



**WEST YORKSHIRE
ECUMENICAL
COUNCIL**

**WEST YORKSHIRE CHURCHES
AND ASYLUM SEEKERS**

**A PRESENTATION TO
THE HOME OFFICE**

23 JUNE 2009



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A summary of our recommendations

From our churches' experiences of working closely with hundreds of asylum seekers across West Yorkshire, we call upon Her Majesty's Government:

- to take the lead in challenging prejudice by a promoting a cultural shift in which asylum seekers are treated with dignity and respect;
- to ensure that all asylum seekers have access to appropriate legal advice and receive a fair hearing;
- **to give asylum seekers permission to work;**
- to carry out any forced return process with as little physical coercion as possible;
- to take seriously the spiritual reality of faith conversion, and recognise its potential impact on asylum applications;
- to support voluntary, community and faith sector agencies working with asylum seekers.

Our recommendations in full

- We challenge the Home Office to humanise its systems for dealing with asylum seekers.
- The Government should take the lead in educating the public in this cultural shift.
- Everyone who is working with asylum seekers should move from a culture of suspicion which primarily assumes guilt to a culture of hospitality which primarily assumes escape from persecution.
- At all stages in the process – including during deportation - asylum seekers should be treated with dignity and respect.
- We affirm the recommendation of the Independent Asylum Commission for this necessary change of culture to be indicated by speaking not of “asylum” but of “sanctuary” instead.

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- All asylum seekers attending a tribunal should be able to be properly represented and to have a fair hearing.
 - We call for increased provision of legal aid for those preparing for an appeal.
 - When the costs of providing legal provision are considered, “joined up government” is required with cooperation between the Home Office and the Ministry of Justice to ensure that people are not played off by one department of state against another.

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- We ask the Home Office, as a matter of urgency, to review the transition process for people newly granted refugee status, and who will be moving out of Asylum Support accommodation, to ensure that relevant benefits are in place in sufficient time to ensure that there is no intermediate period of homelessness and unnecessary destitution.
 - Any asylum seeker who has been in the UK for 6 months or more should be given the right to work.
 - In particular, there should be immediate right to work given to all caught in the Legacy backlog of long-term applicants, without waiting for the anticipated 2011 deadline for assessment.
 - Standards of communication need to be improved, so that new refugees are aware of both their responsibilities and their rights.
 - Once a person has been given permission to stay in the UK, it would benefit our whole society for administrative processes to be speeded up to allow that person to make his or her constructive contribution to society.

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- The monitoring of the well-being of people previously deported needs to be improved to ensure that past mistakes are not repeated.
 - There should be an end to dawn arrests. The forced return process should be carried out, wherever possible, with reasonable notice, and with as little restraint or physical coercion as possible.
 - Children should not be detained.

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- The Home office should improve its procedures to allow conversion to Christianity to be more readily taken into account.
 - It should educate its staff in the diverse traditions and practice of the Christian faith.
 - It should end its hostility in its dealings with Christian ministers and converts.
 - Greater support should be given to those voluntary, community and faith sector agencies who are striving to deal with the desperate human needs of destitute asylum seekers.

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1. Introduction

1.1 Background

In 2008, church leaders from different traditions across West Yorkshire united to issue a public statement (see Appendix 2) on the needs of asylum seekers, needs that impacted on many churches across the region.

Sixteen months on, those needs remain as serious as ever, and church leaders call for a re-evaluation of the asylum process and the unnecessary indignities which it imposes upon all who seek asylum, including those whose claims of flight from persecution are upheld and whose need for sanctuary is recognised.

1.2 Who we are

West Yorkshire Ecumenical Council (WYEC) represents ten different Christian traditions in West Yorkshire and much of North Yorkshire. In the 2001 census, over one million people in the region declared themselves to be Christian.

WYEC is represented today by:

the Rt. Revd. Stephen Platten,	Bishop of Wakefield
the Revd. Dr. Elizabeth Smith,	Chair of the Leeds District of the Methodist Church
Pastor Gloria Hanley,	Chair of WYEC and Chair of the West Yorkshire African Caribbean Council of Churches
the Revd. Dr. Clive Barrett,	County Ecumenical Development Officer and Executive Secretary

1.3 What we experience

Churches of all traditions across our region are visited by hundreds of destitute and distressed human beings. Congregations have found themselves faced with new and distressing challenges as increasing numbers of asylum seekers appear facing greater financial and personal insecurity. From drop-in lunches at a Huddersfield church to ESOL classes in a Halifax church, an array of education opportunities provided at a Wakefield church, McKenzie Friend court support provided by Christians in Bradford, and legal support offered by Christians in Leeds – right across our region we see churches working together in the face of mounting human needs. Asylum seekers, at various stages in the asylum application process, are seeking basic requirements including food, legal support, accommodation, English language teaching, other education and gainful employment. They are telling harrowing tales of persecution in their home countries and are often living in fear of forced return. Congregations are responding generously and collaboratively, offering hospitality and, in the process, finding their view of the world is changed.

