

# Churches' Refugee Network

An informal network of



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### Independent Asylum Commission Briefing

13 March 2008

Cheneygates, Westminster Abbey

#### Background

The Churches' Refugee Network is an informal Network of Churches Together in Britain and Ireland. It has supported the establishment of the Independent Asylum Commission and is hoping that the findings and recommendations of the Commission will lead to an improvement in the UK asylum system.

The Revd Canon Nicholas Sagovsky is a member of the Independent Asylum Commission. He is also a member and former Chair of the Churches' Refugee Network Steering Committee.

The Objectives of the Churches' Refugee Network are:

- To monitor and brief Churches on policy developments and practice in the UK and EU regarding migration, both voluntary and forced; to facilitate or co-ordinate Churches' response to these issues.
- To provide a forum for networking, exchange of ideas, sharing and solidarity among Church groups and individuals working for and with refugees and migrants; where appropriate, to encourage joint actions and campaigning for justice and compassion in public refugee and asylum policy.
- To facilitate dialogue between politicians / policy makers, Church leaders, leaders of other faiths and the people directly involved in advocacy work for refugees and migrants.
- To raise awareness of refugee and migrant issues and counter the negative attitudes towards them often encouraged by sections of the media, for instance by encouraging joint Church activities during Refugee Week and other important human rights dates in the calendar.
- To promote and undertake biblical and other theological reflection as an indispensable base for the Churches' ministry with refugees and migrants.
- To review our priorities and method of work continually and re-affirm our commitment to pursue these aims and objectives.

Membership of the Churches' Refugee Network is free. Membership enquiries should be directed to Puck de Raadt, e-mail [open\\_sesame@btinternet.com](mailto:open_sesame@btinternet.com)

Reports from seminars and conferences, and news about future events is available on the Churches' Refugee Network webpages – [www.ctbi.org.uk/crn](http://www.ctbi.org.uk/crn)

## **The Briefing**

Asylum and refugee issues are key areas of work and mission for many churches. Members of the Churches' Refugee Network Steering Committee want to keep UK Churches informed about news and issues relating to the asylum system.

The work of the Independent Asylum Commission has been welcomed by the Churches' Refugee Network. The activity of the Commission has already helped to stimulate discussion of asylum and refugees in many places, including at the highest levels. The purpose of the March 2008 briefing was to inform key individuals about the issues and to facilitate the sharing of ideas about how Churches and Christians can best respond to the recommendations of the Commission.

The briefing was directed for leaders, activists and officials from Free Churches. The Independent Asylum Commission had already informed Anglican and Roman Catholic networks, including through a special briefing for the Archbishop of Canterbury. Bishop Patrick Lynch of the Archdiocese of Southwark is a member of the Independent Asylum Commission.

At the briefing Nicholas Sagovsky spoke for approximately forty minutes, then there followed some questions and discussion.

## **The Independent Asylum Commission**

The Independent Asylum Commission was convened at the start of 2007. During that year it heard evidence in public and private, and received briefings from a wide range of groups and individuals. These included three former Home Secretaries, Asylum Aid, the Association of Visitors to Immigration Detainees and many others.

The Commission has no Government funding – all its costs are met from voluntary support and other groups.

The work of the Commission has taken place in a wider context of economic migration, wealth inequality and the movement of peoples. It has however confined its remit to asylum seekers – people claiming refugee status under the rights to asylum under the 1951 Refugee Convention and related Protocols.

The impartial and rigorous investigation of the asylum system follows on from a smaller report into the workings of Lunar House, the immigration centre in Croydon.

This report was started after a local Catholic Priest being frustrated at the lack of response from officials at Lunar House. He took the matter to South London Citizens, a community group. They embarked on an investigation into Lunar House. Towards the end of the process, two senior Immigration and Nationality Directorate officials gave evidence to the enquiry, which led to very helpful co-operation.

On reflection, the impact of the Lunar House report has been largely cosmetic. There are some improvements – such as providing water and other refreshments for people waiting, letting queues be indoors rather than outside, improving comfort etc. – but the much bigger issue about the treatment of people remains. This idea was picked up by London Citizens, which helped shape the idea for an Independent Asylum Commission under the auspices of the Citizens Organising Foundation. The Citizens Organising Foundation has a philosophy about empowering social change.

It is not a Christian organisation, but it welcomes the contribution of faith communities.

It is hoped that the Independent Asylum Commission report will be able to help a process of change.

### **Asylum Dialogues**

The Independent Asylum Commission is keen to enter into dialogue with interested groups.

Through impartial evidence gathering and reasoned reflection, the Commission has some useful insights to share with organisations working in the area.

These include appropriate people in government, the judiciary, voluntary organisations and faith groups. By engaging in dialogue with a variety of groups the Commission can better understand the situation and viewpoint of those responsible, as well as robustly challenging those practices which have a negative impact on the asylum system.

### **Publication Timetable**

The Independent Asylum Commission will publish interim findings on 27 March 2008. There will then be a time of public and private consultation before final findings and three sets of recommendations are published in Summer 2008. Recommendations will be clear, achievable, and divided into short, middle and long term goals.

