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Dear Mr Whiteman,

I am writing on behalf of 161 endorsers of the *Charter of Rights of Women Seeking Asylum* to congratulate you on your appointment as the new Chief Executive of the UKBA and to welcome you to the challenging and rewarding world of international protection.

In recent years, under the umbrella of the *Charter*, Asylum Aid and a number of peer asylum and refugee NGOs, including the Refugee Council, Refugee Action, Asylum Support Appeals Project and the Immigration Law Practitioners' Association, have been participating in a positive and constructive engagement with the Agency intended to improve the gender sensitivity of the UK asylum system and to ensure that every woman who seeks protection in the UK from persecution and human rights abuses abroad is subject to a non-discriminatory determination process.

The *Charter* was developed in 2008 as a framework of principles that we believe should underpin the treatment of women who seek sanctuary in the UK. In particular the Charter requires, as a minimum standard, that all women seeking asylum must be treated with fairness, dignity and respect, in accordance with the UK's obligations under international refugee and human rights conventions. Over 280 organisations have now endorsed the *Charter*, which has been instrumental in persuading Government and the UKBA to commit to a genuinely gender sensitive asylum system.

Accordingly, we welcome the Home Secretary's commitment, as set out in her action plan to end violence against women published in March 2011, '*to make the asylum system as gender sensitive as possible*', as well as the similar commitment made by the Minister for Immigration in May 2011 '*to improve the gender sensitivity of our asylum system*'.

We also welcome the new Equality Act, particularly for the requirement it places on public bodies to eliminate discriminatory practices, as well as the report by the UK Government to the UN Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) Committee. Working within the spirit of these national and international obligations, we believe there is much that can be done to ensure the fair treatment of women seeking asylum in the UK. The *Charter* puts forward many of the reforms necessary to achieve this.

Every Single Woman

Our 2009 campaign, *Every Single Woman*, which was run under the auspices of the *Charter*, called on Government and the UKBA to ensure that the minimum standards applicable to the treatment of women with the right to reside in the UK should not be denied to those who seek protection here. When a woman is the victim of rape, sexual violence or honour crime in the UK, she can expect an appropriately sensitive response from the Police and the courts. Our argument is that women fleeing violence abroad should be able to rely on the equivalent approach from our immigration services.

While 26 pieces of policy and legislation have been passed to ensure that women have access to fair treatment in the criminal justice system, only two specific policies have been adopted by the UKBA. For example, a woman settled in the UK who has been raped can expect support from specially-trained police officers; no such specialist support is on hand for a woman who claims asylum after being raped overseas. A victim of domestic violence (including 'honour crimes' or forced marriage) settled in the UK has time to build a rapport with a single official from the outset of any investigation; no such assurance is available to women fleeing such domestic violence abroad, no matter how important continuity and trust are to the disclosure of distressing information.

The criminal justice system has recognised that victims of gender-based violence need support that is sensitive to their needs. The *Every Single Woman* campaign builds on the *Charter* and insists that women seeking asylum must not be excluded from the benefit of these reforms.

Women and asylum decision making

Empirical evidence gathered by Asylum Aid and others has shown that the UKBA is failing in its initial decision-making when women claim asylum. '*Unsustainable: the quality of initial decision making in women's asylum claims*', the research study published by Asylum Aid in January 2011, suggested that decisions to refuse women asylum were more likely to be overturned on appeal than refusals issued to men. The UKBA response was to disaggregate its own data on overturned appeals by gender for the first time and this led to it reaching the same conclusion.

Unsustainable found that women were simply not being believed by UKBA decision makers and that this amounted to a culture of incredulity. In the cases used for the research, immigration judges took a different approach to the key question of the claimant's credibility, demonstrating a broader and more accurate knowledge of relevant case law and country of origin information. Worryingly, the UKBA's poor decision making was happening despite the fact that Case Owners are required to take full account of clear, internal guidance on gender cases (the Asylum Instruction *Gender Issues in the Asylum Claim*).

The UKBA's response to *Unsustainable* has been encouraging and we are pleased that it has not only agreed to undertake joint research in 2012 to assess the extent to which decision-making in women's asylum cases has improved, but has also committed to disaggregating key asylum performance data by gender. However, though we welcome these steps, we must emphasise our ongoing concern that they are not being matched by evident change on the ground, as evidenced by a gender audit undertaken by the internal Quality Assurance team as recently as June 2011. Poor quality decisions not only impact on the women involved, but they continue to undermine integrity and add to the costs of the UK asylum system.

Women and asylum support

Another example of the discriminatory impact of UKBA decision making is provided by the recent report by the Asylum Support Appeals Project, '*No Credibility: UKBA Decision Making and Section 4 Support*'. This research finds that although UKBA Case Owners often fail to apply the correct legal tests for determining support eligibility and routinely ignore relevant evidence submitted by male and female applicants, these shortcomings are exacerbated in women's cases by Case Owners also failing to take into account the particular needs and vulnerabilities of women. This has serious ramifications as it is widely understood that destitution has a disproportionate effect on women. Oxfam's recently published report *Coping with Destitution* provided examples of destitute women asylum seekers being forced to enter into exploitative or transactional relationships in order to obtain accommodation.

