



SEEKING
SANCTUARY
WORKSHOP

SEEKING SANCTUARY

This interactive workshop aims to give an understanding of the processes people have to go through when seeking sanctuary in the UK and, crucially, how that experience might feel. Rather than simply being presented with the facts, participants are given the opportunity to discover them in a way which encourages them to internalise the information and empathise with those involved.

All the stories are based on real people and events, mostly told at the Independent Asylum Commission hearings www.humanrightstv.com/iac. They have been selected to represent a balance of backgrounds, nationality and gender, and their outcome reflects the overall success rate of those who seek sanctuary in the UK.

How to use Seeking Sanctuary

Preparation

Before you run the activity, please print:

'Instructions – quick guide' (1 copy)

A copy of the Fact sheet, Quiz and Evaluation Sheet for each participant

Station Headings (1 copy of each)

Station Definitions (1 copy of each)

Print 1 copy of each of the Stories **on coloured card or paper** (you will need 24 sheets for the complete set) and cut along dotted lines

You will also need an A5 envelope for each of the seven stories. Write one character's name on each envelope.

Setting up the activity

Arrange the Seeking Sanctuary 'stations' around the room, with a heading and definition for each one. A lot will depend on the space you have available, but try to make the journey quite complicated, by ensuring that consecutive stages are not too close to each other; this will ensure that participants move around the room as much as possible during the activity.

Place the first part of each person's story (beginning 'You are X ---') inside the envelope on which their name is written. Then separate each story into its component parts. Collect them together so that all the visits to each station are in a single pile (eg all the 'Arrivals', all the 'Substantive Interviews'). Place each of these piles at the appropriate Station, spread out so that each name is clearly visible.

Running the Activity

If you have a large enough group (12 +), invite participants to do the activity in pairs. This promotes discussion right from the start, and generates a 'buzz'. In smaller groups, members can work individually.

- Invite each pair, or individual, to select at random an envelope containing details of the person whose story they are going to follow, and why he or she is seeking sanctuary in the UK.
- Explain that after reading the introduction, they will follow that person's story, step by step. They may find parts of the activity confusing, but encourage them throughout the process to try to imagine what the experience would feel like and to reflect on how much more difficult it would be if they did not speak the language, were unfamiliar with the culture and were fleeing from a traumatic situation.
- Point out to participants that there is a series of 'stations' around the room, representing and briefly describing different stages in the process of seeking sanctuary (such as Reporting, Substantive Interviews, Detention and Section 4).
- Tell them that on arrival at each station, they will find a named slip of paper revealing a further piece of their story and directing them to the next stage. They will follow the thread until the entire story has been collected and a conclusion is reached (marked 'Ends Here').
- Remind participants that they may visit a station more than once, but each piece is numbered so they will know where it fits.
- For larger groups, some of the stories will need to be duplicated. If participants see more than one identical sheet at a station with their name on it, they should only take one.
- Each story is unique, and each pair of participants will visit a different combination of stations.
- Encourage those who finish earlier to take the opportunity to look at the stations their character did not visit.
- When everyone has finished, invite each pair to join with another and to take it in turns to recount their stories, explaining what happened to them and how it felt.
(see the 'quick guide' for a summary of these instructions)
- Finally, bring the whole group together and distribute the **Fact Sheet**, which outlines and helps to clarify the system participants have just experienced. Invite comments and a general discussion of the issues raised. The **Quiz** can also be used at this point, if time allows, or given to participants to take away.

Evaluation

We are keen to develop and improve the activity to make it as effective as possible. Please encourage participants to complete an evaluation sheet before they leave, and return these to us with your pack.

Thank you for taking part!

Instructions to the group – a quick guide

- Get into pairs.
- Take an envelope. The name on the outside is the person whose story you are going to follow.
- Read the beginning of your story inside to find out why you are seeking sanctuary in the UK.
- There are a series of 'stations' around the room representing different stages in the process. You will find an explanation of each one when you come to it. Follow the thread, as directed, until you reach 'ends here'.
- Make sure you collect each piece of your story as you go along. You will need it later.
- Remember you may visit a station more than once, but each piece is numbered so you will know where it fits.
- NB: Some of the stories are duplicated. If you see more than one identical sheet at a station with your name on it, please only take one.
- If you finish before others, please take the opportunity to look at the other stations your character did not visit.
- We will then gather together for a discussion about the issues raised
- It isn't a race – take your time!

- Join with another pair or individual, and share your two stories explaining what happened to you and how it felt.

ARRIVAL

SCREENING INTERVIEW

SUBSTANTIVE INTERVIEW

APPEAL

FRESH CLAIM

JUDICIAL REVIEW

REPORTING

DESTITUTION

SECTION 4

DETENTION

**FORCED
REMOVAL**

**POSITIVE
DECISION**

ARRIVAL

You may have fled without documents. You are likely to have made a difficult and dangerous journey. But once in the UK, you have the right to apply for asylum or sanctuary.

SCREENING INTERVIEW

This is the first step in the legal process you are entering. You will be asked about your identity, nationality and route of travel. The interview will be conducted by the Home Office. There will be no lawyer present on your behalf.

