

The Sanctuary Pledge

SANCTUARY AND MIGRATION

An election briefing for national and local Church leaders

2010



Produced by: Joint Public Issues Team (Baptist, URC and Methodist Churches)
with Churches Together in Britain and Ireland
and Citizens for Sanctuary

Sanctuary and Migration 2010

GENERAL ELECTION BRIEFING TO CHURCH LEADERS

Executive Summary

This briefing is **for all Church leaders**, among them those taking a public part in the Sanctuary Pledge Action 2010.

Its **purpose** is to provide Church leaders in the run-up to the UK General Election with adequate information. Church leaders are asked to take the initiative in public debate, promoting traditional British and biblical values about the dignity of migration and a more just and respectful treatment of those who seek sanctuary who may otherwise become the casualties of political campaigning.

This briefing is jointly organized by the Joint Public Action Team of the Baptist, URC and Methodist churches, with CTBI/Churches Together in Britain and Ireland. It is being realized using staff resources and expertise of the Citizens for Sanctuary Movement of Citizens-UK.

In 2007-8 the **Independent Asylum Commission ('IAC')** carried out a thorough review of the British asylum system. Among many detailed recommendations, IAC called for an independent "root and branch review" of detention and an analysis of alternatives. IAC was concerned at the treatment of children, the inadequacy of support, and that those with genuine claims find the judicial system unfairly weighted against them.

Proper public debate is needed to counter **prejudicial myths and ill-founded fears**. Because the word 'asylum' has acquired such negative connotations, and carries the burden of public confusion about migration, the Biblically resonant word 'Sanctuary' should now be used. The number of people annually seeking Sanctuary is only about 0.5% of the total net flow of migration. This relatively small number of sanctuary-seekers should be treated within a Human Rights framework, and not as a problematic sector of the Migration regulatory regime.

Citizens for Sanctuary's aim is to widen the understanding in churches and civic organizations of many kinds and to continue negotiation with all relevant levels of government on improving its Human Rights record. After wide and disciplined consultation, Citizens for Sanctuary formulated **the Sanctuary Pledge** as a summary of its public aim. The pledge outlines the history of the IAC and its implementation by Citizens for Sanctuary.

PRIORITIES to be sought within debates about the complex area of sanctuary statutory practices:

Improved access to publicly-funded good legal representation including better research/investigation.

End immigration detention of children, prioritizing the Children's Act, not immigration law.

Alternatives to adversarial judicial practice as applied to Sanctuary seekers.

Welfare and health care including mental health.

Humanize removal.

Better-informed decisions on faith conversion cases.

The Sanctuary Pledge team

Further info: CTBI - Mary Gandy mary.gandy@ctbi.org.uk , Direct line:020-7901-4885

Citizens for Sanctuary: Press Enquiries: Jonathan Cox jonathan.cox@cof.org.uk

Citizens for Sanctuary: Organiser: Sophie Stephens sophie.stephens@cof.org.uk

INDEX

- p.1) Title page
- p.3-4) Executive summary
- p.5-6) Index
- p.7) Sanctuary Pledge - background
- p.8) The Sanctuary Pledge
- p.9) Migration and sanctuary seeking: political and faith perspectives:
 - Public perceptions still confound immigration and asylum
- p.10) The Churches' perspective
- p.11) Migration and Sanctuary seeking
 - Differentiating the dynamics of essentially interdependent global development and of international protection
 - BOX: Distinguishing Migration and Sanctuary
- p.12) PRIORITIES for public debate during General Election:
 - 1) Restrictions on Legal Aid
 - *Box: IAC recommendation to implement the Children's Act and override the general exemption granted on presumed 'public interest' grounds to maintaining Immigration control.*
 - 2) The detention of families with young children.
- p.13)
 - 3) Inequality of arms in legal representation is a breach of natural justice
 - 4) Asylum hearings should be inquisitorial and not adversarial.
- p.14)
 - 5) Food/welfare provision below minimum standards of UK support.
 - 6) 6) No travel costs reimbursed for statutory reporting compliance
- p.15)
 - 7) Mental health damage to adult sanctuary seekers and especially to asylum detainees
 - (The long-term hidden public cost of mental health damage)*
- p.16)
 - 8) Politicised nature/treatment of Country of Origin information in removal decisions.

p.17)

----- 9) Inhumane and abusive practices during removal: 'Dawn raids'
(Box: *Policy or practice: Which 'reality'? House of Lords quote + case history*)

p.18) (Box: *3removal case histories recorded by MPs*)

p.19)

-----10) Conversions: Statutory misinterpretations of the nature of faith in practice.

p.20) (Box: *Jurisprudence: Unacceptably ill-informed statutory views on theology and ecclesiology*)

p.21) Visa Entry Points system

-----11) Visas for visiting professionals, clergy, academics, students.
-----Visas for relatives seeking Art.8 Family Reunion.

p.22) The numbers game (1): Some facts about migration:

-----Estimates of inward- and outward migration flows in Britain:
-----EU and non-EU migration, and Sanctuary
-----Migration is circular, but at differential speeds.

p.23) Incomers who stay, incomers who join, 'overstayers' and illegals; Non-EU migration

-----The numbers game (2): Sanctuary (asylum) statistics
----- Initial applications for sanctuary
-----Trends

p.24) Appeals to the Asylum/Immigration Tribunal and the Court of Appeal

-----Grants of sanctuary
-----Removal of refused sanctuary seekers
-----UK-Sanctuary seekers' countries of origin
-----NASS welfare support of accommodation and subsistence

p.25)

-----'Legacy' cases
----- EU comparative statistics

-----Authors.

