



New year, new challenges for RSG

In 2005 RSG continued working on its core activities while looking at new ways of achieving its aims.

In the office volunteers continued working with the project co-ordinator, Annette Hughes, to provide help for local asylum seekers in a wide range of ways. A number are reaching the end of four-year periods of ELR (exceptional leave to remain) and need help in applying for ILR (indefinite leave to remain). Housing issues are becoming more important, and they often trigger queries on benefits. The Government's harsh policies on welfare and legal aid also mean that the emergency fund continues to be much needed. (If you would like to contribute, don't forget Gift Aid!) Another issue which is becoming more and more vital with more refugees winning the right to work is of course jobs. This month RSG appoints a new project worker to explore refugee integration, Susan Loughran (pictured). Susan writes:

'I am really looking forward to starting my new role as Refugee Integration Worker in January. This new position is funded by the Home Office for one year and is a full-time post. I will be working directly with refugees helping them to find appropriate employment and enhance their skills. It is therefore crucial for me to work in partnership with local training providers, employers and agencies such as Jobcentre Plus and Nextstep who offer information and advice to adults on career and training opportunities. Training opportunities will be offered to refugees to help them develop their skills in finding appropriate

ment. Voluntary placements may be another opportunity to help refugees gain experience in a particular workplace that interests them. The ESOL service already provided by RSG will also play a vital role in helping refugees prepare for the job market, helping them to complete application forms and CVs and gain interview skills and I am looking forward to linking in with this service. If you would like to find out more information about this project please contact the RSG office (details on page 2 inside) and ask for me, Susan Loughran.

'A little background about me:

'I moved to Devon two and a half years ago from London and I now live in Tiverton. I have worked for the Community Council of Devon for the last 2 years, working with rural communities throughout Devon. I have been responsible for supporting voluntary and community-based organisations, helping them to help people in their communities access learning opportunities, overcoming barriers to learning. I have also volunteered with RSG for the last 2 years, helping out whenever I could and with Refugee Week. Whilst living in London, I volunteered as an ESOL Tutor Assistant working with asylum seekers and refugees. I am originally from Ireland, I moved to London after finishing school and after 3 years of enjoying the bright lights of London I made it to university and remained in London for 11 years. I have really settled in to the Devon way of life now and call this place home.'



English survey

RSG is conducting a small survey in order to improve the Help with English sessions. Students are being asked for their comments on current provision and about which aspects of English they would most like to improve. Suggestions for possible future projects are included in the survey and respondents are invited to indicate which of these they would find of interest and to make further suggestions of their own. Based on responses the team of Helpers will meet early in the New Year to put together a new programme of Help with English. In the meantime Helpers are planning a series of sessions based on the World of Work, to be held in January. Students will look at job advertisements and application forms as well as build personal profiles and CVs. Discussions will be held on what to expect at interview, what to say and what to wear. For further information on the Help with English offered by RSG Devon, please contact Annette at the Office or Kate Hannan on 01395 269409 or 07789

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REFUGEE SUPPORT GROUP DEVON

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RSG management committee

Meetings are held on a
Wednesday once a month at
6.45 pm in Wat Tyler
House (see above).
Everyone welcome. For
information contact the
office.

Every meeting starts by
considering any proposals
or requests put forward by
asylum seekers, who are
particularly welcome.
Agenda items to the office
if possible two weeks
before the meeting, please.

*NB views expressed in this
newsletter are not
necessarily those of the
Refugee Support Group*

OFFICE HOURS OVER CHRISTMAS

Annette will be on holiday
from 10th December. The
office will carry on as usual
(or perhaps more
efficiently) by the fab office
volunteers. CVS itself
closes down the week
between Xmas and new
year so the office will close
from end of business
Thursday 22nd December,
reopening on Tuesday 3rd
January. Annette will be
around and about after 28th

RSG reports to Home Office

In the last issue we recorded that the Home Office had asked RSG to submit a 2500-word report to the Committee to Inquire into Immigration Control. The report was compiled to meet a very tight deadline by a group of RSG volunteers including Francisca van Holthoorn (pictured). It dealt with five main topics. The following is a shortened version (if you are interested the office can send you the complete text by email or snail mail!).

Quality of initial decisions

We believe that this aspect of the system has lost credibility as many of the Home Office's initial interviewers tend to make a series of small mistakes that result in a serious misrepresentation of the asylum claim. The reasons for this include: an unreasonable attitude to applicants who make understandable mistakes; questionable translations and lack of independent checks on interpreters; interviewers who betray unconscious assumptions located in Western culture or fail to understand the culture or politics of the applicant's home country, including ignorance of basic facts in some cases. Statements made by applicants can be dismissed as implausible without any reason being given.

