



Ex-Detainee Conference 2015

***Helpline open 10.00am-1.00pm
Mon/Tues/Thurs/Fri***

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Samphire

Supporting migrants in and after detention

Executive Summary



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Introduction

2015 is the 5th ex-detainee conference we have been involved in and the 7th for Samphire as a whole. We are proud to see the ex-detainee project continue to go from strength to strength in serving a unique and vital purpose.

Each and every year we look forward to the conference as it affords us the opportunity to meet some of those who benefit from our project, hearing first-hand how the services it provides have impacted on their lives. We particularly enjoyed the day's workshops and speakers. Indeed, we hope you found it beneficial also and that you all were able to take away something useful with you, whether you learnt more about the work of the organisations represented at the conference, you gained some useful information from attending our workshops or even if meeting other ex-detainees and sharing your knowledge and experiences of the UK made you feel less isolated!

Our Work

We continue to provide our services remotely, via our telephone helpline, as this allows our clients wherever they are in the UK, and whatever their status may be, to remain firmly in our remit. Our helpline runs 4 days a week between the hours of 10am-1pm. It is available to anyone who has been in or affected by immigration detention providing advice and assistance on a whole host of issues from how to get a free haircut or bike, for help resolving accommodation problems, or even to get a place at college. We also help ex-detainees keep in touch with their families through the provision of phone cards and by facilitating travel to see children where the ex-detainee is geographically separated from them. Since the last conference we have registered an additional 131 new clients to the 500 we have regular contact with, responding to 3000 individual requests for assistance.

Our Year

This year we have continued to see ex-detainees facing the same hardships. In particular we have seen an increase in the number of calls from people who are in need of a lawyer as cuts to Legal Aid have meant that many people are now entirely ineligible for any sort of legal assistance. We have been recording the number of calls we received primarily for emotional support. It now outstrips every other category of request. In turn, we realise people are suffering more than ever and this is alarming because it tells us the number of ex-detainees with depression and other mental health problems is proliferating, something we believe is exacerbated by a lack of support in the UK.

Whilst we have always done what we can to help a very difficult life to be somewhat more tolerable we recognise that ex-detainees are situated within an uncomfortable limbo. It is not surprising people are feeling frustrated and depressed when the level of financial support they receive is insufficient to sustain a decent quality of life and anxious that they are unable to improve their situation all whilst not having the resources to do anything enjoyable with their time. Unfortunately, the distinct lack of support for ex-detainees continues to be compounded by having no permission to work.

The impact of these dehumanising policies affects ex-detainees self-esteem, however it is not just them who lose out but the UK as well. People lose skills when not able to use them. This year we have encouraged many of our clients to get involved in volunteering as one of the results of last years ex-detainee survey was that a significant portion of respondents didn't know they were eligible to volunteer. It appears this was a result of "must not undertake employment paid or unpaid" clauses within IS96's and bail grants.

Our policy work this year has included submitting evidence to the All Party Parliamentary Group Inquiry into Immigration Detention. To aid those ex-detainees who wished to make submissions, Samphire facilitated a workshop to meet this end. A number of ex-detainees came down to Dover to attend. The evidence of those individuals who had experienced detention was crucial and compelling. The recommendations included a maximum time limit of 28 days for detention, which received cross party support. This has yet to be implemented, so we will continue to campaign for this change.

Outreach

In January this year we undertook a pilot outreach project, and met a group of ex-detainees in Uxbridge where there is a cluster of asylum support accommodation. We discussed the problems they were having in that area, ex-detainees were able to meet each other and share local knowledge, we learnt what they wanted to get out of the 2015 conference and what they thought our project should focus on in the coming year. It was an extremely profitable experience and it is definitely something we would like to do again in other areas of the country.

In June 2015 the Gatwick Detainee Welfare Group ran a project called Refugee Tales. This was a series of walks between the detention centres in Dover and Gatwick. The Samphire team took part, as well as some of our ex-detainees. Inspired by the Canterbury tales in which travellers told tales along the pilgrims road, the event aimed to reveal more details about migrants journeys and raise awareness about detention as well as the impact it has on the lives of everyone involved in the process – lawyers, visitors and judges, as well as detainees.

