
by Kamena Dorling, Marchu Girma and Natasha Walter

REFUSED

THE EXPERIENCES OF WOMEN DENIED ASYLUM IN THE UK



Foreword by Helena Kennedy. Ella's Story by Esther Freud

women for refugee women

Women for Refugee Women challenges the injustices experienced by women who seek asylum in the UK.

Our vision is a society in which women's human rights are respected and in which they are safe from persecution.

Our mission is to ensure that women seeking asylum in the UK are treated with justice and dignity.

Women for Refugee Women supports the self-help group, Women Asylum Seekers Together (WAST) London. Many of the photographs in this report were taken by WAST London and form part of the Home Sweet Home photography exhibition, which has been shown in Parliament, at St Alban's Cathedral, at the Riverside Studios in London, and other venues. If you would like to show the exhibition, please contact us.

Cover photograph: Three Women by N Yemane 'These women go to a refugee drop-in centre with me. From there we take food and sometimes old clothes. The woman on the right is homeless. She has been here six years. She has no home, no money, no voucher. The woman in the middle is homeless, too. It is very dangerous for a young woman to sleep in the street. If she sleeps in the street any man can say 'I need her' and then he can take her. What can she do? I understand. I was homeless for seven months.'

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Foreword

By Baroness Helena Kennedy QC

During my lifetime I have seen many changes for women. Women have broken down glass ceilings and women's voices can be heard in the corridors of power; everywhere you go you find that at least lip service is paid to women's rights. However, although a lot has happened, not enough has really altered. If you look around the globe at the position of women, it is still shocking to see the suffering they endure.

It is twenty years since I wrote the first edition of *Eve Was Framed: Women and the Justice System*. It was an analysis of the double burden women face when they encounter law, tested by standards set for men, expected to conform to stereotypes and confronted with rules which take no account of women's reality. Law was not made with women in mind and those who administer legal systems have traditionally been men, so law has developed along lines which have rarely incorporated the experience of women. Since writing

'The treatment of asylum seekers is one of the powerful measures of who we are as a nation'

the book I have continued to argue the cases of women before the courts and to monitor law's failings. While there is now greater awareness of the problems women face, there remain deep-seated areas of discrimination and none greater than in the field of asylum and immigration. In this area prejudices around gender and race make for a toxic alchemy, especially when mixed with the culture of disbelief which so often permeates border control agencies. Women have always faced scepticism when they give histories of rape and sexual abuse, but there is something particularly cruel about the failure to accept their accounts of violation when they are fleeing zones of conflict and war. Their shame at having to recount such degradation, their cultural inhibitions and their utter fear are so often ignored or misunderstood.

One of my own public roles recently has been to chair an inquiry into human trafficking. As a human rights lawyer, I thought I knew all there was to know about cruelty and inhumanity towards women, but this investigation has shown me abuse at another level. Trafficking in human beings is one part of the seething underbelly of globalisation and it is spreading like a virus throughout the world. When women and

child victims end up in our country, what they deserve is sanctuary and protection, not further victimisation. Their terror at the consequences of being returned to the hands of their abusers is tangible. Yet what they often get is the full force of immigration law, resulting in deportation.

For me, the treatment of asylum seekers is one of the powerful measures of who we are as a nation and of our values. If we cannot provide comfort and safety to those who arrive on our shores having suffered torture, the horrors of war and cruelty of the most extreme kind, we have lost a sense of our own humanity.

I want to pay tribute to all those who have made this publication possible. Many have bravely recounted their suffering so that others might know why asylum matters. It is by listening to their stories that we come to understand that a just world is only going to be created when we all find our voices and call for change.

Baroness Helena
Kennedy QC

by Alister Thorpe

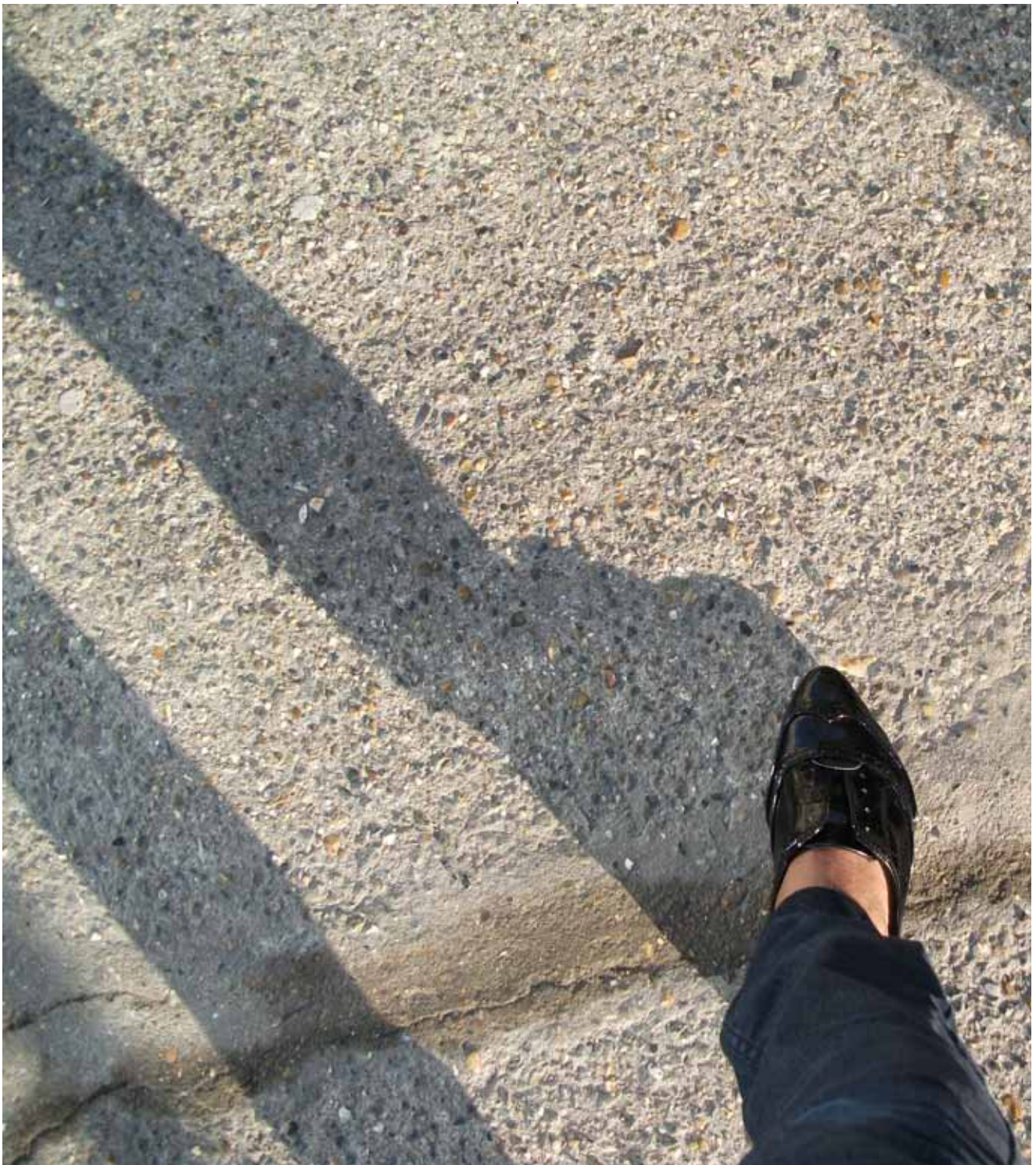


I'm here because it's still dangerous for me in my country.

'I have no place to live and no money. I have nothing except what people give me out of charity. I walk the streets in the day. Today the weather is

nice so it's okay, but some days the weather is so bad and I have nowhere to go. On days like those it is easy to feel hopeless and lost.'

Shadow by Evelyne



I'm here because I have life threat there; I'm not really worried about my life but I have three children and it's their right to have a life without danger and threat.

Introduction

by Natasha Walter

Six years ago I met a woman called Angelique, from the Democratic Republic of Congo. In retribution for the political activities of her father, soldiers had attacked her family home, killed her parents and imprisoned her. In prison, she had been repeatedly raped, but had managed to escape with the help of friends of her dead father, and had come to the UK to seek refuge. Yet here she had been denied asylum and had ended up on the streets. She had walked the streets of London for many months, and had become pregnant. Even heavily pregnant, she went on living homeless and destitute until she could walk no further, and had finally been taken to hospital. When I met Angelique, I was so shocked by her story that I wanted more people to know about what happens to women who are refused asylum in the UK. This report explores the experiences of these women.

'Each refusal is often the turning point which transforms hope into despair'

Alongside other countries, the UK signed up to the Refugee Convention just over 60 years ago. This commits us to give asylum to those fleeing persecution on grounds of, in the words of the Convention, race, religion, nationality, membership of a particular social group or political opinion.¹ Despite the rhetoric we often hear to the contrary, this is not an overwhelming burden on the UK. Just over two per cent of the world's refugees end up in this country.² Even compared to the rest of Europe, the UK takes in fewer refugees than other countries do.³ Refugees do not even make up a very large proportion of all the migrants who come here. Asylum was estimated to account for only four per cent of net migration in 2010.⁴ And of the 18,000 people who sought asylum in the UK in 2010, only 5,000 were women doing so in their own right.⁵

Yet for individual women who come to the UK seeking safety, these journeys are great tests of endurance and survival. Just like men, women come here fleeing torture and imprisonment because of their political and religious beliefs, because of their race or nationality. But women who come here to seek sanctuary may also have had particular experiences because they are women; they are more likely to come

here fleeing sexual violence as part of the political or religious or ethnic persecution they experience. And they may have experienced persecution that isn't obviously political or carried out by the state, such as forced marriage or forced prostitution. Over the years it has become clearer that the omission of sex or gender from the grounds for persecution that qualify one to be a refugee under the Refugee Convention is a glaring one. The United Nations High Commissioner for Refugees (UNHCR) has recognised the need to interpret the Convention in a way that is sensitive to women's persecution, and courts in the UK and other countries have developed the law around asylum in a way that takes into account the specificity of women's experiences.⁶

Despite these legal developments, women who are crossing borders to flee persecution often struggle to convince authorities that they deserve protection. Since setting up Women for Refugee Women six years ago, I have been struck time and again by the ways in which women are discredited even in the process which should grant them protection. And I have become more and more concerned about what happens to these women if they are denied asylum. Many of these refused women will be removed back to countries where they are in danger, but many live among us in the UK, existing in legal limbo and fear of forced removal. Each refusal is not just an administrative decision, it is part of an individual woman's story, often the turning point which transforms hope into despair.

In order to find out more about what happens to women who are refused asylum here, we interviewed more than 70 women in the UK who came here seeking asylum. We also worked with three individual women to tell their stories in more depth. The experiences told here reflect a real failing in the asylum process, and one that I have become ever more aware of over the last six years, while I have been working as the director of Women for Refugee Women. Women who have fled to the UK in need of protection are too often caught in a system that compounds their trauma. It is time for all of us who believe in women's rights and equality to understand this and to work together with the government and with refugees to build a system that respects women's dignity, and gives them a fair hearing.

I'm here because I don't know what will happen to me there, until now my husband is a missing person, I don't know if he was killed.

Findings

Our research looked at the experiences of 72 women who had sought asylum in the UK. For more information on our research methods, see page 41.

65 women disclosed their experiences in their home country:

- 49 per cent had experienced arrest or imprisonment
- 52 per cent had experienced violence from soldiers, police or prison guards
- 32 per cent had been raped by soldiers, police or prison guards
- 21 per cent had been raped by their husband, family member or someone else
- 6 per cent were fleeing forced prostitution
- 10 per cent were fleeing forced marriage
- 8 per cent were fleeing female genital mutilation
- 6 per cent were fleeing the threat of female genital mutilation for their daughters
- 66 per cent had experienced some kind of gender-related persecution, including rape, sexual violence, forced prostitution, forced marriage or female genital mutilation
- 48 per cent had survived rape as part of the persecution they were fleeing

'63 per cent of those refused said they had thought about killing themselves'

These women were asked why they thought they had these experiences:

- 39 per cent said they had been persecuted because they were women
- 36 per cent said they had been persecuted because they were politically active
- 17 per cent said they had been persecuted because of their religion
- 15 per cent said they had been persecuted because of their ethnic background
- 10 per cent said they had been persecuted because of their nationality

Out of 70 who could tell us the outcome of their first asylum application:

- 3 women were granted refugee status
- 67 women were refused asylum

Those 67 women were asked why they had been refused asylum:

- 76 per cent said that they had not been believed
- 19 per cent said that they had been believed but told they could return to another part of their country
- 12 per cent said they did not understand the refusal letter

'66 per cent had experienced some kind of gender-related persecution, including rape, sexual violence, forced prostitution, forced marriage or female genital mutilation'

Those 67 women were asked about the effects of being refused asylum:

- 96 per cent said they had not been allowed to work
- 64 per cent said they had not been able to reunite with family members from their home country
- 67 per cent had been made destitute (left without any means of support or any accommodation)
- 25 per cent had been detained

Those 45 women who had been destitute were asked about their experiences of living without any support in the UK:

- 96 per cent had relied on charities for food
- 56 per cent had been forced to sleep outside
- 16 per cent had experienced sexual violence while destitute
- 18 per cent had worked unpaid for food or shelter
- 9 per cent had worked illegally

Those refused asylum were asked whether they had considered going home voluntarily:

- Not a single woman felt able to contemplate voluntary return

Those refused asylum were asked how they felt about being refused:

- 97 per cent of those refused said they were depressed
- 93 per cent of those refused said they were scared
- 63 per cent of those refused said they had thought about killing themselves

I'm here because my country is dangerous, there is no security for my life.

Persecution

The women we interviewed revealed a range of experiences that led them to come to the UK seeking protection. It is not possible to know how representative their experiences are compared to all women seeking asylum, since the UK Home Office does not keep publicly available statistics on key issues such as the type of persecution women flee and whether sexual violence or other kinds of gender-related persecution make up any part of their claim. Those interviewed came from a range of countries, many of them with well-known records of human rights abuses, including Algeria, Angola, Burundi, Cameroon, Democratic Republic of Congo, Eritrea, Ethiopia, Iran, Ivory Coast, Somalia, Sri Lanka, Sudan and Zimbabwe.⁷

Many women disclosed that they had sought asylum for the same reasons often associated with men who seek asylum. Half of the women in our sample had been arrested or imprisoned and more than half had experienced violence from soldiers or police. When asked why they thought they had experienced the persecution they described, more than a third of our research participants said it was because they were politically active, while others said it was because of their religion, their ethnic background, or their nationality. It is notable that three quarters of our sample gave more than one reason for why they had been persecuted.

However, the most common reason these women gave for the persecution they had experienced was 'because I am a woman'. It has long been recognised that women may experience human rights abuses across the globe in different ways to men. Even if a woman is persecuted for reasons that are not based on her sex - because of her religion, for instance, or her ethnic background - that persecution is more likely to take the form of rape or sexual violence. For many women the persecution they face is not overtly political; it may take place in the private sphere and be carried out by individuals who are not connected to the state, such as family members, and yet it may be just as severely threatening to her as persecution carried out by the state.

According to the UNHCR, the term 'gender-related persecution' can refer to a range of different experiences in which gender is a relevant consideration.⁸ In our research, two thirds of all those

who disclosed their experiences had fled gender-related persecution under the categories we asked them about. This could include rape by soldiers, rape by family members, forced prostitution, forced marriage, or female genital mutilation. Nearly half of the women in our sample had been raped.

