



DDVG Update

We work to ease the consequences of indefinite immigration detention, destitution of ex-detainees and to challenge attitudes towards immigrants in the UK

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DDVG Launches Dover Legal Surgeries Report

In September 2011, *DDVG* released its latest report, 'Report on the DDA (Detention Duty Advice) Legal Surgeries in Dover', written by Victor Fiorini, which lists a number of case studies of detainees who have been let down by legal firms. *DDVG* has presented its report to the *Legal Services Commission (LSC)*, who set up this system in the first place. Our recommendation is quite clear – abolish this system as soon as possible as from a detainee's perspective, the exclusive contracts are detrimental.

As visitors to immigration detainees, we hear many complaints against solicitors and the quality of legal representation. Even though sometimes it might be that a detainee might expect too much of a legal caseworker or solicitor (such as expecting a solicitor to call every couple days), other times the detainee's concerns are valid. Since the introduction of exclusive contracts in Immigration Removal Centres we have experienced an increase in complaints against solicitors. For that reason, we decided to advocate on behalf of detainees with the *LSC*, who are responsible for forking out legal aid money to solicitors.

In order for a solicitor firm to undertake immigration work for detained clients and be paid from legal aid, that firm has to be awarded a contract to work within a specific removal centre. There are now only three solicitor firms awarded by the *LSC* that can do immigration work in Dover – Duncan Lewis Solicitors, Howe and Co and CLC Solicitors. However, when it comes to Judicial Reviews and other High Court related cases, detainees can choose from other firms that do not have an exclusive contract to work in a particular detention centre.

Our experience so far is that it all depends on the individual representing the solicitor firms during the legal surgeries. Some take the view that a half an hour session is not enough to decide on a case and therefore open a file for every detainee they meet. Others take the view that half an hour is enough to tell a detainee there and then that he has no case and that he will not be represented by that firm.

DDVG always depends on its volunteers. We need volunteers to ask their detainees how they feel about their legal representation. No one needs to be an expert to realise that something is wrong about the way a solicitor treats a client. If you feel it is appropriate, ask your detainee about his solicitor: What has the solicitor done? When is the last time the solicitor got in touch? Has the solicitor discussed/applied for bail? Has he been to one of the surgeries and been turned down on the spot? If you think your detainee has been let down by the legal aid system, talk to us and someone from *DDVG* will investigate the case.

The full report is available from our website: www.ddvg.org.uk

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Patron: The Most Revd Rowan Williams,
Archbishop of Canterbury

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Training in Mental Health and Detention

'A knowledge of how to talk to someone with empathy and understanding is also critical.'

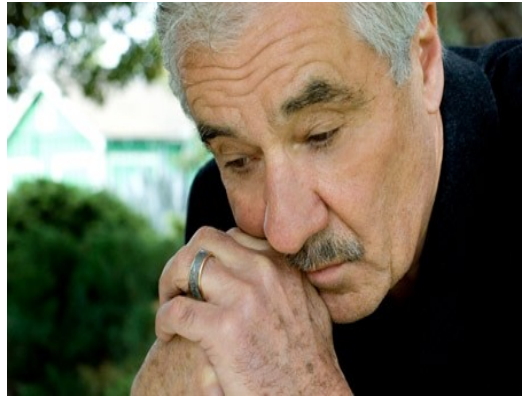


Photo sourced from: <http://www.mentalhealth.org.uk/help-information/an-introduction-to-mental-health/what-are-mental-health-problems/>

On 19th November 2011, *DDVG* provided training to volunteers regarding mental health issues and detention. Robin Richardson, one of our volunteer visitors, offers his personal feedback on this event:

“The recent training seminar is in my view an important asset to the work of any volunteer working within the *DDVG*. The depth of knowledge ranging from policy reports to academic studies (via even a hint of Shakespeare!) has prepared us with the rational and empathic tools we need to better carry out our work within the Removal Centre. I personally hope that I can use these important pieces of

information to effect in my role as a new volunteer, to hopefully provide a helping hand to the disadvantaged fellow human beings I am charged and freely elected to support.

