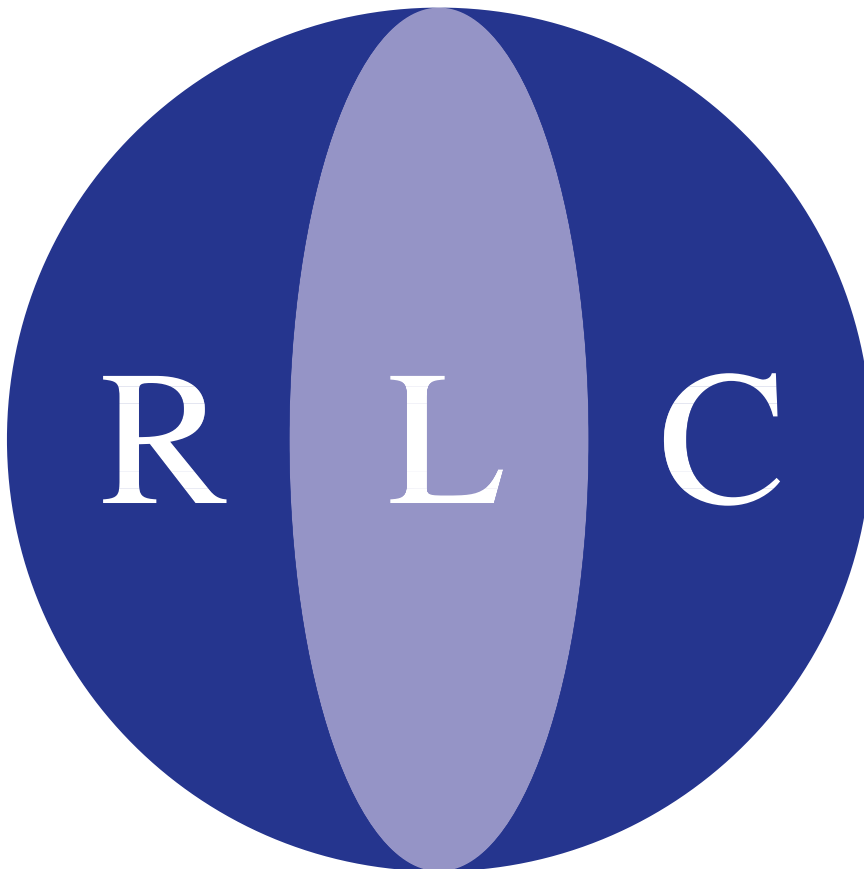
Refugee Legal Centre

Annual Review 2001-2002



10th Anniversary Issue

10 years of service providing legal advice and representation to those seeking protection

WHO WE ARE

The Refugee Legal Centre (RLC) is an independent not-for-profit organisation, which is a registered charity and a company limited by guarantee. The organisation is publicly funded through the Legal Services Commission and the Home Office.

The RLC is directed by an independent Board of Trustees who have overall responsibility to ensure, with the assistance of the Director and staff, the delivery of quality legal services to those seeking human rights protection.

Our services are provided free of charge to those who do not have the means to pay for legal representation.

MISSION STATEMENT

- Providing legal advice and representation for those seeking protection under international and national Human Rights and Asylum law.
- Delivering training and other support to those giving advice and representation in such cases.
- Seeking to promote the interests of our clients individually and collectively through law and public policy.

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Chair's Report

Philip Rudge

The 10th anniversary of the establishment of the RLC is a good time to reflect on the importance of its essential work: to apply legal and counselling skill to an intensely human and moral purpose – the protection of asylum seekers and refugees. Ten years ago optimism was high that the "peace dividend" following the Cold War would usher in a period where fewer people might need protection. We hoped for a lessening of tensions and conflicts and a greater commitment to human rights, pluralism, democracy and sustainable development around the world. Yet, each of those 10 years has seen new refugee crises with demands on the generosity and solidarity of receiving states.

Ten years on, 2002 brings with it the "war on terrorism", a response to the psychological and political trauma of the September 11 attack which could have serious consequences for international law and, not least, the rights of asylum seekers. The new alliances thrown up by that war are contributing to a political climate that once again resembles the atmosphere of the Cold War. Now a further shadow has been cast over the protection of the institution of asylum in Europe with the extraordinary advance in 1992 of anti-foreigner parties of the extreme right in the Netherlands and Denmark, two states which most European advocates for generous asylum policies hitherto regarded as dependable partners. Clearly nothing can be taken for granted and work to safeguard civil rights for vulnerable people must be ongoing. The political leadership in the UK faces an immense challenge to devise strategies against these xenophobic and racist developments and to reassure public opinion that UK asylum policy is working and that it is legally correct, morally consistent and in conformity with the UK's international obligations.
The RLC has its part to play in promoting the highest standards for the treatment of asylum seekers and refugees in the UK. The special contribution that the RLC makes derives from the fact that we are in direct touch with the individuals who may need protection and that our work is based upon the corpus of agreed international treaties and conventions signed by our government on behalf of all the people of the United Kingdom. In the ongoing debate between the refugee support sector and the UK government, it is important to emphasise the democratic legitimacy of what we do, because it gives us our authority and our obligation to sometimes question, criticise, and disagree with official policies. Whenever we criticise we suggest alternatives, as we are part of the process to uphold legal standards, to maintain the right of asylum as a generous human rights obligation and to prevent the erosion of solidarity.

What of the next 10 years? The Prime Minister has said that the values of the 1951 Geneva Convention are "timeless". The RLC will continue to argue as follows: the Convention remains a powerful instrument for protecting refugees; to re-write it risks ending up with something inferior; it is reinforced by other human rights law; the problem is not the Convention itself, but rather the interpretation of its core definition and its rightful beneficiaries. We are on strong ground as the 1951 Geneva Convention has probably saved more lives than any other single human rights convention.

But what of the institution of asylum within the wider picture of refugees in the world? The UN High Commissioner for Refugees said recently about Europe:

"Many prosperous countries with strong economies complain about the large numbers of asylum seekers, but offer too little to prevent refugee crises, like investing in conflict prevention, return, reintegration... It is a real problem that European states try to lessen obligations to

refugees; in any case no wall will be high enough to prevent people from coming".

Until greater progress is made on that wider agenda, the option of asylum will be needed to save lives and protect fundamental freedoms. The next 10 years may well see the fragmentation of more states that face conflicts over resources and identity. These conflicts will be driven by ethnic supremacists and those who advance nationalistic and fundamentalist ideologies. The inevitable result of this will be more refugee movements, greater internal displacement, forced expulsions and ethnic cleansing. We will need to ensure that the voice of those who need protection and asylum is not drowned out by the security measures that states take to combat people trafficking. The issue of the growing millions of internally displaced persons around the world will assume greater importance and its relation with refugee movements must be better understood. For the international community that will mean far greater focus on protection for populations displaced inside their own countries, keeping open asylum possibilities where necessary, and going very carefully into returns programmes while circumstances remain gravely disturbed inside the countries of origin.

The RLC will need to keep abreast of European Union harmonisation initiatives whether they relate to the very refugee definition itself and the concept of persecution, or to efforts to approximate minimum standards for procedures for granting and withdrawing refugee status. As Brussels plays a larger role in asylum policy there will be a host of policy issues relating to the criteria for determining a safe third country, the notion of safe country of origin, manifestly unfounded applications, and accelerated procedures for handling asylum claims.

Pressures on return to areas of continuing conflict and tension will probably grow. So UK returns policies will require not just the stroke of the pen after a negative legal outcome but sensitivity to the need for returns to be based on principles of safety, dignity and the means to live. Furthermore, returning refugees can play an important part in post-conflict reconstruction of war-torn countries. The Home Office, Foreign Office, and Department for International Development all have a role to develop comprehensive and integrated approaches to the complex issue of returns.

The next 10 years may well see positive progress in the international scene. Globalisation could mean growing prosperity and the strengthening of democratic institutions even if at present we are preoccupied with how it is leading to disempowerment, alienation and remoteness from decision-making for many who live in areas of tension and conflict and poverty. A number of civil war conflicts have reduced in intensity and there are better prospects for the resolution of others. There are pressures to reduce the arms trade, and to improve corporate social responsibility in areas of tension and conflict. There is growing prosperity, at least in many Asian and Latin American states if not in Africa. Many refugees have been able to return home and will continue to do so.

The root causes of refugee movements, the treatment of refugees in exile and the eventual return home of refugees are all essentially human rights issues. Too often in the past the treatment of refugees has been highly politicised and driven by ideological motives. There will be more setbacks, but the thrust of human rights law and thinking is towards a more inclusive notion of humanity where discrimination and intolerance are unacceptable. The next 10 years could see a continuing expansion of what is sometimes called the "moral imagination" in which the protection of refugees is an important element. The greatest challenge in the light of the war on terrorism will be to win the argument that respect for human rights at home and abroad is the main guarantor of national security.

However the future turns out, asylum will likely remain a key refugee “solution”. Over these first 10 years, the RLC staff have been committed to the quality of the service they provide. The RLC does the job asked of it by government and other stakeholders with humanity and competence. The conviction of the trustees and staff is that asylum seekers and refugees matter because they are human beings with a non-negotiable right to human dignity, because their fates are bound up with our fates, and because they highlight the grave weaknesses in international development and respect for human rights around the world.

The Board of Trustees

President of the RLC:
Professor Guy S Goodwin-Gill, Fellow of All Souls College, Oxford, lately Professor of International Refugee Law, University of Oxford; Professor of Asylum Law, University of Amsterdam

Board Members as at 31 March 2002
Chair: Philip Rudge
Vice-Chair: Jan Shaw
Honorary Treasurer and Chair of the Finance Sub-Committee: Anthony Neuberger

Trustees appointed by the Board:
Richard Black, Richard Dunstan, John Meadway, Gülay Mehmet, Anthony Neuberger, Philip Rudge, Christine Swabey

Trustees elected by the Consultative Forum:
Warren Adams (North of England Refugee Service), Jan Shaw (Amnesty International), Carlos Silva (Angolan Community in London), Ephrem Woube (Ethiopian Community in Britain)
Secretary to the Board: Barry Stoyle, Chief Executive of RLC

During the course of the year Richard Gray, Carol Hughes and Frances Smith retired, and Christine Swabey joined the Board.

Chief Executive's Review of the Year

Barry Stoyle

This year saw the 10th anniversary of the decision to establish the Refugee Legal Centre. The Refugee Unit of the United Kingdom Immigrants Advisory Service (UKIAS) had been established in 1976. The Government and the UNHCR, its joint funders, decided that it should become an independent organisation as they could not be satisfied that an adequate management structure was in place within UKIAS to oversee the proposed expansion of the Refugee Unit to meet the anticipated demand for representation. The Government had announced that it intended to introduce legislation in which all asylum seekers would have a right of appeal if their application for asylum was refused. That right was subsequently enshrined in the Asylum and Immigration Appeals Act 1993 and is now to be curtailed by the provisions of the present Government's Nationality, Immigration and Asylum Bill.

