

# PAFRAS NEWSLETTER

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July - August 2010

Issue 18



## Strawberries and song

Strawberries and song

100 days in power and the coalition has not ended child detention

Saturday 17 July saw a large gathering take place at Shine on Harehills Road, in celebration of summer and the cultural diversity of Harehills. The event, part of this year's Harehills Festival, raised over £800 for PAFRAS, money that will go directly to providing services for destitute asylum seekers in and around Leeds.

Update on the crisis in  
Legal Aid

The event, which was the idea of choir leader Frances Bernstein, brought together over two hundred people to enjoy an evening of music and song. Attendees arrived to the sound of steel band and were welcomed with strawberries and cream before fanning out through the building to enjoy drinks, conversation and not one but three local choirs who generously donated their time to perform a wide ranging repertoire of songs including blues, swing, and world music.

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A particular treat was the Leeds premier of a suite of 3 songs about the miners' strike of 1985, poems written by Kippax poet Jean Gittins, performed by Free Range. Other highlights included a performance by the Songo Drumming Project and open mic session, giving the evening a real participatory flavour.

Frances, whose family came to Britain as refugees from South Africa, explains that the event provided an important opportunity to inform people unfamiliar with the plight of many refugees and asylum seekers in the UK in a way that also highlighted the value of diversity: "I think many people were moved by Christine's [Majid, manager of PAFRAS] speech", Frances said, "giving people a glimpse of what life can be like on the other side is important."

PAFRAS Drop-in  
St. Aidan's  
Community Hall  
Elford Place West  
Harehills  
Leeds  
LS8 5QD

PAFRAS would like to warmly thank all of those involved, Frances, Roger Harrington for compering; the Choirs (Free Range, Lawnswood Community Choir and Good in Parts); Songo Drummers and open mic musicians; the organisers of Harehills Festival for helping to promote the event; Shine for their generous support in providing a wonderful venue at cost price, everyone who attended and, to anyone we may have forgotten to name here, a very big thank you too.

Tuesdays & Thursdays  
10:00 - 13:00

# Child detention not ended yet

August 18 marked 100 days in power for the coalition government and 100 days since it pledged to 'end the detention of children for immigration purposes', but the practice goes on

According to the independent Chief inspector of the UKBA, 1,205 children were imprisoned in immigration removals centres last year. Most were arrested with their families in the course of dawn raids on their homes, a practice that has been condemned by Human Rights Groups.

Wednesday 18 August marked 100 days in power for the coalition government and 100 days since it pledged to 'end the detention of children for immigration purposes'.<sup>1</sup> Having unashamedly appropriated the moral high ground in a speech delivered by the Prime Minister to the Commons on 25 May 2010,<sup>2</sup> the government has come up short of actually ending child detention, or to the practice of sweeping up whole families in Gestapo-style immigration enforcement raids.

While the government has had the power to detain the children of asylum seekers without judicial oversight since 1977, the detention of children neither occurred regularly nor was explicitly envisaged in government thinking before 1998.<sup>3</sup> Since then numerous studies by academics and medical practitioners, as well as by young people's champions like the Children's Commissioner, have argued strongly that detention has serious and lasting detrimental effects on the health and wellbeing of children.

In 2008, after years of campaigning, the UK dropped a reservation to the UN Convention on the Rights of the Child that prioritised immigration control above children's rights. The then Home Secretary Jacqui Smith announced that the

move signalled the government's 'commitment to treat children in the UK immigration system with compassion'.<sup>4</sup> Nonetheless, child detention continued unabated and was uninterrupted by the introduction, in the Borders, Citizenship and Immigration Act (BCIA) 2009, of a 'welfare principle' which made the welfare of children in asylum seeking families a primary consideration for the UKBA.

