outside in the cold. Sometimes I’m hungry and I have nowhere to eat. You get tired from too much walking in the street. When I’m on the streets at night I feel bad. I don’t like this life because I have nothing to do and I’m not feeling well.’

We met Elisa at a night shelter for destitute asylum-seekers in Coventry. She had to flee from Burundi two and a half years ago, leaving her three children behind; she has had no contact with them since. As an asylum-seeker in the UK she is not allowed to work, nor is she allowed to receive benefits. Because her asylum claim has been refused, she is not entitled to any help from NASS, the Home Office department which supports asylum-seekers. Elisa is now pregnant but is unlikely to receive any support until the baby is born, when Social Services will have a duty to see that it is cared for.

Elisa is one of hundreds of thousands of destitute asylum-seekers in the UK. There are an estimated one thousand in Coventry alone. Reliable statistics are hard to find but agencies that work with asylum-seekers have reported large numbers since at least January 2003. Two years later the Regional Consortium for Refugees and Asylum-Seekers estimated that there were around ten thousand in the West Midlands region, which contrasted with an unofficial estimate from NASS of only thirty.

Research in Birmingham and Leicester suggests that most rely on their friends and, more generally, networks of support among refugee and migrant communities, faith groups and refugee community organisations. The assistance offered by these networks is inevitably limited. Many of those who support destitute asylum-seekers may themselves be on low incomes, usually asylum-seekers, who are themselves reliant on NASS support, which amounts to only 70% of the Income Support level. Birmingham-based Restore argue that this reliance on friends and people in their communities often leads to overcrowding. 'We have gone back to the 50s and 60s when newly arrived immigrant communities survived through kinship but often in atrocious conditions, such as having fourteen people in a small terraced house,' Restore were told by a representative of one agency in the city. In these circumstances many destitute asylum-seekers will, like Elisa, find themselves overstaying their welcome and being forced to move from place to place.

Some will inevitably resort to rough sleeping on at least some nights, perhaps regularly. Refugee Action carried out a survey in Leicester in January and February 2005 and found destitute asylum-seekers sleeping in the street, in parks, car parks, corridors, doorways, a railway station and a squatted building.

Employment is available but very hazardous. With no right to work, asylum-seekers are not attractive to legitimate employers, who risk stiff fines if they hire them. Asylum-seekers who use false documents to get jobs are dealt with harshly if they are caught and are likely to be detained for several months in prison. There is always of course the informal economy, where they will find themselves working for low pay, probably less than the legal minimum wage, and in poor conditions. Once again, if caught by the Home Office, they are in danger of imprisonment, for asylum-seekers are 'liable to be detained', which means that they can be put in an Immigration Removal Centre or a prison without being charged with, still less convicted of, a criminal offence.

Many women resort to prostitution to survive. Crime offers a possible means of support for destitute asylum-seekers but the Birmingham researchers believe it to be rarely used. It says a great deal about asylum-seekers that many chose to risk imprisonment by working with false documents rather than getting involved with robbery or similar criminal activity. They are nevertheless criminalised by their use of false documents. Very few turn to begging.

Destitution does not only mean exclusion from law-abiding work and Home Office support. Local authorities have no duty, or powers, to provide for failed asylum-seekers, apart from the responsibility of Social Services to protect children, which in practice usually excludes the unborn and over-fives. The 2006 Immigration, Asylum and Nationality Act places severe restrictions on destitute asylum-seekers' entitlement to healthcare. The voluntary sector also finds it hard to offer support to this vulnerable group because of the lack of available funding.

Most destitute asylum-seekers are what the Home Office terms 'asylum-seekers (ARE) – Asylum Rights Exhausted'. Their claims have been rejected, their appeal rights exhausted, their NASS support cut off, and they are expected to return voluntarily to their country of origin or to be removed there by force. In practice, most are too frightened to return to the country from which they fled, while some cannot be sent back because the authorities there refuse to allow them in.

That their claims have failed does not necessarily mean that they had no good reasons for seeking asylum. Often the only evidence is the asylum-seeker's personal statement backed up by general information about the situation in that particular country, but this information may not be up to date, and corroborating evidence is very hard to find.

To make matters worse, tight limits have been placed on the availability of Legal Aid in asylum cases, making it difficult for solicitors to represent their clients adequately, and many have pulled

out of asylum work for this reason. Often a case is not pursued as far as might be possible through the appeals system. Some cases of destitution result from Home Office bureaucratic errors, while other destitute asylum-seekers have somehow 'fallen through the system', with complex cases that might possibly be accepted if argued well enough. The Restore researchers found one destitute refugee in Birmingham 'who had no idea that he had been granted refugee status and could therefore have claimed support.'

The effects of destitution on the physical and mental health of asylum-seekers are evident from Elisa's words. The stress, anxiety and depression which it induces can make it likely that a person will remain destitute for longer or suffer recurring periods of destitution, if, for example, they fail to attend appointments with the Immigration Service.

Why we choose to ignore the situation

How has this destitution crisis happened and how has it remained largely unnoticed by the general public? A letter signed by over fifty church leaders and published in the Times on the 3rd December 2005 placed the responsibility firmly with the Home Office: 'The threat of destitution is being used as a way of pressuring refused asylum seekers to leave the country'. They might perhaps have added that it is also being used by the British Government to discourage people from seeking asylum in the UK in the first place.

Public hostility to asylum-seekers and refugees has driven government policy in the direction of increasing harshness, with two Acts of Parliament tightening up immigration and asylum law in 1993 and 1996, followed by four more Acts since 1997, each more restrictive than the last. Public hostility has allowed this to happen and tolerated the consequences, indifferent to thousands of people made destitute by this legislation.

Hostility has many causes. It is rooted in centuries of racism. It is rooted in a fear of strangers, the literal meaning of xenophobia; a fear

of the other, the unfamiliar. This is reinforced by the insecurities of globalisation, of a world in which capital, goods and jobs can be moved with ever greater ease from one country to another, in which international travel is becoming faster, cheaper and more convenient, and once-formidable barriers such as the Iron Curtain have fallen. The relatively high wages and demand for labour in the UK make it an attractive destination for migrants from around the world and asylum seekers are often perceived to be merely 'economic migrants' whose asylum claims are 'bogus'. The British government's response is to welcome migrants from the ten 'EU accession countries', which joined the European Union in 2004, while discouraging those from poorer countries further afield, unless they possess skills that the British economy particularly needs.

Another cause of hostility is fear of terrorism in the wake of the September 11th and July 7th attacks, although very few asylum seekers have been linked to terrorism and the 7th of July suicide bombers were all British-born.

Indifference may arise from ignorance, a lack of awareness of what is happening. Most British people probably have little or no direct experience of asylum-seekers. Media coverage is more often hostile than sympathetic and for most of the time the mass media, and consumer culture more generally, distract our minds from confronting serious moral issues such as poverty and racism.

Those of us who are aware of the suffering of asylum-seekers often choose to blank it out. The peace activists Joanna Macy and Molly Brown write of the 'deadening of mind and heart' which hardens us to suffering which we know is happening but choose to ignore. They remind us that 'apathy' derives from the Greek term for 'non-suffering', and describes an inability to experience pain, or a refusal to experience it. Yet, they add, pain is a warning signal that calls for a response. They are concerned primarily with global threats to human survival through preparation for nuclear war and the destruction of the environment in the pursuit of limitless economic growth. A destitute asylum-seeker does not threaten us in quite the same way, but many

of the fears that they locate behind this 'deadening' can also be found in our response to asylum seekers.

These include a fear of pain, of experiencing anguish at the suffering of others which no painkiller can relieve and fear of a despair that might leave us paralysed with depression, unable to act. There is also, in many of us, a fear of appearing morbid or cranky, of becoming a prophet of doom or a 'loony lefty'. This may in turn be linked to a fear of appearing weak and emotional, or naïve and idealistic, and to a distrust of our own intelligence and judgement; what if we are unable to argue our case in front of 'the experts', realists who know so much more than we do? Many of us also harbour a fear of powerlessness which Macy and Brown characterise as, 'I don't think about it because there is nothing I can do about it.'

Some of us who have been active in supporting destitute asylum seekers would add one more fear: that of addressing the reality of injustice and, in doing so, losing faith in our government and legal system and their capacity to act fairly and decently. Some political or criminal subcultures may reject the forces of 'law and order' outright but most people are inclined to trust these authorities for most of the time. We see evidence that undermines this trust and we may accept that injustice exists in our society and is often committed and condoned by those in power and indeed by the public at large. But we rationalise these contradictions away through a faith in progress, a belief that the abuses can and surely will be reformed, just as slavery was abolished and women won the right to vote.

Asylum-seekers and other migrants confront us with profound injustices, which have deep roots in our country's history and its role in the world economy and which will not be reformed away easily if at all. The disparity in wealth between a rich country such as the UK and a very poor one such as Albania, Bangladesh or Nigeria is vast. It is likely to remain so for the foreseeable future and will quite possibly widen still further. Vast too is the difference between life in a democratic, open society under the rule of law and life in a country where opposing the government can lead to imprisonment without

trial and torture, or where corruption is rampant and police and other officials must be bribed in the hope that they will carry out their duties, or where violent conflict erupts between ethnic or religious groups.

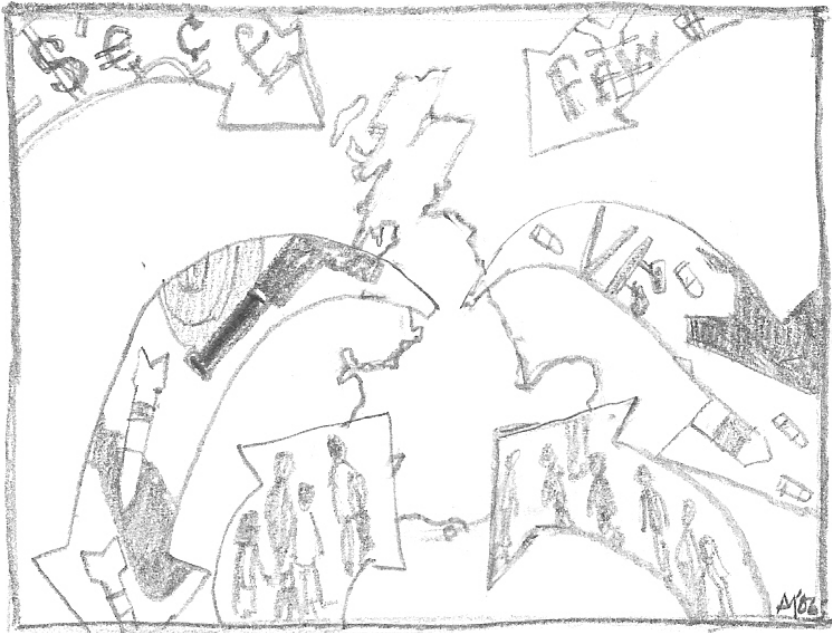
Reflecting on these injustices awakens another fear, that of guilt. Are we complicit in wrongs being committed by our government on our behalf? Are we guilty of being at ease while others suffer? What of the oppression and poverty that drives so many people to our shores to seek refuge and a better life? Is our wealth and wellbeing a cause of their suffering, as when our government supports a repressive regime that serves British interests, or when an unjust system of world trade transfers wealth from poor countries to rich ones? How many of these injustices are rooted in Britain's imperial past? How much harm do we cause by exporting weapons, thereby fanning the flames of conflict? And, even if a conflict in a faraway country can be shown to be in no way linked to British policy past or present, do we still have moral obligations to the people who are fleeing from it?

Is this sense of guilt a call for me to change the way I live and, if so, what changes in my relatively secure and comfortable lifestyle must I make? What can I reasonably be expected to do when there are so many other pressures on my time and money?

The following chapters of this book explore the destitution crisis through analysing the process by which people flee their countries of origin, claim asylum in the UK, pass through the Home Office asylum system and, so often, are extruded by it into destitution. We illustrate this process with personal testimonies by destitute asylum-seekers themselves. We hope in doing so to demonstrate not only the suffering of destitute asylum-seekers but also how their suffering diminishes us all. We end by offering suggestions as to how we can address the problem.

Chapter Two

Why People Come



Media coverage of asylum-seekers often portrays them as an unprecedented threat to a timeless British way of life. A brief look at previous migrations to Britain helps to put the current 'scare' in perspective. Neither refugees nor economic migrants are new to these shores and the hostility they arouse and the manner in which it is expressed have remained surprisingly constant over the years. At the same time, migration at the turn of the twenty-first century is in some ways very different from what has gone before.

The first big wave of refugees to Britain comprised the Huguenots, a community that was to integrate so successfully into British life that it has long since lost its separate identity. They were French Protestants who were forced to flee their country following the decision by Louis XIV in 1685 to end the toleration they had enjoyed under the Edict of Nantes. On this occasion the English seem to have welcomed refugees, perhaps because they were fellow Protestants and brought skills valuable to the economy. Huguenots took a leading role in finance, the paper and printing industries, clock making and textiles. One Huguenot company, Courtaulds, was later to become an important employer in Coventry.

The Jews have an even longer history as a migrant community, though one that was interrupted by persecution. From the twelfth century Jews migrated to England from northern France and the Low Countries, until rising anti-Semitism culminated in 1290 in an edict of Edward I which expelled all Jews from England. By the seventeenth century small numbers of Jews fleeing from the Portuguese Inquisition were living in London, and in 1655 they successfully petitioned Oliver Cromwell to allow Jews to settle in England and practise their religion openly. In London a synagogue built in the City in 1701 is still in use today.

A much bigger wave of Jewish migration occurred in the late 19th century, driven by increasing persecution of Jews in eastern Europe, especially in Tsarist Russia. In common with later refugees, many had to use false papers and bribery to reach safety. Between 1881 and 1914 around 150,000 Jews settled in the UK, mainly in London

but also in other cities such as Manchester, Leeds and Glasgow. The contributions made by Jewish migrants to British economic and cultural life are well known. A notable Coventry example is Siegfried Bettman, a German Jew who came to England in 1883, as an economic migrant rather than a refugee, and established the Triumph company which played a leading role in the development of the city's cycle, motorcycle and motor industries. He became Lord Mayor shortly before the First World War.

The Jews were by no means always welcome. Most were poor and they clustered in the East End of London where they worked in sweat-shops as tailors, shoemakers and cabinet-makers. A local MP complained that the Englishman lived 'under the constant danger of being driven from his home, pushed out into the streets, not by the natural increase of our own population but by the off-scum of Europe'. This kind of hostility to Jews and to other immigrants such as Germans and Chinese was amplified by a fear of terrorist acts committed by anarchists and supporters of various nationalist causes. It led to the passing of the Aliens Act by the Conservative government in 1905, the beginning of modern immigration control. The Act was difficult to enforce but led to further legislation during and after the First World War. In 1915 passports became compulsory for international travellers for the first time. Jews fleeing Nazi persecution found Britain much harder to enter, although 60,000 did arrive between 1933 and 1939.

Migration to Britain from beyond Europe has been happening for much longer than is often supposed. As early as 1596 the Privy Council of Elizabeth I declared that, 'Her Majestie understanding that there are of late divers blackamoors brought to this realm, of which kinde of people there are already too manie, considering how God hath blessed this land with great increase of people of our own nation ...this kinde of people should be sent forth of the land....' By the eighteenth century Britain was the leading slave-trading power and several thousand Africans were living in England. Many were enslaved but a free black community also existed in London during this period.

The expansion of the British Empire in India and other parts of Asia brought small but significant migrations of Asian people to Britain. The first Indian MP was elected to Westminster in 1892 when Dadabhai Naoroji won the Finsbury Central seat for the Liberals. In 1889 the first purpose-built mosque to be erected in Britain opened in Woking and a Sikh gurdwara was established in Shepherd's Bush in 1911. In Coventry the Indian Workers Association dates from 1938 and was able to help the migrants who came to work in the city's foundries. By the early twentieth century Chinese, Indian and African communities were established in Liverpool, Cardiff and London. They too suffered from the increasing hostility to 'aliens'. At the end of the First World War demobilised seamen rioted against the use of foreigners in British ships and several black seamen were murdered by mobs in Cardiff and Liverpool.