A planning group was established, chaired by Usha Prasher, with Geoffrey Bindman and Janet Lewis-Jones, to consider the constitution of the proposed new organisation and how it should deliver 'legal counselling and representation in appeals' for asylum seekers. In October 1992 it published its report and the Refugee Legal Centre opened formally at its Sussex House office in Bermondsey Street, London SE1 with 103 full-time employees.

Much has changed in the 10 years of our existence and the anniversary is perhaps a good opportunity to review the vision and values that have informed our work. Those of us who worked in the Refugee Unit of UKIAS had a clear concept of the sort of organisation we wished to establish to provide legal representation for asylum seekers and refugees. That vision has remained with us and continues to underpin the work of the organisation, albeit in a changed operational environment. We were clear that legal services for asylum seekers should be independent, comprehensive and resourced to an appropriate quality so that justice can be delivered to those in need of international protection. We were supported in that aim by the planning group and the many refugee community organisations that we consulted. The prevailing view was that legal representation for asylum seekers, if it was needed at all, could be provided on the cheap.

Now is a good time to recall the words of the planning group. The Government is seeking to limit access to appeals. There is still a shortage of competent legal representation available to asylum seekers and legal representation at the early stages of any application is seen as an optional extra rather than a prerequisite to a fair and just determination of an asylum claim. Section 6.2 of the planning group's report states:

"In the light of our discussions with refugee organisations and the casework experience of the Centre, we believe that legal representation at an early stage is not only right in principle, but the most effective use of resources. A well presented application made by an experienced practitioner is likely to produce solid first instance decisions and avoid time and expense involved in unnecessary appeals,"

It is disturbing that after 10 years this proposition is not yet taken as self-evident by all those responsible for developing and improving the asylum system. Unless the initial decision-making is of a high standard and a legal representative puts the case of the applicant in a competent and comprehensive way, no asylum determination system can

deliver fairness, speed and efficiency. The failure of 10 years of legislation premised on deterrent, limiting access to a full appeal hearing, and the complete removal of legal access to asylum in the United Kingdom has not produced what the Government claims it wants. In large part we share the Government's desire for a fair determination system that makes fair decisions within a reasonable time frame, that enables those in need of protection to find security and start rebuilding their lives and allows those found not to have a basis of stay to depart in dignity and respect.

Despite our fundamental problems with the asylum procedures there is much to celebrate from the 10 years of the RLC's existence. As a result of our efforts thousands of asylum seekers and refugees have been given protection here or allowed to stay on the basis of strong humanitarian grounds. The RLC has built a reputation for the quality of its work. It has built up a unique documentation collection in both legal commentary and country of origin information, and has contributed through external training to developing standards in the legal representation of those in need of protection.

In the field of legal developments, and documentation, the RLC has an impressive track record as can be seen from the report later in this review.

When we opened our doors as the RLC in 1992 we had 103 employees and we operated from one office, providing services mainly in London and the south-east. Now we have offices in Oakington, Leeds and Dover, as well as London with 277 employees. We have survived both the withdrawal of funding by the Home Office for initial advice and representation by developing a legal aid practice and the subsequent introduction of franchise contracts with the Legal Services Commission to cover the vital work at the initial stages of an asylum claim. We have had to reorganise around the procedure and around the changes in asylum and immigration law every three years. We have also managed to survive 10 years of uncertainty about our funding, often managing for months on end without a budget and then faced the news of a funding cut in cash terms. We have maintained the vision and commitment to a quality and comprehensive service.

In what follows there are reports on the work of the organisation for the financial year 2001/2002. We have been largely concerned with consolidation after opening our office at Oakington and the subsequent rapid expansion in Leeds and Dover. The rapid growth has put a strain on the organisation and we are aware that there are issues, particularly relating to communication, that need attention. We are also undertaking a formal review of the organisation's fundamental values and culture to provide us with strong foundations for the next 10 years.

As always, I am grateful to the management and staff for their continued commitment to the organisation and its clients and to our Chair, Philip Rudge, and the other Trustees for their commitment and time, freely given, in guiding the organisation through another demanding year.

Casework Overview

Chris Daly, Head of Casework

I had hoped that my departing report would be brimming with optimism for the future proper representation of asylum seekers, but this year has been like previous years, with its mixture of excitement and uncertainty. Last year casework activity focused on expansion and this year we have been consolidating and ensuring the quality of our services. We have recruited people with no previous experience of providing legal advice and representation, yet through our extensive training programme we have provided them with the skills and knowledge to give confidence to our client base. With the Government considering different types of accommodation centres for the detention of asylum seekers, we expect the further expansion of our services. It is hoped that our track record in establishing new offices and attracting new people to this area of work will be reflected not only in the success of the expansion, but in the level of funding provided.

Successful franchise applications for our LSC-funded offices in Leeds, Dover and London reflect the speed at which offices can be developed to the appropriate standard, but do not reflect the fragility of the offices to environmental factors. A typical example can be found in the precarious nature of the provision of services at the Oakington Reception Centre, following the initiation of judicial review proceedings regarding the process of detention. Contrary to views expressed at the Home Office, our position on the judicial review proceedings is not to encourage the closure of Oakington. It has always been our view that Oakington can be run as a true reception centre, where people can be treated with dignity and respect while their asylum applications are being considered, rather than being locked behind the perimeter fence at all times. The threat of closure has meant that we have had to produce contingency plans for the redeployment of staff and to keep positions vacant. We will take some time to recover from the effect that has had on the structure of the London office and the threat imposed to the contracts for Leeds and Dover.

The signs are that the Home Office will continue to pursue a course of rapid handling of the claims of asylum seekers. We will continue to produce evidence that such an intention would be unjust if, due to the process, access to competent legal representation is denied. The success rate at appeal on primarily ex-Oakington cases by the Leeds office is around 49% for the year. These are cases that the Home Office considers appropriate for a fast-track procedure. This illustrates two things. First, the Home Office is not particularly adept at spotting cases on which positive decisions will be made. Secondly, the fact that the Home Office has identified a case as suitable for a fast track suggests that early access to legal representation is crucial to establishing the value of an individual’s case. The cycle of promising expansion funding tomorrow while imposing funding restrictions today does not provide the climate in which an organisation can effectively deliver casework services or prepare itself for expansion. The major cause for optimism, however, lies in the absolute dedication of all staff employed at the RLC.

LONDON

Advice & Representations

Lalit Joshi, Casework Manager

This year our efforts have been concentrated on developing a fully comprehensive legal advice service. The post of Judicial Review Solicitor has been re-established. We also advise and assist our clients with applications for British Citizenship.

The void left by the withdrawal of 'Judicial Review Solicitor' post was filled in March 2002. The reinstatement of this post has enabled the RLC to undertake litigation at the High Court and the Court of Appeal. The Solicitor has worked with RLC staff to develop litigation strategies that aim to serve clients by challenging the inefficiencies within the asylum system.

Aspects of the asylum system continue to create uncertainty for clients, and an uncertain environment in which to advise clients. We find that changes in asylum policy and practice are being introduced without forewarning or with short notice. There is an inconsistent approach to the issuing of 'Statement of Evidence Forms' (SEFs), some clients continue to be issued SEFs whilst others are invited for interview. In recent months we have also noticed a downturn in the number of asylum interviews for our clients. At some ports clients are still facing major delays in receiving their documentation. It is difficult for us to resolve many of these matters expeditiously due to the lack of direct contact, in particular telephone contact, with Home Office caseworkers.

Dealing with these challenges within the franchise requirements of the Legal Services Commission has been a challenge in itself. The team vested considerable effort into reviewing several hundred files where the RLC was instructed prior to the introduction of LSC Contract and ensuring that files were fully compliant with franchise quality standards. The results of these efforts spoke for themselves in May 2002 when we were audited against Specialist Quality Mark standards and passed the audit without any non-compliances.

Appeals

Deri Hughes-Roberts, Regional Manager

For significant parts of the year recruitment to appeals work has been frozen to protect staff at Oakington awaiting the outcome of the judicial review. This has placed a considerable strain on staff and on appellants for whom we have insufficient resources to provide representation. Nevertheless we have maintained high standards of work and our success rate remains high for which all casework staff are to be commended.

We have continued to press the case for clients who experience long delays in the issuing of status papers to appellants who have successfully appealed against refusal of asylum. This is a matter that we have taken up in the High Court on a number of occasions and which, at the time of writing, has yet to be satisfactorily resolved.

A new feature of our work has involved the presentation of appeals for large numbers of clients who are not removable. In particular this has involved clients from Zimbabwe and Northern Iraq. Although we have maintained a high rate of success in these cases, many of those clients whose appeals are unsuccessful are left in a limbo in which they are given little or inadequate support. We have been calling for these clients to be granted exceptional leave to remain and the matter is being litigated in the High Court.

The end of the year saw the publication of a Bill proposing yet another raft of legislation. The Bill may have a very significant impact

on the way appeals casework is delivered. For example, one of the more disturbing aspects is a proposal to certify cases as "clearly unfounded". Individuals are to be summarily removed to pursue their appeals from the countries they have fled. The details of the proposals are dealt with elsewhere in this report. London's success rate at appeals before the adjudicator for the 2001/2002 was 34%. In the same period the Tribunal team were granted leave to appeal in 47% of applications. Of the cases that went to the Tribunal for hearing, 68% were allowed.

Tribunal

Emma Saunders, Team Leader

The end of 2001 heralded the long-overdue recruitment of Legal Officers into the Tribunal Teams, this having been delayed pending finalisation of funding levels. By Spring 2002, the teams were operating at full capacity and able to look beyond immediate casework and induction training commitments to greater creative involvement in ongoing training and legal strategy. Together with the Training Officer, a comprehensive review of existing training programmes was undertaken, resulting in the creation of a new database and dossier of training materials. The continued expansion of the RLC has also challenged Tribunal's traditional role of providing on-demand advice to caseworkers: the recent introduction of a London-based daily Advice Rota, available to caseworkers across the organisation, aims to address this.

The Tribunal Teams have also been involved in a number of notable decisions including Zenovics (leading to a change in the Secretary of State's policy of certifying one part of an appeal and thereby blocking appeal rights attaching to other, unrelated grounds); Z (the Court of Appeal emphasising the need for individualised scrutiny of cases raising questions of prosecution under Zimbabwe's anti-homosexuality laws); and Dirisu (the High Court reminding Adjudicators of the importance of proper legal representation for appellants and the need to exercise powers of adjournment accordingly).

