

**Refugee & Migrant Forum Manchester (RMFM)**  
**Meeting held on Monday 1<sup>st</sup> October**  
**MRSN, St James Centre**

**Present:** Azeldin El Sharif; Sophie King; Eddy Montgomery (Border and Immigration Agency); Ghada Fakih; Zahid Khan; Anna Turner (Revive); M Aamir Ashraf; Mohamed Ismail; L Lazare; P M Victor (42<sup>nd</sup> Street); Jules Mambu; Jack Kappongo; Rebecca Jones (SCUK); M Sheekh; K Leonard; Kalangu Tsh; AboBeker Zukrya; Nzita Ngoma; Maddy Nzita; Anita Ndilu; Margaret Manning; Julia Savage; Emnet Araya; Juma Mohammed; Maryam; Dorcas Musena; Angela Shereni

**1. Welcome and introductions**

- Everyone introduced themselves to the person sitting next to them and then introduced their neighbour to the whole group.

**2. General Information and Feedback**

**Broad-based organising**

- Feedback was given briefly on the work of the Broad Based Organisation. The Forum is working with the Faith Network and Church Action on Poverty to encourage community groups and organisations to get involved in developing a membership organisation with a diverse membership that will campaign for change for residents of Manchester

**Immigration Agency – Basic Rights Working Group**

- Feedback was given about the work of the Basic Rights Working Group: the difficulties experienced by people attending Dallas Court to sign were highlighted and it was also mentioned that Dallas Court had agreed to attend ongoing meetings to improve general treatment and detention conditions.
- Sophie added that the Forum will hold a meeting once every three months with refugee community representatives to feedback on their meetings with Dallas Court and ask members to feed in issues they would like us to raise. The minutes from these meetings are now available on the MRSN website.
- An attendee pointed out that those classified under Section 4 experience problems reporting to Dallas Court because they have no cash for travel and don't always get a ticket in advance. He also mentioned that those classified under Section 4 experience poor treatment by agencies. Sophie said the group was raising this issue with Dallas Court and suggested that anybody concerned with these issues should join the Basic Rights Working Group or attend the Feedback meetings the group is setting up to make sure issues get raised.

**Access to Primary Care Working Group**

- Sophie mentioned the issue of proposals to get health care professionals like GPs to charge refused asylum seekers and undocumented migrants for health care and to pass information on to the Immigration Agency. The working group is focusing on raising awareness about these proposals and trying to build resistance in the health sector. Sophie invited attendees to join the working group to support this piece of action.
- After an attendee asked for more information, Sophie explained that at the moment it is a GPs choice to provide health care to refused asylum seekers but the new proposals seek to make health care workers responsible for checking people's immigration status before providing them with free health care.
- Another attendee added that Asylum seekers could still gain access to free prescriptions by filling in a HC1 form.
- One attendee asked if it was possible for forum meetings to take place in the daytime as she couldn't usually attend in the evenings. It was explained that meetings take place in the evening because most people had other commitments during the day.

### **3. Presentation by Eddy Montgomery (from the Border and Immigration Agency) about the Case Resolution Programme:**

Due to technical difficulties, Eddy was unable to make use of the power-point presentation he had prepared and instead gave out printed handouts (enclosed with minutes):

- EM introduced himself as the Assistant Director for the New Asylum model, soon to be Deputy Director in the North of England for legacy cases. He said that his job will be to see through to conclusion approximately 450,000- 460,000 outstanding Asylum cases that aren't being dealt with through the New Asylum Model
- EM explained that one of the key principles of the Case Resolution Programme is 'case management' or 'case ownership'; this involves one person owning your case and being responsible for progressing it through to conclusion (this is the same as in the New Asylum Model). At the end of this process, cases are either categorised as i) leave to remain, or ii) expulsion, but he also mentioned that a third category may be in operation (which includes data quality errors).
- EM commented that this programme was the result of Home Secretary John Reid's assurance in 2006 that all outstanding cases would be dealt with by 2011. He also said that the programme was being established because it was important for applicants to get a rapid response to give them certainty for the future. He also mentioned that it was important politically because a lot of taxpayers money is being spent on supported applications and finally added that the programme would improve the reputation of the Immigration Agency and allow it to move forward without a backlog overhanging it.

