

A labour-saving, life-saving Guide

I was detained in Yarl's Wood and was two days away from being deported. It took many urgent letters, phone calls and a new solicitor to submit a fresh claim to stop my deportation and get me out. My supporters followed the steps in this Guide and won. With this Guide others can also win. **Ida V, All African Women's Group**

Legal Action for Women, a free legal service whose determination to win justice puts many lawyers to shame, has put together their experience of day-to-day legal case work and campaigning in this exciting Guide.

Not only is it invaluable for those fighting in their own defence or that of their family and neighbours; it is also essential reading for lawyers, advocates and other professionals who will benefit greatly from its practical information and advice.

At a time when principles of international protection for those fleeing persecution are being undermined in Europe and elsewhere, and asylum seekers battle even to get their case heard in court, this Guide is needed more than ever. **Ian Macdonald QC, author of the standard text on immigration law and practice**

Legal Action for Women, started in London in 1982, is a grassroots user-led anti-sexist anti-racist legal service. It combines experienced lay workers with access to a network of trustworthy lawyers. It is widely used by sex workers, immigrant women, single mothers and many others facing injustice.



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New & Updated

For Asylum Seekers and their Supporters



A Self-Help Guide against detention & deportation *by Legal Action for Women*

**For Asylum Seekers
and their Supporters**

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against detention & deportation
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For Asylum Seekers and their Supporters - A Self-Help Guide Against Detention and Deportation © Legal Action for Women 2005

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Preface to the second edition

When the first edition of the *Guide* was published in 2005, we imagined that it would be a labour saving device: that the help and support we had been giving over the phone and in person, now brought together in a handbook, would reach more people and require less work. But that's not what happened. Hundreds more women, including from detention centres, contacted us. Orders came in from around the country; and whilst this uncovered an active and determined network of grassroots groups and individuals supporting asylum seekers, we were also a little overwhelmed.

A month after the *Guide* was published we wrote to a number of prominent people and organisations asking for help, and outlining what we were doing and how we were doing it, in response to the many calls from women in detention:

We ask women to fax brief details about their case and find out: what outside help they have and suggest where best this help can be directed; advise them what to press their lawyers to do and how to get that lawyer to do what is needed; give them the contact details of their MPs so they can be contacted directly.

A number of women from the All African Women's Group (including women who have been in detention themselves) have committed to regular sessions at the Centre to do this work. Most of this initial contact with women inside has been done by them supervised by women from LAW along with Black Women's Rape Action Project (BWRAP) and Women Against Rape, depending on the situation of the woman in detention

We also outlined the problems.

Many of the women are repeatedly having to change lawyer to try and find someone who will help them . . . women in de-

tention and anyone who calls on their behalf with a non-English accent face blatant racism . . . even the better [voluntary organisations] don't pursue cases with the determination that is needed. . . conditions in detention are horrendous -- daily racism for example, women being called black monkeys, inadequate and sometimes inedible food, punitive harassment, lack of effective complaints procedure and targeting of women who do complain, violent assaults during deportations including sexual humiliation.

And documented how the *Guide* had:

. . . encouraged women to be in touch with and help each other, and take collective action against the daily injustices they face. Women who speak and write English better are helping those that don't. Last week women got together and barricaded themselves into a room to prevent one woman's deportation.

Some individuals responded, and our (small) network of committed lawyers and other professionals grew.

Case work like this has continued to this day and has contributed to making the *Guide* an effective tool. Self-help meetings held fortnightly started in 2003. They have grown in size to over 50 women. Individuals raise their legal cases and they're addressed collectively, with follow-up work going to the daily work sessions.

As cases on a particular issue mount up, a campaign is often spawned. For example, a Mothers' Campaign highlights the injustice suffered by women who have been separated from their children since they fled to the UK (usually because it was not safe for the children to be identified or travel with their mother). After campaigning, including through the courts contesting Home Office decisions, a number of families have been reunited.

Hunger strikes and other protests have burst out in removal centres. Some of the longest, most courageous and most effective protests of asylum seekers in detention, which have brought

together people across nationalities and despite language barriers, have been of women. What provoked at least one of the hunger strikes was, again, the issue of mothers separated from their children, this time by detention. Always dangerous for children to lose the protection of their mothers, asylum seekers risk their children being taken from them sometimes permanently, by social services. This along with sexual humiliation and abuse from guards, and violence during removals, was too much to bear.

Support for many of the women on hunger strikes in Yarl's Wood Removal Centre (in 2007, 2009, 2010) was co-ordinated by Black Women's Rape Action Project (BWRAP) along with the other women's groups at our Centre. BWRAP published the strikers' demands, issued regular bulletins and press releases, organised for detainees to be interviewed by the media via mobile phones, kept in daily contact with scores of women, challenged the lies of Home Office ministers, found lawyers to resurrect or progress legal cases and organised public meetings where women spoke who had won their release.

Unfortunately we saw little support for or even interest in the hunger strikers and their demands from mainstream feminism or organisations that claim a brief of anti-racism or from asylum NGOs.

This lack of support may be one of the reasons why both New Labour and Tories have been successful in extending the cuts and repressive measures which, first imposed on asylum seekers, have been extended to others.

Asylum seekers were the first to be dispersed out of London; forced to survive on vouchers instead of benefits, denied housing, healthcare and legal aid. We have been criminalised for trying to survive; faced abuse and even killings by G4S, a privatised security force; we're accused of being terrorists if we are Muslim; we're blamed for every social ill, which whips up hatred against us; and those of us who don't

*have papers are being divided from people of colour who were born here.*¹

As government-imposed poverty increases (already one in four low-income mums are skipping meals so their kids can eat), destitution among people seeking asylum grows. Of the 50 or so women who attend the self-help meetings, two-thirds at any time are destitute, with no income at all. Women describe graphically what they have had to do to survive.

I was left homeless when the woman I lived with died. I had nothing – no money, nothing. I went to pubs or the park and picked up men, offering them sex for a little money. Many of them took advantage, knowing that no matter what they did I couldn't complain. Some were violent and others paid me only a few pounds or nothing at all.

Some of the grassroots groups around the UK who were defending asylum seekers' rights have turned to addressing this widespread destitution. They feel it is more productive than fighting legal cases since the laws have become more draconian, the judges more discriminatory, and since there is little or no access to legal representation. Others have found professionals to take legal cases for free. Asylum seekers become charity cases, and beggars as we know can't be choosers.

As the legal situation has deteriorated and requires more work for less or even no impact, we have worked to stay loyal to our principles. These are the principles that enable us to get the work done and sometimes to win: self-help is key; and so is an accountable relationship between those of us who have papers, and therefore more power, and those of us who don't. We refuse to be either "poor victims" or "do-gooders" to whom victims have to submit.

Thousands of people who have been in the UK for years, are settled and may even have kids in school, now face deportation. Many have suffered horrendously both back home and here in the

UK. When Jimmy Mubenga died on a plane at Heathrow airport while being deported by G4S, there wasn't one woman from the All African Woman's Group who didn't feel, "*That could have been me.*" Unless we are ready to live in a society where some of us are treated as dispensable, we don't have the option to give up or even slow down.

We hope that this updated edition *Guide* will be as useful as the first edition was, to the struggle against rape and other torture and for everyone's right to live in safety.



Self-help meeting at the Crossroads Women's Centre

Introduction to the first edition, June 2005

A labour-saving, life-saving handbook

This Self-Help Guide comes out of intensive work over many years with women (and some men) seeking asylum. Legal Action for Women, Black Women's Rape Action Project, Women Against Rape and occasionally other organisations based at the Crossroads Women's Centre, including Payday men's network, have contributed to the pool of practical knowledge which is offered here. A first draft was presented to our National Gathering in 2004.

This Guide is necessary because women, children and men continue to be detained and deported² despite evidence of their torture and persecution which entitles them to asylum.

In our experience, people seeking asylum have compelling reasons for leaving their loved ones and all that is familiar. They take this drastic, deeply painful decision to escape wars, ethnic or religious persecution and death. They are often in danger because they or family members have opposed dictatorship and repression. Many have undergone rape and other torture in prison or elsewhere, seen their loved ones killed or been forced to leave them behind and don't know what may have happened to them. The terror they feel at the prospect of being returned is so severe that many attempt suicide or face destitution or detention for long periods rather than go back.

Yet government pressure, including new Home Office targets for removal, ensures that immigration officials are geared towards refusing asylum applications regardless of what people have suffered, and that adjudicators and courts often make arbitrary decisions, rejecting even the most compelling cases.

Thousands are propelled out of Britain without ever having had proper consideration of their case. A combination of poor or even negligent legal representation, draconian immigration laws – such as those which curtail legal aid, fast-track deportations, criminalise people for coming into the country with false or no documents, and deny any form of support to people whose case is closed – reinforced by an often witch-hunting media, all ensure that the truth of what people have gone through is hidden from the public. Legislation gives social services the power to take children away from mothers who, having been made destitute, are then deemed to be incapable of caring for them. This is one of the latest sadistic measures aimed at forcing people to leave the UK despite the threat to their lives awaiting them on their return.

In fact, no consideration is given to what happens to people who are removed. No government investigation has been done to find out how many people are imprisoned, tortured, killed or have to go into hiding when they are forced back to their country of origin. Information provided by deported asylum seekers and bodies such as the United Nations High Commission for Refugees (UNHCR), Amnesty International and others is ignored.

As a women's organisation, we work mostly with women and their families whose situation is often particularly desperate – and invisible. Approximately 80% of refugees and displaced people worldwide are women and children. As the primary carers in every society, women are most likely to have responsibility for children, and therefore are less mobile and more vulnerable to persecution. Women also have fewer resources and therefore fewer possibilities to escape.

When the soldiers come and burn up a village it becomes very difficult for mothers to protect their children. You have to run for your own life and you have to make sure that the children's lives are protected as well. It's not easy, because the children might be small or babies and they cannot walk

long distances. You have very little food and so the children get hungry.

Those women who do manage to get out and claim asylum are immediately disadvantaged by the sexism, compounded by racism, which pervades the asylum process. Women's political activity, as well as their vulnerability to punishment for the activities of other family members, are often dismissed, and with them their asylum claims.

Estimates suggest that 50% of women seeking asylum have been raped; yet rape is often not recognised as torture. Rape survivors face hostility and disbelief (not unlike what happens to women in the UK who report rape and are often disbelieved and discredited by the criminal justice system). Many have survived repeated rapes over long periods whilst held in prison, and/or have been gang-raped by soldiers. Many have never spoken before about the rape or other sexual torture they suffered, and some are pregnant or have children as a result of rape – children they love but who are a constant reminder of that torture.