The Nationality, Immigration and Asylum Bill has, predictably, kept us busy lobbying and advising peers and MPs on key appeals provisions, in particular proposals that "clearly unfounded" asylum appeals be conducted out of country and the proposed curtailment of judicial review of Tribunal refusals of leave to appeal. RLC casework experience and statistical data proved invaluable and have been cited by Peers in key debates in the Lords. We await the outcome of our work: key clauses will be voted on at Report stage in the Lords this October and royal assent is expected in November.

Research & Information/External Information Service

Tony Fletcher, Research & Information Officer

Over the year R & I continued to develop the RLC Intranet, the country of origin and legal information database serving Nelson House, Leeds, Dover and Oakington. The Intranet now comprises some 800 megabytes of information: 8,562 files stored in 533 folders. Country of origin information, including human rights and press reports, tribunal, higher court and adjudicator decisions, is now available for 83 countries. From a link in the Intranet, RLC caseworkers also have access to the four CD UNHCR Refworld database. The upgrading of printing facilities in Nelson House has facilitated more extensive use of the Intranet there and visits to the hard copy Library are now very few. Currently, offices outside London have their Intranet databases updated overnight but plans are in hand to have them access the server directly at Nelson House. There are also plans to 'fine tune' the information available on the Intranet and to this end a user survey has been undertaken. Another development is the plan to provide

for remote access to the Intranet so that caseworkers can access RLC information via the Internet, from their homes or elsewhere.

The External Information Service (EIS) continues to attract more subscribers, many of them introduced to the service by the recommendation of existing subscribers. The EIS provides CDs containing the bulk of the information available on the Intranet and new CDs are distributed when a new RLC Legal Bulletin is published. The EIS throughout the year has provided friendly encouragement for the Legal Officers, busy as they are, to produce Bulletins on schedule so that external subscribers and RLC staff are kept fully informed of new asylum case law. This year the EIS has also handled sales of Tribunal Team Leader Mark Symes' *Caselaw on the Refugee Convention* – around 600 copies have already been sold externally (in the UK and abroad) with orders continuing to come in.

OAKINGTON

Adrian Matthews, Regional Manager

The Oakington 'country list' was extended again in mid March 2001 to accommodate nationals from counties including Cameroon and Kenya. The human rights records of these countries militated against applicants having 'straightforward' cases suitable for fast tracking.

The launch of the Judicial Review struck at the very heart of the issue of the legality of detaining asylum seekers for administrative convenience. This was reflected in strained relations on the ground. At a meeting between RLC and IND in April it was agreed by all parties that a 'protocol' for the conduct of the SEF interviews would be established and that IND would also provide us with a 'Service Level Agreement'. To date, no such agreement has been forthcoming. A national protocol for the conduct of SEFs has been agreed by the Asylum Process Stakeholders Group – with considerable input from Oakington RLC.

In June, the High Court heard the Judicial Review application. Locally, meetings were held to consider contingency plans in the event of an adverse decision against the Home Office. Attrition of staff to other RLC offices during the summer meant that Oakington was working well below complement. One cause of such loss has been addressed by the negotiated introduction of a new rota system giving staff greater access to real weekends. The High Court delivered its judgment in September and despite finding in favour of the applicants agreed to a 'stay' until the Court of Appeal could consider the matter. Contingency plans for Oakington were put 'on hold'. The case reached the Appeal Court in October and the judgment of the High Court was overturned.

In December further additions were made to the Oakington 'country list' with, amongst others, Turkey and Congo Brazzaville being added. Other changes enabled IND to begin to approach its target figures. Cases from countries introduced over the year are not 'straightforward' and are unsuitable for fast tracking. Appeal successes from Oakington cases that go on to be represented by other RLC offices bear out that analysis. Of 501 cases determined at appeal by the beginning of June 2002 there were 221 non-certified appeals against 280 certified appeals. Of the non-certified appeals, 42.53% were allowed while 20.71% of certified appeals were allowed – an overall figure of well over 30%. Appeal success rates show that initial decision-making in Oakington cases is of poor quality.

The Judicial Review reached the House of Lords in early May and its outcome is awaited.

LEEDS

Alex Warren, Regional Manager

The Leeds office has achieved a tremendous amount in the last year. We now have a staff of 27 and offer a service to clients ranging from initial asylum applications through to

representation before the Special Adjudicator at the IAA.

In January 2002 we established an Advice and Representation team. We have five caseworkers who represent our clients in their pre-decision and post appeal work. We also provide an advice service four days a week to local asylum seekers and refugees. Our advice clients are a mixture of those who are referred from other agencies and those who hear of us through word of mouth and drop in to the office to see an advisor.

We currently have two teams of five appeals caseworkers, covering the Leeds and Manchester courts. We handle appeals from our own A&R team and most of the rest of our appeals clients have been dispersed to the North of England after having been represented by the RLC at Oakington, Dover and London. As such we are able to provide continuity of representation. If we have any spare capacity we will take on referrals from local providers. Our appeals caseworkers have a tremendous success rate at appeal, with 50.25% cases allowed by the Special Adjudicator. Appeals to the IAT are handled by the Legal Officers in London.

Thanks to the hard work of all in the Leeds office, we were delighted to have been granted a Specialist Quality Mark by the Legal Services Commission in August 2002.

We are developing external links with other agencies and service providers in the local area and, as the Leeds office goes from strength to strength, we are becoming a force to be reckoned with in the region.

DOVER

Ewa Turlo, Regional Manager

The Dover office began operating from temporary premises on 2 April 2001 with a Project Manager and two Casework Supervisors. Five new caseworkers joined on 9 April with five more joining on 18 June. The office moved to permanent premises in mid-June.

The Dover office is funded through a contract with the Legal Services Commission. Although the LSC had agreed, in principle, to fund a total of 25 caseworkers, initial funding was for only 10 caseworkers. Further funding was released for ports/detention work resulting in six more caseworkers joining in January 2002.

The office successfully passed its LSC Specialist Quality Mark audit in November 2001.

The Home Office funded set-up costs on the basis that the work of the office would be evaluated as part of research into the effectiveness of early access to legal representation. The research involves tracking 300 cases dealt with by the Dover office. At the end of March 2002 this research was still ongoing.

The Dover office works closely with Migrant Helpline, which refers a large proportion of clients. The office also deals with unaccompanied minors, referred by Social Services, and undertakes a limited amount of appeals work.

Since February 2002, accommodation centres run by Migrant Helpline have been turned into induction centres where asylum seekers are required to attend a series of briefings regarding their stay in the UK and the asylum process. The Government would not allow the briefing timetable to include adequate time to access legal representation locally. However, this has not interfered with our ability to provide representation to asylum seekers prior to their dispersal.

By the end of March 2002 the Dover office had represented 714 clients. Of 280 decisions received by then, 131 were granted exceptional leave to remain, 36 were given refugee status and 113 were refused, a success rate of almost 60%.

Refugees, Asylum, and Claims for Protection in the United Kingdom

The Case for an Independent Refugee Board

Guy S Goodwin-Gill

Fellow of All Souls College, University of Oxford
President, Refugee Legal Centre

1. An Independent Refugee Board for the United Kingdom

The procedure for determining claims to refugee status in the United Kingdom has remained essentially unchanged over the last thirty years or more. During that time, it has proven to be systemically inefficient, generally incapable of producing good decisions at first instance, and prone to delay and the creation of backlogs. The effect of these deficiencies is felt in various ways. Many decisions require correction through appeal and review, thus adding to the costs and removing the process still further from the policy goals of fairness, promptness, and efficiency. The regular occurrence of backlogs tends to undermine the credibility of the system as a whole, and to contribute to xenophobic and racist attitudes within certain media and interest groups anxious to exploit the apparent weakness and failure of government. A number of fundamental weaknesses in the present process must be addressed in any new arrangement. Experience suggests that separation of the claimant from the decision-maker leads to significant consequential costs, delays, and inconvenience; these include lengthy interview transcriptions; the inability of decision-makers to check actual or perceived inconsistencies; disjunctures in the information available to claimant and decision-maker; and lack of opportunity to assess credibility objectively. In addition, the determination system overall does not have the benefit of a common, authoritative, public domain information base and adequate investigatory support. There is apparently no effective mechanism to ensure or to promote consistency of decision-making in similar fact situations, while 'policy' considerations are often said to distort what should be an individual and impartial proceeding. The relation of initial decision-making to the appeals process also entails wasted resources through duplication at the adjudicator or appeal level, while poor decisions and administrative failings have frequently caused the United Kingdom some embarrassment before the international supervisory bodies competent to monitor performance under various treaties. Finally, existing law has not so far integrated the United Kingdom's other international obligations effectively into the decision-making process, thereby requiring corrective action at later stages. The Court of Appeal has recently recognized that refugee status has legal implications beyond the immigration context: ***Saad, Diriye and Osorio v Secretary of State for the Home Department*** [2001] ECWA Civ 2008. A decision-making process separate from the admissions and removals environment would therefore have many obvious advantages.

Objective

In view of the above, necessarily summary account, it is therefore proposed that there be established an independent Refugee Board, to be charged with administering a credible, fair and fast procedure and which will provide good, well-reasoned and timely decisions in the determination of claims to refugee status, asylum, or other protection in the United Kingdom. This proposal conforms with the

recommendation, included in the September 2000 European Commission proposal for a Council Directive on minimum standards for refugee status procedures, that the 'authority responsible for controlling the entry into the territory cannot be considered as a determining authority' for the purposes of refugee determination.[1] In other respects, this proposal goes beyond that of the European Commission (which is currently under further review by EU States Members). In particular, it is premised on the view that good decision-making requires the presence at some stage of the claimant before the person actually taking the decision.

'Good decisions'

'Good decisions' are defensible decisions. Decisions are defensible where they are (1) based on the impartial assessment of the merits of the individual claim (this does not rule out reading in groups and categories of claimants as entitled to protection where the facts so indicate); (2) based on the evidence provided by the claimant or otherwise common between the parties; (3) reached after the claimant has had a fair opportunity, with the benefit of interpretation and legal advice and assistance, to present his or her claim to the decision-maker, to comment on the information, and to respond to any questions or queries regarding the application; and (4) well-reasoned, timely and presented in writing. Good decisions are less likely to be appealed or subject to international review.