SUBSTANTIVE INTERVIEW

This is an in-depth interview about the reasons for claiming protection which is conducted by the Home Office. It can take many hours. You may have had legal advice before the interview. If you are refused, you receive a Reason for Refusal letter from the Home Office. An appeal can be made but must be submitted within 14 days.

APPEAL

This takes place before a judge in the First-tier Tribunal (Immigration and Asylum Chamber). In Scotland, this is a public tribunal in Glasgow. Good legal representation is essential for any success at this stage.

FRESH CLAIM

Further submissions, also known as a Fresh Claim, are when you make a new claim after you have been refused. You must put forward information that is new and that no decision-maker has considered before. In order to be considered, the new information must be such that there is a real chance of the claim being successful.

JUDICIAL REVIEW

You can try for a review in order to make sure there was no error in the application of the law in your case. You must have a lawyer for this to happen. Some cases are accepted for judicial review in the Court of Session in Edinburgh once they have been through all the processes at the Tribunal.

REPORTING

The Home Office requires you to report to them regularly. In Glasgow the reporting office is in Brand St. The reporting is usually monthly or fortnightly but can be made weekly or daily. The Home office can ask you to bring all your children with you to report. Not reporting is an offence

DESTITUTION

You may experience partial destitution during the process, i.e. lack of adequate financial support. Reasons for this include maladministration and gaps between support packages. Once you have been finally refused after appeal, you have 21 days in which to apply for the only support available - Section 4 support. At this stage you can be evicted from your accommodation and made completely destitute. You are forbidden to work

SECTION 4/ SECTION 95a

This is a cashless system of support given to a small number of those who have been refused but who cannot return home, for example because there is no safe route. This has also included families. The cashless system means that you cannot travel on public transport or shop in bargain stores. You can only shop in stores which take the AZURE card, such as Tesco. The level of support is £5 per day. Section 4 is about to be superseded by Section 95a which is likely to increase destitution, especially for families.

DETENTION

You and your children can be detained at any stage in the process, pending removal.

Though adults can be detained for an indefinite period, children cannot now be detained indefinitely. There is no NHS medical care in detention centres. Medical facilities in detention can be inadequate but the UK government has a duty to provide adequate health care.

FORCED REMOVAL

If you have been refused you can be forcibly removed from the UK. The UK has a high rate of forcible removal and a low rate of voluntary return. Several escorts – as many as three to one detainee - travel with those who are being removed. On arrival you can be handed over to officials in the country from which you fled.

POSITIVE DECISION

You can receive a positive decision on your sanctuary claim under the 1951 UN Geneva Convention or Human Rights Act. You can be granted refugee status which allows you to stay for 5 years or discretionary leave which allows you to stay for 2.5 years.

You are Tavarius. You fled your home country because you were at risk of punishment for not adhering to tribal traditions . As the Chief's son and heir you were expected to assume your father's role when he died, which included 'marrying' his many wives. When you refused to comply with tradition, the village elders subjected you to the most degrading and terrifying torture.

GO TO ARRIVAL

Tavarius (1)

Arrival

You claim asylum immediately on arrival

GO TO SCREENING INTERVIEW

Tavarius (2)

Screening Interview

You have a screening interview at which your assertions that you are a torture victim are not believed. There is no lawyer present.

GO TO SUBSTANTIVE INTERVIEW

Tavarius (3)

Substantive Interview

You try to tell your story as accurately as possible but the decision maker does not believe your story. You find a lawyer but only after the interview has taken place. You receive a letter of refusal and make an appeal.

GO TO APPEAL

Tavarius (4)

Appeal

The Immigration Judge rejects your account of your experiences despite compelling evidence in the form of a report of your ordeal in the newspaper of the Catholic Bishops' Conference in your country. The judge says the newspaper could be a forgery. You are refused. You put forward new evidence in the form a fresh claim.

GO TO FRESH CLAIM

Tavarius (5)

Fresh Claim

You provide an official letter from the newspaper's Editor testifying to the veracity of the article and the integrity of the newspaper and a letter from Amnesty International. You also produce a medico-legal report by a doctor trained by Freedom from Torture. This documents your trauma, and includes information on tribal traditions which is consistent with your story of abuse. The Home Office argues that the doctor who wrote the last report did not work for Freedom from Torture and a new report must be commissioned. The new report has not been finalised for submission to the Home Office. You go to report as usual. You are suddenly detained without being allowed to collect any belongings from your flat.

GO TO DETENTION

Tavarius (6)

Detention

You are issued with removal directions even though you have high level support in the UK and the support of many ordinary people as well. This all happens very quickly. The removal directions tell you which flight will remove you from the UK back to your country. The day arrives and you are taken, heavily escorted, to the airport. (Usually there are around 6 escorts for one detainee).

GO TO FORCED REMOVAL

Tavarius (7)

Forced Removal

Ample evidence has been submitted already to prove that re-location in your country, deemed possible by the Home Office, is impossible for you because of your prominence in the country and within the tribe. There have been many articles written about you, both in the UK and abroad. There is no way that you can slip into the country unnoticed and not be found by other members of the tribe. They are very powerful at all levels of society - most importantly in the police force - and would seek to kill you, in order to elect a new chief.