But by far the largest migrant group in Britain during this period was Irish Catholics. They provided the 'navvies' who laboured to build the country's canal and railway networks, although by no means all of them were the unskilled labourers of the traditional stereotype. The Irish were not in the strict sense immigrants, at least until 1922 when the greater part of Ireland won independence from the United Kingdom, but they certainly aroused intense hostility, including anti-Irish riots in several towns in the mid-nineteenth century, the period during and after the Great Famine when Irish emigration was at its peak.

The Irish themselves were not enthusiastic to become British; as Robert Winder observes, they 'were angry and resentful at having to throw themselves on the far from tender mercy of the country that was largely responsible for the agricultural and political system that had ruined them in the first place.' The Irish migrants of the Famine period demonstrate the difficulty of maintaining a strict distinction between refugees and economic migrants: were they seeking a better life in a place with greater economic opportunities, or fleeing a famine caused by oppressive colonial rule?

By the 1880s the Irish community in Britain is estimated to have

numbered between 1.25 and 1.5 million. Large-scale Irish migration to Britain continued after independence, notably to Coventry and Warwickshire where Irish migrants worked in the motor and construction industries and in hospitals. In 1971 there were a million Irish in Britain, not counting British people of Irish ancestry.

The period of reconstruction after the Second World War saw a large increase in migration to Britain. Labour was in short supply and European nationals were recruited to work in Britain, mainly from United Nations camps for Eastern European refugees, although many Italians came also. Over a hundred thousand Polish exiles were given state support to settle in the UK and did so quickly and successfully in what could have been a model for later treatment of refugees.

But by the 1950s the migrants came mainly from British colonies and former colonies: Ireland was still sending emigrants to Britain and was now joined by Jamaica and other Caribbean islands, India, Pakistan (including what is now Bangladesh), Cyprus and Hong Kong. Many took advantage of the 1948 Nationality Act which had given subjects of the British Empire the right to enter Britain freely. At first they came on their own initiative but soon companies such as London Transport were recruiting overseas to fill labour shortages. For the migrants, mainly single young men, and their families back home, remittances sent from Britain were much more valuable and reliable than local sources of income in their own country.

Many white British people found 'coloured immigration' deeply threatening. Once again, there was a backlash which included riots, racist assaults, ugly rhetoric from right-wing politicians and finally restrictive legislation, the Commonwealth Immigrants Act of 1962. It had the paradoxical effect of encouraging more migration. The young men who sent remittances to a mother country they hoped one day to return to realised that, once they had gone home, they would probably not be allowed back into the UK again. They began to settle permanently in Britain, bringing wives and children with them as the Act permitted, so that colonies of migrant workers became settled migrant communities.

Refugee crises continued to play a part in migration. Most notable were the expulsion of Asians from Kenya in the 1960s and Uganda in the early 1970s. These communities had originated under the British Empire when Indians were encouraged to migrate to East Africa as indentured labourers. This did not prevent the British government from obstructing the entry of refugees from Kenya, while the arrival of over 21,000 Ugandan Asians fed a further racist reaction in Britain. Other refugees came in smaller numbers: from Hungary in 1956, Czechoslovakia in 1968, Chile and other Latin American countries during the period of military dictatorship in the 1970s, and from Vietnam in the same period.

More legislation to restrict immigration was enacted in 1968, 1971 and 1981. The right to enter the UK and the right to British citizenship came increasingly to be granted according to evidence of 'British descent', in other words a parent or grandparent with UK citizenship. In practice, this discriminated in favour of white people from the Commonwealth and Southern Africa and against most non-whites unless they were well-qualified. The 1981 Immigration Act established three levels of nationality; only full British citizenship offered full rights, while nationals of 'dependent territories' and many other 'overseas' citizens had their access to the UK restricted. In population terms, the largest remaining British colony was Hong Kong and its Chinese population of over two million lost the right to enter the UK. When it reverted to Chinese rule in 1997, only fifty thousand Hong Kong Chinese were offered British passports but in practice fewer than this number wanted to come. With Hong Kong gone, the Government offered full British passports to the inhabitants of the few remaining colonies.

Racism continued, sometimes in murderously violent forms; there were inner-city riots in which young people from ethnic minorities protested against unemployment, poverty and police harassment. But by the late 1980s and 1990s more and more British people were coming to accept that they lived in a multicultural society and that they had benefited economically and culturally from this. In 1972 Leicester

City Council had warned that ‘the entire fabric of our city is at risk’ from Asian immigration, whereas today it celebrates the diversity and richness of the city’s Asian heritage.

The scale of migration should be kept in perspective. According to the 1991 census, three million of Britain’s 55 million people belonged to ethnic minorities, between 5 and 6% of the total population. Most of them lived in England and nearly half of them in London. By 2001 the proportion belonging to an ethnic minority had increased to 7.9% but the majority of these people had been born in the UK.

Nor should we forget the importance of migration **from** the UK. In the nineteenth and early twentieth centuries, millions of British and Irish people emigrated to the United States and to British colonies such as Canada and Australia in search of a better life. Emigration from the UK continued after the Second World War; between 1961 and 1981 emigrants exceeded immigrants by about one million.

1990 onwards

This has changed since the early 1990s. Steven Vertovec describes how the net outflows of people have gone into reverse in the last fifteen years. Between 1991 and 2001 the three million people who left the UK were more than balanced by the 3.5 million who came. Not only has the inflow of migrants increased but they come from a much greater range of countries than hitherto, most of them outside Western Europe and the Commonwealth, the traditional sources for migration to Britain.

Vertovec terms the result ‘super-diversity’. These migrants come mostly from places with no specific historical links to Britain. They are scattered widely in the UK, often in small communities. They have strong connections with their countries of origin and often with other countries as well. They belong to diverse legal categories – some are asylum-seekers, some have refugee status, some are citizens of other EU states, some are migrant workers from the EU accession countries (called the A8 nationals). Others have entered with visas to

work or study and some entered illegally or became 'illegal' or 'irregular' by overstaying their visas or because their asylum rights were exhausted.

The recent arrival of the migrants from the new member states of the European Union – Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia - demonstrates the way that people can pass through different categories as immigration law changes. For example, people from the Czech Republic who came as asylum seekers in 2003 could no longer be classified as asylum seekers when their country joined the EU in 2004 and so their asylum support, including accommodation, was stopped. However, they are entitled to work so long as they register under the Worker Registration Scheme but they are not entitled to the same rights as people from existing EU states until they have been in continuous employment for a year. They therefore experience a range of hardships including destitution and many refugee charities are now offering support to the new migrants as well. In most cities which have high populations of asylum seekers, the schools are now finding the biggest language support needs are from the A8 nationals. They come because there is a lot of work to be had in the low paid sector. This labour shortage has been recognised for some time and was at odds with the ban on allowing asylum seekers to work. It could be argued that the new A8 nationals are perceived as more acceptable being (now) European and mostly white.

This increase in migration forms part of a global pattern. In 1970 there were 82 million international migrants, defined as those living outside their country for more than one year. By 2005 there were nearly 200 million. This amounts to 3% of the world's population – a large number, but it should be emphasised that 97% of the world's people are **not** migrants.

The economic 'pull factors' attracting migrants are that work is available and better paid than in their country of origin. In sub-Saharan Africa 45.7% of workers earn less than \$1 a day; the comparable figure for South Asia is 14.4%. Unemployment and

underemployment are widespread in low income countries, especially among less-educated people. The pressure of rising population drives emigration, just as it did for the British and, especially, Irish poor in the nineteenth and early twentieth centuries.

Many low income countries rely heavily on the remittances sent home by migrant workers abroad. In 2004 they sent home \$150 billion dollars, almost three times the value of Official Development Assistance, and this only through formal channels; the value of informal remittances may be much greater. Against this must be balanced the loss of skilled workers and resourceful people that these countries suffer. Jamaica, the Philippines and South Africa have all complained to the British government about the 'brain drain' of doctors, nurses, teachers and other professionals to the UK.

Migration has advantages for high income countries too. The same 'brain drain' that deprives Jamaica plugs skills gaps at little cost to the British government. Less skilled migrants can be useful too, as the level of education in the UK is rising and British people are becoming reluctant to do low-paid and menial work. Like many high income countries, the UK has a low birth rate and an ageing population, with an increasing number of retired people whose pensions need to be financed by those in work. Migrants are usually young adults, in the prime of life and ready to work, and the state does not have to educate them or otherwise pay for their childhood. It is not surprising that the UK Treasury has suggested that immigrants contribute more in tax than they take out in benefits.

Talk of 'developed' and 'developing' countries suggests a narrowing of the divide between them, and some 'developing' countries, notably in East Asia, have indeed succeeded in becoming 'developed'. But the majority, even if they advance, cannot easily keep up with the ever-increasing wealth of the 'developed'. It has been estimated that in 1870, per capita income in the United States was nine times that of the poorest countries, whereas by 1970 it was fifty times greater. According to the UN, the richest 20% of the world's people had 70% of the world's income in 1960, but by 1993 this had increased to 85%.

Their lifestyles are now broadcast around the world by television, offering a powerful inducement to migrate.

Rich countries can also offer a much better quality of life, even for a migrant worker who is near the bottom of the social heap. Life expectancy in high income countries averages 78 years, compared to 58 in low income countries. For the successful migrant the European Union offers not only better paid work and access to good healthcare and social welfare benefits, but also a free, open society protected by the rule of law and a stable political system. This contrasts with the problems that are likely to characterise their country of origin: poor governance, corruption, repressive and authoritarian rule, violent suppression of dissent, arbitrary arrest and imprisonment, even armed conflict.

Migration has been made easier by the growth in affordable international air travel; as the sign at Heathrow Airport says, nowhere in the world is more than a day away. The growth of 'global diasporas', communities of, say, Brazilians or Thais in many different countries, has eased the cultural wrench of migration. Vertovec found 178 nationalities represented in London; arriving migrants will be unlucky if they do not find others from their home country and even ethnic group.

Refugees

Having sketched the background to international migration, this chapter now focuses on the situation of refugees. The percentage of international migrants who are refugees fleeing persecution is small: fewer than 5% in 2005, or 9.2 million people. This figure has fallen from 18 million in 1992, with refugees returning to countries such as Afghanistan, Angola, Sierra Leone, Liberia and Burundi, as the political situation improves there. (This does not necessarily mean, however, that such countries have become safe and are no longer generating refugees).

Most refugees live in low-income countries, usually one adjoining their country of origin. Pakistan, for example, took in six million Afghan refugees, over three million of whom were still in Pakistan in 2005. In 2004 the country with the most refugees per thousand inhabitants was Armenia, with 78; the UK in contrast had 4.8 and ranked 28th in the world.

Low-income countries, for example Sudan and the Democratic Republic of Congo, are also home to most of the world's 25 million internally displaced people. They are not refugees under the terms of the 1951 UN Convention because they have not left their country of origin, but find themselves in a similar state, exiled from home and often living in camps, dependent on international aid.

Some refugees do nevertheless arrive in Europe, where they make claims for asylum, and the numbers increased steadily in the late 20th century. In 1972 there were 13,000 asylum applications in Western Europe, whereas by 1992 there were half a million. In 1991 71,000 people claimed asylum in the UK; the yearly totals gradually increased, peaking at 110,700 in 2002, or 84,130 excluding dependents.

The UK, like other European countries, has responded with legislation that makes it increasingly difficult to enter the country and make a successful claim for asylum. Destitution was first used to discourage asylum-seekers in 1996, but a legal ruling forced the government to back down.

Further legislation followed in 1999, 2002 and 2004 and 2006. Asylum-seekers lost the right to work and were prevented from claiming benefits. The Home Office set up NASS, the National Asylum Support System, under the 1999 Act to provide for their most basic needs by providing housing and a small weekly allowance. At first asylum-seekers were prevented from working for the first six months after their claim was made; later they were forbidden from working at all, as the government believed that the right to work was attracting them to the UK.

NASS began dispersing asylum-seekers away from London and the South-East, where most of them arrive in the UK, to elsewhere in the country, in practice mainly to towns and cities in the Midlands and North of England where housing was cheaper and to similar areas in Wales and Scotland. Increasing use was made of detention centres, or Immigration Removal Centres as they are officially known; the first one opened at Campsfield near Oxford in 1993 and has since been joined by several more (see Chapter 4). The Home Office attempted to process asylum claims more quickly and to clear the logjam of claims that had built up.

The numbers claiming asylum each year began to fall, dropping to 30,460 in 2005, or 25,720 excluding dependents. The Government claimed that its policy on asylum was working, although the numbers claiming asylum in the EU as a whole have also fallen. Although most asylum claims are refused - Home Office figures show that in 2005, 83% of asylum claims were rejected at first hearing, while 74% were rejected on appeal – by no means all of these ‘failed asylum-seekers’ are being removed from the UK.

**Top 10 Nationalities Seeking
Asylum in UK 2005**

Iran 3,315
Somalia 1,860
Iraq 1,840
China 1,775
Eritrea 1,660
Afghanistan 1,560
DR Congo 1,185
Zimbabwe 1,045
Sudan 995
India 940

Why refugees come to the UK

Why do asylum-seekers choose to come to the UK? (In Britain you are an asylum seeker until you have been given permission to stay here as a refugee – the UK is the only country which uses this term) The Home Office commissioned research on this question in 2002, and its answers did not by any means back up the assertions of tabloid journalists that refugees ‘shop around for the best deal’ and choose Britain over other European countries because it is a ‘soft touch’.

The researchers reported that most of their interviewees were escaping persecution, violence or threats of violence. They were more concerned with fleeing than with where to go to, provided it was a place of safety. Factors that influenced their choice of destination included the ability to pay for long distance travel; for some, as with the Jewish refugees at the end of the nineteenth century, Britain was an intermediate destination, and they would have preferred to go further, to the USA or Canada. Agents channel asylum-seekers to particular countries, the researchers were told; sometimes to the country chosen by the asylum-seeker, sometimes without giving any choice, sometimes by offering a priced ‘menu’ of destinations.

For those asylum-seekers who did choose to travel to the UK, some did so because they had relatives or friends in Britain. Another factor was the ‘belief that the UK is a safe, tolerant and democratic country’. Some were drawn to Britain by a previous link between their country of origin and the UK, for example that it had been a British colony. The English language was a powerful draw; it has become the world language, and many of the asylum-seekers spoke it or wished to learn it.

The researchers found very little evidence that the asylum-seekers in their sample had detailed knowledge of UK immigration, of asylum procedures or of entitlement to benefits in the UK, or indeed of

availability of work. Nor could they compare how these varied from one EU country to another. Most wished to work and to support themselves rather than depend on the state.

It is certainly hard to believe that the decision to come to Britain and claim asylum would be taken lightly, whether the motivation was primarily to flee persecution or to escape poverty. Such a decision entails loss of home, family, work and culture, and continuing worry about those left behind. It carries no guarantee of success.

For many the journey involves a large fee and placing themselves at the mercy of people-smugglers, in other words organised crime. Sea crossings and overland journeys are dangerous; thousands of migrants have drowned while trying to cross the Mediterranean Sea in overcrowded and un-seaworthy boats; some have even been thrown overboard by the criminal gangs organising the journey. As the crossing from North Africa to Spain has been made increasingly difficult by the Spanish authorities, African migrants now pay over 500 euros to be taken by small fishing boats from Mauritania to the nearest EU territory, the Canary Islands, a voyage of about 800km, even though the boats frequently sink. The dangers of smuggling people by road or rail were demonstrated in the summer of 2000, when 58 Chinese migrants suffocated in a container travelling on a lorry from Rotterdam to England.

Even air travel is for asylum-seekers a journey into the unknown, usually of necessity, undertaken with false documents and with all the uncertainty of what will happen when they arrive at the airport and claim asylum.

The history of migration to the UK in the past fifty years has been well summed up by the journalist Robert Winder: 'The best word for what happened at the end of the twentieth century might be prohibition. The long sequence of political reforms from 1962 added up to a wholehearted attempt to restrict immigration – especially coloured immigration. The legal routes to Britain were blocked.... But this did not stop people migrating any more than the banning of alcohol in

America made people stop drinking. It simply criminalised them, or at least demanded of them increasing inventiveness to slip through the loopholes.'