2. Outline structure of the Refugee Board

The Refugee Board should be established by statute, with the Chair appointed by the Minister, subject to normal public service recruitment procedures and guarantees. The Chair should report annually to Parliament, through the Secretary of State for the Home Department. Alternatively, given the nature and impact of the decision-making process, the Refugee Board may be situated under the authority of the Lord Chancellor's Department. This institution will provide a one-stop environment providing the necessary services for good decision-making, including: interpretation; space for the provision of legal advice and assistance (to be provided by, for example, the Immigrants Advisory Service, the Refugee Legal Centre, Joint Council for the Welfare of Immigrants, with due regard to the client-adviser relationship); specialist advice, counselling assistance (for example, by the Medical Foundation for the Victims of Torture); access to documentation and information on conditions in countries of origin and transit; research capacity on causes and flows (using 'external' sources and partners where possible and avoiding unnecessary duplication); and an internal appeal mechanism, subject to the overall supervisory jurisdiction of the courts and in an appropriate form of partnership with the Office of the United Nations High Commissioner for Refugees. The latter might take any of a number of forms, such as through the membership of the UNHCR Representative on a governing or advisory body, or more formal participation, for example, in the appeals process. The aim should be to use existing human and physical resources wherever possible and appropriate, and to integrate those resources into a single, autonomous decision-making institution.

Membership and staffing

The Refugee Board will be an autonomous administrative authority. It might be organized around four divisions, as follows: (1) Protection Determination Division; (2) Appeals Division; (3) Documentation and Research Division; and (4) Support and Services Division. The *Protection Determination Division* will be staffed by officers trained or experienced in hearings management, competent in refugee law and human rights principles, and familiar with the refugee experience. The grade of such officers should reflect the serious and demanding nature of the job.[2] Decision-makers should also enjoy appropriate job-security, and be free from 'political' direction. However, consideration

should also be given to time-limited employment in protection determination, in view of the stresses necessarily attached to the job.

The *Appeals Division* (if the principle of in-house appeal or review is accepted) will need to be managed and staffed separately from the Protection Determination Division. It should be composed of members already having experience in refugee determination or the conduct of appeals. The *Documentation and Research Division* should provide accurate, timely and up-to-date information to all parties in the decision-making process. An outline of such a service has been provided in a separate paper (see 'The Case for an Independent Documentation and Research Centre'). The *Support and Services Division* will ensure the efficient management of the caseload, appointments, report writing, provision of interpreter services, and so forth.

Location

Although a single institution is proposed, this does not imply a sole location. Instead, the Refugee Board (or at least its initial decision-making component parts) would also be 'dispersed' regionally, wherever reception centres may be established, or to areas of concentration of asylum seekers, such as ports of entry.

3. Access, decision-making, appeal and guidelines

Access

Provision must be made for those seeking asylum and protection in the United Kingdom to access the procedure; in practice, procedural devices (such as categories of inadmissible or ineligible claims) tend to achieve little but to postpone decisions and thereby generally render more difficult and more controversial. The system of refugee determination, therefore, should be based on the principle of access. Thus, all applications for refugee status or protection made on arrival in the United Kingdom will be referred to the Refugee Board, either as part of the arrangements to be made for accommodation in a reception center; or following the grant of temporary admission. Where an application is made after admission, the claimant should be referred to the office of the Refugee Board nearest to where he or she lives. Finally, where an application is made after the claimant has been detained for any reason, he or she will be informed of the procedure to be followed and be permitted to contact the nearest office of the Refugee Board. In certain cases, it may be necessary for the Board to go to where the claimant is. In view of the concern likely to be expressed regarding 'security' cases, special provision should be made *within* the Refugee Board's own procedures for speedy determination of protection claims and such other safeguards, for the individual claimant as for the public, that may be necessary (see further below).

Initial decision-making

The initial decisions on claims will be taken by a single member of the Refugee Board, after an essentially administrative or investigator 'hearing' before the claimant and his or her adviser or representative, with interpretation as required. The decision maker will determine whether the claimant is a refugee within the meaning of the 951 Convention/1967 Protocol, or has a valid claim to protection under other international instruments accepted by the United Kingdom. The initial decision-making hearing, but not the appeal or review stage, will be non-adversarial and in the nature of an inquiry.[3]

The object will be to ensure that claimants are able to put forward their cases as thoroughly and completely as possible, in an environment which is serviced by the best available information on conditions in countries of origin. The European Commission proposal is premised on the principle that 'decisions on applications for asylum [should be] taken individually, objectively and impartially'.[4] The claimant will have the right to participate fully in the

process, to be represented or assisted (not necessarily by a lawyer), and to have the services of an interpreter. The nature of the inquiry will mean that the introduction of evidence should not be restricted by the legal rules of evidence, but be driven by the aim of eliciting all relevant information. The claimant, either directly or through counsel, should have the right to know any objections to his or her claim, to respond to any questions, and to comment on any alleged inconsistencies.

Appeal or review

Every initial decision should be subject to appeal or review within the Refugee Board before panels separately constituted and administered (using existing adjudicator and Immigration Appeal Tribunal resources – see further below). The precise form of appeal may be determined in light of the relationship to be established between the Refugee Board and the Immigration Appeal Authorities.

Consideration should be given to making provision for appeal/review 'on the papers' (with an opportunity also for representations); and for appeal/review in the form of a de novo hearing (possibly of an adversarial nature). A combination of both options may be the best solution, linked by a leave requirement. The Secretary of State should have the right of appeal.

Guidelines

In order to promote consistent decision-making by Board members, the Chair or President of the Refugee Board should be authorised to issue, after appropriate consultation (including with the Office of the United Nations High Commissioner for Refugees), guidelines on, among others, the interpretation of terms, the assessment of country conditions, and the procedural handling of classes of cases, such as claims by children.

4. The Refugee Board and the Home Office

It will be the responsibility of the Refugee Board to determine that a person is in need of/entitled to protection, (1) as a refugee within the meaning of Article 1A(2) of the 1951 Convention/1967 Protocol relating to the Status of Refugees; or (2) as a person falling within the provisions of other applicable international treaties to which the United Kingdom is party, such as the European Convention on Human Rights (so-called 'supplementary protection'). It will be the responsibility of the Home Office to provide an appropriate residential status for those determined to be entitled to protection, taking account of the United Kingdom's other international obligations. The Home Office will remain responsible generally for the implementation of immigration law and policy.

5. The Refugee Board and the Immigration Appellate Authority

The existing expertise of Adjudicators and Tribunal members in refugee matters will need to be retained. The possibility of establishing a Refugee Appeals Division, competent to hear appeals from decisions of the Refugee Board, might be considered, either directly or after initial review within the Board.

6. The Refugee Board and the UNHCR

The Representative of the United Nations High Commissioner for Refugees in the United Kingdom should be involved at an appropriate level in the functioning of the Refugee Board, and should be permitted to make representations in particular cases falling within the UNHCR mandate.

7. Security

The 1951 Convention already contains provisions designed to exclude from protection those whom there are serious reasons to believe have committed war crimes, crimes against humanity, serious non-political crimes, or acts contrary to the purposes and principles of the United Nations. It also makes exceptional provision in regard to those who have committed particularly serious crimes or are a danger to the security of the community. These provisions should be incorporated into United Kingdom law, and it should be the responsibility to the Refugee Board to determine their application. Consideration should be given to putting in place appropriate procedures, including the conduct of hearings and the provision of legal advice, in security cases of exceptional sensitivity.

1 Article 2(d), European Commission, 'Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status': (COM(2000) 578 final, 20 September 2000.

2 In the Canadian system, 'Members' of the Immigration and Refugee Board are appointed by the Governor in Council (effectively, the government of the day), for varying terms; the nature of the appointments has (high) funding implications. Although the serious nature of the task, the need for appropriate qualifications, and the importance of job security (as a factor to ensure independence) should be recognized, it is not necessary to follow the same path with respect to costs.

3 A recent study of the Canadian procedure has suggested that the non-adversarial process seems to create much confusion as to the respective roles of the actors, and that this aspect may require reconsideration: Crépeau, F., Foxen, P., Houle, F. & Rousseau, C., 'Multidisciplinary analysis of the IRB decision-making process', 5 October 2000. This may be due in part to the fact that initial refugee hearings are structured similarly to (familiar) court proceedings, whereas the model suggested here is more 'administrative'.

4 Article 6, European Commission Proposal for a Council Directive, above n. 1. In this context, 'individually' is understood to mean on the basis of an individual assessment that precludes instructions to reject the case outright. 'Objectively' means on the basis of the facts of the case, which should be evident in the grounds for the decision. 'Impartially' is understood to mean without discriminating between similar cases because of, for example, political reasons. Ibid., explanatory memorandum.

A Portion for you, a Portion for me

Edward Nicholson,
Legal Officer

"I think that the day will come when it will be more widely recognised that *Associated Provincial Picture Houses Ltd v Wednesbury Corpn* [1948] 1 KB 223 was an unfortunately retrogressive decision in English administrative law, in so far as it suggested that there are degrees of unreasonableness and that only a very extreme degree can bring an administrative decision within the legitimate scope of judicial invalidation. The depth of judicial review and the deference due to administrative discretion vary with the subject matter. It may well be, however, that the law can never be satisfied in any administrative field merely by a finding that the decision under review is not capricious or absurd." (per Lord Cooke of Thorndon, *R (Daly) v Home Secretary* [2001] 2AC 532 at 549.

This part of Lord Cooke's speech in *Daly* is quoted by Lord Phillips MR prior to his delivery of the concluding paragraphs of the Court of Appeal's judgment in The Queen on the application of *Louis Farrakhan v Secretary of State* [2002] EWCA Civ 606. Allowing the Secretary of State's appeal against the judgment of Turner J quashing the most recent decision to deny Mr Farrakhan admission to the United Kingdom, the Court of Appeal explained how the Wednesbury test had come to be replaced by the doctrine of proportionality following the coming into force of the Human Rights Act 1998. It is perhaps helpful to remember quite how forcefully the European Court has found the application of the Wednesbury test to be inappropriate where a claimant's challenge to an executive decision relied upon his or her invocation of his rights under, for example, Article 8 of the European Convention on Human Rights. It stated in *Smith and Grady v United Kingdom* (1999) 29 EHRR 493 at p 543, paragraph 138:

"the threshold at which the High Court and the Court of Appeal could find the Ministry of Defence policy irrational was placed so high that it effectively excluded any consideration by the domestic courts of the question of whether the interference with the applicants' rights answered a pressing social need or was proportionate to the national security and public order aims pursued, principles which lie at the heart of the court's analysis of complaints under article 8 of the Convention."

The Court of Appeal in *Farrakhan* however found that the "new" proportionality test nonetheless involved the according of a margin of appreciation or discretion – both terms are used in the judgment – to the decision maker whose decision was under review. It found that in the circumstances of Mr Farrakhan's case it was justified in according to the Secretary of State a particularly wide margin because, *inter alia*, the Secretary of State was democratically accountable for his decision. Moreover it was not overly concerned that the Secretary of State had not made available all of the information that he had received and on which he had based his decision to maintain Mr Farrakhan's exclusion. The court stated that:

"In applying that doctrine [of proportionality], the width of the margin of appreciation that must be accorded to the decision maker will vary, depending upon the right that is in play and the facts of the particular case. Applying a margin of appreciation is a flexible approach; the Wednesbury approach is not".