- EM emphasised that these measures did not mean that there would be an amnesty on unresolved cases and said that all cases would be dealt with in line with existing immigration rules.
- He explained that all outstanding cases will have an 'owner' by 18<sup>th</sup> December 2007 and commented that there will be 62 case teams across the country with 24 in the North West (8 of which will operate in Manchester). He also said that it hadn't yet been decided whether the teams that operated in the North West would be allocated cases from the North West or from elsewhere in the country.
- EM explained that the Case Resolution Programme differs from the New Asylum Model because while in the New Asylum Model the case 'owner' deals with all aspects of the case directly (the same person does the interview, makes the decision, and does any enforcement or integration work), in the Case Resolution Directorate, the case owner will rely on the existing appeals process and existing enforcement officers to do the work for them. He explained that as with the New Asylum Model, a great deal of training is given before people are allowed to take on live cases and assured that all individuals who take on a case will be fully equipped to deal with it and will not be allowed to return it to the pile until it is concluded.
- EM noted that supported family cases will be prioritised and explained that discussions have taken place with Local Authorities about how housing etc will be handled. He also explained that families granted leave to remain will have permanent accommodation. He then commented that those with a criminal record will be prioritised.
- EM said that he was surprised when he began working on Case Resolution that many applicants had not even had an initial decision on their claim, and said that reaching a decision would be a priority.
- EM emphasised that he was interested in hearing the views of Forum members on the Case Resolution Programme and said that although he admits there will be some difficulties and that the programme will be a learning process, he is committed to ensuring that cases receive the right decision by 2011. He also said that dialogue was taking place nationally through the National Asylum Stakeholder Forum and mentioned that minutes from these meetings should be available.
- He explained that the Case Resolution Directorate is not a regional operation even though it is distributed regionally.
- EM stated that by February 2008 all teams should be fully operational and by June 2008 10,000 cases a month should be concluded. By July 2011, all cases will be resolved.
- EM then invited questions from meeting attendees but reminded them that his expertise lay mostly in the New Asylum Model and Case Resolution was relatively new to him. He said that he would take questions away with him that he was unable to respond to immediately.

#### **4. Question and Answer session:**

- Has new legislation been introduced to allow for information gathered at the screening interview to be used in court?

- EM first checked if the question was about whether the screening interview could be used to cast doubt later in court and then replied that the screening interview is used to establish identity and is not designed to focus on the material facts of the Asylum case.
- Does the Case Resolution Directorate deal with Section 4 cases only, or all cases?
- EM replied that it covers all cases that haven't been concluded.
- In that case, why are there different coloured questionnaires given to different cases?
- EM replied that he wasn't sure why this was the case.
- Do you believe you will get through all cases by 2011 given the data quality measures to be introduced?
- EM responded that reaching the 2011 target was his responsibility so he did believe that it could be done and also said that the introduction of new data quality measures would help support the work of the Case Resolution Programme.
- How will all the cases with errors be corrected?
- EM replied that there may be cases that haven't been properly closed on the database, or ones that had somehow been duplicated and said that data cleansing should help remove them.
- One attendee commented that he believed the 2011 target would be reached but raised the issue that the time allowed for each case may not be enough to make a proper decision. He suggested that the New Asylum Model does not support Asylum Seekers because a quick decision could ultimately be the wrong decision.
- EM replied that a quick decision could be the wrong decision but pointed out that this schedule is in accordance with Immigration rules and said that there was a need to be pragmatic.
- The same attendee raised the point that there may be problems with the information coming from Asylum Seekers' country of origin and gave the example of Somalia.
- EM said that he couldn't comment on specific nationalities as there were wider issues to discuss, but explained that measures such as language tests are being used to distinguish genuine claims from invalid ones.
- After submitting the Legacy form how long does it take?
- EM replied that it depends what stage the application is at. Taking family supported cases, for example, it may take time to negotiate with the Local Authority and ensure that they are ready to take refugees into housing.

- Another attendee mentioned that the term 'integration' has different meanings for Asylum Seekers (where it is used to refer to being part of the community) and the Home Office, and also asked what EM meant when he talked about 'family': did he mean only those who are married or could it include a couple that have a child and live together?
- EM commented that if people are receiving Asylum support based on being a family, then they are classed as a family for the purposes of the Immigration Agency. He also said that with regard to the point about 'integration', the North West team had worked harder than others to support the integration process. He mentioned that it was the North West that filed for the provision of National Insurance numbers (whereas before it had taken many months) and said that this has now become a national process. He also said that the North West team is committed to making the most of the 28 days to help those recognised as refugees to access housing, get a National Insurance number, and be ready when their support ceases but he pointed out that the Immigration Agency only has a certain amount of responsibility for this and must work with other organisations to achieve the transition from Asylum support to mainstream support.
  
- One attendee made the point that even if all cases are resolved by 2011 it is still a long time for people to wait, especially if they are not able to work (which may cause mental suffering). He then asked if the government might provide work permits which would help overcome these difficulties and also make Asylum Seekers less dependent on tax payers.
- EM said that this was a valid point and would take it back to the agency. He commented that in the past, Asylum Seekers were allowed to work after 6 months. He also said the work issue was important as it would help get people off Asylum support.
  
- Another attendee raised the issue that the children of failed Asylum Seekers may grow up here but until their cases are resolved they cannot move on with their lives (e.g. with further studies) and asked what sort of justice this was for the children involved.
- EM commented that all family cases are being prioritised and said that they hope to conclude them by the middle of next year.
  