The Christian churches of West Yorkshire have first hand experience of people and policies which contradicts the prejudices of wider society and against which the pronouncements of Government appear wanting. Our pastoral, caring experience has led us to prophetic challenge. We see the consequences of Government policies on the human beings we have come to know in our communities, and we see where those policies are lacking.

In the light of our experience, we argue for a re-evaluation of the asylum process, to ensure that the dignity and humanity of asylum seekers is respected, that basic needs are met as are requirements of hospitality and justice, and that asylum seekers and their families are not treated as criminals unless they can prove otherwise.

"The Commission concludes that all those who seek sanctuary in the UK deserve to be treated with a dignity over which mere administrative convenience must never prevail; and recommends that urgent action is taken to remedy situations where the dignity of those who seek sanctuary is currently compromised"

Independent Asylum Commission, 2008

It is not a denial of the need for an immigration policy, or for the need for assessment of the claims of those who would seek asylum, to assert that such assessment should respect the humanity of all applicants. It is not only better, it is right and proper, to treat all asylum seekers with respect, even those whose claim may ultimately be rejected, rather than to submit all claimants to further persecution, including those whose claims are ultimately shown to be well-founded and who have already had to flee persecution elsewhere.

There are particular areas of policy and practice which cause us concern. In a united public statement in 2008 (see Appendix 1), West Yorkshire church leaders identified prejudice, the legal process, destitution and unemployment, deportation, faith conversion, and asylum seeker support as issues of concern. Since making that statement, our concerns have grown.



West Yorkshire church leaders come together to make a public statement in support of asylum seekers.

Huddersfield, Ash Wednesday 2008.

2. Prejudice

2.1 The Home Office perpetuates prejudice

The way in which asylum seekers are treated by the system reflects the prejudice against them in our society. Home Office procedures, however unwittingly, perpetuate that prejudice in their tone and in their tolerance of inhumanity and downright cruelty. Staff, whether employed directly or through private agencies – especially in private security companies – often treat asylum seekers with disrespect. Asylum seekers are not informed about the benefits, rights and opportunities to which they are entitled. There is a culture of intolerance which assumes that an asylum seeker is a criminal and “bogus” unless that person can prove otherwise. Such a culture both reflects and perpetuates a culture of prejudice across our society,¹ seen at its most intolerant in the attitudes of the British National Party.

“You are asking me about racism. I am homeless, I am not allowed to work, I am not allowed to exist in this country. There is your answer.”

Asylum seeker interviewed by PAFRAS, Leeds, May 2008.²

2.2 The need for cultural change

Of course there needs to be an assessment process, but that process can be conducted in a way that treats the claimant with due dignity and respect. This is a cultural change and can only come from a real and perceived change of attitude at ministerial and senior officer level. It is a cultural change that can be promoted in the tone as well as the content of ministerial and departmental communications with staff, with asylum seekers and with the general public. It is for the Government to take the lead in educating the general public in why the UK should take seriously the needs of those seeking sanctuary, should take pride in giving sanctuary to those who need it most, and should recognise that those seeking sanctuary in the UK amount to merely 0.035% of total immigrants.

*“The Government must lead rather than follow public opinion on immigration, refugee and asylum policy. Specifically, asylum seekers should be allowed to sustain themselves and contribute to society through paid work. It is unacceptable to use destitution as a tool of coercion when dealing with ‘refused’ asylum seekers”.*³

Report to the General Synod of the Church of England, 2006.

Without such a cultural change, without challenging misinformation and prejudice, the Home Office is implicitly accepting and in practice perpetuating the hateful analysis of the British National Party and its supporters. This cannot be accepted.

¹ Examples are shown in *Saving Sanctuary*, Independent Asylum Commission, 2008, p4.

² Jon Burnett, *Racism, Destitution and Asylum? PAFRAS Briefing Paper Number 6*, Positive Action for Refugees and Asylum Seekers, Leeds, 2008.

³ The Church of England Commission for Urban Life and Faith, *Faithful Cities*, Recommendation 5; welcomed by the General Synod of the Church of England, July 2006.

Our recommendations

- We challenge the Home Office to humanise its systems for dealing with asylum seekers.
- The Government should take the lead in educating the public in this cultural shift.
- Everyone who is working with asylum seekers should move from a culture of suspicion which primarily assumes guilt to a culture of hospitality which primarily assumes escape from persecution.
- At all stages in the process – including during deportation - asylum seekers should be treated with dignity and respect.
- We affirm the recommendation of the Independent Asylum Commission for this necessary change of culture to be indicated by speaking not of “asylum” but of “sanctuary” instead.⁴

“Mohammed,⁵ from Afghanistan, accidentally damaged his identity paper in the washing machine. Social services failed over a long period to get a replacement for him. I have tried too, but the Home Office just do not reply to letters sent to them.”