If this is the extent of the difference between the two approaches then it is perhaps not the sea change in individuals' access to justice expected by those who had anticipated the dawning of a new era with the implementation of the Human Rights Act. Such people might suggest that the concept

of a margin of appreciation is, when invoked in this way, no more than deference to the decisions of Ministers of State under a different and more palatable name. Moreover taken as a whole the judgment appears to be an indication of the exaggeration of the reports of the death of the Wednesbury test. It seems to be emerging (less like a phoenix than a vampire) from the vault where it was hoped that it would silently gather dust and become forgotten.

Little consolation for those disappointed in this way is, ostensibly at least, to be gained from the starred determination of the Immigration Appeal Tribunal in *Eddy Edokpolar Noruwa v The Secretary of State for the Home Department* HR-6014-01 (00TH02345) 11/12/2001. In that case (as is extensively reported in the Refugee Legal Centre's Legal Bulletin 104) the Tribunal found that contrary to what was common ground in *B v SSHD* [2000] Imm AR 478 proportionality was not a question of law. Neither was it the case that the requirement to act in accordance with section 7 of the Human Rights Act 1998 (i.e. in accordance with Human Rights) obliged the Secretary of State to exercise his discretion in such a way as to entitle an appellant in an appeal under section 65 of the Immigration and Asylum Act 1999 to rely on grounds of appeal which included the submission that that discretion should have been exercised differently. Hence the Tribunal's jurisdiction contained in paragraph 21(1)(b) of Schedule 4 to the Immigration and Asylum Act 1999, which provides:

"21(1) On an appeal to him under Part IV, an adjudicator must allow the appeal if he considers – (b) if the decision or action involved the exercise of a discretion by the Secretary of State or an officer, that the discretion should have been exercised differently."

does not come into play.

The Tribunal in *Noruwa* concluded that the duty of the Immigration Appellate Authorities when deciding an appeal under section 65 of the 1999 Act was to consider whether the decision of the Secretary of State was one which was made unlawful as a consequence of the provisions of section 6 of the Human Rights Act 1998. This led the Tribunal to observe that in such an appeal:

"So far as the human rights element of the claim is concerned, the Appellate Authority will be concerned with whether the decision is shown to have been one which was outside the range of permissible responses."

Clearly this is a very different approach from that which appeared to have been ushered in by the judgment in *B v SSHD*, in which Simon Brown LJ said this about the duty of the Court of Appeal in deciding the appeal from the Tribunal:

"This task is, of course, both different from and more onerous than that undertaken by the court when applying the conventional Wednesbury approach. It would not be proper for us to say that we disagree with the Tribunal's conclusion on proportionality but that, since there is clearly room for two views and their view cannot be stigmatised as irrational, we cannot interfere. Rather, if our view differs from the Tribunal's, then we are bound to say so and allow the appeal, substituting our decision for theirs."

The Tribunal's conclusion in *Noruwa* would apparently enable the Immigration Appellate Authorities to do precisely this – i.e. to find that in its view a decision of the Secretary of State is not proportionate but that the Secretary of State's view is however not "outside the range of permissible responses", a phrase not unreasonably perceived as heavily redolent of the *Wednesbury* approach. So, is the Tribunal, apparently in common with the Court of Appeal in *Farrakhan*, delaying or even indefinitely postponing the dawn of the bold new deference-free era that decisions like *B v SSHD* had presaged? It is difficult to see why such a conclusion would amount to an incorrect reading of the determination in *Noruwa*. Some encouragement may be obtained however from the Tribunal 's insistence that:

"We have to remind ourselves that the purpose of the Appellate Authorities is to hear appeals, not to engage in judicial review. It would be quite wrong to impose upon ourselves the restrictions adopted by the Court in its judicial review jurisdiction."

This emphasis on the function of the appellate authority to "hear appeals" is reiterated later in the determination where the Tribunal states:

"If an appellant claims that a decision was disproportionate, that is a matter which he is entitled to bring to the Appellate Authority and which the Authority must determine. In doing so the Authority will examine all relevant material (going both to law and to the facts) and will reach its own conclusion. This is a genuine appeal, not merely a review of whether the Respondent's conclusion on proportionality was open to him. If the Authority reaches the conclusion that the decision was disproportionate, that is the end of the matter: the decision was unlawful and the appeal must be allowed."

When the Immigration Appellate Authority hears appeals it is of course entitled to reach findings of fact different from those upon which the Secretary of State's decision was based. Because of this the task of the appellate authority in marking out the limits of the Secretary of State's "allowable area of discretion" is complex, as a constitution of the Immigration Appeal Tribunal different from that in Noruwa noted in *Secretary of State v Sukhjit Gill* (6/12/2001) (01TH02884). It is a discretion as to how to act in the light of whatever findings of fact the Secretary of State reached. If the appellate authority reaches different findings of fact, the relevance of the Secretary of State's "allowable area of discretion" (to the task facing an Adjudicator) must be virtually negligible. The difference between the nature of the jurisdictions of the Immigration Appellate Authority and that of courts, whose function is to review decisions, creates difficulties when the Tribunal permits the binding case law it develops to be based upon the judgments of those courts.

The ability of the Immigration Appellate Authority to find that decisions of the Secretary of State are disproportionate was demonstrated in the Special Immigration Appeals Commission's ruling on 30 July 2002 as to the unlawfulness of the detention without trial of foreign nationals under the Anti-terrorism, Crime and Security Act 2001. It is tempting to speculate that such an eventuality would have been less likely to materialise had the appellants been required to pursue an application for a judicial review of the Secretary of State's decision to detain them. Similarly it is anticipated that the appellate authority as a whole will not rush to find that decisions appealed before it under section 65 of the Immigration and Asylum Act 1999 are not "outside the range of permissible responses" without at least taking a full account of the *Noruwa* Tribunal's reiteration of the special nature of the authority's jurisdiction to hear a "genuine appeal."

Significant Legal Developments

Mark Symes, Tribunal Team Leader

The last 12 months have seen the early development of the law relating to the Human Rights Act in the context of immigration, asylum and human rights and, alongside it, changes in the ability of asylum seekers to access justice.

Rights of Appeal

The turn of the year found much judicial enthusiasm for the benevolent interpretation of statute in order to ensure that asylum seekers enjoyed the fullest possible opportunity to vindicate their rights to stay in this country. The tendency was first shown with respect to the certification provisions in the 1999 Act.

When an applicant is refused asylum by the Secretary of State, they have a right of appeal to an adjudicator. If the adjudicator dismisses their appeal, in general, they have a further right of appeal to the Immigration Appeal Tribunal. The IAT operates to bring a degree of consistency across the decision-making of adjudicators and to bring the expertise of its Chairpersons to bear, so that it can be said that anxious scrutiny is given to each case. However, the Secretary of State has in recent years confined the right of appeal available to some people by the device of "certification". Cases that show certain characteristics are certified, for example because the Secretary of State thinks that while the individual may have a real fear of persecution, it is not for a reason that the Refugee Convention protects. In such cases, if the adjudicator agrees with the certificate, there is no right of appeal to the Tribunal, and hence the case is afforded a lesser degree of attention.

Under the first interpretation given by the Tribunal to the 1999 Act, a significant injustice arose vis-à-vis certification. Persons who claimed that they were entitled to remain in the UK under both the Refugee Convention and the European Convention on Human Rights could lose their ability to appeal to the Tribunal because of a defect with either part of the case. Someone with a strong claim to remain here because they had established family life with a partner, perhaps with children, could lose the chance to have that part of their case examined by the Tribunal, simply because the Secretary of State considered their claim to fear persecution in their country of origin did not come up to scratch. Fortunately, in the appeal of *Zenovics*,[1] the Court of Appeal detected injustice here: they found that this approach to the statute had the result of potentially discouraging persons from making claims under the Human Rights Act and this, they thought, could not truly have been the intention of Parliament.

A malady mentioned in last year's legal essay was the Tribunal's interpretation of the appeal rights conferred by modern immigration legislation, which it was said were not appropriate means by which persons granted exceptional leave to remain (ELR) could seek to "upgrade" their status to that of refugee. Persons granted ELR in the course of old-style appeals were said to have had their ability to sustain their appeals for refugee status removed by a grant of another form of leave to remain, even though it conferred lesser rights than those given to refugees. Persons pursuing new appeals under the 1999 Act were said to face a near impossible task, for the language of the statute, strictly construed, required them to show that they faced a fear of persecution at the end of the ELR, rather than on the basis of the present country situation. It was impossible, so said the

Tribunal, to forecast so far ahead, and so the appeals fell automatically to be dismissed. The Court of Appeal in *Saad, Diriye and Osorio*[2] found this approach, which effectively deprived persons granted ELR of their chance to gain refugee status, to be incorrect. The Appellate Authority, they ruled, should judge whether an asylum seeker, whether granted ELR or not, possessed a well-founded fear of persecution at the time the appeal was heard.

The Meaning of Protection

A series of cases considered the nature of the protection that would have to be available in the country of origin before an asylum seeker could be said to be entitled to international protection. In the notorious decision of *Horvath*,[3] it had been suggested that the availability of a system of protection, even though it might not operate so as to reduce the well-foundedness of a person's fears of harm, would prevent someone making good their claim to refugee status. This analysis has not escaped judicial criticism: one of the world's most erudite refugee law judges, Rodger Haines QC, sitting in the Refugee Status Appeals Authority of New Zealand, said that it was incompatible with the most fundamental provision of the Refugee Convention, which places an absolute prohibition on the return of individuals to countries where there they faced a threat to their life or freedom.

Interpreting the way in which the *Horvath* principle operates away from its origin in the Refugee Convention, but rather within the context of the European Convention on Human Rights, a series of judges have spoken in terms that have the net effect of tempering its approach. Indeed, the comments made by the judiciary have fed back into the interpretation of the Refugee Convention, so that even the original *Horvath* test seems softened, and in decisions such as *Dhima*,[4] *Svazas*,[5] *Macpherson*,[6] and *Kacaj*,[7] the Tribunal, Divisional Court, and the Court of Appeal themselves, have all agreed that the effectiveness of the system of protection in ameliorating a risk of harm is of key importance in determining whether a person should be expected to return to their country to seek official assistance before having recourse to the international protection available via refugee status in the United Kingdom.

Human Rights

Practitioners had great expectations as to the utility that the European Convention on Human Rights would have in inhibiting the removal of persons to territories where their human rights faced infringement. The instrument protects a whole basket of human rights, from the most fundamental ones, such as not to be deprived of life and not to suffer inhuman or degrading punishment or torture, through to procedural safeguards against ill-treatment via abuse of power by the state, via interference with one's liberty or via a lack of due process in a court of law and on to rights that are important, though limited, such as the rights to freedom of thought, conscience and religion, expression and assembly.