Although we focus on women's experiences of persecution in this report, this is not to suggest that women's claims for asylum should in some way take precedence over men's claims. Men also come to the UK seeking asylum from human rights abuses, and many of them are not given a fair hearing in the asylum process. Nor should concern be limited to women who have been persecuted in a way that is related to their gender. As reflected in our research, many women come to the UK fleeing persecution such as torture or imprisonment without having been sexually abused or targeted specifically as women. They too deserve dignified treatment in the asylum process. But by focusing on the particular problems experienced by women who come to the UK fleeing sexual violence and persecution as women, this report aims to shine a light on experiences that are too often unheard and unseen. And we hope to show why it is so important to build an asylum process that gives dignity and a fair hearing to all those fleeing persecution.

Why do you think you had these experiences?

'Because I am a woman and women in my country don't have rights, don't take decision, can't express themselves, so therefore all decisions are made by men.'
'Because my husband's political activities affected me.'
'Because I was against the government policies and lobbying for democracy.'

Rape by police and soldiers

Many of the women in our research had experienced rape and sexual violence at the hands of police, soldiers or prison guards. Just under a third had been raped by soldiers or police and just under a third had experienced sexual violence at the hands of police, soldiers or prison guards. Such persecution occurred in many countries, including Cameroon, Uganda, Ethiopia, Eritrea, Algeria, Democratic Republic of Congo, Zimbabwe and Sudan.

These figures corroborate other research into

I'm here because I can't return, it is risk and dangerous.



the experiences of women seeking asylum, limited though this is. For instance, the Refugee Council found that 76 per cent of women accessing its Vulnerable Women's Project had been raped, either in the country of origin or in the UK.⁹ Legal Action for Women found that 70 per cent of women who contacted them while detained in Yarl's Wood Immigration Removal Centre had survived rape.¹⁰ The Scottish Refugee Council with the London School of Hygiene and Tropical Medicine found that 70 per cent of women asylum seekers they interviewed had experienced physical or sexual violence.¹¹

It should no longer be surprising to anyone in the UK that women may come to this country seeking refuge from experiences such as these. Since Susan Brownmiller's groundbreaking 1975 book *Against Her Will: Men, Women and Rape*, the hidden phenomenon of rape in conflict has become more exposed, but it has not become any less prevalent.¹² In Bosnia, for example, rape was used as an instrument of ethnic cleansing, with an estimated 20,000 to 50,000 women subjected to rape.¹³ It was estimated that between 350,000 and 500,000 women were raped during the Rwandan genocide.¹⁴ International organisations such as Human Rights Watch and Amnesty International,

'I came here before Christmas, when I was sleeping outside. It is a day centre for homeless people. The lady here, she gave me food and let me have a shower. When you're sleeping outside

you don't have a shower. She tells me it's very difficult to find a place for me to sleep. But in the end she did, she helped me to find a bed in the hostel where I am now.'

The Passage by Esther

V-Day and Women Under Siege document the use of rape in conflicts from the Congo to Syria; for instance, it has been estimated that four women are raped every five minutes in the Congo.¹⁵

Less is known about how rape may be used as a method of persecution beyond such headline conflicts. We have met, for instance, women who were raped by police as retribution for being a Christian in Azerbaijan, for being part of the English speaking minority in Cameroon, or for being a political activist in Ethiopia. The international community has long recognised that rape can be seen as a method of torture. The first UN Special Rapporteur on Torture, Peter Koojimans, defined rape as constituting torture in 1986, and his successor, Nigel Rodley, expanded, 'rape or other forms of sexual assault against women

I'm here because I am afraid they will take my baby away from me, and kill me.

in detention were a particularly ignominious violation of the inherent dignity and the right to physical integrity of the human being, they accordingly constituted an act of torture.¹⁶ However, most of this torture is still hidden and underreported.

**What experiences did you have in your home country?
'It is a repressive regime. I was investigated for being involved in a newsletter. I was in prison.'
'I was held in captivity. The actions I went through were degrading and inhuman.'
'I have been taken by soldiers to prison when I was a teenager. I had bad experience and not eating food almost five to six days.'**

Persecution in the private sphere

Many of the women we spoke to had experienced human rights abuses that are not obviously political. For instance, of the 65 women who disclosed their experiences, eight had been raped by family members, four had been forced into prostitution, seven had been forced into marriage, while five had experienced or feared genital mutilation.

Alongside greater awareness of the use of rape as persecution, there has been growing understanding of less obviously political manifestations of the persecution of women. International human rights organisations, treaty monitoring bodies and United Nations agencies now recognise the seriousness of what were once seen as private abuses such as forced marriage, 'honour' killings and female genital mutilation, and the refusal of certain states to protect women against these abuses.

For instance, female genital mutilation or cutting has been clearly recognised as a breach of women's human rights. Female genital mutilation (FGM) is the term used for all procedures that involve partial or total removal of the external female genitalia; in the most invasive cases it can involve removal of the clitoris, cutting of the labia, and fusion of the wound. It is widely practised on women in a number of traditional societies, and can result in severe bleeding, infections, and problems later in life including complications in childbirth.¹⁷ International treaty monitoring bodies and agencies such as the World Health Organisation and the United Nations Children's Fund have issued statements against FGM or recommended actions that could be taken to try to stamp out this practice, including both legislation and grassroots interventions. Human Rights Watch states that, 'FGM violates women's and children's human rights, including their rights to health, to be free from violence, to life and physical integrity, to non-discrimination, and to be free from cruel, inhuman, and degrading treatment.'¹⁸ Waris Dirie, a woman who survived FGM and who has become a model, a writer and international campaigner against this abuse,

recently called for solidarity on this issue: 'I think that every woman in the world should take a stand on this.' However, despite such vigorous condemnations, female genital mutilation remains widespread, and it is estimated that up to three million girls are at risk of female genital mutilation every year in Africa.¹⁹

Similarly, awareness has been growing of the global phenomenon of forced prostitution. Human rights journalists Nicholas Kristof and Sheryl WuDunn, in their recent study of the global repression of women, *Half the Sky*, called forced prostitution 'one of the paramount human rights problems of this century.'²⁰ Artists and film-makers have brought the impact of trafficking for sexual exploitation alive for wide audiences, from the film *Lilya 4Ever* by Lukas Moodysson, released in 2002, to the arts project *The Journey*, realised by Emma Thompson, Anish Kapoor and others with the Helen Bamber Foundation in 2007. Still, trafficking for sexual exploitation shows no signs of being reduced, and the United Nations Office on Drugs and Crime recently estimated that 2.4 million people worldwide are victims of trafficking, that 80 per cent of them are sexually exploited and that two out of three are women.²¹

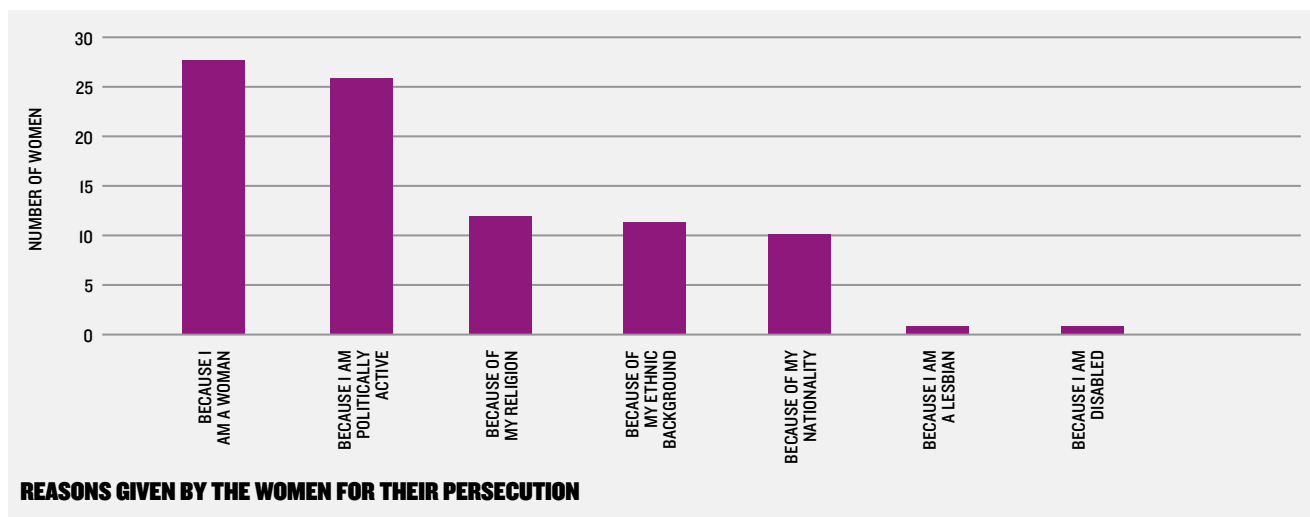
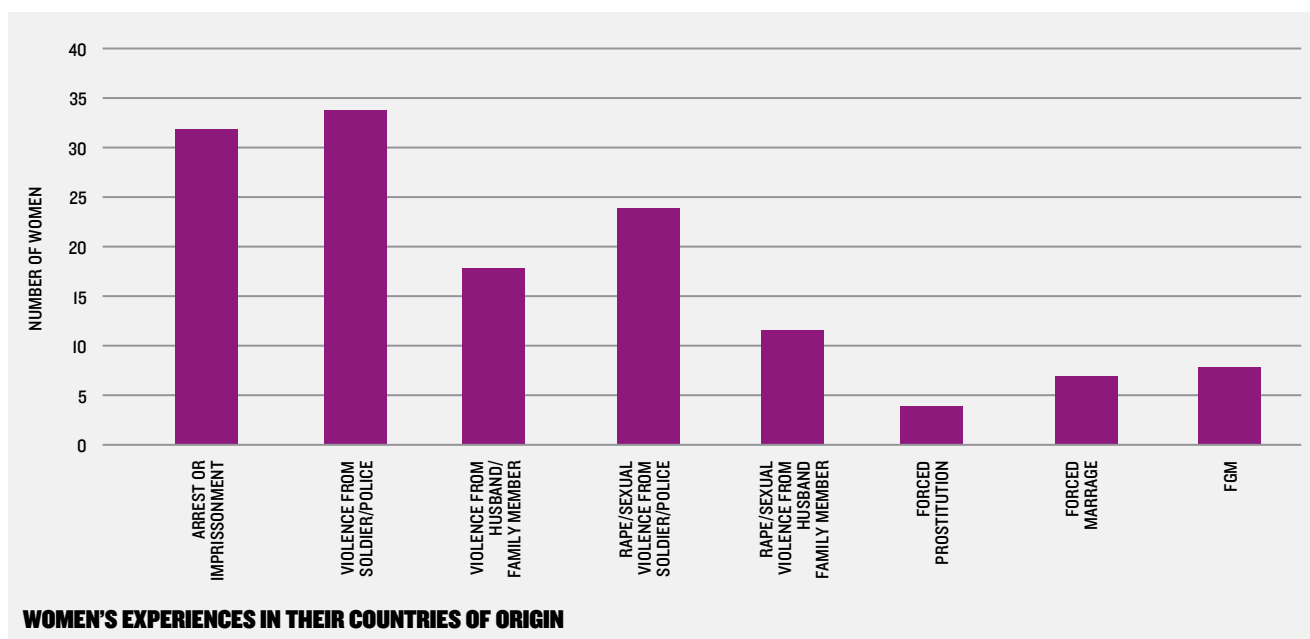
Another manifestation of entrenched discrimination against women in many societies is forced marriage, which is now seen as a clear breach of women's human rights, whether it takes place within a traditional culture, or in the context of armed conflict, as was particularly documented in Sierra Leone, where captured women were given to soldiers as 'bush wives'. The right to marry only with free and full consent is reflected in the Universal Declaration of Human Rights,²² yet in many societies this is still far from the case. The attention of the international community on the horror of forced marriage was sparked recently by the case of Moroccan teenager Amina Filali who was reported to have committed suicide after being forced to agree to marry a man who had raped her, triggering demonstrations and calls for changes in the law in Morocco.

**What experiences did you have in your home country?
'I have experience that I have to sleep with men I do not know. I was beaten by family member.'
'If I go back they will force my daughter to have female genital mutilation.'
'They threaten my son will be killed if I don't go for prostitution.'
'Afraid of my husband. If I go back he might kill me and snatch my daughters from me.'**

From the globe to our doorstep

Reading the responses to our questionnaires about why women fled to the UK is rather like a short primer on the global reality of persecution of women in both the public and the private sphere. Here is a

I'm here because I am afraid of persecution and killing.



woman who fled rape by soldiers in the Congo; here is a woman who fled forced prostitution from Nigeria; here is a woman who fled forced marriage and violence from her husband in the Gambia; here is a woman who fled female genital mutilation in Sudan.

Obviously it would be absurd to think that all, or even most, of the women experiencing such persecution could or should find refuge in the UK. The UK is not a perfect haven; many abuses against women happen here too. And much resistance to discrimination and persecution takes place in the countries of origin of these women. This resistance may take the form of an individual woman standing up to her abusers. There are heroic women, for instance, such as Mukhtar Mai, who was subjected to brutal gang rape in Pakistan as a form of 'honour' revenge, but who was not silenced, and went on to pursue her case and become an outspoken advocate for women's rights.³³ Or resistance may take the form

of an international organisation supporting women, such as the project run by V-Day with Unicef in the Congo, the City of Joy, which provides a safe haven and means of empowerment for survivors of sexual violence. Or it may take the form of grassroots organising, such as the women using community education through the organisation Tostan to raise awareness about issues around female genital mutilation in Senegal.

However, in certain times and places and for certain individuals, no such resistance is possible, and many women will suffer these abuses without ever being able to stand up against them. Others may escape the abuse by moving physically, but staying within the borders of their own countries. Others may move to a neighbouring country. Only a small proportion will ever seek safety in the UK. What happens to the few women who seek asylum in the UK is the subject of this report.

I'm here because the government of my country will kill me.

Asylum

In the UK, an ‘asylum seeker’ is someone who applies to the Home Office for asylum. If the UK Border Agency (UKBA), the part of the Home Office which decides asylum claims, agrees that an individual qualifies for asylum, they are granted refugee status, and are given limited permission – known as leave – to remain and the right to work and study in the UK. Not everyone who is fleeing danger or violence qualifies as a refugee. To qualify, a woman fleeing persecution must demonstrate that she meets the definition of a refugee set out in the 1951 Refugee Convention, the details of which are discussed further on page 16. She must do so while negotiating a complicated process in a strange country, often with limited English, often with no – or inadequate – legal representation.

The Home Office has made changes to the asylum process over the last few years, with the intention of reforming and speeding up the system. However, it is clear from this research, which included both women who had been in the country for many years and women who had arrived very recently, that women who were caught up in the previous asylum system are still suffering the fallout of its failures, and that women who have arrived recently are still finding the system hostile and unresponsive to their needs.

First steps

A woman arriving in the UK to seek asylum may have taken one of many routes. For instance, she may have been brought here overland by an agent, with little control over her movements or what country she was to land in. Or she may have used much of her own or her family’s assets to come here independently by aeroplane. Once here, she has to abide by a series of unfamiliar rules. Above all, she must make her claim for asylum as soon as she can; she can claim asylum at a port of entry to the UK, or, if she has entered the country without claiming asylum, she has to go to the Asylum Screening Unit in Croydon, south London. Lawyers have recently documented how inimical the situation at the Asylum Screening Unit is for vulnerable people. The Law Society stated that asylum seekers are subjected to ‘degrading treatment’, that telephones are rarely answered and that people who turn up in person are frequently sent away. One elderly Zimbabwean woman caught a bus at 3am to

arrive at Croydon at 7am, only to be told she was too late to be seen that day.²⁴ The UKBA has recently told us that improvements are being made in this area, but for a firsthand account of a woman’s experiences at the screening unit, go to Esther Freud’s interview with Ella on page 12.