-----Churches Refugee Network: profile

The Sanctuary Pledge



Background

CITIZENS for Sanctuary and the Partnership

CITIZENS for Sanctuary is a CITIZENS UK campaign to secure justice for people fleeing persecution and rebuild public support for sanctuary. We work to make the recommendations of the Independent Asylum Commission a reality. See www.citizensforsanctuary.org.uk for details.

CITIZENS for Sanctuary is working in partnership with various faith groups to ensure that people who come to the UK in search of sanctuary aren't used as a political football in the general election. Those backing the Sanctuary Pledge include CTBI, the Church of England, the Methodists, the Baptists, URC, Catholic Bishops Conference, Salvation Army, Church Action on Poverty, Evangelical Alliance amongst others.

Britain has a proud history of providing sanctuary to people fleeing from persecution and tyranny.

Our nation provided sanctuary to Huguenots fleeing religious persecution in 17th century France, Jews fleeing the Nazi regime in the 1930s, Ugandan Asians forced out by Idi Amin in the 1970s, Bosnians escaping ethnic cleansing in the 1990s and Zimbabweans seeking a safe haven today. Our tradition of providing sanctuary is part of what makes Britain great.

That tradition is under threat.

In recent years the rise of extremist politics, media scare stories, and high profile failings by the Home Office have led to this issue becoming a political football. Yet over two-thirds of the public still think it is important that the UK provides sanctuary to people fleeing persecution. We agree. We believe that sanctuary should not just be part of the UK's history. It should be part of our future too.

The Sanctuary Pledge is our response.

Our strategy to save sanctuary in the 2010 General Election

CITIZENS for Sanctuary and the partnership of faith institutions is planning to shape the general election campaign by promoting the Sanctuary Pledge to prospective parliamentary candidates (PPCs) and relevant Ministers and Shadow Ministers. The partners and CITIZENS for Sanctuary are coordinating a media strategy at a national level but the real power of this campaign will come from citizens who work locally to lobby their prospective parliamentary candidates to back the Sanctuary Pledge and end the detention of children.

Citizens for Sanctuary is training citizens across the UK to form local delegations in their constituency which will together meet with their prospective parliamentary candidates to ask them to sign up to the Sanctuary Pledge. We are targeting 200 swing seats in the upcoming election but welcome delegations on the Sanctuary Pledge in every constituency around the country.

If you want to read more or be part of the training in your area visit the website:

[**www.sanctuarypledge.org.uk**](http://www.sanctuarypledge.org.uk)

Alternatively if you can't attend the training or there isn't one in your area then we can support you by phone/email. Email training@sanctuarypledge.org.uk to find out more. The following page is a copy of the Sanctuary Pledge where you can read our five main asks for the 2010 general election.

The Sanctuary Pledge

The Sanctuary Pledge

I, the undersigned Prospective Parliamentary Candidate for the constituency of _____, hereby pledge my support for *The Sanctuary Pledge*.

I agree that the UK's tradition of sanctuary is precious. I subscribe to the key values which the Independent Asylum Commission identified that the majority of British people want to underpin the treatment of people fleeing persecution. I believe that:

1. People fleeing persecution should be able to find sanctuary in safe countries like the UK.
2. The UK should have an effective system for controlling our borders that lets those seeking sanctuary in, as well as keeping irregular migrants out.
3. The UK should have a fair and effective decision-making body that takes pride in giving sanctuary to those who need it and denies it to those who do not.
4. People seeking sanctuary should be treated fairly and humanely, have access to essential support and public services, and should make a contribution to the UK if they are able.
5. Once a decision has been made, the UK should act swiftly, effectively and in a controlled way – either to assist integration or to effect a swift, safe and sustainable return for those who have had a fair hearing and have been refused sanctuary.

Furthermore, I make the following commitments regarding my role as Prospective Parliamentary Candidate and potential future Member of Parliament. I will:

1. **Campaign responsibly, positively and sensitively**
Make clear the difference between sanctuary and economic migration, and not seek to gain electoral advantage by pandering to fears about people seeking sanctuary.
2. **Promote a culture of sanctuary locally and nationally**
It is vital to communicate effectively with the public on this sensitive issue, and research shows that using terms such as 'sanctuary' and 'people seeking sanctuary' can aid public understanding of why it is important to offer a safe haven to people fleeing persecution.
3. **Support policies that will end the detention of children and families for immigration reasons**
4. **Promote understanding and neighbourliness between local communities**
Work with local authorities, voluntary, faith and CITIZEN groups to form sanctuary welcoming groups to bridge the divide between those seeking sanctuary and the local population and encourage positive encounters between refugee communities and local people.
5. **Safeguard the long-term future of sanctuary**
If elected, work with voluntary, faith and CITIZEN groups in the constituency to promote awareness of the UK's past and present role in providing a safe haven for people seeking sanctuary.