However, it is proving difficult to establish that the breaches of any of these rights, aside from the right to life and to be free from torture and inhuman treatment, should be given great weight when considering whether an asylum seeker should remain in the United Kingdom. The Tribunal[8] and, more recently, the higher courts,[9] are beginning to speak in terms of a doctrine of "fundamental breach", pursuant to which only the most flagrant violation of these rights is a matter that will oblige the United Kingdom to afford protection. This is on account of an interpretation of the European Convention on Human Rights that holds as a central tenet the notion that only countries signatory to its provisions are bound by the full extent of its provisions: for to hold that any breach of the other rights would prevent a European Member State from enforcing immigration control would be to impose a burden greater

than any to which they can be thought to have committed themselves. Furthermore, the fact that non-EU states are not parties to the Convention and have no standing in immigration appeals deprives them of an opportunity to speak in their defence as to why a particular state of affairs prevails in their country which can be interpreted as incompatible with the enforcement of human rights in the manner preferred in the European sphere. Hence only breaches of "lesser" human rights which are truly flagrant can be said to override immigration control in the UK, for in such cases there is no question of differing interpretations of the protection of human rights having any relevance.

1 *Zenovics v Secretary of State for the Home Department* [2002] EWCA Civ 273 (CA).
2 *Saad v Secretary of State for the Home Department* [2001] EWCA Civ 2008 (19 December 2001)
3 *Horvath v SSHD* [2001] AC 489 (HL).
4 *Dhima v Immigration Appeal Tribunal* [2002] EWHC 80 (Admin)
5 *Svazas v Secretary of State for the Home Department* [2002] EWCA Civ 74
6 *Macpherson v Secretary of State for the Home Department* [2001] EWCA Civ 1955
7 *Kacaj* (01/TH00634; 19 July 2002; starred [cf *Kacaj v Secretary of State for the Home Department* [2002] EWCA Civ 314 (CA)]
8 *Devaseelan* [2002] UKIAT 00702 (13 March 2002) (starred)
9 Harrison J in the Administrative Court in *R v A Special Adjudicator ex parte Ullah* [2002] EWHC 1584 (Admin)

Developing the Law for Refugees – 10 Years of Achievement

Deri Hughes-Roberts

Following the implementation of the 1993 Act, we created a team to deal with appeals against "safe" third country removal. Following a number of initial set backs in the higher courts, the RLC focussed its work on gathering an impressive catalogue of evidence suggesting that many third countries were not in fact safe. As a result, success rates for this type of work soared; by the end of 1995, the RLC was winning over 60% of third country appeals listed before the adjudicator. The Home Office's response was not to accept the contention that third country removal was unsafe but rather to move the goal posts. In effect, the 1996 Act ensured that adjudicators would no longer have jurisdiction to hear these cases by removing the non-suspensive effect of third country appeals.

1996 saw the Immigration Appeals Tribunal deciding in favour of the RLC in a major test case involving two Albanians from Kosovo. In *Gashi and Nishiqi* the Tribunal held that all Albanians from Kosovo were refugees within the terms of the Convention. The decision made a real difference to thousands of asylum seekers. Prior to the decision the great majority of Kosovan Albanians were refused asylum. Following the decision the Home Office adopted a blanket refugee status policy for this client group. Thousands of refugees benefited from this decision. And the recognition in that case that international human rights law has a role to play in the interpretation of the Refugee Convention breathed life into the UK's approach to the instrument.

Gashi besides, the Tribunal team at the RLC has made a significant contribution to the law's development. Some of the earliest determinations on the subject of due process in the assessment of an asylum seeker's credibility stemmed from our cases. The first appeals under the Refugee Convention to recognise the claims of homosexuals, of women fearing female genital mutilation, and of persons caught in power struggles involving criminal elements in a country, all succeeded pursuant to RLC representation. We were the first to convince the Tribunal to endorse the need for guidelines for asylum claims raising issues of gender.

The issue of Roma asylum seekers arose in 1998, as significant numbers of Roma from the Czech and Slovak Republics began to claim asylum in the UK. Ministers, officials, and elements of the media derided their claims. A test case of four Slovak Roma claims was hastily arranged. Following extensive research and preparation the appeals were heard and won. The adjudicator described the Home Office's certification of the cases as manifestly unfounded as "disingenuous". Following the test case, a flurry of activity and recrimination was reported from within the Home Office. When it became apparent that it had lost decisively on all points, the Home Office line changed: "These had never been a test case… " and "Each case must be decided on its own merits" were just two of the comments made. Despite this success, we have continued to struggle to assert the rights of this client group.

For the RLC 2000 began with the Afghan highjack. The RLC took the lead role in negotiations to secure representation for the Afghans who claimed asylum after arriving on a hijacked plane at Stansted airport. On 10 February the then Home Secretary, Jack Straw, announced in a statement to the House of Commons that he "…would personally

determine any application for asylum made by persons on board the aircraft” and that, “subject to compliance with all legal requirements, I would wish to see removed from this country all those on the plane as soon as reasonably practicable”. Over two years later the RLC’s clients are still in the UK following a protracted legal battle involving a large number of caseworkers and legal officers.

Developing Documentation to Support Casework

The last 10 years have seen the development of the RLC’s Research and Information function from a shelf in a bookcase to a computerised intranet containing almost 10,000 documents. The achievements of the department's three staff members over the past three years have been impressive. They have continued to improve upon the service whilst working in a context of ever increasing demand and they have dealt with a rapid expansion in RLC casework staff and the provision of material to outside practitioners and agencies through the External Information Service.

Challenges Ahead

Barry Stoyle
Chief Executive

Once again the RLC faces the challenge of further changes in the law and procedures relating to asylum seekers with the implementation of the Nationality, Immigration and Asylum Act. Restrictions will be placed on rights of appeal. Induction and removal centres will be introduced and three accommodation centres will be established on a pilot basis. We are likely to face an increase in removals/deportation and the increased use of detention. As part of our response to the proposed increased use of detention we are pleased that the Legal Services Commission has agreed that we can provide services in the Yarls Wood Detention Centre. We will have to find additional ways of representing our clients in what is likely to be a difficult operating environment, particularly when the suspensive effect of some appeals is removed. In addition to the domestic legislation we are mindful of the development of EU asylum policy and procedures that will also impact on our work in the longer term.

In addition to responding to the legislation we will be seeking to consolidate the work of the expanded organisation. As part of our organisational development plans we will seek to develop our values and culture being ever mindful of the need to ensure the organisation's independence. We have a number of projects, relating, amongst other things, to the management structure and communications, to ensure that we operate as effectively as possible as a multi-site organisation. We will also try to ensure that the views of our clients and other stakeholders are collected and seriously considered as we seek to improve our services, strengthen our organisation and secure future funding.

One of the most serious challenges in the coming year is the likely change to the basis of our funding. We understand that discussions are proposed between our funders, the Home Office and the Legal Services Commission, about the future form of our funding, and the possible introduction of LSC funding for all the RLC’s operations. As the Home Office currently funds over 70% of our operations this is potentially a very significant change and we are anxious that if it goes ahead it will not be prejudicial in any way to our clients and the operations of the organisation as a whole. We would certainly welcome any change that gives the organisation more certainty in its funding and allows us to manage and plan more effectively. The protracted uncertainty about the levels of Home Office funding has meant uncertainty for our clients about the levels of service we can provide. It is a strain on the morale of the organisation and it ultimately prevents us from giving the public best value for money.

We look forward to reporting on the progress made on these issues in the next annual review.

Financial Summary

Anthony Neuberger – Honorary Treasurer

In the year ended 31 March 2002, the RLC achieved a surplus of £615,375 as compared with last year's surplus of £1,242,733. Income, at £10,935,098 was 31% higher than the previous financial year.

The principal source of income is derived from the Home Office under Section 81 of the Immigration and Asylum Act 1999. It provides over 73% of our income. The fact that the Home Office did not formally approve the funding until four months into the financial year created difficulties in managing our budget. We had to delay recruitment of staff to fill vacancies in London, and this led to an underspend against budget for the whole year, resulting in a cash surplus of £78,115.

The remainder of the RLC's surplus for the year, which amounts to £537,260, relates to expenditure on capital items, such as the set up of Dover and Leeds offices, IT infrastructure and the London office relocation.

Notwithstanding the budgetary difficulties, the set up of the offices at Dover and Leeds progressed, and they were fully operational by the end of the financial year.

The second major source of funding is the Legal Services Commission (LSC) which accounts for 21% of our income. Our LSC contract generated an operating deficit of £63,339, compared to a surplus of £87,546 the previous financial year. The Home Office agreed to allow us to transfer £142,622 from money that had not been spent the previous year and use this to offset the LSC deficit. As a result there was an overall surplus of £79,283 on LSC work.

The RLC restarted its work in the area of Judicial Review, and employed a solicitor to take on cases funded by the LSC on payment on a completion basis. As a result of the previous cases coming to completion and the increase in activity the Judicial Review operation incurred a surplus of £7,863.

The External Information Service continued to grow in terms of its reputation. Although income fell by 20% as a result of EIS ceasing to sell hardcopy country information, this was offset by an increase in income from the sale of CD ROMS as a result of an expansion of the client list.

Finally, I would like to mention that during the year two trustees, Christine Swabey and John Meadway, have joined the Finance Sub-Committee.

Extract from Statutory Accounts

The summary financial statements on page 28 form an extract from the statutory accounts of the Refugee Legal Centre for the year ended 31 March 2001.

The full accounts were approved and adopted by the Board of Trustees on 17 September 2001. They were signed by the Chair, Honorary Treasurer and Secretary. The auditors, Messrs Horwath Clark Whitehill, have issued an unqualified report thereon.

The full accounts have, in accordance with statutory obligations, been filed with the Charity Commission and the Registrar of Companies.

These summary financial statements may not contain sufficient information to allow for a full understanding of the financial affairs of the charity. For further information, the full accounts and the Trustees' Annual Report should be consulted; copies of these can be obtained from the Company Secretary, Refugee Legal Centre, Nelson House, 153-157 Commercial Road, London E1 2DA.

Signed by:

Philip Rudge on behalf of the Board of Trustees of the Refugee Legal Centre

Date: 10 October 2002

Auditor's Statement on Summary Financial Statements to the Members of the Refugee Legal Centre

We have examined the summary financial statements set out on page 28.

Respective responsibilities of Trustees and Auditors

You are responsible as Trustees for the preparation of the summarised financial statements. We have agreed to report to you our opinion on the summarised statements' consistency with the full financial statements on which we reported to you.

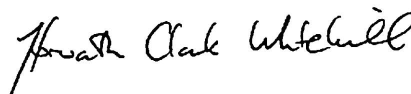
Basis of Opinion

We have carried out the procedures we consider necessary to ascertain whether the summary financial statements are consistent with the full financial statements from which they have been prepared.