The key points within the seminar gave the general idea in my mind that it is not just knowledge of asylum policy and an awareness of legal processes that is of help in the trying situation detainees find themselves in; a knowledge of how to talk to someone with empathy and understanding is also critical. The mere process of detention, with its allocation of unfamiliar roles, apparent uncertainty and restriction of freedoms, can sometimes cause a detainee to question themselves and what they stand for when affected by such processes. Somebody 'on the outside' of the detention environment is in the best position to provide a trusting environment for the detainee, in order to share profound experiences and fears about matters not just limited to experiences within *DIRC*, but in how they came to arrive there in the first place. In turn, this may provide a valuable means for our service users to express themselves in an often threatening and unfamiliar place, to a person who may be more trustworthy than arguably unfamiliar and often distant authority figures.

'Where loosely speaking "one who is sick cannot cure others", we must do our part to make sure that our own methods of coping are healthy and productive.'

Most importantly, along with discussion of Post Traumatic Stress Disorder and indicators of depression you may find in a person, the seminar leader asked us to foremost take care of ourselves and our own mental health needs when presented with sometimes disturbing and traumatic stories from our individual detainees. Input from our group suggested strategies from remembering the reason we became volunteers in the first place as a symbol of our inner strength, to maintaining our own self-care and becoming more compassionate to ourselves even in instances where we believe we have failed. Where loosely speaking 'one who is sick cannot cure others', we must do our part to make sure that our own methods of coping are healthy and productive, in order to deliver the best performance possible in our elected profession, and to provide a simple human service to others.”

Tony McDade (Volunteer) - So Near to Justice



I do not know what it is like to visit a condemned man in prison, but I do know what it is like to visit a man in an IRC condemned to an uncertain future; a future with no guarantee of stability or, indeed, safety. Visiting Colin (not his real name) these past five months has been akin to watching a tug o' war, with a human being used in place of the rope. One side, pulling for the just, compassionate and common-sense team, has been trying valiantly to secure Colin's release from the *DIRC*. The opposition, pulling for the must-keep-to-the-rules, let's-pick-on-easy-targets-and-show no-compassion-to-vulnerable-people team, has been trying to forcibly remove Colin to Sierra Leone. This is the country Colin fled from because of the atrocities committed during the civil war, a war which left him with no family and, with good reason, terrified for his life.

Colin has almost been pulled back to Sierra Leone seven times and has been pulled back every time towards the good, kind and productive life he has led in the UK since 2002. In June 2011, forcibly removed, Colin actually landed with his three escorts in Sierra Leone only to have his passport confiscated and entry refused causing the no-compassion team to return to the UK with, a now stateless, Colin.

So, the just and kind team pulled harder and harder, and it seemed, until the end of October, that they would just about pull Colin over the secure winning line. Then the Un-Kind-Breathtakingly-Awful team cheated and showed just how truly lacking in compassion they are by informing Colin that he would be forcibly removed to Sierra Leone on the 4th November. Unbelievably, at the last moment they cancelled the removal direction because of an unspecified administrative error. A new date for removal was then set for the following Friday which was also cancelled - with the 18th November now given as the new removal date. All along, the just, play-fair and common-sense team had been e-mailing, visiting, writing to, discussing and arguing with MPs, solicitors, refugee-help groups, Chief Executives of air-lines and others in an attempt to prevent this most ridiculous of removals.

However, for some reason, all of us pulling for the kind team had an awful feeling that this time, Friday 18th, the match would be over and the removal would take place. Our previous hope and determination began to evaporate, replaced with empty sadness as Colin, with four escorts, was flown from Heathrow to Freetown on November 18th.

Oh well, we had tried, tried so hard, but right at the end of the contest, we had been out-tugged by the brutal power of the Un-Kind team and found wanting. But then miraculously, magically, there was an enormous mighty twist and tug from somewhere on behalf of the good and kind team, and on Saturday 19th November, I received a text from Colin saying, simply, 'Praise God, I have arrived back in the UK.' Yes, Colin had once again been refused entry to Sierra Leone, his travel documents having been deemed invalid and he was escorted back to Heathrow on the return flight from Freetown. Colin was then returned to *Dover IRC* on Sunday 20th November and it was on Monday 21st November that I visited the dear man to be told, wait for it, wait for it.....Colin is goingto be.....released.....this afternoon.