Signed:

Printed:

□ CITIZENS for Sanctuary □ 112 Cavell St, London, E1 2JA. □ 020 7043 9878 □
□ www.citizensforsanctuary.org.uk □

Migration and sanctuary seeking: political and faith perspectives:

The left-of-centre independent think-tank IPPR concluded in 2005 ¹ ‘Attitudes to asylum seekers have reached new levels of hostility, yet the British public also supports the principle of asylum’.

Its findings, very clearly replicated by IAC research² show the importance of local action and political leadership in challenging prejudices very often based upon media- and political misinformation, generalized fears of terrorism, and economic uncertainty.

The right-of-centre Centre for Social Justice (CSJ) in 2008 again noted the large discrepancies between statutory practices and government statements, and their influence on public attitudes towards asylum fed by popular media perceptions thus encouraged.³ In its foreword, CSJ’s chairman and former Conservative leader Iain Duncan Smith wrote:

“The evidence gathered for this report shows that the welcome offered [to those seeking international protection] today falls far short of our traditional standards..... Once refused, asylum seekers are often left without [welfare and legal means] and usually without permission to support themselves through work... it appears the British government is using forced destitution as a means of encouraging people to leave voluntarily. Only 1 in 5 do so...By contrast [with other countries] UK policy is still being driven by the thesis, clearly falsified, that we can encourage people to leave by being nasty..... It is left to the voluntary sector to pick up the pieces of these shattered lives..... stabilising asylum seekers’ lives, helping them through the asylum process and assisting them to return home or integrate into the UK if they gain refugee status”.

Public perceptions still confound immigration and asylum

The prevalence of conflicting and ambivalent, attitudes towards sanctuary seekers has persisted largely because of the failure by opinion leaders in all walks of life to examine and clarify crucial qualitative and numerical characteristics of migration inflows between those who migrate legally for economic/ cultural purposes, such as professional workers, relatives and students, and those needing international protection by seeking sanctuary; the ‘asylum seekers’. Once this is done, it is clear that (in 2008) ‘sanctuary seekers’ comprise a mere 0.5+% of overall non-EU migratory inflow. ((See section below : ‘ The immigration numbers game’).

Moreover, migration outflow, ‘re-migration’, is hardly mentioned, and where it is, by and large does not disaggregate EU and non EU ‘re-migration’. EU and EUA migration rates are distinct from non-EU migration both in volume and speed of inflow- and outflow- rates; specifically, the EU/EUA re-migration rates, not

¹ IPPR: Miranda LEWIS-2005; ‘Asylum; Understanding Public Attitudes’.

² Ind.Asylum Commission: Report ‘Saving Sanctuary’, p.13-18

³ CSJ Asylum and Destitution Working Group /Julian Prior (2008) : ‘Asylum Matters; Restoring trust in the UK asylum system’.

hampered by visa restrictions, are significantly and more speedily responsive to economic fluctuations.

In 2009 IPPR re-analysed overall migration flows from outside the EU⁴ and concluded that rates of re-migration by non-EU migrants from the UK is around half of their immigration rate, and in 2008 increased by 30%. A decade after entry, only about a quarter remained (based on 2007 statistics)

Apart from the large numerical differences, it is clear that sanctuary inflows obey very different demographic dynamics, both in terms of numbers entering, and ability/willingness to return. Sanctuary seekers cannot, should not, be the scapegoats for our national economic insecurities and resulting prejudices against migrants in any category.

The Churches' perspective

CTBI's former Churches' Commission for Racial Justice, now its Racial Justice Network, sought to distinguish the two concepts, and published two short handbooks⁵ on asylum and asylum seekers, and another on migration ('*Asylum Principles*' (2006) and '*Migration Principles*'(2007)). These were statements to help Churches working on Migration and Asylum issues, and include theological analysis and discussion of Christian teaching on exile, migration and hospitality to strangers.

Following a conference on Christian converts needing international protection, the Evangelical Alliance (EA) published a report⁶ which contained an analysis of the nature of faith-testing undertaken by UKBA and its predecessor IND, drawing on case-studies from many churches, and confirming findings by the CRN Advocacy team previously presented to the UKBA Policy team in 2007. It also included a guide to the issue of genuine conversion by asylum-seekers for officials and church members and called for UKBA to accord to conversion issues the same weight as to gender principles. (An undertaking by UKBA to implement staff training on this matter still awaits implementation.)

**Please use 'Sanctuary' instead of 'Asylum'
throughout in all your statements**

⁴ IPPR 2009-Finch, Latorre, Pollard & Rutter: 'Shall we stay or shall we go'; Remigration trends amongst Britain's immigrants.

⁵ CTBI-CCRJ (2007-08) '*Asylum Principles*'; CTBI-CCRJ (2007-08) '*Migration Principles*'. Publ.SCM

⁶ Evangelical Alliance: 'Alltogether for Asylum Justice' (2007) <http://www.eauk.org/public-affairs/socialjustice/upload/alltogether-for-asylum-justice.pdf>

Migration and sanctuary

Differentiating the dynamics; interdependent global development and international protection

MIGRATION into and from the UK has a long and honourable history. Many British people have sought work in other lands and still do. Some migration is for relatively short periods, some intend to emigrate permanently. The same is true of those who have come to Britain : Over the centuries many families have gained from marriage with recent arrivals in the UK. The Christian Church has a positive view of all people as “of one blood” and potential “citizens of heaven”. Some parts of national life (e.g. the National Health Service) would be hard hit without migrant workers. Developing nations benefit more from contributions sent home by migrants here than they do from the UK Government’s overseas aid. The rate at which countries can absorb the present international flow of migration without inflaming fears is a proper matter for political debate.