At times the previous government has sought to loan a fig leaf of cover to the continued detention of children by arguing that detention was the only alternative to separating children from their parents while the latter were detained. In November 2009, at the same time as the BCIA came into force, a report by the Home Affairs Committee revealed that the average period for which a family was detained was 15.58 days. The Committee underlined that this 'crude mean', provided by the UKBA was unreliable and that many 'extreme cases' exist.<sup>5</sup>

It was within this context that campaigners gave guarded but unequivocal welcome to David Cameron's announcement on May 12 that the government would put a stop to the practice of detaining children; no timetable was given for this however. Instead, on June 1, the UKBA launched a six-week long review with the stated aim of 'consider[ing] how the detention of children for immigration purposes will be ended'.<sup>6</sup> After the consultation closed, the government moved to further delay any end to child detention while simultaneously grabbing the headlines.

On July 21 Deputy Prime Minister Nick Clegg declared that Yarl's Wood Detention Centre's Family Unit would be permanently closed. The timing was convenient, coming as it did just prior to parliament's summer recess and when any official announcement before the recess was impossible, but the announcement generated a great deal of positive publicity. At present the family unit remains open.

Refugee and Child advocacy groups<sup>7</sup> have argued that ending the detention of children is not (logically) and should not be dependent on establishing alternatives to it.<sup>8</sup> Given the government's authority to order the UKBA to stop detaining children and families should it wish to this is certainly the case, making the reviews and its terms of reference seem a little disingenuous.

Nonetheless an internal UKBA briefing paper, leaked to the Social Worker newspaper, reveals that, for the government, ending child detention is contingent on finding alternatives to it. The briefing, issued on June 27 and written by Nicola Rea Head of Refugee & Migration Services, and titled **Alternatives to Detention for Asylum Seeking Families**, clearly prioritises business as usual at the UKBA over protecting children from 'mental and physical harm as a result of state sanctioned neglect ... and possibly abuse'.<sup>9</sup>

In the paper, Rea discusses a UKBA pilot scheme run in Liverpool as a potential alternative to detention. The scheme proposes giving

1 The Coalition: Our Programme for Government: 21

2 Cameron berated New Labour for having 'failed to act for so many years' and reiterated that 'we will end the incarceration of children for immigration purposes once and for all' (Hansard 25 May 2010)

3 G. Firth, Still a migrant first? The Detention of Asylum Seeking Children after the BCIA 2009, Web Journal of Current Legal Issues, 2010

4 Dept. for Schools Children and Families: UK Lifts Reservations On The UN Convention On The Rights Of The Child, 22 September 2009

5 House of Commons Home Affairs Committee: The Detention of Children in the Immigration System November 2009: p.6

6 Rea, N. Review into the Ending of Child Detention For Immigration Purposes: Terms of Reference (UKBA June 2010)

7 Most notably these include the Refugee Children's Consortium, a group of five refugee and children's charities and NGOs. See ILPA Information Sheet: Detention of Children 2 (June 2010)

8 ILPA Information Sheet: Detention of Children 2 (June 2010)

9 Lorek et al. (2009) The mental and physical health difficulties of children held within a British immigration detention center: A pilot study Child Abuse & Neglect: The International Journal 33(2009): 584

families two weeks notice to leave the UK voluntarily, should they fail to do so the UKBA would then forcibly deport them at some point in the following two weeks. She notes that the UKBA has not yet decided whether families would be provided with more detailed notice than that.

Most of the discussion is given over to reflection on how various parts of the state apparatus—from the police, to NHS workers, school teachers and social workers—are to be mobilised to affect the deportation and to conjecture about potential obstacles to the process from concerned members of the public, the media, politicians and third sector organisations. Medical practitioners, for example, would be required to administer any necessary immunisations “within a specified timescale ensuring the family are fit to travel” while Rea also observes that the pilot carries with it increased ‘threat’ of teachers becoming ‘involved in campaigns to stop families being deported’.

Whatever else happens it seems certain that the UKBA will miss the comparative convenience of detaining a family in a dawn raid and isolating its members from their community of friends and supporters before deporting them.

## No right to a fair hearing: the tragic consequences of Legal Aid cuts

The tragic death of Osman Rasul Mohammad from Iraq on the 25 July 2010 provides a stark illustration of the present Legal Aid crisis.