Appeals are heard by Adjudicators who routinely ignore even their own guidelines on how women's cases should be handled.³ In one notorious case, three Appeal Court judges dismissed rape by soldiers who were interrogating a woman about her son's political activities, as "simple dreadful lust," not persecution or torture, and refused her asylum. Only a public campaign saved her from deportation.⁴ Even when rape or other torture has been recognised, the Home Office and courts insist that women can relocate to a different part of the country they fled.

Women and children are easy targets for detention and deportation – it is harder to drop out of the system when you have children to feed, clothe and educate – and many live in constant fear of immigration raids. Home Office figures⁵ show that up to 200 women are likely to be in detention at any one time. Though UN and Home Office guidelines say that victims of torture and other vulnerable people should not be detained, rape survivors are not

specifically mentioned as the victims of torture or as vulnerable people. In any case, guidelines are often ignored.

Detention is always traumatic, but for survivors of torture who are already traumatised, and for mothers driven crazy with worry for their children, it is particularly devastating. Women complain of having been left for weeks cold, hungry, isolated and without interpreting help, denied basics such as sufficient blankets, a change of clothes, sanitary towels, and nappies for their children. Personal belongings such as mobile phones are taken away, denying detained asylum seekers the means to contact friends or family and forcing them to depend on expensive phone cards. Even pregnant women and those with major health problems have been denied proper medical attention. The only help one woman got with her gravely sick child was endless doses of Calpol. Women also report racism from staff ⁶ and, on occasion, sexual harassment.⁷ In such conditions, it is impossible for a mother to provide the basic care and attention, let alone the education, stimulation and sense of security, which all children need to thrive.

I was detained in Yarl's Wood with my five-month-old baby who has a hole in her heart. I was breastfeeding but my milk dried up. The food they give you is no good and you feel sick and hungry all the time. We lost weight and my baby got diarrhoea. She was crying all the time because her stomach was hurting. There is nowhere to play with the baby. Once the officers told me to put the baby down so they could search me and she fell off the seat and hurt herself. The officers did nothing to help. Some officers are very rude, they tell you to go back to your country even though I told them what had happened to me there.

There is also growing evidence of brutal and violent treatment of people during removal – both in the vans taking them to the airport, and hidden from public view at the airport.⁸ Conditions in detention centres in Britain, often reminiscent of what asylum seekers fled, can precipitate extreme symptoms of Post-Traumatic Stress Disorder: nightmares, flashbacks, insomnia, panic attacks.

Many asylum seekers will privately talk about the involvement of Western governments and corporations in their countries of origin: in the economic policies and arms trading responsible for wars, genocides, poverty, corruption, devastation and ongoing repression. Still, when their lives are under threat, they have little choice but to come here to seek protection. And they often express shock and bewilderment that the country they believed would save them treats them like criminals, demonises them and locks them up.

This shocking realisation often leads to depression and other severe mental and physical health problems, including repeated suicide attempts.

Many deportation orders are served at the weekend or on bank holidays, when officials know that women cannot access even the limited legal and interpreting help that might be available during office hours. Even worse: immigration officers and police turn up at your home in the early hours of the morning knowing you are likely to be in bed, as happened to one woman recently. They came to detain her and her year-old daughter at 5.30 am on Easter Sunday morning, armed with a refusal of her application for a fresh claim. Fortunately, she was not at home, having stayed with a friend so she could attend church with her!

The asylum services industry

Again unknown to the public, most organisations funded to help asylum seekers have allowed and even collaborated with this brutality. While some committed individuals will do what they can when asked, others turn on their answer phone on a Friday evening no matter how critical the case and are never available outside of office hours. Some don't do what they could and should – even *in* office hours!

Asylum services have been increasingly privatised. Voluntary organisations have accepted lucrative contracts to take on the

functions of the State: running emergency housing, organising dispersal of asylum seekers around the UK, etc. These contracts contain caveats: in accepting the money, the NGOs agree to co-operate with the deportation process. Thus the Refugee Arrivals Project demands that asylum seekers whose cases have been closed sign an agreement to be returned to their country of origin as a condition of eligibility for emergency housing.

After my case was closed the Refugee Arrivals Project demanded I sign a document to say I would go back to Eritrea. I wouldn't sign so they threw me out and I had to sleep at Heathrow airport.

Communications Co-ordinator at the Refugee Arrivals Project, Kaltun Hassan . . . said the charity was part funded by the National Asylum Support Service . . . and had to adhere to legislation in the Immigration & Asylum Act of 1999. . . "One of the requirements is you have to co-operate with removal. If the claimant refuses to fill out the form, we are unable to help." ⁹

So funding contracts determine what well-funded organisations will or won't do, rather than the needs of those they tell the public they are helping.

The Refugee Legal Centre and the Immigration Advisory Service got exclusive contracts to give legal advice at Oakington Detention Centre, but only people whose cases are being fast-tracked qualify for such help; others, even if they face imminent removal, do not.

Once the Home Office has deemed a person unworthy of protection, few organisations contest that view.

The government said I was lying and turned me down and then the charity support faded away.

We take the tough view that if someone has had a fair hearing and every opportunity to put their case, they have had access to good legal advice to make their case and appeal,

then we accept they should be returned to their countries when it is safe to do so. My view is that if you do not do that, it is hard to protect the integrity of the asylum system.
Maeve Sherlock, Refugee Council.¹⁰

How can a system have “integrity” when it aims to deport as many people as possible? How many asylum seekers get a “fair hearing or good legal advice” when most can’t even get a good lawyer and the time they are allowed on legal aid has been cut down to a few hours? How many more would be deported if they and their supporters hadn’t campaigned for justice?

An apartheid system is being introduced into every aspect of asylum seekers’ lives: asylum seekers of every age are dealt with separately from residents, in relation not only to their legal case but to their access to a doctor, children’s schooling, homelessness . . . They no longer have most of the rights residents take for granted (though these are also being curtailed). Is there “integrity” in apartheid?

In June 2002, then Home Secretary David Blunkett announced plans to build accommodation centres for asylum seeking children and their families so that they would no longer attend school with other children. He said this was necessary because:

*It is virtually impossible to drag a family away from a neighbourhood school. . . . Local papers run local campaigns to stop people being removed.*¹¹

Here we have the truth. Segregation aims to stamp out compassion, the human response to the suffering of others. We are encouraged to fear and hate those who have been locked up with the excuse that too many of “them” would steal our resources, and even lead to a deterioration in race relations. In fact it is the witch-hunting of asylum seekers (and Muslim people) which promotes racism and racist violence against all people of colour – an outcome that cannot be accidental.

The asylum rights movement

So what can be done? How can those of us seeking asylum cut through the lies and the hatred, and win the protection we are entitled to? And how can those of us who have UK or EU passports or have already won our right to stay, use our status to help others?

Despite all the obstacles, some women and men in detention have staved off deportation by making legal challenges through the courts, appealing to MPs, and taking direct action by refusing to travel.

Taking our lead from their determination, we start on the basis that there is always something that can and must be done, even when “experts” have dismissed the case as “hopeless”.

As well as pursuing the course of action outlined in this Guide, our response to requests for help, especially when people are on the brink of being deported and when they have no legal representation, is to rally as many people as possible to protest and publicise these injustices, making clear to the Home Office that it won't be allowed to deport the person quietly and away from the public gaze.

In our experience, appeals to the public that break through the ignorance and disinformation, regularly elicit the most compassionate responses. Once people hear what the real situations are, most have enormous sympathy for those under threat, and are indignant at the sadistic policies and practices carried out in their name.

After Blunkett's statement, some mothers based at Crossroads formed *No School Apartheid* to prevent asylum children being taken out of schools into accommodation centres. They approached heads and other teachers. The response was overwhelmingly supportive, and many turned up to a briefing in the House of

Lords to oppose the new measures. All spoke movingly of the contribution of asylum seeking children, and how their eagerness to fit in and learn raised the standard of the whole school.

Opposition has been so strong (from children, parents and teachers as well as from residents opposed to the centres in their backyard) that the government has abandoned the planned accommodation centres proposed by Blunkett. They are, however, being replaced by removal centres with more “family” spaces.¹²

Children’s responses are particularly enlightening and there is much to learn from them. Women from the All African Women’s Group have been invited to speak about their personal experiences of asylum to classes and assemblies in primary and secondary schools in London. Children from four to 16 have invariably shed tears at what they have heard, and have had many questions to ask. Unlike adults, they often don’t know that they are supposed to hate and despise those whose suffering was just related to them.

A movement of asylum seekers and others under threat of deportation, and of their supporters, mainly grassroots people from different faith communities, teachers, schoolmates and their parents, neighbours, friends, individual healthcare and social workers. . . has sprung up, bypassing and even challenging the established NGOs. In 2004 the Refugee Council, which had been getting up to £60 million a year from the Home Office to run emergency accommodation for asylum seekers and to administer dispersal policies, was forced to give up their lucrative housing contract after sustained public protest, including direct action by homeless asylum seekers. One woman complained on the television news about being raped in Eurotower, a notorious slum run by the Refugee Council which was closed shortly after.

Over a number of years women in detention facing imminent removal and/or their friends or partners have contacted LAW, BWRAP or WAR. Working closely with them, we have been able to stop many deportations, and gone on to win the right to stay

for many women who would have been in grave danger had they been returned to their countries of origin.

We make this collective experience available in the hope that it will help first of all asylum seekers and others threatened with removal or deportation, their loved ones and supporters, but also lawyers and other professionals who play such a pivotal role in winning or sinking an asylum claim, and therefore in saving or condemning a life. By putting together information that is not available anywhere in one place, we aim for this Guide to be labour-saving and life-saving.

Asylum seekers and immigrants all over Europe have been organising to win their right to stay, which is also their right to safety and to life. In many countries there have been sanctuaries in places of worship, hunger strikes and uprisings in detention centres.

Anyone, visitors' groups, religious advisers, neighbours, teachers, journalists and others, can help support this movement and save lives by challenging these inhumane and brutal laws.

As the government lines up more legislation to deprive even more of us of basic rights, there is no excuse not to act. We hope this Guide helps more people to do that.

June 2005

Five basic principles for asylum seekers and supporters fighting for justice and protection

- **There is always something you can do as an asylum seeker or a supporter, and it is never too late to do it.**
- **The person facing deportation must be centrally involved in her/his own case.** It is their life that is at stake; they must decide what they need and want said and done at every stage.¹³
- **Supporters and legal advisers must make available to the asylum seekers they are working with any information, skills and resources they have,** so asylum seekers are in the best position to make informed decisions.
- **Keep track of what your lawyer is doing about your case or ask a supporter to do this for you** – do not leave your case in the lawyer's hands without knowing what s/he is doing; you must help to direct how your case is being presented. (See section 13)
- **Publicise what you or the person you are acting for is fleeing and what they would face if they were returned,** how their case has been misrepresented in the courts, the conditions in detention centres, and what it means to be living with the fear of imminent deportation.