### **Win-Win Recommendations**

Constructive recommendations will be key to the work of the Independent Asylum Commission. These need to be win-win – they need to be obviously a benefit for both asylum claimants as well as those who work for the system, and for the Government.

For instance, the Commission might recommend that a Consolidation Bill be introduced in Parliament to rationalise the string of recent legislative changes. Such a Bill could bring stability to a system which has undergone rapid change over the past few years.

The Commission recognises that people are not only caught up in the system, but that human beings also run the system as well. It cannot be easy to work in the system. The Commission will prioritise key recommendations so that the Borders and Immigration Agency can know which are most important and will be most helpful to their own staff, as well as asylum seekers.

### **A snapshot of the system – a fair assessment?**

The evidence taken by the Independent Asylum Commission over the course of 2007 has been a snapshot of the asylum system. The picture presented by the evidence is time-specific, and it is noted that there have been rapid changes to the structure of the asylum system in the last few years, the effects of which may only be starting to be felt. This should not be a defence for legitimate criticism.

Change has already made a difference. There are clear aspirations which are driving change towards an improved system. This should be commended and affirmed.

Where the Commission has found evidence of good practice it will highlight it, as well as pointing out examples where further improvement would be desirable. As well as calling for the roll-back of some of the measures which are most shocking, the Commission needs to affirm the positive changes. This will enable a constructive dialogue, rather than a confrontation.

**Power of grass roots**

Local voluntary groups already have a major impact on the asylum system and on the lives of thousands of individual asylum seekers as their claim is processed. This important role is recognised at the highest level, and the views of churches and other groups are taken into consideration.

The Commission hopes to affirm and celebrate the contribution of voluntary groups and to encourage a continued commitment to those most in need.

**Limits of the UK asylum system**

How do people get access to asylum in Britain? What is the UK’s ‘share’ of asylum seekers? How can we work better with other partners? How does our asylum system affect overseas development and peacekeeping? What about integration for people who are granted refugee status? These questions are all important issues which arise from the work of the Commission, and may require further consideration.

**Hearings – giving people a voice**

The Independent Asylum Commission ran a series of nationwide public hearings in 2007.

Birmingham	Asylum Determination Process	January
London	Detention	March
Cardiff	Vulnerable Groups	May
Glasgow	Removals	June
Leeds	Asylum Appeals	September
Manchester	Asylum Support and Destitution	October
London	National Hearing	November

Each hearing concentrated on one particular aspect of the asylum system. There was a three hour open session, which was videoed and the evidence is available to view online at [www.humanrightstv.com](http://www.humanrightstv.com)

Following the open session there was an informal roadshow which included food, music, local news and opportunities for mingling and talking. The *Independent* gave good coverage of the hearings and the issues that were raised.

Opportunities to hear from genuine asylum seekers who have been poorly treated have helped to give a voice to the concerns of many.

Following the publication of the findings and recommendations of the Commission, it is intended that they will make return visits to do regional presentations about their conclusions.

It was good to link with the local level. It matches well with the Borders and Immigration Agency policy of regionalisation. This policy should assist stakeholder engagement at a local level. This will help churches who want to play a part.

## **What are the issues?**

The final reports of the Commission are still being developed. They will make recommendations in three stages – looking at issues relating to coming to the UK, how a claim is processed, and what happens at the end of the process. The following points were raised by Nicholas Sagovsky as just an example of some of the issues that the Commission will cover. It is not an exhaustive list.

### 1. Coming to the UK

How does the system work at the stage of the initial claim, screening interview and initial decision? It is common for delays later in the process to be traced back to a poor initial decision. The level of education and training of some of the people making these decisions is unsatisfactory. There are other issues relating to:

- Improving the Country of Origin information reports
- Evidence that gender guidelines are not always followed
- An obsession with difference in accuracy from people who may have been suffering trauma or have a fear of official processes
- Access to places where they can claim asylum when they are in the UK.

### 2. Asylum claim procedure

The New Asylum Model (NAM) has brought positive change. Now an individual case owner co-ordinates a person's claim from start to finish. They can offer advice and support throughout the period of someone's claim. There are concerns about the case load and the knowledge of legal and support services.

NAM is based in an emphasis on swift decisions – perhaps as little as 10 days in some circumstances, with an aspiration to have completed a claim between 4-6 months. It is on this basis that they are provided for in terms of support – simple housing and 70% of income support is reasonable if the claimant is dealt with in a matter of a few weeks, and has no need to pay utility bills or go on holiday. However, not all cases are dealt with quickly, and asylum claims which have been ongoing will involve people who have integrated into the community. It makes it harder to remove them.

Although it is a worthy aspiration to settle a claim within four months, in some circumstances this is inappropriate. The availability of legal assistance is lamentable. Legal Aid is limited to just five hours. This is a major cause for concern, as the whole system is predicated on the claimant having good legal advice.