Racism and Fear

It is clear that hostility towards 'strangers' is not new to Britain despite all the good things they bring with them. Neither is Britain alone in erecting higher and higher defences to keep people out. The phrase fortress Europe describes well the current and strengthening position against the mainly black south . Although exclusion is not exercised solely by white people against black people, nevertheless it is essential to address racism in its many forms if real change is to happen. The following article by Alan Sprung looks at racism in Britain today, how it affects us all and what we can do about it.

Challenging Racism and Fear within Ourselves and Others

The struggle to eliminate racism from our world is an important one. Understanding what it is, understanding the key role it plays in dividing people and how to challenge it, in ourselves and others, is central to our understanding of how oppression works and how, ultimately, we can free all humanity from it.

Racism leaves everyone burdened with distress - not just those people who are targeted by it. People who are targeted by racism have their lives ruined by it and those people who society conditions to be the agents of this oppression are dehumanised by the process too. It is in all our interests to eliminate racism from the planet forever and we all need to understand that we will all benefit personally by doing the work necessary to end racism.

Nothing justifies oppression. The fight to end oppression is about having a just world and it's about living lives that we can all be proud of. Most of us are not aware of just how much our minds have been messed up by racism.

There is much work to do to free our minds of the effects of racism. Only *we*, each one of us individually, can do this work. No one else can free *your* mind of the effects that racism has had on *you* - we can assist each other but only *we* can take on this battle to free *our* minds.

People Targeted by Racism:

In order to recover from the damage that racism has done to their lives, people targeted by racism need the opportunity to do two important things - to get the opportunity to be listened to respectfully and to get supported while they talk about their experiences of racism. This could include the many different ways that racism has hurt them and their people over the course of their lives. It can also help people to talk about the ways in which they have internalised racism. Internalised racism describes the false messages that people believe about themselves and their people as a result of oppression. It causes people from an oppressed group to act out this oppression against

themselves and each other. Internalised racism can promote feelings about being better than, blacker than, whiter than, more valuable than, more worthy than and so on. It can also result in oppressive acts against another group.

People targeted by racism can help one another combat internalized racism and the rest of us can help out too. This is very valuable work that will shift the distortions that are harboured in people's minds and, if worked on persistently, will free people's attention and allow them to lead more powerful lives.

Agents of Racist Oppression:

As a white person, it's not possible to grow up in our oppressive society and not be affected by racism - we all get saturated in it. This is not our fault. It makes no sense at all to blame ourselves or other white people because we have been conditioned by our oppressive society to act as the agents of this oppression.

We expend a lot of energy trying hard, especially in the presence of people who have been targeted by racism, to not let our racism show - to not let it 'leak out' all over the place. Our minds are full of

misinformation and confusions about people who have a skin colour that is different from our own. We have been left with many irrational fears about all sorts of aspects of other peoples and their cultures.

We *can* tackle the racism that afflicts us. There are a number of useful things that we can do. We can:

- make a stand against the oppression when we see it being acted out by others
- learn as much as we can about the cultures of peoples who are targeted by racism
- learn to listen respectfully and support people who are targeted by racism as they recover from its effect by telling their own stories
- get together with other white allies and share the stories about what happened to us when we picked up the oppressive material about people who are targeted by racism (it probably doesn't make sense to expect people targeted by racism to listen to us about this - they have had to endure it every day of their lives)

There are no rational conflicts of interest between any peoples on this planet. There is no rational need for the artificial borders that have been erected over the years to separate different groups of humans.

All people deserve an equal share in and access to food, shelter, education, health care and the other necessities of life.

The false divisions created by racism only serve the short-term interests of systems which divide us and distract us from seeing the underlying economic exploitation that feeds unequal wealth.

Chapter Three

Going through the System



The UK policy regarding claiming asylum is complex. It includes three recent Acts dealing with asylum, immigration and nationality (1999, 2002, 2004) and a Bill currently going through Parliament. There is also other legislation on human rights, race relations, anti-terrorism and crime and security which all have direct effects on asylum policy and practice, added to which European legislation must be taken in to account. Since the UK system tends not to repeal legislation some sections of the Immigration Act 1971 and subsequent Acts in 1993, 1996 and 1997 are also still in operation. For the purposes of clarity this chapter will concentrate on the current system and the forthcoming New Asylum Model.

The current system

a. Simplified outline of the legal process

On entering the country, the person fleeing needs to claim asylum as quickly as possible. If there is a delay, it can jeopardise support. They have to find out where to claim asylum. If they are at a port – a sea port or an air port - it is not too difficult to find out whom to tell but many people are too frightened to claim at port in case they are sent straight back. Currently there are two in-country reporting centres for single people and couples at Liverpool and Croydon. People with families can claim at other immigration centres. If claiming at port, applicants are then usually given a screening interview and occasionally a full interview. At this stage the applicant may be put into detention at Harmondsworth or Yarl's Wood to be fast tracked – i.e. put through the system quickly.

At the screening interview fingerprints are taken and ARC cards issued (Application Registration Card) containing personal details, photo and fingerprints. The applicant will also receive an IS96 form which is proof that they have been given permission to enter Britain temporarily and also tells them when and where they must report to immigration so their whereabouts can be logged. They will be given a SEF form – statement of evidence form which will need to be filled out and returned within 14 days stating the reasons why they are

claiming asylum. A One Stop Notice will also need to be filled out by the applicant and any dependents.

At some stage there will usually be a full interview and, if the applicant is refused, they can appeal against it. If that appeal is rejected, they can only get more support if a barrister thinks they have a 50% chance of proving that an error of law has taken place. The rate of refusals in 2005 was 83% on initial decisions and 74% on appeal. When the appeals are exhausted or not submitted, they are told to find their own way home and given the telephone number of IOM – the International Organisation for Migration – which will help them. If they are granted permission to stay, it will be time limited. They will either be given discretionary leave or humanitarian protection. If they are granted full refugee status, this now lasts only 5 years (it used to be indefinite).

b. Simplified outline of the support system

During this legal process the asylum seeker should get support from NASS – the National Asylum Support Service. On arrival they will probably be offered emergency accommodation (or detained). The emergency accommodation is likely to be a hostel with food provided or vouchers. After their support needs are assessed, they may be dispersed to other cities in England, Scotland, Wales or Northern Ireland to live in shared housing. This is on a no choice basis and they are frequently moved. Some people have friends or relatives to stay with and ask only for subsistence payments which are approximately 70% of income support.

Those who are refused permission to stay here have their support stopped and they are evicted. This is the outcome for the majority of asylum seekers Throughout this process they are not allowed to work. If they sign up with IOM to return to their country, they will be entitled to help called hard case support – or section 4 support (usually accommodation and vouchers). Most people are too frightened to risk being sent back and refuse to sign. If new evidence can be found, a new claim can be submitted but only if a solicitor can be found to restart the case. If the Home Office consider it a valid new claim,

NASS support can again be applied for. It takes weeks or months for the confirmation from the Home Office to come through, however, and then more time for the NASS support to start so there is often a long period of destitution at this stage.

Those who are given permission to stay have 28 days to leave their NASS accommodation, get registered for a national insurance card, apply for JSA or find a job and find somewhere to live.

Unaccompanied minors – under 18 – come under the responsibility of the local authority where they arrive. Their age is often disputed by both NASS and Social Services. If they are supported by Social Services they will stay with them until they are 18. They cannot be sent back during that period.

Mary

Mary was put in detention when she first arrived and then bailed to a night shelter. She was a young 17 but was issued with an ARC card saying she was 33. After she was bailed, a social services assessment was organised but three weeks later there was still no decision from social services and she was still at the night shelter with no money at all. So the people who run the night shelter and Mary decided that, since NASS had ascribed here the age of 33, she should get support from them. This she did and was housed until her asylum claim was turned down and her appeal refused. This is her understanding of what happened at the appeal

"First they said they don't believe I am 17, then they

said they don't believe I am from Liberia. What am I meant to do? Now I have no home and no money. I'm living with a man I met in the street in Birmingham, but I don't know how long I can stay there.

At my appeal the judge was a woman. She said to me "Are you Mary Davies?" I said "Yes". She said "God will help you" But later she refused my case.

The Home Office asked me " Did your father have TV before he was killed?" I said to him "No". He asked me "Where did you live before you went to Hof Hanish Home (*an orphanage*) ?" I said to him " When they shot me in the leg, they took me to hospital so from there they took me to Hof Hanish Home." He asked me where I was living when they shot me. I said to him "I was living on the street because I had no house". Then he said "What did you used to play with children in your country?". I said "I played ball" and I showed him how we used to throw the ball, and I told him that in the Home I was learning cooking and basket weaving.

The judge asked me what Social Services said when they came to see me. I said to her "They didn't tell me anything. They said they would write to me, but they didn't write to me. That's why I went and asked for NASS support". The judge asked me "where do you

know in this country?". I said to her "They arrested me at the airport and put me in detention in London. From there they put me in Coventry". She asked me "Where is that address?". I told her the address and I said to her "From there they transfer me to Birmingham" and she asked me the address there. "527 City Road" I said.

She said to me "Do you know the City Centre in Birmingham?". I said to her "Yes". She said to me "How do you know the City Centre in Birmingham?" I said "When they refused my case, my solicitor came from London to see me in the City Centre". She said "You don't know the City Centre - who took you there?" I said "The manager of the house, he took me there".

She asked me "Did the manager wait for you?" I said "No". She asked me "How did you get back?" I said to her "He gave me a bus pass and showed me a place where I could take a bus". That was the questions the judge asked me. She didn't ask me about my case.

At the end my barrister said to the judge "Marm, just look at her. If she was your daughter, what do you think would happen to her if she went back to Africa. She is 17. She has no home, no parents, she doesn't go to school and there is no work for her. You have to

consider what will happen to her, if she goes to Africa". The judge didn't say anything. The Home Office didn't say anything."

Liberia

2005 asylum applications 220

refusal rate 91%

refused on appeal 87%

New Asylum Model

The Home Office began implementing the NAM in May 2005 and aims to process all asylum seekers within the new model by December 2006. The focus of the new asylum model is a faster, more tightly managed asylum process with an emphasis on removing applicants whose claims have been rejected. The three new processes are segmentation, fast track and case ownership.

a. Segmentation

During an asylum seeker's initial screening interview, immigration officers will assign the case to one of nine asylum processes, called segments, based on the characteristics of the asylum claim. Segmentation determines the processing, management and support pathways of each individual case, thereby determining:

- the speed at which a person's asylum claim is processed;
- when they will have their initial interview;
- whether they will be assisted to access legal advice;
- the type of accommodation that a person is required to occupy (for example, highly supervised accommodation blocks, flats close to reporting centres or remote accommodation);
- how and when a person is required to report to the Immigration Service, that is, whether this will be by voice recognition or

weekly or daily attendance in person. Increasingly this may also include 'tagging' – the compulsory wearing of an electronic monitoring device on the ankle. Compliance with these requirements will be a condition of continuing NASS support.

The segments are :-

1. Third country (definition—people whom the Home Office believes have or could have applied for asylum in a third country and are therefore deemed ineligible for asylum in the UK)
2. Children, accompanied and unaccompanied.
3. Potential non-suspensive appeal - NSA. (people from the designated fifteen safe countries to which applicants are returned before an appeal has been heard in the UK)
4. Late and opportunistic, low barriers to removal,
5. Late and opportunistic, high barriers to removal,
6. High priority, low barriers to removal,
7. High priority high barriers to removal,
8. Standard priority, low barriers to removal,
9. Standard priority high barriers to removal.

Not all the segments have yet been defined.

b. Fast tracking

The NAM uses a fast track procedure that has been previously piloted in Harmondsworth detention centre and the North West Pilot 3. The assessment process is accelerated by removing the statement of evidence form (SEF) process and by reducing the time between the

initial interview and the initial decision from two months to two weeks. The NAM fast track process started in May 2005 in Yarl's Wood detention centre and in June 2005 for other non-detained asylum seekers.

c. Case ownership

The NAM introduces a single case owner model. The case owner is responsible for an asylum seeker throughout the process – from application to the granting of status or removal. Under the current system, asylum decisions are made by executive officers. Under the NAM, case owners will be 'higher executive officers' (H.E.O.s), whose roles and responsibilities will include:

- Producing case management plans for each claimant to ensure that their case is processed within the stipulated time scales.
- Moving cases from one segment to another if they have been inappropriately allocated (this process remains unclear).
- Making case decisions, handling appeals, ensuring appropriate support and reporting arrangements, arrangements re: documentation and handling removals casework.

Asylum seekers will increasingly receive the decision on their claim in person when reporting to their case owner. Detention will be possible at the final decision stage if the decision is for the person to be removed.

Casework teams will be established in the seven major dispersal cities: Birmingham, Glasgow, Leeds, Liverpool, London, Manchester and Newcastle.

Unofficial systems

As well as the official systems which asylum seekers pass through, there are also the unofficial systems of hostility both from members of the public and from the media. Both official and unofficial systems are very unwelcoming and often unsafe. Bureaucratic errors are common

and there is lots of uncertainty about what to do when. There is fear of being detained at any time, there is worry about family and friends left behind and there is a new language and new customs to learn here.

Hate Crime and Asylum Seekers in Coventry

Between September 2004 and March 2005 I led a research project on hate crime in Coventry. This was in collaboration with the Community Safety Team and specifically Alison Quigley, the Hate Crime Reduction Officer for Coventry City Council.

The work focussed on a number of groups of people who experience hate crime, including asylum seekers. Five asylum seekers were interviewed for the project. All were Kurdish men between the ages of 19 and 32.

The most striking point about the experience of the asylum seekers compared to the other groups interviewed was the level of physical violence that they had encountered. All five had been physically attacked in the street, totally unprovoked, and four of the five were very serious assaults.

The most serious involved a man being hit by a brick on the back of his head. He said: "When I woke up I found myself in the hospital. I was in a coma for three days, also I had a major head operation and I was kept

in hospital for four weeks."

Another man was attacked with a hammer and a spanner which broke his arm and head and cracked a bone in his leg. It took him 7 months to (physically) recover from this incident.

Another attack involved a group of people on two asylum seekers. They had been for a drink in a pub and the group had come out of the pub to attack them. It included one woman and two people from a passing car who joined in.

These horrendous attacks are not at all untypical of the experiences of asylum seekers on the streets. Perhaps the most important aspect of this is how it makes the asylum seekers feel about themselves and their situation. They all felt unsafe going out. These are a number of things that the men said:

"I felt that there is no difference here with where I am from."

"I felt lonely and shame because I had not had any problem with anyone in my life. I always respect people. I have been living in the UK for five years and I had no other problem."

However, one man made a very interesting comment: "I think people who assaulted me are uneducated and impatient people."

The nature and extent of the violence that asylum seekers experience should be a greater cause of concern for all of the criminal justice agencies than it currently is. I was shocked by the stories that the five men told us. Totally unprovoked attacks, the result of simply being present in a particular place, had led to extreme violence, injury and, no doubt, psychological damage. Who knows how long-lasting and severe the latter could be?

Paul Allender, Research Fellow, Centre for Social Justice, Coventry University and Night Shelter Volunteer.

Iraq
2005 asylum applications 1,840
refusal rate 91%
refused on appeal 91%

Personal Experiences from Ali from Somalia

"The Home Office states that, for one to qualify as a refugee, one has to have a fear for their lives from their home country or country of origin, or being discriminated against based on tribe, ethnicity, or religious beliefs, political opinions and such stuff.

So one moves from home country to a safer environment to live a safer life without fear but this is not always the case. For most who do not qualify as refugees or are denied leave to remain most of their worst nightmares begin there.

As an asylum seeker you are wholly dependent on the system's support but, once you fail your case, everything disappears. No more housing from the government, no support whatsoever and this leads to stress and depression and suicidal thoughts.

With nowhere to stay or call home, not being allowed to work and support yourself, the only thing left is to roam the streets and that's when one becomes vulnerable. I, for a couple of times, have been a victim of assault (violent), been beaten up for no fault of my own.

There are people who act out their anger on foreigners just because they think we are the reason why they don't get everything they think the state should provide them with.

We are accused of taking over all housing, (supposedly belonging to them) or so they say. We are the reason why they don't get crisis loans. We are the reason the NHS does not meet all the demands. Whenever anything goes wrong in this country, it's blamed on the asylum seeker.

