

Distant voices, shaken lives

**human stories of immigration
detention from Northern Ireland**

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Foreword

The Refugee Action Group is a coalition of non-governmental organisations,¹ refugees and other individuals with an interest in refugee issues in Northern Ireland. It commissioned this booklet to give a ‘human face’ to the practice of immigration detention in the region.

The booklet traces the experiences of individuals detained in, or on the way to or from, Northern Ireland, before being taken to an immigration removal centre in Great Britain, usually via interim police custody. They tell their stories as they move through the detention process, presenting the system through the eyes of a detainee.

The idea is to ‘bring to life’ a reality of which only specialist NGOs and lawyers are in the main aware. As this booklet indicates, detention is often a bewildering and indeed terrifying experience for someone stopped and held by immigration officers—sometimes at a port or airport while travelling within the UK—or arrested early in the morning at their home.

The booklet concludes with positive alternatives to detention and makes proposals which could be taken up by members of the Northern Ireland Assembly and the Office of the First Minister and Deputy First Minister. RAG would very much welcome a dialogue on these proposals.

Paul Kazadi

**Chair
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RAG is in particular very appreciative of the individuals who were willing to contribute their narratives, often in the process recounting traumatic ordeals, in their country of origin or under detention or both. In some cases, it has been necessary to minimise personal details, so that the individual could not be identified in the country from which they have fled.

From the global to the local



Support, and a new place to call home

WE LIVE IN A WORLD OF PEOPLE on the move, but for the most destitute that is least likely to be a matter of choice. When the Refugee Convention was agreed by the United Nations in 1951 there were about one and a half million refugees, mainly distributed around Europe and the Middle East as the result of war and the post-war maelstrom.

Half a century on, the UN high commissioner for refugees reckoned there were between 12 and 18 million—with a further 25 to 30 million forcibly displaced within their own country. The typical refugee was now surviving in an African country (seven to eight million) or Asia (over six million): 'They are all emblematic of a human condition that is shaped and fixed on the margins of the world, one of its most tenacious foundations being our own ignorance of it.'²

The UNHCR has condemned politicians and media who have turned asylum-seekers and refugees into 'faceless bogeymen'. This takes a psychological toll on individuals so stigmatised.³

Coverage in the tabloid British media has fostered a widespread belief that the country is awash with asylum-seekers—though in fact the UK hosts less than 3 per cent of the world's refugees.⁴ The lack of reference to

refugees as such and the insidious insertion of the presumptive adjective 'bogus' before the noun 'asylum-seeker' has shifted political debate and administrative practice. Instead of addressing how the state must provide sanctuary for those fleeing persecution, the focus is on how supposedly contrived asylum claims can be weeded out as part of a 'tough' policy on immigration. Although migration and asylum ought to be treated as distinct issues, all entry to the UK is now controlled by a Home Office agency, the UK Borders Agency.

Under existing human-rights standards, it is legitimate for government to seek to manage migration to minimise the associated dislocations, as long as this is not done in an ethnically discriminatory way. UK immigration control has however historically been driven by a desire to curb access by the ethnic-minority 'other'. Much UK immigration cannot in fact now be restricted, since it stems from European Union nationals availing themselves of the same right of free movement of labour as UK (and Irish) nationals enjoy in reverse.

Yet while governments can regulate overall migration for work from outside the EU—the new government at Westminster has proposed an overall limit—the Refugee Convention *obliges* states to provide asylum to every

individual who has ‘a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’ if returned to their country of origin.

Culture of suspicion

If all public discussion of asylum is caught up in a narrative of ‘tough’ immigration controls, a culture of suspicion and mistrust will inevitably permeate the system for handling asylum cases. This is exemplified by a newspaper report whose source was a whistle-blowing former UKBA caseowner, who had worked during 2009 in an agency office in Cardiff.

Louise Perrett alleged that the tone had been set on her first day when one manager had said of the asylum-seeker clients: ‘If it was up to me I’d take them all outside and shoot them.’ She further alleged that other staff kept a stuffed gorilla, a ‘grant monkey’, which was put as a badge of shame on the desk of a case owner who accepted an asylum claim. And she said: ‘I witnessed general hostility, rudeness and indifference towards clients. It was completely horrific. I highlighted my concerns to senior managers but I was just laughed at.’⁵ Ms Perrett’s claims were contested by UKBA.

UKBA officers have ‘very widely drawn’ powers to detain individuals subject to immigration control, including asylum-seekers and individuals whose asylum claims have been dismissed.⁶ Article 5 of the European Convention of Human Rights protects the right to liberty, while recognising that detention may be lawful as a prelude to deportation. The power to detain must not be exercised in a disproportionate manner.⁷

In 2008 the commissioner for human rights of the Council of Europe, Thomas Hammerberg, wrote a memo following visits to UKBA ‘immigration removal centres’. The UK immigration detention estate is the largest in Europe—and was to be expanded to nearly 3,500 places in June 2010, following the enlargement of the Harmondsworth centre near Heathrow.⁸

The memo said: ‘It is of particular concern that current United Kingdom legislation provides for no maximum time of administrative detention under Immigration Act powers and no automatic judicial oversight of the detention prolongation.’⁹ Mr Hammerberg called on the UK authorities to consider ‘drastically

limiting’ resort to detention. In the meantime, he ‘strongly’ recommended, there should be a time limit as in France and elsewhere. There should be on-site, expert legal advice so that bail might easily be sought. And he said the detention of accompanied children should be outlawed.

Effects of detention

Amnesty International earlier investigated several cases of individuals detained across the UK. It concluded, and the research for this booklet bears this out, that detention ‘has a terrible human cost, inflicting untold misery on the individuals concerned and their families’.¹⁰

Amnesty’s interviewees described feeling ‘abandoned, demoralized and bored’¹¹ in detention; even rejected asylum-seekers deserved to be treated with dignity and humanity, it stressed. The most persistent complaint was of detainees having ‘no idea what was happening to them’,¹² with the reasons for detention only given as a box ticked in a checklist on a form and legal advice and representation often of poor quality. The NGO Bail for Immigration Detainees similarly found: ‘When we asked people about their journey through the asylum system into detention, they talked of confusion, misinformation, bad advice, fear and shock that they had ended up incarcerated.’¹³

BID also found the health, including mental health, needs of detainees were being neglected. Assessment by a *Médecins Sans Frontières* doctor of 13 asylum-seekers detained under the Immigration Act revealed that 12 had a variety of medical conditions which were not being addressed, 11 betrayed mental-health problems ranging from anxiety to depression and nine showed features of post-traumatic stress. Detention centre staff could not provide a full set of medical notes for any and interpretation was rarely offered.¹⁴

Amnesty and BID pointed out that many who were detained in the 11 UKBA centres across the UK—like those cases rehearsed later—ended up not being removed after release, begging the question as to why they had been detained in the first place. This comes at no insignificant cost: in 2009 the Home Affairs Select Committee at Westminster elicited the information that detention cost £130 per day per person,¹⁵ equivalent to more than £47,000 per year. In 2008 an Independent Asylum Commission called for a ‘root and branch review’ of detention and ‘an independent evaluation of viable long-term alternatives to detention, and of the likelihood and motivation of asylum seekers absconding’.¹⁶

The royal colleges representing general practitioners, paediatricians and psychiatrists called for the detention of children to be stopped immediately.¹⁷ Following the UK general election in May 2010, the new minister responsible for immigration, Damian Green, promised this would be ended within a matter of months.¹⁸

Days later, the Home Office announced children

We will end the detention of children for immigration purposes.

The Coalition: Our Programme for Government

May 2010

would no longer be detained at the Dungavel immigration removal centre in Scotland.¹⁹ RAG welcomes this but it could for the moment result simply in the shifting of children to detention in England.

A Pakistani woman, Shehar Shebaz, and her eight-month-old baby was meanwhile detained at Dungavel. On the day of the Home Office announcement, Ms Shebaz was told they were to be moved on to the Yarl's Wood centre in Bedfordshire (see panel), where four out of 11 detained families were involved in a hunger strike, before being deported. The Scottish NGO Positive Action in Housing urged the government to release the Yarl's Wood families, in the light of the new commitment—and the implausibility of whole households absconding—but to no avail.

When the coalition government's programme was published, no timescale was attached to the child detention pledge (see facing page).

How individuals are detained

As elsewhere in the UK, individuals can be detained in Northern Ireland in connection with their immigration status following questioning by UKBA officers on entry or arrest at their home—often with many police and immigration officers in attendance, early in the morning—or at a place of work. They are not always given an opportunity to pick up their belongings.

Some have also been picked up—much to their surprise and dismay, as three of our stories show—while travelling between Great Britain and Northern Ireland. In 'Operation Gull', individuals are held at air and sea ports in Northern Ireland, ostensibly as a result of the porous nature of the Irish border. A Police Service of Northern Ireland officer described it as a joint arrangement with the Garda National Immigration Bureau and other relevant agencies in the Republic of Ireland.

While everyone entering the UK at, say, Heathrow, is stopped by UKBA staff, this system of internal control is wide open to the risk that individuals to whom suspicion attaches will be selected for scrutiny on a basis of 'racial profiling'.²² And UKBA data from a period in 2007 showed that nearly a quarter of those detained were Nigerian.²³

Immigration officers do have considerable discretion as to whom they detain. Yet, as Barbara Muldoon, a solicitor in Belfast who has handled many asylum and immigration cases, said: 'This is transformative of people's lives.' The Kafkaesque experience of a Nigerian national client of Ms Muldoon, detained as a result of Operation Gull, is described later.