Bradford Ecumenical Asylum Concern (BEACON), June 2009.

“The welcome offered today falls far short of our traditional standards. When asylum seekers arrive in the UK they are all too often met by a bureaucracy that fails to assess their claims fairly.”

The Rt. Hon. Iain Duncan Smith, December 2008.⁶

“We believe that in many of the areas covered by these recommendations⁷ good policy guidelines exist on paper. Time and again evidence from the experience of individuals suggests that policy guidelines have not been followed...”

Independent Asylum Commission, 2008.⁸

⁴ *Saving Sanctuary*, Independent Asylum Commission, 2008, p1

⁵ Names have been changed, where necessary, throughout this document

⁶ Iain Duncan Smith, in Julian Prior, *Asylum Matters*, The (Conservative) Centre for Social Justice, December 2008, p4.

⁷ As outlined in *Fit for Purpose Yet?*, Independent Asylum Commission interim report, 2008

⁸ *Deserving Dignity*, Independent Asylum Commission, 2008, p13

3. The Legal Process

3.1 The political cost and the human cost

This is the one area which we are highlighting which may have an impact on the numbers of people given refugee status and which would require additional funding. We assert, however, that the political cost of making improvements in legal provision is small alongside the human cost of lives lost or traumatised by the UK wrongly rejecting valid asylum claims and returning hundreds of people to situations where they would face persecution, torture or death.

3.2 The presumption of guilt

Nowhere else in the legal system does one need to prove one's "innocence", to prove one's case in a climate which assumes one's case is flawed unless proved otherwise. In criminal trials, the presumption of innocence is paramount; not so if one is a potential refugee at risk of persecution including imprisonment and even death. The potential consequences of a wrong decision can be far worse even than false imprisonment of a person for a crime they did not commit. It is essential that the legal processes give every opportunity for would be refugees to present their case, and if that is rejected for reasons they would dispute, to present an appeal having had an opportunity to access legal advice and produce evidence to corroborate their story. In the long term, this may be a challenge to the adversarial basis for considering asylum applications. There may indeed be a case, as UNHCR and the Independent Asylum Commission suggest, for an overhaul of the entire legal process for asylum applicants in favour of a more inquisitorial and less confrontational system.

"UNHCR has argued that the process of asylum decision making should be fact-finding and inquisitorial rather than adversarial so that the applicant is given the opportunity to address inconsistencies and contradictions."

Independent Asylum Commission, 2008.⁹

3.3 The sense of inadequate consideration

At the point at which clients are refused legal aid, there will have been very little investigation of the facts. There will have been little opportunity to investigate their claims and find evidence to corroborate their story if it is disbelieved. Very early in the process, vulnerable people are being told, in effect, "If you can't prove it yourself, quickly, you are on your own". This is in direct contradiction to the supposed benefit of the doubt that asylum seekers are meant to be afforded in law.

3.4 The inadequate level of legal representation

That one in four initial decisions to refuse asylum is overturned on appeal shows the importance of the appeal process and affirms that that process can make a difference. The concern, however, is that lack of legal representation for many asylum seekers at and in preparation for an appeal can lead to many valid claims being rejected with catastrophic personal consequences.

⁹ UNHCR, *Quality Initiative Project – Third report to the Minister*, March 2006; cited in *Fit for Purpose Yet?* Independent Asylum Commission interim report, 2008, p23.

“As project manager for a charity which provides legal representation for unrepresented asylum seekers, I would draw attention to the huge numbers of people who are excluded from having a fair hearing because they do not have representation.”

Karen Gray, The Manuel Bravo Project, Leeds, June 2009.

Only those with professional legal qualifications are permitted to give “advice”, which includes the drafting of witness statements. The combination of legal aid only being granted for appeals with a 50% chance of success with the need for firms with a legal aid franchise to demonstrate a 60% success rate means that many providers have withdrawn from the field in recent years, whilst others are restricting their operation to ‘cherry-picking’ those appeals which are almost certain to succeed. In Yorkshire and Humberside there are currently only twelve legal aid contracts, down from twenty two in the past. This is simply not enough; demand for advice far exceeds capacity. Many asylum seekers are unable to find adequate legal representation.

The reduction in time limits for appeals, designed to speed up the process, has had unfortunate unintended consequences. Firstly, those who have suffered the greatest trauma need the longest time to prepare their cases; it could be that the most needy applicants are those most likely to fall foul of the system. Secondly, it has become virtually impossible for asylum seekers who have been dropped by their solicitor to find alternative help. Thirdly, given that adjournments are rarely granted, it is difficult even to make offers of pro bono assistance; the right to a fair hearing is severely jeopardised.