The tug o' war continues in a different way now, gently easing Colin towards recovery from the mental and emotional battering he has received over the past ten months. It will continue further, as we seek to empower Colin and help him fulfil his ambition of enrolling on an Access to Nursing course, while we shall do our utmost to ensure that any future tug o' war matches, using despairing human beings as the rope, are played with decency, kindness and compassion by both teams.

Finally, it is fitting to mention that a young man with irrepressible energy, intelligence, heart-warming kindness and honesty has been the captain of the kind, justice-seeking team. His name is Victor Fiorini. Victor, you have been inspirational, thank you.

BID's New Travel Document Project Explained



Photo sourced from: <http://www.travellingalone.co.uk/important-documentation.html>

What?

Bail for Immigration Detainee's (BID) new Travel Document Project (<http://www.biduk.org/tdp>) aims to help detainees who wish to return home, and their legal representatives, to understand the steps that need to be taken when applying for a travel document from a person's national authority. These steps are taken into account by the courts and the *UK Border Agency (UKBA)* when deciding if and when detention may become unlawful, and in also deciding whether or not a person may attempt to abscond if released from detention.

The Travel Document Project welcomes any new information that detainees and legal representatives can share which might be of wider interest, and any suggested amendments and additions to this site. Your experiences, evidence and general information will be what will keep this website relevant and a useful tool to others. Please send all such information to traveldocproject@biduk.org.

Why?

Hundreds of people languish in immigration detention with no immediate prospect of removal because they have no travel documents. For a variety of reasons it can be difficult for detainees to prove their identity and nationality in order to obtain get travel documents. The human cost of delays in obtaining travel documents is great, especially to those held in immigration detention for long periods. Our legal casework has led *BID* to have serious concerns about *UKBA*'s approach to the re-documentation process, which may contribute to delays in case progression and result in extended and de facto indefinite detention in some cases.

Our concerns include:

- A **lack of comprehensive guidance** to foreign nationals on the steps they can reasonably take to obtain travel documents.
- **Poor communication** which can mean that basic information on evidentiary requirements for travel documentation is not shared between the different *UKBA* documentation units.
- **Discrepancies between bail summaries** presented by *UKBA* that stress the imminence of documentation and hence potential for removal in a case, and *UKBA* internal correspondence on the same case (disclosed via a Subject Access request) which show by contrast that documentation and hence removal is not currently possible. These discrepant positions on the part of *UKBA* result in unnecessarily extended and possibly unlawful detention for these individuals.
- The **practical barriers** to obtaining evidence of identity from a country of origin for long-term residents of the UK (whether here lawfully or not) are not routinely acknowledged by the *UKBA* and may be characterised as a lack of cooperation with the documentation process. For example, obtaining evidence of identity such as birth certificates from fragile states or less developed countries can be difficult.

How?

The project provides tools to help people apply for travel documents from their own national authorities, including standard letters and contact details. There is advice on how such evidence can be used for the purpose of demonstrating cooperation with the documentation process to the *UKBA*, which can also serve as evidence in bail hearings that they are unlikely to abscond if released.

The website provides information from the *UKBA*, including guidance to its caseworkers on the average timescales (where known) for obtaining a passport or an Emergency Travel Document (ETD) from the national authorities of different countries. Such information is essential in understanding whether or not removal of a person is imminent, a significant factor that needs to be taken into account by decision-makers in deciding whether or not to grant a person release from detention or bail.

Legal representatives will also find information that is essential to understanding in what circumstances difficulties in obtaining a travel document for a detained person who is facing removal, may render continued detention unlawful. Information arising from *BID*'s casework is also included, such as reference to *UKBA* policies on travel documents, relevant international instruments, and examples of case law arising from the higher courts where documentation has been central to the argument that continued detention is unlawful.

Article written by Dr Adeline Trude, Research and Policy Manager for *BID*

'You cannot imagine what I saw in that room...people were in half agony, beaten and naked. Some of their skins were burnt with liquid or fire.'

Interviewee (The Guardian)

'I was their object with which they could do what they liked. I was tortured.'

Interviewee (The Guardian)

What's in the News?