The problem here is (I speak from experience) that most of us who are blamed for all this happenings do not receive any help whatsoever from the government but we have to live with it. For the fact that one cannot go back to the home country, that's like signing one's own death warrant. We rely on handouts and charity organisations where available. It's not always available and one has to put up with hunger for days. Being homeless, you roam the streets by day and sometimes by night sleeping in the parks. You'll be lucky if you wake up with your shoes on or wallet. It's better not to carry anything with you.

Swear words and insults are an order of the day. Discrimination is there, all one has to do is speak and

your accent tells it all (an asylum seeker). I got head butted in a newspaper agents shop just because I told someone not to swear as he had called me a f...asylum seeker. I had never seen the guy before but he took it out on me. Another time I received a broken nose after someone took out his frustrations on me. I still do not understand why. I spent the night in hospital.

Most of the times we are branded as economic migrants. I wonder what that means. For myself I sleep most of the times in the park. Sometimes it's raining but what choice do I have? It gets worse when its winter. Whether during the day or night, one has to stay out in the freezing cold and just wish for a cup of tea.

Hope runs out and desperation, destitution, distress are all that is left. That's life for an asylum seeker. I wonder why it is that two people are from the same country, same area, yet the Home Office finds it necessary to allow one leave to remain and deny the other. It makes no sense to me.

I've also had the misfortune of witnessing someone being attacked with a kitchen knife, in which case I believe is due to people being stressed up and hopeless. Now the same police would want me to give evidence. I can only wonder whether I am supposed to

have any sense of duty left in me, in any case I am not recognised as a dutiful citizen".

Somalia

2005 asylum applications 1.860

refusal rate 51%

refused on appeal 54%

Access to legal help

Access to legal help has been drastically reduced. Whereas, a few years ago, solicitors would be able to claim £1,000 in legal aid for a case and £2,500 for barrister's costs, if it needed a barrister, the amounts are now £262.75 (i.e. five hours) and £1600 plus £250 disbursements which covers things like interpreter's costs and medical reports. Thus, it is very difficult to put a case together properly and many solicitors have stopped doing immigration work. The New Asylum Model also reduces legal support through the fast track system.

The reduction in legal support has a big impact on how clearly an asylum seeker can explain what has happened to her/him, even if s/he is not in the fast track system. For example, sometimes interpreters are not used, medical reports are not requested and expert witnesses not called. There are other consequences to the reduction in legal aid like there is less time to follow a case up with the Home Office, solicitors do not get to know their clients so well and tend to have bigger case loads and there is less chance to appeal.

It is very rare that an asylum seeker can pay to have more legal input and so it is common for them to feel as if their case has not been properly heard. It is usually difficult to prove what has happened to you and so it is very important that nothing is missed which can help in that.

There are some excellent committed solicitors to be found but they tend to be exceedingly busy and the personal costs to them are high. There are also solicitors who do not engage with their clients at a very meaningful level.

The following article demonstrates well the appalling consequences of inadequate legal support within the fast track system. The poem provides an alternative view of the importance of the relationship between client and solicitor.

Case Study written by Jerome Phelps, London Detainee Support Group.

Ali doesn't like watching the news because he finds it upsetting. However, at his temporary home in Harmondsworth Immigration Removal Centre, near Heathrow, most people end up watching a lot of television. He struggles to follow most of the English but he recognises immediately when there is something on Darfur. When the militia raided his village, his family were killed and he fled for his life. Fortunately, his cousin is a successful trader in a nearby town, who paid an agent to arrange a place for him in the hold of a ship and somehow he ended up in the UK. When he arrived, he asked a policeman for

help, as he knows nobody in Britain. He was taken to the police station and then to Harmondsworth.

Now he is just waiting to see what will happen to him. His asylum was considered under the Home Office's Fast Track scheme. Cases on Fast Track are considered in their entirety while the asylum-seeker is detained, in theory in a maximum of 38 days. Fast Track is for cases deemed to appear "straightforward". In the past the Home Office relied on a white list of allegedly safe countries in selecting asylum cases for Fast Track; now asylum-seekers from any country can be selected, including Sudan, Zimbabwe and Iran.

Ali was allocated a duty solicitor by the Home Office. After his initial interview with the Home Office caseworker, Ali's solicitor told him that his case was not sufficiently strong to justify further legal aid, so he would not be able to represent him any further. Since his solicitor never did any actual work on his case, Ali thinks of him as "my Home Office solicitor", and tried to find his own solicitor who would work for him rather than the Home Office. He phoned several other solicitors, using numbers given to him by other detainees or found in the library, but they all refused to take his case. Legal aid is normally only available to

the allocated duty solicitor, so detainees on Fast Track who do not have the means to pay for a private solicitor cannot choose who will represent them.

So Ali went to his appeal on his own, without anyone to represent him. The Home Office said that he had not proved that he was from Darfur and did not believe his story. Ali showed the adjudicator the scars on his legs and back but the adjudicator said that the scars could have come from manual labour or childhood games. His solicitor had not attempted to arrange a specialist to examine him and make a medical report; he had only been in the country for two weeks at that time, so there would not have been time in any case.

Sudan

2005 asylum applications 995

refusal rate 91%

refused on appeal 69%

Solicitor

This woman is white, and small.
She has white pips lying in a line
around her neck. They shine.
But all of her shines to me, like church walls.
Heaven-white.

Her nose is so thin she looks like the birds
on market melon stalls back home.
Her reed-legs would break
in the storms I've seen.
But here that little head on sparrow-neck
is all she needs.
She will deliver me.

God's grace steams off her skin,
like fields in heat. I close my eyes
to feel it. Her hand is white
I take it between my palms
and ask
"Be my wife?"
She's afraid. Smiles at her feet,
says "Concentrate". I stay quiet
but know God make me meet
this saint.

She wants to talk about before,
'Bout what I see in the air in front of me
when I'm walking round the streets.

"Did you fight for them?" she says.
"When I catch a lizard on the road,
to feel the lovely flick inside my hand,
I let him go." I want to show her
I don't hurt anything.
"But what did they do?
...that's not enough"
"Nothing"
She closes her eyes
slowly.

Poem by Anna Dixie

Why people are failed

In 2004 Amnesty International brought out a report called 'Get it Right', how Home Office decision making fails refugees. It looked at three areas where standards of initial decision making persistently fell short of those expected in a just system.

1. Inaccuracy of information relating to the human rights situation in countries.
2. Lack of objective consideration of issues relating to the individual credibility of asylum applicants.
3. Uninformed consideration of allegations of torture and medical evidence.

At a conference held in March 2006 'Working with change, meeting the challenge; an asylum policy and legislation update' organised by the Refugee Council and supported by the Immigration Law Practitioners' Association, barrister Amanda Weston said that (following the Amnesty report) UNHCR has seconded advisers to caseworkers in IND (Immigration Nationality Directorate) to help improve the way facts are established in interviews. In her experience thus far it hadn't made a great deal of difference to how decisions are made. Also problems are still arising because of the speed of the decision making and not just in fast tracked cases.

In terms of up to date knowledge she quoted Sri Lanka as a good example of a country where the situation was deteriorating more quickly than Immigration were acknowledging. More recently the dire situation in Sri Lanka was confirmed by the MP Kim Howells who had recently returned from a visit with other MPs. On May 25th 2006 he spoke in Parliament about "grenade attacks against civilians, extra-judicial killings, disappearances and intimidation, mob violence and violence by paramilitary groups". Yet in the first three months of 2006 there were 205 deportations to Sri Lanka and in May removals were still taking place.

In terms of allegations of torture Amanda Weston was particularly concerned about late disclosure of rape. There are many reasons why women might not feel able to reveal rape earlier yet Section 8 of the 2004 Act provides for late disclosure, giving rise to a presumption that the person isn't telling the truth.

A persistent feature of decision making has been refusal to believe what the applicants says. Sometimes this is on extraordinary grounds that what might be called a 'reasonable persecutor' would not have behaved in the way described but would have done x rather than y. This is what Amnesty call the 'negative culture' .

The UNHCR third update report on Home Office decision making issued in March 2006 on the Quality Initiative Project states in 3.3 that it found "misapprehension of key refugee and human rights law and principles remain common. Particular concerns include a lack of understanding of the concept of persecution, confusion between the Refugee Convention and the European Convention on Human Rights, continued reliance on speculative arguments, and failures to properly consider relevant evidence provided by the applicant and/or their representative prior to the initial decision".

It is very difficult to prove what has happened to you and even when there is some useful evidence,, it is often dismissed. Add to this the difficulty in getting adequate legal help – as outlined on page 50 - and it is easy to see how so many asylum seekers are failed and subsequently made destitute. This is very important. The public will often echo the Government in saying that they want to offer support to 'genuine refugees' but not to the 'bogus asylum seekers'. The assumption is that, if a person has been listened to and then rejected, then he or she must be bogus and therefore not deserving of any support. In fact the majority of people seeking asylum in this country are not given a fair hearing.

Andrea talking to Kidane

Having a conversation with Kidane wasn't easy because he couldn't use English to say what he wanted to and he sometimes got frustrated but in the end we talked for a long time. I asked Kidane to tell me some good things about Eritrea, his country, but he could only talk about problems. Eritrea has many problems, he said, Sudan and Ethiopia, many problems. I asked if maybe he could draw Eritrea. Why? He said. Because I want to know what it is like. I drew a place with mountains and underneath it a flat place with a couple of houses and a tree. I asked which place looked like Eritrea. It's like that, he said, pointing to the flat place.

Kidane began to draw a square house with shutters on the windows. Is it big or small? It's very big, he said. With lots of people? I asked. But he didn't understand. Then he took out a photo, of him and a friend in Eritrea. He was posing with his leg on a chair and his friend was standing facing slightly away from the camera. It was a photo taken by a photographer against a background of painted flowers. There was a tree between them that looked like a fig. I said, I used to have a tree like that, but my dog ate it. Kidane

thought this was hilarious. I laughed too: It was really good to hear him laugh.

We talked about whether Rwanda, where my husband comes from, is smaller than Djibouti or not and someone found us an atlas that proved Djibouti was smaller. I was really surprised. Both countries are smaller than Ireland. We spent a long time looking at Eritrea. I asked what the flag looked like and he got out an envelope with stamps on that showed me. There was a picture of a small plant on the flag. I asked what plant it was but there was no way to tell me. I asked him if Eritrean women were beautiful and he laughed again. He said there were lots of Eritrean women in Coventry. He said he loved Eritrea and he'd like to go back when it was safe.

Then Kidane told me he was a soldier, for seven years. He showed me the big scars on his right leg and rolled up the left leg of his trousers to show me a bullet that was still there, underneath the skin. I asked if I could touch it. He said yes, so I poked it with my finger. When I touched it, it made me jump and shudder. Before, I hadn't really registered it was there. He showed us the piece of paper from the hospital that says Kidane is on 'pain relief' but refuses him the surgery he needs because he hasn't got

permission to stay. It says they will only treat him in an emergency. I said maybe I should try to cut it out. That would certainly qualify him as a medical emergency. We laughed again. But it wasn't very funny.

Eritrea

2005 asylum applications 1,660

failure rate 58%

failed on appeal 56%

End Notes

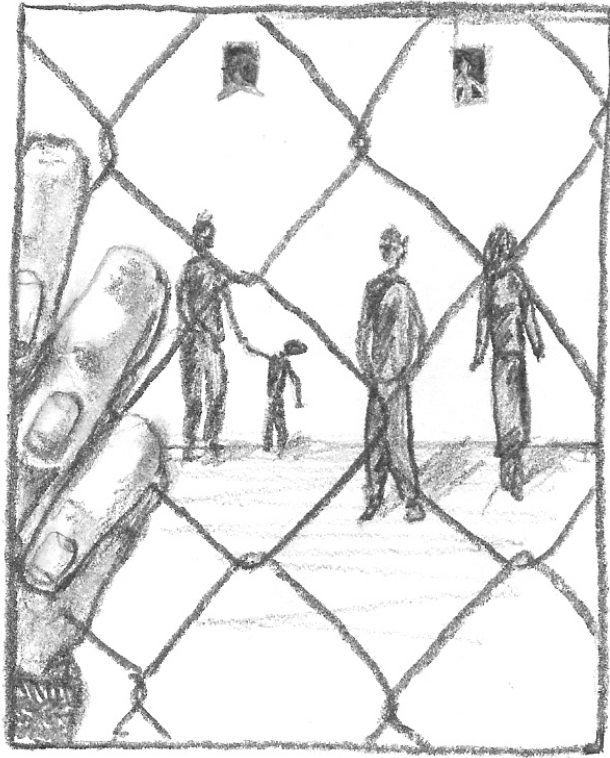
The asylum systems outlined in this chapter are simplified and do not include all situations. As the opening paragraph shows, the systems are very complex. Also the New Asylum Model is only gradually being developed.

The statistics for the number of asylum applications, refusals and refusals on appeal are from the Home Office Asylum Statistics 2005 United Kingdom www.homeoffice.gov.uk/rds. The appeals refused in 2005 will not all relate to the cases first refused in 2005. There are no statistics which track each case in that way but the figures show the trend of decisions in 2005. Now that it is much more difficult to get legal aid, especially with the fast track system, fewer people will be in a position to make an appeal at all.

Thanks to Yossef Shorehdeli and Coventry Refugee Centre for information about the current asylum system.

Chapter Four

Detention



Reasons and Numbers

It is ironic that Britain detains people who have fled here for safety and freedom. Some are detained on arrival. Some stay in detention throughout the process of their asylum claim and this will increase as the fast track system is used more under the New Asylum Model. Others are detained pending removal because they are found accidentally, for example because of a car accident (having been told to find their way back and being lost to the system), or because they have been discovered working. In the latter case they are given a prison sentence first and then often moved to a removal centre. One of the most difficult aspects for asylum seekers in detention is that they do not know how long they will be there. They have been given no sentence. Another fear they live with daily is that their detention might end with sudden removal.

Detention is a key part of the removals process, the idea being that it is easier to remove people if you know where they are. At the moment there are spaces for just over three thousand people to be detained solely under immigration detention powers. The government is aiming for four thousand detention spaces nationally. People held solely under immigration powers (i.e. not as criminals or awaiting trial as such) should not be held in criminal prisons but sometimes, on completion of a criminal sentence, they are not transferred to immigration removal centres.

The 2004 Asylum & Immigration Act also created new offences of travelling without a passport or travelling with a false passport. Prosecutions under these offences are entirely random but it means people seeking protection are charged, punished and imprisoned as criminals. It is very hard for people seeking asylum to both leave their country of origin and to enter this country in order to claim asylum and therefore nearly all of them travel with either a false passport or no passport. People can also be detained throughout their asylum claim under the "Super-fast track" system which operates in Harmondsworth and Yarl's Wood. People can be detained for a very long time in the "super fast-track" system. Several reports by Her

Majesty's Chief Inspector of Prisons have criticised the conditions in Immigration Removal Centres. Reports have been particularly critical of the detention of children.

Information About Detention Centres

Colnbrook Immigration Removal Centre is adjacent to Harmondsworth Detention Centre and Heathrow Airport, London. It opened in August 2004. It is the first purpose built Immigration Removal Centre to mirror prison conditions for detainees. The design of the centre is modelled on a high security, Category B criminal prison with wings running into a central area. Each cell is designed to hold two detainees. There is a toilet built into the cell which is only half partitioned and does not have a door, not affording detainees proper privacy. The capacity is believed to be 326 persons.

Campsfield House in Kidlington near Oxford holds approximately 200 male immigration detainees. It was opened in November 1993.

Dover Removals Centre opened in May 2002; a Napoleonic Fortress, it was converted from its former use as a Young Offenders Institute. Its capacity is 316. It is managed by the Prison Service, owned by the Government. The Home Office has announced (June 2004) that they will transfer management to the Immigration and Nationality Directorate (I.N.D.).

UKDS Detention Centre Harmondsworth near Heathrow Airport in London opened in September 2001 and holds up to 550 men, women and children. It is run by UK Detention Services (Sodexo) and functions as a detention and removal centre. It is immediately next door to Colnbrook Detention Centre.