NAM includes fast-tracking. Where an asylum seeker does not meet certain criteria, they are fast-tracked, and may be dealt with in 10 days. These people might arrive and be sent straight to Harmondsworth. Does fast-tracking mean that there is a presumption that their claim is false and that they will be removed?

Some Detention Centres are run by private companies. The standards of treatment of residents differs, and in some cases is poor. The right to bail is limited. The operations of the Centres are not subject to close scrutiny. Released foreign

prisoners – some convicted of serious or violent crimes – are now sent to Detention Centres before they are deported – they are held alongside asylum seekers.

### 3. End of process

It would be win-win if there could be confidence that removals were fair and the case had been properly scrutinised and reviewed.

There is a programme for voluntary returns. This may be an answer to dawn raids. If more people can be encouraged to return themselves, the pressure and stress, especially for children, would be lessened.

Another aspect is the difference in approach from politicians in Scotland compared with England and Wales. Although asylum is not a devolved responsibility, it is salutary that there are different approaches to the issues in different parts of the UK.

There are many other issues such as dawn raids, and the abandonment of possessions with little chance of recovery, or access to health services and medication whilst in a Detention Centre.

A better decision making process appears to now be in place. An aspiration to deal with cases in a reasonable time is also good. More should be done to encourage the practice of voluntary returns.

### **Questions and discussion**

#### **Q What can be done by local campaigners and activists? How can they take the dialogue forward?**

Look at the interim findings and make suggestions. Start a dialogue with the Independent Asylum Commission – tell them where you think they have got it wrong, or if they have got it right. Also talk to other people you are in contact with about the issues that have been raised. Talk to your MPs - some MPs post is more than 80% to do with asylum issues.

We need to build an asylum system that we are proud of. It's not a case of campaigning on the streets, but working with the people in the system to improve it.

A recent example is a joint statement by church leaders in West Yorkshire. This is an excellent initiative as it helps to chip away at attitudes and change opinions. In the meantime, we need to continue to deal with individual cases and that way we can make a difference.

#### **Q What about problems to do with language and interpreters?**

This is an important issue – it was not mentioned earlier because of time – but it will be in the Independent Asylum Commission report. There is evidence that suggests that there are some incompetent and even malign interpreters. It is an issue that comes up again and again. There are good guidelines in existence – these need to be followed more closely.

In some cases which involve religious conversion there have been examples of negative or malign interpretation, such as an interpreter's dislike for

someone who has converted away from their own faith, or because they do not know how to translate religious terms.

Most interpreters provide an excellent service and do a really good job. There has not been any evidence that a case has failed due to the lack of an interpreter being available.

**Q What is the timetable for publishing reports?**

Interim findings will be launched on 27 March at the House of Commons. Following this the recommendations will be published on three dates over the summer.

**Q What issues / criticisms should the churches raise?**

Churches are becoming more coherent on asylum issues – they can be both challenging and affirming. New guidelines on credibility are an improvement. Churches can highlight country of origin information evidence which is inaccurate. They need expert and authenticated evidence to change their guidance, but they do want it to be improved.

It is striking that the asylum system is not in panic mode, as it was in 2001-2004. This current time is a good window of opportunity. It is a good opportunity for churches to be involved in debate about welcome and the principles of the society we live in.

**Q Are members of the Independent Asylum Commission able to come out to talk to local groups and MPs after they have finished their work?**

Yes. Although the Commission will disband, its members will be happy to receive invitations to promote the work of the Commission and share its findings.

**Q Dawn raids cause outrage, especially when children or armed police are involved. It is good that recently a number of long staying families have been given leave to remain. Would supporting increased voluntary returns undermine this?**

This point needs further exploration. It involves issues relating to Section 4 accommodation and those for whom there is no possibility of return in the future. Please do engage with the interim findings and put your views across so that they can be taken into account when making the recommendations.

**Q Country of Origin Information reports and interpretation issues are all important. But there has often been a glass wall in-between activists and judges / legal services. This is not a question of lobbying, but of providing information. New and improved guidelines are all very well, but often there is no compulsion on decision makers to read, consider and interpret the guidelines.**

The role of judges is currently to preside of an adversarial trial. It may be more helpful for them to be allowed more licence to be inquisitorial – to intervene and to ask questions. The system must be fair and rigorous to fully test a claim. But far more important than guidelines is the access to good legal advice.

**Q Many churches work with destitute refused asylum seekers. Is there a way to get these 'living ghosts' back in some form of system, such as Section 4 accommodation, voluntary returns, or should they be left underground?**

The Government needs to answer questions about destitution as an instrument of policy. There are also issues about how one might reintegrate people back into the system.

#### **Further Information**

**The Churches' Refugee Network**

[www.ctbi.org.uk/crn](http://www.ctbi.org.uk/crn)

**The Independent Asylum Commission**

[www.independentasylumcommission.org.uk](http://www.independentasylumcommission.org.uk)

Plus, audio-visual archive of hearings available at [www.humanrightstv.com](http://www.humanrightstv.com)

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