3.5 The refusal of legal aid – a self-fulfilling prophecy

Obviously, those asylum seekers who do not have legal assistance have a much lower probability of a successful appeal; not only do they lack the necessary expertise to know about calling witnesses or obtaining reports in support of their claim, but also immigration judges appear to give lower consideration to unrepresented claimants. There is an assumption that if a person has no legal representation then their claim must be unfounded. The denial of legal aid in cases less likely to succeed becomes a self-fulfilling prophecy.

Recent experience elsewhere in the country suggests that legal aid may be wrongly refused in around 80% of cases, and around 30% of those appeals would be allowed.¹⁰ We repeat our assertion, above, that the human cost of error in such cases could be immense, and that maximum care should be taken to minimise the risk of error.

Our recommendations

- **All asylum seekers attending a tribunal should be able to be properly represented and to have a fair hearing.**
- **We call for increased provision of legal aid for those preparing for an appeal.**
- **When the costs of providing legal provision are considered, “joined up government” is required with cooperation between the Home Office and the Ministry of Justice to ensure that people are not played off by one department of state against another.**

¹⁰ Devon Law Centre, Asylum Appellate Project: Second Year Report, June 2009.

4. Destitution and Employment

4.1 Destitution or return?

It is the desperate lack of resources of asylum seekers which makes the greatest impact on local churches. Christians believe that God's love is unconditional, and so Christian charity and generosity is unconditional and not dependent of an asylum seeker's status. Much of the most serious destitution is found among those who have been refused leave to stay in the UK, and yet are unwilling or unable to return to their country of origin (perhaps Somalia, Eritrea, Sudan...), a prospect that is even more unappealing than destitution in the UK. How afraid must such people be of what would face them in their country of origin for such a plight to be preferable to returning home?

"It also appears that a British government is using forced destitution as a means of encouraging people to leave voluntarily. It is a failed policy: only one in five leaves voluntarily."

The Rt. Hon. Iain Duncan Smith, December 2008.¹¹

One registered asylum charity, Positive Acton For Refugees and Asylum Seekers (PAFRAS), working out of a church in Leeds, engaged with over six thousand users in 2008, providing over 5,600 free hot meals and distributing over 2,800 food parcels to those in greatest need. The scale of support required at just one local operation makes the scale of need nationally almost beyond imagining. Whatever it is meant to achieve, the Government's policy of enforced destitution is simply not working.

4.2 Research in Leeds

In 2007, the Joseph Rowntree Charitable Trust (JRCT) published the results of an inquiry into destitution among refused asylum seekers in Leeds. The inquiry Commissioners were Kate Adie OBE, Julian Baggini, Courtenay Griffiths QC, Bill Kilgallon OBE, and Lady Sayeeda Warsi.¹² In the second half of 2008, the inquiry was repeated,¹³ and its principal findings are shown in Appendix 2. It shows a substantial rise in destitution levels including those in long term destitution. The most significant rise and the cause most frequently cited for destitution was "Waiting for Section 4 Support". This assistance, linked with voluntary return, comes far too late for those whose appeals have been rejected and who have to leave NASS accommodation after 21 days. Such avoidable delays inevitably lead to destitution.

The 2008 JRCT report links the rise in levels of destitution with an increase in pressure on asylum seeker support agencies. This result is corroborated by accounts from local churches. There has been a dramatic rise in the number of destitute children. There are serious issues of homelessness, with many people "sofa-surfing" and a rise in the number of people sleeping rough. This all adds to the vulnerability of the asylum seeker and the sense of fear on the streets of the city.

¹¹ Iain Duncan Smith, in Julian Prior, *Asylum Matters*, The (Conservative) Centre for Social Justice, December 2008, p4.

¹² Adie et al, *Moving On: From Destitution to Contribution*, JRCT, York, 2007. The accompanying research report was Hannah Lewis, *Destitution in Leeds*, JRCT, York, 2007.

¹³ Dave Brown, *More Destitution in Leeds*, JRCT, York, 2008.

"You often don't just sleep on a friend's floor anymore. You sleep on a friend's floor with other friends. If you go to the squats you have to find a space for yourself where there is room."
Asylum seeker interviewed by PAFRAS, Leeds, January 2009.¹⁴

"We had one woman in here who was sleeping in a phone box. It was safe there, as nobody else could get in it with her."

Minister of a Leeds church, June 2009.

The New Asylum Model, operating since 2007 though piloted in Leeds a year earlier, provides for fast track processing of asylum applications. However, its introduction has coincided with a substantial rise in levels of destitution. The suggestion is that "refused asylum seekers have had little time to establish connections, support structures or mechanisms. A potential consequence is that people will find it harder to cope with destitution and more likely that they will need to access support agencies".¹⁵ We repeat: the system isn't working.

Leeds is the biggest city in the region, but similar problems are reported by churches and support agencies in all five metropolitan districts across West Yorkshire.