The asylum claim

First of all, the woman will have a screening interview; the purpose of which is to establish her identity, her route into the UK, and whether she might be returned to a third country (asylum seekers can be removed to another European country if they have passed through that country before reaching the UK). She may be detained after this interview. If she seems to have a ‘straightforward’ case,²⁵ she can be put into the detained fast track while her case is decided, or she may also be detained if she is thought to be at risk of absconding – perhaps if she is thought to have lied about when she entered the country.²⁶ The purpose of the interview at this point is not to ask detailed questions, but to obtain basic information.

‘Women are still finding the system hostile and unresponsive to their needs’

If a woman is not taken into the fast-track process or detained for another reason, the UKBA will give her an appointment to attend her substantive interview at a later date. She is not usually allowed to work as long as she is claiming asylum,²⁷ but she is entitled to restricted support and accommodation so long as she accepts whatever accommodation she is allocated, which may involve being sent to another city or put into a shared room in a hostel. She will usually be asked to report regularly to UKBA offices; most individuals report once a month, but this can be made more frequent – every weekday in one recent case – and the sanctions on not reporting may include loss of support or detention.

Every asylum seeker is allocated a case owner who is theoretically responsible for all aspects their case, including undertaking the substantive interview, making the decision on the asylum claim and on asylum support and reporting conditions. The introduction of the case owner was seen as a way of making the process more straightforward. However, Asylum Aid found recently that, in the majority

I’m here because I’m really afraid of my husband, he’s gonna kill me and snatch my daughters from me.

of cases they looked at, more than one case owner dealt with the asylum claim; that in a third of cases the case owner who drafted the decision was not the case owner who conducted the interview; and that none of the women they interviewed knew who their case owner was or how to contact him or her.²⁸ In the substantive 'asylum interview', a case owner will examine her reasons for claiming asylum. This interview provides an individual claiming asylum the 'only chance to tell us why you fear return to your country.'²⁹

Outcomes

There are three possible outcomes of an asylum claim. First, the applicant may be recognised as a refugee and given five years limited leave to remain in the UK. Nineteen per cent of applicants were granted refugee status in 2010. Second, they may be refused refugee status, but granted leave to remain on other human rights grounds: 'humanitarian protection' or 'discretionary leave'. These forms of protection are 'intended to be used sparingly',³⁰ and only seven per cent of cases decided in 2010 were given humanitarian protection or discretionary leave.

'When a woman has received a final refusal she will not be entitled to support or work'

Or she will be refused outright. In the last year for which statistics are available, 74 per cent of women were refused.³¹ Almost all, 93 per cent, of the women in our sample were refused. The refused applicant will receive a 'refusal letter', setting out why the Home Office staff member has refused her claim for asylum. The problems currently seen in these initial decisions, and evidence for the growing consensus that individuals struggle to get a fair hearing from the Home Office, are explored in more detail on pages 22 to 27. The woman does then have further legal rights, although whether she is able to exercise them may depend on whether she receives legal advice in time to do so, and problems in accessing legal representation are discussed on pages 25 to 26. She has the right to submit an appeal against the initial decision within two weeks, and this appeal will be heard at the First Tier Tribunal by an immigration judge. If refused, she may be able to go to further appeal on a point of law, though she will need legal advice to help her do this. Further appeals are heard in the Upper Tribunal of the Immigration and Asylum Chamber, and if she is refused by this tribunal she may in certain circumstances be able to apply to the Court of Appeal for a further hearing, and if that is unsuccessful it may occasionally be possible to apply to the Supreme Court.

Finally, it may sometimes be possible to apply for a judicial review of the UKBA's immigration and asylum decisions. Judicial reviews are a challenge to the way



Screening by Aliya Mirza

in which a decision was made, rather than the rights and wrongs of the conclusion reached. None of these further appeals or reviews are automatic, all of them rely on making an acceptable legal case for challenging the initial decision, and some of the problems seen in accessing justice in the courts are considered on page 26. After this, the woman may only ask for a reconsideration of her case if she can make a fresh claim, which must be based on new information that has not previously been considered by a Home Office decision maker or immigration judge.

When a woman who has sought asylum has received a final refusal and exhausted her rights to appeal she will not be entitled to support or to work. She will be told to leave the country, and if she does not do so voluntarily the UKBA will aim to remove her forcibly. They may give her removal directions to get a flight back to her country of origin, and may use force to ensure she does so, and may detain her prior to removal.

I'm here because of my children's safety.

Ella's story

by Esther Freud

I came to save myself.' Ella left her home in the Gambia in June last year. She was terrified, setting off into the unknown, but she was hoping finally to find a safe place after the years of mental and physical abuse. She has been here for seven months when we meet, and distressing as it is for her, she wants to explain to me not only what she went through back home, but also the struggle she has had looking for safety in the UK. We meet one afternoon in a pub in north London; she is nervous, by turns candid and then uncertain.

Why did she choose Britain? I ask when we meet. 'I saw CNN and the BBC; I saw people talking about women's rights.' Everything she'd read or seen on television had given her the impression this is a country that respected human rights, that believed in the equality of the sexes. In the Gambia there is no law prohibiting domestic violence. Ella had been forced to marry at the age of 19, to a man who was a distant relation of her father's and who never showed her any affection. On the contrary, an examination carried out in the UK by a doctor at the Helen Bamber Foundation for Ella's forthcoming appeal hearing found more than 50 scars on her body consistent with deliberate abuse, including burning with irons. But when she turned to her family or friends for help they had only one piece of advice for her. Accept it. 'That is all they know. They believe that even if your husband is violent you have to bear it. And if you leave him – then it's your fault. You don't have any life.' When her husband's abuse escalated so much that she was afraid for her life, Ella sent her six year old daughter to stay with her mother, and used all her savings to buy an aeroplane ticket to the UK.

Ella's hopes of safety in the UK have been sorely tested in the last few months. She does understand, of course, that each person who comes here must be assessed for the validity of their case, that there are limits to how many refugees one country can harbour, but she is also baffled as to why people who are already lost and traumatised should be made to suffer so much as they plead their case.

When Ella walked through the doors into the Croydon offices of UKBA, where all those who make a claim for asylum must go, she believed she just had to tell the truth. 'We don't believe you,' Ella was

told by a man behind a glass screen. 'Get out. I'll call security if you don't leave.' With no money and no acquaintances in London, she waited through the long night, terrified of the men on the streets around her, sitting in a bus shelter, hungry and cold. At 4am she returned to the same offices. Another member of staff found her sitting on the steps and finally allowed her to complete the paperwork to claim asylum. From there she was given directions to a room in a hostel. Ten days later she was recalled to Croydon.

She thought this would be for another interview, but instead the staff took her fingerprints and photographed her, and then put her in a van to take her to a detention centre. If the UKBA decides that an individual has a 'straightforward' case, they can put them into what is known as the detained fast track, where the case is decided very quickly and the individual is held in detention throughout the process. 'I didn't know what detention is. I thought, I am not a criminal. They searched me. They put me in prison. I wanted to kill myself.' Ella bent her head. 'But I thought of my daughter. What if she ends up with the same life as mine?'

'They believe that even if your husband is violent you have to bear it.'

It was terror at the thought of her daughter's future that had propelled Ella to escape her marriage in the first place. This, and the fact that during her second pregnancy, her husband beat her so badly that the baby she was carrying was born so premature and weak, it died not long after in her arms. 'At seven years,' she said, tears streaming down her face. 'Seven years?' I ask, confused. 'Seven days,' she corrected herself, shaking her head. And I had a glimpse of how easy it would be for an unsympathetic officer to seize upon the mistakes made by a traumatised woman and dismiss her case out of hand. And dismiss her case they did.

Two days after being brought to the detention centre, Ella was interviewed for her asylum claim. Two days later, she received the decision – a refusal. The decision rejected the very basis of Ella's claim, the fact that she was married to her husband, who happens to be a well-known musician. 'It is not accepted that you are married to your husband,' the

I'm here because I don't have any family to return to and I'm scared for my safety.



letter stated. Why? Because Ella did not know the date of her husband's birth and because when asked the name of his father she gave the family nickname that he was known by, rather than the name the UKBA staff member found on the internet. Because they had not accepted her marriage, the decision did not even consider her evidence of abuse.

'I will never go back. I will kill myself first.'

Nearly 90 per cent of women in the detained fast track are refused and most of them are removed back to the country where they feel they are in danger. This would have been Ella's fate if she hadn't had the resources that few asylum seekers have; good English and the ability to use email and fax. Although she was panicked and depressed, she started to work hard to prove her case in Yarl's Wood. She faxed a lawyer more details of her situation. She wrote to the Home Office. She emailed a friend in her home country who sent the documents she needed – including her marriage certificate – by courier.

It was while in the detention centre that Ella heard about a voluntary group, Yarl's Wood Befrienders,

Ella by Aliya Mirza

and through this organisation, for the first time since she'd arrived in Britain, she received a visit from someone with a friendly face. They brought her a present, a bottle of shampoo – her eyes light up with pleasure at the memory.

It was five weeks before Ella was released from Yarl's Wood detention centre. By then her health had deteriorated, and she was deeply depressed. 'It is hard to explain what a terrible effect it has on you to be locked up.' Despite her depression, she started volunteering for a charity that helps other, vulnerable women like herself. Later this month she has her appeal hearing coming up, when a judge will consider the refusal given to her by the UKBA.

'What if you win?' I ask her. 'What will you do?'

'I will find a way to bring my daughter to join me.'

'And if you lose,' I say it gently. 'Will you go back?'

'I will never go back.' She bows her head. 'I will kill myself first.' And from everything she's said, it's hard not to believe her.

Ella's name has been changed. Her appeal was successful; she now has refugee status.

I'm here because I have nowhere else to go.

Refusal

Almost all the women who participated in this research, 93 per cent, had been refused asylum. This is a higher proportion than among all asylum seeking women; in 2010 74 per cent of women seeking asylum were refused.³² Unfortunately, just as with the nature of the persecution they experience, the Home Office does not keep accessible statistics on why women are refused asylum and what happens to them after they are refused asylum. However, there is no reason to think that the reasons for refusal and the reactions to refusal found in our sample are not typical.

Reasons for refusal

The women in our research were asked why they thought they had been refused. More than three quarters said that they had been refused because they had not been believed. One in five said that they had been believed but told they could return to another part of their country. About one in ten said they did not understand the refusal letter.

These findings suggest that the issue of disbelief is at the core of why so many women are refused asylum. A culture of disbelief that goes right to the heart of the Home Office has been documented time and again and the experiences of the women in this research suggest that it is as strong as ever. In 2008, the Independent Asylum Commission found a persistent 'culture of disbelief' among decision-makers.³³ Recent research by Asylum Aid on women's asylum claims showed that, in their sample, most of the applicants who had been refused were not believed, and that assessment of credibility formed the 'core of the decision to refuse.'³⁴ In other words, even when they come to this country fleeing persecution, many women find that they are not taken seriously by the Home Office. We examine this culture of disbelief on page 22. There are other reasons why women may find that their claims are refused, even if they have compelling claims involving genuine persecution. These reasons may include their own difficulties in disclosing all the relevant information; lack of knowledge by decision-makers about the situation in their home countries, and problems in accessing good, or any, legal representation. We consider these reasons in more detail on pages 22-27. It is clear that many women do not feel that their claims have been assessed properly,

but are unable to challenge these poor decisions. This primary injustice, that women are not getting a fair hearing in the asylum process, is then compounded by the traumatic effects of refusal, such as destitution and threats of forced removal.

Effects of refusal

Destitution

If a woman is refused asylum and is not able to appeal the decision, she may have all her support stopped and be made homeless with no right to work. Two thirds of the women in our research who were refused asylum had experienced destitution, and more than a third were destitute at the time they participated in this research. Many of them had spent long periods destitute: six women had been destitute for six years or more; two had spent nine years living destitute.

How did you feel about being refused asylum?

'They kill me already. I feel like the walking dead.'
'I feel useless. My confidence shattered.'

The policy of making refused asylum seekers destitute has an incalculable effect on the mental and physical health of very vulnerable people. We asked the women in this sample some questions about how they survive, and the answers bear out our experiences in working with these women. They are forced to become beggars, relying on charity and the generosity of friends and strangers to survive. Almost all had gone to charities for food parcels. More than half had had to sleep outside, perhaps on the streets, or sitting up all night in airports or train stations or on night buses. They are also made vulnerable to exploitation: 18 per cent had worked unpaid in exchange for food and shelter, and about one in ten had worked illegally. These figures are in fact likely to be much higher, but women may be scared of disclosing their experiences of illegal work even in a confidential situation. One woman we know who had been refused asylum had provided childcare and housework to a family in return for food and accommodation for five years. The family never paid her, and only let her out for a few hours on a Sunday.

Most worryingly, out of 45 destitute women in our sample, seven had experienced sexual violence on the streets or where they were staying, and seven had

I'm here because it is not safe in my country.

experienced violence on the streets or where they were staying. One woman we know had lived destitute with her baby son for five years after being refused asylum. During this time she was forced to sleep on friends' floors. When her friend's partner started to assault her at night, she felt powerless to resist. Where else, she said, would she and her son go?

Although the women in this research were not asked specifically about sexual exploitation, many women chose to disclose that they had felt forced into prostitution or transactional sex in order to survive while destitute. As one typical response ran: 'I had to move from one place to another sleeping with men to get a bit of help.'

At Women for Refugee Women we believe it is unacceptable that survivors of persecution are forced into situations where they are made vulnerable to violence and exploitation all over again. For further discussion of the effects of destitution, see pages 34-35.

Detention

A quarter of the women in our sample had been detained in the UK. This may have been in the process of claiming asylum, or it may have been after being refused asylum, before a planned removal that did not take place. Individuals who claim asylum may be detained at any time, for indefinite periods. Some of the women in our sample had been detained for only a few days, but one had been detained for 24 days, one for 65 days and one for four and a half months.

Human rights organisations and UN Agencies have highlighted concerns around immigration detention and the impact that this can have, in particular for survivors of abuse and torture.³⁵ Research has demonstrated that asylum seekers placed in detention for immigration purposes often suffer serious mental health deterioration, including increased post-traumatic stress disorder and depression.³⁶ In our research, of those who were held in detention, most said that they had found it hard to contact a lawyer and more than half said they had found it hard to contact their friends. Further exploration of the issue of detention is on pages 32-33.

Family separation

A sizeable proportion of the women in this sample had left children behind in their home countries when they fled for their own survival. Nearly a third of the women in our research told us that they have children in their country of origin.

If an individual is granted refugee status, she may apply to bring children who are aged under 18 into the country to join her. One effect of being refused asylum is a delay in reuniting with a child or even a permanent rupture with the child. In this sample, 19 women said that not being able to reunite with their family members was an effect of being refused asylum.

For instance, one woman we know was captured by the Lord's Resistance Army in Uganda and then, when she escaped, was imprisoned and tortured by the government for suspected complicity with the LRA. She fled her country in fear of her life in 2003, leaving her two children aged 13 and 14 with a friend of the family. Yet she was refused asylum and struggled along in a legal limbo in the UK for years. Although she eventually got leave to remain in the UK in 2010, by then her children were over 18 and she was unable to bring them to the UK. It remains the great sadness of her life. 'We talk sometimes on the telephone,' she told us, 'when I have enough money for a card. They say, don't give up, you are everything to us. I have thought about killing myself but when they say that I know I must remain alive.'

Emotional effects of refusal

We asked the women in our research to tell us what they felt about being refused asylum. Most of them, 93 per cent, said they were scared, 97 per cent said they had been depressed, and more than half said that they had thought about killing themselves.

How did you feel about being refused asylum?

'I feel inside I'm destroyed. I am scared to sign on because I am afraid they take me back.'

'I thought about killing myself. But what about my son?'

Anyone who works with refugees or any refused asylum seeker can add their own personal testimony to these bald statistics. For many women who come to the UK to claim asylum, the journey itself feels like the last chance, the movement towards hope of a new life. When this is dashed, the setback can be overwhelming. On pages 28 to 31 we have given space to one individual, Saron, to tell her own story and to try to weigh what refusal meant to her. 'It was not what happened to me in my own country which broke me. It was what happened to me here. That was what broke my spirit.'