Into the void

The stories in this booklet are mainly told from the perspective of individuals who have been detained but released in Northern Ireland. But for many, like Mohammed (overleaf), removal is their fate.

According to immigration officers, Operation Gull

Yarl's Wood

The last report by the chief inspector of prisons on Yarl's Wood—the only removal centre holding only women, children and families—following a visit in November 2009 contained an introduction by the chief inspector, Anne Owers, notable for its anxious tone.

While recognising improvements since the previous inspection, she wrote: 'What was particularly troubling was that decisions to detain, and to maintain detention of, children and families did not appear to be fully informed by considerations of the welfare of children, nor could their detention be said to be either exceptional or necessary.' Over a period of six months, 420 children had been detained, of whom half had been released, 'calling into question the need for their detention and the disruption and distress this caused'. Sixty-eight of them had been detained for over a month.

Ms Owers also complained that the focus on improving the environment and activities for children appeared to have led to a lack of attention to the needs of the majority population of women: 'Provision of activities for them was among the poorest seen in any removal centre. It had been inadequate at the last inspection, and had declined even further. The absence of activity added to the depression and anxiety of women, many of whom were spending lengthy periods at Yarl's Wood.' The average length of stay had increased by half since the last inspection, only about a dozen jobs in the centre offered more than 10 hours a week, education was poor except in arts and crafts and there had been no assessment of adult mental health needs.²⁰

Subsequently, Yarl's Wood erupted. In February 2010, dozens of detainees began a hunger strike over the length of their detention. Some alleged that staff from Serco, the private company managing the centre, assaulted them with riot shields in an incident days later—allegations which Serco dismissed but the chair of the home affairs select committee at Westminster, Keith Vaz, described as 'extremely concerning'.²¹

appears to be based on the premise that individuals who have obtained a visa to enter the UK may enter the republic via Northern Ireland to take up residence there improperly. Yet this entails individuals being detained because an immigration officer has come to a view as to their possible intention, rather than because they are reasonably suspected of having committed an actual offence.

Formerly, detainees in Northern Ireland were held in prisons within the region. But this was widely perceived as inappropriate treatment of individuals who (unless they had breached immigration law) had not committed any offence, yet could be held in a maximum-security

jail. Following a campaign by RAG and others, this practice was stopped in 2006. But instead of establishing a specialist, open unit in Northern Ireland as RAG had urged,²⁴ immigration-related detainees were now sent to removal centres in Britain.

Police custody

The first phase of detention for an individual held in Northern Ireland is usually custody in a police station. If

detained at home or their place of work, the detainee is transported in what the researchers from the Northern Ireland Human Rights Commission heard immigration officers refer to as the ‘fun bus’ or ‘happy bus’.²⁵

While a number of police officers are seconded to UKBA, immigration detention is principally a UKBA affair, and so important constraints otherwise placed upon the PSNI do not apply. Immigration officers can interview individuals without having to notify them that, until and unless they are arrested with a view to detention, they are free to go at any time. While the involvement of the police ombudsman in dealing with complaints against UKBA officers has been mooted, it has not been effected.

Asylum-seekers enjoy fewer rights than those potentially facing criminal charges. The Police and Criminal Evidence Order (PACE) requires individuals arrested in connection with non-‘terrorist’ offences to be brought before a court within 36 hours if longer detention is sought, but if an individual is detained in a police custody suite at the behest of UKBA, as one PSNI officer put it, ‘then the PACE clock stops’. And the detainee does not enjoy the automatic right of access to a lawyer at any time for which PACE otherwise provides.

Police custody sergeants expressed frustration to the NIHR researchers about the lack of information given to detainees, and to themselves, about their fate. Most were only informed what was happening when called by the private security firm G4S, often at very short notice, to be told that staff were on their way to remove the person in their custody to Dungavel.²⁶

While they would have had access to the telephone interpretation service Language Line when the individual was being booked in and served with papers, custody staff are not equipped to deal with individuals with little or no English, and detainees are often unaware they can ask for a change of clothes and a shower. Custody suites are ‘unsuitable’ for prolonged detention, as the chief inspector of prisons has said repeatedly²⁷—most, for example, having no access to exercise yards.

Over the Irish Sea

Dungavel is usually the destination for Northern Ireland detainees, at least initially. A report by the chief inspector of prisons during 2006, presenting a snapshot of escorts to the centre, referred to five individuals (out of 12) taken there from Northern Ireland. None had received legal advice while in police custody, even though in two cases that had lasted for four nights.

All five complained strongly about being handcuffed getting out of and into the G4S van while embarking on and disembarking from the ferry to Scotland (see quote left).²⁸ Hindpal Singh Bhui of the Inspectorate of Prisons said one of the largest issues inspectors had with Dungavel was transport—‘something we have long been critical of’. It was ‘very problematic’, he said, and needed to be resolved as soon as possible.

UKBA has planned to establish a short-term detention

Removal

Mohammed is a young Sudanese lecturer from Darfur who was tortured due to his outspoken criticism of the regime. He arrived in Belfast in November 2009 and claimed asylum. He quickly became a regular face at the Belfast Friendship Club. As Mohammed had spent time in Italy en route to the UK, European law states that Italy should have responsibility for his asylum claim.

Mohammed did not dispute this and complied fully with UKBA and PSNI reporting restrictions. Indeed, Mohammed informed one member of the Friendship Club that he was determined to stick to the rules and that he would comply with his removal.

Mohammed was detained on 24 March 2010 when he reported at a Belfast police station. He was transferred to Dungavel, where he was held for more than a fortnight. He was then transferred to Colnbrook removal centre, near Heathrow, before being removed in the early hours of 13 April to Rome. In total, Mohammed spent 20 nights in detention.

We were both handcuffed [hands in front] as we got out of the vehicle in the car park ... The officers did try to bring us through before most of the passengers but there were still people around. I asked why and they said ‘It is part of what we are told to do.’ I tried to pull my sleeves down over the cuffs, but it is not possible to conceal them completely... We were each escorted by the officer to the toilet.

This was very embarrassing and people were staring at us... It was a horrible and humiliating experience. I looked like a criminal. Because of this I felt sick travelling in the second van, from the ferry to Dungavel.

facility in Larne, Co Antrim, but this had still to come to pass at time of writing. In the absence of this, said Mr Singh Bhui, detainees were removed from their social contacts, faced very long journeys and arrived exhausted at Dungavel—and with the possibility of being moved on to another centre in England.

Like seven of the other removal centres, Dungavel is managed by a private company—in this case that too is G4S—rather than falling within conventional public administration. Such companies are paid on the basis of a daily fee per detainee, which does not incentivise prompt treatment to minimise the detention period. They can pay detainees below the minimum wage for carrying out ancillary work: Dungavel detainees were reported by the inspectorate in 2008 as earning ‘up to £15 a week’ for working in the kitchen and monitoring their fellows, decorating and helping with teaching.²⁹ (There is also the irony here that asylum-seekers are of course prohibited from working in society at large.) The centre, which has been in operation since 2001, has a capacity of 190, mainly in dormitory-style accommodation.

A former hunting lodge in rural Lanarkshire, as Amnesty noted Dungavel is ‘extremely remote’,³⁰ rendering visits difficult—including by solicitors. Although when they arrive at Dungavel detainees are notified of available lawyers, Scottish law in some respects distinct and being able to choose from a roster of solicitors is not the same as sustaining a relationship with a lawyer with whom an individual has built up the trust on which good representation depends. Detention across the Irish Sea can sever such relationships.

Christina McKelvie is a member of the Scottish Parliament with a background in social work who long campaigned against the detention of children in Dungavel. She described it as ‘like Camp Zeiss—a separate wee bit of the UK, part of Britain that doesn’t have anything to do with Scotland’. While immigration and asylum are matters not devolved to the Northern Ireland Assembly or the Scottish Parliament, Dungavel has been one of a number of concerns for Scottish ministers in this arena.

There was an outcry in June 2008 over the case of a Canadian national, Corelli Bonhomme (35), whose two-year-old daughter was taken from her as they boarded a ferry for Scotland in Belfast and who was detained in Dungavel for five weeks because her visa had expired (she claimed this was an honest mistake).³¹ The Scottish first minister, Alex Salmond, expressed ‘strong disapproval’ to the then UK immigration minister, Liam Byrne.³²

What’s wrong with Dungavel

Although the chief inspector of prisons, Anne Owers, takes the view that Dungavel is the best run of the removal centres, her latest report, issued in December 2008, raised several concerns. It noted that detention periods had risen significantly and found considerable frustration among detainees at prolonged detention—with

an average of 23 days for those not previously imprisoned and 79 days for former prisoners. Children were still being detained, including seven for more than a week

HIV and detention

Jacintah McCaffrey is a social worker based at the Royal Victoria Hospital specialising in HIV cases. Originally from Kenya, she worked with UNHCR across the Horn of Africa before coming to Northern Ireland. Because of the high incidence of HIV in several African countries and the demands of therapy with anti-retroviral drugs, this condition is a particular worry in the context of detention.

National Aids Trust guidance for healthcare staff in detention centres stresses that maintenance of ARV therapy, through prompt screening and prescription, is of ‘paramount importance’. A 95 per cent adherence rate is required—that is no more than one missed dose a month if taken once daily—if the effectiveness of the drugs is not to be compromised and resistance allowed to develop.³³

Ms McCaffrey described the case of a young HIV-positive Malawian, who was asked to attend Belfast International Airport for a screening interview in November 2007 but ended up being held in Antrim Road police station and transferred to Dungavel. When Ms McCaffrey eventually managed to speak to her there on the phone she had said she felt like the world had deserted her: ‘I am all alone and nobody really cares.’