4.3 Leaving NASS (Asylum Support) accommodation

Even silver linings appear to have a cloud. One of the times when asylum seekers are at their most vulnerable is immediately after receiving notice that they will be granted leave to remain. They then have 28 days in which to leave their NASS (Asylum Support) accommodation and move into either local authority or private landlord accommodation. This time is too short for making the necessary arrangements and particularly to receive housing benefit. In practice, many newly accepted refugees find themselves at least temporarily homeless and destitute.

Despite the Rent Deposit Scheme, it remains difficult for those who have yet to receive housing benefit - and that is a process which takes several months, far longer than 28 days - to find accommodation with private landlords.

To cap it all, there is often inadequate communication to new refugees about their responsibilities and rights. More needs to be done to ensure that new refugees are clear about what is expected of them, and what benefits they can claim and how.

The need for systemic improvement is not confined to matters of accommodation. The processes which would allow people to make the transition from being dependents to being constructive citizens are slow, inefficient and often inaccurate.

"Benjamin, who had a high position in one group in the DRC, fled to Britain having been imprisoned and threatened by an opposing faction. He has been here for seven years and has his family with him in Bradford. A year ago he was granted permission to stay by the Asylum Court, The Home Office is not opposing the decision, but Benjamin is still waiting for the Home Office to confirm this and send him papers so that he can work and regularise his life. I think there are many cases of the Home Office deliberately delaying when people have been granted permission to stay."

Bradford Ecumenical Asylum Concern (BEACON), June 2009

¹⁴ Jon Burnett, *What is Destitution? PAFRAS Briefing Paper Number 9*, Positive Action for Refugees and Asylum Seekers, Leeds, 2009.

¹⁵ Dave Brown, *More Destitution in Leeds*, Joseph Rowntree Charitable Trust, York, 2008, p12.

This whole situation is a totally unnecessary and preventable failure of the system. These are people who have been permitted to take a constructive place in society. The sooner they are able to adjust to their new status, the sooner they will be able to make their own contribution for the benefit of all. Instead, they are forced out of their accommodation and rendered homeless and unnecessarily destitute.

Our recommendations

- **We ask the Home Office, as a matter of urgency, to review the transition process for people newly granted refugee status, and who will be moving out of Asylum Support accommodation, to ensure that relevant benefits are in place in sufficient time to ensure that there is no intermediate period of homelessness and unnecessary destitution.**
- **Standards of communication need to be improved, so that new refugees are aware of both their responsibilities and their rights.**
- **Once a person has been given permission to stay in the UK, it would benefit our whole society for administrative processes to be speeded up to allow that person to make his or her constructive contribution to society.**

4.4 Employment

We recognise that at a time of economic downturn it is a politically difficult decision to allow asylum seekers to work. Many would be prepared to take employment which others would not be willing to accept. Others have, or are close to having, the skills and expertise which the country requires. Yet others have the necessary business acumen to make a significant positive impact on the economy, with the potential to become employers in their own right.

In many cases, the reason for fleeing a homeland was associated with making a visible and thus vulnerable contribution to the life of society. A number of asylum seekers are ready to make a greater than average contribution to UK society.

One of the most well-known names in the history of Yorkshire and UK business is Montague Burton, founder of the Leeds-based tailoring empire which employed thousands of workers across our region. He was a refugee from Lithuania.

Michael Marks, who founded Marks and Spencer from a Leeds market stall, was a Polish Jewish refugee.

How much would have been lost to the nation, if these refugees had been refused work? How much is being lost today, by denying asylum seekers the right to gainful employment?

Our recommendations

- **We believe that any asylum seeker who has been in the UK for 6 months or more should be given the right to work. This is the single most important change which could address destitution among asylum seekers.**
- **In particular, there should be immediate right to work given to all caught in the Legacy backlog of long-term applicants, without waiting for the anticipated 2011 deadline for assessment.**

4.5 Physical and mental health

A feature of destitution is the lack of access to even basic health care. For failed asylum seekers in particular, the fear of identifying themselves to a public body (e.g. a hospital) outweighs the hope of potential healing. The result is suffering, pain, disease and deteriorating physical health. This in turn may lead to serious mental health issues. Even without such physical health problems, a person facing destitution is liable to respond to hopelessness by developing depression and mental illness.

"I have known many asylum seekers left waiting for four, five, or more years for a decision in a limbo in which their life is in suspended animation. They study, volunteer and try to make a contribution to UK society but are prevented from supporting themselves and having the dignity to work. They are often bright and able young people who should have a future ahead of them but they come to lose any hope. This includes young people who have come here as children, been educated and trained here, but are then unable to work. One young woman I know is currently studying for a diploma in public service and would love to join the police force but is more and more depressed at the thought that she will not be allowed to work at all."