Opinion

In our opinion, the summary financial statements are consistent with the full financial statements for the year ended 31 March 2001.

Signed:



Horwath Clark Whitehill
Chartered Accountants and Registered Auditors,
25 New Street Square,
London EC4 3LN

Date: 10 October 2002

Refugee Legal Centre Statement of Financial Activities Year Ended 31 March 2002

	Unrestricted Funds £	Restricted Funds £	**Total Funds 2002 £**	*Total Funds 2001 £*
Income and Expenditure				
Incoming Resources				
Donations and gifts	866	–	**866**	*2,350*
Grants receivable from government	–	7,995,522	**7,995,522**	*7,131,078*
Grants receivable from UNHCR	–	–	**–**	*22,000*
Fees and subscriptions	2,797,098	–	**2,797,098**	*1,072,261*
less: deferred income	(4,708)	–	**(4,708)**	*(18,363)*
Other income	64,886	76,726	**141,612**	*103,097*
Total Incoming Resources	2,862,850	8,072,248	**10,925,098**	*8,330,786*
Resources Expended				
Charitable expenditure:				
Legal Advice and representation	2,474,150	5,294,157	**7,768,307**	*5,312,197*
Support costs	429,912	2,007,080	**2,436,992**	*1,580,693*
Management and administration	15,170	100,105	**115,275**	*195,163*
Total Resources Expended	1,038,991	6,049,062	**7,088,053**	*4,095,945*
Net Movement in Funds	(56,383)	670,907	**614,524**	*1,242,733*
Fund balances brought forward at 1 April 2001	313,813	1,927,370	**2,241,183**	*998,450*
Transfer between Funds	142,622	(142,622)		
Fund balances carried forward at 31 March 2002	400,052	2,455,655	**2,855,707**	*2,241,183*

Refugee Legal Centre Balance Sheet as at 31 March 2002

	£	**2002 £**	2001 £
FIXED ASSETS			
Tangible fixed Assets		**1,179,244**	1,179,244
CURRENT ASSETS			
Work in Progress	**22,515**		18,610
Debtors	**242,580**		471,348
Cash at bank and in hand	**1,658,963**		1,020,577
	1,924,058		1,510,535
CREDITORS:			
amounts falling due within one year	**522,730**		448,595
NET CURRENT ASSETS		**1,401,328**	1,061,939
TOTAL NET ASSETS		**2,856,558**	2,241,183
FUNDS			
Unrestricted		**400,054**	313,814
Restricted		**2,456,504**	1,927,369
		2,856,558	2,241,183

Approved by the Board on 10 October 2002

Philip Rudge Chair

Anthony Neuberger Honorary Treasurer

The Consultative Forum

The Consultative Forum has two principal functions: to advise the RLC on issues such as policy, training and development, and monitoring the service delivery of the Centre; and to act as an electoral college for electing up to six members from its number to the Board of Trustees. Membership is open to refugee organisations, refugee community organisations and also to individuals, although they are not able to vote or stand for election.

There are currently 64 members comprising 21 refugee community organisations, 29 refugee organisations and 14 individuals.

African Swahili Phone Refugee Project – Joseph Ngongo
Angolan Community in London – Carlos Silva
Angolan Refugee Project – Jorge Wai
Association for Sierra Leonean Refugees – Joe N'Danga-Koroma
Bosnia and Herzegovina Community Association in Hertfordshire – Sakib Podgoric
Chile Democratico – Julia Gonzalez
Colombian Refugee Association – Andrew Keefe
Community of Tigrayan Refugees in Britain – no representative at present
Dadihiye Somali Development Organisation – Dahabo Mohamoud
Eritrean Community in UK – Tekle Haile
Ethiopian Community in Britain – Ephrem Woube
Ethiopian Refugee Association in Haringey – Alem Gebrehiwot
Ethiopian Refugee Community in Lambeth – no representative at present
Ghana Refugee Welfare Group – Kofi Kakraba Pratt
Iranian Community Centre – Murad Azimi
Kurdish Cultural Centre – no representative at present
Kurdistan Workers Association – no representative at present
Organisation of the Angolan Community – Adriano Gonçalves
Relief Society for Poles – Stefan Krzyzewski
Society of Afghan Residents – no representative at present
South London Tamil Welfare Group – Saverimuthu Stanislaus
Al-Khoei Foundation – Sayyed Nadeem Kazmi
Amnesty International – Jan Shaw
Camden Community Law Centre – Jonathan Colman
Churches Commission for Racial Justice – Arlington Trotman
Community Language Centre – Graham Meadows
Detention Advice Service – no representative at present
Gatwick Detainees Welfare Group – Pascale Noel
Group to Relieve and Absolve Suffering and Poverty (GRASP) – Giselle Bywaters
Jesuit Refugee Service – Bernard Elliott
Law Centres Federation – no representative at present
Leicester Law Centre – no representative at present
Lewisham Racial Equality Council – Emmanuell Kusemamuriwo
London Borough of Enfield Social Services Department – Michael Materesi
London Detainee Support Group – Isabelle Merminod
Medical Foundation – Sally Verity Smith
Methodist Church, Selby – Stanley H Platt
Migrant Helpline – Annie Ledger
Northern Refugee Centre – George Tokos
North of England Refugee Service – Warren Adams
Praxis – Pilar Charlie
Refugee Action – Sandy Buchan
Refugee Arrivals Project – Elizabeth Little
Refugee Council – Richard Lumley
Refugee Day Centre (West Croydon) – Beryl Telman
Refugee Housing Association Ltd – no representative at present
Southwark Refugee Project – no representative at present
Tower Hamlets Law Centre – Quader Mahmud
Westminster Diocese Refugee Service – Augustine Omara
World Jewish Relief – Alan Gelfer
Individual Members:
Andrew Baker
Cecilia Pratt
Christianne Davis
David Rhys Jones
Dragi Petrovski
Francis Deutsch
Juanita Zarate-Avalos
Main Farrukh Hussain
Margaret Makanda
Nazir Ahmed
Susan Pitt
Tony Cisse
Vinod Sharma
Zoë Farrant

Staff List

1 August 2002

LONDON OFFICE
BARRY STOYLE
Chief Executive
CAROL ADDISON
Personal Assistant

LEIGH ROBERTSON
Director of Finance
LESLEY THORNLEY
Director of Personnel & Admin
VACANCY
Personal Assistant

CHRIS DALY
Head of Casework
VACANCY
Personal Assistant

LONDON CASEWORK
DERI HUGHES-ROBERTS
Regional Manager

APPEALS CASEWORK
VACANCY
Appeals Casework Manager

MICHAEL WHITE
Team Leader
PENNY BATES
Caseworker
ZEENAT KARIM
Caseworker
TRINE LESTER
Caseworker
AMINA MAKNOON
Caseworker
RAAKEL SYRJANEN
Caseworker
JOHN WHITFIELD
Caseworker

NOEL HALIFAX
Team Leader
LOUISE BOWYER
Caseworker
MARIE GHOSE
Caseworker
JULIAN KING
Caseworker
JOHN LOWE
Caseworker
LOUISE SWEET
Caseworker

CHARLES GREEN
Team Leader
ALI BANDEGANI
Caseworker
LIZ DOBINSON
Caseworker
RAY HILL
Caseworker
CHLOE LEVASSOR
Caseworker
NAOMI NICHOLSON
Caseworker
CHIDDY OKAFOR
Caseworker
DARLENE WAITHE
Caseworker

LEAH BARNETT
Team Leader
FRANCES MEYLER
Caseworker
JOY ANNE MILLER
Caseworker
PATRICK SWEENEY
Caseworker
SHERLEE UMEADI
Caseworker

EMMA-JANE DAVIES
Team Leader
ELSIE BOATENG
Caseworker (maternity)
SELEN CAVCAV
Caseworker
FATIMA KADIC
Caseworker
KOFI KURANCHIE
Caseworker
ALISON LEA
Caseworker
MARGARET OREE
Caseworker
CHARLIE PEAT
Caseworker

CATHERINE MARK
Casework Administrator
LYNNE ALDRIDGE
Casework Assistant
CATHERINE BROOKS
Casework Assistant
ALISON CUMBERBATCH
Casework Assistant
RITA KAUPPINEN
Casework Assistant
ASTRID PAYNE
Casework Assistant
TANYA ROSE
Casework Assistant
HUMAIRA SALIMI
Casework Assistant
ANNE SODERMAN
Casework Assistant
SAMUEL STEWART
Casework Assistant
CLARE TILLEY
Casework Assistant
MARGARET WARD
Casework Assistant
JEYA WILSON
Casework Assistant
KATERIN WILSON
Casework Assistant

Casework Support Team
DENNIS FLANDERS
Team Leader
BARBARA SEQUEIRA
Appeals Admin Caseworker
SARAH BROAD
Assistant Caseworker
GARY GODDARD
Assistant Caseworker
GEMMA HOULDEY
Casework Assistant (sabbatical)

BERI NWOSU
Casework Assistant (maternity)

TRIBUNALS
MARK SYMES
Team Leader
NICK OAKESHOTT
Legal Officer
GRACE OLISO
Legal Officer
SHAJI REVINDRAN
Legal Officer
COLIN YEO
Legal Officer

EMMA SAUNDERS
Team Leader
MELISSA CANAVAN
Legal Officer
ALAN DEVE
Legal Officer
KATE JONES
Legal Officer (maternity)
EDWARD NICHOLSON
Legal Officer
ELISABETH STOREY
Legal Officer

ROSALYN AKAR
Casework Assistant
LISA DUFFY
Casework Assistant
SOPHIA MANDILAS
Casework Assistant
RODERICKA TAYLOR
Casework Assistant

ADVICE & REPRESENTATIONS
LALIT JOSHI
Casework Manager

ANNE-MARIE BARRETT
Team Leader
ALEXANDER ADEYEMO
Caseworker (sabbatical)
JILL BACKWELL
Caseworker
MARIANNE JOHNSON
Caseworker
EMILY ROWE
Caseworker (maternity)
LOLA TINUBU
Advisor
SUNJAY RAI
Advisor

HELEN CARSON
Team Leader
HARBINDER BEHAR
Caseworker (sabbatical)
AMY GREY
Caseworker
SUJATA JOSHI
Caseworker
TIM OTTEVANGER
Caseworker
JOANNE PAGE
Caseworker
PAULINE SKERVIN
Caseworker (sabbatical)
TRICIA ADDOW
Advisor (maternity)
DAVID VAULS
Advisor (secondment)
MICHAEL TARNOKY
Team Leader
JILL MOHAMED
Caseworker
ANITA SHARMA
Caseworker

