

PAFRAS NEWSLETTER

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This year PAFRAS had a fantastic Christmas, made so in large part by the enormous generosity of our supporters. In December we were quite simply overwhelmed with food, clothing, presents and we received a record number of financial contributions from donors long-standing and new.

Many, many individuals and organisations came together to make the Annual Christmas Party a very merry occasion. Our special thanks to St Chad's Choir for their carols and to everyone from Cloth Cat who provided the entertainment on the day.

We'd also like to express our sincere gratitude to all those school children and teachers, church goers and trades unionists, private individuals and public organisations who scrimped and saved, bought, baked and wrapped and generally went way beyond what any one could have expected them to in order to make Christmas 2011 a very happy Christmas for PAFRAS.

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Iranian Embassy Closure

The expulsion of Iran's diplomats from the United Kingdom late last year may yet prove to have a positive impact on destitute Iranian asylum seekers looking to secure Section 4 support from the UKBA.

Section 4 'hard case' support is normally only available to refused asylum seekers under one of five narrowly defined circumstances. One such circumstance is that the refused asylum seeker must be 'taking all reasonable steps to leave the United Kingdom or place himself in a position in which he is able to leave the United Kingdom'.¹

This clause is most commonly understood to refer to those refused asylum seekers who have signed up to the UKBA's Voluntary Assisted Return and Reintegration Programme (VARRP) – currently administered by Refugee Action. VARRP offers a financial incentive to returning home to refused asylum seekers who confirm in writing that they do not believe themselves to be in danger if they do so.²

Refused asylum seekers who sign for VARRP are afforded three months Section 4 support whilst they sort out travel documents. If they fail to return home within this period their support is normally cancelled along with the VARRP application. Every individual is allowed to sign up for VARRP on a maximum of two occasions.

For refused asylum seekers forced into destitution, and especially those who have limited social networks to fall back on and therefore find themselves sleeping rough, the temptation of applying so as to access Section 4 support can sometimes be irresistible. Unfortunately, because of the disclaimer they must sign, doing this can also have significant negative consequences for their credibility as witnesses to their own need for asylum when it comes to making a fresh claim for asylum at a later date. The fact that they will have lied 'under duress' does not always carry much weight with the Tribunal and certainly carries none in the Home Office.

The recent closure of the Iranian embassy however raises an interesting question. Might it not now be possible for a refused Iranian asylum seeker to 'take

all reasonable steps... [to] place himself in a position in which he is able to leave the United Kingdom' without actually signing for VARRP or otherwise indicating that he believes it safe to return?

Even in normal circumstances, for any refused Iranian asylum seekers who do not already possess a valid travel document, the process of obtaining one is arduous and potentially exposes both them and their families to danger. According to Anna Enayat, an academic expert on Iran based at St Anthony's College Oxford, there is only one official accepted way of doing this. To issue an emergency travel document the local consulate or embassy requires proof of an individual's identity. As Enayat explains:

'...copy ID documents are not accepted... except where they are sent by the Ministry of Foreign Affairs in Tehran (where the original is verified). A range of documents are acceptable, including driving licence and high school certificate but they must have a photograph and if the original is not in the hands of the applicant, the document must be verified in Tehran (family/friends have to take them to the MFA).'³

The risk involved stems from the fact that the Iranian authorities are immediately alerted to the asylum applicant's attempts to re-enter the country and both they and their families are identified as potentially suspicious to the authorities.

With the closure of the Iranian embassy to the UK however it has become essentially impossible for any Iranian without a valid travel document to return or even to attempt to, at least temporarily. What in these circumstances would constitute taking 'all reasonable steps to place oneself in a position to leave', and can this be done without compromising one's claim for protection?

In present circumstances signing for voluntary return is impractical (indeed Refugee Action are issuing Iranians with letters stating that they are unable to help them to return), PAFRAS hopes that destitute Iranians will be able to gain temporary support from the government without doing so, and harming their long-term prospects of securing protection in the United Kingdom.

¹ Statutory Instrument 930/2011: The Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005, 3(2)(a).

² The disclaimer they must sign also indicates that they will not hold the Home Office responsible for any harm that might come to them when they return.

³ Email to the Author, 27 November 2011.

Fundraising News

Abbey Dash



Emma, shortly after completing the race.

We're happy to announce that Emma Bolland successfully ran the Abbey Dash on **November 20** and has raised over £500 so far for PAFRAS via her 'Just Giving' page. You can still sponsor Emma by visiting: www.justgiving.com/emma-bolland0

Reverberations from the closure of the Immigration Advisory Service

It's now over six months since the UK's largest provider of Legally Aided immigration and asylum advice closed, leaving thousands of vulnerable, often destitute, people unrepresented.

While the government and the Legal Services Commission promised an orderly and swift transitional period it has become apparent that, as we had feared, the IAS's closure has meant months of delay and worry for many of the most vulnerable people.

It now seems that, for those whose cases the IAS's administrators deemed to be 'open' the worst is over – at least in as much as that their files have been located. Worryingly however there are significant numbers of people who remain unable to access their documents where the administrators, Cork Gully, determined that these files were or should have been closed at the time of the IAS's administration.

A letter, dated 9 November, written by Justice Secretary Kenneth Clarke MP to Leeds Central MP Hilary Benn, which has been seen by PAFRAS,

confirms that there are over 2,000 such 'closed' cases. Our own correspondence with Cork Gully meanwhile indicates that those cases that were deemed closed were put into storage and are now inaccessible by their clients.

This is exactly the situation warned against by Baroness Hanbury in a debate in the House of Lords in July. The Baroness then noted that, one-year after its closure, many of Refugee and Migrant Justice's former clients remained unable to access their files because there was no one to pay the archiving company.

We are concerned for those of our clients who are affected by this but also for the thousands of others like them in the country at large. Without access to their files of papers, particularly where these include original documentary evidence, asylum applicants find themselves completely unable to progress their cases.

Rainbow Project Trip To Malham



On Monday 31st October we took a mixed group of service users along with PAFRAS and Red Cross volunteers on a walking tour around the sites at Malham in the Yorkshire Dales.

The tour, led by People and the Dales, was an outstanding success and, despite the slightly over cast weather a good time was enjoyed by everyone.

Urgent Appeal

We are experiencing a shortage of all of the following items at present, if you have any you can spare we would much appreciate it!

- Rice
- Sugar
- Tea
- Pasta
- Toiletries (especially for men)

Donations

There is always room for a little more of any of the items that we regularly need.

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.

We also need:

Chocolate bars and chocolate biscuits (good for boosting energy and mood), 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, razor blades, shaving foam/gel, deodorant, toilet rolls, disposable nappies, wipes, etc.

WHERE SHOULD I BRING THEM?

If at all possible, all donations of food, toiletries and clothing should be brought to the drop-in (details opposite) as we have extremely limited storage space in the office. If you are unable to come along to the drop-in please do get in touch with us to arrange delivery. We are occasionally able to collect donations.

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 www.pafRAS.org.uk

Drop-in Info

The PAFRAS drop-in is held at St Aidan's Community Hall, just behinds St Aidan's Church on Roundhay Road, Harehills, Leeds. Access is on Elford Place West. Numbers 12 and 13 buses stop opposite the church.

On Tuesdays we are open between 10:00 and 12:30, on Thursday between 10:00 and 2:00.

