



Asylum policy 'inhumane'

It's been a bad month so far for the Government. The report of the Independent Asylum Commission described the asylum system as 'a shameful blemish on the United Kingdom's proud history of fair treatment of those who come here in search of sanctuary'. The Court of Appeal effectively overturned the Government's 'Memorandums of Understanding' policy and the High Court declared its ban on free NHS treatment for 'failed' asylum seekers unlawful. Meanwhile the Association of Chief Police Officers declared that immigrants were no more likely to commit crime than the rest of us (contrary to hints by the Immigration Minister)

The Independent Asylum Commission is a body which was set up to provide independent scrutiny. After John Reid described the Home Office as 'not fit for purpose' the IAC asked for evidence and earlier this month produced an interim report entitled 'Fit for purpose yet?'. It praises the Government's attempts to improve the system but examines all aspects of it and finds very serious faults everywhere.

In particular it confirms what many people

have long suspected, namely that there is a culture of disbelief in the system such that claims are rejected without being carefully and objectively examined.

This, the IAC shows, is especially true of women. The report quotes evidence that they encounter 'male bias' which 'permeates social and legal processes in the asylum system'. Women almost

Page 3 →

EMERGENCY FUND

We are still in need of money for RSG's emergency fund, which makes contributions where people are destitute or have no money for transport to attend legal advice or court sessions outside the area.

Please, please if you can afford even a small contribution contact the office (see next page).

Hail to the champ

Rammi writes: RSG's favourite kick-boxer, Saeed Iqbal, has triumphed in two different competitions, in Salisbury Kick Boxing Championships on the 17th January and in Paignton Boxing Competition on the 29th March. He won both competitions in the second round. Where will Saeed go next, we ask?

Lords query need for 'net immigration'

In yet another report published this month the House of Lords Select Committee on Economic Affairs examined the economic impact of immigration on the UK. It's not the most fascinating read and duplicates much that is already known. The overall conclusion is that the economic effect of immigration *overall* is actually very small: so small in fact that it seems to

Next page →

ACCOMMODATION NEEDED

We are helping a young man who is in need of new accommodation. He is 21 and receives support from social services – they will continue to pay his rent. He comes with references from his current home (lodgings with a family who are just about to leave the country...), is most polite and friendly and studies at Exeter College.

He ideally would like self contained accommodation, but is open to offers. He has been applying for accommodation through the local paper, but each time he mentions how his rent will be sorted he is refused.

If anyone is able to help or point in a good direction we'll be most grateful!

Also in this issue

The big sleepout and Trustee report (next page)

Fran's poetry corner and Celebrating new year (page 3)

Health tourism (page 4)

REFUGEE SUPPORT GROUP DEVON

www.rsgdevon.org.uk

Wat Tyler House
King William St
Exeter EX4 6PD

Telephone:
01392 682185

Email:
info@rsgdevon.org.uk

Reg. charity no 1092410

EDITORS

Annette Hughes and Jeremy Cushing

news.rsgdevon@virgin.net

RSG trustees

Next meeting will be on Wednesday 14 May in Wat Tyler House (see above), 6.00 p.m. 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 Devon

The big sleepout

RSG members participated in a recent sleepout organised by Amnesty and Student Action for Refugees

Our meeting on 5th March at 9pm on campus for the 'sleepout against destitution' nationwide collaboration looked like a recycling centre for cardboard. As student groups were doing across the country, in Exeter around 20 students, all kitted out in woolly hats and gloves, met at 9pm to prepare for a chilly night under the stars.

Around 2am, after our supplies of tea and biscuits had run

out, we decided to try to get some sleep. This was when it became really cold, and whilst I know that our evening couldn't compare with someone who was really destitute (we were all thoroughly prepared, with extra blankets and flasks of hot tea, and at worst we knew that the warm library was only 50 metres away), this was the moment that sparked my empathy the most.

There was nothing you could do to shut out the cold and only when extreme fatigue hit me

could I eventually sleep, though I was woken two hours later by birdsong. All of us were much worse for wear by the time we left at 9.30, having waited for the first rush to lectures and the faces of surprised students as we lay around on the cold concrete,



asking for some last-minute additions to our petition.

The day before, we had run a stall on campus to raise people's attention to what we were doing, to explain it, and to collect names for the petition we had prepared for Ben Bradshaw MP, urging him to take action against government policies which force destitution upon some asylum seekers (280,000 at last count). A lot of people didn't understand the issue (many even didn't know what

'destitute' meant, including some doing English degrees!), but we had a lot of interest from those who had heard about what we were doing and wanted to know more.

