

Summer 2009

Are We Keeping Asylum Seeking Children Safe From Harm?

“The UK Border Agency (UKBA) Code of Practice on Children will not adequately protect children from the harm caused by immigration procedures.”
Francis Webber - Institute of Race Relation News - Jan 2009.

There has always been a good deal of controversy over the question of how children are treated by the Immigration laws in this country. The Children Act (2004) states that the welfare of the child is paramount but asylum seeking children have always been an exception to this. Until now, the UK has put the requirements of immigration controls above the welfare of children. The new UKBA Code of Practice reverses this position so that there is no longer any reservations regarding the UN Convention on the Rights of the Child (CRC).

No Change

On 6 January 2009, a new code of Practice for Keeping Children Safe from Harm was issued by the UKBA, which states that children's welfare must be a primary consideration in all their dealings with children, whether accompanied or not, whether asylum seekers or not. However this has been met with scepticism by refugee groups and activists. The most important problem is the



fact that no immigration procedures affecting children have been changed.

The main issue is that the Code seeks to limit and monitor the detention of children, but the lack of a statutory ban or time limit, means that children will continue to be detained inappropriately and for excessive periods. At LASSN, we have witnessed the damage this causes to children's emotional well-being. Anxiety and sleep problems result from dawn raids; low self esteem and eating disorders result from feeling like criminals and being locked

up; physically, they are affected by the lack of adequate healthcare, illness epidemics and changes in nutrition. They are also affected by the stress caused to their parents, for example the ability to breast feed babies. One mother was so traumatized, she was sectioned and the children spent some time in care.

Policy Contradictions

The code has nothing to say about the age-testing procedures for separated children and nothing to say when children are prosecuted for having no immigration documentation or for illegal entry, which includes being trafficked. Children must apply for asylum in the same way as adults, which involves being photographed and finger-printed. The Code is also silent on the relationship between the immigration authorities and the family courts, which means that even if a family court has determined that a child's welfare requires that he or she should not remain with an abusive parent, the UKBA could still violate UK child protection laws and re-unite the child and parent for deportation.

The emphasis throughout the code is to try to make children understand and adapt to the processes that immigration control subjects them to, however harmful, rather than modifying or adapting those processes to meet the needs of children.

Other Home Office policies which do not recognize the needs of children are the parent's lack of permission to work legally, which condemns them to poverty; inadequate housing and the constant threat of relocation.

Another contradiction is that asylum claims are not recognized when a parent has fled their country of origin to protect a child. It is illegal in this country for a child to be taken abroad if Female Genital Mutilation (FGM) is suspected, but the government persists in refusing families, who have come here to save their daughters' life.

Sir Al Aynsley-Green, the Children's Commissioner says: 'The government has rightly earned praise for the "Every Child Matters" policy programme. It is now time for it to live up to its rhetoric by making sure that every child really does matter, including those caught up, through no fault of their own, in a system that can only be described as inhuman.'

Pauline Cooke, Befriending Coordinator, LASSN.
(continued on page 2, column 1)

In April, Border and Immigration minister Phil Woolas commented that "This (Sir Al Aynsley-Green's) inspection took place over a year ago and since then we have made even further progress, with Yarl's Wood Removal Centre praised on numerous occasions for its children's facilities - in fact Her Majesty's Chief Inspector of Prisons praised us for the 'significant progress' we have made. We now have full-time independent social workers, and a range of trained experts to monitor welfare 24 hours a day."

So what is the significant progress that has been made? Sir Al Aynsley-Green's report 'The Arrest and Detention of Children Subject to Immigration Controls' following his visit to Yarl's Wood Immigration Centre in May 2008, listed 42 recommendations which included:

- End administrative detention of children for immigration purposes (Children are detained as part of fast track procedures for asylum determination to ensure there are no obstacles to removing them from the UK)
- Develop community based alternatives to detention that ensure children's needs are met
- The UK Government should monitor compliance with the standards set by international human rights treaties and the UNCRC

According to Home Office statistics, on 31 March 2009, 20 children under 18 years of age had been in detention for up to 28 days, 5 in detention between 29 days and 2 months and a further 5 children detained between 2 and 3 months.

An open residential unit for 260 families awaiting removal from the UK was opened in Kent. However, UKBA staff were confused as to its purpose and this combined with the unreasonable expectation that families could remove their children from school and relocate to Kent with only seven days notice, led to its closure because only thirteen families moved into the unit.

Nick Lessof, consultant paediatrician at Homerton Hospital, London, who has worked with some of the detained children, said "...there is a very serious lack of health care in Yarl's Wood. It is a culture in which children remain invisible... What officials say is happening bears no relation to reality."

Access to Health Care

In July, following a Department of Health/Home Office review of foreign nationals' access to the NHS in England, it was announced that there should be no significant change for either primary or secondary care.

Refugees

Entitlement to primary and secondary health care are the same as any other UK resident.

If on means tested benefits they are exempt from:

- Prescription charges
- Dental charges

- Eye tests
- Also get vouchers for glasses fabric and wigs.