You are removed by force from the UK, accompanied by three escorts who travel with you to your country. You are interviewed by officials immediately on arrival. You have no money or proper travel documents. The travel documents you have identify you as a returned asylum seeker and if you are not picked up at the airport you are likely to be arrested at a later stage as you are identifiable.

The UK does not monitor returns so does not know what has happened to you or whether their decision to return you was safe.

ENDS HERE

Source: Confidential

You are Malaki, a man from Zimbabwe. You were hunted by government agents because of your membership of MDC

(Movement for Democratic Change, the opposition party). You risked arrest, severe mistreatment, imprisonment and possible torture. Your life was in danger. You fled to South Africa but South Africa regularly returns single men to Zimbabwe. The climate in South Africa is extremely hostile to refugees and they have been attacked and killed by local people in recent violence. You left South African very soon after arrival there. You managed to get to the UK by getting travel documents in South Africa, and arrived in 2003.

GO TO ARRIVAL

Malaki (1)

Arrival

GO TO SCREENING INTERVIEW

Malaki (2)

Screening Interview

You are one of the 25% who do not receive a screening interview because of administrative problems in the Home Office.

GO TO SUBSTANTIVE INTERVIEW

Malaki (3)

Substantive Interview

You see a lawyer before the Substantive Interview and your lawyer prepares a statement. The decision maker insists that you are South African as you travelled through South Africa to get here. You are refused as South Africa is on the 'white list'. (The white list is a list of countries that the Home Office considers safe)

GO TO APPEAL

Malaki (4)

Appeal

You have to represent yourself. Initially your story that you are a Zimbabwean is not accepted, even though you have now obtained documentary proof including a birth certificate and school certificate. Then the judge decides that although the documentation looks genuine, the political story is not credible. You are told that you are a low level activist who will not be in danger in Zimbabwe, if you relocate to another part of the country. You do not believe that relocation is an option as government agents cover all areas and would know of your whereabouts. You know that the militias have your name, and you cannot stay with family members for fear of putting them in danger. You fear being returned to South Africa as you know the authorities will return you to Zimbabwe. (The UK government often does return people to a country which is not their country of origin.) You are refused. You cannot proceed to judicial review without a lawyer. You are ordered to report to Immigration Enforcement on a weekly basis.

GO TO REPORTING

Malaki (5)

Reporting

The option of voluntary return is presented to you each time you report. The package offered would be reasonably helpful if you did not have safety concerns. You fear being removed. You say: 'If they take me to Zimbabwe that will be the end of me and my story'. Eventually you decide to stop reporting because of fear of detention and forced removal back to persecution.

GO TO DESTITUTION

Malaki (6)

Destitution

You do not know about Section 4 support and you have no lawyer so do not know about the possibility of a fresh claim (which involves putting forward new evidence). You live by your wits and through any support you can get, especially from your own community. You are active in Zimbabwe associations here and are supported by churches and a local refugee organisation. You are fearful of what the future holds.

ENDS HERE

Source: Leeds IAC Hearings

You are Germaine from Congo DRC. You were involved in activities to help your community in eastern Congo to stop killings, rape and misbehaviour by troops. You are a member of a political party. You wrote a letter of complaint to the authorities and then took part in a demonstration. Your father was also involved politically and was arrested at the demonstration as an office holder in the party. The very next day he was beheaded. You were wanted by the authorities so you, your family and your mother fled to a different area. You could not even go to your father's funeral. But in 2004 you were arrested with your sister. You were beaten almost every day. Your sister was raped in front of you and you were extremely seriously assaulted. This included sexual assault which has left very obvious visible effects. There was no medical attention in detention. An Italian priest got you both out of jail (you don't know how but suspect officials were bribed) and arranged a trip to Heathrow.

GO TO ARRIVAL

Germaine (1)

Arrival

You arrive in 2005. You don't know where you are going and don't speak a word of English. But a French speaker is eventually found to help you claim asylum.

GO TO SCREENING INTERVIEW

Germaine (2)

Screening Interview

You go to Liverpool for this. You do not have access to legal advice.

GO TO SUBSTANTIVE INTERVIEW

Germaine (3)

Substantive Interview

Though you try to tell your story, it is extremely difficult and distressing to recount the harrowing details of the deaths and mistreatment of your family members. You have to reveal these, including the sexual assault, to complete strangers and the interpreter. You are not believed and you are refused. The solicitor says there was no funding, so he cannot go on with the case.

GO TO APPEAL

Germaine (4)

Appeal

You are ill at the appeal hearing because of the injuries incurred in Congo DRC and the GP writes a letter to the court for you. The appeal is adjourned. Another letter is written as you are still ill. But the judge says that you have to appear in spite of this. You go to court by ambulance. You appear ill and are in pain. You represent yourself, and have no interpreter, although you are a French speaker. It is a horrible experience and you are refused. You wonder how the system could put a person without knowledge of English or of UK law in this position. You wonder how the judge, an educated person, could accept this. A friend suggests you try for a judicial review, because the process and decision appear to have been unfair.