Even during the night people leaving the university pub would stop to talk to us, and the debates some of us got into lasted into the small hours of the morning, with petitions being willingly signed after our arguments could no longer be refuted! All in all, we managed to get around 300 signatures on our petition and I'm sure that such an unusual stunt will stick in people's minds, but I hope it does so for the right reasons so that finally our solidarity makes the government stand up and give asylum seekers the human rights that everybody is entitled to. *[Hannah, volunteer]*

'Destitution is experienced at every stage of the asylum process and also by those recently granted refugee status. At the end of an asylum claim, whether the claim is positive or negative, destitution can be experienced. If an individual's claim fails, asylum support is withdrawn after 21 days ... Many of these individuals are caught in the legislative gap where they cannot be given any leave to remain but also cannot be returned to their country of origin. Those granted refugee status have asylum support withdrawn after 28 days ...

[IAC: Fit for Purpose Yet?]

Trustee report

RSG's trustees met on 9th April. The main issues discussed were:

Newroz Party

A major success for Rammi's efforts. Rammi's media work was also praised.

The emergency fund

This was still operating at minimal levels (£10 a week for subsistence) and urgently needed topping up. Currently

spending was about £800 a month against £235 of regular donations. Last month 79 of the 263 visits to the office were in connection with requests for help. As before, we are appealing for regular donations by standing order (and gift aid if possible). We are very grateful for those who already contribute.

Evaluation

We are still struggling with the best ways of ensuring that we

evaluate our operation effectively. Our monitoring systems are now much better. Annette has met with Bill Jordan who is starting to evaluate our services.

Refugee Week

Planning and fundraising have already started.

Staff salaries

The trustees agreed to check salaries to make sure we are paying a fair rate and managing increments appropriately.

Lords' query

Front page →

fall well within the limits of error, especially as our methods of measuring it are extremely primitive.

Actually, the economic effects of immigration are not so much to create or destroy wealth as to redistribute it. The losers from immigration are those with the lowest pay and poorest prospects among the native-born population (including young people leaving school without qualifications). The gainers are employers, who get cheap labour and employees who can easily be exploited, and taxpayers, who get their public services cheap.

Fran's poetry corner

Occasional poems chosen by readers

Ulucanlar Photograph

Thirty-two political prisoners in a photograph
my best friend there with me.
We were on hunger strike
but everyone is smiling.

After he died and I was free
I was afraid of losing that photograph.
I had a large-size copy made,
the original lies in a file in an envelope
underneath my bed.

Every morning I talk to my friend when I
wake,
he looks down at me from my bedroom
wall.
Now I look at the world through his eyes.

[Deniz Kantal (Turkey)]

Celebrating new year

We celebrated NEWROZ on the 30th March. There were almost 200 people; there was live music performed by RENATA, followed by Afghan, Kurdish and Iranian music and dance. NEWROZ is celebrated as their new year.

Food was prepared by 12 women from RSG's women's group, from many different backgrounds, Afghanistan, Morocco, Pakistan, and other countries from the Middle East.



Some of the party attenders enjoying food, drink and conversation



(Above) Food prepared by the women's group

(Below) Jamal's dancing was much too vigorous for our camera!

(Bottom) Renata playing the sax: also performed on the piano

Fit for purpose yet?

Front page →

certainly find it more difficult than men to reach this country in the first place, and so are a minority among asylum seekers. Many of them have been raped, and the problems surrounding this resemble those plaguing the prosecution of domestic rape cases. There are Home Office guidelines aimed at overcoming this, but there is evidence they are not always followed. Interviews have taken place, for example, with male interpreters, interpreters from the woman's own community who may have disapproving attitudes, or even with the applicant's children in the room. Interviewers often simply refuse to believe claims of rape on the grounds of 'lack of credibility'.

The treatment of children also continues to be a serious cause for concern. There are still children in detention, 'dawn raids' still continue on families and Section 9 of the 2004 Act still has not been repealed. Similarly in the case of torture survivors the Home Office does not always ensure that proper medical examinations are carried out and witnesses report 'dismay' at the proneness of interviewers, as with allegations of rape, simply to assume that applicants are

lying to gain asylum. In torture cases as in rape cases applicants are often reluctant to give detailed evidence and this greatly disadvantages many.

The Commission also criticises the whole immigration detention system, saying that it is 'not necessary, hugely costly, and should never be used for children or pregnant women'.

Crime

Another embarrassment for a government which often hints at social damage caused by foreigners is a recent report by chief police officers' union ACPO which describes the alleged migrant crime wave as a myth. About the same proportion of foreigners commit crime as of native-born people (though the kind of crime may not always be the same). ACPO call on employers to explain more clearly why it is beneficial to employ immigrants. They also claim that there are some areas where concentrations of immigrants can cause difficulties, and call on the Government to cough up funds to help police such areas. (Jacqui Smith hastened to promise more help.) The tabloids, of course, took no notice. [JC]



'Health tourism'

On April 10th the High Court ruled that it was unlawful for the NHS to deny medical treatment to 'failed' asylum seekers who are recognised by the Government as unable to return home. The Department of Health intends to appeal to the House of Lords

The asylum seeker in question, referred to as A, is a Palestinian who cannot return to his home in the West Bank because of the difficulty in travelling there.