Final Word

We continue to encourage ex-detainees to make their voices heard and link them with other organisations operating close to their locality. We increasingly try to connect with other organisations so that we can refer and signpost to those best placed to help ex-detainees. Furthermore, we will continue to work alongside organisations like Still Human Still Here and through our policy and advocacy work champion the causes most important to migrants and refugees. Samphire aims to keep the public's awareness high of the injustices faced on a daily basis by our clients. Indeed, this work is now more important than ever, as there has been a groundswell of public opinion which is not anti-migrant.

Campaigns challenging xenophobia like the "I am an Immigrant" posters on the London Underground during the 2015 General Election (run by The Joint Council for the Welfare of Immigrants) are immensely powerful and encouraging. This entirely publicly funded publicity campaign was seen by millions upon millions of commuters in the run up the election and is part of a wider project aimed at increasing the pace of a social movement for change toward a more accepting and inclusive society.

Speakers



Jon Featonby

Former Parliamentary aide and author of the Detention Inquiry Report

"The Inquiry into Immigration Detention"

- Jon worked as Sarah Teather's Parliamentary aide, with the two conceiving the idea for a Parliamentary Inquiry into Detention.
- The inquiry panel included a wide range of cross party MP's and received an overwhelming response in terms of evidence from those who had experienced immigration detention as well as from NGO's. The investigation was unique in that it was the only Inquiry to date which heard evidence via telephone from detention. Sarah also visited Yarl's Wood to see the conditions women who are detained there face.
- The panel looked into alternatives to detention and its findings were much more far reaching than had been anticipated given the cross party nature of the panel.
- Immigration detention was found to be expensive and damaging. Therefore it was recommended that a 28 day time limit be imposed. Since the General Election many of the MP's from the Inquiry panel have been returned to parliament and Jon continues to meet with them to check on the progress of the inquiry's recommendations. It is widely apparent that no one wishes to see the inquiry's efforts fade away into nothingness and therefore Jon continues to champion for the recommendations to be put in place in his new role as Refugee Council Parliamentary Manager.



Maurice Wren

Chief Executive of the Refugee Council

"The Sanctuary Summit and Birmingham Declaration"

- Maurice spoke about the Sanctuary Summit a-first-of-its-kind event held in Birmingham this year.
- The event connected lots of different organisations who hold differing points of view and aimed to forge a commitment to working together to use their combined strength to influence the way that refugees, asylum seekers and migrants are treated in the UK.
- A key part of the movement is its inclusivity, playing to everyone's individual strengths and building a movement that is a real force for change. Whilst Samphire and the Refugee Council have different focuses they ultimately have the same aim – treating people better!
- This is an exciting and positive time that requires we continue to work in unison to achieve the treatment of all people with basic human decency.



Francesca Valerio

Mentoring and Volunteering coordinator at Migrant and Refugee Communities Forum

“The Value of Volunteering”

- Francesca spoke about how the project at MRCF facilitates people to volunteer, in particular people who use the project who are or have been affected by the immigration process.

- She introduced a few of the volunteers who had benefited from involvement. We referred one of our clients, Bamidele, to MRCF. He talked about how he now teaches poetry classes to other migrants at MRCF and how much he is enjoying it, as well as the benefits to his students who are learning the ability to express themselves through another form.

- Another contributor to the presentation talked about her experience of being mentored by a volunteer at MRCF and what a difference it had made to her life having someone to help her integrate into her community. She is now herself volunteering as a mentor herself having recognised how beneficial it is.



Hamid

Ex-Detainee

“The benefits of volunteering and engaging in community projects”

- Hamid has been an active member of CARAG- Coventry Asylum and Refugee Action Group, who meet weekly to share experiences, support others in the same situation and to try to make positive changes for refused asylum seekers.

- He spoke about the isolation and lack of inclusion he felt before joining the group and how he feels differently now, knowing there are others there for him and that he too can help people in similar situations.

- He felt it was important to encourage other ex-detainees to volunteer and to integrate into their communities to improve their lives as well as others.