A church minister in the Wakefield District indicates, June 2009, that the ban on asylum seekers working can have a dramatic and detrimental effect on their mental health and well-being.

"It has become abundantly clear to us that the appropriate response to this issue does not depend on whether you are a soft-hearted 'asylum-seeker hugger' or a tough minded defender of Britain's borders. The current system fails by the standards both of human decency and of those who want to 'get tough' on asylum."

We believe that to end destitution among asylum seekers (by which we mean both those awaiting decisions and those who have been refused claims but remain in the country), and to help create a better asylum system for all, changes need to be made to ensure:

- *that the asylum claims process keeps people in the system, and does not drive them from it*
- *that asylum seekers can contribute to host communities whenever possible rather than being a burden on them*
- *that all asylum seekers have access to the basic necessities of life."*

Adie et al, 2007.¹⁶

4.6 English language and community cohesion

With a cultural shift proposed above, asylum seekers would be seen as present and future residents rather than as deportees in waiting. In that case, it becomes imperative to address issues of community cohesion and integration. Foremost of these is access to English language teaching. Not only for the benefit of asylum seekers themselves, for their integration and employment prospects, but also for the present and future well-being of those communities of which they are and will be a part, it is imperative that asylum seekers are enabled to access free ESOL education from the moment they are allowed into the UK.

¹⁶ Adie et al, op. cit., *Moving On: From Destitution to Contribution*, JRCT, York, 2007.

5. Deportation

5.1 Return to unsafe countries

We are concerned that the UK Government may not be sufficiently monitoring the well-being of returned asylum seekers, especially those returned to such nations as Iran and the DRC. The domestic political agenda of reducing numbers of asylum seekers seems to take precedence over ensuring the safety of those forced to return. The security of previous returnees needs to be sufficiently monitored before future returnees can be given a guarantee of their future safety. There is enough anecdotal evidence from diverse countries to suggest that many refused asylum seekers have suffered considerable persecution upon their forced return. These accounts need to be more readily acknowledged when assessing other applicants from similar backgrounds.

"Hassan sought asylum on the ground of his conversion in Iran to Christianity from his native Islam. He failed to secure asylum in the UK and, fearing deportation, fled to another country, at which point he was persuaded it was safe to return to Iran to a life of obscurity. Unfortunately his return became known and whether an aspect of the Islamic Republic's apparatus or some informal group found him, he was tortured with chemicals forced down his throat and also having his arms and legs broken. He was left for dead, but over many months managed to recover. Eventually he made it to yet another country and is safe. He has maintained occasional but high risk mobile phone contact with me throughout. After the torture it was harrowing to listen to his respiratory difficulties as we talked."

A Kirklees Metropolitan District minister reflects (June 2009) on extreme violence which would have been prevented had an asylum claim been approved.

5.2 Removal of people to detention during the night

Dawn raids to remove those who have not been able to obtain refugee status are another symbol of the criminalisation of those who would seek sanctuary. A tactic aimed at criminals is not appropriate for those who, sometimes through no fault of their own (see above) have not been able to persuade a court of the validity of their claim. It is a totally inappropriate and traumatic practice where children are involved.

"I was asleep in my house when I was suddenly jolted by a loud bang on the door at 6.30am. When I opened the door I noticed a large contingent of Immigration Police Officers. They said they had come for me and my 15 year old son. I then explained to them that a fresh asylum application had been submitted two months earlier. They then said that they were not aware of any pending application. The minister of a Bradford church arrived and tried to explain to them that actually there was a fresh application pending but they insisted that we still had to go with them. At court, we were immediately locked up in a room. The church minister told me he had spoken to a senior immigration officer who confirmed that the application had been received but had unfortunately not been entered into the system. She accepted it was actually a mistake on their part and apologised. Just before 9am we were driven to Yarl's Wood Detention Centre..."

Deportee's personal statement, April 2009.

The 'not entered' application was hastily considered within 24 hours whilst the applicant was still in detention;¹⁷ she and her son were put on a flight within two working days, with no chance to respond.

¹⁷ Such a Detained Fast Track process, typically used within a few days of a new applicant arriving in the UK, was identified by the Independent Asylum Commission, *Deserving Dignity*, 2008, DD1.28.20 as in breach of the spirit of the Refugee Convention.

Of course there needs to be a removal process for those who have not been able to make a case to remain, but that process needs to be conducted in a responsible and humanitarian way, showing the same high level of respect as should be granted to any other person in society. In particular, except in the few cases where there is real risk of absconding, the deportee should be given notice and opportunity to say appropriate farewells, something that is especially important when children are involved.

We endorse the recommendation of the Independent Asylum Commission that “the forced return process should be carried out, wherever possible, with reasonable notice, and with as little restraint or physical coercion as possible”.¹⁸

“At 6.00am, the officers came in my room. I jumped out of bed, naked, and they asked my name. When I told them they told me to put my hands together so they could handcuff me; I was being arrested... They wouldn't let me dress and took me outside naked to their van in the freezing cold, and threw me in the back. They knew I was ill, as I had asked them to pack my medication, but they didn't care.”