If on low income:

Complete claim form HC1 to "Claim for help with health costs", available from doctors, dentist, some hospitals and Jobcentres or ring the Prescription Pricing Division on 0845 850 1166. See 'Claiming for Health Costs' below. If entitled, they receive an HC2 certificate which is valid for 6 months and is renewable.

Asylum Seekers

Entitlement is the same as for refugees except that UKBA issues the HC2 certificate. If unable to access a GP, contact the local PCT or Strategic Health Authority via NHS website (*see below*)

"Failed" asylum seekers (All Rights Exhausted)

In England, a decision by the Court of Appeal on 30 March 2009, found that asylum seekers who have been refused asylum are not considered to be 'ordinarily resident'. To summarise, the position now is:

- If treatment is **immediately necessary** (including maternity) then treatment must never be withheld. However, treatment should only be that necessary to enable the patient to return to their own country. So the NHS has to consider how likely it is that someone will return home and do enough to make them healthy enough to.
- If treatment is **urgent** (eg for cancer) then the NHS assess when the patient is likely to return home and decide if treatment needs to go ahead before then. The NHS will also try and secure payment, but treatment should not be cancelled or delayed if payment is not made. The NHS has the option of writing off debts as long as they have tried to recover charges.
- If treatment is **non-urgent** then the treatment should not start until payment has been received or the treatment becomes urgent.
- If the UK Human Trafficking Centre or UKBA consider or suspect someone has been **trafficked** then the NHS must not charge for any treatment

If being treated for free when the appeal was heard then treatment should continue free of charge.

Further information

Claiming for health costs - HC1 Form: http://www.ppa.org.uk/ppa/HC1_form_intro.htm

Finding a GP: Leeds PCT: North West House, Ring Road, West Park, Leeds LS16 6QG, tel: 0113 305 7370.

NHS entitlements for asylum seekers and refugees http://www.dh.gov.uk/en/Healthcare/International/AsylumseekersAndrefugees/DH_518

Refugee Council: www.refugeecouncil.org.uk
Department of Health: www.doh.gov.uk

The Government will launch a consultation this Autumn to canvass views on a new set of proposals including that unaccompanied children and refused asylum seekers who cannot be returned to their country of origin should be exempt from NHS.

The Experience of an English at Home Student

F was referred to the English at Home scheme in November 2007 by a member of the Primary Care Mental Health Team. He was an Arabic speaking young man from Iraq, who had been in this country for 3 years. His claim for asylum had been refused, but he had made a fresh claim and was waiting for an answer from the Home Office. He was living in an Angel Home hostel in Chapeltown.

He was referred to the scheme, because as a result of depression and mental problems, he could not attend classes as I was told by his worker. When I first met him in December 2007, it was at the Chapeltown Health Centre and I had to carry out the interview to assess his English in the presence of other health practitioners. At the time, his level of English was such that he was able to understand simple questions and statements about personal information when spoken slowly and with repetition and he could answer simple questions about familiar topics. He knew some basic structures, but was not fluent or accurate. He was not able to read English beyond words and numbers with difficulty, although he was able to write his name and address legibly.

It took a while before I was able to match him up with a suitable male tutor. However, this was finally achieved with Tim at the end of February 2008. When we visited him together the first time, he told us about problems he had in the hostel such as not being able to communicate with the management and the constant change in his roommates. However, he agreed to have a weekly time with Tim so he could improve his English.

At the end of May, during a telephone conversation with Tim and after he had sent in his first lesson records, I was informed that F's listening and speaking had progressed remarkably, up one level in my assessment test. He was able to understand a range of questions on familiar topics with repetition and slower speech if necessary and could answer and ask questions about familiar topics (in his case, his situation and football) with some accuracy and fluency. Unfortunately, according to Tim, his reading and writing had not improved.

Towards the beginning of December 2008, I was able to set up a meeting with Tim and F at the LASSN Office to carry out a review. At that point, I found that F had again progressed one level in his listening and speaking. He was able to understand a range of questions and information when spoken at more or less normal speed with repetition as needed and he could give extended information about familiar topics fluently with a few errors and inaccuracies. With his reading, I found that he could read short simple texts, handwriting and different prints and was able to attempt new words. I also found that he had moved to shared accommodation in a house since the beginning of

the summer and was attending classes at Thomas Danby College since 10th September.

Although he hadn't heard anything about his claim for several months, I noticed a significant improvement in his emotional well-being and an increase in confidence in expressing himself. He had also developed a social network, played football and pool regularly and was able to carry intelligible telephone conversations and managed his shopping well even though he had to survive on vouchers. He was no longer depressed and suffering "mental problems". He was also able to attend classes and make good progress in English. Tim has continued to see him weekly and said of him "F's now become my mate". Altogether a success story!

Gerard Godon, EaH Coordinator, LASSN.