She was transferred to Yarl’s Wood and managed to contact a solicitor there from a list. Her boyfriend in Belfast had to wire about £1800 in total for legal fees, including for successful rebuttals of moves to deport her. She had told Ms McCaffrey: ‘I am treated here as a criminal.’

Her boyfriend had been able to ensure she had received her anti-retroviral drugs while in Antrim Road. But it was to take 12 days before she received her medication in Dungavel—and then only because Ms McCaffrey obtained it for her. She told Ms McCaffrey that while in detention two requests by her to see a doctor and for additional ARV supplies were turned down. Missing treatment had a ‘huge impact’ on the condition of someone living with HIV, Ms McCaffrey said, including in terms of anxiety and depression in this ‘multiple trauma environment’, not knowing whether the next day would bring deportation.

The woman was held in Yarl’s Wood, which she described to Ms McCaffrey as ‘a depressing place’, until March 2008. Yet on her release she was to comply with weekly reporting requirements to Ormeau Road police station until her deportation in August 2009.

RAG helpline

RAG offers out-of-hours support to individuals who are detained via its Immigration Detention Emergency Helpline. The number is 0800 840 0495 (0044 800 840 0495 from the Republic of Ireland). Volunteers who staff the phones, one of whom gives testimony below, will try to inform friends or family and an immigration lawyer of the caller's detention. The service is free, confidential and independent. It does not provide general advice on immigration.

I have been a Helpline volunteer since the service began in June 2009. On two occasions I have received calls in the middle of the night from distressed family members wanting to report the 'disappearance' of loved ones. The sheer panic in the callers' voices was alarming, particularly in the dead of night. Imagine waiting at a ferry terminal or airport arrival hall and your partner never arrives. Nobody tells you anything. Hours later you receive a call from an immigration officer telling you that your partner is being taken to Dungavel. Dungavel? You have never heard of the place.



in the previous year, despite prior recommendations that this should be 'exceptional and for the shortest possible period' and subject to independent welfare assessments.³⁴

While staff were found to treat detainees with respect, insufficient efforts were made to communicate with those who had little or no English, the report said. Strategic management of diversity was inadequate and there was no policy to address the particular needs of female detainees or those with disabilities. Individuals who were transferred to and from other removal centres complained of being notified only on the day.

Health needs of detainees were not routinely assessed, the chief inspector reported. Ms McKelvie said however that a Medical Justice Foundation representative was now conducting health checks on Dungavel detainees—something she claimed as a 'major triumph'. But this had turned up problems in access to proper care for individuals with serious ailments like diabetes or mental ill-health.

Survivors of torture should not be detained. The Detention Centre Rules require that healthcare staff report to the centre manager concerns that a detainee may have been a victim of torture or that they have a special illness or condition. The report is passed to the UKBA caseholder to review the detention. The chief inspector complained that these reports were not being addressed and referred to a Dungavel case where the UKBA officer had claimed to the detainee that there was 'no evidence to substantiate your claim of torture' and had sustained the detention, blaming a purported 'lack of candour' as to their journey to the UK. This despite a medical report which had described scarring on the head, torso, thigh and leg.³⁵

Scarcity of data

RAG sought access to Dungavel to allow a first-hand account of the centre to be included in this publication. The UKBA centre director was willing to facilitate a visit to meet a detainee but she would not grant access to the site as a whole and declined a request for an interview.

In July 2009, UKBA opened a 'one-stop shop' at Drumkeen on the outskirts of Belfast. The office was approached to provide data on the number of individuals detained by year who had fetched up in the region, and a breakdown of where they were from. The head of the office agreed to be interviewed but subsequently resiled because of the period of 'purdah' associated with the Westminster election. An official later said: 'That information is not routinely kept by our own agency.'

In the absence of adequate data on immigration detention in Northern Ireland, we can at least bring to light the reality in human terms. ●

Stories of trauma and travail

FATIMA

FATIMA IS A 27-YEAR-OLD WOMAN from Somalia, a country in the Horn of Africa for which the epithet ‘war-torn’ is no cliché. According to UNHCR, ‘Somalia is a failed state and remains one of the most insecure places in the world, with an unprecedented humanitarian crisis.’

Authority is contested between a weak government and the Islamist insurgent groups Al-Shabab and Hizbul Islam. Some 1.5 million people have been internally displaced, hundreds of thousands have died and hundreds of thousands more have fled the country.³⁶

Fatima’s first husband was killed by Islamist militants and she was raped. She moved in with her family for safety but Al-Shabab broke into her home and tried to recruit her brothers and father. When they refused to join, they were murdered and Fatima and a sister were taken and held against their will, to be physically, emotionally and sexually abused.

She escaped to Ethiopia—‘when I left my country I didn’t know where I was going’—in late 2006, with the help of a neighbour. She had left behind in Mogadishu her seven-year-old son, along with her four sisters, her mother and her second husband. When she took out her cherished photograph of her handsome boy, she broke down in tears.

Fatima got to Sudan and from there on to Libya. Though ill, she managed to travel to the coast and to join 30 others on a boat across the Mediterranean. She was detained by the Maltese authorities for eight months in harsh conditions.

Her aim was, and remains, to get her son out of Somalia but the Maltese government wanted only to send her back. So after her release she continued her exodus, arriving at Heathrow airport at the beginning of 2009 with 100 euro. She had no idea about the geography of the UK and was willing to go anywhere. A man helped her fly to Belfast, where he bought her food and wrote a letter for her to show to the police. She saw two policemen, who took her to a hostel.

She made an asylum claim, was given National Asylum-seeker Support Service (NASS) accommodation and was required to report weekly to Ormeau Road police station. In November 2009, she was arrested at the behest of UKBA officers present when she reported,

accompanied by a friend, William Cowan, from Belfast City Mission.

The immigration officers said they were aware she had come through Malta from fingerprint evidence. The Dublin Convention provides that an individual must make an asylum claim in the first signatory country they enter and they can be sent back if they seek residence in another signatory state. The UKBA officers indicated to Mr Cowan in no uncertain terms that she would be in Malta in 72 hours. She was told she could not collect her medication from home because of lack of time.

Fatima was detained overnight in Hollywood Road police station, where she was presented with correspondence between the Home Office and Malta, following her asylum claim, which was not interpreted for her. Her lawyer, who was approached by Mr Cowan, declined to visit her, claiming this would be fruitless. Mr Cowan and his wife however did. ‘I was so sad this night,’ Fatima recalled. ‘I just said “I can’t go anywhere but I need my son”.’

Next day she was taken by vehicle and ferry to Dungavel by G4S. She was handcuffed as she left the ferry in Scotland but she was offered access to a toilet, as well as refreshments, by the G4S staff, whom she otherwise felt treated her well. She spent seven days in Dungavel, where a lawyer was recruited from a list—Fatima was not satisfied with her representation.

Approaches had been meanwhile made on Fatima’s behalf to all the Northern Ireland political parties, with MLAs and others, as Mr Cowan put it, urged to ‘bombard the home secretary with Fatima’s story’. Church networks were used in an email campaign. The moderator of the Presbyterian Church and Sylvia Hermon MP were among those whose offered support.

By coincidence, three MLAs—Martina Anderson, Danny Kennedy and Jimmy Spratt—were visiting Dungavel on a fact-finding visit, on behalf of the assembly’s Committee for the Office of the First Minister and Deputy First Minister, while Fatima was there. ‘They asked me “why are you here and what’s happened to you?” And I told them everything. I said my biggest problem is my son. I said he was seven. If he is in Somalia in two years Al-Shabab will take him. I was so sad and I cried and they all cried. They said “it won’t happen to you, Fatima, don’t worry”.’

The MLAs said afterwards that it was ‘imperative that we enable this valued member of the Somali community in Belfast to establish a home for herself and her son in

the place she feels safe and calls home—Northern Ireland’. They said that ‘she has a right to life in a society where she can seek to recover from her traumatic past and look forward to a future of freedom and happiness’.

The Office of the First Minister and Deputy First Minister took up the case with the Home Office. One OFMDFM official said: ‘We saw a woman in very difficult circumstances. Clearly the exercise of compassion was something we wanted to see. We wanted people’s dignity to be maintained.’ And, following the representations, ‘lo and behold things happened which were quite positive’.

Fatima was however meanwhile being moved around the system. Flight tickets to Malta were issued and, in the space of four days, she was taken to Manchester airport, Heathrow and Yarl’s Wood, at just an hour’s notice. Her phone was taken from her. Back in Belfast, her supporters were using church contacts to follow her trail and protest along the way.

In Yarl’s Wood, she was approached by an official who asked her to sign a form, and she refused, expecting that it would be to consent to her removal. Instead he told her she was being released. ‘It was my first time to hear this word and I didn’t understand. I was sad and he said “why are you sad, Fatima? I told you you are released”. And I said “please, I don’t know what that means, ‘release’”. He said “you’ve got your freedom”.’ When William returned her anxious call he was able to confirm she was being freed. ‘That was quite an uplifting day,’ he said.

Fatima obtained what she had always sought—an interview to explain her substantive claim. The interview took place in Liverpool, where a Liberian advocate was secured from a Christian NGO, Frontiers, who attended the interview and presented evidence on Malta’s treatment of asylum-seekers. Again an assigned lawyer, from Bolton, was not felt to be helpful but the UKBA case-owner was more amenable.

