

Asylum Support Partnership newsletter

Sept 09



Welcome to the Asylum Support Partnership Newsletter, your bi-monthly update on asylum support policy and practice changes.

For further updates please visit the following ASP websites:

www.refugeecouncil.org.uk , www.refugee-action.org.uk , www.welshrefugeecouncil.org ,
www.scottishrefugeecouncil.org.uk , www.refugee.org.uk

Government Policy, Reports and Changes in the Asylum System

Home Office – Control of Immigration Statistics for Quarter 2 2009 and 2008 published

The Home Office recently published its Control of Immigration: Quarterly Statistical Summary for the Second Quarter of 2009. This is available at:

<http://www.homeoffice.gov.uk/rds/pdfs09/immiq209.pdf>

Headline stats for asylum were:

- The number of applications for asylum, excluding dependants, was 4 per cent higher in Q2 2009 (6,045) compared with Q2 2008 (5,830).
- In Q2 2009, 5,770 initial asylum decisions were made, excluding dependants, an increase of 15 per cent compared with Q2 2008 (5,010). 72 per cent of initial decisions were refusals, 18 per cent were granted asylum and 11 per cent were granted Humanitarian Protection or Discretionary Leave.

The Control of Immigration: Statistics for United Kingdom, 2008 are also available at:

<http://www.homeoffice.gov.uk/rds/pdfs09/hosb1409.pdf>

Headline stats were:

- The number of asylum applications received in 2008 was 25,930, 11 per cent more than in 2007 (23,430).
- Of the initial decisions made in 2008, 19% were as a refugee and granted asylum and 70% were refusals.

Court of Appeal rules in favour of fresh claims being covered by the EC Reception Directive

The Court of Appeal ruled in June this year that fresh claims for asylum are covered by the EC Reception Directive. The Directive outlines the minimum standards for the reception of asylum seekers in EU member states. This includes the right to apply for permission to work after twelve months if you have not received an initial decision on your asylum claim and the delay was not your fault. As a result of the Court's decision, the main applicant on the fresh claim is eligible to apply for work permission if they meet these criteria. The relevant date is twelve months after submitting the fresh claim.

The Home Office is seeking permission to appeal to the House of Lords. The Court of Appeal's decision is still binding (i.e. the law). However, the Home Office is not currently making decisions on applications for permission to work from people with fresh claims. They cite their application to appeal to the House of Lords as the reason for suspending decision making at present. There are lawyers willing to take on cases if clients receive letters from the Home Office to this effect.

The Refugee Council has produced a briefing on this which is discussed more on page 4.

ASPT is a partnership project hosted by the British Refugee Council

Government Policy, Reports and Changes in the Asylum System

Update on the launch and roll out of the new Section 4 payment card.

The Case Resolution Directorate will be replacing vouchers with a new payment card for all Section 4 clients. The launch will begin in Glasgow on 16th November and will be rolled out across the UK by February. Prior to the launch in Scotland and roll out in other regions, the UKBA will be writing to all section 4 service users to inform them of the introduction of the payment card. If you need more information, please contact the Asylum Support Partnership at: Helen.curry@refugeecouncil.org.uk

CRD complaints line has now been closed

The Case Resolution Directorate's complaint telephone line has now closed. There is no change to how CRD receive and process written complaints. These should either be faxed to 0208 604 1745, sent in writing to the Customer Service Unit, 7th Floor, St Anne House, Croydon, CRO 9XB or e-mail: CRDcustomerserviceunit@homeoffice.gsi.gov.uk

Human Provenance Pilot Project

The UKBA have set up a "Proof of Concept" pilot project which aims to assist the UKBA to determine the identity of people their immigration officers believe are making false claims about their nationality or where they doubt the claimed relationship between a child and adult when presenting at the Asylum Screening Unit's (ASU) to claim asylum. Testing started on the 14th September in Croydon ASU, but will be rolled out to Liverpool ASU in the next few months. The project will test DNA and isotope configuration in a person's body. All samples will be provided voluntarily and allow the UKBA to be able to match results using internationally recognised isotope comparison methods. The Asylum Support Partnership will keep you updated.