Your right to stay in the UK

You have a right in international law to seek protection in the UK if your own State is unwilling or unable to protect you from “serious harm”.

You can seek asylum using:

- **Refugee Convention (1951)**. You have to show that you have a well-founded fear of persecution if you are sent back to your home country, and that you are unable to seek protection from the police and others in authority. Persecution is “serious harm” directed against you because of your race, religion, nationality, political opinion or membership of a particular social group.

You can apply for Humanitarian Protection using:

- **European Convention on Human Rights – ECHR (1950)**. For example, under: Article 3, the right not to suffer torture and cruel or degrading treatment; Article 2, the right to life.¹⁴

You can also apply to stay in the UK on the basis of:

- **ECHR Article 8 – right to respect for your family and private life** (and, if you have a partner or children who have the right to be here, their right to a family life with you in the UK.)¹⁵
- **Being the primary carer of a British citizen** (known as the entitlement to a Derivative Residence Card).

A human rights claim can be part of an asylum claim under the Refugee Convention, or it can be put in separately.

1. How to make your claim as strong as possible

No matter what stage you are at – initial asylum claim and/or human rights application, appeal, fresh claim, detained, fighting deportation – there are some things you can do to strengthen your claim.

- **Make sure you understand your case.** Do a short written summary if possible. On what grounds are you making a claim to stay in the UK? Why can't you return to your country of origin? (See Appendix B *Sample case summary*.)
- **Get evidence that can confirm your account.** This is VERY important. Women with expert reports about your health and/or what's happening in your home country are six times more likely to win at appeal than those without.¹⁶

This evidence can include:

- **A report from a doctor or medical expert** about persecution, including rape and other torture, you have suffered and/or any other mental or physical injury;
- **A report from an expert about your home country**, the situation there and the risks you (and, if relevant, your children) would face;
- **Witness statements** from people in your home country or here in the UK who can confirm what you say;
- **Press coverage** if it is relevant to the risks you would face;
- **Reports from human rights organisations.** The Home Office's website¹⁷ has its own country information reports which are often quoted selectively to dismiss claims. But the same reports may have useful information supporting your claim.

Beware: make sure you know the source of any documents and that they are genuine. Keep the envelope of any document that arrives by post as this can help show its origin.

- **At each stage look for new information which may help your case.** For example:
 - Information that has only now become available about: the situation in your country of origin; your circumstances, like a deterioration in your mental or physical health; an experience of rape and other torture which you haven't been able to speak about before . . .

2. Making your claim

You will be interviewed twice: a “screening interview” and an “asylum substantive interview”. Be prepared. Women have described how these interviews are primarily aimed at finding reasons to refuse you the right to stay in the UK and to remove you. Take any documents that support your claim with you.

If possible you should do a statement with all the important issues before you go to the interview, and take it with you.

For more detailed information on how to prepare for these interviews, look online or order a hardcopy of the *Right to Remain Campaigning Toolkit*.

Screening interview

- **Make an appointment by contacting the Home Office.**
- **What you say in the interview will be written down** and you'll be asked to sign the record of it.
- **What you say is very important** as the authorities will use this (as well as your nationality and other things) to decide if you will be detained and put on the Detained Fast Track (see below).
- **Say now if you were raped or suffered other torture**, even if not asked about this. Victims of torture have the right not be detained.

The interview record will also be compared with what you say in your substantive interview and the Home Office will be looking to highlight any discrepancies.

Asylum substantive interview

You should be asked details of your life in your home country, the persecution you suffered, how you escaped, why you are fearful of being sent back, if you think you were or would be persecuted for a particular reason (because of your religion, political activity, etc.) Be as precise as possible including about dates, locations, time periods, as any discrepancy will be used against you later.

What you say will be written down and you'll be asked to sign the record of the notes. Do not sign them if they are not accurate (see below). You'll be given a copy to take away with you. You have a little time to make further corrections and/or put in other information after the interview.

For both interviews you have the right to:

- **An interpreter.** If you are not happy with the interpreter – for example you feel unable to speak openly in front of them, or you are concerned about how they are translating what you say – you should say so during the interview.
- **The interview being taped,** if you ask in advance.
- **A woman interviewer** if you ask in advance (beware – there is no guarantee she will be less hostile but if you are a rape survivor it may be easier to tell a woman rather than a man).
- There is no legal aid for a lawyer to come with you to these interviews unless you are in the Detained Fast Track (see below).

For the substantive interview you have the additional right to:

- **A friend or supporter being there with you**, if you write to ask in advance. You should explain why you need psychological support (e.g. if you are reporting rape or other torture).
- A copy of the tapes of the interview.
- A copy of the written record of the interview.
- **Refuse to sign the written record** unless you are sure that it is completely accurate and that nothing is missing. You can take the written record away with you, read it later, add further information, and then return it signed.

For both interviews you should consider the things listed below

- **Rape and other traumatic experiences.** If you are a victim of rape or other violence but you feel too traumatised or embarrassed to speak about it, tell the interviewer that there are things you are unable to say and you want to put them in a statement after the interview.
- **Delay in claiming asylum.** Explain why you delayed. Rape survivors may have particular reasons for not claiming asylum immediately. There is a very useful legal precedent which you and/or your lawyer can use: it says that women may be “unable not unwilling” to report rape because of Rape Trauma Syndrome (R v. Secretary of State, Ex parte Ejon, 1998).
- **Internal relocation.** In some cases, the Home Office and/or a judge decides that even though someone suffered persecution it is safe for them to return to another area in their country of origin (“internal relocation”). You should say what you would face if forced to live in another part of the country. A rape survivor won her case because she showed that she would have no means of supporting herself, except through

prostitution. (AA (Uganda) v. Secretary of State, 2008). This contravened her rights under Article 3 of ECHR (see page 20).

- **Domestic violence in your country of origin.** You will need to explain why you could not get protection from the police and authorities.
- **Family and private life claims** (Article 8 of ECHR). You should say if you have no family back home and explain who you have a family life with in the UK, why you all can't return to your country of origin and what would happen if you did. You can also make a claim because you depend on support and specialised services in the UK (e.g. counselling for rape survivors or care from a particular relative) which would not be available in your home country.

You will not get the chance in the screening interview to give much detail about your situation but you should mention what you think is important.

Unaccompanied children have the right to have a lawyer and a "Responsible Adult" present at both interviews.

3. If your claim is refused

You need to understand why it was refused. Make sure you have all the documents from your lawyer and look carefully at the Home Office refusal.

Appeal

You have a right to appeal and to stay in the UK while you appeal. But there are exceptions to this. If your case is "certified" as "manifestly unfounded", that is the Home Office decide it is "bound to fail"¹⁸, you can only appeal once you leave the UK. But you can "judicially review", that is challenge the legality of this decision in court by showing that your case has some chance of success.

- **Legal aid** is available for appeals unless your lawyer decides that it has less than a 50% chance of success. Some lawyers

decide this without considering what additional evidence could be gathered. Ask him/her to reconsider making sure s/he looks at all the strong points of your case. Or you can appeal to the Legal Aid Agency about the refusal of legal aid.

- **Deadlines** are tight for appeals, so it is important to fill in the forms quickly. Try and find a lawyer to help but if necessary do it yourself or get an friend or relative to help. You should say in your appeal that you are urgently looking for a lawyer and may want to add other information later.
- **Appeal forms** include: 1) a form to challenge the refusal of your asylum claim; 2) a “statement of additional grounds”, which you can use to explain why your return would breach your human rights under European Convention on Human Rights (ECHR). You should explain why the decision was wrong under ECHR and the Refugee Convention.
- **Go through every reason given to refuse you.** Correct and explain mistakes and inaccuracies. For example: if they were caused by translation problems, or because you didn’t understand, or the information was recorded wrong, or your lawyer made a mistake in your statement.
- **The most common reason given by the Home Office** to refuse asylum is to say that the person is lying. Often they use tiny discrepancies in the evidence that could be easily explained, or they claim that things didn’t happen in the way that you described them. (For example, one woman was refused because the Home Office said that it wasn’t credible that she could have escaped from prison by bribing a guard. Yet we know of many people who were able to escape by bribing guards.) If you are traumatised by what happened to you and have problems remembering, say so and try to get an expert report from a psychiatrist or counsellor to confirm this.
- **You have the right to attend the appeal hearing** and it is important that you and any witnesses do so. It is a chance to

give evidence in person and for the judge to meet you. Take supporters with you if possible.

After your appeal, you will be sent a “determination” which gives the result of your appeal and the judge’s reasons.

- **If you are refused**, you can apply to have your case “reconsidered” by another judge at the “first tier” of the Tribunal, but only on a “point of law” (i.e. the first judge made a mistake in the way s/he applied the law). You will not have to give evidence in person but it is always useful for you to be there so you can see what is happening, and the judge/s can see you.
- **If you succeed with the “reconsideration”**, you will get another hearing.
- **If you don’t succeed at this stage**, you can apply to the upper Tribunal for reconsideration of your case. If that is rejected you can apply for a “judicial review”, that is apply to challenge the legality of this decision, although it is now harder to get legal aid for this.

4. Making a “Fresh Claim”

If you have come to the end of any possible appeals you can put in a fresh claim (also called “further submissions”.) You need new information for this that is “significant, relevant to you and not previously available”. Gather any documents that can corroborate what you are saying. (See section 1 for further help).

If you were disbelieved when you first claimed asylum, this is bound to come up when the Home Office look at your fresh claim. It’s therefore very important to correct and if necessary to answer every reason they gave for why they did not believe you. Even if you cannot overturn a decision that says you are not “credible”, it will be important for lawyers, your Member of Parliament (MP), supporters and any new applications you make, to show how the original decision was wrong.

New information for a fresh claim can include:

- **Torture or persecution which you could not speak about** before. Women often don't know that experiences like rape and domestic violence can be grounds for making a claim.
- **A recent change in the situation in your country.** For example, people from the political party you belong to are being arrested and imprisoned, proving your return is now unsafe. Or it may be that documentation from your country of origin has just arrived.
- **Your mental or physical health has deteriorated.** This may even have happened as a result of detention. You will need medical or other expert evidence of this.
- **You were badly represented by your lawyer.** For example, deadlines were missed and/or you were not informed of the outcome of your case. You may also have grounds to make a formal complaint against the lawyer.
- **Expert evidence that explains difficulties** you had in your previous claim. For example: psychiatric evidence showing you suffer from Post Traumatic Stress Disorder.