She was offered assistance if she wanted to pursue voluntary repatriation. But after the interview she was given indefinite leave to remain. As with others who achieve refugee status, of course, she no longer has access to her NASS accommodation and she is living on the hospitality of the Cowans. ‘I am happy now I am in Belfast,’ she said with a smile.

Fatima has become a prominent member of the refugee community during her time in the city. She has been involved with the Inclusive Neighbourhood Project to promote integration, which is run by NICRAS and the Corrymeela Community, training as a facilitator. She has also played a key role in the Somali community, helping fellow Somalis with many different problems.

For now she waits. If her son could get to a UK embassy, he could be brought safely and legally out of the country. But there is no British embassy in the anarchy that is Somalia today. ●

LODORICE

LODORICE DJOUONTSO IS A 36-YEAR-OLD woman from the west African state of Cameroon. She was involved in a dispute with a local chief in Bafousam, still in place today, in which she was raped and her brothers were killed.

She fled and, like many other asylum-seekers, ended up in Belfast without knowing where she was. She arrived in August 2005 while pregnant with her younger daughter, Imelda, who was born in March 2006. Her elder daughter, Fabiola (14), was able to join both of them in October 2009 at their current home off Tates Avenue.

Lodorice’s asylum claim failed because the adjudicator disbelieved her story, and the home secretary refused to reopen her case when presented with evidence that she was suffering from post-traumatic stress disorder: she experienced difficulty in sleeping, flashbacks, nightmares, problems concentrating and severe headaches, for which she eventually received treatment. After she fled Cameroon, her partner there was attacked by the man who had threatened Lodorice and subsequently disappeared, making any possible return even more difficult for her to imagine.

Lodorice was detained at her then NASS accommodation in Walmer Street in March 2007. She estimated that 15 police and immigration officers took part in the 7am raid. She was told she was being returned to Cameroon. They did not want her to pack anything and when she asked if she could go to the kitchen to heat some milk for Imelda this was refused.

The pair were taken to the immigration office at Belfast International Airport and on by police car to the ferry for Scotland. Lodorice does not recall being furnished with any documentation and her mobile phone was taken, so she could not call her solicitor. On the other side, they were put into a G4S van—which ‘looked like a prison’—for the onward journey to Dungavel.

In Dungavel, she was allowed to phone two people. One was Moira McCombe of NICRAS. Ms McCombe contacted her lawyer, whom Lodorice had obtained via the Law Centre.

Mother and baby were kept there for almost two weeks before they were transferred to Yarl’s Wood: ‘There was nothing there for the baby.’ A journey of some nine or ten hours for the pair was broken in Manchester, to collect other detainees. ‘It was uncomfortable but when you are in that situation there is nothing else you can do.’

They were held for nearly two months more in Yarl’s Wood, in a single room. ‘It’s not easy when you don’t have your freedom,’ Lodorice matter-of-factly commented. ‘You have no idea how long you will be there. You have no idea.’ But her lawyer was in contact ‘all

the time' to update her on efforts to get her released on bail.

NICRAS had launched a Friends of Lodorice and Imelda campaign. And before she was officially told, she learned through a call from BBC Northern Ireland—tipped off by the campaigners—that she was being given bail. 'This was where I knew I was loved in Belfast by people, because they did a lot of things for me to be released. They made the campaign, they did so many things for me.'

Lodorice was given a train and ferry ticket to Belfast on her release but otherwise left to fend for herself. She missed the train to Glasgow but was helped by a local woman who had befriended her in Yarl's Wood, visiting her every week, and who sent her husband to pick her up from the station. They took her to Luton airport and put her on a plane.

She and Imelda arrived in Belfast to be greeted by the NICRAS campaigners and the media at the airport, which moved her to tears. She had not known what had happened to her privately rented house in her absence but NICRAS had looked after it and she was able to return home: 'We were so happy.'

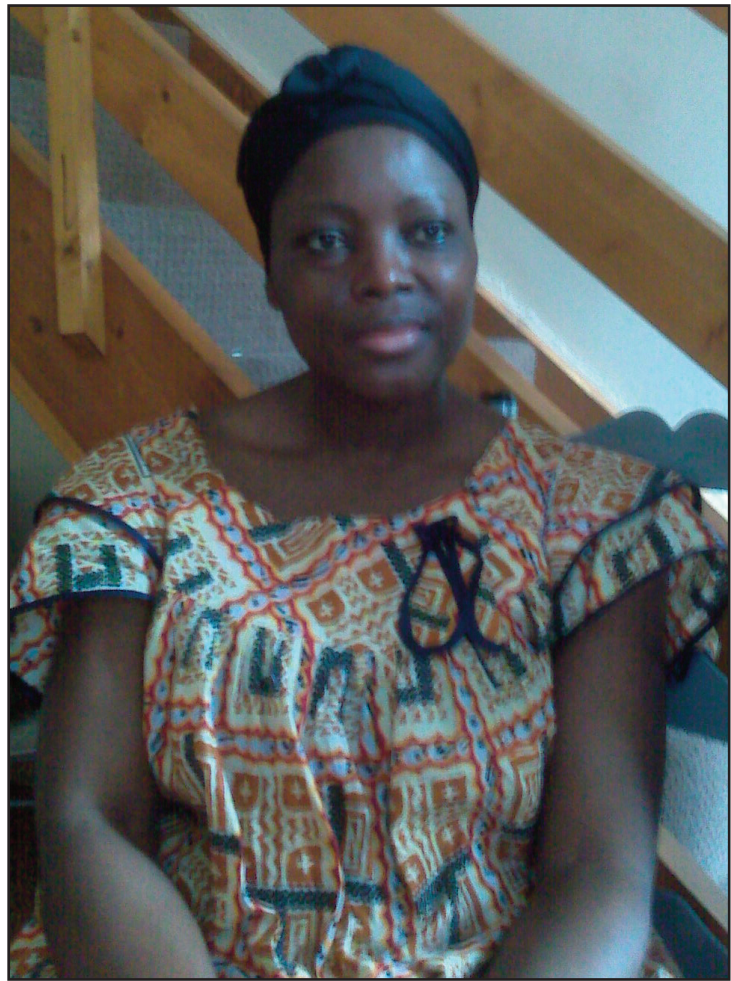
Still Lodorice and Imelda were under threat of removal but the deputy first minister, Martin McGuinness, intervened on their behalf. Speaking at Stormont in their presence, Mr McGuinness said: 'I believe everybody has a duty to do everything in their power to help.'³⁸ Mr McGuinness approached the home secretary, John Reid (a former Northern Ireland secretary), and Lodorice and Imelda also secured the support of her local MP, Alasdair McDonnell.

About a week later, she was at a conference with colleagues from NICRAS when she heard via a phone call to them from the BBC that she had been given three years leave to remain. 'I don't know how to explain that moment,' she said. 'I had just been living because I had to live. I could not control myself. All I could do was thank God.'

Lodorice realises her life has gone through a 'big change'. While she knows in her mind that she has been released, the experience of detention still affects her, especially in stressful moments. Overcoming that experience is 'step by step'.

But she is very well integrated into south Belfast life. She became an active member of the Good Shepherd Church, where Imelda was christened, and of an Ormeau Road women's group. She has volunteered with the Mornington Community Centre and attended residencies at the Corrymeela Community. She has learned English (Cameroon being Francophone) and has obtained certificates from Lisburn College, having resumed studies she had pursued in Cameroon in air conditioning and refrigeration.

'I feel very comfortable. I feel very happy here, totally happy. There is nothing which I would be scared of. I'm very happy to be here. What I always say is people are



Lodorice Djounotso—well integrated but awaited a decision on renewal of leave to remain

This was where I knew I was loved in Belfast by people, because they did a lot of things for me to be released. They made the campaign, they did so many things for me ... I feel very comfortable. I feel very happy here, totally happy. There is nothing which I would be scared of. I'm very happy to be here. What I always say is people are very, very welcoming here.

very, very welcoming here.' At time of writing, however, Lodorice was once more uncertain about her future. In July, her leave to remain was due to come up for renewal ... ●

ANON

THIS 45-YEAR-OLD WOMAN HAILS FROM LAGOS, a huge metropolis on the southern coast of Nigeria. Originally of a Muslim background, she converted to Christianity as a teenager.

She fled the country following a family dispute. She discovered after her marriage that her husband had a serious mental disorder, subjecting her to threats and violence. When he went missing in early 2004, her in-laws claimed she had murdered him and threatened her. Initially, she fled to the north of the country with her five children. But she feared that her husband's family would find her and she felt insecure as a lone Christian woman in the context of the sectarian tensions in the mainly Muslim north. In its 2010 report on Nigeria as a country of concern, the US Commission on International Religious Freedom once more found: 'Years of inaction by Nigeria's federal, state and local governments has created a climate of impunity, resulting in thousands of deaths.'³⁹

She returned with her children to Lagos, leaving them in the care of two cousins (the two elder ones are now in university). An agent arranged her escape to London with forged documents, where she arrived later in 2004. There he sexually abused her. But she found work as a nanny with an Indian family, who unfortunately decided to return to India after a few years. She had a Nigerian friend in Belfast, so she came to the city in November 2007. The agent tracked her down and tried to abuse her again but she escaped his clutches.

**It makes me feel desperate not to know where
my mother is and that she does not know
where I am, that she might be dead. I cry and
cry when I think about this ... If I remember I'm
always depressed ... If I see police or
immigration I am always crazy. It's affecting me.
It's always giving me distress.**

In August 2008, she was arrested by police on her way to work at a care home on the Hollywood Road. Her house was searched and she was detained overnight at Musgrave Street police station. 'In my life I had never been to a police station for two hours until I got to this place,' she said. She declined food—a UKBA officer laconically noted on the standard IS91 detention form: 'Has stated that she would rather die at the moment.' The police chose a satisfactory lawyer for her.