SANCTUARY is a very different matter:

The right to asylum is defined in the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol relating to the Recognition of Refugees. Those who flee their country of origin because of persecution or a well-founded fear of persecution have the right to seek asylum in another country, to have a fair legal procedure to determine their status and to be provided with adequate welfare support while their claim is being processed. Once their claim to be a Refugee is recognised, they have permission to work and are entitled to family reunion with their nearest relatives. In due course they may apply for citizenship.

*The right to sanctuary should not be caught up into the wider debate about migration and population numbers.
It is a matter of worldwide justice and mercy, and rests firmly on traditional British values.*

PRIORITY CONCERNS for public debate in the General Election

These are: legal capacity, child detention, deficient and adversarial statutory decision making, welfare and health, and asylum detention.

PRIORITY CONCERNS (cont.)

1) Restrictions on Legal Aid have already greatly reduced the number of firms acting for those who seek sanctuary. Some excellent firms have ceased to do that work as well as inefficient (or unscrupulous) firms which have rightly been weeded out. Some parts of the country are now described as “a legal desert”. These large reductions in expert legal capacity make it difficult for applicants who are moved around the country or have no funds to make longer journeys. There are also range limits by the Legal Services Commission in place for firms, preventing choice of transfer to better legal care.

Further Legal Aid cuts have now been threatened due to the need to reduce the national deficit.

Current rates of disbursements also reduce by about 2/3rds the time available for applicants to get their story understood. For those who have gone through considerable trauma often including torture and rape, it takes time to trust enough to disclose to a stranger, perhaps in an unfamiliar language, and with severe social and cultural penalties on such disclosure, why they fear return to their country of origin.

2) The detention of families with young children.

Recent UK research⁷ at the Mary Sheridan Clinic claims that children forcibly held in Yarl’s Wood Immigration Removal Centre have experienced serious psychological and physical health problems. All the children presented as confused and frightened by the detention setting (no matter how well-intentioned the staff); most developed severe emotional and behavioural problems after even short periods of imprisonment, resulting in prolonged emotional, cognitive and behavioural damage.

This appears to be confirmed by a new study from Stanford University⁸, finding that psychological trauma leaves a discernable neurological trail of damage in a child's brain

In 2008 The Lancet claimed that 2,000 children held in UK Immigration Detention Centres each year miss out on routine vaccinations: A campaign by Medical Justice (see web report, footnote) clinicians ensured a policy reversal which is still imperfectly implemented.

The Children’s Society is campaigning for an end to the detention of children. Of 235 children entered into detention in that quarter, 56% were not removed but

⁷ Lorek, Ehntholt, Nesbitt, Githinji, Rossor & Wickramasinghe: Mental and physical health difficulties of children in a British immigration detention centre- Child Abuse and Neglect 33 (2009) p.573-585

⁸ CARRION et al: Limbic functional changes in traumatized children-Stanford Uni./Journal Paediatric Psy. 08/12/2009-online. Summary: <http://med.stanford.edu/ism/2009/december/carrion.html>

released back into the community . 29% of 35 children checked at the end of June 2009 had been detained for more than 29 days. Children from Zimbabwe, Somalia and Sri Lanka were detained at a time when either the Home Office was not enforcing returns to those countries or those countries were widely recognised to be in conflict.

The IAC's 3rd report's ('Deserving Dignity') recommendation 3.10.2 "The Children Act 2004 s.11 should apply in its entirety to the UKBA and its contractors": the interests of the child should be paramount. Moreover, in the same report, recommendations 3.1-10 should also all apply. Or; in respect of children, the ubiquitous powers of immigration control should no longer override domestic HR and social legislation in respect of children.

3) Legal inequality of arms is a breach of natural justice. The Immigration Law Practitioners' Association obtained counsels' opinion that *'it offends natural justice that the Home Secretary is funded to have legal representation at all levels while those seeking sanctuary are not'*. It is a matter of concern when those seeking sanctuary are not able to consult a legal representative before their substantive interview, or are unrepresented at a tribunal [see IAC 1st report recommendations 3.9]. The Solihull Early Legal Advice Pilot project giving legal support to all claimants from the pre-decision stage, needs extending to all parts of the country. Good quality legal advice /justice at an early stage in the long run saves substantial amounts on complex appeals lasting years. [CSJ p.81]. The Asylum and Immigration Act 2004 made it a criminal offence subject to up to 2 years imprisonment to arrive for an asylum interview without valid papers establishing identity and nationality or being deemed to have destroyed papers used to get here. Those seeking sanctuary would not find it easy to get passports or travel documents from their governments or from British embassies; Lord Justice Sedley has described as *"a serious invasion of judicial independence"* the fact that a judge is prescriptively required to disbelieve an otherwise credible story solely on the basis that they have fled using a false passport.

4) Asylum hearings should be inquisitorial and not adversarial.