Appeals and judicial reviews

Changes in the legal aid system mean that legal advisers often have to meet unrealistic deadlines. Even immigration officials are not always aware of recent changes in

procedure, and these are often not made clear to applicants.

Applicants are not always given the information they need to appeal and by the time they have managed to get hold of the necessary information or application forms the deadline has often passed.

Immigration statistics

As noted by the Independent Race Monitor (IRM), the proportion of asylum applications which are accepted has been falling (from 10% to 6% to 3%), as has the proportion of appeals which are successful. However if (as claimed) recent changes have deterred many economic migrants and other people from making invalid claims, the proportion of acceptances should have gone up. Why hasn't it?

The extent of implementation of recommendations by recent enquiries

The report of the IRM (above) shows significant evidence of inappropriate decision-making. Recommendations however do not seem to be being taken account of. The same applies to the proposals made by the UNHCR in a report on Burden and Standard of Proof dated 1998. These reports are supported by RSG's experience in working with asylum seekers in Devon. In spite of such evidence errors such as those pointed out still occur.

Lessons to be learned from the operation of the current system

It is well documented by the above and other organisations



process is not working well. If 20% of all appeals from magistrates' courts were upheld there would be an outcry and the system would be dismantled. We believe that more independence in initial decision-making would be beneficial. Sounder initial decisions would lead to fewer appeals.

The experiences that individuals have had to go through have led to real disillusionment and a belief that the UK does not really uphold the Refugee Convention and that there may be secret quota systems. At RSG we are very concerned that so many people have lost faith in asylum law.

The prolonged appeal process is a drain on public funds and leads to real hardship for claimants. Many will not agree to return to their home country because they truly believe their lives to be at risk. Deportation is often not practicable and detention is too expensive.

Prohibiting asylum seekers from working exacerbates the hardship the system imposes. The general view among asylum seekers in touch with RSG is that they would prefer to work rather than accept government support.

Finally we agree with the IRM report in being concerned about the 'effect of hostile, inaccurate and derogatory press comments and comments by a few politicians' and the possibility that this may affect decisions on individual cases. The government could do more to promote a balanced public debate: 'repeated references to abuse, and to reducing the number of asylum applicants, tend to reinforce popular misconceptions that abuse is enormous in scale when in fact

Good news, hope and motivation

Hassan Daneshgar writes: It is sometimes hard to be as hopeful as one should normally be, and this must be the case for so many people. One needs to hear some good news every now and again so one's hope gets reactivated. It was good news to hear that one of the guys had recently been given permission to stay in the UK by the Home Office. As

much as it brought hope to him it made people in RSG happy. It has to be remembered that this success was a result of a joint effort. Well done RSG! This good news should motivate RSG to help so many others who are hopelessly awaiting hope. Carry on with your good work RSG!

[HD]

Cyrus

Another in our series of profiles of RSG personalities, compiled by Halley Cohen

The first thing that strikes me about Cyrus when I meet up with him at the Boston Tea Party is his air of studiousness and the way he appears to weigh every word. Although he strenuously denies that he is a serious person, I am convinced, by the end of our interview, that this is mainly due to his wide perfectionist streak and the high standards he places upon himself.

Despite battling with worry about whether he will be given the chance to remain in this country, Cyrus has organised and is running a Persian language course. The course meets every Saturday morning at the Racial Equality Council (15 York Road, Exeter) from 10-12. Cyrus is enthusiastic about the course and is pleased with the progress of his students, many of whom are RSG volunteers.

Cyrus feels that he has found his calling in teaching. He says, 'When I arrived here in 2002 from Iran, I didn't know what I was good at. In Iran, I had worked in refrigeration but never felt that I was particularly skilled at it. I spoke with Liz Baker and Ian Miller at the RSG and they helped me identify my interests. Since I have always liked languages and ancient history, they suggested that I might enjoy teaching Persian. I knew immediately that this was what I truly wanted to do.'

Cyrus spent several weeks reading books on teaching techniques and researching Persian history and language. 'I wanted to make sure it would be perfect.'