Torture of Refused Asylum Seekers in Democratic Republic of Congo

In November 2011, *The Guardian* reported on allegations made by the human rights charity, *Justice First*, that asylum seekers (17 adults and 9 children) were forcibly removed from the UK to the Democratic of Congo between 2007-2011 to face further persecution, for example, rape and imprisonment. The Geneva Convention stipulates that people should not be returned to countries where there is a high risk of persecution. According to the article, these asylum seekers were assured by the *UK Border Agency (UKBA)* that they would not be in danger once returned to Congo before being removed.

Catherine Ramos, author of the report, 'Unsafe Return' visited Congo and recorded video testimonies of numerous interviewees. These interviewees escaped or were released from detention in Kinshasa, the Congolese capital and are now in hiding.

In this report, compiled with the help of numerous organisations working with asylum seekers in the UK, puts forward a number of allegations, including the following:

- *'Thirteen experienced various forms of persecution including rape and torture; two of the women were raped and two of the men were sexually abused.'*
- *Six people were badly beaten and two subjected to electric shock treatment.*
- *Six of the children aged between 16 months and nine years were imprisoned and three held apart from their mothers.*
- *Most of those forcibly removed from the UK were active in political opposition movements.'*

Ramos also states that the 'UKBA's operational guidance note on Congo has not been updated since 2008' whilst the 'country of origin information has not been updated since 2009.' The government bases its decision on whether to forcibly remove people to Congo on this information. Therefore, the report has brought to light the UK's failure to observe the fate of those forcibly returned to war zones where evidence of torture exists.

UKBA stated in response to the report that *UKBA* 'only enforces the return of individuals whom we, and the courts, are satisfied are not in need of protection and who do not elect to leave voluntarily. The court of appeal on 3 December 2008 upheld a ruling that failed asylum seekers are not at risk of persecution or ill-treatment on return to the Democratic Republic of Congo simply because they have claimed asylum.' (<http://www.guardian.co.uk/uk/2011/nov/25/refused-asylum-seekers-torture-congo>)

Too Many Pregnant Women Detained at Yarl's Wood

According to an article in *The Guardian* printed at the beginning of December 2011, Nick Hardwick, chief inspector of prisons has criticised the detention of 'too many' pregnant women at Yarl's Wood Immigration Removal Centre. He stated that a report released on Wednesday 7th December 2011 showed that at the time of inspection, there were seven pregnant women being held at Yarl's Wood regardless of the fact that they should only be held in 'exceptional circumstances'.

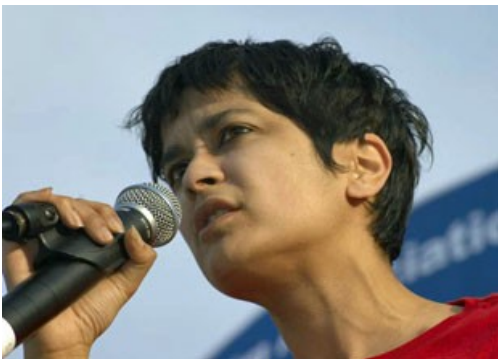
An example in the report details the four-day journey of a pregnant woman to Yarl's Wood originally detained in Northern Ireland:

'From Belfast she had been transferred to Dungavel immigration removal centre in Scotland and then to Pennine House at Manchester airport, where she had collapsed. She had been taken to hospital and treated before completing the rest of her journey to Yarl's Wood, where she went through the detained fast-track process.'

Celia Clarke for *Bail for Immigration Detainees (BID)* expressed the four-day journey as 'appalling practice by UKBA', putting the health of women and their unborn children at serious risk.

Although Hardwick states that other areas of the of Yarl's Wood have improved since the previous official inspection of 2009, for example, detainees receiving better respect from staff, 'concerns remain, particularly about how the needs of vulnerable women are met.' (<http://www.guardian.co.uk/uk/2011/dec/07/yarls-wood-pregnant-women-report>)

Refugees Awarded for Campaigning to Improve Lives of Refugees in the UK



Shami Chakrabarti, Director of Liberty
([http://www.foreignersinuk.co.uk/
community_news-our_heroes-](http://www.foreignersinuk.co.uk/community_news-our_heroes-))

On 30th November 2011, refugees who have been campaigning to improve the lives of fellow asylum seekers and refugees in the UK were awarded for their work by civil rights campaigner, Shami Chakrabarti at a Refugee Council Event held in Brixton, London.