First Tier Tribunal (Asylum Support) is moving

The First-tier Tribunal (Asylum Support) has moved as of Friday 25th September. It is now located in the Docklands area, East London.

The new address of the Tribunal is: 2nd Floor, Anchorage House, 2 Clove Crescent, East India Dock, London, E14 2BE.

Click on this link for maps and travel details: <http://www.appealservice.gov.uk/Venues/Northingham/eastLondonTribunalService.htm>

All hearings from **Monday 28th September** will be at the new address, the nearest DLR is East India station.

Review of access to healthcare for foreign nationals

The government has published the main findings of its review into access to healthcare for foreign nationals. The review was undertaken jointly by the Home Office and the Department of Health. While it concluded overall that the current regulations should remain the same, it makes proposals to expand entitlement to free healthcare to refused asylum seekers who are receive Section 4 under the Immigration and Asylum Act that is offered to a small number of refused asylum seekers because they are unable to return home, and unaccompanied children.

The findings also do not include any proposals to begin charging for primary health care, marking a shift away from their last stated position. The proposed changes will be put to public consultation in the autumn. Subject to the outcome of the consultation, changes will take effect as soon as possible in 2010.

To read the press release from the Department of Health please go to: http://www.dh.gov.uk/en/News/Recentstories/DH_102993

News from the Partnership Agencies

The Asylum Support Partnership respond to the UKBA Consultation 'Oversight of the Immigration Advice Sector'

The Home Office invited responses to its consultation *Oversight of the Immigration Advice Sector*. The most serious aspect of the proposals is that all those regulated would have to pay to make the scheme self financing. There would no longer be exemptions for organisations giving free advice. The Asylum Support Partnership believes that the proposals would impact upon the Asylum Support Partnership's capacity to support vulnerable asylum seekers and refugees and would undermine the efforts of the Partnership to promote high quality legal advice and services. The Asylum Support Partnership response therefore opposes the proposal to extend the regulation charging regime to include currently exempt not-for-profit advice providers.

The Partnership believes that the costs incurred through regulation should be borne by the government in recognition of the benefits to all in society of free and equal access to good quality legal advice. The Partnership also stated that the OISC should work towards more effective regulation in order to ensure that the advice received is of the highest quality. This requires appropriate resourcing to reinforce existing powers and to establish a wide network of registered advisors.

To read the full response please go to:
<http://www.refugeecouncil.org.uk/howwehelp/partners/partnership/policy.htm>

Updated leaflet available on the multilingual website

An updated leaflet on applying for asylum support is available for download in 17 languages, including Arabic, Chinese and Farsi, from the multilingual website. Please go to:
<http://languages.refugeecouncil.org.uk/>

North of England Refugee Service works with NSPCC to provide training

NERS recently attended a meeting called by the NSPCC for local Black Minority Ethnic supporting agencies and the Police to discuss the establishment of a safeguarding children training programme aimed at BME communities. The idea was to use NSPCC training materials to train community leaders in the law and what is acceptable behaviour relating to the safeguarding of children. This would also include a train-the-trainers session to enable the participants to deliver the training within their own communities and cascade their learning to others. NERS agreed to deliver the training to local refugees and people seeking asylum. 18 participants attended the training sessions and are now trained to deliver the programme to others. The course was also attended by two police officers. The NSPCC is very pleased with the outcome and are intending to roll out this project to other areas.