Handing in a fresh claim

You have to hand in your fresh claim in person and will be expected to start signing on immediately. (See section 6).

It is essential that your fresh claim is as strong as possible and contains all the supporting evidence you can get, including any evidence which says you should not be detained e.g. on psychiatric grounds. You risk being detained while it is being considered, and being given removal directions immediately if it is refused.

Your new submissions are not automatically considered as a fresh claim: the Home Office have to agree that the information could

not have been considered previously and that, together with your previous claim, stands a “realistic” chance of success at appeal.

- **If the Home Office refuses to treat your new evidence as a fresh claim**, you can’t appeal that decision but you can apply for a “judicial review”.
- **If the Home Office agrees that your new evidence is a fresh claim**, but refuses you the right to asylum, you have the right to an appeal.

You are particularly at risk of detention if:

- **You have been living here for a long time** without any legal right and have no children you are looking after.
- **You were not believed in your previous claim.**
- **You are from a “white list” country** – that is a country the UK government has good relations with and so considers has no “serious risk of persecution”. Countries like Jamaica and the Ukraine are on this list. But even in a country the UK government considers “safe”, women may be targeted for violence and persecution, and refused protection by police and others in authority. You can look for evidence of this in reports from human rights organizations.
- **Your claim is “certified” as “manifestly unfounded”.** (See section 3) .
- **You have a criminal conviction.** Your fresh claim should include information which explains why this conviction should not be used against you, e.g. if you were forced into illegality to feed yourself and your children, or by threats against them.

5. Claiming under ECHR Article 8, the right to private and family life

Beware, unscrupulous legal advisers are increasingly taking money from people to apply for Indefinite Leave to Remain using Article 8, with little or no supporting evidence. Read this carefully to make sure your legal adviser is not taking advantage of you, before you give them any money.

Claims under Article 8 are not easy because there is no absolute right to a private and family life. Instead your rights are weighed up against the government's right to enforce immigration controls and "the public good". So the judge may agree that your rights would be affected if you were sent back, but rule that this is OK because, for example, you have a criminal conviction, and it is not in the "public good" to allow you to stay.

You can apply if you can show that:

- **You depend on support in the UK**, informal and/or professional, to recover from trauma caused by rape or other torture or persecution, and to carry out your day-to-day life. You would have to show that being returned to your country of origin and being deprived of this essential support would breach your right to a private life. It is usually essential to have psychiatric evidence about the impact that being denied this support would have on you. If you would be affected psychologically (not just physically) by being denied medication for a physical illness you may also be entitled to make a claim.
- **Your right to a family life would be breached if you were sent back** to your country of origin. If you have lived in the UK for less than 20 years you will only succeed if your case is considered "exceptional", that is your family and community is in the UK, you have no family or cultural ties in the country you fled from and if you are refused it would "result in unjustifiably harsh consequences" for you and your family.

Legal aid: There is no legal aid to help you make an application under Article 8 (there is legal aid only for Article 3 cases). But you can apply for legal aid in “exceptional” cases, for example, your case is very complex and/or you are unable to represent yourself. Applications are made to the Legal Aid Agency.

A large fee is requested for Article 8 cases. Forms are available on-line to apply. Applications are made by post not in person. You can still make an application without paying the fee but you will probably face an additional fight – and delay – to get your application considered.

You will not be entitled to accommodation and financial support or medical treatment. Nor will you be entitled to the right to work even if you have been waiting for longer than a year for a decision.

6. How to protect yourself when you report to the authorities

Most people have to sign on every week or every month at an immigration office as a condition of staying in the UK. This is very stressful, especially since you aren’t allowed to take anyone in with you and you are cut off from all outside support: you are asked to switch off your mobile phone and all your belongings are taken from you and locked away. You then go through security and join the queue for signing on.

Often people are only told they have been refused when they sign on and can then be taken straight into detention for removal. If you are worried that you will be detained when you sign on, the following precautions can provide some protection:

- **Make sure you know exactly where your case has reached** in the legal process, what your lawyer has been doing and, if you have an application in, what they will do if you are refused.

Ask your lawyer for a letter explaining where your case is at, including if you are about to make a fresh claim or further representations, and take the letter with you when you sign on. The Home Office often has inaccurate or incomplete records and the immigration office where you report may not know where your case has reached.

- **Ask your lawyer for their mobile number** in case you are detained over a weekend.
- **Make sure you have emergency phone AND fax numbers** written down and with you when you sign on: friends/supporters, your lawyer, doctor, MP. If your mobile phone takes photos or records audio/video it will be taken off you when you are taken into detention. Faxing lawyers and MPs is free from detention, but making calls is not.
- **Take a letter from a health professional, counsellor or community group** if you are seeing one, saying you should not be detained as it would exacerbate any trauma you are suffering. Send a copy of these letters to your lawyer to check all the details are accurate. If there are no problems signing on, you don't need to show any of these letters. But if it seems they are going to detain you, then show them the letters and as soon as you can, call professionals or supporters you know to ask them to telephone the Home Office immediately to explain why you should not be detained.
- **Take a friend with you when you sign on.** Tell your friend how long it usually takes to sign on and that if it takes longer they should come and ask for you. If you can't find anyone to go with you, send a text to a friend just before you turn your mobile off and then text again as soon as you get out. If they don't hear from you within a given time, they should start making phone calls to find out what's happened to you.
- **Make sure your friend has information about your case:** where it has reached; who your lawyer is; who your MP is;

which other support networks you have; and how to contact any of these people if you are detained. Give them a copy of this *Guide*.

- **Make sure your case papers are accessible to you and to your supporters.** If necessary give a copy to a friend.

7. What to do if you are detained

If you are at risk of being detained keep a list of useful numbers with you – your lawyer, doctor, MP, relative, reliable friend, supporter.

- **As soon as you get to the detention centre, police station or airport terminal,** insist on being able to call a friend or relative to let them know where exactly you are.
- **If you have a lawyer, try to get hold of them on the phone** to tell them what has happened to you and ensure that they act immediately. Insist on the lawyer faxing you any submissions they put in for you.
- **If you don't have a lawyer, ask people on the outside** to help you find one or go to the legal clinic inside detention. (See section 13.)
- **Ask to see the chaplain and someone from the Visitors' Group.** They should be able to help with practical things like contacting your lawyer, giving you a phone card, toiletries, etc.

8. Your rights in detention

You have a right to:

- **Be given written reasons for your detention** – when you are first detained and each month after that.

- **Be given a written update on the issues in your case** – your asylum or other claim, application for bail, “judicial review”, etc.
- **A medical examination within 24 hours of being detained.**¹⁹ (See example of Ms PB who successfully sued the government because she wasn’t seen by a doctor.)²⁰ Any information you tell the doctor about whether you have been raped or tortured, are pregnant, have physical or mental health problems, etc., should be reported to the detention centre manager and could be a reason to release you.
- **A “Rule 35” report from the health centre** if you are a victim of rape or other torture.²¹ “Rule 35” is supposed to identify torture survivors and ensure their immediate release from detention. The Home Office should respond to the report within three days either by releasing you or by saying why they are not releasing you. In 2013, four torture victims got compensation because this procedure was not followed.²²
- **Make a claim for asylum if you haven’t made one before.** Ask to see the Home Office officers in the detention centre. If you are prevented from claiming, put your application in writing, and document how you are being obstructed. Copy your letter to your MP and the MP for the area where the removal centre is located.
- **Make a claim for asylum even if you have been convicted of a criminal offence and even if you are still in prison.** Your criminal record will be used against you in your asylum claim so include any circumstances that may explain your conviction. This will also assist in getting help from MPs and others.
- **To call the police if you are the victim of a crime** (like an assault) and **to call an ambulance if you have a medical emergency.**
- **You have rights to visits, adequate and nutritious food, clothes, showers, contact with organizations and people**

outside, educational and recreational facilities, etc. You have the right to a copy of your medical records. You should be informed in writing of these rights and can look them up in the Detention Centre Rules 2001.²³

Making a complaint in detention

- **If you are denied your rights, complain in writing.** Make sure the manager of the detention centre forwards your complaint to the Independent Monitoring Board which is supposed to investigate complaints. The detention centre also must investigate your complaint. If you aren't happy with the response, complain to the Prison Ombudsman (you must do this within three months). Copy your complaint and all correspondence to your MP and to us at Legal Action for Women to ensure that you aren't ignored and as a protection against retaliation by guards.
- **Make sure your complaint is heard.** Inform your relatives, friends, supporters, lawyer, doctor, etc., that you have made a complaint and why. Some women and men in detention have organised hunger strikes and other collective actions to protest at being detained and at the injustices of the asylum process. They made demands for change, got press coverage and some of them got released.²⁴

9. Getting out of detention

- **Some people should only be detained in** “very exceptional circumstances”: unaccompanied children and those under 18; elderly people; pregnant women; people with serious disabilities, serious medical conditions or mental health problems; and victims of rape and other torture with “independent evidence”. If this applies to you, you should tell your lawyer and the doctor at the detention centre. You should insist that your circumstances are reported to the manager of the detention centre and that you are released.

- **Everyone has the right to apply for bail to be released** from detention. You should be entitled to legal aid for a lawyer to help you, although you can apply without a lawyer. You can make as many applications for bail as you like though you will need to show that your circumstances have changed since the previous application (this change can include the length of time you have been detained). The case will be heard by an Immigration Judge who is supposed to decide on the basis of what is happening with your asylum claim and whether you are considered “likely to abscond”. If you have no application in with the Home Office and make a bail application it could prompt the Home Office to issue removal directions. A self-help booklet: “How to Get Out of Detention” by Bail for Immigration Detainees should be available in the library of every detention centre; if it is not, ask for it or get it online.²⁵
- **If you were detained despite being “vulnerable”** or having serious mental or physical disabilities, or if you have been detained for a long period, you can apply for compensation for “unlawful detention”. The Home Office has paid out millions to settle such cases. (See example of Ms PB.)²⁶
- **If repeated bail applications have failed**, it may be possible to apply for “judicial review” to challenge the lawfulness of your detention. This can also include a claim for compensation.

10. Detained Fast Track

If the Home Office thinks that your case is straightforward and can be decided quickly, they will put you on the Detained Fast Track (DFT). Beware: most people on DFT are removed before they can even prepare their case.

- **You have the right not to be put on the DFT if:**
 - you have independent evidence that you have suffered rape and/or other torture or you have been trafficked.

