

PAFRAS NEWSLETTER

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After Case Resolution

A legacy of unconcluded cases and traumatised asylum seekers

In July 2006 then Home Secretary John Reid announced the existence of a backlog of 450,000 unconcluded asylum cases. These cases were hived off from other claims to be dealt with by a dedicated 'Case Resolution Directorate' (CRD). The creation of this cohort of 'legacy' cases was a prerequisite to the establishment of the New Asylum Model intended to give each new asylum claimant a dedicated case worker who would determine their case, whether to grant asylum or remove them from the country within six months of their claim.

Sure enough, in April 2011 the UKBA website's 'older cases' pages, long a site of pilgrimage for pre-2007 asylum applicants trying to find out what was happening to their cases, was updated to announce the completion of the Case Resolution Directorate's "review of legacy asylum cases."

The directorate, which had employed some 860 staff, has since been disbanded and replaced by the far smaller Case Assurance and Audit Unit (104 staff), responsible for a "small number of cases" that "have been reviewed but are still awaiting a final conclusion". Meanwhile many PAFRAS service users are still waiting for decisions from the Home Office on their 'legacy' cases and so it was, until recently, unclear exactly what a 'final conclusion' meant. On September 13 however acting chief executive of the UKBA Jonathan Sedgwick informed the Home Affairs Select Committee that all 18,000 cases 'awaiting conclusion' have been decided, and the applicants informed of the decisions; that these were, "18,000 cases where [only] removal has still to be completed." Mr Sedgwick then invited members of the committee to forward to him any cases that they could find where a decision had not been made.

PAFRAS knows of at least nine cases where people still have not received decisions despite maintaining regular contact with the Home Office and, in the cases of two, receiving support from the Home Office because they have outstanding submissions relating to their legacy cases.

One such client is an asylum applicant from east Africa. He arrived in the UK in 2003 and having waited for years for a decision from the UKBA he dreams of restarting his life, opening a food and clothing shop and importing products from his home country. He has made further representations for a fresh claim of asylum over a year ago and is therefore 'lucky' enough to receive section 4 support from the UKBA while he awaits a decision, and because of this is able to attend college.

Continued on page 3

Issue 24

August - September 2011

After Case Resolution

a legacy of unconcluded cases and traumatised asylum seekers

Racist and inadequately trained

forced removals escorts found lacking

Legal Aid Update

Fundraising Update

Donations and drop-in information

Racist and inadequately trained



Inspection by HM Chief Inspector of Prisons finds forced removals escorts lacking

Two reports published by HM Chief Inspectorate of Prisons last month show how escorts employed by private security companies contracted to perform forced removals from the UK commonly exhibit racist behaviour. This raises serious concerns about their appropriateness for dealing with vulnerable deportees (many of whom suffer from mental health problems) and their capacity to handle serious incidents.

The escorts were employees of Group 4 Security (G4S), three of whose employees are currently on police bail awaiting a decision on whether they will be charged for the unlawful killing of Angolan deportee Jimmy Mubenga last October. Mr Mubenga died after complaining that he could not breathe whilst being restrained by the men.

In February 2011 the Guardian reported that as many as four whistle-blowers had told the home affairs select committee that G4S managers had been repeatedly warned prior to the death of Mr Mubenga of the use of dangerous restraint techniques by their escort personnel. The whistle-blowers also said that staff received insufficient training and that there was a culture of criticising escorts for showing compassion towards their charges and ostracising those who voiced concerns.

In October G4S failed to win renewal of its contract to perform forced removals for the UKBA and from May this year the contract was taken over by another firm, Reliance. However, under European Law, Reliance are obliged to offer contracts to all G4S staff previously involved in removals.

The two reports published by the Inspectorate of prisons are based on pre-announced inspections of removals flights to Nigeria and Jamaica, which took place in March and April this year. In each case the flight was chartered by the UKBA, as part of its operations 'Majestic' and 'Waldrup', and contracted to G4S.