Next day, she was taken, without personal effects, by G4S to Dungavel—a 6½-hour journey overall, according to the UKBA documentation—where she was searched and examined by a nurse. She was held in dormitory accommodation with several other women for three days, before an eight-hour journey in a G4S van—with no opportunity for a break—to Yarl's Wood. She was not, as a result, able to make contact with a lawyer from the list offered to her in Dungavel before she was transferred.

Nine days later, she was returned to Dungavel—again, she had not managed to secure access to a lawyer before this further move—having been told she was being sent back to Northern Ireland. This time, there was a change of G4S driver in Manchester, and she was able to break her journey. After another night in Dungavel, she was taken back on the ferry and on to Antrim police station. She appeared in court two days later and was held on remand in Hydebank Wood for over a year. When her case came up, she was convicted of the immigration offence but she was released that day because of the time spent on remand, in excess of what she would have served as a result of her sentence.

She had claimed asylum when arrested but had withdrawn her claim in Yarl's Wood, in the absence of legal advice: 'I felt desperate and I thought that I could not stand this detention indefinitely.' In Hydebank Wood, however, she had a good relationship with the governor and she renewed her asylum claim, which a Law Centre (NI) lawyer has been supporting. In March 2010, UKBA sent her a letter notifying her of her liability to deportation. Her solicitor complained 'in the strongest possible terms' that this letter had not been sent to her legal representative.

She said that 'the separation from my children and the uncertainty of what will happen to me still makes me very upset at times and I cry a lot'. She was enabled to call her children from the Law Centre but has not been able to contact her elderly mother since her release from prison. 'It makes me feel desperate not to know where my mother is and that she does not know where I am, that she might be dead. I cry and cry when I think about this.' Indeed, she fought back tears several times as she told her story.

'If I remember, I'm always depressed ... If I see police or immigration I am always crazy. It's affecting me. It's always giving me distress.' She draws solace, however, from her involvement with an Anglican church, just a few doors from her NASS accommodation. ●

YOUSUF

YOUSUF IS A 29-YEAR-OLD FROM a south Asian country. He is a bright and intense young man whose family were all involved with a left-wing party in his country of origin. This organisation has faced hostility for decades from what is now the biggest Islamist party in the state.

Yousuf said that the Islamists had tortured his grandfather to death and that associated paramilitaries had attacked a train carrying an uncle and leading party figure, after which he was never seen again. Another uncle had sought asylum in a middle-eastern country.

He said the Islamists had known he was from the same family background and party affiliation and they had come to his house, broken windows and smashed furniture. He had been beaten in an attack on the street and when he had been taken to the home of the leader of a rightist party. In 2007 he had been chased with guns, as he was returning to his party office, and threatened by mail and by phone. The police had failed to help him.

Yousuf was newly married to his wife, Akter, who shared his political affiliation. But while he had previously been a student of business and worked as a civil servant in the UK and wanted to flee there, she disagreed. After a journey during which Akter became very ill, the pair arrived in London in September, travelling straight on to Bangor where a friend of Yousuf lived, their ultimate destination unresolved. Their subsequent experiences did not endear them to agreement on the desirability of the UK as a safe haven.

Expecting he would need a lawyer before making an asylum claim, Yousuf looked for an appropriate solicitor in the town the day after they arrived, but he was advised to search in Belfast. The next day Akter, who had been very sick during the journey, underwent an operation. One day later, he went to the Bryson House ‘one-stop service’ for asylum-seekers in Belfast. He was referred to the Law Centre and he lodged the claim.

In December, they had ‘screening’ interviews with separate UKBA officers at Belfast International Airport, having been advised this would only involve simple factual queries. They were pressed as to why they had not claimed asylum at Heathrow—though in fact they were under no legal obligation so to do. When he explained his previous experience in the UK, however, this was interpreted by an angry immigration officer as indicating he was using his knowledge of the system to make a synthetic claim. ‘I felt disoriented, I felt bewildered, I felt myself to be stupid, I felt self-pity,’ he said.

They were taken into police custody in a G4S van, in which a woman was laughing insensitively as they travelled. ‘If somebody’s in a terrible situation, somebody’s future is uncertain, when at the same time someone is laughing it’s very very insulting. I felt like we were not

living in the modern world.’

Yousuf had become very anxious about the security of his educational certificates, now in a house in Co Down where they had been staying with another friend in shared accommodation, but he was not allowed to collect them before being detained. Akter was meanwhile very depressed. The pair were held in separate police cells, which affected her very badly: ‘My wife was crying because she can’t stay alone. She was panicking.’

The police allowed him to make one phone call but he was still unable to safeguard his documents because his friend was not at home. They were fed night and morning but the police station was very cold, the blanket was dirty and he couldn’t sleep. His cell was ‘a windowless cage’ and he ‘felt suffocated’.

The next day they were put in an old, ‘chugging’ G4S van and taken to Dungavel via the ferry. The following day they had their second interview with immigration. They were furnished with standard IS91 removal documentation and were told that Akter, who spoke no English and was dependent on Yousuf for communication, would be separated and taken to another centre in England that day or the next. ‘My wife was totally broken, collapsed,’ Yousuf recalled.

But for the first time since their ordeal began, they were meantime able to bring legal representation to bear. The friend in Co Down had a relative who contacted the Law Centre, which approached their solicitor. Though it was her day off, she pressed their case with UKBA and secured their release the next day. They were given a travel warrant to Co Down.

Yousuf now regrets coming to Northern Ireland and wishes his initial contact had been in London. He was assaulted and his bicycle stolen on Clifton Street in March 2009. While he was living in NASS accommodation in north Belfast he was called a ‘Paki’ and the same epithet was written on the door; they left the accommodation later in 2009 as a result. ‘I feel like an outcast in Northern Ireland ... I’m actually feeling lost,’ he said. Akter is suffering from serious depression.

For two years after their detention, the pair had to sign weekly at a police station in Co Down. Now they report monthly in Belfast. They still have no photo ID, which greatly restricts them. He is fatalistic about the length of time the process has taken. At least, their denial of access to work has been lifted. He is working in a restaurant and she is working in a nursing home.

Yousuf wishes asylum-seekers were interviewed ‘in a friendly atmosphere’ rather than a ‘stigmatising’ way. UKBA officers should have ‘a humanistic attitude, he said: ‘It’s a post-modern world. It’s stereotyped no more. There’s no more meta-narrative, like Nazism or Leninism; those “isms” are no more. The whole world should be deterritorialised—not “this is my border, you can’t come to my border”. The whole world is such a big world. There is so much technology in our media and so much bursting out of freedom.’ ●

CUNEYT

CUNEYT DOGRU IS A 25-YEAR-OLD Kurd from Diyarbakir, the city at the heart of the Kurdish area in south-east Turkey. While the battle between the separatist PKK and the Turkish army has claimed, according to the latter, some 44,000 lives since the early 1980s, and still its embers occasionally spark,⁴⁰ Cuneyt's story is not one of asylum sought from horrors at home. Rather, it is a romantic tale with an horrific conclusion in Northern Ireland, at the centre of which was Cuneyt's detention.

In 2004 he met his wife to be, Nancy, a woman from Belfast with both UK and Irish passports, in Marmaris on the Mediterranean coast. He was working there; she was on holiday. With limited resources, their romance was confined to short visits until they decided in 2006 he would eventually join her in Northern Ireland, 'to start a brand new life together'.

Cuneyt applied initially for a six-month visa, arriving in Belfast at the end of 2008. After three months in the UK, he applied for a five-year European Employment Area family visa with his wife. The EEA covers the European Union and beyond but, while it does not include Turkey, a non-EEA national who is the spouse of an EEA national can apply to live with her (in this case) if she is self-sufficient or gainfully employed or studying.

Cuneyt received no confirmation from the Home Office that it had received his visa and other documents and it did not return his passport. After eight months the Home Office asked for proof as to why Nancy, who had become ill with depression, was not working and that she had been working for two years previously (as indeed she had for several years). She obtained the necessary letter from her doctor in Dundonald, which was forwarded to the Home Office.

In January 2010, Cuneyt got on the ferry in Belfast, innocently intending to visit his uncle in Scotland, as he had done before. At Stranraer, as he headed for the way out to the train to Glasgow, he was picked out of the stream of travellers by a police officer—he believes because of the darkness of his skin—and was asked to show ID. Since this was with the Home Office, he could not do so.

The police telephoned the Home Office, which apparently advised that Cuneyt should be arrested because he had not furnished the correct documents. It faxed a letter which had purportedly been sent to him, dated five days earlier, rejecting his application; this letter has never arrived at Cuneyt's home, whereas other Home Office correspondence has come without difficulty.

Even had this letter been duly sent, he should have had five days to appeal the decision. And though having done nothing wrong, Cuneyt was arrested, strip-

searched, handcuffed and held in Stranraer police station for four hours. When he was asked what would happen to him he was told he would be 'kicked out'. He was not allowed to phone Nancy, though the police later did so on his behalf.

He was taken in a G4S van with five others to Dungavel. 'It was a dark night and we didn't even know where we were going,' he said.