His first class started last July and consisted of three RSG volunteers. Cyrus says, 'Slowly the news leaked out about the class and others wanted to join. Thanks to the Purposeful Activities Fund, I am now able to rent a room in the basement of the Racial Equality Council. We have around six regular students. People want to learn Persian for several reasons. Some are simply interested in linguistics since Persian is closely related to English and other languages in the Indo-European family. Other students want to communicate with people from Iran and Afghanistan in their language. Being able to speak Persian with asylum seekers and refugees from these countries is very helpful and welcoming. I would like people to know that anyone is free to come and try the classes out.'

For more information about the Persian language class, please contact the RSG on 01392 479067.

Devon's first citizenship ceremony

Since 1st January last year applicants for British citizenship have been required to attend a citizenship ceremony at which they swear an oath (non-Christians can affirm) to the Queen, pledge commitment to the UK and receive a British citizenship certificate. (More recently the government has announced that there will be a 45-minute test on 'life in the UK' before you can claim citizenship.) The first ceremony took place in Brent Town Hall, with David Blunkett and Prince Charles in attendance. The first local ceremony was in Devon County Hall recently. RSG volunteer Pat Barker was there ...

The Citizenship Ceremony day proved to be an exciting one. I had been invited for lunch with the Amins before we were due at County Hall, where we were asked to arrive 'not before 3.30, no-one allowed in after 4.50'. I had planned to use public transport but awoke to snow. I phoned the local taxi driver (yet another ex-pupil of mine) who told me our local bus service was not running so I arranged for him to take me to Crediton railway station for 10.50. As the snow thickened we had a further conversation when he said he would turn up whenever he could and at least get me to Crediton. I rang rail enquiries and consulted somewhere in India re local weather and was assured trains were running - but (belatedly) I had felt the need to dress up for the event and was therefore garbed atypically and unseasonably in a skirt and light shoes and earrings (though prepared for emergencies on the way home with a holdall containing hiking boots, duvet lined trousers and large torch!!). I reached St David's station where I planned to pass an hour and half and was caught up in the computer failure which meant being locked in the buffet. This passed the time well as everyone became friendly and chatty.

Later, Lina cooked an excellent lunch and we watched a video recording of the Eid party before checking and rechecking the paperwork, plans and identification - for all of us - for the ceremony.

Four guests were allowed and names had to be submitted in advance. Lina was one, the baby Hasna another, Babak arrived for the third and I was the fourth. Shkeb changed into his suit, Lina was very smart too while the baby was magnificent, being bedecked with hair decorations.

The directions had said we had to use car park E and our invitation was security checked before we left the car park, again at the main door and in more detail at a reception desk. There we were all given pre-printed name tags.

Once inside it all became very relaxed and friendly. Tea and biscuits were on offer and small circles of chairs arranged. The Registrar came to chat to and welcome each person and checked they knew just what to expect. Other DCC people came round to socialize and befriend. I asked where Lina could breastfeed and no-one batted an eyelid. She was ushered into the main council chamber with much care.

Just after 5 p.m. we were directed upstairs and entered a room to music (Elgar? Vaughan Williams?). Those candidates prepared to affirm the oath sat on one side and those prepared to swear sat on the other. Guests at the back. The Registrar gave a formal welcome and introduced the Deputy Lord Lieutenant of Devon who looked suitably formal with his East Devon Mayoral chain of office. He welcomed all 'on behalf of Her Majesty and Devon County Council' and gave a 5 min. speech in praise of Devon. The Registrar asked each person to say their name aloud one at a time before they affirmed or swore the oath. We then sang verse one of the national anthem - words provided.

Some warm words of welcome and congratulation were said and that was that. Each person was given a photo opp. standing with the officials and then we went back down for wine, soft drinks and a very generous buffet. Approx. 30 others had been given citizenship and most had guests. It was a wonderful range of nationalities and a very friendly relaxed atmosphere. Shkeb chatted to the mayor for 5 mins or so while Lina tackled the Registrar about her own application and discussed worries about the new 'exam' to be taken. We left around 6.15. It had been an enjoyable, memorable, important day for Shkeb and all of us. (I take back my former doubts about these events ...)

I arrived home just before 10 p.m. in hiking boots, using torch etc. A long day, but worth it.

Britain draws back from the Dark Ages

On December 8th seven law lords in the UK's highest court unanimously delivered a landmark judgement. We can all breathe a sigh of relief and once more feel proud that Britain can help give moral leadership to a world being dragged into barbarism by the present US administration.

English law prohibits the use of evidence extracted by torture either from the accused or from witnesses. The last 'torture warrant' was issued in 1640, at which date Charles I's government outlawed torture in England and Wales. Torture evidence was not made inadmissible in Scotland until 1708, and, interestingly, in the interim some suspects were sent to Scotland where they could be tortured, rather as the CIA is doing today.