GO TO JUDICIAL REVIEW

Germaine (5)

Judicial Review

You are informed that because you have no lawyer, you cannot engage with this process. Your medical problems, including ongoing pain, persist. Specialist help is offered but this does not materialise. Then the Home Office says you are no longer entitled to your accommodation and must leave.

GO TO DESTITUTION

Germaine (6)

Destitution

Stories about you, emanating from the Congo DRC, are circulating on the internet - i.e in the public domain - putting your life in more danger if you return there. Your family have suffered considerably. Since the dismissal of your case, you have found that your mother was raped, shot and died in 2006; your wife and kids were taken away. Your wife is of mixed ethnicity and you fear that she is no longer alive. You feel very distressed by the fact that you cannot contact your children and have no money to keep in touch or try and find them. Most people, you believe, have at least the comfort of being able to act as a father when they wish to. You do not know how to deal with this pain. You fear removal back to Congo DRC as others have been removed.

ENDS HERE

Source: Leeds IAC Hearings

You are Rashid from Darfur, Sudan. You were helping your local community who were suffering from the Janjaweed, armed groups attacking African people in Darfur and driving them from their homes. As a result, you were arrested several times, imprisoned and mistreated in prison. You went to Chad, which proved unsafe, and then an agent arranged your journey to the UK.

GO TO ARRIVAL

Rashid (1)

Arrival

GO TO SCREENING INTERVIEW

Rashid (2)

Screening Interview

You undergo a screening interview with the Home Office (UK Borders Agency) for which you have not had legal advice. You are not detained. You apply for asylum support and obtain this, but only because you meet the destitution threshold.

GO TO SUBSTANTIVE INTERVIEW

Rashid (3)

Substantive Interview

You still have no legal support but you are given an interpreter. This person is a speaker of Middle Eastern Arabic, not Sudanese Arabic, so your case cannot be heard adequately or accurately. You are refused. You are living on asylum support (at present this is £5 per day). You cannot work to supplement this as working is an offence.

GO TO APPEAL (1)

Rashid (4)

Appeal (1)

You manage to access a solicitor through legal aid. Representation is poor and you feel your culture and country are not understood. The judge tells you your case is political, not humanitarian. Your appeal fails.

GO TO JUDICIAL REVIEW

Rashid (5)

Judicial Review

No solicitor is available so you cannot apply for a Judicial Review of the judge's determination. You are told to leave your accommodation and go back to Sudan. You choose destitution rather than returning to persecution in the Sudan. You live off Red Cross food parcels and sleeping rough, which is sometimes unsafe. After 6 months you find a solicitor for a fresh claim and manage to access asylum support again, including accommodation. Suddenly you are detained for no apparent reason.

GO TO DETENTION

Rashid (6)

Detention

You are detained for redocumentation for travel back to Sudan. For this procedure you are taken to the Sudanese Embassy, whom you describe as 'your enemies'. You cannot be redocumented by the Embassy. You are released briefly but then re-detained. You don't know why you are being detained. You are extremely distressed and can't eat. You are there for 2 days. The Home Office say they did not know about the fresh claim. Your solicitor helps to get you out. You are released and go to your appeal following the fresh claim.

GO TO APPEAL (2)

Rashid (7)

Appeal (2)

You are granted leave to remain. You feel sad about the other Darfuris who have not had the fortune you have had. You feel the main problem here is that people do not seem to know enough about the situation in other countries.

END HERE

Source: IAC Manchester Hearings

You are Halimu, a 70 year old Somali woman. Your husband, brother and only daughter were killed in the war. You were beaten and attacked. Both the Transitional Federal Government and the insurgent groups attack civilians, often in the day time. Women are especially vulnerable and lone females face even greater risks. Displaced women suffer rape and violence at roadblocks, when travelling and at internal camps. You managed to leave your country with the help of friends and agents. You suffered many hardships during the difficult journey, travelling overland for 2 months.

GO TO ARRIVAL

Halimu (1)

Arrival

You speak no English. You feel lost and confused.

GO TO SCREENING INTERVIEW

Halimu (2)

Screening Interview

You have no interpreter. You do not understand the interview.

GO TO SUBSTANTIVE INTERVIEW

Halimu (3)

Substantive Interview

You now have an interpreter but no solicitor. You are sick but the interpreter fails to explain this, and you are just given a glass of water. You are refused. You cannot understand the letter of refusal which someone has to read to you.

GO TO APPEAL

Halimu (4)

Appeal

You have an interpreter and a solicitor but do not understand the court proceedings. The solicitor is inactive and says nothing in court. Your appeal is refused. You are sent a letter to say you must leave your accommodation.

GO TO DESTITUTION

Halimu (5)

Destitution

You sleep on many different people's floors on a temporary basis. You feel lost. You wander about during the day, visiting Somali shops and passing the time as best you can. You become ill. You have severe arthritis and a gastric condition but are afraid to go to the doctor. This is the worst time for you. You try to get a solicitor but cannot afford to pay for one. You eventually receive support from Refugee Action who help you access Section 4 support and find you somewhere to live.