Osman took his own life jumping from the seventh floor of a Nottingham tower block, after being notified that Refugee and Migrant Justice (RMJ) would no longer represent him for his fresh claim for

asylum as they were going into administration. He leaves behind him two children in the UK.

A destitute asylum seeker who had been in the UK since 2001, Osman fled Iraq following the killing of his father and brother. He had been refused permission to stay in the UK but was in the process of submitting a fresh claim for asylum. Like many PAFRAS service users, he had no recourse to any public funds and no permission to work and relied on charities and friends for support.

Osman was one of the 10,000 clients on RMJ’s books nationally and the closure has had a devastating effect on many extremely vulnerable people, leaving asylum seekers, victims of trafficking, torture and separated children and families at risk, without representation.

At the same time, the Legal Service Commission (LSC) has announced plans to reduce the number of firms offering social, welfare and family Legal Aid from 2,400 to around 1,300. Law society chief executive Desmond Hudson says ‘the fallout from the recent tendering process will see almost 50% of firms previously doing Legal Aid work removed in a matter of a few weeks.’

The effects of these savage cuts, following on the heels of the introduction of a ‘fixed fee’ for immigration and asylum matters in October 2007, which already vastly reduced the numbers of legal firms willing to take on publicly funded immigration and asylum work are already being felt in Leeds.

With fewer and fewer firms offering representation, representatives will be in a position to cherry pick easy cases and side line the more difficult, lengthy and less profitable. This will be devastating for those

who only ask for a fair hearing and legal justice.

An increasing number of asylum seekers will now face the grim reality of destitution and being criminalised by their resort to desperate survival strategies such as illegal working. At the same time the risk of asylum seekers being removed to unsafe countries where they face persecution, torture and potentially death is heightened.

Fixed fee contracts already deter firms from taking on case that are too complex and encourage practitioners to cut corners, with attendant negative consequences on the quality of work, and inevitably more

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miscarriages of justice, already so common in our asylum system.

As one destitute PAFRAS service user concisely explained: ‘I can’t find a lawyer so I can’t show the court the danger I’m in back home. This is a legal system which you cannot get into. I am trapped in poverty, and it traps me outside the law’

Drastic cuts in legal aid for vulnerable migrants and asylum seekers undermine a vital human right, a central principle of our justice system that all individuals are entitled to a fair hearing. Cutting off the lifeline of one of the most marginalised and vulnerable groups of people in the UK, portrays how uncivilised a nation we have become.

In the final analysis, for those seeking asylum, Legal Aid is literally a matter of life and death, and one must therefore ask the question, how many more will die?