The next day, he was interviewed by an immigration officer, who he claims said he should enjoy his last five days in the UK. He was offered a lawyer from the centre's list but preferred to be represented by a Glasgow solicitor found by his uncle. He was now able to call his wife for five minutes. Nancy was very upset—this against the backdrop that she had been diagnosed in November 2009 with liver cancer (she was also diabetic).

He was detained in Dungavel for nine days in dormitory accommodation, with regimented meal times and restricted movement, and with his phone taken from him because it contained a camera: 'It was exactly the same as being in jail.' He could find Turkish material in the library to 'kill the time', however, and he found the food pleasant. He was eventually granted three months bail, after a video-link hearing, on foot of a £1,000 bond from his uncle.

He was able to return to Belfast to await a second decision on his visa application. 'My wife was upset every day and was crying, as she was worried about losing her husband and being left alone to cope with her illness. She began to stop eating and drinking due to the stress of my situation, she became very weak, losing a lot of weight, and became very lethargic,' he said. She was taken to hospital at the end of February with a chest problem but medical staff decided an operation could not be risked. Cuneyt diligently visited her twice a day; she died on 20 March.

With no other family members to attend her in hospital, Cuneyt was left to sort out all her funeral arrangements—'not knowing where to go or what to do next'. He was to receive a decision on his application in April, but it was postponed until July. Frustrated that while a waiter in Turkey—'I can work anywhere'—he now is prohibited from obtaining a national insurance number, he is penniless and has been surviving through borrowing from friends. Every week he has had to find £5 for a return journey to report to Newtownards police station.

He said: 'I am hoping that the Home Office will now look at my unusual and tragic circumstances and take into account that my wife, my best friend, my everything has passed away and I wish to stay in the UK to be close to my wife's grave, as well as completing the dream that we had together of me coming to the UK, making a positive impact and contributing to the society that in the end offered me and my wife so much support and care during such a difficult time in our lives.' ●

UPENYU

UPENYU (39), NOW LIVING IN DUBLIN, was manager of a micro-finance organisation in southern Zimbabwe, where he was involved with the opposition Movement for Democratic Change. The MDC is currently in a highly uneasy partnership government with ZANU-PF, the party of the dictatorial president, Robert Mugabe.⁴¹ Upenyu has confided the nature of the political persecution he suffered but fears this being detailed in a publication which might identify him.

He fled Zimbabwe in 2002. His exile took him through South Africa and France *en route* to Dublin, where he planned to seek asylum and knew some people. But at Dublin airport, when an immigration officer asked him if he intended to claim asylum—advising him that a Zimbabwean in front of him in the queue had done so and was being sent back—he panicked and said he was visiting friends.

He stayed for eight months before moving in September to Belfast, where one of his brothers was studying at the time and where his heavily pregnant wife joined him, having flown directly to Dublin from Zimbabwe, before delivering their daughter in October. They claimed asylum there in February 2003. In the summer, the Home Office told them they were in breach of the Dublin Convention and would have to go back to Dublin.

They sought a judicial review. Their daughter had been registered as an Irish citizen—before that generous legacy of the Belfast agreement of 1998 was over-ridden by a referendum on citizenship in the Republic of Ireland in 2004. The verdict awaited the outcome of a case at the European Court of Justice, which ruled in 2004 that the primary carer of a minor who was a national of a member state could reside with the child. The High Court urged a review of the substantive case.

He continued meantime to report weekly to Donegall Pass police station and in September 2006 he was detained when he went to sign, despite the outstanding application. His wife accompanied him on this occasion and she was detained too.

Police and immigration officers meanwhile went to collect their daughter from Forge Integrated School, rather than allow her mother to fetch her. 'That was not a good experience for a child who was four years old at that particular time,' he said.

UKBA furnished him with a form indicating he was being detained because he was likely to abscond—despite his compliance for years with reporting requirements. He and his wife were taken to Musgrave Street police station.

The immigration officers appeared reluctant to allow him to contact his lawyer but the police custody sergeant

insisted, and their solicitor secured their release within two to three hours. The regime of weekly reporting resumed.

In July 2007, around a dozen police and immigration officers surrounded the NASS accommodation where they were living on the Ormeau Road at 6am. They were told they would be deported to Dublin—but they would be detained at Dungavel first and they should collect the minimum of belongings.

The three of them were taken initially to the UKBA office at Belfast International Airport. Upenyu was told he could not contact his solicitor. But there was a staff member in the airport, with another client, from their firm of solicitors who alerted the company as to what was happening. 'It was just by chance he happened to be there,' he said.

The family were taken by G4S to the ferry for Scotland. Upenyu was handcuffed when he was taken from home and as they embarked: 'It was terrible.' They were given light refreshments on the boat and arrived in the van late at Dungavel, where they were put in one of the family rooms. 'They took away everything ... You just go in there with your clothes.'

They found it hard to pass the time: 'It was very frustrating. It was very, very frustrating.' Nor were they happy about the state of hygiene and their daughter's eczema worsened.

Their solicitor was in contact by phone on the first evening, saying it would be impossible for the young girl to be detained for long. When their lawyer furnished more information, linked to their daughter's claim, Upenyu's wife and daughter were released after a week.

It has been a long ordeal ... I'm not a criminal. I just want to get this refugee status. Everyone knows the situation in Zimbabwe. We have the stories and the evidence to provide but they still do not want to listen. So it really brings bitterness ... We are dealing with human beings and in dealing with human beings let's make sure their dignity is protected.

They were deposited at Hamilton train station—without even being told which side was right for the Glasgow train and with a struggle to catch the ferry from Stranraer (and no money) that evening.

They were not allowed to return to the NASS accommodation. So they had to prevail on a friend in Belfast to put them up when they arrived late that night.

Upenyu was held for two further weeks, with nothing to occupy his mind but a computer course and his Bible. He was given 20 minutes to prepare for his release.

He followed the same route as the rest of his family back to Belfast, where they remained for another three weeks, staying with Ronald Vellum, chair of NICRAS—himself a Zimbabwean refugee.

In September 2007, another dawn raid followed at the Vellum household—this time even earlier, at 5am. When the large group of police and immigration officers arrived, Upenyu was told this was because he had contacted politicians: he had been in touch with the South Belfast MP, Mr McDonnell, and the local MLA Alex Maskey.

A UKBA officer who had been involved with his case throughout told his wife they were being taken to Dublin. This despite the fact that their asylum claim was still in contest, the latest episode having been a requirement that a new passport be submitted for their daughter—with which the family had complied. Upenyu described this as ‘a miscarriage of justice’.

They were taken in a white Transit van to Dundalk, where the Gardaí took over. They took the trio to the Office of the Refugee Applications Commissioner, where they were left to make another asylum claim. They were accommodated in a reception centre in Finglas.

In 2008, Upenyu’s wife was given three years leave to remain, on the basis of being the primary carer for her daughter. She has been able to get work as a healthcare assistant (though a teacher by profession).

Upenyu was told in April 2010 however that his claim had been rejected. This went back to his panic-stricken response to the immigration officer in Dublin airport all those years earlier.

His daughter remains marked by the experience. Any mention of ‘Scotland’ on the television frightens her. For a time if she saw the Gardaí driving past she would ask: ‘Are they coming for us?’ His younger son, born in the month when his wife acquired refugee status, is too young to understand what has happened.

As for Upenyu himself, ‘It has been a long ordeal ... I’m not a criminal. I just want to get this refugee status. Everyone knows the situation in Zimbabwe. We have the stories and the evidence to provide but they still do not want to listen. So it really brings bitterness.’

And he has a simple message for those in charge of the asylum system: ‘We are dealing with human beings and in dealing with human beings let’s make sure their dignity is protected.’ ●



CATHERINE COUVERT

Aram Mahmoud—fearful of a return to the Iraqi whirlpool

ARAM

AMID THE INSECURITY OF POST-WAR IRAQ, many paramilitary groups have contributed to the chaos. The Naqshbandi army, led by a former Iraqi army officer, is strong in Kirkuk, a contested oil-rich area on the boundaries of the Kurdish autonomous region.⁴² Aram Khalid Mahmoud (30) suffered at their hands.

Aram worked on building sites in Kirkuk. In October 2007 he was approached repeatedly by a Naqshbandi gang, who pressed him to help kidnap children of wealthy parents. He kept refusing and reported them to the police. He stopped attending work and moved in with his uncle but the gang pursued him at the site, where they obtained his details, and then at his parents’, eventually threatening him with death because he had reported them. His uncle reported the death threat but Aram was not confident the police could protect him.

His uncle was able to pay an agent to get him out of Iraq a few days later. He travelled in successive lorries to Istanbul and on to the UK—not knowing where he was—arriving late one night in Belfast. He was detained overnight by the police and claimed asylum the next day.

He was taken to Belfast International Airport, but was in poor shape for an interview: ‘I was tired. For two or three days I had eaten nothing.’ He spoke no English and his interpreter, who was only available on the end of a telephone, had difficulty translating his particular Kurdish dialect. He signalled to the immigration officer that he was not able to understand her.

Aram was placed in NASS accommodation. His

asylum claim was rejected by the Home Office in March 2008. He was on the streets for two days before he won a 'section 4' claim for accommodation.

Having been disillusioned by knowing many friends and relatives in Iraq who had been killed on account of disputes over Muslim faith, he felt 'trapped' and in Belfast converted to Christianity. He attends an interdenominational project in Fitzroy Avenue, where he has also been learning English. Philip McKee, who teaches English there, has befriended him.

In early 2010, Aram visited friends in England. He returned via the ferry from Scotland, only to be stopped when he arrived back in Belfast. He was told he had been refused asylum and he was going to be detained. He was handcuffed and held overnight at Musgrave Street station, where he was allowed to contact his solicitor.