Lindholme Detention Centre is a wing of HMP Lindholme, near Doncaster, South Yorkshire, run by the Prison Service. It holds up to 112 men aged 21 and over. A prison inspector's report in April 2003

revealed that staff routinely imposed random strip-searches after visits. Detainees are also strip-searched on admission to the detention centre as a matter of routine, without any reason given. Staff at this former prison treat detainees as offenders, rather than recognising that they have not been convicted of any crime. There is a prison atmosphere, with detainees being made to wear prison clothes. Their own money is withheld from them and channelled into prison-like "incentive schemes". The report describes poor food, heating and healthcare, and intimidation and hostility. Detainees there do not feel safe.

Oakington Immigration Reception Centre in Longstanton, Cambridgeshire holds 400 men, women and children. It is a "fast track" reception centre which detains asylum seekers for 7-10 days for initial assessment of cases (essentially automatic refusal) before moving them on to further detention or dispersal. It was opened in March 2000 and is run by Group4, now operating as Global Solutions Limited - owned by Engelfield Capital and Electra Partners Europe.

Tinsley House was the first UK purpose-built detention centre. It was opened in 1996. It has a capacity to hold 135 people at any one time and around 11,000 detainees currently go through the centre each year. In 2001, it became the first centre to hold families. It is managed by Group4. Tinsley House is known as one of the less harsh regimes but people are kept there for decreasing periods so they cannot develop a relationship with visitors or find a decent solicitor to take their case.

Yarl's Wood Immigration Detention Centre at Clapham near Bedford was built to hold up to 900 detainees, making it the largest immigration detention centre in Europe when it opened on 19th November 2001.

Dungavel Immigration Removal/Detention Centre is in Strathaven, South Lanarkshire, Scotland. More than 200 children, families, women and men are held at any one time in Dungavel since it opened in September 2001.

Haslar Immigration Removal Centre is unusual in being in prison buildings, operated by the Prison Service, wholly occupied by asylum seekers and immigration detainees. Despite its name, many of the men in Haslar are still fighting in the courts for permission to stay in this country and some will not be removed. All the detainees are male. Haslar is an Immigration Removal Centre run under Detention Centre rules (2001) on behalf of the Immigration Service. There is dormitory accommodation for 163 as of 27th February 2004.

Conditions in detention centres vary across the country. Frequently detainees are moved from one detention centre to another. As at December 31st 2005 the Home Office recorded 1,450 detainees (1,247 male) who had claimed asylum at some stage, 30 of whom were minors. The nations accounting for the highest number were Turkey (155), Nigeria (120), Pakistan (115) and Afghanistan (115).

Interview with Mamadou 29 yrs old - from Ivory Coast who was fast tracked.

I left my country because of the problems there. I am Malinke and the Government doesn't accept Malinke. On October 19th 2000 during the elections they killed 79 Malinke. They would not give me any ID and without ID you cannot go anywhere in Cote D'Ivoire. I was frightened all the while. One day the police beat me up because they said I shouldn't have a driving licence because I was Malinke. They put me in the police station with my hands all cut and bleeding.

Luckily the Red Cross visited the police station and got me to hospital. I managed to escape from Cote D'Ivoire.

When I arrived at Heathrow, Immigration put me in Harmondsworth Detention Centre because they said I should have claimed asylum in Portugal where I changed planes. They also said that Malinke does not exist in the Ivory Coast. I was in detention for six and a half months. They put me in detention on the 19th September 2005 and released me on the 4th April 2006 to come to Coventry.

The main problem in the detention centre is that people are there and they have no sentence - they don't know how long they will be there. They are staying in detention for a long time: five months, seven months, one year. They are not criminals, there are no fight problems - the problem is immigration.

The food is OK in Harmondsworth but it's the same food every day. Different people stay at Harmondsworth, African people, Asian people and there is different sorts of food for them but it's the same food every day - there is no change. Food isn't the main problem. The main problem is the problems you have in your head - problems in your country,

problems with immigration.

Twice they took me to Tinsley House, near Gatwick Airport, as they were going to send me back but the first time they changed their mind at the last minute and the second time they missed the flight. Then they took me to the embassy to get a travel document but the embassy wouldn't give me one because they don't recognise Malimke.

I was also taken to Dover Detention Centre. In Dover you have 2 people in one small room and a toilet with no door in the room too. In detention it was very difficult to sleep at night. People with problems don't sleep at night. Immigration said I should return voluntarily but my country doesn't accept my nationality of Malimke and neither does Immigration here. If my problem in my country was finished I would be happy to return. Eventually I was given bail.

Ivory Coast

2005 asylum applications 205

refusal rate 85%

refused on appeal 86%

Children in Detention

The UNCRC (United Nations Convention on the Rights of the Child) states that *“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”* Article 37 (b).

Save the Children are leading a campaign entitled No Place for a Child The following information comes from their website: www.noplaceforachild.org

Why Detention is Wrong

- Children can be held for long periods of time. One child was held for 268 days.
- Children feel that they are being punished and do not understand why. Many are left traumatised by the experience with a negative impact on their health, well-being and education.
- Detention can be particularly traumatic for families who have already fled from conflict and torture in their own country to seek safety in the UK.
- The UK government's use of detention for children and families is in contravention of international human rights standards.

The **No Place for a Child** coalition demands that the UK government:

1. ends the detention of these vulnerable children and babies.
2. trials more viable alternatives to detention, examples of which can be found in other countries.

There are three centres in Britain where children are detained. The set up is the same as prisons; detainees being kept in locked rooms with strict daily routine and meal times. Children do not have toys in their rooms. The children feel they are being punished and don't know why, often leaving them distressed and traumatised. The Children's Commissioner, Professor Aynsley Green, upon an inspection visit to Yarl's Wood detention centre, met a family who had been detained on the way to taking their children to school. The children were not able to say goodbye to class mates and did not know whether the school had been informed. Many of the children the Professor met on the visit described themselves as English, having been in the country as long as they could remember, further questioning the need for detention of these families.

There is currently no statutory time limit on the length of time that anyone, including children, can be detained under immigration powers. Her Majesty's Chief Inspector of Prisons has recommended that the detention of children should be an exceptional measure and for very short periods – no more than a matter of days. However, current UK policy and practice means that children can and do remain in detention for lengthy periods.

Why are children and their families detained when they have committed no crime?

Children can be detained with their parents at any time during the asylum process. Research indicates that in practice children and their families are detained when they have complied with immigration conditions and there is no reason to believe they would not continue to do so. Research has also found that detention is used when removal is not imminent and in some cases even before a claim for asylum has finally been decided. Such instances can mean long periods in detention while obstacles to removal from the UK are resolved or while the asylum application is being decided.

Alternatives to Detention

From a pilot in the USA, asylum seekers were paired with a case worker rather than detained. In return for legal and social advice and help, the individual reports in person to their case worker at set times. The case worker is able to ensure compliance to immigration law and it was found that the majority want to comply. Intensive supervision is not needed for compliance and costs 55% less than detention.

The government does not publish comprehensive statistics on child detainees. The European High Commissioner on Human Rights has recently raised his concern about the lack of statistics on the detention of children and stated:

“There is a clear duty to ensure the utmost transparency on an issue of such importance – snap-shot statistics on any one day cannot be said to give a detailed picture of the true extent of the detention of children. If the detention of children really is as exceptional as the Government claims, and subject, moreover, to special scrutiny, then it cannot be either time-consuming or costly to make detailed statistics publicly available.”

Statelessness

As with Mamadou, mentioned previously, it is often very difficult to send people back even when they are in detention. Although sometimes the Government will put people on a plane without papers for where they are going, they usually try to get entry papers first. This can be very difficult for the following reasons:-

- a. because of war there may be no government structure for issuing entry papers e.g. Somalia
- b. the asylum seeker may not have papers to prove where they are

from so the country won't accept them

- c. the country doesn't want them back because they are asylum seekers and therefore potentially troublesome.

At the time of writing, the countries which the Government are finding it difficult to return people to are Somalia, Liberia, Sierra Leone, Mauritania, Sudan, Iraq, Bhutan, Palestine and China. Neither are they currently returning people to Ethiopia, Eritrea, or Iran . This is based on the experience of workers in the field as the Government do not produce such lists

The 1951 Convention on the Status of Refugees says that, if a person is stateless, s/he should be afforded international protection. In practice the Home Office rarely recognise that someone is stateless and will keep stating they will obtain a travel document enabling return. If a person stays in the UK for 14 years without being granted leave to remain, that person can apply under the long residence concession for leave to remain, although even that is difficult.

A Solicitor Writes

"The Home Office are very reluctant to agree that someone is stateless. I currently have three clients who are in this position. Sometimes the Immigration Judge decides someone is not from the country they say they are from and then the removal directions need to be changed but the Home Office can't decide where else to remove the person to. In two other cases, the clients were removed to the countries involved but the countries refused to accept them, so they were brought back here. What then happens is that the Home Office do nothing - and frequently the person has no support and the case remains stuck for ages. In one case, I have asked the MP to raise the matter with the Parliamentary Ombudsman on the grounds that the client is in an impossible position and the Home Office need to sort it out."

For those not in detention, it is possible, as discussed in Chapter 3, to sign up for hard-case support by applying through IOM to return. For those from the countries above, the chances of return are very slim but nevertheless most people are too frightened of that small chance of return to sign up for the support they need. With countries such as Iran and Iraq, the decision is more likely in the hands of the British Government rather than the country's Government. This can therefore change overnight. The result is destitution.

STATELESS

where do I go from here
where do I go from here ask
when all hope is lost
where do I go from here
when the centre can no longer be held
where do I go from here

when life is not as you plan it
where do I go from here
from frying pan to fire
where do I go from here
reaching a point of no return
and nowhere to go
where do I go from here

I see water, water, everywhere
but there is no water to drink
where do I go from here
can anybody hear my cry for help
can anybody feel the way I am now
can anybody reach out for the homeless child
where do I turn? I could in prayer yell
where do I go from here.

David is from Liberia and was detained. He is now released on bail to a night shelter. He has no income.

Interview with Marcus

I've got a conviction for deception because I was caught working. I was convicted for 92 days on 18th April 2003. 45 days I was in Winchester prison. When I finished my sentence I was taken to Harmondsworth Detention Centre and after my asylum was refused I was taken to Abidjan (Ivory Coast). They brought me back and took me to the Nigerian High Commission. They rejected me. I was transferred to Haslar in November 2003. Jan 14th The Ivory Coast High Commission - they rejected me- back to detention - Nigerian embassy - second rejection, February 2005 Nigerian third rejection. I have dual nationality. March 26th 2005 I was released on bail.

How can you feed yourself if you're not working. You end up asking money left and right and, when it comes to that, that's when you get in touch with bad things - because people can see you are vulnerable - you will do anything to get money. I want to work legally but I can't so I have to work illegally , that is the only option to feed myself.

When you are born to be hard working, wherever you are you keep doing it. As long as you're fit and healthy, you struggle continuously. In Haslar I used to run a

class of IT for beginners. Haslar said they would offer me a job. I am still in contact with them. I saw many people attempting suicide in detention - some people trying to starve themselves to death out of depression.

Nigeria
2005 asylum applications 870
refusal rate 92%
refusals on appeal 90%

Deportation

The Government's attempts to deport people even when they are unable to get a travel document for that person often fail. The Government also has a duty not to send people to countries where they know they might be tortured if returned. To address these obstacles to deportation the Government have been negotiating agreements with countries that they will accept people and won't torture them. The agreements are called Memorandums of Understanding or MoUs. In their report UK Human Rights - 'A Broken Promise' published in February 2006 Amnesty International write:

"The UK government is aware that it has a legal obligation not to send people to countries where they risk torture or other ill-treatment. It is also aware that the countries to which it wishes to deport individuals have well-documented records of unfair trials and of using torture or other ill-treatment against those in custody, records which the UK government itself has previously publicly criticised. It has therefore sought or is seeking to negotiate MoUs with the view of relying on these bilateral promises to circumvent its *non-refoulement* obligations.

The government's view is contrary to that of the international community and human rights experts. Among others, the UN General Assembly has made clear that such "diplomatic assurances do not release states from their obligations under international human rights, humanitarian and refugee law." Amnesty International considers that only when an independent, impartial and competent court is convinced, based on reliable evidence, of the absence of a real risk of torture or other ill-treatment or other serious human rights abuse in the receiving state, may a person be sent there against his or her will."

As of mid-February 2006, the UK government had signed MoUs with Jordan, Libya and Lebanon. The UK authorities are also currently in the process of negotiating MoUs with other North African and Middle Eastern countries, including Algeria and Egypt.

Comment by Rosie, worker in the field

DETENTION DESTITUTION DETENTION
DEPORTATION

In the days before David Blunkett fell from grace he committed the government to the removal of thirty thousand asylum seekers a year. Then Tony Blair committed the government to another random target of reducing the number of people asking for asylum (this became known as getting the asylum figures down.) The getting the asylum figures down and the random returning of thirty thousand people could not easily be achieved while civil unrest, religious intolerance and repression of human rights raged around the globe and forced people to seek safety elsewhere.

Because it was an unachievable and cynical thing to want to do in the first place and because it could not easily be done, it had to be done irrationally and brutally. To this end some people in government came up with a very unpleasant plan to build more detention centres to keep people locked up in and then announced that, if people weren't locked up, they would starve them and kick them out on to the streets, the alleyways, the park benches, the doorways, the

gutters and all the other places that don't have either the four walls or the roof normally requisite in fulfilling a person's fundamental right to shelter.

That obviously wasn't quite harsh enough, so a new law was introduced. This one enabled a local authority to take a child away from his or her parents so that the government should not be prevented from its very vital work of ensuring that the parents could be denied international protection & then made homeless and very hungry before being forcibly ejected from the UK.

The idea was that people should contact everyone they knew in their home country and tell them that it's really horrible in the UK so it's probably better to stay at home and put up with the threats of persecution, imprisonment and/or torture. Because people had been denied any access to money (and therefore couldn't buy phone cards), this message could not be readily transmitted by phone contact with friends and family back home. The message would have to be conveyed by means of people arriving in the home country on an enforced flight from the UK physically shattered, mentally exhausted, emotionally damaged and altogether thoroughly sick, still fearing persecution, imprisonment or death.

The message could also get conveyed when people were killed shortly after returning to the home country or when they committed suicide in hopeless, desperate moments and never made it back home at all.

I work with a charity trying to get people out of immigration detention centres on bail. We're finding it's quite difficult getting people out on bail when they're not allowed to have a home to go to.

Chapter Five

Destitution



In Chapter 3 we explained that the causes of destitution for asylum seekers lie mainly with having their asylum claim refused. We looked at the causes of refusal and established how hard it is for asylum seekers to prove who they are and what has happened to them particularly now that the legal help they get with this is so limited. We also looked at how The Home Office has insufficient knowledge about the countries asylum seekers come from and insufficient understanding of how people cope with torture and fear to make well informed decisions. Thus the high refusal rate of 83% is based more on Government policy than on the validity of need.

Destitution is also caused by bureaucratic error and difficulties in communication with the Home Office which result in long delays in people accessing the help to which they are entitled such as hard case support.

This chapter will explore the effects of these policies, procedures and prejudices on the lives of those who have sought asylum.