Go TO SECTION 4

Halimu (6)

Section 4

You are given vouchers for food only. You have to walk to the shop which takes them as you do not have cash to pay for transport. You are afraid you will be forced to leave your accommodation. You are not entitled to full NHS health care. If you receive hospital treatment, the hospital can charge you for this. You could be forcibly removed if the UK signs an agreement with the Somali government, unless there are barriers to your removal. You could submit a fresh claim but this would require new evidence to be accepted. Your future is uncertain.

ENDS HERE

Source: IAC Manchester Hearings

You are Danielle from Cameroon. You have been raped and tortured in your country because of your opposition to the regime. Those who criticise are dealt with extremely harshly. Demonstrators are shot, journalists are imprisoned and torture is widespread. There is a culture of impunity. You flee with the help of your family who put you in the hands of smugglers who say they will arrange your journey.

GO TO ARRIVAL

Danielle (1)

Arrival

GO TO SCREENING INTERVIEW

Danielle (2)

Screening Interview

You speak some English. You disclose the rape and torture you have experienced. You are traumatised and collapse at the interview. You are taken to hospital. Following discharge you are told to report 8 days later.

GO TO REPORTING

Danielle (3)

Reporting

You are detained when you report. You do not understand why but are told your case is 'straightforward' and you are in the fast-track system. You have no idea what the 'fast-track system' is.

GO TO DETENTION

Danielle (4)

Detention

After 2 days you have a substantive interview in detention.

GO TO SUBSTANTIVE INTERVIEW

Danielle (5)

Substantive Interview

You have no time to prepare for the interview. This takes place two days after arriving in Yarl's Wood Detention Centre. You are still suffering trauma and you do not understand the decision making system. Being in detention makes it extremely difficult to find a lawyer or access any legal support and in the end you have no legal advice before the interview. You are expected to disclose details of what has happened to you to strangers, which you find painful and difficult. You are not asked whether you would prefer a female interviewer and you feel frightened of the male interviewer. You cannot speak openly. You are refused.

GO TO APPEAL

Danielle (6)

Appeal

The appeal also takes place in detention. You have to represent yourself and have just 2 days to prepare. You cannot get a free lawyer because your case fails to pass the 'merits' test (is deemed to have a 50% chance of success.) You feel you are not listened to by the judge and find it distressing that your experiences are not believed. You again reveal difficult details but cannot disclose everything in the situation and time given you. You are refused. You apply for judicial review of your case. You hear nothing. The papers are in fact not sent by the detention centre. You are released on bail with help from Bail for Immigration Detainees (BID).

GO TO SECTION 4

Danielle (7)

Section 4

You are given minimal financial support in the form of vouchers. You have a tag around your ankle and a satellite device is installed in the home of the person who is standing bail for you. You have regular appointments with Freedom from Torture but have to phone the private security company 24 hours in advance each time you leave the house. The tag is removed without notice or explanation, after 1 month. You are supported by Women Against Rape and have a new legal representative after speaking out at a BID meeting in Parliament.

You continue to fight to have your case heard properly.

ENDS HERE

Source: "Refusal Factory: Women's experiences of the detained fast track asylum process at Yarl's Wood Immigration Removal Centre" Sept 07

You are Patrice, a local leader in a pressure group to improve conditions and rights in your home country, which is in Africa. Your region suffers severe discrimination from central government and any organisation working for change is targeted by the authorities. It is dangerous even to hold a meeting. Members of the group are routinely arbitrarily detained, mistreated and tortured. You are detained twice by the authorities and severely tortured on the second occasion which lasts for more than a year. Your family bribes the prison authorities to allow you to escape and you flee the country.

GO TO ARRIVAL

Patrice (1)

Arrival

GO TO SCREENING INTERVIEW

Patrice (2)

Screening Interview

You do not speak English but a creole language linked to English. You are not given an interpreter and cannot properly understand the interview. Nevertheless you are asked to sign the interview transcript. It contains mistakes but you cannot check these. You have no lawyer to check the transcript subsequently.

GO TO SUBSTANTIVE INTERVIEW

Patrice (3)

Substantive Interview

Again you have no lawyer. This time there is an interpreter. At no point in the interview are you questioned about your detentions. You are not asked about any injuries. The only medical question relates to having a medical 'condition' or disease.

GO TO APPEAL (1)

Patrice (4)

Appeal (1)

It is accepted you are a member of the pressure group in your home country. But the judge refuses to accept you have been detained as there is no information about your injuries from the interviews done so far. He says you are making up the story and cannot be believed. You lose the appeal. You have a lawyer who unfortunately had not requested a medico legal report to detail your torture injuries.