Return

The question frequently asked about those who have been refused asylum is why these women do not simply return to their country, rather than enduring detention, destitution and despair in the UK. **Not one woman who took part in this research said that they could consider going back voluntarily.** Many of these women chose to tell us why they could not return to their home countries. These statements appear on every page of this report. These voices remind us of the human costs of refusing asylum to women who are in genuine danger of persecution. The fear and despair experienced by women who would rather kill themselves than go back to these situations is palpable.

I'm here because quand je pars la-bas, dans mon pays, on va me tuer.

Law

In the UK, a woman is entitled to claim asylum if she has a well-founded fear of being persecuted in her own country for one of the five grounds set out in the 1951 Refugee Convention: race, religion, nationality, political opinion, or membership of a particular social group, and her own state is unable to protect her.

³⁷ Persecution has been interpreted as serious harm, inflicted or threatened intentionally on the individual or on the group of which she is a member.³⁸ Proving serious harm is not in and of itself enough to qualify for refugee status; the applicant must also show that this is linked to one of the five grounds set out in the Convention. Women have historically faced barriers in claiming asylum under these terms.³⁹ As discussed in pages 6 to 9, the persecution women experience often differs from the experiences of men. This has frequently led the female asylum seeker into difficulty when it comes to proving that she is a genuine refugee under the terms of the Convention.

First, there is the issue of proving ‘persecution’: serious harm. The kind of persecution women experience has often been trivialised, so that, for instance, even if a woman is raped by police who attack her in retribution for her political activities, the rape may be seen as a regrettable incident driven by sexual desire rather than a serious harm. Also, women often find themselves in a position where they are targeted not for their own political activities or opinions, but for those of their community or families, and it has traditionally been difficult for women in this position to prove that they are genuinely in danger.

Second, women often flee persecution in what is seen as the private sphere. The Refugee Convention was negotiated and adopted after the Second World War and at the beginning of the Cold War when the issues of ethnic and political persecution inflicted by totalitarian states were at the forefront of the world’s attention. The curtailment of women’s rights through practices such as domestic violence, forced marriage and female genital mutilation have traditionally been thought of as issues that are simply not covered by the Convention grounds of race, religion, political opinion and so on.

However, in the 1990s and 2000s, for the first time, the UK’s higher courts began to accept that there were particular forms of persecution to which women

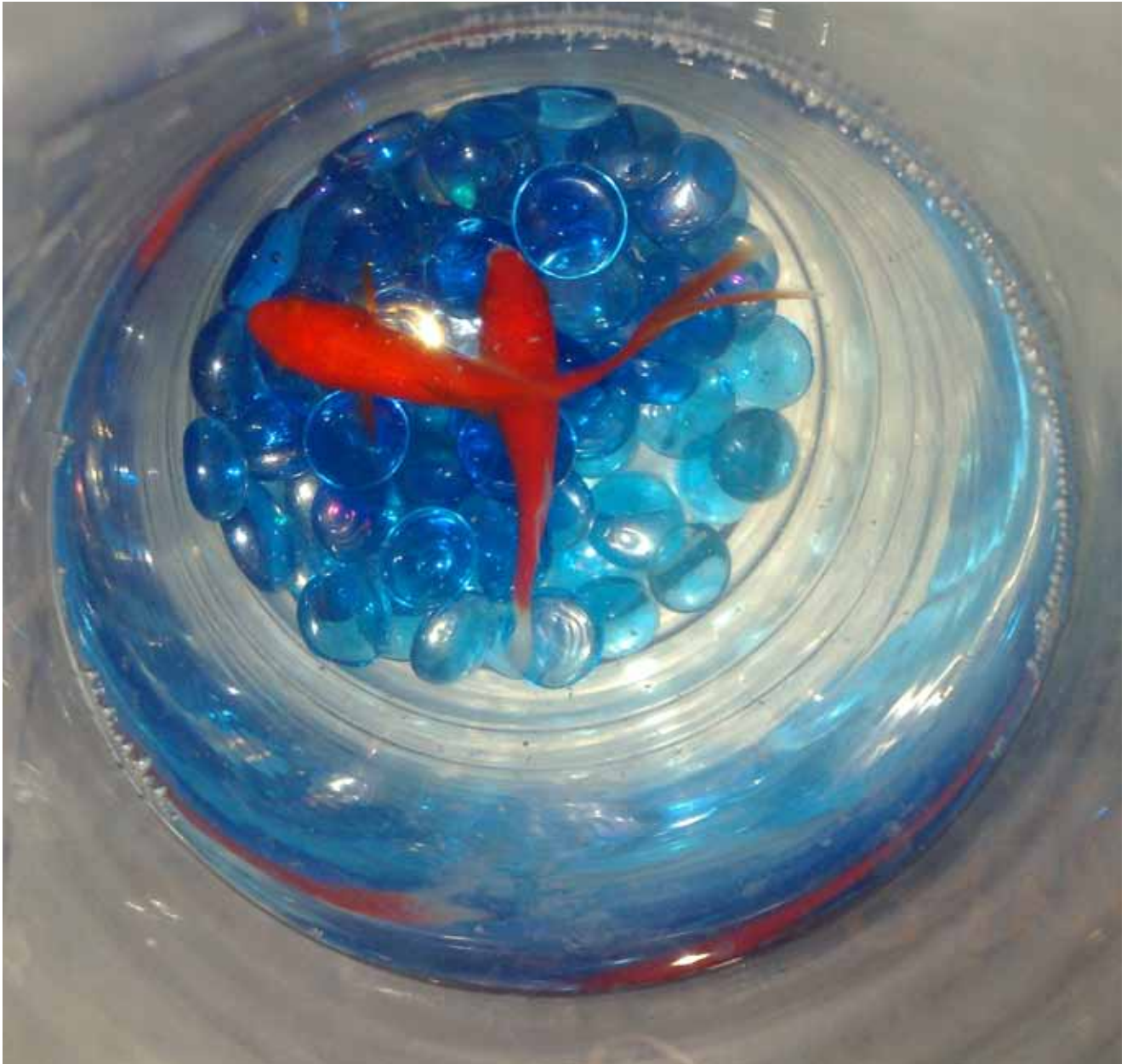
Below: ‘Madeleine came to this country from the Democratic Republic of the Congo, fleeing persecution because of her ethnic background, in 2004.

She has been refused asylum and is living destitute, with no right to benefits or to work and nowhere to live.’
Madeleine by Hannah Maule-finch



and girls were uniquely or particularly susceptible and which enabled them to claim refugee status. This was in part due to the work of those campaigning for a gender-sensitive asylum process at that time, especially the Refugee Women’s Legal Group (RWLG). These legal developments have involved recognising the seriousness of rape and sexual violence when carried out as persecution. They have

I’m here because my country is a dangerous place for me.



'In my country everyone buys little red fish to celebrate the New Year in March. They are good luck and protect homes. This year I bought the little blue rocks from the market and the glass for £1. I bought the fish and made a good celebration

for the New Year for my son and me. The manager who visits the house saw the fish and she liked them. She told me I need a bigger space for them. I said, "I have no space for me! How can I have more space for fish?"

Fish by F Y

involved greater recognition that a woman may be punished not only for her own political activities, but also for those of her male relatives – what is called imputed political opinion. And they have involved a reconsideration of how political opinion may be expressed, and a recognition that a woman who

transgresses against gender norms in her society may be seen as a political dissident.

It has also been successfully argued over the years that actions carried out in the so-called private sphere could constitute persecution provided that the authorities in the country concerned either could not or would not provide adequate protection. A key source for this discussion is Frances Webber's paper *As A Woman I Have No Country*, which can be read on the Women for Refugee Women website. Some of the key developments in the higher courts that show why women fleeing persecution might trust that they have a right to asylum in the UK are summarised here.

Rape and sexual violence carried out by state actors
More than a third of the women we interviewed for our research had experienced rape or sexual violence

I'm here because I would rather die than go back.



'I am destitute. Luckily a friend has taken me in. There are leaks all over her flat. On the stairs we put a towel down to soak up the water but the water keeps on coming through. I worry about my friend's young daughter, I don't want her to slip and

hurt herself. The carpet at the bottom of the stairs is wet and mouldy which makes the whole flat smell really bad. The water drips from the ceiling. I don't have any money and I'm not allowed to get a job so I can't help pay to fix it.'

Leak by Madeleine

inflicted by soldiers, police or prison guards.

International law has gradually built up a body of opinion that rape is not always a private crime. The attention focused on rape and sexual violence in the conflicts in Bosnia and in Rwanda spurred on the development of this understanding. For instance, at the International Criminal Tribunal for the former Yugoslavia, a pathbreaking 1998 case, *Furundzija*, established that rape could amount to torture. In a later case, that of *Kunarac* in 2002, the Tribunal ruled that, 'Severe pain or suffering, as required by the definition of the crime of torture, can thus be said to be established once rape has been proved, since the act of rape necessarily implies such pain or suffering.'⁴⁰ Whether a victim of rape qualifies as a refugee depends on a number of other factors beside the fact of having been raped. As Frances Webber lays out: 'Rape is accepted as persecution under the Refugee Convention when it is inflicted as a punishment, by someone in authority, for example against political opponents under arrest in a police station, or in order to extract information or a confession (like other forms of torture).'⁴¹

Yet in the asylum process there has been a long, still ongoing struggle to convince authorities that rape can be seen as persecution rather than as an individual crime which has been carried out due to

momentary desire and opportunity. Even when rape is inflicted by soldiers or police, women who have come here to seek refuge from these experiences have often been denied asylum and their experiences of sexual violence have been trivialised. For instance, in 2002 the campaigning organisation Women Against Rape supported Rose Najjemba, who had been raped by soldiers in Uganda who had come to question her about suspected complicity with rebel groups. The Home Office accepted that she was raped by soldiers in the circumstances described, but stated that this did not constitute persecution. Court of Appeal judges agreed, concluding that the rape was 'not a matter of persecution. This was simple and dreadful lust.'⁴² Ian Macdonald QC commented at the time: 'If you don't recognize that rape can be part of deliberate persecution, then there is an inbuilt bias against the persecution that women face. After all, if a man was beaten unconscious during interrogation, it would be seen as part of the political persecution he suffered – but if a woman is raped, it is seen as a separate problem.'⁴³ Ms Najjemba was later granted leave to remain in the UK when the immigration minister, Beverley Hughes, intervened after a public outcry.

Recent decisions in the highest courts in the UK have suggested that judges are now more ready to see how rape or sexual violence may amount to persecution. For instance, in 2005, in the House of Lords case of *Hoxha*,⁴⁴ Lady Hale emphasised that: 'sexual violence and rape may be an actual weapon or a strategy of war itself, rather than just an expression or consequence. In the context of armed conflict or



'It is so expensive to heat the flat and my friend cannot afford it. I use a hot water bottle to try to keep myself warm but

it is not enough. The flat is in bad condition but I have no power to make any changes.'

Hot Water Bottle by Madeleine

I'm here because I will be persecuted if I go back.

civil war, the rape of women is also about gaining control over other men and the group (national, ethnic, political) of which they are a part.⁴⁵

Domestic violence and other family based persecution

Many of the women in our sample had experienced violence or sexual violence or rape by their husband or another family member. Altogether, more than a third had experienced rape, violence or sexual violence by family members, or forced marriage.

Where a woman has experienced such persecution in the private sphere, by what are called 'non-state actors', the acceptance of such experiences as grounds for asylum involves proving that the state provides her with no protection. And if a woman in this situation cannot show that her persecution is on the grounds of her religion, ethnicity, nationality or political opinion, in order to establish a successful asylum claim she will have to show that she is a member of 'a particular social group'.

The first case in the UK which established that women experiencing persecution in the private sphere could be seen as members of a 'particular social group' and be entitled to asylum if the state would not protect them was won just 13 years ago, in 1999. This is the case of *Shah and Islam*,⁴⁶ and in this decision the House of Lords agreed that women in Pakistan were members of a particular social group, and that discrimination by the state was the key element in the persecution. The Home Office had argued that it was their husbands, not the state, whom the women feared, and that this was therefore a private matter. Lord Hoffmann made clear why this argument was incorrect if there was a failure of state protection for such women:

'[Domestic violence] would not [usually] however be regarded as persecution within the meaning of the Convention. This is because the victims of violence would be entitled to the protection of the state ... What makes it persecution in Pakistan is the fact ... the State was unwilling or unable to offer her any protection. The adjudicator found it was useless for Mrs Islam, as a woman, to complain to the police or the courts about her husband's conduct. On the contrary, the police were likely to accept her husband's allegations of infidelity and arrest her instead.'

This groundbreaking case opened the way for further development of what is meant by a 'particular social group' in the original Convention wording. Thus, in various subsequent judgements, we have seen, say, women who refuse to enter into arranged marriage in Iran, or women at risk of female genital mutilation in Sierra Leone, or victims of trafficking in Moldova, or women per se in Afghanistan, defined as a particular social group for the purposes of the Refugee



'I do not unpack because I don't know when I'll have to leave. My friend lets me stay here but it is not forever.' **My Things** by Madeleine

Convention. Although proving that one belongs to a particular social group does not automatically lead to a successful claim for asylum, it has given women fleeing gender-related persecution the potential to show how their experiences fall within the terms of the Convention.

Sexual orientation

In recent years there has been growing interest in the experiences of women who have, or are believed to have, lesbian relationships and the persecution they suffer in parts of the world. Only one woman in our sample stated that she believed the persecution she suffered was 'because I am a lesbian', but this is likely to be a greatly underreported phenomenon given the stigma surrounding lesbianism in many societies.

In 2011, 76 countries criminalised same-sex conduct, which includes five nations that prescribe the death penalty, and 42 that specifically prohibit lesbian conduct in their legislation.⁴⁷ The illegality of homosexual activity in her country does not necessarily mean that a lesbian or bisexual woman will qualify for refugee status, but if the law is enforced and the punishments are serious, then a person who is at a real risk of being so punished does face persecution. In certain key cases the UK courts have determined that lesbians can be a 'particular social

I'm here because it is too dangerous to go to my country.



group' for the purposes of the Refugee Convention.⁴⁸

For a long time the Home Office's position tended to be that individuals could be returned to their home country and be discreet about their sexuality, but in July 2010 the Supreme Court ruled that it was not appropriate to require homosexuals to hide their sexuality. Raza Husain QC, who was representing an Iranian homosexual in his asylum claim, said, 'The test is can you live as who you are in a way that conforms to your fundamental identity? It's not about extravagant acts or gay pride marches. It's about forming relationships and not lying about who you are.'⁴⁹

Forced marriage

One in ten of the women in our sample cited forced marriage as the experience they were fleeing. Alongside domestic violence and honour crimes, the courts have decided that where the state provides no protection, forced marriage can amount to persecution.⁵⁰ For example, in 2005, the Immigration Appeal Tribunal found that 'young Iranian women who refuse to enter into arranged marriages'

'I don't have money. I have to live off what the Home Office gives me – the Azure card, which is topped up with £35 each week. That means £5 a day for everything. It is

very hard using this card – you cannot use it in most shops, you are not allowed to use it for a bus ticket, for instance, or for a telephone call.'

Money by Herlinde

constitute a particular social group and that the woman involved was at risk of persecution due to a failure of state protection. The woman involved in the case had been at risk of serious physical abuse or even murder by her father because she opposed her forced marriage to a man much older than herself.⁵¹

Female genital mutilation

Just over a tenth of the women in our sample had experienced or feared female genital mutilation, either for themselves or their daughters.