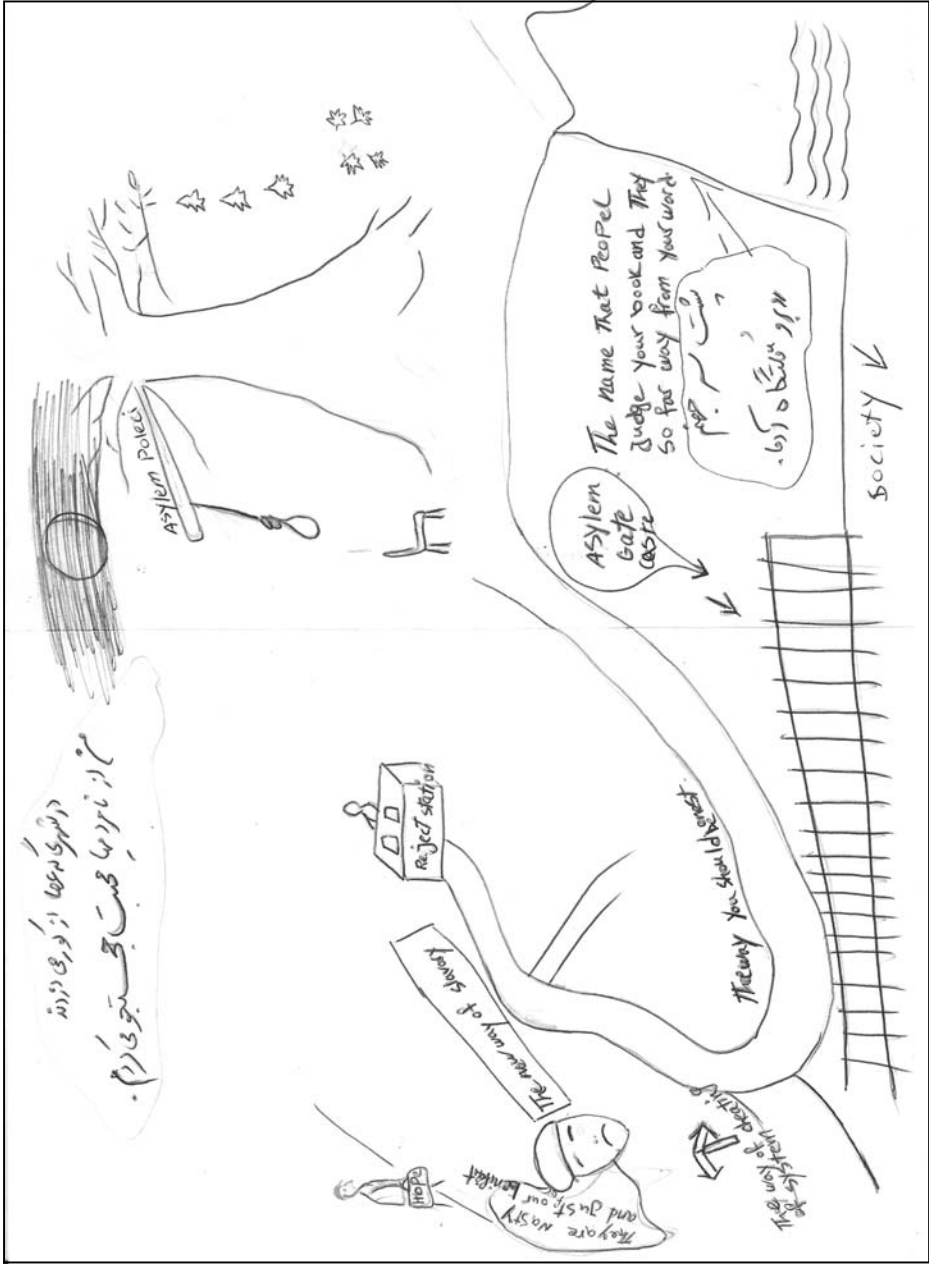
Surviving as a Destitute Asylum Seeker

Destitute asylum seekers are not entitled to work or to claim any benefits. Asylum seekers are very resourceful people. If they were not resourceful they would not have been able to take the risk of seeking asylum in a country far from home. Because of this most manage to survive in the hostile environment of Britain even when they have no income and no home. As we explained in Chapter 1, they survive by supporting each other and by working illegally. However it is very hard and not all do survive. On top of the rejection by the British Government with all the practical implications that entails, they also face daily hostility from the host population and fear for those they have had to leave behind in their country. Their resourcefulness can act as a mask for despair. The work available to destitute asylum seekers is either work in the informal economy – i.e. not notified to anyone, or in the formal economy using false documents to gain entry. Work in both sectors has become harder for asylum seekers

because of the increased competition from members of the new A8 accession states to the EU. Those in the informal economy are open to exploitation and earn far below the minimum wage - £2 an hour is common and there is no guarantee that you will receive anything at all because you are unable to challenge non-payment. Health and safety considerations are frequently ignored as the cockle pickers in Morecombe Bay tragically discovered. Because penalties for employing asylum seekers are high, many employers will now favour people from European countries even when those looking for work have appropriate papers – false or genuine (this has implications for those who have been granted asylum and are able to legally work). If the destitute asylum seeker is able to pay for false documents and is able to find work, they then risk discovery and certain imprisonment. It is worth noting that most asylum seekers would rather risk imprisonment by working (and paying taxes) than by committing what they would see as real crime such as theft. Begging is also very rare.

Allowing asylum seekers the right to work would boost the economy. It would reduce the amount spent on support for those who are currently supported by NASS and increase the tax and national insurance revenue. On minimum wage for a 40 hour week each person would contribute £2,236 per year in tax and national insurance and nationally there are a lot of vacancies for this low paid work. (An enforced removal of a failed asylum seeker costs £11,000 on average.) Being able to work would certainly reduce the hazards of destitution – overcrowding, poor health and nutrition, unsafe working practices, depression and despair.

B.A., a destitute asylum seeker from Iran, has drawn this picture showing the way an asylum seeker must walk. S/he arrives with hope and is greeted with hostility from people saying "They are nasty and just (come for) our benefits". The person in the picture represents the public who have no eyes and no ears. One road leads to the reject station of the Home Office where the decision is already made before you get there. The other road passes the asylum gate which you can't go through because the gate keepers don't understand you. The 'caste' refers to the lack of equality in British society - asylum seekers are 'untouchables' - B.A. said "We are untouchables in our country, we didn't expect it here". There is another road, that of cheating the system (work illegally/lie about what happened to you), or there is the noose. The cliff edge in the bottom right of the picture represents the difficult past and the impossible future. The title translates as: "In a city where people will steal the white stick from a blind man, what hope have I of receiving kindness?"



B.A. also describes the rejection he feels in this country:

"Why is it that you can be talking to someone and then, when they find out you are an asylum seeker, they look away and don't want to carry on talking to you. What should I do? Should I pretend I am not an asylum seeker? Why are people like that? Sometimes you have known someone for a while and they like you and think you are good but then, if they find out you are an asylum seeker, they don't want to know you any more. If these people who think this way were in our situation in another country, they wouldn't survive, they wouldn't learn the language. I bring a lot of skill and experience which I want to develop and share with the people here but they push me away"

Iran

2005 asylum applications 3,315

refusal rate 86%

refused on appeal 81%

Signing

Most failed asylum seekers have to sign at an Immigration Centre every week. If you live in Coventry, you have to sign in Solihull. It is an hour away on the bus and it costs £3 to get there. Even though you haven't got any money, the real cost is the anxiety it provokes. Every time you sign, you face the risk of arrest. Many people give up signing. Some people have to sign twice a week, some once a month.

"At the beginning of the month I know in ten days time I have to sign. I am under too much stress, nervous and fear. I worry maybe they catch me and send me back. My life will be in trouble in Iran. If I don't go and sign, they'll come to my home. Everywhere is camera. They'll catch me and arrest me and send me back. If some-one is arrested when they go to sign, everyone finds out and people are even more frightened and lots of people don't go next time. We all the time ask each other if there was any problem when they went to sign" F.G.

Signing after detention

"At the beginning you might not be feeling any pressure as you've just been released. As time goes on you start getting worried. You are thinking they might be planning to detain you or to deport you. One guy, we used to be in Haslar, then he was released and he was signing and then he was detained again. I don't know where he is. Another guy was detained for almost 2 years as well but he was released and then detained again and sent back to the Congo. There is a lot of uncertainty about signing...you don't know what you are going to get there...one person was told that she should see her solicitor as her problem had been resolved...that is only one occasion . In Haslar some people were released and then arrested then released twice." L.J.

Under the New Asylum Model people have to go to Immigration Centres to get the results of their appeal. If they are refused they may be detained. Many people will not take that risk and not find out the result.

Women and Destitution

Women who are destitute find it much more difficult to get paid work and often end up in abusive relationships in order to survive.

The following is a sketch of life for destitute women in a Midlands City where there are an estimated 8,000 asylum seekers and refugees and 1,000 destitute asylum seekers. It comes from an interview with a doctor there who sees a lot of them in her surgery.

"The destitute women here are mainly aged 18 - 40 and on their own. Most of them are African. A lot of them have been raped in their home country but, although this is used as a tool of oppression and war, it is not recognised as grounds for acceptance as a refugee. They cannot return.

A few manage to find paid work but they need stable accommodation for that, such as being able to reliably stay with a friend, and they need fairly fluent English and they need to be clever and persistent. The barriers to those who try to work are: their status, their language, knowledge of the systems, and the fact that EU workers are preferred so being African rules you out.

Many destitute women want to have babies. A baby provides someone to love and it also brings them extra care both from professionals and friends.

It is also less likely that they will be sent back which is very important as the fear of being returned is immense. Their hardship will also be lessened when the baby is born as Social Services will offer accommodation - usually bed and breakfast - and a small amount of money for the baby. There is no support from Social Services for women during pregnancy however.

A few manage to have acceptable relationships within the traditional African systems of protection. As an extra mistress they may have a baby and feel like part of a stable family. They may be picked up in the streets but it may end up being OK

Others get into relationships which aren't so stable and protective - but are abusive and exploitative. They are ashamed and depressed but don't feel they can tell - they have to try to hang on to their self respect. Often they are young - in their 20s - and sometimes they get handed from one man to another.

Then there are people who get into prostitution - usually older women. Some choose this and stay in control and pick their clients and will sometimes stay with them for several weeks. Others are less confident and don't know where to go to be safe. They don't have the confidence to ask for condoms to be used and HIV is spreading.

There may well be some prostitution rings among some of the refugee communities but I don't know of any."

Several women who have used the Night Shelter have been pregnant. In the latter stages of pregnancy attempts have been made to house them with people with a spare room so they can at least rest and eat when they need to. Talking with some women who have passed through the shelter and now have their babies and come back to visit, they said the following:

"Life is very hard, emotionally, physically and mentally. You are hungry and when you want to eat you can't get food. Sometimes your legs are swollen because you are pregnant but you still have to walk around and sometimes you feel like sleeping and you just can't sleep. You feel weak and very tired. Sometimes you feel back pain and you feel dizzy.

You are afraid, you are scared about what is going to happen to you. And when the baby comes you still feel scared. It's only now, seven months on from the birth, that I feel more relaxed and feel I can talk about it openly".

Despite the lack of support from the Government or Social Services, many members of the public and groups like the Mothers Union are very supportive when they know the situation for destitute pregnant women and mothers with babies. They provide baby clothes and vouchers and sometimes cash which can be used for such useful items as bus passes.

When asylum seekers are refused and destitute, they try to get their case better understood. Elisa writes from the heart about the frustrations she experiences with agencies who aren't giving her the help she needs. She was pregnant when she wrote this but hadn't told anyone.

Refugee Charities

The leadership of the Refugee Charity is the same as the Nothing charity because they don't help us. After giving us hope, they give us fear. You can explain to them your problems - instead of helping they say the Home Office does not accept your problem. How can they say this when they have not tried? They take the responsibility for breaking your heart. When you come out of there, you are already more mixed up and you could take a sudden decision. To tell the truth we are not happy with this matter.

Solicitors

We request that solicitors who take our cases to try to be with us. A solicitor has a great opportunity to cheer a person up. You can have something which is worrying your heart, you want to speak to your solicitor, but you can't get her. Every day she is busy and she doesn't want to talk to you. Now, how will you know about your case? The days go by, the years pass, and you don't know what is going on. We request, we beg the solicitors to meet with us for conversation and to listen to our problems which saw at our hearts. You are needed by your client - listen to her problems and arrange what we can do, to understand her case. Do this! Not to make a phone call and say "Your case is closed". You ought to call me, so that we can talk, and so that you can explain why it is closed and so that I can understand and to tell me what I should do next. But you will find they don't want to talk to us .

Home Office

Question! Home Office, do you help refugees or torment them? The person you drive away from a house and take away her support, where do you think she will go or what will she do? How will she live

without food or money? Refugees come here to ask for help but they get big problems. I ask, is this right what you are doing? I am hungry, I have not eaten for three days. I have no support nor accommodation.

Burundi

2005 asylum applications 140

refusal rate 68%

Access to Health and Education

Although it is difficult to generalise across all Authorities, there does seem to be a common discrepancy between policy and practice in the field of health care. The causes of this discrepancy change over time but currently the Government has reduced the services available to destitute asylum seekers but, because of public health concern and because of the caring nature of most health care professionals, they often receive what they need in the same way as other members of the public. However, there are some services which they are unable to access, such as mental health day care. It often becomes more complex when Social Services are involved as they are more rigid in interpretation of the law.

From 1st April 2004 the National Health Service (Charges to Overseas Visitors) Regulations 1989 (Statutory Instrument No. 306) was amended whereby those “at the end the asylum process will have to pay for non-urgent hospital care”. This change affected asylum seekers whose applications have been rejected and have exhausted all rights of appeal.

A number of services are exempt from payment, for example, diagnosis and treatment of certain diseases such as TB and polio which are considered a threat to the general public. (Treatment of HIV/AIDS, however, is limited to diagnosis and treatment through counselling). Emergency healthcare is free.

To receive free prescriptions and access to dentists and opticians, they need a current HC2 certificate and this can be problematic, particularly if they have no reliable address or think they are not entitled and so don't apply or are worried about giving any address. Many doctors will not accept asylum seekers as patients without this form and anyway have the right to choose whether they take them or not. Because of their life style, destitute asylum seekers are less likely to present at an early stage of ill health.

Education too has become more difficult to access. Higher education has always been out of reach to asylum seekers as has access to the access fund which enables poorer students in colleges of further education to get support with travel, books and other course requirements. However ESOL – English for Speakers of Other Languages - and many computer courses have generally been freely available for all. Because so much of the funding for courses, especially through the Learning and Skills Council, is based on getting people in to work, those who are likely to be unable to work (ever) are now being excluded. The homeless lifestyle also makes studying very difficult, both in getting to class and in being able to concentrate well enough to learn.

Access to Shelter

There is a common misconception that, if people are in real need in our 'caring' society, there will be emergency provision of some sort for them. In the case of destitute asylum seekers this is not the case. Statutory provision is not available because the government want to give a clear message that they are not wanted here and have no right to be here. Social Services, who usually pick up need under the Children Act, the National Assistance Act and the National Health

Service Act, vary hugely in their response across the country. Under the National Assistance Act a local Authority has to provide accommodation and support to a person who is in need of care and attention. The Act does not define that. In one case it was defined as meaning "looking after". It is not limited to physical and mental health issues, although it often includes them, and can include domestic violence, street homelessness and so on. Destitute asylum seekers' rights are further limited by the effects of s.115 of the Immigration and Asylum Act 1999 and Schedule 3 of the Nationality Immigration and Asylum Act 2002 which remove the right to access community care services by persons subject to immigration control unless to do so would be a human rights breach. The courts have not been generous in interpreting this. Usually they will not help pregnant women, for example, despite there being a clear responsibility to do so under clause 21 (1) (aa) of the National Assistance Act. When Section 55 of the Immigration and Asylum Act 1999 came in to force which prevented new asylum seekers getting any support unless the claimed asylum within a few hours of entry, it was made illegal for local authorities to help. The solicitor who provided the information for this paragraph wrote "We are in a society in which the government uses starvation to achieve its social aims and the courts are slow to interfere".

The voluntary sector has also been slow to respond to destitution. The larger homeless charities cannot help because they depend on housing benefit to pay for the accommodation they offer and tend not to run old style shelters any more. In some areas charities already working with asylum seekers run drop-in day centres and/or food parcel schemes, but these are nowhere near adequate to cover need across the country and the numbers of places available for sleeping is very minimal. Faith communities, particularly churches, have traditionally offered emergency shelter in their church halls but in the current climate of health and safety, insurance and trustee responsibilities they are not prepared to take the risk. There is much concern that the voluntary sector has 'professionalised' itself to such a degree in order to get funding and meet charity commission requirements that it now offers nothing to those most in need.

In many dispersal areas accommodation is provided by a few kind people who will accommodate people (usually women) in their spare bedroom. The number helped in this way however is very small.

Jill and Phil write about their experiences of offering their spare bedroom to asylum seekers in need.

Three years ago Philip and I were concerned to read in the Evening Telegraph about the plight of asylum seekers in this country and so we offered our spare room to destitute refugees as emergency accommodation. Since then we have had an interesting time. There have been 18 refugees so far, 3 of them with children, mostly from Africa and all except 2 have been women.