James

And not forgetting Soundmix. James who volunteers on the project spoke about giving young people seeking international protection the opportunity to make music...



Workshops



Andrew Littlejohn

Media Professional

“Working with the media: How to get your message across”

- **Society is impatient** so keep your statements concise and to the point, use a clear identifiable structure to make it easy-to-follow and if possible try to suggest something original.

- **How to structure your argument:** Big clear title -> back up your claim with evidence -> build in a strong example -> appeal to them by personalising it -> and finally bring it to a close with a compelling conclusion.

- For example; **Detention is like a Prison** -> we are only allowed out for an hour each day and guards constantly patrol the grounds -> When I told the guards I could not eat pork they responded by telling me I would have to starve -> I am not a criminal, nobody deserves to be treated like this -> I fled persecution and now I am imprisoned as if I have done something wrong which I deserve to be punished for.



Sonya Chee

Doctors Of The World

“Accessing healthcare”

- **DOTW** help vulnerable people excluded from health care including undocumented migrants, people working in exploitative conditions, refused asylum seekers, people who have been trafficked and sex workers.

- **Aiding vulnerable migrants with health issues:** Mental Health support, negating the higher risks of communicable diseases, screening for infectious diseases, diagnosing or aiding exacerbated chronic diseases, dealing with dental problems rehabilitating physical or psychological injuries from torture or abuse and counselling those who are survivors of sexual abuse.

- **Living below the poverty line:** Destitution worsens people’s health outcomes so people should be referred to the Red Cross Refugee Service as well as food banks and soup kitchens.

- **Accessing Healthcare:** Immigration status is irrelevant when registering with a GP precisely because no legislation or statutory guidance suggesting people must be a resident for a minimum length of time or have a visa, exists. However due to a lack of knowledge of how the health system works exacerbated by the language barrier in conjunction with a fear of being reported, the reality of accessing primary healthcare is not simple. This leads to sick people not seeking care because they are afraid, pregnant women not accessing ante-natal care until late in the term and people with terminal diseases being sent home to die without treatment or care.

- **London centres - Bethnal Green Clinic, Drop in clinic open 1-5pm Mondays, Wednesdays and Fridays, Special Family Clinic first Saturday of each month between 10am and 1pm for pregnant women and between 2pm and 5pm for families and children Hackney Clinic Drop in clinic open 10am-4pm Mondays. Clinic advice line: 02075157534 Open between 10am – 12pm Monday – Friday otherwise email: clinic@doctorsoftheworld.org.uk**



Taimour Lay

Barrister specialising in Immigration and Human Rights at Garden Court Chambers

“Making a fresh claim or an Article 8 Human Rights claim for asylum – Evidencing your case and practical guidance”

- **How to regularise your status:** A “fresh claim” for asylum is where a previous claim has been rejected and/or an appeal has been dismissed. An Article 8 claim concerns the right to private and family life.

- **The Challenge of Legal Aid:** People can find themselves “merits tested” and their case not being taken on by solicitors. No legal aid available for Article 8 Human Rights Claims.

Evidence for a fresh claim: It is important to note that applications must be accompanied by clear arguments to show how relevant tests and thresholds are met. Moreover, the adverse findings of a previous appeal will have to be displaced before a new case can succeed. In terms of international protection a decision maker can only safely discard evidence if they have “no real doubt” that it did not in fact occur and when refusing a claim or dismissing an appeal, a Tribunal can decide that “there is no real risk that the claimant is or will be in the danger [they] claim.” However, thresholds are on average better applied by tribunals and will often not be applied at all by the Home Office in the first instance. Ultimately the aim is to persuade the Home Office to grant leave to remain, but it is important to ensure that if refused, this leads to the right of appeal at an immigration tribunal where new evidence is likely to be properly considered and accepted. Otherwise without the right to appeal the only option is a judicial review.

- **Applying Immigration Rule 353:** New submissions must be significantly different from any material that has previously been considered, and when taken into account alongside the previously considered materials create a realistic prospect of success. If a claim is refused because the individual has not fulfilled the criteria for refugee or humanitarian protection status, critically so long as the fresh claim “threshold” has been passed the refusal of the substantive claim will generate an in country right of appeal because otherwise there is no right of appeal. Clearly there are a variety of scenarios which all require the initial decision maker to be sufficiently persuaded by the new evidence and ultimately if a claim is refused this will normally lead to it being decided by a tribunal judge.