The inspectors found that 'there was a low proportion of black and minority ethnic staff' amongst escorts, perhaps in part at least, explaining the culture of racism which seems to exist amongst them. They observed that:

- Escorts "used wholly inappropriate and offensive language on multiple occasions and, although this language was not directed at detainees, it was used in their hearing."
- "In some cases, extremely offensive and wholly inappropriate language was used to

describe detainees, including demeaning racist terms." [5]

- A senior officer "describe[d] some minority groups; these included 'gippos', 'pikeys' and 'typical Asians'."
- "Some staff not seated with detainees had inappropriate conversations with each other which could have been overheard by detainees. One discussion involved extremely offensive racist language"—which perhaps ought not to be repeated here.
- G4S Escorts on Operation Majestic mocked the south London accent of a confused and scared deportee who didn't want to leave the plane in Lagos, as he tried to explain that he had spent most of his life in London.

The evidence calls into question as to the ability of escorts to respond appropriately, as the inspectors put it, to 'un-planned events'. This was compounded by the Inspectors' finding that on neither flight had escorts received accredited training on the use of force in confined spaces. The inspectors stress that, "[t]he seriousness of this considerable omission was illustrated by records showing that staff had struggled to safely control detainees on board aircraft."

The findings of a report by Amnesty International, published in July this year, shed some light on this, noting that it is three years since it the Prison Service recommended that scenario specific training on restraint methods safe for use on seated individuals in the confined spaces of an aircraft be developed. The Home Office says it is "undertaking a fundamental review".

Sources:

[Detainees under escort: Inspection of escort and removals to Jamaica](#), HM Chief Inspector of Prisons

[Detainees under escort: Inspection of escort and removals to Nigeria](#), HM Chief Inspector of Prisons

[Out of Control: The case for a complete overhaul of enforced removals by private contractors](#), Amnesty International

[G4S security firm was warned of lethal risk to refused asylum seekers](#), The Guardian - 8 February 2011

Update:

Legal Aid in Leeds

It's over two months since the closure of the Immigration Advisory Service in July (see issue 23) and PAFRAS service users previously represented by the charity are now all formally 'signed up' with a new representative.

Unfortunately most if not quite all of these representatives have yet to secure their new clients' files from the IAS's administrators in Birmingham, meaning further delays, uncertainty and unhappiness.

On a more positive note there at least two new providers of legally aided immigration and asylum advice in the city with Parker Rhodes Hickmotts (of Rotherham) having opened an office in Leeds during August. This was followed by the awarding of a new legal aid contract for immigration and asylum to Ison Harrison in September.

Thanks

We'd like to offer our wholehearted thanks to all of those who responded to our recent urgent request for accommodation for a destitute family. It's not a huge exaggeration to say that you are live-savers. Thank you.

We'd also like to thank the multitude of churches, schools and others who have donated to us so generously this harvest time.

Fundraising News

On **November 11** we will be having the launch event for our Christmas fundraising campaign. With the help of our supporters we hope to raise £35,000 to support the continued provision of our humanitarian and casework services through 2012.

If you are interested in getting involved please email info@pafras.org.uk or call 0113 262 2163.

On **November 20** Leeds-based artist Emma Bolland will be running the Abbey Dash and raising money for PAFRAS. Emma is recovering from an injury and the Abbey Dash will be her first foray into competition running this year. Training is going well

You can sponsor Emma by visiting www.justgiving.com/emma-bolland0

You can take a look at her work by visiting www.axisweb.org and searching for her.

After Case Resolution

Continued from page 1

All of his friends and contemporaries have received legacy decisions already and, despite never having been in trouble with the law, never having drawn attention to himself in any way really, paranoia at his apparently being singled-out him eats away at him inside. He lives in a state of constant uncertainty about a future wholly out of his control. Earlier this year he was promised a decision on his case by the end of July. At the end of July the Border Agency wrote again, again promising a decision, or the reason for failing to produce one, by the end of the August. At the time of writing he has not received either.