He was taken the next day to Dungavel in a G4S van. He was handcuffed again, getting into the van and, despite his entreaties, when getting on to the ferry in front of other passengers. He was given refreshments *en route*. But he only had the clothes he was wearing.

This made him anxious when he arrived at Dungavel. Without his anti-depressant drugs, he cannot sleep as his trauma in Iraq preys on his mind. He walked around during the night. Next day, he was examined by a nurse, who obtained the necessary medication. His mobile was removed but he was allowed to call his lawyer in Belfast.

Aram was kept in a Dungavel dormitory for six days: 'It was like hell for me.' He was told on his second day that he was being sent to Iraq but then he was told nothing more until the eve of his release, when he was informed he was going to Belfast.

Mr McKee tried repeatedly to get through by phone but did not succeed until the night before he was let out. 'It was just a worrying time. We didn't know what was happening. It was awful,' he said.

Aram has been reporting weekly to Donegall Pass police station since and has had no further information from UKBA. He remains fearful that if he is returned to Kirkuk the paramilitaries will come for him: two of them were arrested after he reported them to the police. After he left, his family received written threats from the gang which have been forwarded to him in Belfast, along with police documentation confirming the threats.

The Home Office intends to return Aram to the area controlled by the Kurdish Regional Government, which is considered safe and is generally peaceful. But whether anywhere in Iraq is safe for a Christian—particularly a converted Muslim, given the taboo on apostasy—is a quite different matter. He has told friends several times that if sent back he would commit suicide.

Aram is living with a friend in south Belfast, also from Kirkuk. A former policeman who was threatened after he secured the arrest of a militia member, he has secured the right to remain and has been very supportive.

For Mr McKee, Aram has now become like family. 'I consider him as my brother.' ●

JAMIU

THE STORY OF JAMIU OLANREWAJU OMIKUNLE (34) is all the more nightmarish because it began with what should have been a moment of celebration.

Jamiu, from Lagos, had successfully applied to Coventry University to study to study business and marketing. His application for a UK visa was initially rejected and a visa was finally provided only on the Friday before the final Monday for registration, in October 2007. He arrived in Coventry in time to do so, only to find that he had to pay the £3,000 fees there and then. He did not yet have a UK bank account into which to transfer funds but the university would allow of no deferral.

Having to postpone for a year, he meanwhile signed up for a computer course at Greenwich College in London. By working under 20 hours a week he remained self-supporting while complying with immigration rules.

Jamiu had a friend in Belfast, Jahswill, whose partner, Caroline, gave birth to a girl, Syienna, in May 2008. They asked him to be the godfather and invited him to the christening, booking a return flight so that he could stay for a week, arriving on 2 June. He was excited and had no inkling of the nightmare ahead. He said in an affidavit: 'Instead of spending eight lovely days in Belfast I spent 10 days being detained in an airport, a police cell and a detention centre for illegal immigrants.'

At Belfast International Airport, Jamiu was stopped by an immigration officer. He noted that the only other person taken out of the queue was a black woman. 'I was very uncomfortable about this fact as other people were looking at us.'

The UKBA officer asked for ID. He showed his passport. Did he have a return ticket? He showed that he had. Where he was going? He was to take the bus from the airport to the Europa Buscentre, where he was to call Jahswill to collect him. The officer indicated he did not believe his story about the christening. Jamiu opened his luggage to show his suit for the event and the presents for the baby, as well as a gift of food for the family.

The officer left to phone the Home Office. Meanwhile, Jahswill phoned and confirmed, in the presence of another officer, that Jamiu was coming to stay with him. The first officer reappeared to say Jamiu had applied to go to Coventry University and could be deported to Nigeria. He was told to switch off his mobile phones and put them on the table. The officer said he would have to sign some forms and then he would be leaving—which Jamiu took to mean leaving the airport.

'I waited. The longer I waited the more nervous I became. I remember trying to stay calm and to remember that I hadn't done anything wrong and that it might soon be over.' After two hours the officer returned and said he needed to take a photograph and fingerprints. When Jamiu asked why, he was told to stop asking questions.

He was told he was being taken to a police station. He and an equally confused female detainee were put in a bus by security guards: 'I felt sick knowing that I looked like a criminal or a terrorist to anyone who saw me.'

He was held overnight in a small cell in Antrim Road in Belfast, with his belongings, including his phones, given to the police. 'I was panicked and confused and fearful and lonely. I knew that no one knew where I was, not even Jahswill who had been going to collect me off the airport bus. I would describe my night in a cell in Antrim Road police station as the lowest I have ever felt in my entire life.'

Meantime, Jahswill had secured the services of Ms Muldoon as Jamiu's lawyer, but UKBA refused to tell her where her client was. She had to ring around several police stations before she found him. By that time, however, he was on the move.

Next morning, he was taken by G4S guards to Dungavel. He pleaded with them not to handcuff him as he boarded the ferry, busy with holidaymakers: 'There were lots of couples and families with children and all of them were looking at these black people in handcuffs. It was clear that they thought that we were criminals. I have never felt as humiliated as I did on that journey to Scotland. I remember for the first time in my life wishing that I was dead.' He was offered food but couldn't eat.

At Dungavel, he was fingerprinted and photographed—again—and put into one of the dormitories: 'Dungavel detention centre is a prison in every

respect. Detainees are locked up. Their belongings are taken away from them. They are subject to a prison type regime. The centre is enclosed by barbed wire fences.' Jamiu's detention coincided with the public and political furore about Dungavel referred to earlier.

Ms Muldoon eventually found out that Jamiu was in Dungavel on his first night, but she was given the wrong extension by the switchboard and a fax for him about securing bail at a hearing two days later, marked URGENT, was not passed on. She finally got through to him on the afternoon of his second day in detention and he was able subsequently to locate the fax, left in the centre office. Shortly afterwards, he was furnished with forms indicating he would be deported on 15 June.

Two bail applications in Belfast meantime were successfully resisted by the Home Office. Jamiu knew he would miss the christening, and the centre staff told him the food he had brought as a present had rotted and had been thrown in the bin. 'I was in a great deal of distress.' He was losing weight and not sleeping properly.

Eventually, on 12 June, after a cousin who was a magistrate had flown (with a sprained ankle) to London to pay a £1500 bail bond, Jamiu was informed he was being released that day. Indeed, the Home Office granted him temporary admission before the money was deposited.

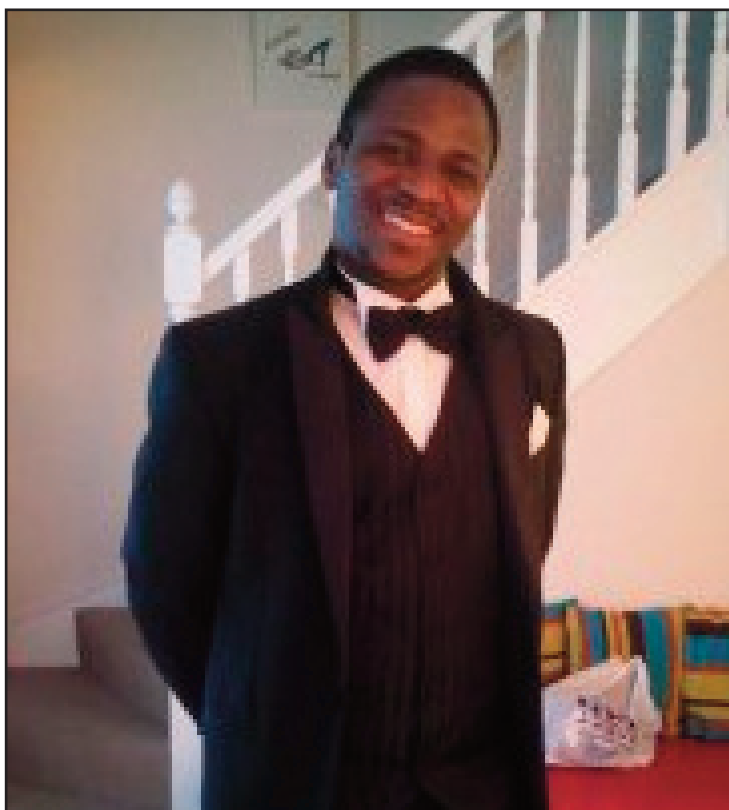
After further legal hassles over reporting requirements and getting access to medical treatment, in the absence of his passport, he returned to London, having missed his mock examinations and lost his job.

He remained scarred by his trauma: 'I find it impossible to concentrate. I have recurring dreams and flashbacks. I have developed what I can only refer to as a phobia of the police. I can't really discuss my feelings with anyone ... I feel that my life has been turned upside down. I have found it impossible to come to terms with what has happened to me. I am an honest person. I have never been in any trouble of any kind in my life ... No matter how long I live this ordeal will be with me for the rest of my life.'

A judicial review of his case at the High Court in Belfast in July 2008 quashed the UKBA decision that Jamiu was an illegal entrant. He returned to Coventry and completed his course, graduating in November 2009 (see picture). He has secured a right of UK residence until October 2011.

Bizarrely, at the time of writing Jamiu was back in Belfast—working in customer care for a mobile phone company—though he was considering an offer to work for an advertising firm in Manchester. It was an 'amazing thing', he said, speaking as he was about to fly off for a short break in Nigeria, 'the different way people relate to you in Belfast—the environment is not hostile to you. You are treated just like you are part of them.'