- **Human Rights Claim – Article 8:** Application on the basis of private and/ or family life developed in the UK.

There is a practical obstacle to this application. A fee of £601, plus the additional fees and new NHS surcharge for each and every family member unless you can provide evidence that you are destitute. This application needs to be evidenced, marriage or birth certificates, proof of children’s nationality, evidence of cohabitation and/or proof of residence over relevant periods of time. The Home Office will require evidence that someone, has been continuously living in the UK for the last 20 years which can be difficult if they have no record of when that person entered and they have been living here illegally (therefore evidence from GP’s and schools is worth considering) and has genuine on-going parental or partner relationships. In such a situation leave granted under family or private life will be for 30 months renewable on a ten year settlement route without recourse to public funds-unless you convince the Home Office why that should not be so.

- **Get practical advice early on.** It is easier and cheaper to put in a decent fresh claim first time around than put in a weak one, subsequently be refused and possibly go for a judicial review. Good advice will provide a realistic assessment of whether a fresh claim is likely to succeed or whether time and energy is better geared toward an Article 8 claim. There is work and evidence which individuals can do themselves – with the assistance of advice groups, pro bono clinics and communities. If such evidence is gathered, it can even become possible to persuade a legal aid solicitor to take the case on. On Article 8, it is unfortunately the case that the most significant practical step people can take is either to raise the money for the applications themselves and/or properly apply for a fee waiver.

2015 What action have we taken this past year?

The Detention Inquiry Report: Samphire and a group of ex-detainees submitted evidence to the Inquiry. The recommendations included introducing a maximum limit of 28 days detention. We heard from Jon Featonby author of the report about this pledge to end indefinite detention.

The Birmingham Declaration: This year we took part in the first Sanctuary Summit and endorsed the subsequent declaration. This aims to create a more welcoming experience for asylum seekers and migrants in the UK. We heard more from Maurice Wren on this subject at the conference.

Events for ex-detainees: Last year we said that we wanted to start an outreach project to visit some of our clients and see how our project could benefit them further. We organised our first pilot outreach project this year in Uxbridge. We learnt about what ex-detainees would like to get out of the 2015 conference and how they would like to see the ex-detainee project evolve in the future. This was extremely successful with our survey after the conference showing us an overwhelming majority of you thought that it addressed the major issues ex-detainees faced and in turn provided strategies to overcome problems and highlight opportunities.

Telephone support: We continue to provide advice and practical support via our freephone helpline. Just as important is emotional support; providing an understanding listener to those just needing a chat and advice. Our volunteers continue to do a fantastic job making our rolling contact project a success!

2016 Issues demanding action this year

Raising public awareness: This is a long-term goal. Samphire recognises that as an organisation it has to work with the existing system in place but that it always must strive to challenge injustice wherever it is found rather than becoming part of the problem in accepting that this is how it must remain. In tandem with other related organisations and projects, Samphire aims to not let the issue of immigration nor the many injustices migrants in the UK face slide outside of the public consciousness. This includes working to improve things for those with no recourse to public funds and who are stuck on Asylum Support. The chance offered by the recent shift in public opinion in favour of migrants and refugees is immensely valuable to our work and we want to make sure our ex-detainees voices are heard. Furthermore, we aim through our policy work to put pressure on government to keep the Human Rights Act, to accept more Syrian refugees and to help tackle the problems facing people fleeing across the Mediterranean to avoid unrest in their home countries.

Help ex-detainees be less isolated: As part of our on-going work – we continue to strive for better community assimilation for our ex-detainees. We would like to see ex-detainees integrating more deeply into their communities and playing a more active part. We believe that helping ex-detainees access education and volunteering opportunities is a crucial part of this, as it is both extremely beneficial for their wellbeing and allows them to play constructive roles within the community all of which is essential to changing opinion towards immigration at the local level.

This report has been written and created by James Hawgood, a Samphire volunteer.
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