In none of their correspondence with our client does the UKBA give a reason for his extended stay in purgatory, a stay which could in fact be anything up to an additional two years if the Agency's response to a PAFRAS freedom of information request is to be believed. The reasons behind it are perhaps not so hard to discern; as the Public and Commercial Service Union reports that Border Agency chief have refused to provide assurances that there will be no compulsory redundancies amongst the 756 staff whose posts have been axed.

Since this article was written one family that PAFRAS supports has been granted leave to remain through the 'legacy' process.

Sources:

Job cuts within the Home Office, Public & Commercial Services Union (www.pcs.org.uk)

Applications made before March 2007, United Kingdom Border Agency (www.ukba.homeoffice.gov.uk)

FOI Response 18723, United Kingdom Border Agency(www.pafras.org.uk)

Info Sheet: Legacy Cases 8 – Cases Not Concluded, ILPA, (www.ilpa.org.uk)

DONATIONS

We've had a fantastic response from our supporters this harvest time, thank you for all of your donations.

There is always room for a little more of any of the follow!

Tins:

Tomatoes, spaghetti, vegetables, fruit, fish, meat (ideally not pork), vegetables and beans.

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 (good for boosting energy and mood).

We also need:

Long-life milk, fruit juices, biscuits, nuts, and dried fruit.

Toiletries and babies' items:

Shampoo and shower gel (small bottles), soap, mouth wash, sanitary towels, toothpaste, tooth brushes, (safety) razor blades, shaving foam/gel, deodorant, toilet rolls, disposable nappies, wipes, etc.

Financial Donations:

We are also grateful for financial donations. *These are especially useful as they can go to meet all kinds of needs; including money for bus tickets to attend meetings with legal advisors or the Home Office (see issue 17) and appointments with GPs and other medical professionals.*



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.

Gift Aid It!

Gift Aid means that for every £1 you donate the Inland Revenue will give us an additional 28 pence. If there is no standing order or gift aid form with your newsletter you can request one by telephoning us or emailing info@pafras.org.uk. You can also download one from our website: www.pafras.org.uk

St. Aidan's Community Hall
Elford Place West
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LS8 5QD

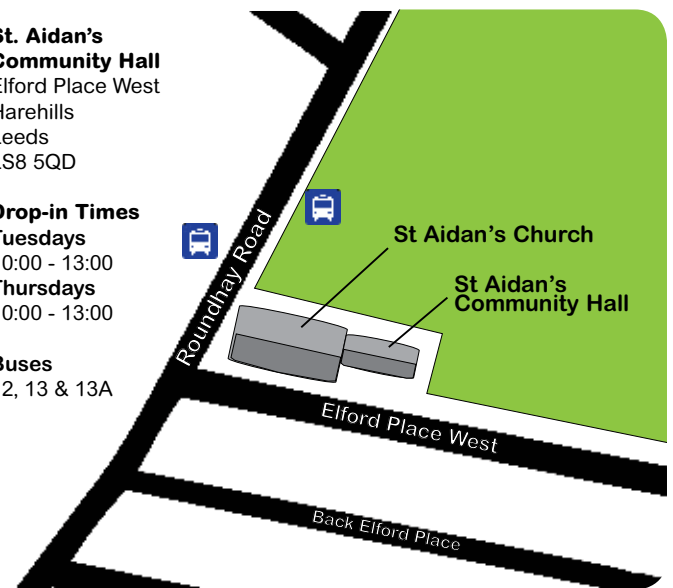
Drop-in Times

Tuesdays
10:00 - 13:00

Thursdays
10:00 - 13:00

Buses

12, 13 & 13A



Volunteer Cook Wanted

We are looking for an experienced and enthusiastic cook to support our fantastic team in the kitchen **on a voluntary basis.**

You would require a food hygiene certificate.

You would need to be available to work in the kitchen at our drop-in in St Aidan's Community Hall on Thursdays between 9 am and 2 pm.

If you have availability and are interested please contact Laurie Ray: laurie@pafras.org.uk.