GO TO FRESH CLAIM

Patrice (5)

Fresh Claim

You obtain a letter from the leader of your pressure group who confirms you were a local leader and were detained. The Home Office dismisses this evidence but does not tell you immediately. Instead they detain you and then inform your lawyer. When they do inform you, a removal order (already arranged by the Home Office) is in place which orders your removal from the UK within days. The lawyer says he cannot continue. You have lost your lawyer and therefore cannot challenge the decision or the removal. You are frightened and know security will be waiting right at the airport you are returned to.

GO TO FORCED REMOVAL

Patrice (6)

Forced Removal

You are removed from the UK, stopping off at an intermediate African country on the way to your country of origin. While still at Heathrow, the private escorts accompanying you kick and hurt you on the plane before other passengers arrive. When you reach the intermediate country, the authorities there refuse to fly you on because of your obvious injuries and distress. You are not given any medical treatment, but are brought back to the UK where you are re-detained. You are in pain but receive very little medical treatment. You obtain a lawyer who commissions a medical report to detail the original torture injuries and insists that as a torture victim you are not detained. Eventually you are released.

GO TO APPEAL (2)

Patrice (7)

Appeal (2)

You are made completely destitute. Very fortunately the community rallies round and you are accommodated by supporters locally for more than 6 months.

At the hearing the medico legal report shows you have an enormous number of scars all over your body from torture. The judge accepts you have been detained and badly tortured in your home country as a result of being in a leadership position in the pressure group. You are granted refugee status. You wonder why things had to happen this way and struggle to regain good health.

ENDS HERE

Source: Confidential

You are Mohammed and you are 15 years old. Your family are from the Kurdish part of Iran. You had a happy childhood in a small mountainous village and you went to school. One day, soldiers came to your house to arrest your father. They said that he was an important leader of a Kurdish resistance movement. You knew nothing about this, and your father denied it. Your oldest brother tried to come between the soldiers and your father, and he was shot and killed in front of you. The soldiers arrested one of your other brothers, and your father. After they left, your mother insisted that you and your remaining brother, Ahmed, had to leave Iran immediately for your own safety.

You and Ahmed travelled through Europe with smugglers. This took nine months, and it was dangerous, and scary, but Ahmed looked after you. In France, the smugglers forced you and your brother Ahmed to separate, and put you on a lorry bound for the UK alone.

GO TO ARRIVAL

Mohammed (1)

Arrival

You spent nine hours in a very cold compartment on the lorry before you felt it come to a stop. When you finally emerge from the lorry, you are in a petrol station on an empty road, in an unfamiliar place. You enter to petrol station to ask for help. The man at the counter doesn't understand you and calls the police.

GO TO SCREENING INTERVIEW

Mohammed (2)

Screening Interview

The police arrive and take you to the police station, and put you in a holding cell. They don't seem know what language you speak. Eventually, an Arabic interpreter comes to see you, You do not understand the interpreter because you only speak Kurdish Sorani. A police officer and two other people sit and ask you about your name, and your age, while filling in a form which they ask you to sign. You do not have access to a lawyer, even though you have a right to one. You later learn that they have filled in important things, like your name and age, incorrectly.

GO TO SUBSTANTIVE INTERVIEW

Mohammed (3)

Substantive Interview

The Home Office decide to treat you as an adult over 18 years old, and you are sent to adult asylum support housing. You have to share a flat with an older man in his late 20s, and you are afraid of him.

You continue to state that you are now 16 years old, not over 18, but no one seems to believe you. You are interviewed by the Home Office, as an adult and your claim is refused, foremost because the Home Office believes you are lying about your age. Also, you are not able to give much detail about your father's political activities, because you knew nothing about them until he was arrested.

GO TO REPORTING

Mohammed (4)

Reporting

You report to the Home Office as required. This is a frightening process as you do not really understand what is happening.

GO TO APPEAL

Mohammed (5)

Appeal

Your solicitor refuses to help you lodge an appeal after your asylum claim is refused. A support worker at the British Red Cross helps you to find a new solicitor, who agrees to challenge the decision. She obtains a country expert report which corroborates some of your claim about your fear of return to Iran. She tries to challenge the Home Office's decision to treat you as over 18, but is unable to get the local authority to conduct an age assessment on you.

You attend the appeal hearing with your solicitor. This is difficult for you, because you are afraid of the judge and afraid of being disbelieved again. You think about harming yourself. Eventually, the judge's determination arrives, and your claim has been accepted – you have been granted refugee status.

GO TO POSITIVE DECISION

Mohammed (6)

Positive Decision

Your grant of status is in your incorrect age (over 18). You are sad about this because it means you will not be able to attend school or participate in activities with other refugee children of your age.

You are supported by the British Red Cross in making the move to mainstream adult accommodation – to a small flat, where you live alone. You feel lonely and wonder if it might be possible to locate your brother, Ahmed. You wonder what you are supposed to do next with your life.