The Canadian courts were the first to recognise FGM as gender-based persecution and grant refugee status on these grounds, to a divorced Somali woman, Khadra Farah, and her minor children, in 1994. The

I'm here because I was married with my relation. I don't want to be with him. My ex-husband has told the police I am a prostitute.

court accepted that if they were returned to Somalia Mrs Farah would lose custody of her young daughter, and would be powerless to prevent the custom of FGM, to which she herself had been subjected when she was eight years old.

In 2006, the House of Lords (now UK Supreme Court) held that FGM was persecution and that a young Sierra Leonean woman who fled her country aged 15 in fear of being mutilated as customary initiation into womanhood was a refugee.⁵² The Home Office argued that FGM in Sierra Leone was not persecution, but a widely accepted rite of passage from childhood to full womanhood, which was performed by secret societies of women. The House of Lords disagreed, holding in the case of *Fornah* that the practice ‘was an extreme and cruel expression of male dominance ... and the authorities do little to curb or eliminate it’. Any woman fleeing female genital mutilation for herself or her daughters would need to be able to show that the relevant state has not taken ‘effective and appropriate measures to eliminate FGM’, that there is a lack of effective legislative protection or lack of state control of the practice.⁵³

Forced prostitution

Fewer than one in ten of our sample had experienced forced prostitution. This research did not look specifically at whether women had been trafficked to the UK for forced prostitution here. However, this is an area that has received more attention than some other areas of gender-related persecution in recent years.

For the purposes of the Refugee Convention, it is vital that a woman who is claiming asylum due to her experiences of forced prostitution can show not only that she has been forced into prostitution in the past, but the lack of state protection in her own country would put her at further risk if returned. For instance, in a 2008 case of a woman, SB, trafficked into prostitution from Moldova, the judgement agreed that former victims of trafficking for sexual exploitation could be seen as a particular social group, and that in her case the decision that she was entitled to asylum relied not only on the ‘social stigmatisation’ for such women if returned to her home country, but also the fact that her trafficker and his gang were still operating in the country and she and her family were still at risk from them.⁵⁴

Women’s experiences

Undoubtedly recent developments in the law have brought the way the Refugee Convention is interpreted in the higher courts in the UK closer to women’s own experiences of human rights abuses. Thanks to enlightened academics, lawyers and campaigners, the law on asylum has become more responsive to women’s experiences. In *Fornah*,

Baroness Hale observed that ‘the world has woken up to the fact that women as a sex may be persecuted in ways which are different from the ways in which men are persecuted and that they may be persecuted because of the inferior status accorded to their gender in their home society’.⁵⁵

However, too many women who come to the UK claiming asylum are unable to benefit from these advances. This is partly because many judgements taken in the courts do not make such clear-cut arguments for the need to protect women from persecution. For instance, if you look at rape and sexual violence carried out by soldiers and police, you can still see how women are still struggling to convince judges that this adds up to persecution under the terms of the Refugee Convention. For instance, one woman we know who was raped by police in Azerbaijan after being arrested coming out of a secret Christian religious service was refused asylum in 2007, and her tribunal judgement stated that although it was accepted that she had been raped in the circumstances described, this was ‘an isolated act by individual officers in excess of their authority and was not indicative of... targeting of the Appellant by the police because she was a Christian.’

Similarly, although the case of *Shah and Islam* is much quoted, other women who have experienced persecution in similar circumstances in the private sphere are not able to benefit from the judgement that their experiences add up to persecution. More recently a woman known as KA, also from Pakistan, who was fleeing a violent husband who had accused her of adultery and caused her wrongful arrest was refused asylum in 2010. The judgement by the Upper Tribunal stated that KA should return to another city in her country, and survive by living with her young children in a women’s refuge, despite evidence brought on the inadequate levels of support for female survivors of violence in Pakistan, and the isolation and stigma experienced by single mothers without male protection there.⁵⁶

What’s more, the positive decisions taken in the higher courts have not always been reflected in initial decisions taken by the Home Office or the ability of individual women to get a fair hearing. As Frances Webber, the leading barrister who contributed to the progressive development of the law through her involvement in the cases of *Shah and Islam* and *Fornah*, among others, has stated: ‘The legal arguments may have been won, but the procedure for claiming refugee status, and the widely observed “culture of disbelief” in the UK Border Agency and among immigration judges, makes the road to recognition as a refugee a very rocky one which comparatively few succeed in traversing.’⁵⁷ The next section looks more closely at some reasons why this is such a difficult road to traverse.

I’m here because I can’t go back. I am in fear for my life and it is overwhelmingly known that the situation has not changed in my country.

Decisions

Almost all of the women in our sample had been refused asylum at initial decision. The existence of problems in initial decision-making by the Home Office has been shown by the fact that so many initial decisions are overturned in the courts when women go to appeal. For instance, Asylum Aid's research in January 2011 found that 87 per cent of their research participants were refused at first instance, but that 50 per cent of these refusals were reversed on appeals.⁵⁸ The UKBA subsequently confirmed that its statistics showed a similar pattern, with between 35 per cent and 41 per cent of initial decisions on women's cases being overturned at appeal in 2011. There was a significant difference between the successful appeals in women's asylum claims and men's asylum claims, of which only 26 per cent are overturned at appeal.⁵⁹ As already explained, the results of poor decision making can include detention, destitution, and significant trauma and emotional distress. More than half of the women in our research contemplated suicide after being told they were not being given asylum, and none of them felt able to return voluntarily to their countries. Clearly, many of these women did not feel that they had been given a just decision, and this section explores other evidence for problems within the decision-making process, in order to assess whether and why the asylum process may be failing to give women a fair hearing.

Disbelief

Nearly three quarters of the women in our research whose asylum claims were turned down told us that they were refused because they were not believed. This is the key issue confronted by women seeking asylum in the UK. Even where case law shows that women who have experienced certain kinds of persecution are entitled to refugee protection, this is useless in an individual case if a woman is told that she never had those experiences. In 2008, the Independent Asylum Commission found a 'culture of disbelief persists among decision-makers... leading to perverse and unjust decisions.'⁶⁰

Asylum Aid's recent research found that the majority of the refused women asylum seekers whose cases they analysed were not believed. They found that in many cases the decision 'rejected one key

element of the case and then proceeded to reject all additional elements on the basis of that key element having been rejected.'⁶¹ This is borne out by our research. In the case of Ella, whose situation is described by Esther Freud, above, the case-owner rejected the fact that she was married to her husband, on the basis that she could not tell them his date of birth. They did not even consider the medical evidence of scarring all over her body due to the years of abuse she had suffered at his hands. Luckily for Ella, she managed to get her marriage certificate sent over to the UK within the two days allowed in the detained fast track for her to submit her appeal.

The Independent Asylum Commission noted that when caseworkers are laying out why they do not believe an individual, they often make 'speculative arguments... on the basis of little or no evidence and without taking into consideration the impact of different political, social or cultural contexts.'⁶² This was also borne out by our research. For instance, in the case of Saron, described on pages 28 to 31, the refusal letter included the statement that it was not believed she had had the experiences she described in prison, because if she had been raped and beaten she would not have been able to withhold the information that her torturer wanted from her. Luckily for Saron, she was able to bring to her appeal hearing a former member of the Ethiopian police whom she had met by chance in London, who corroborated her statements.

Barriers to disclosure

Women claiming asylum are often expected to disclose their entire story, without any mistakes, on demand, even in hostile and intimidating environments.

At the Asylum Screening Unit in Croydon, where all those who seek asylum within the UK must go, initial information about why someone is seeking asylum is expected to be given to officials sitting behind glass screens, in the presence of waiting strangers. In Asylum Aid's recent report, one woman who had survived trafficking explained how she was expected to provide immediate details of sex work in that initial interview, with strangers listening to her and in the presence of her own children.⁶³

Although women are theoretically allowed to request a female interviewer and interpreter for their substantive interview, in practice even if requests are

I'm here because it's dangerous for me to go back in my country because if I go the government they will kill me.



made they are not always granted, and as one woman said to us, 'You will never challenge them – imagine how you worry about making them cross.' Survivors of abuse and torture are unlikely to challenge public authority.

Many women, even those who have complex claims related to sexual violence and torture, are routed into the Detained Fast Track. This is discussed in more detail on page 33, but it is most important to note that in the detained fast track women are cut off from potential support and are expected to disclose their entire story within days of entering the country, in what is effectively a prison.

Overall, a woman seeking asylum is expected to tell strangers, including UKBA staff and legal representatives, immediately about any violence, including sexual violence, that she has experienced. Obviously, it is not easy for women to talk about their experiences of persecution, particularly when these include experiences such as rape, sexual violence and forced prostitution. Many women claiming asylum have undergone traumatic experiences, which may seriously affect a person's ability to give an accurate and chronological account of events without

I come to African shops in Dalston where they sell Congolese food which reminds me of home. This is kwanga, which is

good to eat on the go and when you have nowhere to cook. I like to come to these shops.' **A Taste of Home by Evelyne**

discrepancies.⁶⁴ Some women may feel shame or fear stigma at disclosing rape or sexual violence⁶⁵ or may not know immediately what information is relevant to their claim. So an individual woman may, for instance, fail to disclose immediately that one reason why she was unwilling for their daughter to enter a forced marriage was that the prospective husband was demanding that the daughter undergo female genital mutilation, or one reason why she did not feel able to go back home after divorcing her husband was that he had accused her publicly of adultery. However, delay in mentioning critical facts can lead case owners to conclude that the information is not credible.

Poor understanding of the persecution women experience

Assessing women's experiences of persecution may well involve understanding the traumatic effects

I'm here because it is not safe to return to my country.

of experiences such as rape and female genital mutilation. Women have faced battles in the criminal justice system to have such experiences taken seriously by police or judges. It seems that they are now facing similar battles to have these experiences taken seriously in the asylum process.

In recognition of the specific issues which women face, the Home Office issued guidance for its staff in March 2004, which was revised in September 2010. This 'Asylum Instruction', *Gender Issues in the Asylum Claim*,⁶⁶ is usually known as the 'gender guidelines'. The gender guidelines include an explanation of many of the forms of persecution and violence that women might experience, and several safeguards for women in the asylum process. Despite the existence of these guidelines, numerous reports have highlighted a regular failure by UKBA decision makers to take women's experiences into account when interpreting refugee law and when deciding on return.⁶⁷ Even though the UK is one of the only EU member states to have gender guidelines for the asylum determination process, Asylum Aid claims that their research over almost the last decade 'has shown the failure by the UKBA to properly implement and follow their Asylum Instruction on gender'.⁶⁸

The poor understanding that decision-makers show about gender-related persecution would sometimes be amusing, were it not so potentially devastating for individual women. In one refusal letter we looked at, a woman fleeing domestic violence in the Gambia, who had disclosed being beaten and raped by her second husband in front of her children, was told that it was not possible that her young children would not have protected her – from their machete-wielding stepfather. In one case recently documented by Asylum Aid, a woman who was forced into an abusive marriage aged 14 and who disclosed the fact that when she tried to return to her family home she was abused by her father, had attempted to claim asylum. The refusal letter took the fact that she had remained in the marriage for 13 years before finally leaving as evidence that she was not at risk.⁶⁹

There has been particular concern voiced recently about the way that the immigration and asylum process fails to protect women who are brought to the UK for forced prostitution. As a spokesperson from the Poppy Project said in 2012, commenting on the case of a young woman who had been forced into prostitution from the Balkans and brought into the UK, only to be refused asylum when she escaped her traffickers: 'These young women are the victims of crime, but instead of treating them in that way, as we would if they were UK citizens, we put them through a complicated asylum process... these women are victims, but they're not being seen as victims. When they're freed from violence or exploitation, they're immediately thrown into another whole set of difficulties.'⁷⁰



Poor understanding of the law

As discussed above, the law relating to gender-related persecution is a fast-changing and complicated area of law. It has been found that case-owners at the Home Office may not be up to speed with developments, and may be unable to see when a woman's claim engages the Refugee Convention. In Asylum Aid's recent research some case owners were found to be relying on outdated decisions or misunderstandings of decisions made on women's cases in the higher courts. For instance, a lesbian from Uganda was told that 'there was cultural disapproval of homosexuality' in her country, 'but that this did not amount to persecution.' The decision was made after the High Court had held that in the case of SB 'for asylum purposes, homosexuals in Uganda form a particular social group, and a member of that group is entitled to refugee status if he or she has a well-founded fear

I'm here because c'est une risque, une danger pour moi. On peut me violer et me tuer.



'I waited years to get my papers. During that time I was often sleeping outside and moving from place to place – sometimes staying in hostels, but other times I was homeless and I slept in churches, on buses.

Always moving. Today I live in a hostel and this is the view from my window. It doesn't look like home to me. I know it is temporary, that soon I will have to move again.'

Window by Esther

of persecution.'⁷¹ Another woman who had been trafficked was told that 'your claim for asylum is based upon your fear that if returned you would face mistreatment due to a reason not covered by the Geneva Convention.'⁷² As discussed above, while being trafficked for sexual exploitation does not automatically qualify a woman for refugee status, it has been accepted that in certain cases trafficked

women can be considered a particular social group and may be given refugee status if they are at risk of persecution.

Poor knowledge about the situation in the home country

If a woman is fleeing persecution in the so-called private sphere, the UKBA must assess whether or not the state is able to protect her from such persecution. This assessment is dependent on reliable and up to date country of origin information, provided to case owners by the UKBA Country of Origin Information service.⁷³ The use of this information is crucial in making a fair determination of an asylum claim. However, Country of Origin Information reports often examine human rights conditions in a specific country from a male perspective, with only a short section addressing women's issues.⁷⁴ Also, it has been argued that 'even when the information is available, case owners fail to use it accurately and appropriately'⁷⁵ and the use of selective Country of Origin Information by case owners makes it more difficult for women to show that they cannot access protection in practice in their home country.⁷⁶

Poor or no legal representation

Ensuring that asylum seekers have early access to good quality legal advice is a key element to ensuring that the right decision is made on an asylum application at the first instance. This is particularly important to women, because the law around gender-related persecution is so complicated and without a lawyer to guide her a woman is unlikely to bring forward and find evidence for relevant issues such as how survivors of sexual violence are treated in her society. As Frances Webber has said, 'Without lawyers, it is virtually impossible for claims based on gender persecution to succeed.'⁷⁷ Cuts in legal aid, the decline in solicitors' firms offering asylum and immigration advice and the closure of Refugee and Migrant Justice and the Immigration Advisory Service, the largest providers of legal representation to asylum seekers and migrants across the UK, have led to an increase in unrepresented asylum seekers, in particular at appeal.⁷⁸

Among our sample, women generally had access to lawyers; 93 per cent for their initial application and of those who had been to appeal, 88 per cent of those had a lawyer for the appeal. This may reflect the fact that many of our respondents were in London, where there are more immigration and asylum lawyers, or that they were active women able to access help, as evidenced in the fact that they were attending the women's groups where we carried out the research. However, many of the women in our sample were not satisfied with their lawyers; nearly half thought the lawyer they had for their initial application was poor.

I'm here because my country is not safe.