Asylum seeker interviewed by PAFRAS, Leeds, March 2008.¹⁹

There also remains the continuing suspicion that contracted staff occasionally or regularly use improper force. The results of UKBA investigations into such allegations should be made public.

5.3 No goodbye: the effect of deportation on bereaved communities

It is not only those who are suddenly deported who may become traumatised. There can be profound feelings of loss within communities, especially where asylum seekers and their families have been significant figures within those communities. For young people in school groups, these feelings may be as strong a sense of loss as would be experienced if a member of their peer group had suddenly died. This begs the question, for whose benefit the deportation was meant to have been carried out? On occasions it can feel as if the people's representatives are acting against the interests of the people instead of acting on behalf of the people.

“One of the pupils at a school in Leeds suddenly disappeared. Joseph was half way through his GCSE years; he had been here for six years and was predicted to get A grades. He had also been accepted at a West Yorkshire professional football academy. A few weeks ago he was arrested with his mother in a dawn raid. BEACON decided to follow this up at the school. The students who were in Joseph's year were quite traumatised by the sudden disappearance of their friend with no explanation. They were told what had happened to him and were in floods of tears; they are to receive further counselling from the school staff as they grieve the loss of their friend.

There seems to be no account taken of the knock-on effect of the sometimes brutal removal of children. This situation is happening throughout the country and no provision is made to work with traumatised children who find themselves very insecure when they know that students from their school can just disappear with no contact ever again. We believe that children should never be removed in this way; first and foremost it is traumatic for them, but it is also traumatic for children who know them.”

Bradford Ecumenical Asylum Concern (BEACON), June 2009

¹⁸ *Safe Return*, Independent Asylum Commission, 2008, 2.9.2, p22.

¹⁹ Jon Burnett, *Dawn Raids; PAFRAS Briefing Paper Number 4*, Positive Action for Refugees and Asylum Seekers, Leeds, 2008.

5.4 The detention of children

In a nation that gives such high priority and profile to issues of child abuse and child protection, it is a tragic irony that the UKBA has tolerated the long-term detention of children, and in situations with poor educational facilities. We have yet to hear of improvements to a regime which led to eighty three children being detained for more than 28 days during mid-2007, and we see discrepancies between UKBA claims that most children are detained for less than seven days and the HM Inspectorate of Prisons claiming that the average period of child detention had risen from eight to fifteen days.²⁰

Our recommendations

- **The monitoring of the well-being of people previously deported needs to be improved to ensure that past mistakes are not repeated.**
- **There should be an end to dawn arrests. The forced return process should be carried out, wherever possible, with reasonable notice, and with as little restraint or physical coercion as possible.**
- **Children should not be detained.**

²⁰ HM Chief Inspector of Prisons, *Yarl's Wood Immigration Removal Centre, Inspection Report*, February 2008, HE10, p10

6. Faith matters

6.1 The reality of conversion

We are concerned about the frequent refusal – or lack of acceptance – of asylum seekers who convert to Christianity.

When hospitality has been provided by churches, when the outpouring of Christian love has given an asylum seeker a glimpse of the love of Christ, when an asylum seeker is so drawn in this way to the person of Christ, then it is not unusual for that asylum seeker in all innocence to ask questions about the beliefs of Christians and the motivation of Christians for the hospitality that has been shown. Inevitably, for some this leads to an awakening of faith and their own personal commitment to Christ. There may or may not yet have been a longstanding immersion in Christian doctrine and practice, but there is a genuine conversion to Christianity, as God moves in that person's life. Conversion is less about cerebral comprehension of doctrinal details than a change of identity and self-understanding affecting one's very being.

For a large number of people, the experience of receiving Christian generosity and hospitality has led to their own conversion and faith commitment. In many cases, this conversion needs to be given serious consideration when assessing an asylum seeker's application to remain in the UK.

6.2 The interviewing of converts

We are deeply concerned at the attitude taken by many staff within the asylum process who are dismissive and hostile towards claims of religious conversion. There appears to be a "culture of disbelief", an underlying assumption that religious faith is bogus unless it can be proved otherwise, and for person who may have experienced a life-changing event such as religious conversion that can be particularly distressing. Questions asked of applicants often reflect the interviewer's ignorance of Christianity and its diverse traditions. For example, a person who has come to faith in a Baptist environment can not be expected to know about Catholic practice, or vice versa. Often those young in the faith are expected to have a greater knowledge of Christianity is expected than is found in many regular churchgoers. On other occasions, the confusion of faith and cultural practice has led to questions like 'How do you prepare a turkey for Christmas?' which reflect an ignorance and disrespect towards the narrative and meaning of Christian faith which is close to being offensive.²¹

6.3 Conversion and return

Greater care also needs to be taken in understanding the nature of an applicant's new faith in determining how it might affect their safety should they return to their home country. Whatever the attitudes of some Islamic nations, it is not acceptable for UK authorities to attempt to distinguish between a proselytiser / evangelist and a so-called "ordinary individual convert", as if one's entire being and doing were somehow separate from one's all-embracing faith-commitment. It is not acceptable for the deportation of converts to be dependent upon a disavowal of their new-found faith

²¹ Evangelical Alliance. *Alltogether (sic) for Asylum Justice: Asylum Seekers' Conversion to Christianity*, 2007, page 14.