The final section of this booklet explores what it means to approach the issue of immigration detention from a standpoint in which 'they' become part of 'us'—and the alternatives that offers for Northern Ireland. ●



Jamiu Omikunle—insisted that his story be dedicated to Barbara Muldoon

Alternatives to detention

THE STORIES IN THIS BOOKLET have illuminated the many ways in which individuals who have been detained in Northern Ireland in connection with their immigration status have been subjected to severe human indignities. The NIHR investigation of detention from a human-rights perspective made several important recommendations for preventing such humiliations, which the evidence of these narratives would strongly support.

The recommendations included:⁴³

- government should state the rationale behind Operation Gull and singling out visible minorities should stop immediately;
- dawn raids on individuals' homes should cease immediately (they have largely been abandoned in Scotland owing to public pressure);
- interviews by immigration officers should only take place in the presence of a solicitor representing the interests of the individual concerned;
- all documents relating to arrest should be made available in a variety of languages and should be promptly furnished and any interview should then be terminated;
- interpretation should be made available promptly to explain the implications of this process to the individual;
- the remit of the police ombudsman should be extended to UKBA officers;
- individuals should not be detained in police custody suites; and
- quarterly data on enforcement action, broken down by category of individual and by nationality, should be made available.

In particular, the NIHR stressed that detention should be a last resort, subject to judicial oversight and a time limit. And it called on the UK government to 'challenge myths, stereotypes and xenophobic sentiments articulated in the media and by others around immigration and asylum, by consistently stating the benefits of migration and its duties in relation to people seeking asylum'.⁴⁴

Once this, rather than the discourse of fear and control, becomes how issues of asylum are perceived, then the focus inevitably shifts from a negative policy of detention and deterrence to a positive approach of support and casework. A research report for the UNHCR on alternatives to detention pointed out that these comprise a spectrum.⁴⁵ They range from a requirement to register one's address and to notify the authorities of any change, to supervised liberty and more onerous reporting requirements, to intrusive measures like electronic tagging.

If asylum-seekers are conceived simply as embodiments of a stereotyped and mistrusted group, then warehousing them for an indefinite period in a detention centre with a view to removal will make sense, including as a deterrent to others—even if this represents a denial of international obligations under the Refugee Convention. Recognising that they are each unique individuals, who are likely moreover to have complex needs—like the individuals whose stories have been told above—will however favour a more productive, humane (and cheaper) approach tailored to their situation. This will be geared to their progressive integration into the host society, should they be granted leave to remain, or to rendering their removal as humane and orderly as possible, should their asylum claim be finally refused.

In particular, in the first view, integration of asylum-seekers will be discouraged until and unless they secure refugee status—for instance, by denying them the right to work. This is the Home Office position. In the second perspective, by contrast, integration will be fostered from day one of a newcomer's arrival, whatever their eventual status will be. This is the official stance of the Scottish Government—which, for example, has been rather more willing than the government in London to support asylum-seekers attending English-language classes.

Scottish example

While asylum and immigration are matters which are not devolved, the Scottish Executive following devolution elected to take a proactive approach, as Simon Hodgson of the Scottish Refugee Council explained. In 2002, following the murder the previous year of a Turkish asylum-seeker in the Sighthill area of Glasgow, and associated tensions between asylum-seekers and locals in that disadvantaged neighbourhood, the devolved government set up the Scottish Refugee Integration Forum, chaired by the then minister for social justice and embracing a range of statutory and voluntary organisations.

The forum produced two action plans and there was further reference to official commitments on refugee integration under the current Scottish Government with a race equality statement in December 2008.⁴⁶ Meantime, in 2003 the Welsh Assembly Government followed suit with an All Wales Refugee Policy Forum. According to Mr Hodgson, one advantage of this approach by the Scottish Government is 'We can get everybody in the room together.' And he stressed the positive effect on public attitudes and media coverage: 'The tone of the

engagement is being set at the highest level.’ He contrasted that tone with the Home Office perspective that any conciliatory behaviour towards asylum-seekers meant that ‘the floodgates will open’.

For UKBA, detention is necessary to prevent absconding by asylum-seekers, particularly those whose claims have been rejected. Intuitively, this seems an obvious risk. Yet the evidence does not bear it out. A 2006 paper prepared for an all-party group at Westminster on alternatives to detention for families and children affirmed that there was ‘no evidence to suggest families abscond when the threat of detention or removal looms’.

The paper pointed to a 2001 study by South Bank University, which found that 80 per cent of failed asylum-seekers considered ‘high flight risks’ complied with ordinary bail conditions. And it highlighted the Hotham Mission Asylum Seeker Project supporting asylum-seekers living in the community in Melbourne, including former detainees, which recorded only four abscondments in the four years to 2006.⁴⁷

Why should this be? The flaw in the view of asylum-seekers as a stigmatised out-group is that it fails to recognise that, as this booklet has demonstrated, these are real individuals who develop a range of habitual contacts with public authorities—including in connection with any other family members present—which may entail compliance with quite onerous reporting requirements. They build friendship and social networks—like the network in Belfast of which NICRAS is a hub or the various church connections rehearsed earlier—which are of particular value in countering the effects of feeling a ‘stranger’ and the isolation of being an asylum-seeker. Indeed, the Hotham Mission project believes that, allied to experience of effective legal representation, its case-management approach offering asylum-seekers housing and welfare support explains the high degree of compliance by its users if their claims are denied.

Ms McKelvie MSP said the Scottish approach made absconding less rather than more likely, because of the way it bound asylum-seekers into Scottish society. And it made for a better success rate in voluntary returns, because individuals could prepare themselves through education or training during the process.

‘Supportive casework approach’

The all-party group paper called for the introduction of ‘a supportive casework approach’ of ‘community-based support and welfare, rather than punishment’. It looked to the model developed in Sweden, and to the particular experience of the Melbourne NGO project.

In Sweden, asylum-seekers are accommodated in a reception centre where their health and support needs are assessed. They are then dispersed to regional refugee centres—flats organised around a central office. Each asylum-seeker is assigned a caseworker who explains the determination process and their client’s rights. The caseworker ensures the application is handled properly, with

access to interpreting and legal representation, and refers the individual to counselling or healthcare as required. The asylum-seeker is required to visit the caseworker at least once a month for an update, to collect their subsistence allowance and to review their needs and risks. Evaluation suggests the approach is successful in terms of support and compliance, including with return. Detention is very rarely used and the system is reported to have brought about significant savings.

The Hotham Mission project builds on the Swedish model, focusing on developing a relationship of trust between the caseworker, a qualified social worker, and the asylum-seeker. The project accommodates about 120 asylum-seekers in 38 properties across Melbourne. Apart from assistance with housing and emergency funds, it provides support through befriending and social groups. It is itself funded by trusts and contributions and draws heavily on voluntary and church support.

The paper for the all-party group thus recommended a casework/welfare approach in the UK, based on independent, high-quality legal advice and access to an independent caseworker. The latter would ensure legal representation and the meeting of housing, support and welfare needs, as well as providing practical and emotional support in planning for the future, including where appropriate for return.

Nearly all asylum-seekers in Scotland are in Glasgow and Glasgow City Council has since June 2009 been managing a pilot project funded by the Scottish Government and UKBA to minimise detention of failed asylum-seekers. The project comprises four flats in a tenement-style building, where families stay for three to four months and the city council helps in addressing barriers to return, while ensuring children remain at school for the period. There are multi-agency meetings with the families, so that everyone knows what stage things are at and what the options are.

Catherine Grant of the city council social work department said that the project was ‘very innovative’ and while there had been abscondments among the close to 30 referrals these were at about the same rate as among the general asylum-seeking population. The problem was the psychological difficulty in bringing families to come to terms with ‘investing in failure’, particularly where legal appeals had not been exhausted.

This highlights the need for quality decisions on asylum claims before the issue of return can reasonably be addressed. As the Independent Asylum Commission concluded, ‘refused asylum seekers will be more likely to accept refusal and take voluntary return if they feel they have had a fair hearing’.⁴⁸

The human narratives told in this booklet, plus the international evidence, thus point a clear way forward for Northern Ireland. On the foundation of the recommendations arising from the 2009 NIHR report, RAG calls for the following package of alternatives to detention:

- the Northern Ireland Executive should adopt an 'integration from day one' approach to all newcomers to the region;
- there should be a 'joined-up' approach on asylum and refugee issues through an enlargement of the brief of the immigration sub-group of the Race Forum, which already brings together relevant statutory and voluntary agencies, while recognising the need for a clear distinction between asylum and immigration;
- a small, open reception unit should be established by OFMDFM to assess the complex needs of asylum-seekers, particularly in terms of legal representation, health and support, accommodating them while this assessment is made; and
- a contract should be secured with a specialist third-sector organisation (or consortium) which would offer seamless support to asylum-seekers, including accom-

modation in dedicated housing-association property, centred on an individual caseworker with whom each asylum-seeker would be required regularly to engage until given leave to remain or removed.

Within this context, there should be no need to detain any individuals in Northern Ireland in connection with their immigration status. It would be a very helpful signal if the assembly were to pass a motion opposing detention in principle and supporting positive alternatives.

Northern Ireland has relied very heavily on international goodwill as it has painfully emerged from bitter sectarian conflict. In a globalising environment, it desperately needs to draw on the dynamic enrichment newcomers can bring. Showing hospitality, rather than hostility, to the outsider—including the most marginalised, the asylum-seeker—is not just a moral imperative but is in the public interest of the region as a whole. ●



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Changing attitudes: students from our Lady and St Patrick's College, Knock delivered a human rights 'school assembly' to MLAs on the right to asylum

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