We are also very concerned that when new or revised policies are being considered, gender issues are not automatically taken into account. Recently, for example, the draft Health Asylum Instruction suggested that women who were up to 36 weeks pregnant could be dispersed, despite concerns raised by experts at the Royal College of Midwives that any break in the continuity of antenatal care could place both mother and unborn baby at risk.

Women and detention

The UKBA's use of detention raises particular concerns in respect of women detainees, particularly those who are pregnant, or who have experienced gender specific persecution and harm, such as rape, sexual violence, domestic violence or trafficking. There is a considerable body of evidence, including that provided by the UKBA, indicating that women who have experienced gender based violence are still being detained. Research by the Poppy Project found that 21% of their trafficked clients had been detained in Immigration Removal Centres or prisons. Women who have experienced violence can experience the reliving of the trauma in detention with the consequent deterioration of their mental and physical health.

The future

We were very encouraged when, in January 2010, your predecessor, Lin Homer, agreed to appoint a Gender Champion on the UKBA senior management team. This was a key *Charter* recommendation, as we believe that strong clear leadership from the top is essential if change is to be both sustainable and of the systemic scale required. We are hopeful that you will endorse this approach and that you will commit to ensuring that gender equality is at the strategic heart of the UKBA's vision and performance.

We are also very pleased by the positive way that the Agency has engaged with endorsers of the *Charter*, notwithstanding the continuing difficulty it faces in translating policy commitments into practical and sustainable change on the frontline. Disturbingly, we continue to see examples of policies designed to improve gender sensitivity simply not being implemented, of gender impacts not being considered in the development of new policies, and of the reform of existing policies being impeded by bureaucratic hurdles.

To ensure that commitments made by Ministers and Senior Officials are reflected in a change of culture throughout the Agency, we would like to take the opportunity of your appointment to propose that the UKBA:

- makes gender equality in the asylum process a key strategic priority for the Agency;
- ensures that the Agency's performance measurement framework on asylum takes full account of gender;

- undertakes an equality analysis of all the reforms proposed as part of the Asylum Improvement Project;
- uses any opportunity of political scrutiny of the asylum system to endorse the UKBA's commitment to a gender-sensitive asylum system from beginning to end.

These proposals build on the work already undertaken by the UKBA to promote the rights of women seeking asylum, and if taken forward will enable the UKBA to achieve the culture change that we believe is essential if the UK asylum system is to be made genuinely gender sensitive.

We welcome the commitment made by your predecessor, Jonathan Sedgwick, when he met with the Home Affairs Select Committee on 13th September, and agreed to provide the Committee with a written update on the UKBA's latest work towards creating a gender-sensitive asylum system. We look forward to seeing this update, and stress that the proposals above must form the basis for any meaningful future work in this area.

We would of course welcome your response to these suggestions, and would be delighted to meet to discuss how we best build on the progress that has been made to date.

Yours sincerely,

Maurice Wren
Director, Asylum Aid

On behalf of:

1. Advice UK
2. African Swahili Community Project in the UK - UNDUGU
3. Afruca
4. Amnesty International UK
5. Anti-Trafficking Legal Project
6. ARKH (Asylum seekers and Refugees of Kingston upon Hull)
7. Asylum Aid
8. Asylum Research Consultancy
9. Asylum Support Appeals Project
10. Association of Visitors to Immigration Detainees (AVID)
11. AVA (Against Violence & Abuse)
12. Bail for Immigration Detainees
13. Bajuni Community in Glasgow
14. BAN (BMER Advice Network)
15. Baptist Union of Great Britain
16. Barnet Refugee Service
17. Bedfordshire Refugee & Asylum Seeker Support
18. BEMIS – Black and Ethnic Minority Infrastructure in Scotland
19. Birnberg Peirce and Partners
20. Birth Companions
21. Boaz Trust
22. Bridge and Tunnel Productions