- you are under 18.
 - you are pregnant (24 weeks or above).
 - you have dependent children.
 - you have a disability – except if it is assessed as “easily manageable”.
 - you have a serious physical, mental or contagious medical condition.
- **You are entitled to a legal aid lawyer.** Ask them to apply to get you off the DFT and out of detention.
 - **If you have been put on DFT** despite falling into one of the groups listed above, you or your lawyer can apply to get you off DFT. Otherwise, you need to show that your case needs evidence (e.g. an expert medical report or an expert report about the situation in your country of origin) so that it is not possible to make a quick decision.
 - **If the HO refuses to release you from the DFT and detention** you can raise this again at your asylum appeal. Put your request in writing, explaining how being in detention is preventing you from making your case and ask for a written response from the judge. If you are refused by the judge, this can be grounds for appeal.

11. When you have the right not to be removed

You have the right not to be removed if:

- **You have an application in with the Home Office or an appeal that has not been decided.**

Beware: the Home Office may refuse your application and if you have no right to appeal, give you a date for removal AT THE SAME TIME. They may come to your home or they may hold back the decision until you go to sign on and take you into

detention then. If you have a lawyer, discuss with them what to do if you get a refusal. (See section 3).

- **Removal directions have not been given to you** (and your lawyer, if you have one) **at least 72 hours before your flight**. This should include at least two working days or five working days if you are on a charter flight. Removal directions tell you under which section of the law they intend to remove you and give date, time and other details of the plane they intend for you to travel on.
- You have successfully applied by fax to the European Court of Human Rights for “interim measures” to stop your removal under Rule 39, Rules of Court. The form is available on line. You can ask for an undertaking from the Home Office that you will not be removed. The dedicated fax line for these applications is: 00 33 3 88 41 39 00.
- **Your country of origin doesn’t accept that you are from that country** and will not issue you with travel documents. The Home Office should not be able to send you back there, and you should be released from detention. Get legal advice about whether you can make a “stateless person” application.

NB: Just putting in an application for “judicial review” may not stop your removal, for example if you are on a charter flight (flight no. begins with “PVT”). You will also need to get an injunction from the High Court.

12. When you can make a case that you should not be removed

You can make a case not to be removed if:

- **You are bringing a civil claim for compensation for ill-treatment**, for example, if you were beaten up during an attempted removal, you can argue that you need to stay in the UK to pursue this, documenting the difficulties you would face in pursuing your legal case if you were sent back.

- **You are being sent back to a country where there is a lot of malaria.** If you are pregnant or have a young child, you should be given medication beforehand. Beware: some of the malaria prophylaxes are not suitable for pregnant women or children and you can refuse them.²⁷
- **You are over 35 weeks pregnant or you have a young baby** and have not yet recovered from the birth, and/or the baby has health problems. You can ask a midwife or doctor to provide medical evidence that you/your baby is “unfit to fly”.
- **The Home Office doesn’t accept that you are from the country** you say you are and claims you are from another country. They may try to send you to this other country. You should press for written confirmation that you have not been accepted as a national and challenge the removal.
- **You have been the victim of a crime** you have reported to the police. You can argue that your removal violates your rights, especially if there is a prosecution pending, and that you won’t be able to give evidence at the trial and this could be an “abuse of process”²⁸
- **You are at risk of suicide.** You will need psychiatric evidence which documents this.

Beware: **Do not sign any paper that says that you agree to being returned** to your home country, even if officials intimidate or threaten you. **Do not sign any agreement to leave your children behind, or to take them with you.** You are being held against your will and are vulnerable, you shouldn’t agree to anything that signs away your rights or your children’s rights.

13. How to get your lawyer to act for you

“Lawyers know that it is almost impossible to change lawyer so many don’t feel they need to do a good job. My solicitor refused to see me, wouldn’t tell me what he was doing with my case and at some point lost my papers. I was scared to

complain in case he dropped me. I complained and copied the letter to our self-help group. He was worried when he saw I had written it down. He agreed to meet me to explain what was happening.”

Legal Aid

Scotland and N. Ireland have different rules on who is eligible for legal aid.

In England and Wales you are entitled to some free legal advice and representation if you are making an asylum or humanitarian protection claim or an appeal. There are fixed fees for how much lawyers get paid – at the time of writing, approximately £400 for a new asylum claim and £360 if the lawyer travels to an immigration removal centre and advises more than five people. Lawyers can apply for an “extension” of legal aid to do more work on your case, for example to get an expert report. Lawyers don’t get legal aid to attend the Home Office interviews, except in the Detained Fast Track.

Legal aid may be withdrawn at any point if your lawyer decides your case has “no merit”. You can ask your lawyer to reconsider or appeal to the Legal Aid Agency.

There is no legal aid for Article 8 applications, except in some “exceptional” cases. You have to show that your human rights will be breached if you don’t get legal aid, or that an important legal issue is at stake which needs a lawyer.

You can get legal aid if you are applying for accommodation but not if you only want financial support (money or pre-paid cards).

There is no legal aid for representation at asylum support appeals.

People often think that those paid to represent them will automatically have their interests at heart and know what’s best for them. That is far from the truth.

The best lawyers are overworked. Since the legal aid cuts, many firms have closed or stopped doing legal aid work. The fixed fee system makes it more difficult for lawyers to do a good and thorough job.

Some may not be that experienced in representing people in particular circumstances, for example rape victims. Some are unimaginative, too cautious or intimidated by those above them in the legal hierarchy. Some are slow, careless or even corrupt (some have been known to demand sex in exchange for representation).²⁹ Many are not available for out-of-hours emergencies. The Home Office takes advantage of this, removing people out-of-hours knowing they won't be able to reach their lawyer.

Any honest and committed lawyer will respect you more for monitoring your case closely and will be more accountable to you as a result. The more informed you are about your case, the better you can work with your lawyer.

- **Whoever your lawyer is, you must always know what s/he is doing** and how to get in touch with her/him. Insist s/he explains all the legal aspects of your case and where it has reached, in writing to you if necessary. Insist on seeing everything your lawyer puts in BEFORE it is submitted. Get a copy of any representations made or received on your behalf.
- **If you are under threat of deportation** it is vital that you understand what your lawyer is doing to stop your deportation and agree deadlines about when applications will be submitted to make sure everything is done in time.
- **Do not be deterred by an arrogant manner** – lawyers are paid to represent their clients but they often behave as if we should be grateful for any attention we get, especially if we have no money!
- **Always take a friend with you to appointments** to help you follow what's happening and get better treatment from the lawyer. If the lawyer asks you for money, ask why this work is

not covered by legal aid. Ask for a breakdown of the costs in writing.

- **If you don't speak or read English** well enough to understand everything they tell you, insist they provide translation for you at every appointment.
- **If the lawyer doesn't want to speak to you** or you have any other kind of complaint, put it in writing. If you are in detention, contact their supervisor, or a partner in the firm, explain that it is an emergency and ask them to appoint someone else to deal with your case. Then put that in writing. Just doing this can prompt the solicitor to respond. If you don't put things in writing you will have no record of what happened and no comeback later. Some women have won compensation for bad legal representation but ONLY because they had a written record of what happened.
- **If nothing changes after you complained, take it further.** All law firms must have a complaints procedure. Tell them in writing that if you don't hear back from them immediately you will complain to the Legal Ombudsman.
- **If you don't have a lawyer, ask people to help you find one.** A recommendation from someone is often the best way.
- **Beware of corrupt lawyers.** There is no guarantee that a lawyer will do a better job just because you are paying her/him. Some disreputable legal firms specialise in immigration and detention cases precisely because they know people are vulnerable and desperate for help. Such lawyers collect their money, do little or no work, and let you be deported before you can make a complaint against them.

Despite widespread negligence, corruption and even criminal behaviour by lawyers, we have seen little evidence that the bodies which claim to uphold professional standards act against the offending lawyers. This protection of the professional at the expense of the public is not unique to the legal profession.

Legal representation in detention

- **There is usually a legal clinic** where you can be seen by a lawyer from one of the firms which have a contract to provide legal representation in detention centres. If you don't have a lawyer, or want a second opinion, make an appointment at the clinic as soon as possible. Details are usually in the library of the detention centre. The appointment will be short and you will be assessed to see if you are entitled to ongoing free representation.
- **It is useful to have a written summary of your case**, which says why you are fearful of being deported, what stage your case is at etc. (See Appendix B Sample case summary). Take any other legal papers with you. You can also contact the firms which have a contract with the removal centre and ask them to represent you.
- **If you have problems getting an appointment**, particularly if you are facing imminent deportation/removal, you should fax the Legal Aid Agency explaining the difficulty and asking for an urgent appointment. Copy the letter to your MP (<http://www.parliament.uk/mps-lords-and-offices/mps/>).
- **If you're in detention, getting lawyers to act quickly is essential.** Ask your lawyer to explain what they intend to do to stop your flight and when, then monitor that timetable. For example: when will they submit your fresh claim; what will they do if it is not being considered and your flight is not being cancelled; will they apply for "judicial review" if the Home Office refuse to treat it as a fresh claim; will that application automatically stop your flight or will they apply for an injunction? Many people have been removed because their lawyer ran out of time or failed to pursue their case. You or your supporters should check every day (or several times a day) what the lawyer is doing. If they don't get back to you complain in writing – see above.

- **It may be difficult for you to keep on top of what your lawyer is doing** if you are in detention – try to find a friend, relative or supporter who is ready to help. You will have to give your written permission for your lawyer to discuss your case with the person acting for you.
- **Do not be discouraged if the lawyer says that there's nothing else that can be done** – few are as informed or persistent as the circumstances often demand. By being determined or getting someone determined to act for you, you may win your lawyer's respect and persuade him/her to do more than usual!

14. What you can do if you are taken to the airport against your will

- **If you are too frightened to go back to your home country, tell the guards escorting you why you refuse to go.** They may be under instruction not to use any force on a first attempt to remove someone.
- **If your lawyer is in court or your MP is taking action to stop your flight,** make sure the escorts know and that they do not turn off their phones.
- **Ask to see the Chief Immigration Officer at the airport.** Tell them any dangers you face on return which have not been properly considered. You have a particularly strong case to have your flight stopped if you have not claimed asylum before or have been prevented from doing so in detention.
- **Tell passengers and crew** that you are being forced onto the plane against your will.
- **In some cases, pilots have refused to allow people who were distressed or injured to fly.** Passengers have objected to travelling with a person who is being deported.