LYNNE TAYLOR
Caseworker (secondment)
ANGELA ATHILL
Advisor
BUKOLA JAMES
Advisor

SHEILA GREWAL
Team Leader
MARY JEAN ANSON
Caseworker
JOSEFIN BENGTSSON
Caseworker
CATHERINE EXTON
Caseworker
PETER JOHNSON
Caseworker
LINDA WENTUM
Advisor

JUDICIAL REVIEW TEAM
RAVI LOW-BEER
JR Solicitor
HELEN THOMPSON
Casework Assistant

AYO OGUNADE
Casework Administrator
PATRICIA DONKOR
Casework Assistant
JACKIE FERRITER
Casework Assistant
MIHALIS GERMANOS
Casework Assistant
YVONNE KASOKA
Casework Assistant
AGNES LYENGU
Casework Assistant
SANNE NIELSEN
Casework Assistant
MONICA OMEZIE
Casework Assistant
ANTOINETTE TANGUAY
Casework Assistant

RESEARCH & INFORMATION TEAM
TONY FLETCHER
R&I Officer
JANA BURESOVA
R&I Assistant
PHIL CARLSON
R&I Assistant

ADMINISTRATION TEAM
KATHRYN SEATON
Admin Manager
DOLA AKINNIBOSUN
Admin Supervisor
IFE AWONUBI
Admin Assistant
CHIKE AZUONYE
Admin Assistant
JOANNE BIGGS
Admin Assistant
ALEX NOBILE
Admin Assistant
PAM STAGG
Senior Receptionist
BERNIE DA SILVA
Receptionist
SHERRI MORRISEY
Receptionist

FINANCE TEAM
VACANCY
Finance Manager
SALEEM ALI
Finance Clerk

MARCO PAOLI
Assistant Finance Clerk
OLA ONATEMOWO
Finance Assistant
RUVINI RANATUNGA
Finance Assistant

IT TEAM
PAUL COOPER
IT Manager
PAUL WEBSTER
IT Officer
JEREMY STAITE
IT Officer
ROBERT MUSHAMBI
IT Assistant
BRAD MAKWANA
IT Assistant

PERSONNEL & TRAINING
VACANCY
Personnel Manager
SETA SANKAR
Personnel Officer
BIYI ADEWUMI
Recruitment Officer
WILLIAM WELLS
Recruitment Officer
ALEX DIXON
Personnel Assistant

JOHAN VAN ROOYEN
Interpreters' Coordinator
THERESA CAMPBELL-CARBON
Interpreters' Assistant

DOVER OFFICE
EWA TURLO
Regional Manager

PETER KEE
Team Leader
CHRIS LEWIS
Team Leader
IAN SIGGERS
Team Leader

SUSANNAH BYNG
Caseworker
MICHAEL DEANS
Caseworker
JONATHAN GREEN
Caseworker
PAUL HICKMAN
Caseworker
MARK HOUSBY
Caseworker
DANIEL KENNARD
Caseworker
BRIAN MAYNE
Caseworker
CHRISTINE MURPHY
Caseworker
EDWARD OBIORA
Caseworker
JULIE SAMARASINGHE
Caseworker
ERIC SEGAL
Caseworker
ROMAINE SMITH
Caseworker
NICHOLAS STARMER-SMITH
Caseworker
ROBERT VELTMAN
Caseworker

SHELLEY OWEN
Office Manager (maternity)
LAVERNE ANDERSON
Casework Assistant
SARAH HOSTLER
Casework Assistant
SUZANNE KEMBLE-GORDON
Casework Assistant
KATIE OSBORNE
Casework Assistant
SHARON PUPLETT
Casework Assistant
KATE DAY-KIRKPATRICK
Receptionist

LEEDS OFFICE
CHRIS RUSH
Project Manager
ALEX WARREN
Regional Manager

COLIN CARROLL
Team Leader
SULIMAN KAZI
Team Leader
ANNE LIGHTFOOT
Team Leader
MEDINA SONUGA
Team Leader (secondment)

HELEN DRUMMOND
Appeals Caseworker
KATH ETCHELLS
Appeals Caseworker
MAGGIE JARVIS
Appeals Caseworker
BEN MARSHALL
Appeals Caseworker
JAMES PRATT
Appeals Caseworker
PEARLINA SHARRY
Appeals Caseworker
KERRY SMITH
Appeals Caseworker
LINDA TUCKER
Appeals Caseworker

ALI AURANGZEB
A&R Caseworker
CLARE HALLIDAY
A&R Caseworker
LINDSEY WHITEHEAD
A&R Caseworker

ANNA-MARIE WEATHERSTONE
Office Manager
LESLEY CLARK
Casework Assistant
SHARON GRIFFIN
Casework Assistant
MERLO MICHELL
Casework Assistant
MARKEITA MOSKVIKOVA
Casework Assistant
TANYA THOMAS
Casework Assistant
EMMA YEOMAN
Casework Assistant
CLAIRE JOHNSON
Receptionist

OAKINGTON RECEPTION CENTRE
ADRIAN MATTHEWS
Regional Manager
PEGGIE BANKS
Personal Assistant

RUTH BROWN
Team Leader
PAUL FOSTER
Caseworker
NATASHA GYA
Caseworker
BEN HARVEY
Caseworker
SIOBHAN HEAMES
Caseworker
JAYNE HILLYER
Caseworker
ALI NAQVI
Caseworker
FRANK OKUNGBOWA
Caseworker
CHRIS STANLEY
Caseworker
FELICITY SZESNAT
Caseworker

RAJENDRA RAYAN
Team Leader
SHOBNA BHOJAJI
Caseworker
DAVID CANTOR
Caseworker
STANLEY CROOKE
Caseworker
SIAN DAVIES
Caseworker
JEREMY DUNN
Caseworker
JOHANNA HICKMAN
Caseworker
FREYA LEVY
Caseworker
JACKIE SMITH
Caseworker
SARAH WHELTON
Caseworker

CLAIRE BURTON
Team Leader
ISABELLE BARTON
Caseworker
MICHELLE BAXTER
Caseworker
SUSAN CARLYLE
Caseworker
SARAH GORE
Caseworker (sabbatical)
CLIFF JAMES
Caseworker
AZRA KSRIC
Caseworker
MUZEYIN ISSA
Caseworker
NOEL PERKINS
Caseworker
MELANIE RHIND
Caseworker
NEIL WALDEN
Caseworker

VICKI CROOK
Team Leader
CHRISSY BROWN
Caseworker
ANQA BUTT
Caseworker
EDEL CONCANNON
Caseworker
ADRIENNE COPITHORNE
Caseworker
FRASER HARRISON
Caseworker
LOUISE LAWSON
Caseworker
JABEEN MAQBOOL
Caseworker
RODNEY MUNYANYI
Caseworker
DIANE RAYNER
Caseworker
MARTYN WILLIAMS
Caseworker

IAN KANE
Team Leader
PUNITA BASSI
Caseworker
ALEXANDRA CONNOLLY
Caseworker
JANET FARRELL
Caseworker
AUDREY GATFORD
Caseworker
MADELINE GILKES
Caseworker
FRED HABTEMARIAM
Caseworker
LAURA HARRISON
Caseworker
SUSAN POCKLINGTON
Caseworker
ALEXANDER SWANSON
Caseworker
CAROL WRIGHT
Caseworker

BRIAN PINSENT
Team Leader
RACHEL BRYAN
Caseworker
MATTHEW CAPPER
Caseworker
GLORIA HATRICK
Caseworker
LIZ IRVINE
Caseworker
SUSAN JONES
Caseworker (sabbatical)
JULIA MORGAN
Caseworker
JENNIFER ORAM
Caseworker
HULDA PRATT
Caseworker
OWEN SIMPSON
Caseworker
SHARON STRAUGHAN
Caseworker

ADMINISTRATION
MARK COPELAND
Office Manager
LEANNE ALLAN
Deputy Office Manager
AQUEEL AHMED
Casework Assistant
BEVERLEY CANNING
Casework Assistant
KIM CORDREY
Casework Assistant
HANNAH DENLEY
Casework Assistant
MALINI DOMAH
Casework Assistant
JOHN ELLIS
Casework Assistant
ELIZABETH HIRONS
Casework Assistant
JON HOUGHTON
Casework Assistant
ABBAS ISMAIL
Casework Assistant
ANGELA LYONS
Casework Assistant
LYNN SARGEANT
Casework Assistant
LINDA SINCLAIR
Casework Assistant

LONDON

The Advice and Representation Team in London provides representation for persons who are making applications for asylum to the Home Office. The team also runs advice sessions on Monday, Tuesday, Wednesday and Friday by appointment. A client seeking representation or advice can make an appointment with our Advice Team by telephoning our Advice Line between 9.30 am and 1.00 pm on these days. The number to call is 020 7780 3220.

The Advice Team also provides telephone advice for detained asylum seekers from 10.00 am to 1.00 pm on the above days. The number to call is 0800 592 398.

The Appeals and Tribunal Teams in London represent appellants at appeals before the adjudicator and the Immigration Appeals Tribunal. The basis on which we are able to take on new appeals cases varies from time to time. Details for appeals listed in south-east England can be obtained from the Casework Support Team. The number to call is 020 7780 3200.

We also have a solicitor based in London who specialises in Court of Appeal and Judicial Review work for asylum seekers who are existing clients of the RLC.

OAKINGTON

The RLC team at Oakington Reception Centre provides advice and representation to those detained at the centre. They can be contacted on 01954 783300.

LEEDS

The RLC in Leeds represents clients from initial application stage through to appeals before adjudicators. We have one Advice and Representation Team and two Appeals Teams. A significant proportion of our cases are RLC clients from other offices dispersed to the north under current Government policy. Details can be obtained from the Leeds Office on 0113 2452819.

DOVER

The RLC office in Dover provides representation to newly-arrived asylum seekers and some representation at appeal. To make an appointment telephone between 10.00 am and 4.00 pm, Monday to Friday. The number is 01304 244000.

Visit the Refugee Legal Centre's website.

The site contains details of all the organisation's services and the latest RLC library bulletin.

The site can be found at

www.refugee-legal-centre.org.uk

Refugee Legal Centre
External Information Service

Need to be kept abreast of recent developments
in Asylum Law and the Human Rights
situation in particular countries?

The EIS has developed a CD Rom subscription service
to help Legal Practitioners
with regular updates of recent
Human Rights Reports and Asylum Cases.

For more information about the service contact:
External Information Service
Refugee Legal Centre
Nelson House
153-157 Commercial Road
London E1 2DA
Tel: 020 7780 3288
Fax: 020 7780 3318
E-mail: eis@refugee-legal-centre.org.uk

Refugee Legal Centre
Nelson House, 153-157 Commercial Road, London E1 2DA
Telephone 020 7780 3200
www.refugee-legal-centre.org.uk

Charity Registration No. 1012804