The Provision of Housing for Asylum Seekers

Rumours abound that Angel Housing have lost the contract with UKBA to provide Section 4 housing to unsuccessful asylum seekers. It appears that they retain the contract for Section 95 housing of asylum seekers awaiting a decision on their claim. In 2006, UKBA agreed 5 year contracts with housing providers to accommodate asylum seekers. A Contract Review was triggered in 2008, which may have been as a result of the failure of housing providers to provide an acceptable standard of housing but it is more likely that it results from a reduced demand for housing as a result of falling trend in asylum applications to the UK and the resolution of long outstanding asylum claims under the Legacy programme.

Angel Housing have a reputation for providing a poor quality of service both in terms of the standard of accommodation and tenant support. United Property Management (UPM) are an increasingly large provider of housing for asylum seekers in Leeds. An increasing number of complaints and anecdotal reports suggest that UPM are no better than Angel Housing.

Problems faced by clients of LASSN's Befriending project relating to housing

- Failure to maintain properties: infestations of vermin, broken windows left unrepaired; no heating in the Winter; inability to turn heating off in the Summer;
- Housing officers entering asylum seeker's accommodation when not at home who examine personal documents without the asylum seekers' permission.

450 asylum seekers in Section 4 accommodation in West Yorkshire have been transferred from Angel Housing to UPM properties. This has created an administrative black hole where both housing providers have denied responsibility for issuing food vouchers thus leaving asylum seekers without food until the matter was resolved.

You have the opportunity to attend two important and stimulating events in Leeds:

LASSN Annual General Meeting: Opinion or Prejudice? What the public think and why

On Monday 12 October 2009, 12.30pm to 2.30pm

Guest Speaker: Peter Lazenby, journalist at the Yorkshire Evening Post

Peter is devoted to working and reporting on social issues including asylum issues. His interests include homelessness, poverty, benefit cuts and racism around Leeds.

He also writes columns for the Guardian online, the National Union of Journalists magazine and many other publications.

Asylum Seekers and Refugees will be telling of their experiences of public attitudes and prejudice.

- Free event
- Light lunch of international cuisine included

Contact LASSN for more information and to let us know if you are planning to attend.

Conference: Journeys and Justice Forced migration, seeking asylum and human rights

LASSN's national conference in conjunction with both Universities and Amnesty International will be at University of Leeds on Friday 29 January 2010

We will be examining the journeys of forced migrants and exploring these journeys in the context of justice and human rights. A key part of the conference will be to debate better solutions to the problems of injustice and denial of human rights that so often taint the lives of people who are forced to migrate.

The conference will culminate at 6pm in a free to attend 'Question Time' panel chaired by broadcaster Jenni Murray

- Full cost for the conference is £40; Reduced cost for the voluntary sector and students is £20; Limited number of free places, particularly for Asylum Seekers to attend.
- Booking deadline 1 December 2009
- You are welcome to contribute to the conference. If you wish to put forward a proposal, please submit it in writing by 30 October 2009.
- For more information and to book, see: <http://www.geog.leeds.ac.uk/research/conferences/journeys-and-justice.html>

Leeds Asylum Seekers' Support Network
LASSN 233-237 Roundhay Road LEEDS LS8 4HS
Tel: 0113 380 5690 Fax: 0113 380 5691
Email: admin@lassn.org.uk

LASSN Projects Secure For Now

You may remember me writing to you in March about the difficult financial situation at LASSN and the uncertainty for the future of some projects. I am writing today to thank for your support and to say that the situation has improved tremendously. We had an amazing response with a large number of donations and people organising fund raising events on our behalf which have secured the future of projects at LASSN.

The donations also gave us time to secure further funding. Since March we have been successful in applications to the Tudor Trust, Joseph Rowntree Charitable Foundation, The Trusthouse Charitable Foundation, The Hilden Charitable Trust and to a government programme called the Migrants Impact Fund.

I have been so encouraged to see how positively LASSN is viewed by people who hear about our work. The Hilden Trust said they were very impressed by how much we do with so little resources. I explained that this is only possible because of our huge number of dedicated volunteers. The Tudor Trust was so impressed that they decided to give us funding for three years – even though we only asked for two. Joseph Rowntree Charitable Foundation has continued their generosity and have now supported different projects at LASSN since 2001.

Our funding is now secure until April 2010 and we already have about two thirds of our funding secured for 2010/11 and some for 2012. We will of course continue fund raising for projects, and for the Hardship fund which is still temporarily suspended over the summer while we build up a balance for use in the winter.

I feel very privileged to work for an organisation that is so well regarded and so well supported. It has also been amazing to see how well staff have coped with the uncertainty and how much LASSN has continued to achieve over this difficult time. We are just compiling our annual report and once again we have supported even more asylum seekers and refugees. Last year, 227 volunteers worked with LASSN and between them supported 619 asylum seekers and refugees. The most dramatic increase was in Short Stop, where 942 nights of accommodation (up from 484) were provided to people who would otherwise have had no bed for the night.

I do hope that one day LASSN may not be needed, but at the moment the injustice and inhumanity of the asylum system mean that our services are as essential as ever.

With many thanks for your support.

Peter Richardson, Manager.