23. Bridge and Tunnel Voices
24. Brighton Voices in Exile
25. CAADA (Co-ordinated Action Against Domestic Abuse)
26. Campaign Against Criminalising Communities (CAMPACC)
27. CARE (Christian Action Research and Education)
28. Centre for Armenian Information & Advice
29. Centre for Equality & Diversity
30. CITIZENS for Sanctuary
31. Compass
32. Coventry Refugee & Migrant Centre
33. Detention Action
34. developing partners cic
35. Devon & Cornwall Refugee Support Company Limited
36. Displaced People In Action
37. Ealing Equality Council
38. Eaves Housing for Women Ltd – The Poppy Project
39. Employability Forum
40. End Violence Against Women Campaign
41. Engender
42. Equality Now
43. Equality South West
44. European Women's Lobby
45. Fair Play South West
46. FORWARD (Foundation for Women's Health Research and Development)
47. FPWP Hibiscus
48. Freedom from Torture
49. GAP Unit, Manchester Metropolitan University
50. GARAS (Gloucestershire Action for Refugees and Asylum Seekers)
51. Gatwick Detainees Welfare Group
52. Genesis
53. Govan and Craigton Integration Network
54. Greater Manchester Immigration Aid Unit
55. Hackney Women's Forum
56. Havelock Family Centre
57. Helen Bamber Foundation
58. IMECE Turkish Speaking Women's Group
59. Imkaan
60. Immigration Law Practitioners' Association
61. Immigration Support Calderdale
62. International Care Network
63. Iranian and Kurdish Women's Rights Organisation
64. Iraqi Association
65. James & Co Solicitors
66. Jesuit Refugee Services
67. Joint Council for the Welfare of Immigrants
68. Justice 4 Domestic Workers
69. Kalayaan
70. Kirklees Law Centre
71. Kurdish & Middle Eastern Women's Organisation Ltd.
72. LASA Charity UK
73. Law Centres Federation
74. Lawrence Lupin Solicitors

75. Leeds Asylum Seekers' Support Network
76. Lewes Group in Support of Refugees and Asylum Seekers
77. Lewisham Churches for Asylum Seekers
78. Lewisham Refugee Network
79. LGBT Youth Scotland
80. Liberty
81. London Feminist Network
82. London Voluntary Service Council
83. Maternity Action
84. Medical Justice
85. Merton & Wandsworth Asylum Welcome
86. Migrants Law Project
87. Migrants Resource Centre
88. Migrants' Rights Network
89. Multilingual Community Rights Shop
90. National Alliance of Women's Organisations
91. National Board of Catholic Women
92. National Coalition of Anti-Deportation Campaigns
93. Northern Refugee Centre
94. NUS Women's Campaign
95. NUT
96. Older Feminist Network
97. Paragon Law
98. Peace in Kurdistan Campaign
99. Platform 51
100. Positive Action for Refugees & Asylum Seekers
101. Positively UK
102. Rape Crisis (England and Wales)
103. RAPAR (Refugee and Asylum Seekers Participatory Action Research) Manchester
104. REACH Domestic Abuse Project
105. Reading Refugee Support Group
106. Refugee & Migrant Forum of East London – RAMFEL
107. Refugee Action
108. Refugee Assessment & Guidance Unit, London Metropolitan University
109. Refugee Council
110. Refugee Women's Association
111. Refugee Women's Strategy Group
112. REAP (Refugees in Effective and Active Partnership)
113. René Cassin
114. Respect
115. Rights of Women
116. Roehampton University
117. Roj Women's Association
118. Santé Refugee Mental Health Access Project
119. Scottish Refugee Council
120. Scottish Refugee Policy Forum
121. Solidarity
122. Southall Black Sisters
123. South Yorkshire Migration and Asylum Action Group
124. Stepstones Visas
125. STOP UK

126. STAR (Student Action for Refugees)
127. Swansea Bay Asylum Seekers Support Group
128. Tamil Women Development Forum
129. The Angelou Centre
130. The British Association of Social Workers
131. The Eagles Wing
132. The Equal Rights Trust
133. The Testimony Project
134. TUC
135. UK Feminista
136. UK Lesbian and Gay Immigration Group
137. UK WILPF (Women's International League for Peace and Freedom)
138. United Reformed Church Thames North Synod
139. WECARE+ (Women in Europe and Central Asia Regions plus)
140. Welsh Refugee Council
141. Welsh Women's Aid
142. Wesley Gryk Solicitors LLP
143. West London Refugee Women's Forum
144. Westminster Justice and Peace Commission
145. White Ribbon Campaign
146. Widows for Peace Through Democracy
147. Women Asylum Seekers Together – London
148. Women Asylum Seekers Together – Manchester
149. Women for Refugee Women
150. Women for Women International
151. Women in Prison
152. Women Living Under Muslim Laws
153. Women Seeking Sanctuary Advocacy Group Wales (WSSAG Wales)
154. WomenCentre Kirklees
155. Women's Aid Federation Northern Ireland
156. Women's Association for African Networking and Development
157. Women's Health and Family Services
158. Womens Health Matters
159. Women's Resource Centre
160. Yarl's Wood Befrienders
161. Zimbabwe Association

Cc Theresa May MP, Home Secretary and Minister for Women and Equalities
Lynne Featherstone MP, Parliamentary Under-Secretary of State for Women and Equalities
Damien Green MP, Minister for Immigration
Keith Vaz MP, Chair, Home Affairs Select Committee
Mike Anderson, Director General of Strategy, Immigration and International, Home Office