For more information please contact: Pete Widlinski at teesvalley@refugee.org.uk

Job Centre Plus and Refugee Council: joint communiqué on working in partnership

Mel Groves, Chief Executive of Jobcentre Plus and Donna Covey, Chief Executive of the Refugee Council met recently to look at ways of working in partnership to support refugees onto training and into employment. They have produced a joint statement which aims to outline a number of areas in which JCP will work in partnership with the Refugee Council and other agencies to support refugees into training and employment. These include using volunteering to strengthen work skills and other personalised support. To read the communiqué please go to:

http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/briefings/Joint%20communiqué%20Mel%20and%20RC_final%203.pdf

News from the Partnership Agencies

Refugee Action in Bristol supports the City of Sanctuary movement

Refugee Action is a founding member in Bristol of the Citizens of Sanctuary movement, which aims to build a culture of welcome and 'sanctuary' for asylum seekers, refugees and others, amongst local people & services. Many of the aims of the Citizens of Sanctuary movement are very similar to the Refugee Action Refugee Awareness Project (RAP), which was delivering 'welcoming' work with local communities until the end of 2008. Refugee Action in Bristol sees their primary role in the group as furthering and supporting refugees as leaders of the movement. Recently the group was successful in obtaining funding from the Bristol Legacy Commission. This body was set up as part of Bristol's response to the anniversary of the abolition of slavery, and has aims which mirror the cohesion and reconciliation work which both RAP and the Citizens of Sanctuary project have aimed to deliver or support. The funding has paid for a part time development worker, who is based at Refugee Action and is currently working on mobilising support for the movement. Information on the current work being carried out can be found at: www.citiofsanctuary.org/bristol

Refugee Council produces briefing on Case Resolution

The UKBA Case Resolution Directorate was established in 2006 to clear the backlog of asylum cases still outstanding from before the commencement of its New Asylum Model. It was estimated at that time that there were 450,000 cases to be resolved. A plan has been put in place to clear them all by July 2011. Whilst it is clearly desirable that these cases should be resolved, Refugee Council does have concerns, particularly about whether asylum seekers will have the ability to raise outstanding issues in the time allowed. To read more about this please go to: <http://www.refugeecouncil.org.uk/policy/briefings/2009/casesresolutionupdate.htm>

Refugee Council produces briefing on court decisions on entitlement to work for asylum seekers

Over the past twelve months, there have been key legal challenges to the UKBA's policies relating to granting permission to work to asylum seekers. This briefing produced provides a detailed overview of the main points raised in two of these challenges and outlines the court's judgement in each. The focus is on fresh claims for asylum, entitlement to work and the European Council's Reception Directive. It also covers the influence of Article 8 of the Human Rights Act 1988 – the right to respect for private and family life - in one judgement and its relationship to paid employment. To read the briefing go to:

<http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/briefings/Briefing%20augustfinal4.pdf>

SRC publishes report into women asylum seekers health care

A new study by Scottish Refugee Council and the London School of Tropical Medicine reveals high levels of violence, depression and stress experienced by asylum-seeking women – and calls for the Home Office and Scottish Government to provide better support for asylum seeking women. It revealed that 22 per cent of the women had attempted suicide, while one in five had considered ending their own life in the last seven days. Fifty seven per cent were suffering from Post Traumatic Stress Disorder – which may make it difficult to remember important details of their asylum claim. Figures relating to violence were just as shocking: 70 per cent of women surveyed had suffered physical and/or sexual violence in their lifetime, with 19 per cent experiencing domestic violence in the past year. For more information please go to: <http://www.scottishrefugeecouncil.org.uk/>

News from the Asylum Support Sector

Asylum Support Appeals Project pro-bono support enables expansion of asylum duty scheme to full-time operation

On 28th September 2009, the Asylum Support Appeals Project (ASAP) officially launched its daily duty scheme, a programme that provides legal advice and representation to asylum seekers who have no access to legal representation for asylum support appeals because of a lack of public funding. The scheme, started on a limited basis in July 2004 and supported by volunteer barristers, has gradually expanded from a two day a month operation to a daily operation. As a result of the duty scheme's increased operation level, more destitute asylum seekers are able to access competent legal advice and representation. According to a recent report published by Citizens Advice, ASAP's legal advice and representation has resulted in appellants having a 60 – 70% success rate when represented by ASAP advocates as opposed to a 40% success rate when attending hearings unrepresented.