- One attendee pointed out that Asylum Seekers have received multiple legacy questionnaires and feel that questionnaires they have already submitted to the Home Office appear to have been ignored or lost. She asked what training members of the Case Resolution team would be receiving to ensure that this would improve. She also commented that one of the main problems with the system seems to be it is target driven; the Judiciary are instructed to let in a certain number of cases a week and decisions are therefore unfair. She argued that that such targets prevent the right decision from being reached.
- EM said that he disagreed wholeheartedly with this and stated that the low appeal rate within the New Asylum Model shows that Refugees are being properly recognised in the first decision and that investment in

training is paying off. He said that the best information is available to case workers, including information submitted to them by legal representatives. He also commented that the Judiciary do not work to targets since they are independent (and this acts as a safety net if the Immigration Agency gets a decision wrong).

- How does the Legacy case pile get sorted? Is it on a first come, first served basis?
  - EM responded that families are being targeted first and the system for allocating other cases hasn't been decided yet.
  
- How are children who join their parents later classified?
  - EM replied that whether or not they are classified as a family by the Immigration Agency, cases involving children would be treated in the same way as family cases (i.e. with sensitivity and prioritised above other cases).
  
- If a person has been forced to sign a travel document, what is their position?
  - EM responded that the travel document application is signed so that if the removal stage is reached, the Immigration Agency is able to document everything, but added that is different to an Asylum application.
  
- The cases you are talking about resolving by 2011 have been outstanding for many years, what will happen to new Asylum Seekers during this process- are these measures being taken in preparation for closing the borders?
  - There will be two parallel Asylum systems. The New Asylum Model applies to any cases after 2005, any cases that haven't been resolved from before then are going to be handled under the Case Resolution Programme.

As the meeting had overrun the pre-arranged finish time and attendees still had many questions they wished to pose, SK asked EM if he would be willing to answer any outstanding questions by email. EM agreed to do this and SK asked attendees to write down or email any outstanding questions which she would then forward on to EM.

**Further questions sent to Eddy Montgomery after the meeting:**

- **In making decisions on legacy cases will you be applying the immigration rules as they stood at the time the person first applied or as they stand now?**

We will be applying the Immigration Rules as they stand currently.

- **Eddy mentioned that people could be deported if they have a criminal conviction. Could you ask him to explain in more detail what he means by this? What kind of convictions?**

It is essential that all individuals aged 10 and over other than British Citizens are checked against the Police National Computer (PNC) prior to a decision being made.

The Border and Immigration Agency-wide deportation threshold is applied to legacy cases. The deportation criteria are:

- Has received a custodial sentence of 12 months or more;
- Has received two or three custodial sentences which cumulatively amount to 12 or more months over a period of 5 years (the 5 years count backwards from the date of the last conviction and the convictions must normally be current. i.e. not spent); or
- The court has recommended that an individual should be deported on completion of their sentence

A higher criminality threshold is applied to EEA nationals and individuals who are recognised as refugees, including those who are eligible for ILR under the Rashid High Court Ruling.

To deport an EEA national:

- the individual concerned would normally need to have been convicted of a serious offence carrying a custodial sentence of two years or more and
- For there to be strong evidence for the individual to have a propensity to re-offend.

To deport an individual recognised as a refugee:

Article 33(2) of the Refugee Convention provides that a host country may expel a refugee who has been convicted of a 'particularly serious crime' and also constitutes a 'danger to the community'. Under section 72 of the Nationality, Immigration and Asylum Act 2002, a 'particularly serious crime' is one for which the person concerned has received a sentence of imprisonment of at least two years or is convicted of an offence listed in the Specification of Particularly Serious Crimes Order 2004.

- **Why have some families who have been here for 7 years or longer not received a questionnaire but other families who have been here for a shorter time already received questionnaires?**

We are considering cases according to our priorities which are:

- Cases in which the individuals concerned may pose a risk to the public. These will be our top priority since they concern public protection.
- Cases relating to individuals who are in receipt of public support (formerly through the National Asylum Support Service).
- Cases in which it is likely that a decision will be made to grant leave to enter or remain in the UK.
- Cases where the individuals can more easily be removed.

We also do not send a questionnaire uniformly to all cases in the legacy, depending on whether we are already in contact and whether we already have sufficient information to resolve the case.

All legacy cases will have been assigned a Case Owner by 18<sup>th</sup> December 2007. It should be possible to get contact details for your case owner after this date.

- **Will every legacy case eventually be sent a questionnaire?**

No, please see above. It's worth noting that whether an individual receives a questionnaire or is contacted in another way by the Border and Immigration Agency, they have an equivalent opportunity to explain their current circumstances – and their case to remain in the UK will be assessed against the same criteria .

- **What would be the decision-making process for a change of policy so that people awaiting the resolution of their case to be given work permits?**

This would require a change of policy and potentially legislative changes.

- **If a family's claim has been rejected and the Immigration Agency have organised travel papers for them will they be deported even if their case has not come under review through the new case resolution system?**

Not all such legacy cases will be dealt with by the Case Resolution Directorate part of the Border and Immigration Agency although all cases will be owned by a CRD caseowner overall. However, regardless of which part of the Agency undertakes the consideration, their case to remain in the UK will be assessed against the same criteria and those individuals who have no right to remain in the UK will continue to be removed.

**The questionnaires must be considered by either the removal team or the caseowner before a removal takes place – it is a 'barrier to removal' as it is a further representation.**