The event was the conclusion to the *Refugee Council's* 2011 'Refugee Empowerment Project', funded by the Trust for London. It gave mentoring support and training to refugees to set up campaigns in aid of their community organisations in London. Participants were encouraged to reach out to the media and politicians to help influence changes in their communities.

An example of one of the campaigns was Ne Kunda Nlaba's campaign, 'Respect and Dignity for Asylum Seekers'. He was motivated by his own experiences and others in the UK and the campaign aims to improve the asylum reporting system in the UK. (http://www.foreignersuk.co.uk/community_news-our_heroes-refugee_and_asylum_seeker_campaigners_leaders_of_change_refugee_empowerment_project_2011_3592.html)

Shami Chakrabarti stated: 'It's inspiring to see such enthusiasm and passion from campaigners working to improve the lives of asylum seekers in the UK. Campaigning successes are only possible when people come together and today is a great example of what can be achieved if the will is there.' (http://www.refugeecouncil.org.uk/news/archive/news/2011/november/301111_news_Shami_Chakrabarti_awards_refugees_campaigners)

Ex-Detainee Corner - Freedom...

“Prison is a rough life for sure. It’s interesting to look at prison though from the various different perspectives. What is the perspective of the prisoners? How about the guards? How about the friends and family of the prisoners and law enforcement professionals? Unless you have been in that environment, it is truly impossible to comprehend (if you do have to experience it, hopefully it is as a law enforcement professional and not as an inmate) however to those who thought I couldn’t do it and for those who thought I could.

Survival story behind the prison is something you never thought or imagine about it sometimes you came cross tough circumstances you don’t have to choice between.

Life is full of surprises and always you need to be preparing to any circumstance it can happen even if you’re right.

Detention is tough real school to learn something to your future and lessons to be learnt from it; however passion and deep thoughts about where you are something can be the medicine to how you can cope with it.

You don’t have any choice, just by using the right way to leave and survive the circumstances where you are and however you are.

Time in detention it’s long hours and hard to

cope with it you must be very determine and strong mentally and physically, self control and more important to be wise mature person. I do recommended to be able to trying to use your time by doing something worth it like self studying or physical activities this is the only way to fell mentally and physically brilliant, out of detention life.

I done almost four years in detention and I won my freedom, if I done it you can do it.

It’s very important to appreciate the help and support from the best organisations DDVG specially the manager Victor he trying very hard to get detainees out of detention and advice them with practical problems and I do recommended. There is also another organisation BID (Bail for Immigration Detention) they working very hard to support and release detainees from detention they are expertise in this matter.

It’s very important to all detainees would like to get out of detention they should contact the volunteer organisations I mention earlier they are professionalism and manner in which they gave.

I wish freedom for all and forever.”

Written by an ex-detainee of the DIRC.

DONATIONS

Unfortunately, the Big Lottery Fund grant will be ending in July 2012 which will have an inevitable impact on the charity. If you feel you can make a donation, be it small or large, please send a **cheque made payable to the Dover Detainee Visitor Group to DDVG PO Box 294, Dover, Kent, CT17 9GY**. Your donation will help DDVG to continue to provide services to detainees imprisoned indefinitely in the DIRC, funding phone cards to reduce their isolation and other costs associated with the befriending scheme.

Dates for your Diary

**21/01/12 11.15-2.30pm followed by light lunch—
Training on Asylum and Immigration Law (KS17,
Keynes College, University of Kent)**

**21/03/12 6.30-8pm — Talk by the Independent
Monitoring Board (DDVG Office)**

**03/05/12 10-4pm—Basic Listening and Responding
Skills Training (DDVG Office)**

*If you would like to attend an event, please
e-mail: info@ddvg.org.uk or call 01304 242755*

Bid Writing Volunteer Needed

If you have 3 hours to spare a week and would like to learn how to fundraise, please contact the DDVG office and ask to speak to Marianela.

Quick Link

If you would like to learn more about the forced removal of asylum seekers to the Democratic Republic of Congo, please follow this link to read the report, ‘Unsafe Return’, written by Catherine Ramos, in full:

http://ncadc.org.uk/world/wp-content/uploads/2011/11/unsafe_return.pdf