This is the CSJ recommendation 7.2.2. and strongly supports the IAC 1st report recommendation 3.9.13.

The UK's judicial system is adversarial, and produces a striking 'inequality of arms' between the sanctuary seeker and the statutory agencies: Given the funding practices of public Legal Aid by the Legal Services Commission, this adversarial approach results in very many court cases in which the Appellant is not represented, because of a negative and subjective prior assessment on the 'merit' of an appeal case (*'merit' = 50% estimated chance of success on appeal*) by the legal representatives' application of the compulsory 'merits' test of the Legal Services Commission. This professional self-censure serves to protect a firm's future Legal Aid contracts on which its survival depends, and ensures that borderline cases are 'dumped', and 'good' (i.e. easily winnable) cases are 'cherry picked' by representatives.

Such appeals are not argued in court, remain un-researched, and the appellant is one-sidedly cross-examined: Hence the UKBA's invariably negative perception of an appellant's case wins out before an Immigration judge's presumed neutrality, all for lack of a contesting voice.

This is particularly pernicious in the cases of Detained Fast Track appellants, mostly imprisoned on arrival, who have neither time nor means and freedom to pursue evidence, arguments or good legal representation. Amongst these 'DFT's', committed NGOs like Medical Justice⁹/MJ, BID, and several Detention Visitors Groups frequently find those whose torture symptoms have never been recorded, for whom MJ often provides the first internationally standardized, authoritative medical evidence. Many such applicants have been dismissed in prison appeal hearings as not credible for lack of confirmation of their torture history during their asylum interview. Restarting them on a Fresh Claim is often hampered by immediate removal decisions, and a growing lack of good legal capacity for this demanding type of legal casework. Instead, legal sharks hunt for rich private fee pickings from desperate and poor people.

5) Food/welfare provision further reduced well below British welfare support:

UKBA is replacing the previous non-specific shopping vouchers with individual 'Azure' UKBA purchase cards to the value of £35 weekly for single people. On such cards any amount not used one week will be subtracted from the following week's available credit. The vouchers do not allow for any form of travel or phone expenses, the most urgently essential needs for anyone actively seeking sanctuary. [see IAC 3rd report recommendations 2.9].

'Asylum Matters' pp.48-51 describes the operation of Statutory Support and of specific supermarket vouchers; often these required holders to travel > 3 miles on foot to the nearest specified supermarket, because vouchers cannot be used on public transport. And they could have bought food more cheaply from local markets.

6) No travel costs are reimbursed for statutory reporting compliance; with added new rules on obligatory reporting to national UKBA centres.

New regulations issued in November 2008 require those with 'legacy' (backlog) cases submitting additional evidence or making Fresh Claims based on new evidence (e.g. changes in personal situation or political changes in country of origin) to travel to Liverpool or Croydon by appointment from any part of the UK. Travel warrants are not issued and churches, NGOs or friends/relatives have been specifically invited by the statutory authorities to meet such costs. Solicitors are no longer allowed to do so. The appointment system is inefficient, with no response at high levels, and access to appointment phonelines and appointment slots very limited. These regulations aim to re-document all those not yet on 'ARC' UKBA cards with biometric details. [IAC 3rd report recommendations 2.9].

⁹ www.medicaljustice.org.uk: This medico-legal expert network is an independently funded charity which sends independent doctors into immigration detention centres at the request of detainees or their supporters/ lawyers, to do expert medico-legal reports for use in legal procedure. Most of its work is pro-bono.

7) The mental health damage to adult sanctuary seekers, especially to asylum detainees over the immediate and longer term:

The IAC's 3rd report recommendations 6.7.1-8 include ensuring that survivors of torture, sexual abuse or other forms of trauma should not be put into detention or fast-track procedures, and that there should be proper training on the impact of torture &c on a sanctuary seeker's credibility and ability to disclose personal details. IAC 1st report recommendations 1.4.7 and 2.7.3 require that the means of determining from the earliest possible stage whether someone seeking sanctuary is a survivor of torture, sexual abuse or other forms of trauma should be reviewed, and also that decision-makers should be trained in detecting issues such as difficulty in communication and psychological difficulties which might prevent applicants from doing justice to their case.

Immigration Minister Lord West (Hansard-House of Lords in December 2009) : "Persons detained in the UK Border Agency detention estate are seen by a nurse and a medical practitioner within 24 hours of arrival. Under Rule 35 of the Detention Centre Rules 2001, the medical practitioner is required to report to the onsite UKBA manager any detained person who he is concerned may have been the victim of torture. We expect clinicians to exercise their professional judgment on how they elicit such information, but Rule 35 does not explicitly require them to ask every detainee"

Such 'medical examinations' on entry into detention usually consist of a single superficial question 'Are you feeling alright?' and some box ticking.

Often, the question 'Are you a victim of torture' may indeed be asked but often is not ticked, or ticked but rarely produces proactive examination.

Existing medication is removed as a matter of course and often not immediately reinstated; creating risks of medication resistance developing; serious especially for HIV patients.

Both practitioners and detention advocacy workers still report that, whilst Rule 35 reports are now sent more frequently to UKBA, appropriate action rarely follows.....