**Christine Kay Majid**  
PAFRAS Manager

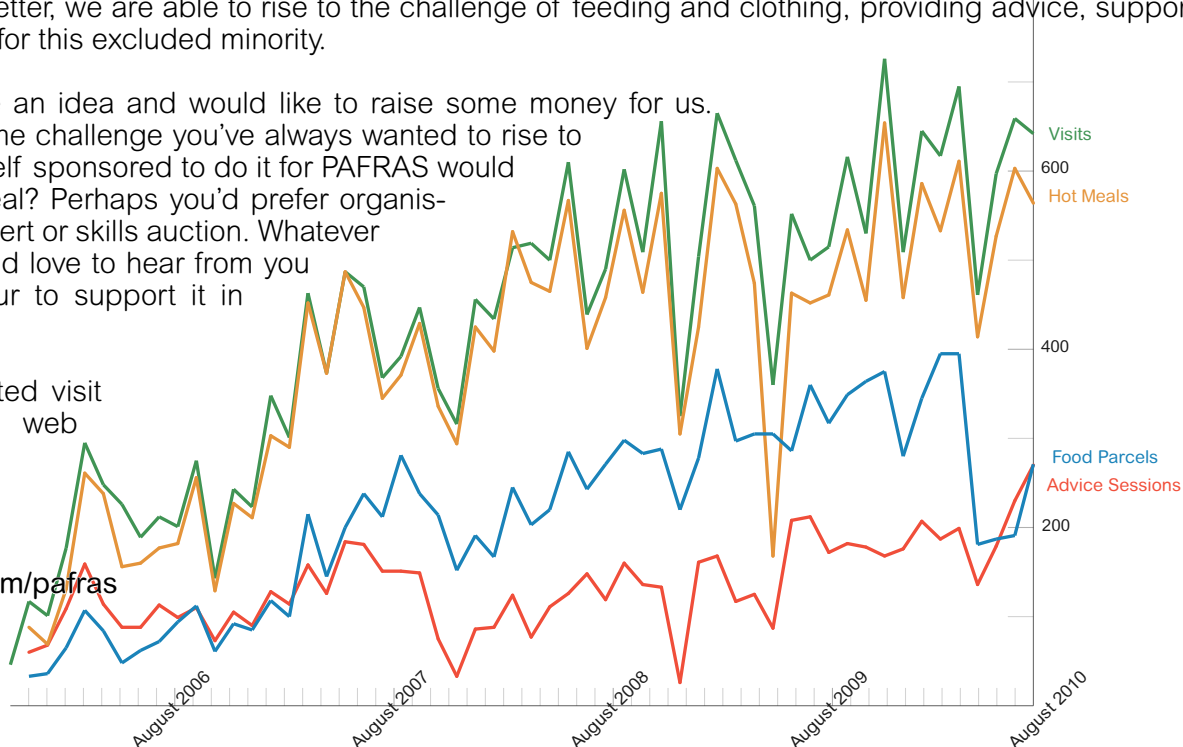
# Get yourself sponsored for PAFRAS!

Since opening the door to our drop-in in 2005 we have had steadily increasing number of destitute refugees and asylum seekers come to our door. Thanks to you, our supporters, for events such as the one featured on the front of this newsletter, we are able to rise to the challenge of feeding and clothing, providing advice, support and some respite for this excluded minority.

Perhaps you have an idea and would like to raise some money for us. Maybe there's some challenge you've always wanted to rise to and getting yourself sponsored to do it for PAFRAS would help clinch the deal? Perhaps you'd prefer organising an event, concert or skills auction. Whatever your idea we would love to hear from you and will endeavour to support it in any way we can.

If you are interested visit our 'Just Giving' web page at:

[www.justgiving.com/pafras](http://www.justgiving.com/pafras)



## Donations

As we reported in the last issue, in May we were forced to halve the number of food parcels given out due to shortages. We're now providing 30 parcels a week but are not meeting the needs of our service users. To allow us to increase the number of parcels we distribute we are asking for donations of:

**Tins:** tomatoes, spaghetti, vegetables, fruit, fish (tuna, sardines, mackerel), meat (not pork), vegetables (all kinds) and beans (all kinds).

**Dry food:** sugar, tea, rice, pasta, cereal, (these are split down into portions, so catering size bags are useful), small jars of coffee.

**Sweets:** Chocolate bars and chocolate biscuits.

**We also need:** Long-life milk, fruit juices, biscuits, nuts, and dried fruit.

**Toiletries:** shampoo and, shower gel (small bottles), soap, mouth wash, sanitary towels, toothpaste, tooth brushes, (safety) razor blades, shaving foam/gel, deodorant, toilet rolls.

Alternatively, PAFRAS accepts financial donations.

These are especially useful as they can go to meet all kinds of needs; including money for bus tickets to attend Home Office appointments (see issue 17). If you would prefer to donate money you can do so easily by completing the standing order form that comes with this newsletter or by following the instructions on our website. If you have any queries please get in touch with us by telephone. If you can help distribute food appeals then please contact us and we will send you leaflets and appeals.

Another way that you can contribute to PAFRAS is by doing your online shopping via our Buy At page. Buy At is a scheme by which retailers pay a commission to charity organisations for each sale they make that is linked to via the charity's Buy At page. You pay exactly the same price as on the retailers' main sites, often lower than on the high street. The commission earned by PAFRAS comes out of the retailers' profit margins. Visit [www.buy.at/pafras](http://www.buy.at/pafras) for more information.