- **If the guards have injured you, try to show those injuries to passengers and crew.** Ask anyone with a camera to take a photo of your injuries. Violence by guards during removal is well-documented.³⁰ Some people have tragically been killed.³¹ But others have been saved by passengers intervening on their behalf. The crew may not want to intervene, but if they are made aware of what's happening they can inform the pilot who has the authority to take anyone off the flight.
- **Ask supporters to leaflet passengers at the check-in.** Ask them to alert the pilot as soon as possible.
- **Don't give up.** Keep telling people that you don't agree to be removed and explain why you are claiming asylum in the UK and why you are scared of going back. You never know at what point someone may be sympathetic to your situation and be helpful.
- **You can be taken off the flight right up until the time the doors close.** In one case, a woman being deported to Côte D'Ivoire got as far as Paris, the flight's first stop-over, and was returned to England when the pilot of the Paris plane refused to take her because she was injured and distressed.
- **If you are not put on the flight you will be returned to the detention centre,** which will give you more time for representations to be made and evidence to be gathered.

15. How to get in touch with a Member of Parliament (MP)

- **Call the Houses of Parliament** on 020 7219 3000 or find your MP on the internet (www.findyourmp.parliament.uk). You need to know the postcode of where you live which should be on any official correspondence sent to you. If you are in detention, contact the MP for the area in the UK where you were living beforehand. If you are taken into detention on arrival in the UK so you have never had an address, or your MP is not

helping you, contact the MP for the area the detention centre is in.

- **It is much better to meet your MP in person** if you can. MPs have regular “surgeries” – a couple of hours every week, usually on Fridays or Saturdays, when you can introduce yourself and explain your situation. Ask a friend or relative to meet your MP with you. Some MPs can be unsympathetic, impatient and even rude, especially if you are alone. If you are helping someone in detention, you can still go to meet the MP in person. Meeting you or your supporters face-to-face can make an MP more likely to act when there is an emergency.
- **Be clear about what help you want from your MP** otherwise they will just make a general inquiry to the Home Office and then forward to you the reasons why you have been refused. Take a written summary of your case if possible. (See Appendix B *Sample case summary*.)
- **Think about whether there are any other MPs who should be informed** – you never know, they may be motivated to do something even though they can only “represent” someone in their constituency. For example, MPs who are people of colour, women and/or gay, may be ready to intervene.

16. How you can defend the rights of someone in detention and/or about to be deported

- **There is always something that can be done** when someone in detention faces imminent removal. It is never too late. Removals can be stopped at any point until the plane leaves and people have even won the right to come back to the UK. Anyone can do this work. If you stay determined and keep on fighting, you never know when something or someone helpful will turn up. No matter how good the lawyer, it is always helpful if you have understood the person’s case and so can help make sure it is pursued well.

- **Send them this *Guide* immediately and check by phone that they received it.**
- **Keep in very close contact with the person in detention at all times**, so that they are consulted and informed about everything you are doing. They will be given a mobile phone but will need money to buy a sim card. What the person inside has to say about their case, where it has reached or why it has been closed and why this is wrong, is often the most essential, and winning, information.
- **Contact with the person's lawyer is crucial.** It is difficult and sometimes impossible for someone in detention who may not speak English and is distressed to stay in touch with their lawyer, but you can. Get the person's authorisation, preferably in writing, so you can contact the lawyer on their behalf. (See section 13).
- **If the person has no lawyer and can't get help from the legal clinic inside detention in time**, tell the Home Office what you have done to find one and that there should be no deportation until a lawyer can make legal representations. Complain to the Legal Aid Agency which runs legal clinics inside detention. Tell the Home Office that going ahead would be a breach of natural justice if the person has not yet been able to find legal representation to which they are entitled.
- **Find out whether all circumstances have been considered.** Ask the detained person whether, in their view, the Home Office has considered fairly everything that happened to them, for example rape or other sexual violence or any other circumstances that may be relevant to their case. Discuss with them whether that information has come out before or if it can be grounds to make a fresh claim.
- **The psychological state of the detained person may be grounds for not being removed.** If all aspects of torture and persecution have been considered and all legal challenges

have been exhausted, find out whether submissions have been made about the psychological state of the person claiming asylum since their detention (say how long detention has gone on for) and/or about the likely effects of their being returned. For example, if they have threatened suicide rather than be sent back, has a psychiatrist been asked to give an expert opinion? If not, insist that the lawyer makes representations to stop the removal on the basis that time is needed for such a report to be made and considered. Sometimes we have found people working in the health services of detention centres who are ready to help by confirming whether and how the person's health is suffering as a result of detention and/or threatened removal.

- **Contact an MP.** Whether or not there is a lawyer, it is urgent to get in touch with an MP as soon as possible – they can make a high-level intervention direct to the Home Office and flights should not proceed unless their intervention is responded to. MPs are more likely to intervene in an emergency if they already know the person and her/his situation. (See section 15).
- **Don't be deterred by problems with the case.** No matter how strong the case, the Home Office will use any contradictions or unexplained circumstances to try to dismiss it. For example, the person you are supporting may have been pressured into making a false claim or have missed signing on because they were ill. In some cases the Home Office has made a mistake. The important thing is to stop the deportation so that proper legal representation can be organised and you or the person acting for you has the opportunity to explain fully the circumstances of the case.

17. Campaigning to stop a removal or deportation

- **Whether or not there is a lawyer**, you can make urgent submissions in writing about your concerns for the person under threat. Use all the information you have. You don't have to sound like a lawyer or make legal points to be effective. Anyone can do this, but it will have more weight if the person making the submission is acting on behalf of an organisation, for example, a school, women's group, religious group, etc. If there is no-one available who has these credentials, try to find someone in a position of authority – a religious representative, a teacher or psychiatrist. One or two committed people can achieve a lot.
- **Fax your submissions to the Home Office** and to the port, airport, train station from which the person is due to be deported. Look on the paper which gives the removal directions for details. Send copies to the Minister for Immigration and the Home Secretary, to the person's MP and to any other interested parties – for example other agencies helping the person. Make sure you include the Home Office reference number and the person's full name.
- **Think about which networks you can ask to help.** For example, if the person detained is pregnant or has a young child, you might get support from doctors, midwives, breastfeeding networks; if they have children in school ask their teachers, schoolmates and parents to write; if they belong to a church, temple, mosque or other place of worship, ask the religious representative and the congregation to write in support. These letters don't have to be long or detailed, but they must be sent straight away.
- **Contact the detention centre's visitors' group** – many detention centres have them. Find out if someone has been assigned to the person you are helping, ask what they can

do to help and keep them informed about everything you are doing.

- **Ask people to circulate your campaign information by email.**
- **Ask supporters who are going into the detention centre to take money to buy phone cards.**
- **Contact the airline and explain that they will be carrying someone who should not be travelling**, who is being transported against their will, and that they will be held responsible if anything happens to that person. **Give the flight number, airport and terminal details. Be precise.**

18. Going to the media

Publicity is often essential in preventing deportation and getting someone out of detention.

- **Ask the person you are working with if they are ready to go public.** They may be shy or nervous. Explain that getting media coverage has been extremely effective in winning many other cases. Make sure they know they will not have to face the media alone, that you will stand with them through it all. You will need to have their written permission, ask them to fax a note or send a text saying they agree to be interviewed.
- **Look for journalists who have written or spoken accurately and sympathetically on asylum and immigration issues.** Also contact the people of colour, gay and/or disability media if appropriate.
- **Get journalists to make phone calls to the Home Office and port**, saying they've heard Ms/Mr X is about to be removed even though they have a very compelling case. This can be local, national press/radio or freelance journalists. They can ask the Home Office to comment on the case – letting the Home Office know they are being watched. This can often make the difference to whether the removal is stopped.

- **Ask journalists to interview the person on the phone while in detention.** The local newspapers and radio for the area where the person has been living may publish an article or broadcast an interview and help mobilise local support. Tell them if the MP is supportive – or if they are not.
- **Send out a press release as an individual or from your group.** The person's name does not have to be in the press release, but if it comes to being interviewed, the journalist will usually want their name at that point.

A press release should be brief and include:

- A title: for example Press Release: Unjust detention of rape survivor and baby daughter
- A first paragraph which summarises the person's situation, why and when they came to the UK, whether they have a current asylum claim. You need to be graphic about any torture the person may have faced and about why they would be at risk if returned – this may interest the media and overcome their indifference.
- Details of any health conditions, mistreatment or other reasons that make this individual particularly vulnerable.
- Community support to show that people from different walks of life value the person's contribution to society and think s/he should have the right to stay.
- A quote from the person inside.

See sample press release at the back.

19. Use every victory to win more

- **Once you succeed in stopping a removal,** use the momentum your campaigning has created to demand the right to stay. Some women we have worked with have been let out of detention and allowed to remain immediately. This is because the Home Office prefers to detain and deport people who don't

“make trouble”, that is, who don’t speak up and who don’t have anyone else to defend them. In any case, make every effort to apply for bail or to get the person out – the Home Office can grant Temporary Admission at any time, whether or not there has been a bail hearing. Once out of detention, there will be more time to work out what needs to be done to pursue the case.

Appendix A

UPDATE: Women on Hunger Strike in Yarl’s Wood IRC, 8 February – 19 March 2010.

This is to inform the authorities and the public that the on-going hunger strike is to be suspended on the 19 March 2010 at 9.00 am. We are giving the authorities and immigration the chance to look at all the issues raised before and during the strike. We are hoping that management at Serco will review problems at Yarl’s Wood. Also, we expect immigration to carefully look at the cases of women held at the detention centre.

The suspension will last for three weeks until something is done to all the issues that had been raised. Our position will be reviewed on suspension of the hunger strike if there are no changes to the problems and issues. Nobody wants to go on hunger strike, but if the authorities and immigration do not listen to us then we can resume the hunger strike.

We are demanding the following actions

- *There should be a full investigation into what happened during the peaceful protest on 8 February 2010.
- *Any removals of women who were involved with the protest

should be suspended until after the investigation.

- *End the detention of rape survivors and other torture victims, physically/mentally sick people and pregnant women.
- *End the detention of children and their mothers.
- *End the separation of children from their mothers whether by detention or by destitution.
- *Allow enough time and make resources available to residents who need to fully present their cases.
- *End all false allegations and misrepresentations by the Home Office regarding detainees in order to refuse bail or temporary admissions.
- *Access to appropriate medical treatment and care as in the community, access to edible and well cooked food, cancel weekly mobile phones charges and allow phone connections, with camera and recording facilities to back up cases.
- *Stop the forceful removal and degrading system of deportation of detainees.
- *Detention should be subjected to periodic “judicial reviews”.
- *Stop the fingerprinting and taking photograph of our visitors (Even real prisons don’t do this to visitors).
- *Interpreters for non English speaking women to help them with their queries.
- *End the detention of women after serving time in prison. Women served their sentence they should not be punished again by detention or deportation.
- * Stop the extortion by the Yarl’s Wood shop. The shop charges us extra 20p per item, even though the centre knows we have no money.
- * Abolish the fast track system, in order to give asylum seekers

a fair chance with their application, while understanding the particular needs of victims of torture, and access to reliable legal representation which the fast track system denies.

