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EQUALITY OF OPPORTUNITY COMMITTEE

Date: 5 February 2004

Time: 09:30

**Venue: Committee Rooms 3 & 4, National Assembly Building,
Cardiff Bay**

Title: A Welsh Asylum Narrative

Introduction

I am grateful, as the Chair of Displaced People in Action (DPIA) and of the Cardiff and District Asylum Network, for the opportunity to present a supportive narrative to complement the evidence provided by Leona Evans, the Welsh Consortium Manager.

I will attempt, in this brief paper, to tell the story of a young asylum seeking person found walking the streets of Butetown recently with her mother. She, a fifteen-year-old girl, had spent the morning walking from one solicitor's office to another seeking help with her mother's asylum appeal. Her feet were bleeding.

She had prayed with her mother, as a Muslim, that God would send them an angel. Fortunately, they fell into the lap of individuals within DPIA and SOVA, who were able to take care of them both for a while and direct them, in particular, towards legal representation. The Children's Commissioner for Wales has also been made aware of her story. Others like her may not be so fortunate.

Throughout this paper, in order to protect her anonymity, I will identify this young person as F. She is unique, but in many ways, presents Wales with the modern face of an asylum seeking young person's 'everywoman'. I hope that her story will assist the Committee in its deliberations.

F has given consent to her story being told and would want to express her gratitude to her teachers and her school for all the support they have given her. She has learnt English quickly and has acquired a little Welsh. She and her brother have done well at school and are frequently given 'excellent'

commendations. She has also been helped by project workers at the Welsh Refugee Council and the staff of key statutory agencies. Her local GP has also taken good care of her.

When asked however, F will express a sincere hope that other asylum seeking young people in Wales should not have to go through some of the experiences and difficulties she has had to encounter.

1. The Global Context – World-wide, F is one of many. In Wales, she is one of a comparative few. According to the UNHCR's January 2003 statistics, on leaving Iran and its well documented Shi'a / Sunni friction, F could be counted as one of the world's 20 million displaced people. She followed her father, with her mother and younger brother, into exile. On arriving in Europe, she became one of some 4 million asylum seekers. On entry into the UK (based on Jan-Nov 2003 figures), she became one of 43,000. On being dispersed into Wales some seven months ago, she became one of 2,467 asylum seekers in a population of some 3 million people. In particular, F is counted amongst Wales' 1,473 asylum dependants. The word 'dependant' is however, in F's case, misleading. She, due to her linguistic abilities, carries the burden of most of her family's legal and domestic responsibilities. Her self-perception that her younger brother should be free to pursue his school career unhindered has placed an additional burden on her.

2. Common Aspects – F has brought to Wales a number of common strands from the asylum seeking peoples. I highlight a few from her story:

- F comes from a known trouble spot in terms of the abuse of human rights. UNHCR, Amnesty International and Human Rights Watch have documented how the minority Sunni community in Iran has encountered persecution. Arrests, murders and 'vanishings' are not uncommon events. Agencies involved with displaced young people have no way of verifying the stories they are told. However, nothing F has said contradicts the known evidence. Not being believed causes considerable pain to devout young people with strong faith values.
- Like many other young refugees, F lost family members during the process of flight. Beyond the issue of persecution, she has no way, following the recent earthquake in Iran, of knowing whether her two sisters are still alive. Wales has encountered a few unaccompanied and separated children. It has several young people who have lost brothers and sisters as well as close friends. For F, grieving for her two sisters is a daily reality. She cries a lot.
- F also brings with her, from her own world, a fear of authority figures. Iranian Sunnis fear the police and government officials. Confusion over how the asylum system works in the UK has compounded this fear. F has lived in fear that she could be taken without warning to a detention centre. Current discussions around placing the children of failed asylum seekers into care may well have accentuated this fundamental fear for many.
- Displaced children and young people will almost inevitably learn the languages of their host nation before their parents. F is no exception. As a consequence, the way in which families

normally function are reversed. It is the view of those who work with displaced people that efforts should be made to ensure that refugee parents in Wales should be given every opportunity to learn English. They should be able to do so not only for their own sakes, but for their children.

- Engaging asylum legality and bureaucracy places terrible demands on children and young people such as F. On the day she was found roaming Mount Stuart Square, she was struggling with the anguish, anger and confusion of having been told, apparently by a solicitor, that she should go away and lodge her own appeal on her mother's behalf. She knew that she was not competent to do so. The following Monday, she had to miss school once again to accompany her whole family to Birmingham for a brief interview with immigration authorities. She and her brother wondered where Birmingham was, if it was larger than Cardiff and whether they would be wise to leave such a place quickly. Meticulous care was taken by F over train time tables.

3. F's Future and Immigration Legislation – F, without knowing it, stands in the eye of the storm of the UK's current debate on immigration legislation. Her future may well depend upon it:

a) Due Process - The primary concern over the current legislative proposals will focus, for those who are engaged with displaced people, on the issue of depriving individuals such as F and her family of adequate, accessible and effective legal advice and representation. Once the proposed Immigration Bill becomes law, F's appeal to stay in Wales or in the UK would not be allowed. Her mother's initial appeal has already been rejected.

In the future, young people such as F will not be able to plead for a second appeal or access to judicial review. The fact that her current solicitor believes that crucial written evidence was not presented before the initial adjudicator will be of no consequence. F, in her case, simply did not understand that certain documents would be required in her mother's first appeal.

Errors may well occur when young displaced people have to shoulder such responsibilities. It is not known how many asylum appeals have been lodged based on evidence provided, in practice, by children under the age of 18 years of age.

b) Hard Case Families - Placing failed asylum seeking families as well as single men and women into the 'hard case' category causes great concern. In Wales, as elsewhere, mothers may well decide that their children would be better off being placed in care in the UK. At worst, Wales could face a 15% increase in the number of children placed in local authority care.

c) Children's Commissioner - F was relieved to know that her story could be told to an officer specifically charged with the responsibility of protecting and upholding the rights of children in Wales – The Children's Commissioner for Wales. Many of those involved with caring for displaced children and young people in Wales would want to ensure that legislation to introduce a Children's Commissioner for England should not compromise or weaken the role of the Welsh Commissioner.

It is not the intention of this paper to plead the case of one vulnerable individual. The account merely seeks to tell her story. Others, in the near future, will decide whether F's story will allow her to stay in Wales or in the UK. I would impress upon the Committee, however, that the National Assembly's stated support for the UN Convention on the Rights of the Child has to be practised in the context of displaced children. In particular, the following articles should be adhered to:

'All organisations concerned with children should work towards what is best for each child.'

Article 3

'Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents are separated have the right to stay in contact with both parents, unless this might hurt the child.'

Article 9

'Children who come into a country as refugees should have the same rights as children born in that country.'

Article 22

Revd Aled Edwards
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