Medical Justice (see footnote 11) has achieved some partial success on 'upward reporting' of Rule 35 when victims of torture are detained. It is also vigorously implementing the new British HIV Association guidelines re detaining HIV patients, in accordance with the IAC's 3rd report recommendations 1.28.12-16.

Improvements needed include the following;

- .) Not separating detainees from their medical notes and proper treatment, especially those with mental health, HIV+ or other serious medical conditions, when in transit to airports for removal, or between places of arrest and detention centres;
- .) Upon removal, provide an adequate (1 month supply) of ARV medication;
- .) Honouring existing pre-detention hospital appointments;
- .) Bringing detention healthcare under NHS standards control; and especially:

.) Making the Human Rights Act apply also to private contractors involved in the detention estate; including ensuring that detention staff have distress/trauma training.

Of the long-term hidden public cost of failure to provide trauma- and mental health care there are no estimates at all . However, there have been a number of public complaints made by GP professional bodies from inner city medical practices about the resource-intensive demands on their budgets of such belated refugee treatment work.

Specialist treatment resources are rare, and hard to access, especially as PCT's tend to control second tier treatment for 'foreigners' in accordance with regulations rather than based on clinical need. There is virtually no child psychiatric provision.

8) The politicised treatment of Country of Origin information in removal decisions.

Both the UKBA and also often the Asylum and Immigration Tribunal (AIT) decides according to current political priorities. Authoritative expert and NGO opinion against removals to countries still in open and evidence of bloody conflict is still being dismissed.

EU alternative forms of status such as 'Humanitarian Protection' or 'Subsidiary Protection' (*applicable to civilian victims of internal conflict*) are rarely accorded. Particularly this is so with Afghanistan, Iraq, Pakistan and the DRC.

Information support for such decisions is based on the (obligatory) COIS (Country of Origin Information Service) which, despite improved academic oversight, continues to show weakness in examining evidence on conflict/risk from smaller specialized local NGOs.

[see IAC 1st report - Saving Sanctuary - recommendations 2.6-7 on the COIS , the conduct of interviews and appropriate training of decision-makers, including the prejudicial role of interpreters when they are not sufficiently accurate in their understanding of language and culture.]

These weaknesses strongly link with this paper's priorities 1 to 4, above, in creating statutory anti-appellant bias: adversarial UK judicial practices combined with a dearth of legal representation causes most IAT judges to rely heavily on the UKBA 'bundle' presented by the Home Office Presenting Officers: in the absence of a legal representative there is then little to challenge the UKBA's politicised and seriously underestimating perceptions of risk on return.

Negative UKBA bias is maintained in the name of the legal requirement to 'maintain immigration control' which always overrides asylum legislation. The stereotyped justification is always that 'there is no evidence of risk on return', yet no tracking research is conducted at all. Any tracking evidence in the public domain, but not included in COIS is dismissed as 'anecdotal', and if verified, at all, only via collusive diplomatic resources not in touch with smaller indigenous agencies.

9) Inhumane practices in relation to removal, particularly concerning children.

Schools, churches and neighbourhoods all over the UK have the experience of children being taken with their parents in 'dawn raids'. The Children's Commissioner has described as "outrageous" the traumatic way in which children are rounded up for deportation without any proper attempt to explain what is going on. School staff frequently report the school community's traumatic sense of loss and fear resulting.

Statutory policy priority or humanitarian practice ? Which voices are heard most loudly ?

In answer to a speech by the Bishop of Bradford, Lord Brett told the House of Lords in June 2009 "the pejorative term 'dawn raid' is not one we recognise in UKBA's activities. No visit is made before 6.30 in the morning and it is normally preceded by seeking entry in the normal, peaceful manner of ringing on the bell or knocking on the door".

The very next morning in Manchester, as police confirmed, officers accompanied UKBA officials in a 6.0 a.m. call whilst a family was in bed. There was a very loud knock on the door but by the time the father had gone downstairs, they had burst through the door and snapped the chain. There were about 14 officers in the house and more outside. The father was taken away in one van, the mother and five British-born young children in another. The family, Egyptian Coptic Christians, were fortunate in having strong local ties resulting in effective action by the school, local press/media, the MP and neighbours.

Good quality legal representation undid the near-fatal legal damage done by previous solicitors' carelessness. The family is back in Manchester and the children returned to school. Psychiatric follow-up shows significant deterioration in their mental health and academic performance of previously able and confident youngsters.

Similar raids have been reported in other parts of the country. Children who may have been in school here for several years are taken away with no chance to say goodbye to bewildered school friends. There is no time to collect personal belongings.

There are also multiple instances of detainees being loaded onto planes on a Friday evening, when there is less chance of a legal injunction over the weekend; courts have subsequently insisted on the return to this country of some of those thus deported.

Three removal case histories reported by MPs:

1) In 2007 a local MEP complained that a pregnant Ugandan woman with her two-year old daughter had been so roughly treated by immigration officials, with sustained bruising from handcuffs as they tried to get her on to a plane, that the airline staff refused to take her; the woman, who claims she had been raped and tortured by Ugandan rebels, is engaged to the child's father, a legal immigrant from Uganda.