A is thus one of a category of asylum seekers who are given 'hard case' support by the Home Office even though their application for asylum has been rejected. There are a number of reasons why this happens. Normal asylum support is automatically withdrawn 21 days after the claim is rejected, and in theory we wash our hands of the applicant at that point: he or she is supposed to leave the country. But if the 'failed' applicant satisfies a number of conditions the Home Office may provide 'hard case' support.

A satisfied the conditions because he could find no way of safely returning to his country; *and* he had no way of supporting himself in this country. He was 'destitute' in the rather narrow technical sense used by the Home Office. So he was given 'hard case' support, which means paid accommodation and vouchers.

Unfortunately for A, he was also very ill. And this brought him into contact with a different part of immigration law, the NHS Charges to Overseas Visitors Regulations (2004).

Refusal of free treatment

The new regulations were introduced by John Reid, who issued statements implying that numerous foreigners were entering the country simply so that they or their dependants could access free treatment under the NHS. His health minister, John Hutton, admitted that there was no real evidence that this was a problem but insisted that action still had to be taken. The BMA and the Health Select Committee also said they were not aware of any evidence, or any attempt to calculate possible cost savings.

Whatever the justification for the change, it was clearly aimed at visitors on short stays aimed mainly at obtaining treatment. Asylum seekers could not possibly be in this category as the reasons for their arrival, and possible stay, were quite different. However ministers' statements ex-

PLICITLY included 'failed' asylum seekers, who were accused of effectively stealing treatment from citizens of this country. Many critics pointed out the absurdity of arguing that asylum seekers would come to this country for this purpose ('I'm going to pay thousands to a trafficker, abandon my career and my relations and risk my life in sealed lorries, but by golly, when I get there I'll get a free hip replacement'). Many asylum seekers do not even know what country they are being brought to.

In spite of these objections the new regulations were issued. NHS trusts were told that they could supply free treatment in accident and emergency departments but otherwise must charge full cost. They were strongly advised to insist on payment in advance, and in cases where money was owed to employ debt collection agencies. As a result some people have failed even to apply for treatment and the results have been truly horrifying in many instances.

These regulations are still in place and they meant that A's local hospital, in London, could not legally give him free care, even though he was suffering from a serious liver complaint which could be lymphatic cancer. There was no chance A would be able to afford the fees, which could have run to tens of thousands of pounds: he was, after all, officially recognised as destitute, since this is one of the criteria for receiving Home Office support. There have been many such cases in the period since the new regulations were issued, some much worse than A's, but A's case was taken to the High Court. There the argument was that since he was seen as qualifying for support he was obviously recognised as a resident of the UK, and as such it was unjust to refuse him free NHS treatment.

Mr Justice Gitting ruled in favour of this argument.

The effects of this ruling are limited, however, in that they apply to those who are legally resident: probably about 11,000 people. There is a large but unknown number (certainly in six figures) of illegal residents, which includes many 'failed' asylum seekers, who unlike A either did not apply for 'hard case' support or applied

and failed to obtain it (the criteria are very strict and the people who decide make many mistakes). The NHS is still legally obliged to refuse free treatment to such people. [JC]

There is a difference between being civilised and being taken for a ride ... I am not talking about emergency treatment, matters of life and death. I am talking about routine treatment that causes the people of this country, who are legally and morally entitled to it, to have to wait longer.

[Home Secretary John Reid, 2003]

We were therefore astonished that, by the Department [of Health's] own admission, these changes have been introduced without any attempt at a cost-benefit analysis, and without the Department having even a rough idea of the numbers of individuals that are likely to be affected.

[Health Select Committee, 2005]

No patient is too vulnerable to escape charging: a refused asylum seeker involved in a near-fatal car accident would receive free care in A&E, but once transferred to the intensive care unit would begin incurring charges that would ultimately amount to tens of thousands of pounds. Children are charged, people with acute mental health problems or learning disabilities are charged, and elderly patients with dementia are charged.

[Refugee Council: First Do No Harm]

When I met her she had been living on the streets in the UK for two years, severely anaemic due to a restricted diet, and having to walk approximately ten miles to report to the Home Office every week. Profoundly depressed and with symptoms of epilepsy, I would normally have referred her to hospital, but because she would have been faced with a bill she could not pay, a torture survivor was denied vital treatment.

[Testimony of Dr Angela Burnett to the Independent Asylum Commission, 2008]