The first was a woman from the Democratic Republic of Congo. As with so many African countries there has been civil war for a long time and families are caught up in it. Her husband had 'disappeared' and she never knew what happened to him. She speaks French, so we bought a French dictionary and struggled to communicate - my school French, learned nigh on 50 years ago, is rather rusty to say the least! She made friends at a French-speaking Pentecostal church and an English class. Under the Immigration Act section 55, she was not entitled to any money or accommodation nor was she allowed to work because she had not registered with the immigration

authorities as soon as reasonable. In practice this meant that, unless refugees register at the airport on arrival, they are not counted as asylum seekers and entitled to nothing. Imagine arriving in a strange country, where you don't speak the language and certainly don't know the rules. You might well be terrified of authority. It is not surprising that many, like her, fell through the net and were left destitute. She stayed with us for 2 weeks and then was rushed off to Solihull to register because the High Court had ruled section 55 to be illegal as an infringement of human rights under European Law. Instead of sending her back to Coventry they sent her to Smethwick, where there was no English class and no French speaking church where she could make friends and she became very lonely.

It is so easy to make mistakes through ignorance. Our next refugee was B... from Burundi, again a French speaker. She had been given permission to stay but nowhere to live. One evening she asked me about the photographs on the walls of my family, so I asked her about her family. Her father and brothers were all dead - gesture! We talked about her country where there is civil war between the Hutus and the Tutsis - mostly in French with the aid of signs and the French dictionary. The next morning she came down with

her bag packed and left without breakfast and unable to speak. I was very worried as she looked so upset. Later I had a phone call from the Refugee Centre; she had had terrible nightmares and just had to get out of the house. We never usually ask questions because we respect their privacy and don't want to uncover hurts they don't want to talk about but I learned then how very careful you must be.

After that we had three sisters also from Burundi and with permission to stay. Luckily we have a bed-settee so we managed to fit them all in. They were younger and more willing to talk. They came from a family of 12 children, one of them killed in the war, and their father is a pastor. Their family, like us, is always willing to take people in. One day their father drove past an old lady sitting by the side of the road. A voice inside him told him to go back to her. He turned back and picked her up and took her home. The poor lady had been turned out of her home along with the rest of the villagers. They were taken away to another place but they didn't bother to take her. She was only an old woman. Her family were all dead. She said she had heard a voice in her heart telling her to wait for someone who would come and help her.

Next we were asked to take two girls from Burundi

for two nights. They stayed for three weeks and became our friends. A flat was found for them but they had no money - they have to pay a deposit plus the first month's rent in advance - £350. They were entitled to Job Seekers Allowance, £100 a fortnight, but it did not start for two weeks. We offered that could stay here until they had saved enough money.

They had been living in Croydon and thought Coventry was lovely with all the trees and green spaces. It was October and they have never seen autumn leaves before, so we took them to Coombe Abbey. We played the game we played when we were children - if you catch a leaf before it touches the ground you will have one lucky day in the year ahead. They do not like the cold weather. I gave them each some gloves and took them to the Jesus Centre for some warm clothes. They came with so little, just one small bag each. We had a great time sorting through the cupboard and several sacks and then trying them all on when they got home.

They are both French speakers although one spoke quite good English, learned in the few months since she had been in England. One day Philip asked why they come to England, why not France where they could speak the language? Until she arrived at the

airport she had no idea what country she was coming to! As well as French they all speak Swahili and their mother tongue. Swahili is a common language throughout Africa. We often talked about Africa. Burundi is a beautiful country and always warm because it is near the equator. As we looked at the sunset from my window, they told us about the wonderful sunsets over lake Tanganyika. F... told me how they are taught as children to have nothing to do with someone simply because they come from a different tribe. The Hutus and Tutsis are spread over several countries because they were nomadic people. Now they have to share a country and there is hatred and persecution if you don't belong to the dominant tribe.

We left the girls while we went to Devon for a week's holiday. When we got back they were not there. A phone call told us that the Refugee Centre had fixed them up with a room each while they wait for a flat from

Whitefriars. Eventually F... got a job working for Barclay's Bank. After a few months she moved into a flat in a not very nice area of Willenhall where she is nervous to go out at night. But she is pleased with it and was able to buy a few bits of furniture from the Turn-around project. She is an intelligent girl and should do well.

It is not always as easy to communicate. F... came from Somalia and spoke only Somali. She is a Muslim and would eat only vegetarian food. That should have been simple as I am also vegetarian but she wouldn't trust me. The first evening I made vegetable stew but she poked it around and said it was chicken. Later I remembered I had flavoured it with chicken oxo.

After that I made sure she was in the kitchen with me and could see what was going into the food. Language was a big problem and led to serious misunderstanding. She seemed very angry and never went out as our other refugees had. We tried talking over the phone with an interpreter but it didn't help much. She insisted on calling me 'madam' and would only go out when I did. Eventually, after a few days, Philip worked out the problem. She thought she was not allowed to go out. I was madam and keeping her in against her will. Once she knew she could come and go as she pleased, she went off happily to see her friend and eventually ended up moving in, not before we were physically and mentally exhausted.

At the beginning Philip and I had decided that we wouldn't take anyone who had been refused asylum, thus staying within the law. But eventually we realised that people like her are unable to go back to their country even if they wanted to, they have been in this

country several months, they're not allowed to work, so they've got no money. So we welcome all who come to us.

Most people will eat what they are given but they miss their African food so I encourage them to make a meal for us. One woman from Zimbabwe wouldn't eat our food at all, She would rather go to her friend's and have an African meal. One day I encouraged her to cook us an African meal. She cooked some maize flour, boiled like porridge in a large pan of water into a large white pudding. In another pan she cooked beef with finely shredded spring cabbage, tomato and onion. The maize pudding was placed in large dollops on our plates and she told us to eat the African way with our fingers; you pick up a piece of the pudding and scoop up some of the meat mixture with it. We quite enjoyed it as a novelty and it brought us closer to L.... I didn't tell her I am vegetarian, as I wanted to encourage her.

In the kitchen she talked about herself. She told me about the aeroplane flight; she was on her own for the 12 hour flight, terrified of flying, afraid to look out of the window, afraid even to go to the toilet. She told us a bit about Zimbabwe. The shops are closed because there is no food to sell. They are no longer

allowing food in from abroad. Cars are standing in the streets because of the petrol shortage. I heard on the radio that President Mugabe told the UN workers to get out as there has never been a better harvest and they are not needed. This in a country where all the white farmers were thrown off their farms, along with the black African workers who farmed the land for generations. Recently one of the new farmers was interviewed and said that he couldn't afford to farm more than a tenth of the land, nor could he afford fertilizers and so had produced a small and inferior crop.

Philip asked if she had had a job in Africa. She didn't go out to work but helped her mother sell second hand clothes. She used to wash and iron them ready for sale in the market. Fuel for cooking and heating was paraffin - which if not careful made the food taste of paraffin. Mostly they cooked outside on a wood fire as wood was plentiful and cheap, sometimes they could collect it free of charge. Now it is expensive, £10 worth would last two days. Life sounds very hard out there.

E... only came for a weekend as we were going on holiday. On Sunday she sat in the kitchen and told me her story. She was married with three children.

One day some men came knocking on the door, persistently. Her husband sent her into the back room with the baby and told her to stay there. The men gave him a knife and told him he must kill his wife. When he refused they said that, if he didn't kill his wife, they would kill him. He said that they would have to kill him as he wouldn't kill his wife. So they pushed him into the house, locked the door, poured oil over the house and set fire to it. After they had gone someone rescued them from the house. E... was unconscious and woke up in hospital. Her husband was terribly burned and died a month later.

She never knew what happened to the children. She thinks they ran away and hopes they were taken in by a neighbour or the church. When she came out of Hospital, they tried to kill her again. A German took her in to live with his family and protected her for three years. Then his job in Burundi finished and they had to go back to Germany. She didn't know what to do. He helped her to get to England. A man brought her here and left her alone at the airport.

It was time for me to go to church but I couldn't leave until she had finished her story. I told her we would pray for her in church and that pleased her. I got to church later than usual. The preacher arrived soon

after. In the vestry I told her what had happened. I had to tell someone. I put E... on the prayer list and we prayed for her.

The next refugee to come was a mother with her three month old baby son. They stayed with us for a week in December. He was such a lovely baby and very good. He smiled and chuckled and talked in a baby way and hardly ever cried. It was a pleasure to have them.

I wondered, "What if they send us someone to stay over Christmas. Would we accept them?" Then I thought of a baby 2000 years ago who found no room in the inn for his birth and who had to flee from certain death to be a refugee in a far country, who grew up knowing what it was like to suffer -rejection of his mission by authorities - rejection by the people he grew up with in his own home town - condemnation - betrayal - desertion - denial - torture - death.

It is difficult to assess the numbers who need shelter at night because information regarding homeless destitute failed asylum seekers in the UK does not seem to exist in any co-ordinated fashion. There are no statistics on the exact numbers and it is very difficult to estimate as they do not appear in rough sleeper counts and the Home Office does not monitor the amount of people whose support they stop. In our research we discovered a number of organisations which provided some support for destitute asylum seekers but did not wish to be identified by name or address. In this section we will therefore refer to all the agencies only by their regional locations.

Most refugee agencies seem to offer little to destitute asylum seekers and when asked “What provision is available for failed asylum seekers who are unable to access Section 4 Hard Case support?” responses ranged from “They probably go underground” to “No one knows the answers”.

A report on destitution (May 2005) in a city in the West Midlands highlighted the fact that there were approximately 50 failed asylum seekers needing somewhere to sleep each night, this number included particularly vulnerable people including single parent women and others with medical conditions e.g. diabetes. The report also suggested that the only provision available was in the form of food vouchers or cash from 2 different organisations or hospitality schemes whereby asylum seekers could stay at the homes of caring members of the community on a short term basis; these schemes are usually connected to faith groups.

Elsewhere in the West Midlands a night shelter for 15 destitute asylum seekers has been operational for almost 2 years. The shelter is staffed by a group of 50 volunteers on a rota basis. Shelter users are offered an evening meal and breakfast but must leave the shelter by 8am each day as the physical space is needed for other activities. The shelter relies on donations in order to offer the service. These include food from a Sikh Gurudwara and bread from the homeless charity Emmaus.

In the North West of England we discovered an initiative that supported destitute asylum seekers in a number of ways. The project currently has 6 houses that can accommodate up to 60 people, 4 houses are for men and the other 2 are women only. Occupants are encouraged to live autonomously and food is donated to the project which is subsequently distributed to them. They do not receive any money at all. There is a huge demand for this service and a waiting list is in operation. Alongside this there is another project that gives destitute asylum seekers £20 per week in cash. In order to access either of these initiatives, clients need to have a local connection i.e. anyone not having received their Home Office support from this region will not be supported. Also in this region we heard of a scheme offering shelter to anyone in need. Asylum seekers were welcome but often found the place intimidating as other shelter users had issues with drugs or alcohol. Yet another service was provided in this area by a core group of 10 couples connected to faith groups who were able to accommodate and feed individuals for a night, weekend, week or fortnight at a time.

Other voluntary organisations in the East Midlands, West Midlands and North East run drop in centres for destitute asylum seekers in the day and also food parcel schemes.

Mohammed from Iran on life in the Night Shelter

Human beings are part of each other. From the start of creation they were made of the same essence. Why should a refugee stay at the base of the mountain and never reach the peak? If they become a refugee in another country can they never succeed but always just walk the streets? A life time is valuable. How can they waste it like that?

England is a civilised country. Why should people sleep

in the street and starve. They try every way they can to help themselves and then at last they commit suicide. Why? They have so much pressure and so much stress. For 13 hours every day we have to waste our life - for nothing.

We feel unwelcome here like a blade of grass in a flower garden. We get up every morning with nowhere to go and no happiness. We have to live each day like this - no change - the same situation day in day out. How do you think we feel? If human beings have something to aim for they will get there if they persevere. We have nothing to aim for.

Despite all the problems, we do appreciate the shelter and thank God we can sleep in this hut.

A Volunteer's Perspective from John

Turning up to volunteer at the night shelter is like spinning a roulette wheel. You're never sure who might be staying, what might happen, what you might learn or even how good a night's sleep you're going to get. If, like most volunteers, you spend just one night a month there, it's difficult to catch up on the rapidly-changing events, the comings and goings and the alterations to routines since your last visit (not to mention the challenge of trying to remember so many new names and faces). Ironically, as time has gone on, the volunteer can feel more like a 'guest' than those shelter users who have made the Peace House their 'home'.

Human nature is such that, however uprooted we are, however temporary our stay in any one place, we will try to put down roots and mark out our territory. Shelter users become attached to their own seemingly trivial routines and habits - sleeping in the same place, getting up at a precise time, eating certain foods. We all have these habits but at the shelter they are more visible and public. Admittedly, these idiosyncrasies can become a source of friction and resentment but, without them, I'm sure many of those who stay at the shelter would start to lose a grip on reality. They may be the only anchor they have in their lives at a time of uncertainty and insecurity. For someone whose future is totally outside their control such actions can be a way of connecting with the present, asserting themselves and restoring self-esteem.

The shelter environment is a great leveller: class, religion, ethnicity and disability are irrelevant. The common bonds which bring this diverse bunch of people together are more important. Life is stripped down to its barest essentials but this 'poverty' reveals other riches; it can encourage people to open up to others, to be more honest, to see humour or interest in situations which others might dismiss as mundane or serious, to perform small acts of kindness and to act impulsively. Conversations at the shelter remind me of the conversations I've had when travelling - complete strangers who are unlikely to meet again will often be

more spontaneous and sincere than family members and friends whose emotional baggage can make communication stilted and disingenuous, full of hidden agendas and taboo subjects to be skirted around. Conversations often reveal intelligent perceptions and interesting opinions on a whole range of topics from world politics to gardening, from religion to interior decorating. I've learnt a lot from these discussions.

But let's not pretend that life at the shelter is a bed of roses. It is impossible to deny that the situation in which these people find themselves can be bleak to the point of despair, unimaginable to us who have those basic needs and rights which they are now denied - home, family, friends, financial security, work - together with the dignity and status which all this confers. For me this is brought into sharpest focus at 8.00 in the morning, the time of the day when I am impatiently trying to finish the washing up and herd people out of the door, conscious of the need to get to work and frustrated by people's failure to understand this imperative. Intolerant of their loitering tardiness, it's often not till later in the day that I realise how bleak a prospect it must be setting out into a cold, dark street to spend yet another bleak day preying on the hospitality of the Jesus Centre / Salvation Army / library, denied even the dignity of being able to offer anything back. Those extra ten minutes of warmth and security must feel like paradise.

Mohammed

A Dove is the symbol of freedom



What makes me more sad than anything is that I haven't seen my mother or father for a long time. The mountains and nature in my country are unforgettable. I used to sit beside the river and listen to the sound of water. I used to sit in the shade of the trees in the orchard and find solace. I was working and struggling for life and if I could help others I would. Here I am deprived of all of that.

Some things now are the same as in the past. Neither in my country nor here is there any respect for my rights. I am living in the Peace House now. I respect the ethos here. They try to make reconciliation in the

world and with all people by the real means of human beings living with each other. From one small tree will be created many trees so that everybody can get comfort from the shade. And the fruit will be eaten. This is not a small thing. I like to help in this because I believe that if people live with peace and security they will reach their potential. War is nothing but destruction. I hope one day that all people are conscious of the struggle for peace and freedom.

Iran 2005
applications 3,315
refusal rate 86%
refused on appeal 81%

Night Shelter

It's unnerving to walk away
from the place where shadows
sleep when you are real.
But my foot on the street
confirms my return
to the firm world
which I handle well.
Out here I can be certain
I have helped, feel pleased
with myself.

Inside I have to be brisk
and try to memorise
who takes sugar
to avoid thinking about where
everyone disappears
to in the day.

I try to imagine everyone
fading in the light
when I wave goodbye, one by one,
just out of sight round the corner.
The same spot I'm on now,
where they reappear tonight.

Where their particles will find
each other and re-huddle,
reaching complete just in time for nine,
before they knock on the door
of the Night Shelter,
which I open, smiling.

It's nicer than the thought
of feeding pigeons
in the freezing park
or sitting in someone's car
with homesickness drowning
down a face
listening to melting Arab music
growing slow
from overuse.

poem by Anna Dixie





Cigarettes

Andrea spending some time with Said who is from Morocco and Mulembo who is from D.R.Congo

I'm going with Mulembo and Said, taking pictures of what happens to them when they leave the shelter.