Where religious conversion could conceivably lead a failed applicant becoming liable to serious persecution, it is essential that interviewers and assessors are properly trained.²²

Simin's story:

Simin left Iran having been imprisoned for political reasons. She applied for asylum in the UK and stayed for several years. During that time she converted to Christianity and became an established member of a Church in the Wakefield Metropolitan District. She was open about her faith and led an Alpha Course to attract and instruct other potential converts. She brought many friends into the church, helping out with the church office and becoming part of the wider leadership of the church.

Simin received notice that her application had been rejected. The Home Office claimed her conversion was immaterial, as in Iran she could practise her faith "in private" as long as she was "discreet".

"I can't be private about my faith," she said, "but if you practise it in Iran, and do ministry, you will face death."

Our recommendations

We call upon the Home Office:

- **to improve its procedures to allow conversion to Christianity to be more readily taken into account**
- **to educate its staff in the diverse traditions and practice of the Christian faith**
- **to end its hostility in its dealings with Christian ministers and converts**

²² As recommended by the Asylum Matters Group of the Churches Main Committee, November 2007.

7 Support for asylum seekers

Destitution cannot be an acceptable part of national social policy. The policy changes we have indicated would address many of the causes of destitution. Without a radical overhaul of the system, and without a cultural transformation, it would remain the case, however, that many asylum seekers would still be amongst the poorest people in society.

“It is left to the voluntary sector to pick up the pieces of these shattered lives. With little support from the Government or the general public, these groups, on very limited budgets, do an heroic job 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.”

The Rt. Hon. Iain Duncan Smith, December 2008.²³

In a considerable number of cases, support and the provision of basic needs to the most needy people in society, including asylum seekers, is provided by the voluntary, community and faith sector. The poorest asylum seekers, and indeed all the poorest members of society, would benefit directly if increased funding and grant support is made to this sector. Asylum support charities, many linked with our churches, perform a magnificent social service to those who are beyond the reach of statutory agencies. They are essential agencies of social cohesion and should be recognised as such. In particular, greater funding should be made available to the agencies in this sector to enable them to carry out their work more effectively. Asylum charities should be encouraged to apply for new funding to enable them to address the most pressing social needs associated with asylum seekers.

Our recommendation

- **Greater support should be given to those voluntary, community and faith sector agencies who are striving to deal with the desperate human needs of destitute asylum seekers.**

²³ Iain Duncan Smith, in Julian Prior, *Asylum Matters*, The Centre for Social Justice, December 2008, p4.

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Appendices

- Appendix 1: Motion passed by the General Synod of the Church of England, February 2009.
- Appendix 2: Ash Wednesday 2008 West Yorkshire Church Leaders' Statement on Asylum.
- Appendix 3: *Not Moving On: Still destitute in Leeds*, the key findings of a Joseph Rowntree Charitable Trust survey of destitution in Leeds, 2008.

Appendix 1

The following motion was passed 242 votes to 1 with 1 recorded abstention by the General Synod of the Church of England, February 2009.

'That this Synod, continuing to affirm scriptural teaching about care for the vulnerable, welcome for strangers and foreigners, and the Church's calling to reach out to the marginalized and persecuted, call upon her Majesty's Government:

(a) to ensure that the treatment of asylum seekers is just and compassionate, and to that end to consider:

(i) conferring a right to work on all asylum seekers, and

(ii) declaring an amnesty for so called 'legacy cases' that predate the Government's New Asylum Model;

(b) to find a practical and humane remedy to the intolerable situation of destitute 'refused' asylum seekers who are unable to return to their country or origin because of personal safety, health or family reasons;'

(c) to investigate and report publicly on the quality of the legal services provided to asylum-seekers.'

"We are called to challenge the structural injustices in national systems for handling asylum claims, and to question ignorant and arbitrary solutions to people's distress – the double distress of asylum seekers who have already experienced oppression in their own lands."

Joint Public Issues Team (Baptist, Methodist and United Reformed Churches), June 2008.²⁴

²⁴ Joint Public Issues Team, *Migration, Immigration and Asylum as Major Themes in the Christian Scriptures*, 2008, p5.