*2) The Labour MP Austin Mitchell has described in *The Independent* a similar deportation to Pakistan of "a model family" in handcuffs.*

*3) In 2007 the Home Office attempted to deport to Iran a single woman terribly disfigured facially following a suicide attempt, the scars making her more vulnerable still; Methodist and United Reform leaders together with the Bishops of Durham, Guildford, Winchester and Worcester published a joint letter of protest in *The Times*.*

10) Statutory misinterpretations in Christian conversions from Islam:.

Both UKBA and the AIT are reluctant to consider conversion histories incurred mainly in the UK as 'genuine'. This culture of disbelief then extends to the assessed level of risk which might be faced on return to the country of origin.

The statutory criteria applied to conversion cases do not take into account the validity or strength of religious belief or practice, arguing that these are solely attributable to the individual stances of the churches where the claimant has received pastoral support.

Claims have often been rejected despite skilled pastoral/clerical evidence, and with a notable absence of respect for professional clerical judgement on the genuineness of such conversions.

Usually UKBA, with the AIT courts following, declare such new beliefs as 'having ulterior motives only', such as economic migrancy, and fail to take into account how belief can spring from friendship and freedom; nor, often, do UKBA and the AIT comprehend the profound and justifiable fears of being returned as a Christian convert. There are contradictory attitudes at work here.: a recent Appeal Court decision did acknowledge the risk to an Afghani convert were s/he returned.

Judgements have also been reached on the basis of erroneous understandings of the differences between the culture and practices of Christian denominations, whether between the UK and the country of origin, or between different churches within the country of origin:

So, for instance, Roman Catholics have been asked questions about speaking in tongues, Eritrean Pentecostals have been expected to answer questions about the practice of confession, and Anglicans have been judged to be "not genuine" because they used the word 'mass' or referred to clergy as "priests".

Jurisprudence: Unacceptable theological and ecclesiological distinctions.

The major ‘Country Guidance (test) case of ‘FS and Others’ (Iran – Christian converts) Iran CG [2004] UKIAT 003003 drew a distinction between “ordinary converts” and “the more active convert, Pastor, church leader, proselytiser and active evangelist”; while the latter might have a profile rendering it risky for them to be returned to Iran, the former, if without additional risk factors (such as gender) did not.

This distinction is used as a blunt rule of thumb in determining whether or not people should be returned.

Most UK churches have been held to be insufficiently ‘evangelistic’ for their converts to be considered at risk if returned to Iran, Pakistan, Iraq, the Maghreb, and other countries where Christians are persecuted.

It is at least arguable that having to be discreet about one’s religious identity conflicts with Article 3 of the European Convention on Human Rights.

A 2008 appeal by two Iranian converts, one a Roman Catholic and the other a member of a Christian Fellowship, maintained the distinction in FS but held that “what needs to be looked at is not only the church to which an individual belongs, but the way in which that individual returnee is likely to behave”, recognising that someone who has come by choice to a new religion is more likely to want to spread the word than someone who is second or later generation and born into it. It adds: “but that is not true of all converts; references to generalisations of that kind are no substitute for case-by-case assessment of the particular facts”.

Findings: The Roman Catholic was granted leave to remain because he would not be able to attend church for mass or confession, to associate and worship openly with other Roman Catholics or access the services of a priest in any meaningful way; he could not reasonably be expected to tolerate having his religious identity partially suppressed.

On the other hand, it was held that the member of the Christian Fellowship would be reasonably likely to be able to maintain his religious identity by worshipping with others, or attending bible classes (i.e. by discreet ways of being religious); he was refused leave to remain. Arguably, that too is discriminatory.

Unconsidered throughout all jurisprudence: the risks of being observed not to perform Muslim prayers ,or attend Friday prayers at the mosque, the risk of children amidst neighbours or in the school, inadvertently speaking of Biblical matters or found to be ignorant of Muslim precepts.

11) Visas for visiting professionals, clergy, academics, students.

Our religious and academic member organisations as sponsors, or their clients, are far too frequently on the receiving end of ill-argued and unreasonable visa refusals under the new Points-Based immigration system. This results in many appeals, causing undue public statutory cost, and conveys political attitudes bordering on the xenophobic .

Many come to believe that decisions in these matters, by ‘outsourced’ and commercial visa organisations, are being taken without duly taking into account the positive benefit of maintaining an internationally diverse cultural, academic and religious inflow of experiences and skills into Britain.

Long-term failure to maintain this will do long-term harm to Britain’s public life, both economically and culturally, and result in a loss of international influence.

The clearly discriminatory nature of many of the non-EU visa refusals is harmful to international relations and encourages racial intolerance.

Visas for relatives seeking Art.8 Family Reunion.

Such visa refusals are even more frequent for those who, after years of waiting for a positive outcome to their sanctuary applications, then seek family reunion after painful separations, breaking up and damaging family life...

Despite spouses and offsprings being recorded on the initial information taken on applying for sanctuary, such Family Reunion visas are frequently refused by the diplomatic posts.

In addition, a cost-cutting ‘rationalisation of diplomatic posts granting visas, has resulted in a loss of diplomatic visa stations.....and loss of international justice.....Family members , including women and children having to travel to Nairobi instead of Kinshasa, through a war-torn and rape-prone country such as the DRC, paying the application fee, being refused, then having to remain to reapply in the visa post country whilst destitute.