The present case does not rest on any allegation of torture by the British state, however. It concerns people who were 'certified' by the Home Secretary (under the Anti-Terrorism Act, 2001) as being a danger to the nation and suspected terrorists. Such certificates can be appealed to the Special Immigration Appeals Commission (SIAC). Ten men certified in 2001 or 2002 did appeal. In October 2003 SIAC dismissed all the appeals. One of the issues raised was the claim that the evidence on which the Home Secretary's decision was based included some obtained by torture (mostly of prisoners in US custody). SIAC ruled that *provided the UK government had not been complicit in the torture* such evidence was admissible. The ten men then appealed on this point to the Appeal Court. This ruled in August 2004 by a 2 to 1 majority in favour of the government. The case then went to the House of Lords and it is their judgement which has just been given.

The government claimed (a) that in practice it did not use evidence it knew was obtained through torture; (b) that this was however only policy and not a matter of law; (c) that the ban on torture evidence only applied in criminal courts and SIAC proceedings were not criminal; (d) that it was up to anyone who claimed that evidence was obtained by torture to prove it (on the balance of

probability). The majority (5 to 4) unanimously said that SIAC must not in future accept any evidence obtained through torture and must re-examine any past cases where torture was in question. They also brushed aside (b) and (c). Disagreement arose over (d). All seven agreed that it was unjust to place the *burden* of proof on the accused, since the defendants are not allowed sight of the evidence against them and so cannot possibly check it. All agreed that SIAC must itself investigate whether torture had been used. The minority, including the senior justice Lord Bingham, said that the *standard* of this proof should be that it was beyond reasonable doubt that torture had *not* been used. The majority, citing the difficulties which this would place in the way of anti-terrorist policy, said that only the balance of probabilities should be required. This is a serious weakness, since SIAC has no independent method of investigation and will have to rely on the Home Office; and there is a great deal of evidence that the Home Office cannot be trusted with this duty.

What should be done?

Celebrate

First, we should celebrate: in spite of some weaknesses the judgement does to some extent restore what Lord Hoffman referred to (refreshingly, one might think) as the 'honour' of the British judicial system. It once more checks an advance by a government which has persistently tried to extend the boundaries of state power at the expense of individuals. For an organisation representing refugees, it is particularly a matter of rejoicing because this area of law will always affect them particularly and because they will always be more vulnerable than persons born in the UK.

The judgement is limited

Secondly, we should not exaggerate the extent of the judgement. It does not outlaw the use of evidence produced by piecing together facts some of which are the product of torture. It proposes a test for torture evidence which Lord Bingham himself said would 'undermine the practical efficacy of the Torture Convention' and would also be unfair. It does not prohibit the Home Secretary from using torture evidence in deciding to issue deportation certificates. It will

fore, prevent our intelligence services from actively participating in a world investigatory network which is deeply complicit in torture as a method of enquiry. The battle to curb the torture epidemic will have to continue.

In fighting it we have to accept that British governments have form – they torture and they lie about it. (As I write the government is pretending that renditions didn't happen. From this they will slide smoothly into saying they didn't know – and so on.)

As Lord Hope remarked, 'the lesson of history is that when the law is not there to keep watch over it, the practice is always at risk of being resorted to in one form or another by the executive branch of government'. In fact this can happen even when the law *is* there. We now know that the British government ran a torture centre in London during World War II and a full-scale torture camp in Hanover after 1945. We also know that torture was used during the Mau Mau uprising in Kenya in the 1950s and 'inhuman and degrading treatment' during the Troubles in Northern Ireland under Thatcher.

Admit the cost

But thirdly, we should not try to pretend that reform will come without a cost. There is sometimes a tendency to talk as though torture is not useful. Unfortunately it is. As Lord Hope pointed out: 'the Gestapo rolled up resistance networks and wiped out their members on the basis of information extracted under torture'. Torture evidence, however unreliable, also forms part of a pattern and must often result in the discovery of other evidence, which *may* then be admissible in English law. It is simply not plausible to object to torture on the grounds that it is of no use in fighting terrorism. We must adopt a better principle, or lose the argument. We must also honestly face the potential cost. The government (and its opponents) must both balance benefits and losses: ending torture would be a good, in most people's understanding. But if torture were successfully banned it *would* make outrages like the London bombing more likely. This country has paid appalling prices in defending its values before. Are we prepared to do so again?

UCI