*More female officers and black officers. The centre is 80 percent black detainee and only female offices should search our rooms.

*More activities in the centre. There are 12 computers (which are very slow to use), 10 chairs in the arts room with small material to work with. This is supposed to cater for more than 400 women. The library has no popular books and all the books are very old. We are not allowed to order books from other libraries.

Appendix B

Sample case summary

Ms X – XX country of origin

Why I fled my country.

I fled XX because I was verbally abused, physically attacked and raped by a gang of men for being a lesbian. I could not go to the police because I feared that they would attack me because of my sexuality. I knew other women who had experienced this.

Why I fear to return.

I fear I would be attacked again and even killed. I could not live anywhere else in my country because I would be at risk because of my sexuality. Also, I could not tell anyone about the rape I suffered and try to get help. I would be blamed for what happened and be stigmatised.

My asylum claim.

I arrived in [date] with the help of a friend. I got a paid lawyer who

never told me that I was entitled to legal aid. I put in my asylum claim on [date] and was detained the same day in Yarl's Wood. Whilst in detention I was put on fast track, after my interview I was refused because the Home Office said they did not believe me. I was given two days to appeal against the decision. My paid lawyer refused to take up my case because I had no more money to pay her. The Home Office allocated me a legal aid lawyer for my appeal. They visited me and took my papers. But after that they never replied to my calls and emails.

I found a solicitor through the Legal Clinic who applied for an adjournment to allow them to study my case. They referred me to a psychologist as I was very traumatised. The hearing took place on [date] and was refused two days later on grounds of credibility, even though I had two witnesses to corroborate I was a lesbian. I applied to the Upper Tribunal and was given permission for reconsideration. The Judge said my case should be taken out of the fast track and my appeal reheard, he was critical of the first judge refusing to accept my witnesses and my medical report. On [date] the appeal was held again and the Judge asked for further evidence before [date]. Now my case will be heard at 10 am, [date and address]. The further adjournment was granted to allow me more time to gather further evidence.

Why I was disbelieved.

My witnesses and a report from the Helen Bamber Foundation were dismissed.

Political activity in the UK?

I am a member of two gay organisations: details.

Current living conditions.

I am currently living in a shared room in a hostel and supported by NASS financially.

What support do you depend on in the UK?

I am a member of the All African Women's Group, Red Cross

Women's group, UKLGIG, Skylight Crisis and Women Therapy Centre.

What particular help do you need?

[You can add here what you want people to do. If this summary is for a particular person, for example, your MP, then say what you want your MP to do. For example, write to the Home Office to raise concerns about the discrimination and violence against lesbian women in whatever country you come from, expressing concern for your safety and asking why the evidence presented in your case was dismissed.]

Appendix C

Two women speak about detention

Ms F in Yarl's Wood

They detained me when I went to sign on. The official went away for 15 minutes and came back and said my case was refused. I was taken to Tinsley House at Gatwick airport. I was alone in the van. The way they closed the door — it was like I was a criminal. I spent two days there, then they transferred me with eight other women to Yarl's Wood.

The staff treated us like children or as if we were criminals. I told one woman, "don't look at me like that." We are here because something forced us to flee our country. I told them, "when you give me an order, think that maybe I am older than you. You know my name, why can't you call me by my name? Why do you call us 'detainees'?"

If they think your behaviour is bad, they take you to another room [a segregation room]. They put one lady from Jamaica in that room, because she was sick and not eating. They just close the

doors and don't look in.

They monitor our behaviour and take notes and then after one or two weeks they give you a voucher. If you are "bad" they take it back. You get three chances to be "good". I said, "take it back, I don't want it. I am not here to get your vouchers." They make us give our money to them and they don't allow us to spend it how we want. We are human beings just like them, but they treat us badly because we are black. Everywhere you go, there have to be two people with you, two security officers. When you pass through a door, they have two doors, they close it behind you before they open the next door.

I was not eating properly. I was too stressed. I thought, "If I am sent back I will be killed so I prefer to die here." I was crying and I thought, "today is to be my last day." I was having pain in my hand and tummy. They gave me tablets of Ibuprofen. I waited until everyone went to supper, and I was going to take all those tablets. I thought, "they want to spend the money to send me back there to be killed. I would rather kill myself." But the nurse told me that even if I took 100 pills they wouldn't do anything.

After 26 days in Yarl's Wood, they let me out because of pressure from the Black Women's Rape Action Project (BWRAP). My brother phoned BWRAP to ask for help two days before I was due to be deported.

BWRAP sent urgent letters to the immigration minister, and emailed lots of people asking them to support my demand to be released. They made many phone calls and sent emails and faxes to immigration officers. They also found me a new solicitor who submitted a fresh claim. They called me regularly while I was alone, isolated and so depressed. When my deportation was stopped, they worked with my solicitor to get me out of Yarl's Wood.

You get upset seeing the way other women are treated. One night I was asleep when at 2am we heard someone screaming, crying in

Lingala and French, calling our names, “they’re killing me, they’re beating me.” A guard stood in front of our room so that we couldn’t see everything that was going on. She was without trousers, only pants. They wouldn’t let us speak to her. She had no shoes, they just put a blanket around her.

They handcuffed her. She was saying, “I don’t have any letter, I had nothing for deportation.” They beat her and took her to the plane. The pilot said, “no, she doesn’t want to go, you are forcing her.” They brought her back and then they took her to Dungavel [Detention Centre].

Ms N in Oakington

I went to Croydon to claim asylum and I was taken to Oakington. I went with a friend and she told me they will ask your name and will ask you where you come from. I went there without knowing what would happen. We arrived very early in the morning and we waited two hours in the queue. They put me in a room without saying anything. My friend didn’t come in with me. I started panicking. I thought maybe they were taking me home. I waited in that room until 8pm when a man came and told me that I was detained. I asked why but they wouldn’t answer. I was so upset. I had only enough money to phone my friends to tell them I was going to a detention centre. Then we got put in a van; there were three women and five men in the same van. It took us three hours to arrive at Oakington.

They took us to a room when we arrived. I was so, so upset. It’s a prison. I cried. I was without any help. No-one explained anything. They just took us to a dorm with 15 people from different countries. Another woman in there spoke to me and told me to be strong. No-one of the staff was friendly, and they didn’t ask why I was upset. I stayed in my bed, but no-one asked me why. I had a lot of thoughts to kill myself. I thought, “if they are going to take me back home, then I will do it.” I didn’t want to go to the meal times.

I couldn't eat. The woman told me to go outside if I didn't want to eat, I couldn't stay inside. I went out, it was very cold, and I forgot to take my jacket.

While they were having their lunch, I went in the bathroom. I took my clothes and I tried to find somewhere to make a rope with it so I could kill myself. One woman found me and she told an official that I hadn't eaten anything, that I had been crying all the time since I have arrived, that I was in the bathroom trying to hurt myself. I told them that I was sick and they gave me medicine, but another woman told me not to take the medicine. I feared taking it. I remember very well I could not eat — in seven days, I took only two suppers, no lunch, no dinner.

In that place people were suffering. There were women with young children — women with children should not be there. They don't have any proper doctor, just give everyone paracetamol. There are 15 people sharing one bathroom, one toilet. There were other women there who couldn't be strong, they were very upset. There was one Indian lady, aged 55 or 60, they took her for treatment, she was crying, screaming and they took her in the van to hospital. When they brought her back, she slept two days without waking up because she was drugged. No-one came to check on her, to see if she was OK and no-one asked why she was always sleeping.

An official came on the third day to say I would be interviewed. He said, "this is your chance to speak." They didn't ask me anything at Croydon. They said, "you have a lawyer," and told me they would give me an interpreter because my English was not good then. You are supposed to tell everything at this interview. I didn't meet my lawyer until just before the interview. The interpreter said, "don't worry, you will be OK. Don't cry, be strong. It's not simple to come to this country, you have only just begun your journey." They told me to wait for my decision but it was refused because they said it was safe for me to go back.

Appendix D

Sample letter of support

Leeds Immigration Service
DATE

EXTREMELY URGENT: Please pass immediately to the Chief Immigration Officer

Re Ms N, HO Ref No.

We are extremely concerned about the welfare of Ms N and her unborn child and outraged at the inhumane way they have been treated by the immigration service. Despite Ms N being over 36 weeks pregnant and even though the father of her child has the right to remain in the UK, she is facing removal today at 20:00 hrs to [country] on [airline] [flight no.].

The father of Ms N's child is a teacher. He is distraught at the prospect of losing his child. Ms N has been told to make arrangements for their support on arrival in [country]. Yet there will be no one to help her and as a returned asylum seeker she is at grave risk of being detained by the authorities.

We are being advised by Professor X, [position] who has called your offices to stress that Ms N is not fit to travel. Ms N suffers from high blood pressure which was confirmed by a doctor at Yarl's Wood Removal Centre who examined her this morning. Ms N has pains in her stomach and is having contractions. The threat of removal and the associated fear is putting Ms N under enormous stress and the prospect of a flight is exacerbating this. We understand that Professor X has warned you of the clear association between stress and premature labour. Even in normal circumstances, women in advanced pregnancy are cautioned not to fly, and airlines are very cautious about allowing pregnant women on their flights. The risk of thrombosis on long haul flights is

also well established. To force a pregnant woman to fly regardless of the possible consequences is shockingly irresponsible of the immigration service.

The public will be horrified to know of the barbaric and callous treatment of a woman who is in such advanced stages of pregnancy and so traumatised that she is barely able to speak. We fear that institutionalised hostility to people seeking asylum compounded by racism may be behind Ms N's appalling treatment.

The removal must be stopped immediately. Ms N's solicitor must be given time to make legal representations and put her full claim before the authorities.

Yours,

[YOUR NAME]
cc Home Secretary
Immigration Minister
Professor X [position]

Appendix E

Sample Press Release

URGENT APPEAL RE DETENTION OF RAPE SURVIVOR & BABY DAUGHTER

A woman from Uganda who survived rape and other torture is being detained in Oakington detention centre with her 10-month old daughter. This is despite the fact that her asylum claim is still being considered and that she has been living with her husband, the child's father, in South London for the past year, signing on every Saturday, including the day before she was detained.

Background

Ms K, a mother of four, is a survivor of rape and other torture. In [date] she was detained for a month in prison in [country] where she was beaten and raped and interrogated daily about her husband's suspected political activities. Her husband was also arrested and tortured. After hiding from the authorities, they eventually fled to the UK, leaving their three young children in the care of Ms K's mother.

Ms K's asylum claim was refused in [date] and an appeal submitted.