The Centre for Social Justice has raised concerns regarding the number of ‘unscrupulous solicitors who raise expectations, charge large sums of money up front and do very little for the fee charged’, particularly when clients have come to the end of their legal process, are desperate and so extremely vulnerable to exploitation.⁷⁹

There is ‘already a real risk of “advice deserts”’: areas where individuals cannot get legal advice unless they pay privately,⁸⁰ and this looks set to worsen in the future. Under the *Legal Aid, Sentencing and Punishment of Offenders Act*, which received royal assent in May 2012 immigration cases will no longer be eligible for legal aid funding as of April 2013. While legal aid for asylum cases will remain, there is a danger that the changes will still undermine the availability of vital legal representation for asylum seekers. The present legal aid scheme is based on the assumption that complex asylum work is cross-subsidised by profits from less complex immigration work. In conjunction with the ten per cent cut in remuneration proposed for all legal aid work, this will lead to many law firms being

necessarily the case that her problems end at appeal. Despite progressive legal developments regarding refugee women and their asylum claims, this has not always translated into better decision making by the immigration tribunals. Many women are ‘exposed to the whims of a Judge...who may not show sensitivity to the gender aspects of the claim,’⁸⁴ especially if they are unable to secure legal representation for their hearings. Frances Webber states that often the impression can be one of a judge who ‘is trying to find ways to reject the appeal rather than listening with an open mind to the evidence.’⁸⁵ Judges at the immigration tribunals have been criticised, just as Home Office decision makers have been criticised, for showing poor knowledge of the situation in the home country. Thus even if the supporting evidence for the actual persecution is strong, an immigration judge may dismiss the appeal on the basis that the refugee claimant can find safety by going to the police, or by moving to another part of the country, and in doing so demonstrate a lack of awareness of the nature of the particular country.⁸⁶

In October 2010, the Immigration and Asylum

‘My lawyer said my appeal would not be successful. My lawyer later asked me to pay him cash £500, which I could not raise as I was not permitted to work thus could not have this kind of money. So I just left it as it was.’
‘My second solicitor asked me for sexual interaction with him.’

unable to continue their immigration and asylum work, with a damaging effect on women in the UK with complex protection needs.⁸¹

The Government has tested the benefits of providing early access to quality legal representation through the Early Legal Advice Pilot, based in Solihull in the West Midlands. In this pilot, asylum seekers were guaranteed access to a legal representative before the first interview with the UKBA and these lawyers stayed with them throughout the asylum process. Legal representatives met UKBA case owners before and after the interview to clarify those aspects of the case they agreed on and those that would be argued. The result was that claimants got a fairer hearing, cases were determined more speedily, and correct decisions were made at an earlier stage.⁸² It has been argued that the benefits of the model ‘are so clear that it should be adopted nationwide as soon as possible’⁸³ but it has only been rolled out to the West Midlands at this stage.

Problems at appeal hearings

If a woman is refused asylum by the Home Office, she has the right to submit an appeal. The first appeal is heard by a judge at an immigration tribunal. It is not



I'm here because those people who arrested me are still in power back home.

Chamber issued a Joint Presidential Guidance Note on Child, Vulnerable Adults and Sensitive Appellants. However, although this Note addresses problems related to the evaluation of evidence given by vulnerable individuals, it fails to deal with many specific issues associated with gender-related claims for asylum. The Asylum and Immigration Chamber does not have guidance specifically aimed at improving decision making in women's asylum appeals.⁸⁷

The Independent Asylum Commission heard extensive evidence regarding the difficulties that asylum seekers faced once their claims had been refused⁸⁸ and in *Saving Sanctuary*⁸⁹ it highlighted the shortage of solicitors to represent asylum seekers at appeal;⁹⁰ the increase in appellants appearing

'This is the food under the sink in my bedroom. Maybe one day I will get my own home and be able to make Congolese food. Not now, not here. I don't

have a choice in what I eat. I go to a charity; they give me food for cooking like rice, oil and sugar. Any food I get, I eat.'

Food by Esther



unrepresented, due to cuts in legal aid funding;⁹¹ and 'the insufficient opportunity for redress if an asylum seeker's appeal is not heard, if they are not properly represented, or if they are failed through maladministration or other human error.'⁹²

Not only is there a limit of funding available but the time limit (ten days, less in the detained fast track) on applying for appeals often means that solicitors are unable to represent their clients adequately, given the complexity and time consuming nature of gathering evidence, such as medical reports, country information, testimonies and expert evidence.

Futhermore, to ensure that they do not take cases that have a very slim chance of success, all legal practices handling asylum appeals are required by the Legal Services Commission to achieve a 40 per cent success rate. This has left solicitors reluctant to take on cases other than those which are extremely convincing or straightforward.

Conclusion

The UKBA has expressed its commitment 'to ensuring that women's claims for asylum are dealt with as fairly and sensitively as possible'.⁹³ A revised version of the Asylum Instruction, *Gender issues in the asylum claim*, was published in October 2010, and the UKBA is currently piloting a half day's training on gender issues for case-owners. Other measures are planned, such as a new training package developed with the Metropolitan police regarding sexual offence investigative techniques, and a refurbishment of the Asylum Screening Unit with interview booths to make the initial screening interviews more private and comfortable. Apart from the enormous human importance of improving the process, improvements to decision-making in the asylum process would make economic sense - it has been estimated that more accurate initial decisions could bring in savings in administrative and support costs of up to £7,000 per applicant.⁹⁴

However, at Women for Refugee Women we see the enormous gap between the well-meaning rhetoric around the commitment to ensuring a fair and sensitive process, and the chaotic and cruel process that women move through on a daily basis. From hostile and indifferent staff members to irrational and ignorant decisions, there are deeprooted problems in the UK Border Agency's handling of women's asylum claims. The absence of real reform clearly stems partly from the fact that if the Home Office feels any real pressure around the asylum process from the public, it tends to be only around speeding up the system and increasing removals.

There is now a need for a concerted effort, including both leadership from the very top and accountability at the very base, to create a system that is responsive to the experiences of female refugees.

I'm here because I'm scared to return as I believe they are looking for me.

Saron's story

The day my life changed I was 23 years old. I come from Ethiopia. I always loved writing, and as soon as I finished high school I started to work at a newspaper. In 2001 I was reporting a student demonstration. The police came and started shooting people. Everybody was running, people fell, horrible things to see. Forty students died that day. I reported what I saw in the newspaper. In the evening the government television said the demonstration had dispersed peacefully. Then the police came to my workplace to arrest me. I asked why; they told me I had lied. I was surprised that they acted as if they were right and I was wrong. At that time I was very young. When they took me to the police station, I still thought it would be okay. I wasn't panicked. One of the officers took me to a small room. He saw I was the youngest one at the newspaper. So he thought that I would give them information easily. I didn't have a lawyer, or anyone to talk to, but my father had been involved in politics and I knew that he never gave information to the police. So I kept quiet. After a couple of hours I was sent to a cell. I was shocked when I entered; no light, and a very small room, but full of people.

The prison was hell. A tiny room, a slit for a window. You did not have a mattress, or a quilt. You slept on a rough floor. Toilet once a day; no tissue, no water to wash. Insects jumped from one person to another. I got a kidney infection and my body was covered with a rash. Some prisoners were very violent. They just wanted trouble, an excuse to fight. Most of the time I sat in the corner, silent. The interrogation continued day after day. I was in prison for about four months. When I was released I became more actively involved with the political organisation, the Oromo Liberation Front. I couldn't let it go. One day in August 2002 it was a nice, sunny evening, just after five o'clock. I had taken a minibus from my workplace. I was running late to meet some people from the organisation. I had some leaflets in my bag. As I got off the bus, suddenly I saw two policemen coming towards me. I turned, hiding my face from them, and tried to walk away. They walked faster, to catch up with me. One called out to me, and I stopped and pretended not to be panicking. I thought I could try to throw my bag away; I thought all kinds of things in that moment, but I could do nothing. He asked why



I'm here because I have lost everything and the reason why I left home is still existing.

Sanctuary by Aliya Mirza



I was in a rush, and where I was going. Then they started to search my pockets and my bag. As soon as they found the leaflets they took me to the police station. This time the detention was worse.

Day after day they interrogated me. After four or five months a police officer came to the cell and took me to his office. He started asking questions. He knew the name of my organisation, but he did not know who I had been working with, or where we'd been based. He had fair skin colour and big eyes. His eyebrows were thick. He smelled dirty, horrible. It was very hot; I think it was midday. But I didn't have a watch. He started touching me; I tried to move away. He said he could do whatever he wanted. He told me to stop pushing him away. I started to cry, and he became even angrier. He began to slap me. I struggled with him, I tried to grab his hand. He became more and more violent. He said even if I shouted nobody could help me, so I'd better keep quiet. But I didn't keep

'Prison was hell. A tiny room, a slit for a window'

quiet. He hit my face and my nose started bleeding. I felt dizzy. He bit my breast. My breast also started to bleed. After that I felt faint. I couldn't resist any more. He did what he did. He raped me.

Afterwards they took me to the hospital. All the time there was a prison officer with me. Then my sister came. She told me that my father had given her the money to arrange everything. First she bribed the nurse. The nurse showed me a way out, a staff exit, and told me a time to go when the prison officer was on his break. I took a taxi with the money my sister had given me to my auntie's house. I didn't know where I would be going next. The escort came one night and took me to Northern Ethiopia, by car. After that we travelled on foot to the border through the desert. We travelled by night, with a torch. There were huge plantations of sunflowers - you could not even see to the edge of them. It took us five days to cross it. Wherever we found a river, we took water. I thought, 'If I die here nobody will know about it.' You can't understand how it feels when you are travelling at night. All you see is the torch, all you hear is the footsteps. The road is very narrow, so you can't go two people side by side. Nobody wants to go last, because you don't know what might come up behind you. You think, 'Why am I doing this?' You have to trust and keep going. Sometimes you are too tired to carry your bag, it's too heavy, you want to just leave it, leave everything behind. After five days we came to the border with Sudan. We crossed at night. We stayed in Khartoum for two weeks or so and then one day a white man came and told me to come with him to the airport. So I left Africa without saying goodbye to my father or my mother.

When I arrived in London the escort walked off

I'm here because I fear for my life and that of my children.

the plane with me and then he left me in a corridor, he said, wait here. I stayed in a chair for a long, long time. Security came and asked what I was doing. I said, 'I'm waiting.'

All I had was this small bag I'd carried through the desert. I didn't have any papers, the escort had them all. They questioned me, are you seeking asylum, so I said yes. I slept there on the chair that night and the next day they sent me to a hostel in west London. It was full of strangers, all of them asylum seekers. I realised that this was where I had to make my new life. A girl I met in the hostel gave me the telephone number of her lawyer and he did the paperwork for me. I came because I had to. I would never have chosen to leave my family, everything I love about my country, the sunshine, the music, the food that tastes good in your mouth. When they refused me asylum the money stopped and I didn't have a place to live.

The girl I met in the hostel let me sleep on her floor for a while, but then she was sent out of London and I didn't know anyone else. Where did I sleep? Rough. I think I went mad. I got confused. I was crying all the time. I had no legal paper to work or stay in the country. I was destitute. I was completely without friends. If you sleep rough, as a

'I would never have chosen to leave my family, the sunshine, the music, the food that tastes good in your mouth'

woman, men abuse you. They offer you a safe place, a warm place, but then it is like what the policeman did to me in prison.

I slept in Kings Cross. When it got too cold I slept on the buses. One day I saw a sign, healthcare for the homeless, and I walked in. The doctor there was a good man. He was shocked when he saw me. I was sick, I was cold, I hadn't washed. He sent me to hospital. The doctor there found me a counsellor and she found me a lawyer. I started going to sign again. One day they took my papers in through the window and checked them on the computer. Then they told me to sit in a corner. Almost two hours later an officer came and called my name. They took me into a small room and took my picture, searched my pockets, shoes, everything. I had to take off almost all my clothes. It was December. I was standing almost naked in a cold room. They took my keys, the bus pass, everything I had. And they took my phone. I asked if I could make a call. They said, 'This is not prison, this is immigration detention. If you were in prison you could call.' A van came for me. It was a long journey – from Old Street to Bedford. When we arrived I could just see buildings. There was a long corridor, beige walls and a shiny blue floor. It all looked very clean and very solid. In the reception, some women were

I'm here because I am afraid of persecution if I go back.



'This is my bedroom. Another lady lives here with me. She took my bed and put it together with hers. I don't know who sleeps in it with her. At

night I go to sleep at my son's when he is at work. I come to this house in the day so he can sleep. I am afraid to sleep here at night.' **Beds by F Y**

waiting for me. They said, 'Welcome to Yarl's Wood Detention Centre.'

One of the officials said 'Now we need to search you.' That was the third time I'd been searched that day. I took off everything except my pants. After a couple of minutes a man came. He said, 'I am going to take you to your room. Follow me!' We went along a very long corridor with a lot of doors. The only sound was his keys in the endless doors. My room was small and square, white walls. I was afraid of the security guards. The white shirts and the black trousers reminded me of violence.

I felt nobody was safe in that place. I stayed in bed. I couldn't wash, couldn't move, couldn't eat. When I had not eaten for some days a doctor came to my room. He looked shocked. He said, 'She must go to hospital, she's dehydrated.' An hour later the ambulance came. I was so weak I couldn't stand, but they still sent two security guards with me. The



hospital doctor asked me what had happened. But the security guards were sitting right by me. I couldn't tell him anything. He kept asking, but I just kept my mouth shut. Everything I did or said, the guards would write down. Day and night they stayed by my bed. Watching me. Even when I used the toilet they came with me, and told me to leave the door open. After eleven days, the Home Office wrote to the hospital and told me I would be released. I took the

'I didn't even have energy to speak, let alone fight them.'

train ticket they gave me and went back to London, I went back to the streets.

When I was detained the third time I was taken all the way to the airport. I had been trying to commit suicide so they had kept me in a room alone, where they could watch me. Then one day they said, 'Get your clothes ready, you're going home tomorrow.' I didn't sort out my clothes. I just lay down. I thought it was hopeless. They came early in the morning. Two men, big men, huge. And two women. Four people, just for me. They said, 'Miss Saron, we have been told you are a dangerous woman. so if you don't go peacefully, you'll get hurt. You're going today, whether



'I live in shared accommodation assigned to me by the government agency. This light has been broken for a long time. Someone was meant to come and change it but they haven't been yet. Since the first day I

came here in October last year my bed is broken. The manager said he would bring another but he didn't. I have asked him until I am tired. I understand now that he will never fix it.'

Light by Herlinde

you like it or not.' I was very weak, I hadn't eaten for some time. I didn't even have energy to speak, let alone fight them. They took me to the van. They were all round me. I couldn't stop crying all the way. They were just chatting among themselves. When we were near the airport the escort got a call. He laughed. 'You are so lucky, you're going back.' My lawyer put through a judicial review for me. Now I do have leave to remain but I can't forget what I went through for all those years.

I used to be so full of hope. Even when I came to this country I thought I would survive and make a good life for myself. It wasn't what happened to me in my home country which broke me. It was what happened to me here. That was what broke my spirit. **Saron's name has been changed.**

I'm here because my life is in danger if I go back to my country.

Detention

The fact that asylum seekers may be detained at any time for indefinite periods is little known, and the trauma that it can cause is little understood. A quarter of the women in our sample had been detained in the UK, some just for a few days, but one for 24 days, one for 65 days, one for four and a half months. One had been detained on three separate occasions; read Saron's story on pages 28 to 31.

A woman seeking asylum may be detained at any stage in the asylum process. She may be detained when she first claims asylum, and put into the detained fast track. In the detained fast track her whole case is heard while she is detained and the process is hugely accelerated, the aim being to take the case to its conclusion within two weeks. She may be detained

'I was traumatised and was feeling very sick and was not able to sleep at all' (respondent was detained in Yarl's Wood for 24 days)

at any time during the asylum process, for instance if she fails to report to the reporting centre or if she is thought to be at risk of absconding for another reason. She may also be detained at the end of the process, when her appeal rights are exhausted and the UKBA aims to remove her. In 2010, the coalition government announced that it would end the detention of children for immigration purposes, due to the clear harm that they were suffering due to being locked up for indefinite periods. We would argue that women fleeing persecution, who are often survivors of sexual violence, rape and torture, should also never be locked up.