What do you do all day? I ask.

Jesus Army, and then we walk, says Mulembo.

You work we walk.

I ask if I can photograph them in the park.

Mulembo tears out a handful of grass and offers it to a huge cob swan, head high with him.

I'm worried and call him away.

The cob takes out his frustration with me on another swan, chasing it and hissing.

Said shows me that it's easy to feed swans.
Mulembo says, take a photo of this!
He's standing facing a long stretch of grass...
And then suddenly he is flying through the air. He
does two flick-flaks and a backwards somersault.
He's so fast I don't manage to get off a single shot.
He does it again and once again and I only just catch
him.
We go the back way around town and I'm excited to
photograph these secret streets I've never seen
before: things like the beautiful, old car painted on a
lock-up door.
We see the Jesus Army and two Africans are coming
towards us shaking their heads.
It's shut?
The chicken is shut! one of them says.
Then he realises what he's said and laughs. I am
laughing too - I've heard this same mistake before.
Yes, someone has broken into the chicken and stolen
the eggs! he laughs delightedly.
Now me and him are in hysterics, even more so
because no one else has a clue what we are laughing
about. But it's not funny really. Someone has broken
into the Jesus Army centre kitchen and so a lot of
people will not get their one meal of the day.
So I buy Mulembo and Said breakfast.
Only Mulembo doesn't want breakfast, he wants
cigarettes and coffee.

I try to put him off by telling him how my Grandad died from smoking.

But I picture Mulembo's future as a smoker and it's not a comfortable life suddenly cut short by a fatal illness. It's not a comfortable life at all.

Mulembo says, I want to die anyway! with a big smile on his face.

So I agree to buy him some cigarettes.

Said wants cigarettes too.

I ask Said what he will give me in return for cigarettes and he says a kiss.

What more could a person want?

The woman in the cigarette shop leaves a bad taste in my mouth.

Said asks for 20 B&H and Mulembo talks him down to 10 each. She looks down her nose at them the whole time with her face screwed up as if she's smelling something bad. Ironically in Rwanda Theodore calls women who do that 'cigarettes'.

Walking back I say to Mulembo, you know Said's a father too?

Mulembo laughs. Then he says: Said and I have known each other for a long time.

He says: When I first came here I was in Birmingham and I got a job in a hotel. No one spoke to me and then Said came over and offered me a cigarette.



Democratic Republic
of Congo
2005 asylum applica-
tions 1,185
refusal rate 82%
refused on appeal 79%



Algeria
2005 asylum applications 300
refusal rate 90%
refused on appeal 87%

When asked about what he finds hardest about being homeless, Mulembo talks about how connected we all are.

"I want to marry. I want to work, to help people because too many people suffer you know. People are supposed to do nice things in the world. I've seen many bad things in the world - that people do to people. For me, I'm crying every day in my heart for that. People don't understand. It's people kill people. It's not money, it's not beer, it's not cigarettes, it's people kill people. There's just two people in the world, me, I'm (*the same as*) Said, you - you're (*the same as*) Amanda, there's just two people like Adam and Eve, we're all the same people."

Suicide

Soufiane Saadani hanged himself from a large tree in the garden at Coventry Night Shelter in the early hours of April 1st 2006. (the tree's common name is the tree of heaven) He had only been at the shelter for 2 days following discharge from the local hospital where he had spent 3 months recovering from a bike accident. All his friends and people who nursed him in hospital were very surprised as they knew him as a cheerful and resourceful man. He left a wife and 2 children in Morocco. He was 33 years old.

We will never know why he killed himself but it seems likely that a series of bad events ending with the shock of discharge onto the streets after 3 months in hospital was just too much for him. When he arrived at the shelter, he seemed very bewildered and 'lost'.

We, and others, are trying to work with the health service to prevent discharge into destitution in the future. The local Muslim community were very supportive and helped his friends return Soufiane's body back to Morocco along with money for his young family.

It has had a profound effect on the other shelter users, many of whom have contemplated suicide themselves and are fearful that they might reach the same depths of despair.

Penny,
Shelter co-ordinator

Poem by Alan, shelter volunteer

Searching For Freedom

Forced to run and leave his loved ones
Leave his troubled land
Came in search of life in England
Hoped we'd understand

Treated like an outcast leper
Lost among the stars
Forced to raise the torch of freedom
Through his prison bars

Didn't have a home to go to
Stumbled through the night
Couldn't find a friend to turn to
Lost the will to fight

Couldn't see a future coming
Never felt so low
Heard the voice of freedom calling
Knew he'd have to go

Found the tree of heaven waiting
Reaching for the sky
Knew that he could win his freedom
Only had to die



Marie

Since I've been staying in the shelter: you go out every day; you're walking in the streets; you get tired; you don't know where you are going; you're waiting to come back to the shelter; you have no food to eat and the outside is cold. It's a very big problem. No one will help you outside because they don't know your problem - they think maybe you're OK.

I think the guy who killed himself did it, maybe, because of his life. You know, sometimes you don't know where you are going in your life; you don't know where you are from; you don't know nothing. You can think sometimes, "Why am I here?" You can think to kill yourself because: you don't know where you're going; you don't know anything; you don't know about your case and you don't know about people to help you.

At the same time you think, "I come to England, maybe I can find someone to help me?" When you come here you find out that it's the same as in your country. When you come from your country to come here, you think you are going somewhere safe but, when you come here, it's a problem more than your country - big problem, do you understand?

You think about killing yourself because you think about, "Where can I go now?" "My country's a problem and here is a problem". "I have nowhere to go - let me do this". You think about this because: there is no one to give you hope; no one to help you; no one to talk to you about life - you understand ? That's why you think like this.

When you come here, you believe in your heart that you are going somewhere safe - going somewhere good. You believe that but, when you come here, you make a big problem - the same as in your country. That's why people believe that another country can't help them. People, they kill themselves, yes, because of life !

Adil

Before we move on to the final chapter, it is worth looking at the experience of Adil because he exemplifies so much of what we have been describing throughout this book. He is a calm, patient and caring young man with a strong will to live.

CHAD

Adil is from Chad, born in 1982. He joined the FNTR (Front National Tchad Renue) opposition party in 2001 following the murder of his uncle because of his membership of the same group. He was still in High School at the time and was caught writing letters against the government along with two other friends. In the arrest his mother, who tried to defend him, was shot in the leg and one of his friends was killed. He and another friend were detained and tortured to try to extract more information about the FNTR. The torture involved: cigarette burns on the arms, beating with broken glass on the back, bright lights shone in to his eyes for long periods (he now has permanent eye damage), being put in a special cubicle and spun round and round, and for him the worst of all - his younger sister was raped in front of him by three men.

ESCAPE

After two months in prison a relative of his mother managed to pay for his escape because he had a friend who worked in the police. He was taken blindfolded to

another place a long way away. After some time his cousin arrived and Adil thought they had arrested him too - but he had come to take Adil away. He clearly had to leave the country or be killed and so with 1500 dollars from his mother and a false passport he made the journey with an agent. He went from Chad to Niger for 7 days and then to Algeria for 13 days and then to France for 3 days and then through the Channel Tunnel by train to London where the agent disappeared with his passport.

CLAIMING ASYLUM

Adil claimed asylum immediately. He was given NASS emergency support initially for 2 months and was then dispersed to Coventry. His case was refused on the grounds that there are no problems in Chad now. He was able to prove membership of FNTR but it was claimed that the Government now have a good relationship with FNTR. He appealed against the decision and was given 2 months to get a medical report. At that time - in 2003 - the Medical Foundation for the Care of Victims of Torture, who produce the best and most reliable reports, had a waiting list of 6 months. Instead, Adil's solicitor obtained a report from his GP and a report from a consultant in London on the basis of some photographs she sent him. The GP thought there were clear signs

of torture but the consultant said it might be torture or it might be old wounds sustained in some other way. At the appeal the judge said that he must take the consultant's report as he was more senior and, since there was doubt, the case was refused.

DESTITUTION

Two weeks after the refusal Adil was evicted from his home, cut off from NASS support and told to find his way back to Chad. He clearly could not go back. He managed to get his IND document forged to show that he had permission to work and found enough work from July 03 until September 05 to support himself. In September the factory he was in was raided by immigration. Those who were using a false name were imprisoned but Adil was put in a detention centre.

DETENTION

He was sent to Campsfield for 7 days then Tinsley House for 15 days. There is no Chad embassy in Britain and so a travel document could not be obtained for Adil. Instead Immigration Officers tried to force him on to a plane on Sept 20th but he refused. He was then sent to Dover for 15 days and back to Tinsley House.

REMOVAL

After one day there they successfully managed to get him on a plane and gave his papers to the captain. The plane stopped in Libya and he was put on another flight to Chad. When he arrived at the airport and the Immigration Officers were given his letter from the Home Office explaining he had applied for asylum they beat him severely around the head. He is now permanently 15% deaf in one ear and had swelling on the other side of his face which has had to be removed through surgery. They could find no evidence of a passport on their system (because he never had one of his own) and put him back on the plane to Libya with a letter explaining why they wouldn't accept him. In Libya Airport he was left sitting in a chair with no food for two days. The captain who had brought him from London and did flights twice a week was told to take him back.

DETENTION

Adil was put in Tinsley House for 15 days then Dover for 15 days and then he was released on bail on 14th November 2005 . While he was in detention Immigration sent a report to the Home Office explaining what had happened and told him this would act as a new claim. He was told he would be given a copy but he wasn't.

DESTITUTION

Adil was now entitled to NASS support under section 95 - because he had a new asylum claim (and under section 4 because he was stateless). However he was refused any NASS support. On appeal against the NASS decision he was told that, although the Home Office confirmed that they had a new asylum appeal because the NASS appeals adjudicator could not read what it said he could not grant NASS support. Adil therefore has to stay at the night shelter with no money and nowhere to go in the day. He has struggled with this as he often feels dizzy. At the end of May he is still waiting for the Home Office to deal with the new claim - or at least give him a copy of what it says. He has now been given an operation to reduce the swelling and pain on his face and he is still in hospital at the time of writing.

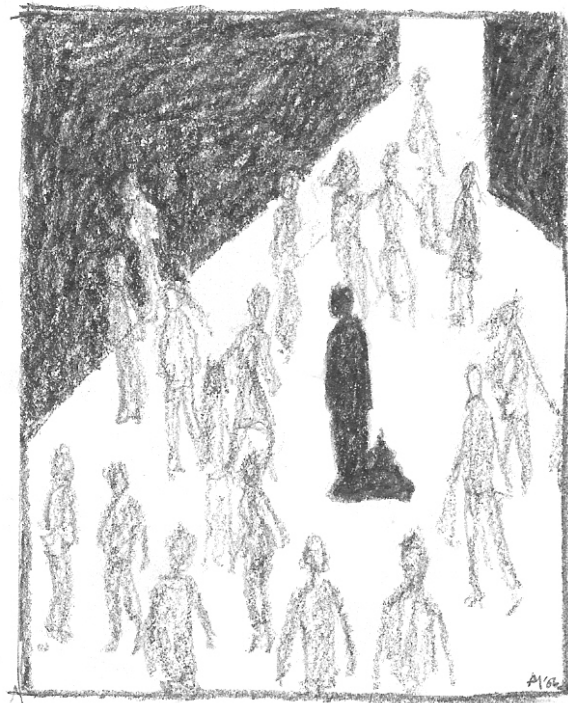
He is very grateful for this operation.

Chad 2005
no asylum statistics published
by the Home Office



Chapter Six

Recommendations for Action and Change



The previous chapters considered the suffering of destitute asylum seekers, placing it in its historical and legal context and giving destitute people themselves the chance to 'tell it like it is.' It is important that we acknowledge this crisis and try to understand it. But this understanding is only of value if it informs action that relieves the suffering and enables refugees to live with self-respect and contribute to our society, as it is so clear from their statements they wish to do. But what can we do?

We can lobby Government to change the laws which cause hardship and also to ensure that its agents act effectively within existing laws which are not being applied. We can act individually to change our own attitudes and practices and the attitudes and practices of those around us. We can work together with others in groups to bring about change.

We can lobby Government to change laws so that:

- asylum seekers, including those whose asylum rights have been exhausted, are allowed to support themselves through paid work
- asylum seekers have access to adequate legal representation, which includes repealing the restrictions on Legal Aid imposed by the 2004 Act and stopping the Fast Track system.
- asylum seekers, including those whose asylum rights have been exhausted, have proper access to healthcare and education

We can urge that the Government ensures existing legal requirements are met and puts the systems in place to deliver the following:

- hard case support is offered promptly to those who become destitute in line with the Human Rights Act

- the Home Office responds quickly to communicate vital information, for example confirming a new asylum claim is acceptable and thereby eligible for hard case support
- stateless people are recognised as such and given leave to remain as required under the 1951 Convention on the Status of Refugees
- Social Services departments within local authorities interpret Acts so that they include destitute asylum seekers rather than exclude them
- no child is detained at all and no adult is kept in detention for an immigration matter longer than two weeks and has access to legal aid while there
- the quality of Home Office decision-making is improved, in line with the recommendations made by the Amnesty International and UNHCR reports quoted in Chapter 3 so that the number of failed asylum seekers is reduced.

There is already mounting concern about the way the current asylum system so easily leads to destitution. John Sentamu, a migrant from Uganda who is now Archbishop of York, said recently “The Government must lead rather than follow public opinion on immigration, refugee and asylum policy. Specifically, asylum seekers should be allowed to sustain themselves and contribute to society through paid work. It is unacceptable to use destitution as a tool of coercion when dealing with ‘refused’ asylum-seekers.”

While it is important to lobby the Government to act, there are many things we can do as individuals to help the situation. These are only a few suggestions:

- making an effort to be helpful, friendly and welcoming to people who are, or may be, asylum seekers
- getting to know asylum seekers, listening respectfully to them without putting pressure on them to tell their stories, learning from them and sharing our common hopes and fears
- offering time or money to voluntary agencies working with refugees.
- sharing space in our homes with destitute asylum-seekers, informing ourselves about the countries that produce refugees, about the problems that afflict them but also about their cultural riches and all they have to offer the world
- working for greater understanding of refugees through education, and the arts.
- examining our own prejudices and learning not to pre-judge others
- politely but firmly challenging racism wherever we hear it, refuting the myths about asylum-seekers (that they are economic migrants, scroungers indulged generously by the state, dangerous criminals, terrorists etc. etc.)
- supporting groups such as NCADC (the National Coalition of Anti-Deportation Campaigns) and AVID (the Association of Visitors to Immigration Detainees)
- providing surety for detainees so that they can get bail and visiting them in detention.

We can also respond to the needs of destitute asylum seekers through our membership of the organisations and communities that make up 'civil society', whether a campaign group, a trade union, a faith community or any other formal or informal collection of people.

The work is hard work but rewarding. Transforming our own attitudes and understanding is as important as the other work of lobbying, campaigning, education and practical assistance. The suffering unveiled in this book is bleak and depressing; it reflects very badly on our society, there are no easy solutions in the current political climate, and it is very tempting to turn away from it all and ignore it. In doing so we would fail in our responsibility to help refugees and we would also lose the opportunity to find our common humanity.

The peace activists Joanna Macy and Molly Brown, whose work we quoted in Chapter 1, emphasise the personal cost of repressing hard and unwelcome truths: "Repression is not a local anaesthetic. If we won't feel pain, we won't feel much else, either ". There are many examples in this book of the effects of ignoring that pain and also of the benefits of engaging with it to bring some measure of change.

It is important that we have a vision to sustain us in this work and it is important to articulate an ideal we can work towards even if it seems unattainable. We would like to see a world where everyone is valued, a world without borders, where people are free to live where they want but are not forced to migrate because of political or economic reasons.

We recognise that we live in an imperfect, violent and unjust world. The inequalities which exist result in those with the most feeling fearful of those with less. This insecurity means that governments tighten their borders and real need is not acknowledged. But even in this climate, we do not believe that it is necessary, still less justifiable, for our government to use the weapon of destitution to force asylum seekers to leave the UK or to discourage them from seeking refuge here in the first place. They come in search of safety and we have a responsibility to help them

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