Such FCO ‘efficiency savings’ which require exorbitant expenditure on fees and travel for destitute and torn apart families, apply to :

S.Africa for most of the SADC countries,

Kenya for the Francophone countries/ E.African countries-Ruanda, Burundi, Uganda,

Iraq (Syria or Lebanon)

Afghanistan (Pakistan only).

Incomers who stay, incomers who join, 'overstayers' and illegals Non-EU migratory movements

In 2008 267,865 workers, students, spouses and visitors applied for an extension of their leave to remain, of whom 21,120 were refused an extension. There is public concern about non-EU 'overstayers' whose leave to remain has expired. Some of these are people whom the Government encouraged to come and work here, but who became 'illegals' because the Government has subsequently changed their rules of residence. These numbers also include students who have been attracted to study in the UK - at high fees - and who seek to remain and work after getting their degree or qualification. There are growing concerns about the unforeseen effects of the Via Entry Points system.

The numbers game (2): Sanctuary (asylum) statistics

By comparison with the net flows of migration (predominantly EEA nationals from Eastern Europe), the numbers seeking sanctuary are small:

Initial applications for sanctuary		
Initial asylum applications:	2006	23,430 .
	2008	25,930 (31,315 including dependants)
Percentage increase in applications:	9%	

Percentage initial applications granted refugee status:	2007	16%
	2008	19%

Trends		
Initial asylum applications:	1998 - 46,015;	
	1999 - 71,160;	
	<u>Decisions on initial applications :</u>	
	2000 - 80,315;	Refusals: Leave to Remain
	2001 - 71,025;	
	2002 - 84,130;	
	2003 - 49,405;	
	2004 - 33,960;	
	2005 - 25,710;	
	2006 - 23,610;	16,460; 4,470;
	2007 - 23,430;	16,030; 5,745;
	2008 - 25,930;	13,505; 5,895;
Initial apps. 2009(3 quarters)	Refusals	Leave to Remain
01/09 till Sept - 19,480.	12,855.	5,300

Appeals to the Asylum/Immigration Tribunal and the Court of Appeal

Approximately 23% of subsequent appeals to the AIT and Court of Appeal are allowed each year:

N/ appeals determined: allowed	2005	33.440	17%
allowed	2006	15.955	22%
allowed	2007	14.935	23%
allowed	2008	10.715	23%

Grants of sanctuary

In 2008 almost 8,400 people were given sanctuary.

Removal of refused sanctuary seekers

N/refused sanctuary seekers+ dependants removed

2007 13,70

2008 11,640

Departures each year, combining both enforced removals and voluntary or assisted returns, is between 30,000 and 35,000 sanctuary seekers.

UK-Sanctuary seekers' countries of origin

Main nationalities granted asylum in 2007

Eritrean (31 per cent), Somali (23 per cent), Zimbabwean (7 per cent).

Main nationalities granted Humanitarian Protection or Discretionary Leave in 2007:

Afghan (36 per cent), Iranian (10 per cent) and Iraqi (6 per cent).

NASS welfare support of accommodation and subsistence

2006 49,295 asylum seekers (including dependants)

2007 44,495 (a decrease of 10% since 2006)

2008 32,580 (a further decrease of 7.3%)

Since these figures represent cumulative totals over several years of sanctuary applicants, we do not know what percentage of sanctuary seekers still awaiting decisions of any sort are not supported and hence at risk of destitution.

‘Legacy’ cases¹⁰

As well as the initial applications each year, UKBA is still sorting out a backlog of old ‘legacy’ cases, originally reckoned to be over 400,000, but now about 200,000 which they pledge to clear by the end of 2011. Many families were granted status to cut maintenance costs. Single applicants were/ are judged on their returnability and re-documentability. Applicants from countries who don’t redocument are more likely to be granted status but only after very long delays: eg. Eritrea, China, India, Iran.

EU comparative statistics¹¹

Applications in the EU as a whole :	2007	224,900
	2008	210,100

The highest peak was in 2000 and 2001 with 432,500 and 441,600 respectively. Since then numbers have approximately halved.

The UK ranks 10th amongst EU countries for asylum applications per head of domestic population; Sweden proportionately receives most (24,400).

In total numbers the UK was second to France in 2008, with 30,500 applications including dependants compared with France’s 35,200.

=====

Churches’ Refugee Network.
January 2010.
Nicholas Coulton
Puck de Raadt

The Churches Refugee Network (CRN) is a mailing network linking some 450 churches and individuals throughout the UK who are involved in supporting sanctuary seekers’ needs, materially and spiritually, in a range of circumstances and a wide variety of measures. These include drop-in centres, referral for local or national medical care and trauma support, access to legal care, accommodation both on a private and CT basis, and frequently complementary assistance with essential material needs, especially travel/phone calls.

¹⁰ Office of the Parliamentary Ombudsman; ‘Fair and Fast?’ A report on UKBA-10/02/2010: <http://www.ombudsman.org.uk/pdfs/UKBA-2010-02-09.pdf>

The Sanctuary Pledge

We are supporting the Sanctuary Pledge...



THE CHURCH OF ENGLAND



Securing justice for people fleeing persecution.
Rebuilding public support for sanctuary.



...will you?

□ CITIZENS for Sanctuary □ 112 Cavell St, London, E1 2JA. □ 020 7043 9878 □
□ www.citizensforsanctuary.org.uk □