Despite the UKBA's guidance outlining that detention 'must be used sparingly, and for the shortest period necessary',⁹⁵ the UK is one of the few countries in Europe that has yet to impose limits on the length of time a person can spend in immigration detention.⁹⁶ Although it is argued that detention is a necessary part of an efficient asylum process, according to Bail for Immigration Detainees, 42 per cent of asylum seekers detained in the UK go on to be released back into the community rather than removed, their detention having served no purpose 'other than wasting human lives and taxpayers' money'.⁹⁷ In 2011, 4,310 women entered immigration detention. Of the women detained that year, over a third were

subsequently released back into the community rather than being removed.⁹⁸

Most women detained in the UK are held at the Yarl's Wood Immigration Removal Centre in Bedford, which has the largest capacity and can hold up to around 400 adult women,⁹⁹ but they can also be held in other centres, including Tinsley House at Gatwick airport and Dungavel in Lanarkshire.¹⁰⁰ Although the family unit at Yarl's Wood was closed in 2010, this has had no bearing on the treatment of single women without children held in immigration detention. In 2011, the Chief Inspector of Prisons inspected Yarl's Wood and found that, while the conditions in which women were held were good, this 'did not disguise the ultimately difficult and stressful purpose of their detention. Detainees found it difficult to get advice



I'm here because I cannot go back I will be killed for turning the religious leaders down.

about their cases and had insufficient contact with immigration staff based at the centre.... the overall length of time detainees had spent in different establishments was not recorded and one was released during the inspection after spending almost three years in detention.’¹⁰¹ Also, the adverse affects on women’s health in detention were not sufficiently

‘I felt like an animal not as a human being. I saw someone hang themselves’

taken into consideration, and ‘the number of recorded uses of force had increased considerably.’¹⁰² There were seven pregnant women at the centre at the time of the inspection, despite guidance that pregnant detainees should not normally be detained.¹⁰³

Imprisonment without trial is recognised as being anathema to a fair criminal justice system. It is now time for the imprisonment of those seeking asylum, who have committed no crimes, to be recognised as a serious human rights issue.

N Yeman came to this country seeking asylum in 2003 from Eritrea. She lives in a shared

house and receives £30 a week in benefits. N Yeman by Hannah Maule-finch



DETAINED FAST TRACK

The Detained Fast Track is used by the UKBA for assessing asylum applications that have been identified as those that can be decided ‘quickly.’ It was first introduced in 2003 for adult male applicants only and was extended to women applicants in 2005.¹⁰⁴ Since 2008, 1,550 women have been detained by the Home Office in Yarl’s Wood while their claims were assessed.¹⁰⁵

After a woman is referred into the procedure, her claim is decided within two or three days. If refused, and in 2010 88 per cent of claims routed into fast track were refused on first instance,¹⁰⁶ she has two working days to appeal. This appeal has to be heard within 11 days. In 2010, fewer than six per cent of appeals were successful.¹⁰⁷ Therefore, from start to finish, the whole process takes around two weeks. If her appeal fails, the woman will remain in detention pending removal.

Once in the fast track, women are on a ‘fast-moving treadmill which prevents them from making their cases effectively’.¹⁰⁸ Most only have an opportunity to consult their duty solicitor in a short phone conversation. There is limited opportunity to access expert evidence, such as medical reports.¹⁰⁹ In this process a women seeking asylum is expected to immediately tell strangers of any violence, including sexual violence, that she has gone through, and she may feel further inhibited by a lack of female interviewers and interpreters.¹¹⁰

One of the crucial problems with the fast track is how the decision is made to route a woman into it. The decision is made at the initial screening interview, which does not involve a full exploration of why an applicant is claiming asylum. Many complex gender-related claims for asylum are inappropriately routed into the fast track.¹¹¹ Home Office guidance provides a list of cases that are considered unsuitable for the fast track, including those for whom there is independent evidence of trafficking or torture.¹¹² However, in reality torture survivors and other vulnerable individuals are still regularly put into the detained fast track and ‘tortured all over again’.¹¹³ ‘In truly Kafkaesque fashion’ as Human Rights Watch described it, ‘the information needed to assess suitability of a case for fast track is only available at the asylum interview, which takes place after the woman is already in the procedure.’¹¹⁴ The assessment of suitability for the Detained Fast Track has been found to be ‘overly simplistic, flawed and ineffective in identifying gender-related cases,’¹¹⁵ and the Independent Chief Inspector of the UK Border Agency recently concluded that ‘screening was not tailored to capture information that could fully determine whether someone was suitable.’¹¹⁶

I’m here because I’m in fear of my life. I will be in danger if returned home. My husband was killed.

Destitution

Women who seek asylum in the UK are expected to live in poverty while waiting for their claim to be decided. They are not usually allowed to work, but are given weekly cash support which is the equivalent of just over half of Income Support.¹¹⁷ Since April 2011, the current weekly rates of support for asylum seekers have been £36.62 for a single person aged 18 or over, or £43.94 for a lone parent.¹¹⁸ They are provided with accommodation by the UK Border Agency on a 'no-choice' basis. This means that they can be sent to any city and must accept any type of accommodation, including sharing a room in a hostel with strangers.

If refused asylum, some women are able to access limited short-term support, known as 'Section 4 support,' consisting of accommodation and an Azure payment card that can be used in limited outlets, to buy food and essential toiletries to the value of £35.39 per person per week.¹¹⁹ To be eligible, they must show that are taking reasonable steps to leave the country.¹²⁰

'Being homeless is very difficult. No money, walking to places. No transport. Walking for maybe two or three hours.'

These levels of support create grave hardship. But many of the women we interviewed for this report could not even access these. Two thirds of the women who were refused asylum in our sample had experienced destitution. Destitution here means having no access to benefits, no right to work, and no accommodation. More than a third of the women in our sample were currently destitute at the time of participating in the research. Six women had been destitute for more than six years.

Why are women left destitute?

Asylum seekers can be left destitute at many points within the asylum process.¹²¹ Moving from one stage of the asylum process to another can often result in destitution due to bureaucratic errors by the UK Border Agency, and a general lack of knowledge on the part of individuals as to what they are entitled to, or who can help them. Many who would be entitled to Section 4 support do not apply because in order

to do so they are required to sign a voluntary return form, and they are simply too scared to do so.¹²² The Asylum Support Appeals Project has also found that for those entitled to support, the 'culture of disbelief' associated with the asylum determination process extended to support. Around 2,000 asylum seekers and refused asylum seekers appeal to the Asylum Support Tribunal each year against a refusal or termination of asylum support by the UKBA, and a recent study outlined a number of gender-related barriers to the asylum support system, including childcare



I'm here because I would be dead by now if returned home.

responsibilities and pregnancy, lack of childcare facilities at the tribunal and acute disengagement from the system because of trafficking. All of these factors 'increase practical barriers to the support appeals system as well as making it more difficult and stressful to navigate.'¹²³

But above all destitution occurs at the end of the process, when appeal rights have been exhausted and entitlement to support ends. Most refused asylum seekers are not entitled to Section 4 support. Once a woman's claim has been refused and there is no outstanding appeal, financial support and accommodation are cut off immediately. At this point asylum seekers are expected to leave the UK or can be removed forcibly by the UK Border Agency.

The responses of our participants throughout this report bear witness to the fact that many are unwilling to co-operate with immediate removal. Because so many refused asylum seekers feel that they have not been given a fair hearing, in practice many of them remain in the UK, trying to collect evidence for

a fresh claim, looking for a lawyer who will give them more advice, or simply concentrating on surviving, day to day, without being able to think of the future.

Many of these people are not forcibly removed because they lose touch with the authorities or because in practice it is hard to enforce removal to countries where there are uncooperative governments, difficulties in obtaining travel documents, and other practical problems associated with transporting people to conflict zones.¹²⁴ Many asylum seekers have been refused protection in the UK even though it is recognised that it is too dangerous to send them back to their country of origin. It is thought that thousands of people from Zimbabwe and Sudan have been left in this position, of being refused asylum and so prohibited from working and left destitute, but still unable to return home.¹²⁵

The reality of destitution

Refused asylum seekers who are destitute are living hidden lives among us, in our cities and in our

'I go to church every Sunday. I pray at St Monica's in Hoxton. The people here are very welcoming. They give

out teas and food and sometimes they give out clothes. It gives me a place to sit and hope.' **A Place to Sit by Evelyne**

neighbourhoods. There is no good documentation of how many people who are refused asylum are not being removed and are living destitute in the UK. The burden of supporting these individuals now falls on other individuals, often other refugees, and on charities. In 2008 the Red Cross estimated that at least 26,000 destitute asylum seekers were living off their food parcels.¹²⁶ Asylum seekers living destitute are locked into an existence that Oxfam found in a recent report is 'unacceptable by human rights standards.'¹²⁷ In 2007 the Parliamentary Joint Committee on

'I was forced to sleep with man for me to have accommodation and food, I was forced to go and be a prostitute for me to survive.'

Human Rights stated that, 'We consider that by refusing permission for most asylum seekers to work and operating a system of support which results in widespread destitution, the treatment of asylum seekers in a number of cases reaches the Article 3 ECHR threshold of inhuman and degrading treatment. ... We have been persuaded by the evidence that the Government has indeed been practising a deliberate policy of destitution of this highly vulnerable group. We believe that the deliberate use of inhumane treatment is unacceptable.'¹²⁸ That this is still the case is borne out by our research.

When we asked about women's experiences while



I'm here because I don't want my daughters to face circumcision.

living destitute, almost all had relied on charities for food, more than half had been forced to sleep outside, 18 per cent had worked unpaid in return for food or shelter, 16 per cent had experienced sexual violence on the streets or where they were staying, and 16 per cent had experienced violence on the streets or where they were staying.

Destitution can have a devastating impact on the physical health of asylum seekers. They face a day-to-day struggle to secure food and shelter, frequently

'I lived with my sister, I stayed with friends, I slept rough, sometimes I go to the mosque to the church to ask for help. Sometimes I didn't eat for two days.'

moving around or staying in severely crowded accommodation, sleeping on the floors of other asylum seekers or sleeping rough. Obviously women sleeping outside, unsure where their next meal will come from, find their physical health deteriorates. Research by Refugee Action found that although 80 per cent of the destitute asylum seekers in their sample were relatively young, between the ages of 21 and 40, 83 per cent of those surveyed said that they had developed serious health problems since arriving in the UK.¹²⁹ In addition, destitution can have devastating mental health implications, the impact of having to beg for everything, from sanitary towels to a sandwich to a bed for the night, weighs heavily on people, and many become very quickly depressed and frightened, retreating into the memories of past trauma rather than being able to rebuild their lives, with 'the psychological and emotional repercussions of destitution...felt as keenly as economic hardships'.¹³⁰

The proportion of women in this sample who have experienced sexual violence while living destitute is particularly striking. Other research has found that more than a third of destitute asylum seeking women sleeping outside had experienced sexual assault, including rape.¹³¹ The Refugee Council's Vulnerable Women's Project found that 'many women, including young women who arrived in the UK as children... have been raped and subjected to violence because they are refused asylum and are not entitled to accommodation or any financial support, leaving them destitute and vulnerable'.¹³² It is shocking that women who have fled persecution, including sexual violence, are being retraumatised by being assaulted due to their extreme vulnerability in the UK. Given that this government has a clear policy to protect women from violence, it is paradoxical that it is currently pursuing asylum and immigration policies that put women at risk of sexual violence by leaving them destitute in the UK.

Although specific questions about sexual exploitation were not included in our questionnaire, it became apparent from the responses written into

the papers that some women had had to become prostitutes or engage in transactional sex to survive while destitute. In follow up conversations with members of the Women Asylum Seekers Together London group, a number of women revealed that they had felt forced into transactional relationships to survive. This finding is echoed by other research. A recent report by Oxfam found destitute women often engaged in transactional sexual relationships for shelter, food and money, or entered commercial sex work.¹³³ We feel it is unacceptable that women who have fled persecution are being forced into exchanging sex for survival.

The government has introduced increasingly punitive measures that push more people into destitution, clearly with the intention of making refused asylum seekers more likely to return to their home countries. But in practice all the evidence suggests that people living destitute are overwhelmingly focused on the struggle for day to day survival, and do not make arrangements for return.¹³⁴ Many human rights organisations, including Oxfam, the Red Cross and Amnesty International, have now called for an end to the destitution of asylum seekers

'As I was not being supported I had to rely on my partner for everything, from bus fares to toiletries, and at times it was not pleasant because when he was not happy with me he would refuse to help me.'

and the restitution of support up until the point of return or integration into society. Our experience of working with refused asylum seekers who are living destitute shows us that this punitive policy does nothing to encourage women to return home, but simply retraumatises already traumatised individuals and makes them vulnerable to exploitation, including sexual exploitation. Even if these women go on to make a fresh claim and get leave to remain, the scars of living in this situation remain with them.

I'm here because if I return to my country I will be sent to prison.

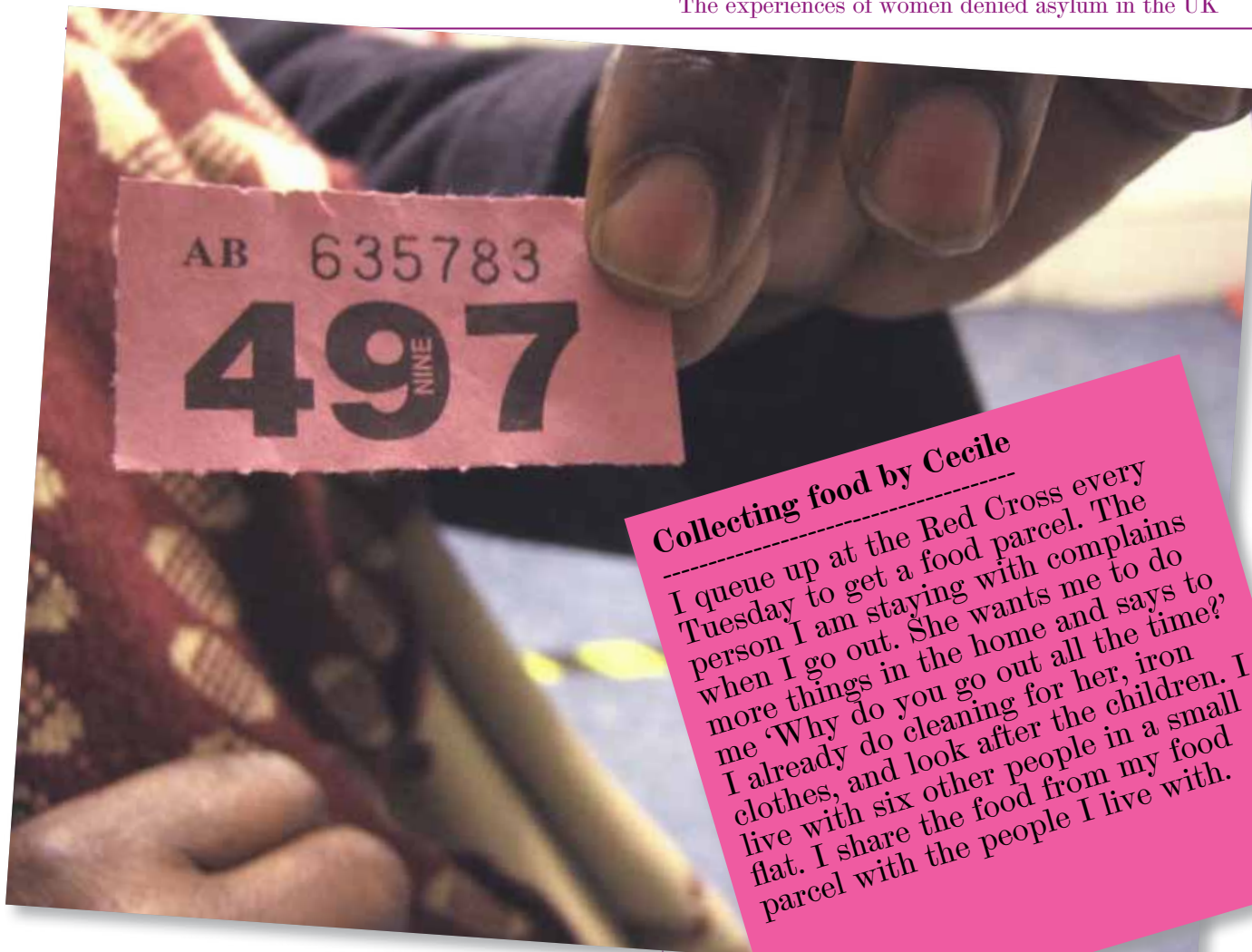
Cecile's story

Cecile by Aliya Mirza

I came to the UK from the Congo in 2008. I came to this country for safety. I was involved in a women's group which was trying to mobilize widows to vote in the election. I was imprisoned, raped and tortured. I have been refused asylum here. I have been destitute for the past two years, which means I have no support at all, no right to work and nowhere to live. So I rely on friends and charity. It is a very bad life.