END HERE

Source: Legal case work records

Decision Making - Asylum applications to the UK

Arrival

Application made at port of entry or in-country
Screening interview and induction



Substantive Interview and initial decision

Granted status **or Refused**
(Refugee status or Humanitarian Protection
(5 years) or Discretionary Leave (2.5 years))



Appeal (if refused)

14 working days to lodge an appeal 5 working days if detained 2 days in the fast-track process (now suspended)



Hearing (within 4 weeks) at
First-tier Tribunal (Immigration and Asylum Chamber)
Some appeals to Upper Tribunal on the basis of error of law
Granted status or Refused



Fresh Claim

Accepted **or Refused**
(to go back into the system) (only challenge is by Judicial Review)



Issued with Removal Directions

Adapted from Independent Asylum Commission Fit for Purpose? 2008

During this process:

- You may experience Destitution
- or, under Section 4, you may have to survive on the cashless 'Azure' card
- but Section 4 is about to be superseded by Section 95a which is likely to increase destitution, especially for families
- You will be required to Report to the Home Office
- You may suffer Detention.

FACTS

The onus is on the applicant to prove their case.

In 2015 64% of initial decisions were refused.¹

UKVI decision makers receive 5 weeks initial training²

Between 2007 and 2015, on average, 28% of cases were given a positive decision on appeal, i.e. the initial decisions were overturned¹

Immigration Judges at the FTT are all lawyers. (barristers, solicitors, or legal academics). They are not always originally immigration lawyers. For most, it will be their first judicial appointment³

Returns are not monitored by the UK so if a person is given a wrong decision and is returned to persecution, there is no feedback to decision-making.

Return to persecution is forbidden by the 1951 Geneva Convention on Refugees, signed by the UK.

1 *Migration Observatory University of Oxford "Migration to the UK: Asylum"- July 2016*

2 *Home Affairs Select Committee 2.3.2010*

3 www.judiciary.gov.uk

Quiz – How Much Do YOU Know?

1. Which one of the following countries do those seeking sanctuary in Scotland come from now?
a. Poland b. Czech Republic c. Somalia.
2. Why do people seek sanctuary?
a.To find work. b.To escape persecution; c.To get benefits in Scotland
3. Which countries do most sanctuary seekers come from?
4. Which of these countries take the most refugees?
a. UK b. France. c. Jordan d. Tanzania. e. Pakistan
5. How many sanctuary seekers and refugees (those recognised by government) are there in Scotland?
a.100,000 b. 50,000 c. 20,000 d. 5000
6. Are sanctuary seekers here legally?
7. Do refugees have skills to offer?
a. most are unskilled. b many have skills to offer.
8. Can a sanctuary seeker be detained?
9. What is the length of time of detention?
a.1 month b.1 year c.42 days d. Indefinite.
10. Are people living in Scotland forcibly removed (forcible removal is taking someone by force and putting them on an airline back to the country from which they fled)?
11. Are people sometimes sent back to dangerous countries where they could be in danger?

What was your score?

ANSWERS

1 c Refugees come from war-torn countries or where there is political violence and repression. If a country is dangerous, it produces refugees.

2 b Sanctuary seekers are not allowed to work. They only receive 55% of basic income support levels and no social housing; they do not get mainstream benefits. Many are worse off in the UK, having left jobs and security. Studies show their health can deteriorate in the UK.

3 In 2006 these included Eritrea, Afghanistan, Zimbabwe, Iraq, Sudan and Somalia.

4 c, d, e. Developing countries like Tanzania or Pakistan take the most refugees. Countries like these take millions of people. Most Iraqi refugees live in Jordan and Syria. Only 2% of the world's refugees come to the UK.

5 d In Glasgow where most sanctuary seekers and refugees live in Scotland, their population is less than 1%. There are others scattered around the country.

6 Yes. They can seek asylum under the UN Convention. They are here legally. You could, similarly, seek asylum in another country which was a signatory

7 b There are 1000 refugee doctors, dentists and nurses in the UK and in Scotland over 50% have post school qualifications. Trained sanctuary seekers cannot practise their skills in jobs as work is forbidden; refugees suffer from underemployment and unemployment.

8 Yes, at any time and so can their children. This is because of their status, not because any crime has been committed.

9 d Indefinite

10 Yes

11 Yes. The UK government regularly ignores UNHCR guidelines on safety when forcibly removing sanctuary seekers. People have been returned to Congo DRC, Iraq, Uganda, Zimbabwe, Algeria and Cameroon. There is no monitoring of their safe return by the UK government.

ACTION AND INFORMATION ON REFUGEES

ARC www.asylumresearchconsultancy.com

Provides a country of origin information research service to support asylum claims and undertakes research, advocacy and training to improve the quality of refugee status decisions.

Bridges Project www.bridgesprogrammes.org.uk

A project with Scottish trade union support where skilled asylum seekers can work alongside someone here in their own skill area in a work shadowing capacity

Church Action on Poverty <http://www.church-poverty.org.uk/campaigns/livingghosts/>

A national ecumenical Christian social justice charity, committed to tackling poverty in the UK.

Churches Together in Britain and Ireland <http://www.ctbi.org.uk/253#migrationprinciples>

Works with member churches to co-ordinate and share responses.

Action on Asylum and Refugees is part of the Churches' Racial Justice network.

Freedom from Torture formerly Medical Foundation for the Care of Victims of Torture

www.freedomfromtorture.org

A registered charity established in 1985, is the only organisation in the UK dedicated solely to the treatment of torture survivors.