For more information, please go to:

http://www.asaproject.org/web/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=72

European Commission publishes proposal to widen access to EURODAC

The European Commission presented a proposal to allow access to EURODAC for police forces and Europol. EURODAC is the database that holds the fingerprints of asylum seekers in Europe. The justification for this is that "there is a structural information and verification gap since there is currently no single system that is accessible to law enforcement authorities which enables to determine the Member State that has information on an asylum seeker"

To read the proposal in full, please go to:

<http://www.statewatch.org/news/2009/sep/eu-com-eurodac-lea-access-2.pdf>

Information Centre about Asylum Seekers and Refugees - Rights and Responsibilities Project

ICAR's Refugee Rights and Responsibilities research and consultation project explored fundamental questions about the place of refugees in contemporary British society and, in particular, how the experiences and legal status of refugees shapes their understanding and perceptions of important social changes that are at the heart of current political debates.

The report finds that refugees manage complex responsibilities and obligations in a pragmatic and ordered way that is not inevitably in conflict with integrating into UK society.

To read their report please go to:

<http://www.icar.org.uk/>

Report on the Changing Landscape of European Liberty and Security by the Centre for European Policy Studies

The Centre for European Policy studies has produced a report which provides a summary of the main policy implication arising from this research in relation to the Stockholm programme and the Common European Asylum System.

The paper presents the final policy recommendations coming out of the CHALLENGE project on the Changing Landscape of European Liberty and Security. It aims to provide a synthesis of the main policy-relevant inputs that have been presented during the five-year research project and at the same time, refining them in light of the Stockholm programme to be adopted at the conclusion of the Swedish Presidency of the EU in December.

To read more about the CHALLENGE and its recommendations, please go to:

http://shop.ceps.eu/BookDetail.php?item_id=1905

Upcoming Courses, Training and Workshops

Scottish Refugee Council and Glasgow Immigration Practitioners Group - The law of refugee status: seminar by Professor James Hathaway, 5th October

SRC are holding a major training seminar in association with The Glasgow Immigration Practitioners Group, the Murray Stable and Glasgow University Law School. Professor James Hathaway is the author of The Law of Refugee Status and a world renowned expert and authority on the subject of international protection

Please email participant name, organisation and contact details for invoicing to: sheila.coutts@scottishrefugeecouncil.org.uk or Telephone: 0141 248 9799 or Fax: 0141 243 2499

Refugee Council Policy Update Conference - From theory to practice: How asylum policy impacts on the refugee experience, 5th February 2010

Delegates will hear how asylum policy has developed and been influenced over the past year and of the challenges ahead as we navigate a changing economic and political climate.

- Health access and entitlements
- Unaccompanied children in the asylum system
- Asylum support and destitution
- Detention, removals and returns
- After status - the transition to mainstream services
- Limited leave and earned citizenship
- EU and international asylum policy

The conference will take place on the at a central London location. Email for a conference booking form: training@refugeecouncil.org.uk

Stand up in solidarity: Migrant and Refugee Climate Change Forum, 19th October

The Climate Outreach Information Network (COIN) is holding a forum in London at the Amnesty Action Centre in partnership with Migrants' Rights Network, Praxis, Refugee Action and the Refugee Council.

The forum will provide a space for refugees and migrants in the UK to come together to talk about climate change. Refreshments are provided nad travel expenses reimbursed. BOOK your place: Email or telephone Catrina Pickering on catrina@coinet.org.uk or 01865403334 to book or/and to find out more. For further info see www.coinet.org.uk

Scottish Refugee Council's autumn conference - Asylum in Scotland: The Year Ahead. Developments in the asylum and immigration system, Friday 23rd October

Key speakers are: Donna Covey - Chief Executive - The Refugee Council, Amelia Wright - Head of Asylum Policy UK Border Agency, Gerry Hassan - Writer and Commentator Demos Associate and Professor Heaven Crawley – Director Centre for Migration Policy Research, Swansea University

To book a place please email: graeme.corbett@scottishrefugeecouncil.org.uk