I'm here because my return will be dangerous and unsafe.



Collecting food by Cecile

I queue up at the Red Cross every Tuesday to get a food parcel. The person I am staying with complains when I go out. She wants me to do more things in the home and says to me 'Why do you go out all the time?' I already do cleaning for her, iron clothes, and look after the children. I live with six other people in a small flat. I share the food from my food parcel with the people I live with.

Reporting by Cecile

I have to report regularly to the Home Office. I have done that for four years, ever since I arrived in this country. I go to sign on every two weeks. Today they have closed the place I usually sign, so I have to learn where the new place is. Every time I go to sign I am afraid that they could arrest me or deport me. I told them everything I went through but they didn't believe me. They said I was lying and refused me asylum. That made me so upset, and I am scared every time I go to report.



I'm here because it is not safe for me to return to my country as that war is still going on.

Survivors

This research was carried out within seven different groups which aim to support and empower refugee women. Women Asylum Seekers Together London, Women Asylum Seekers Together Manchester, Women Seeking Sanctuary Advocacy Group Wales, Embrace in Stoke on Trent, Bradford Refugee and Asylum Seeker Stories, the Women's Group at the Young Asylum Seeker Support Service in Newport and the Refugee Women's Strategy Group in Glasgow all welcomed us into their organisations or were ready to partner with us in carrying out our research. Without their generosity with their time and knowledge Women for Refugee Women could not possibly have written this report.

Some of these groups, including Women Asylum Seekers Together London and Manchester, and Women Seeking Sanctuary Advocacy Group Wales, are run by refugee women. Women who are themselves in the process of seeking asylum, who are dealing with the effects of refusal, or who have leave to remain and are trying to work and be educated in a new country, are also managing to support one another and encourage each other to campaign and advocate for a fairer asylum process.

All of these groups benefit from the presence of women who have chosen to tell their stories. This takes immense courage; they are often speaking against cultural taboos and the disapproval of their own ethnic or religious communities. They often feel great fear about what the authorities both in their home countries and here might do if they voice open criticism. And yet they choose to speak out, and they inspire others on a daily basis. Many of them

What changes would you like to see in the asylum process?

'We need to be treated with dignity and respect.'
'I would like for us to be able to lead a dignified life.'
'I would like to see a fair asylum system. I would like to see the Home Office stop disbelieving women when they talk about their experiences and their trauma.'

also work in practical ways, opening doors for other women to find legal advice or English classes or emotional support. At Women for Refugee Women we work with many of these courageous women. Far

from being only victims who deserve our pity, we can see that women refugees have a real part to play in creating a fairer and more humane world, both here and in their home countries.

Constance: Why I choose to speak out

I was a law graduate in my country, Cameroon, but one day my mother informed me that my father was making plans to marry me to a friend of his. I knew the man. My siblings and I used to call him uncle. He was far older than me and had three wives already. Part of the package was to convert to his religion. And they told me that his other wives were

What changes would you like to see in the asylum process?

'To treat asylum seekers as humans because we are not animals.'

'Not to detain women who seek asylum, especially women who experience torture.'

'I am ready to work and help myself. To pay taxes and contribute to this country.'

circumcised and that I had to be circumcised too.

At first I thought they were joking, but then I realised that they were serious, that the men wanted this to happen. I went to the authorities, to the police and social services. They told me that there was nothing they could do to help me.

I ran away and hid with a friend. But he didn't feel safe, hiding me. The authorities had put an announcement in the papers that I was a wanted person. I felt I couldn't do this to him and put him at risk and so I asked another friend for help and I was brought to the UK. I felt I would go anywhere, just to get out of the dragon's mouth. I had never heard of asylum and I didn't know the system. I told them why I had come here but they refused me asylum. I claimed in 2005 and it only took a couple of months.

After I was refused asylum they cut everything, I became homeless and I had no support at all. I got by somehow; I slept on the floors of other refugees. It was a bad time. Once they came to remove me but they went to the wrong address. I never stopped campaigning. Every Saturday my supporters went out in Cardiff to talk to people about my situation.

I'm here because my country is not safe for me to go back.

We took over 3000 signatures on my petition to the Home Office. After five years I was given leave to remain.

Now, I feel I have to go on speaking up. That's why I work with other women refugees in the group, Women Seeking Sanctuary Advocacy Group Wales. How else can we change things? I know so many women in the situation I used to be in, refused asylum, living destitute, threatened with removal, they are very vulnerable. Men exploit

them, they get beaten up, raped, and they are too scared to go to the police.

Change will not happen if we don't try to make a change. We need to empower women. It's important that women stop feeling that it is taboo to speak about these issues; the things they ran away from and what is happening to them here. I will always encourage women to speak up.

Constance by Aliya Mirza



I'm here because my government put me in prison and they will kill me if I go back.

Recommendations

There has been positive rhetoric from this government regarding the need to improve women's experiences in the asylum process. The Deputy Prime Minister, Nick Clegg, has said that efforts are being undertaken to ensure the asylum process 'is sensitive to the needs of women and girls'.¹³⁵ Similarly, the Immigration Minister, Damian Green, has acknowledged the need for suitable guidance and training to ensure that 'case owners take the right approach to handling cases of heightened sensitivity, particularly where gender-related violence is at issue'.¹³⁶ It is now time for the government to turn the rhetoric into reality, and to this end we make these recommendations:

- Improve the quality of decision-making in women's asylum cases
- Ministers should show leadership on the importance of breaking down the culture of disbelief in the Home Office
- UK Border Agency should ensure that case-owners grasp the nature and impact of gender-related persecution and how it engages the Refugee Convention, and should undertake further research on the quality of decision-making in women's cases
- Training and guidance should be put in place for judges on immigration tribunals on the nature and impact of gender-related persecution and how it engages the Refugee Convention
- Ensure access to free quality legal advice and representation for all asylum seekers
- End the use of detention for all those seeking asylum
- If detention continues, more rigorous procedures should be put in place to ensure that survivors of sexual violence and torture should never be detained
- If detention continues, more rigorous procedures should be put in place to ensure complex claims do not get routed into the fast track procedure.
- End the destitution of those refused asylum
- Grant asylum seekers permission to work if their case has not been resolved within six months or they have been refused, but temporarily cannot be returned through no fault of their own
- Provide welfare support for all asylum seekers who need it, up until the point of return or integration



'Everyone waiting for the bus was at the drop-in centre to get food. Asylum seekers spend a lot of time on the buses. If home is bad they stay

on the bus all day and go around and around. Or at night, if they are homeless, they may stay on the bus all night.'

Waiting by N Yeman

The numbers of people entering the UK to claim asylum are not large. Many of the women who come here to seek refuge have fled extreme abuse and persecution, and are desperate to find safety. Yet they are not just victims; many are true survivors who could help to build a more equal society both here and in their countries of origin. Right now our asylum process condemns too many of these women to hardship and despair. It is time that we built a just and humane asylum process, in order to give every woman who comes to this country fleeing persecution a fair hearing and a chance to rebuild her life.

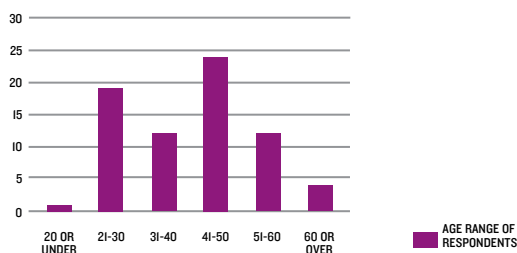
I'm here because my husband told me he would kill me. No one will protect me there.

Methodology

This study brings together pre-existing research with the experiences of women who are in, or have been through, the asylum process. Information about these women's experiences was provided in questionnaires completed by women who had sought asylum across the UK. The questionnaires, designed in conjunction with members of Women Asylum Seekers Together London through a series of focus groups, contained 36 questions. These questions are mostly closed, with an opportunity to elaborate if desired, addressing experiences in the home country, in different parts of the asylum process and after the claim had been refused.

It was important that this report included a wide spectrum of women's voices. To this end, and to compare possible variations in the experiences of women across different regions of the UK, we worked in partnership with other organisations beyond Women Asylum Seekers Together London. These were Bradford Refugee and Asylum Seeker Stories, Embrace in Stoke on Trent, the Refugee Women's Strategy Group in Glasgow, Women Asylum Seekers Together Manchester, Women Seeking Sanctuary Advocacy Group Wales, and the Women's Group at the Young Asylum Seeker Support Service in Newport.¹³⁷

All of the participants had claimed asylum. They were at different stages of the asylum process at the time of completing the report; some had been granted refugee status or a form of leave to remain; some were appeal rights exhausted (had been refused permission to remain in the UK, and had exhausted all their appeals); and some were still waiting for a decision on their asylum or immigration claim or appeal. The age range of the women was wide, with one aged under 20, and four aged over 60. 26% were between 21 and 30; 17% between 31 and 40; 33% between 41 and 50; and 17% aged between 51 and 60.

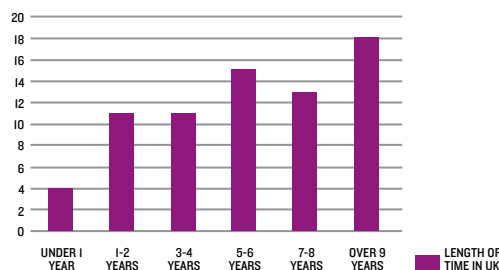


AGE RANGE OF RESPONDENTS

The women came from the following 22 countries:

Algeria (1), Angola (1), Bangladesh (2), Benin (1), Burundi (1), Cameroon (3), Democratic Republic of Congo (13), Eritrea (15), Ethiopia (3), Gambia (2), Iran (1), Ivory Coast (1), Malawi (2), Mali (1), Nigeria (6), Pakistan (4), Somalia (1), Sri Lanka (2), Sudan (1), Trinidad & Tobago (1), Uganda (5), Zimbabwe (5)

The women had spent varying lengths of time in the UK, from 6 months to 14 years.



LENGTH OF TIME IN UK

Ethical Considerations

Ethical issues were of paramount importance when conducting this research, especially given the vulnerability of some of the women involved and the traumatic nature of their experiences. The research was conducted in accordance with the Social Research Association Ethical Guidelines. Questionnaires were completed with the help of female staff and volunteers of Women for Refugee Women, except in two cases, where questionnaires were completed independently of WRW in the Refugee Women's Strategy Group in Scotland. All participants were asked to give oral consent after the research aims and purposes were explained to them. Participants were informed that their names and details would be kept confidential and that they would not be recognised from the data published in the report. The research was carried out with care to the vulnerabilities of the individual woman.

Those women who chose to share more details of their experiences, including their fuller stories, their names and images of their faces for this report, gave informed consent to the publication of such details. Many of the women whose stories are told in this way have found that their situations have changed since they shared their experiences; among those who now have refugee status or other leave to remain are the women called Ella and Saron, and most of the women who participated the Home Sweet Home photography project.

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2. UNHCR, *Global Trends 2010* (Geneva, 2011) p15 at www.unhcr.org/4dfa11499.html
3. The UK receives 0.37 asylum applicants per 1,000 inhabitants, compared to an average of 0.55 across Europe. Migration Observatory, *Briefing: Migration to the UK: Asylum* (Oxford, December 2011) p2 at http://migrobs.vb.bytemark.co.uk/sites/files/migobs/Briefing%20-%20Asylum%20v2_0.pdf
4. Ibid, p2
5. Home Office, *Immigration Statistics, April to June 2011: Asylum*, Table as.03: Asylum applications from main applicants by age, sex and country of nationality
6. UNHCR, *Guidelines on International Protection* (Geneva, 2002)
7. See Methodology on page 41 for a more detailed breakdown
8. The UNHCR has stated that 'gender-related persecution' refers to any claim of persecution in which 'gender is a relevant consideration'; see UNHCR, *Guidelines on International Protection* (Geneva 2002) p2. Other authorities have followed suit, using 'gender-related persecution' as a broad term that includes both persecution carried out because of a person's gender, or persecution that takes a particular form according to a person's gender. So the UK Home Office breaks down 'gender-related persecution' into 'gender-specific' persecution, which may be carried out for reasons unrelated to gender, such as being raped for holding a political opinion; and 'gender-based' persecution, in which the reason for the persecution relates to gender, even if the form of persecution does not, such as being flogged for refusing to wear the veil. UK Home Office, *Asylum Instruction: Gender Issues in the Asylum Claim* (2010) at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/gender-issue-in-the-asylum.pdf?view=Binary>. Occasionally the term 'gender-related persecution' is used only for persecution carried out for reasons of gender, and 'gender-specific persecution' as the term relating to the form of the persecution. See for instance Heaven Crawley, 'Gender-related persecution and women's claims to asylum', <http://www.frlan.org/content/gender-related-persecution-and-women%E2%80%99s-claims-asylum>. This report follows the usual style of taking gender-related persecution to be a broad term in which either the reason for or the form of the persecution may be related to gender.
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10. Legal Action for Women, *A Bleak House of our Times* (London, 2005)
11. Scottish Refugee Council, London School of Hygiene and Tropical Medicine et al, *Asylum-Seeking Women: Violence and Health* (2009) p13
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13. These estimates vary largely as there has been much debate about reliable data of rape victims during war. Rape is known to be one of the most underreported crimes, and Amnesty International asserts that women would not have been able to report crimes for a variety of reasons in Bosnia and Herzegovina. Amnesty International, *Whose Justice? The women of Bosnia and Herzegovina are still waiting* (London, 2009) p5 at <http://www.amnesty.org/en/library/asset/EUR63/006/2009/en/8af5ed43-5094-48e9-bfab-1277b5132faf/eur630062009eng.pdf>
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15. Women Under Siege, *Conflict Profiles: Democratic Republic of Congo: Numbers*, at <http://www.womenundersiegeproject.org/conflicts/profile/democratic-republic-of-congo#numbers>
16. Nigel Rodley, oral introduction to 1992 Report to the Commission on Human Rights, cited in Ellie Smith, 'A legal analysis of rape as torture in the international and regional (non-European) fora', in Dr Michael Peel (ed), *Rape as a Method of Torture* (London, Medical Foundation for the Care of Victims of Torture, 2004) p189
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18. Human Rights Watch, Q&A on *Female Genital Mutilation* (June 2010) at <http://www.hrw.org/news/2010/06/10/qa-female-genital-mutilation>
19. World Health Organisation, *Female genital mutilation Fact sheet No. 241* (February 2012) at <http://www.who.int/mediacentre/factsheets/fs241/en/>
20. Nicholas D Kristof and Sheryl WuDunn, *Half the Sky: Turning Oppression into Opportunity for Women Worldwide* (New York, 2010)
21. Lauren Gambino, '2.4 million victims of human trafficking worldwide, says UN', *Daily Telegraph*, 4 April 2012
22. 'Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution'; Article 16, Universal Declaration of Human Rights
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137. The numbers of questionnaires completed in each area were as follows: Cardiff (11), London (22), Stoke(3), Manchester (17), Glasgow (2), Bradford (9), Newport (8)

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