GLADAN Glasgow Asylum Desitution Action Network <https://destitutionaction.wordpress.com>

Brings together charities, churches, community groups and individuals who are concerned for those made destitute.

Glasgow ESOL Forum www.glasgowesol.co.uk

A membership organisation of teachers, tutors and volunteers providing English language tuition to speakers of other languages.

Glasgow Intergenerational Mentoring Network www.strathc.ac.uk/humanities/schoolofeducation/

University of Strathclyde are working with young people in secondary schools in disadvantaged areas

Glasgow Refugee Asylum and Migration Network <http://www.gla.ac.uk/research/az/gramnet/>

Research and networking forum

Immigration Law Practitioners' Association www.ilpa.org.uk

with Scottish Immigration Law Practitioners' Association

Jesuit Refugee Service www.jrs.net

The Jesuit Refugee Service (JRS) is an international Catholic organisation to accompany, serve and defend the rights of refugees and forcibly displaced people.

Medical Justice www.medicaljustice.org.uk

Medical Justice is a network of volunteers who expose and challenge medical abuse in immigration detentiion

Positive Action in Housing www.paih.org

Positive Action in Housing is a not-for-profit, advocacy, campaigns and training charity based in Scotland www.paih.org.

Red Cross www.redcross.org

Providing a range of services to those seeking sanctuary and refugees in Glasgow

Refugee Survival Trust www.rst.org.uk

Provides small grant support for those suffering from destitution, mainly within the asylum process.

Right to Remain www.righttoremain.org.uk

Works across the UK to support migrants establish their right to remain and challenges the unjust immigration and asylum system

Scottish Detainee Visitors (SDV) <http://www.sdv.org.uk/>

An independent charity which provides social, emotional and practical support to asylum and immigration detainees in Scotland. SDV volunteers visit detainees in Dungavel Removal Centre.

Scottish Guardianship Service (part of the Aberlour charities)

http://www.aberlour.org.uk/how_we_help/services/248_scottish_guardianship_service

A resource for separated and trafficked children in Scotland.

Scottish Detention Forum works with Detention Forum www.detentionforum.org.uk

Network working to challenge UK's use of detention

Scottish Refugee Council www.scottishrefugeecouncil.org.uk

Offers advice, information and assistance to asylum seekers and refugees in Scotland

Still Human Still Here <http://stillhumanstillhere.wordpress.com>

The campaign to end destitution of refused asylum seekers.

Unity Centre, Glasgow www.unitycentreglasgow.org

Offering friendly, practical solidarity and mutual aid to all asylum seekers, refugees and sans papiers

Volunteer Glasgow – www.volunteerglasgow.org

Volunteering opportunities and services

Women Against Rape www.womenagainstrape.net

WAR offers support, legal advocacy, info, counselling & campaigns

RESOURCES

Initial Decision Making

A question of Credibility: Why so many initial asylum decisions are overturned on appeal in the UK

Amnesty International/ Still Human Still Here 2013

Fit for Purpose?

Independent Asylum Commission 2008

Get It Right: How Home Office decision making fails refugees

Amnesty International 2004

Quality Initiative Project

Reports from UNHCR on UK first instance decisions

Proving Torture, Demanding the impossible: Home Office mistreatment of expert medical evidence

Freedom from Torture November 2016

“Refusal Factory” Women’s experiences of the Detained Fast Track asylum process at Yarl’s Wood Immigration Removal Centre

Bail for Immigration Detainees 2007

Right First Time? Home Office Asylum Interviewing and Reasons for Refusal Letters

Ellie Smith Medication Foundation for the Care of Victims of Torture 2004

Saving Sanctuary

Independent Asylum Commission 2008

Unsustainable: the quality of initial decision-making in women’s asylum claims

Asylum Aid January 2011

Use of Country Information

Use of COI in the Refugee Status Determination Process in the UK:

Looking Back, Reaching Forward

Pettitt, Townhead and Huber

<https://pi.library.yorku.ca/ojs/index.php/refuge/article/viewFile/26039/24072>

The Refugee Roulette: The Role of Country Information in Refugee Status Determination

Natasha Tsangarides Immigration Advisory Service 2010

Returns

Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka 2009-2011

Freedom from Torture November 2011

Unsafe Return: Refoulement of Congolese Asylum Seekers and Unsafe Return II

Catherine Ramos Justice First 2011 and 2013

UK Home Office, Country Information and Guidance and Asylum Instructions

www.GOV.UK

UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the Geneva Convention

EVALUATION

Thank you for taking part in **Seeking Sanctuary**. Please take a few moments to tell us what you think about the activity – we'd really appreciate your input.

1. Did you find the activity easy to follow? Yes / No (please circle)

Further comments -----

2. Did you find the activity interesting? Yes / No (please circle)

Further comments -----

3. Did you learn anything new from it? Yes / No (please circle)

Further comments -----

4. Can you suggest ways in which it might be improved?

Can you suggest any other groups or organizations which might be interested in using this activity?

Thank you!