At 7.30am on [date] several police and immigration officers arrived at the house where Ms K was staying with her child. Despite showing them her documents, Ms K was forced into a van and taken to Oakington Detention Centre. She was given no food, drink or clean nappies during the seven hour journey. When they arrived at Oakington the child was only given water and a sandwich which she couldn't eat because she was too distressed.

As of [date], Ms K had been given only one item of clothing which was suitable for her daughter and nothing for herself – so both had been without clean clothes, toiletries, etc., for over two days. Her child had eaten little besides some porridge and chips because the food provided is unsuitable.

Ms K takes medication for a gastric ulcer and suffers from severe back pain. Her health is endangered by the terrible stress she is suffering. She says:

“This is a real prison. I was in prison in Uganda – being here is like being there and reminds me of what happened there. Being searched and then kept inside here makes everything come back to me. We are treated like criminals. There are many women and children here and everyone is very upset with no hope.”

Ms K is a member of the All African Women's Group and takes an active part in all their activities. She is available for interview via the number above.

Appendix F

Useful contact details

All African Women's Group

Tel: 020 7482 2496 Fax: 020 7267 7297
aawg02@gmail.com

Association of Visitors to Immigration Detainees (AVID)

Tel: 020 7281 0533
www.aviddetention.org.uk

Black Women's Rape Action Project

Tel: 020 7482 2496 Fax: 020 7267 7297
bwrap@rapeaction.net
www.womenagainstrape.net

Bail for Immigration Detainees

London Tel: 020 7247 3590 Fax: 020 7426 0335
Oxford Tel: 01865 200 357 Fax: 01865 793 009
South Tel: 0239 281 6633 Fax: 0239 282 1529
enquiries@biduk.org
www.biduk.org

Medical Justice

Tel: 020 7561 7498 Fax: 08450 529370
info@medicaljustice.org.uk
Referrals: med@medicaljustice.org.uk
www.medicaljustice.org.uk

Legal Aid Agency

Tel: 0845 345 4345

www.gov.uk/legal-aid**Legal Ombudsman**

Tel: 0300 555 0333

enquiries@legalombudsman.org.ukwww.legalombudsman.org.uk**Churches Together in Britain and Ireland Bail Circle**

Tel: 0845 680 6851 Fax: 0845 680 6852

info@ctbi.org.uk**Helen Bamber Foundation**

Tel: 020 3058 2020 Fax: 020 3058 2050

reception@helenbamber.orgwww.helenbamber.org**Freedom from Torture (formerly Medical Foundation for the Care of Victims of Torture)**

Birmingham, Glasgow, London (Tel: 020 7697 7777

Fax: 020 7697 7799), Manchester & Newcastle offices

www.freedomfromtorture.org**Right to Remain**

Tel: 020 7749 7616 Fax: 0845 052 9349

www.righttoremain.org.uk**No Borders UK**<http://noborders.org.uk/>

Groups in: Birmingham, Brighton, Bristol, Leeds, London, Manchester, Nottingham, Oxford, Sheffield and in Scotland and Wales.

SOAS Detainee Support Groupsoas_detainee_support@riseup.netwww.soasdetaineesupport.wordpress.com**The Unity Centre**

Glasgow Tel: 0141 427 7992 Fax: 0141 427 1959

info@unitycentreglasgow.org<http://unitycentreglasgow.org/>

Women Asylum Seekers Together

womentogether@wast.org.uk

www.wast.org.uk

IMMIGRATION REMOVAL CENTRES (IRC)

IRC Brook House

Tel: 01293 566500 Fax: 01293 566590

IRC Campsfield House

Tel: 01865 23600 Fax: 01865 233723

Cedars Family Detention Unit

Tel: 01293 844900 Fax: 01293 844945

IRC Colnbrook

Tel: 020 8607 5200 Fax: 020 8759 7996

IRC Dover

Tel: 01304 246400 Fax: 01304 246401

IRC Dungavel

Tel: 01698 395000 Fax: 01698 395076

IRC Harmondsworth

Tel: 020 8283 3850 Fax: 020 8283 3851

IRC Haslar

Tel: 023 9260 4000 Fax: 023 9260 4001

IRC Morton Hall

Tel: 015 2266 6700 Fax: 01522 666850

IRC Pennine House

Tel: 0161 489 5702 Fax: 0161 489 5701

IRC Tinsley House

Tel: 01293 434800 Fax: 01293 434825

IRC Yarl's Wood

Tel: 01234 821000 Fax: 01234 821 026

The Verne

01305 825000

Northern Ireland

Larne House

Tel: 028 282 62070 Fax: 028 282 62071

Notes

1. All quotes by women about their individual experiences are by members of the All African Women's Group unless otherwise specified.

2. We use "deportation", the word of the immigrant and refugee rights movement, interchangeably with "removal" even though the two words have different legal meanings. According to legal definitions, deportations are carried out only as part of a criminal sentence or if "someone should be excluded from the UK for the public good." Most people nowadays are "removed".

3. Asylum Gender Guidelines, Immigration Appellate Authority, Nov 2000.

4. Ms Rose Najjemba won her case after a high-profile campaign forced the immigration minister to overturn earlier refusals. See www.womenagainstrape.net

5. They Took Me Away – Women's Experiences of Immigration Detention in the UK, Bail for Immigration Detainees and the Refugee Women's Asylum Project at Asylum Aid, Aug 2004.

6. Detention Undercover – The Real Story, BBC 1, 2 March 2005.

7. One woman claiming asylum after rape and homophobic persecution in Romania received obscene phone calls in her room inside Yarl's Wood from someone with information about her location.

8. Harm on Removal: Excessive Force against Failed Asylum Seekers, by Dr Charlotte Granville Chapman, Ellie Smith and Neil Moloney, Medical Foundation for the Care of Victims of Torture, 2004.
9. "Row erupts as hostel turns refugee onto the streets," Richmond and Twickenham Times, 31 Dec 2003.
10. The Guardian, 16 Feb 2005.
11. Hansard, 11 June 2002.
12. "Rural asylum centres scrapped", Robert Booth, The Guardian, 11 June 2005.
13. Halimat Babamba, Strangers & Sisters – Women, Race & Immigration ed. by Selma James, Falling Wall Press, 1985, p154.
14. Article 2 is rarely used because it is hard to prove you will be killed if you are sent back.
15. This is not an "absolute" right. the Home Office can say its right to impose immigration controls carries more weight.
16. Misjudging Rape: Breaching Gender Guidelines & International Law in Asylum Appeals, (Crossroads Books, 2006)
17. [www.the Home Office.homeoffice.gov.uk/policyandlaw/guidance/coi/](http://www.theHomeOffice.homeoffice.gov.uk/policyandlaw/guidance/coi/)
18. Razgar v SSHD, 2004
19. Rule 34, The Detention Centre Rules 2001
20. www.womenagainstrape.net
21. Detention Centre Rules 2001
22. www.medicaljustice.co.uk
23. www.legislation.gov.uk/uksi/2001/238/contents/made
24. Black Women's Rape Action Project, co-ordinated support from outside for hunger strikes in 2007, 2009, 2010.
www.womenagainstrape.net

25. www.bid.co.uk.

26. WAR helped Ms PB, a rape survivor, to win damages of £38,000 for unlawful detention. www.womenagainstrape.net.

27. For more information see <http://www.medicaljustice.org.uk>.

28. R v J.A.K. (1992) Crim. L.R. 30.

29. WAR helped a woman raped by her lawyer to take criminal proceedings against him.

30. "Outsourcing abuse: The use and misuse of state-sanctioned force during the detention and removal of asylum seekers." www.medicaljustice.org.uk

31. Jimmy Mubenga died after being restrained by G4S guards on a plane that was preparing to leave Heathrow airport on 12 October 2010.

Legal Action for Women

Founded in London in 1982, LAW is a user-led, anti-sexist, anti-racist free legal service. It combines experienced lay workers with access to a network of committed lawyers. It is widely used by asylum seekers and their families, and others seeking justice.

All African Women's Group

AAWG's members are asylum seekers from different countries who came together for self-help. For women who attend the fortnightly meetings at the Crossroads Women's Centre, opposition to immigration laws and policies – such as destitution, forced dispersal, segregated healthcare and housing – is a question of survival. Women provide daily support to others in detention and work on their legal cases to win the right to stay.

Black Women's Rape Action Project

BWRAP was founded in 1991 to win justice for women of colour, immigrant women and women seeking asylum who are rape survivors, and to get rape recognised as persecution and therefore grounds for asylum. It provides advice and support to women who are victims of racist attacks.

Women Against Rape

WAR is a multi-racial women's organisation founded in 1976. It offers counselling, support, legal advocacy and information to women and girls who have been raped or sexually assaulted. It supports survivors when they report to the police, seek protection from further attacks, or are preparing for court, applying for compensation, or claiming asylum from rape.

For more information:

Legal Action for Women law@allwomenscount.net

All African Women's Group aawg02@gmail.com

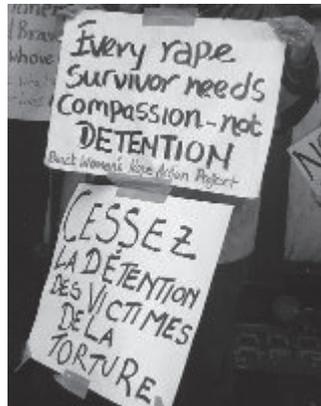
Black Women's Action Project bwrap@rapeaction.net

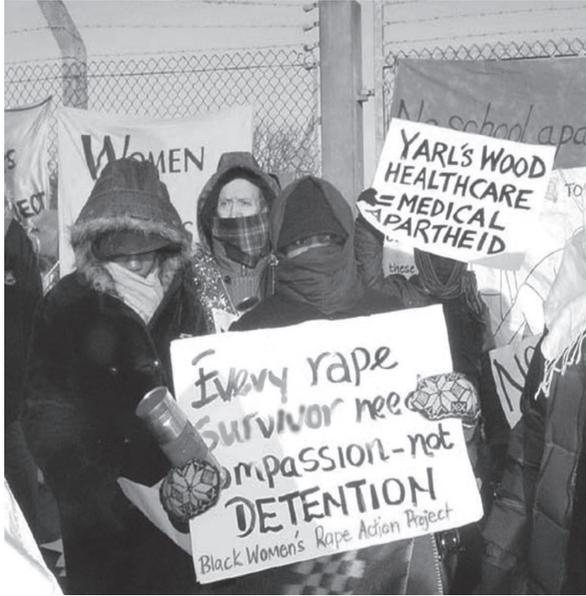
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Protests against detention and deportation





Self-help workshop on detention and dispersal

