



Charity no. 1120185

Patron: Professor John Fitzpatrick OBE, Kent Law Clinic

# Annual Report 2016-2017

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**Kent Refugee Help** is a small user-led charity, now in its tenth year. It seems a suitable point to reflect on ten years of work and the small but important successes over that time. Our initial remit was in supporting men held in the DIRC (Dover Immigration Removal Centre) particularly in providing Sureties for bail hearings. In the early days, the grant of bail, contingent on an accommodation address, was often to Section 4 accommodation, most usually in outer London. More recently, our clients were dispersed to other parts of the UK, often the northern conurbations. Wherever their address, we continued our support, when appropriate, as many of our clients found it difficult to assimilate into their new surroundings. Men on bail, waiting for their asylum case to be resolved, are forbidden to work, must conform to reporting restrictions, and are frequently tagged. This is akin to ‘prison in the community’.

This situation continues. KRH believes that indefinite detention of any person for administrative purpose is discriminatory and should be challenged.

Since the closure of the DIRC in October 2015, our main focus has been working with foreign national prisoners in London and Kent prison establishments. Some of our clients are in prison under immigration regulations, being deemed too high-risk to be placed in a removal centre. Others may be refugees, former unaccompanied minors, EU migrants, those with long residence who came to the UK fleeing human rights violations with their parents when very young, people who are undocumented or stateless. All are trying to navigate the complex legal system they are caught up in, with very little help or advice available. Many are facing deportation at the end of their sentence. We are there to listen and take forward in whatever way is appropriate for each client.

For several years we have established a regular presence at a 2-monthly workshop for foreign national prisoners at HMP Pentonville. This is partly thanks to support and encouragement from the Diversity and Equalities officer at that establishment. Despite cuts and huge pressures on the staff, a dedicated officer can make an observable difference to the men for whom he is responsible.

There is a good deal of movement within prison establishments, and we frequently meet a Pentonville client who has been moved to another Kent prison. We therefore hoped to replicate this workshop model at HMP Maidstone, a dedicated FNP prison with a roll of 600, and where we already have clients. Despite 6 months of positive negotiation and recognition of the value of our work in Pentonville, our offer was eventually turned down, since it might create a ‘conflict of interest’. We found this response both puzzling and disappointing.



## KRH Personnel

**Trustees:** Lyn Innes, Bahriye Kemal, Ewen Macmillan (to July 2016) Antti de Ruano (from July 2016), Chris Perks, Sue Powell.

**Caseworker:** Kate Adams

**Support caseworker:** Raga Gibreel

**Admin. support:** Lesley Grove of Accuracy Accounts, Alexia Padgham of Your VA.

**Website:** Nancy Roth

**Volunteers:** Hakki Aganoglu, Chris Bird, Pat Enfield, Abbey Kiwunuka.

We also acknowledge the importance of essential support from Sureties, and from present and former detainees.

We continue to work closely with the **Kent Law Clinic**, and **BID (Bail for Immigration Detainees)**. We welcomed the appointment in July 2016 of **Domenica Pecoraro** as **Kent refugee projects officer** for the Diocese of Canterbury. A meeting in Dover earlier this year bringing together many organisations and individuals interested in supporting refugees, and seeking more information, led to the formation of the East Kent Network of Sanctuary. Domenica has carried this forward, keeping everyone informed of current initiatives, meetings and events.

## Finance and Funding

Our prison work this year has been funded by the **ARM Trust** whose grant bridged a gap when **Awards for All** funds had been expended and before other money became available. We are also grateful for a one-year grant from the **New Beginnings** fund administered through the **Kent Community Foundation**. This was predicated on our ability to establish an advice workshop in at least one Kent prison. Despite failing to meet this objective, the fund nevertheless kept faith with us and released the moneys earlier this year.

Donations from individuals and church groups have been extraordinarily generous, exceeding even last years impressive total. We see this as proof of a strong public desire to see more positive action to welcome and support refugees in the UK. Donations are treated as 'unrestricted' funds, which we use for the many individual needs of our clients. In addition to small amounts to cover emergency food, travel and phone top-ups, we have paid for allotment rent, bike padlocks, gym membership (including use of pool and hot showers), warm clothing and footwear, purchase of secondhand laptop. The list is long and varied, the amounts are small, but each one makes a positive contribution to the lives of our clients.

## Training

Kent Refugee Help met with Hannah Uglow, Criminal lawyer at the Kent Law Clinic, University of Kent to discuss training needs. Several of our clients have expressed dissatisfaction with their legal representation and subsequent outcome. Some wished to appeal against their sentence or conviction. As our experience is in the field of immigration we have found it difficult to assist and sign post people to appropriate resources. However, in deportation cases criminal and immigration are inextricably linked. The length of sentence and perceived risk the offender poses to society affect their right to remain in the UK and the possibility of a legal challenge.

In response Hannah and her students set up a training day, From Arrest to Appeal on March 20th 2017 which included a comprehensive information pack. An excellent overview of the Criminal Justice System was provided by speakers from UK Law Solicitors, The Kent Law Clinic, the Prisoners Advice Service and the Criminal Cases Review Commission. As this is a complex area of law which we are not familiar with we are pleased that Hannah and her students are considering repeating the training and have agreed to take on one of our clients as a test case.

KRH also attends various training events each year, which enable us to improve skills and techniques towards generating a wider impact. The training also provides us with the opportunity to meet and exchange ideas with other charities that work with refugees in the UK. In November, KRH members attended the New Beginnings Communications: here we met representatives from various refugee charities, where we heard about the organisation of an array of exceptional communications and public engagement activities that were upcoming or that were a great success; the training also provided an understanding of attitudes to refugees among the general public and the media, with excellent instructions on how to negotiate and respond to them when organising an activity. In June, KRH attended Bid Writing training: here enhancing skills on how to be winners with fundable projects and to continue to build credibility in funders eyes.

KRH is at an early stage of applying for registration by the Office of the Immigration Services Commissioner (OISC) to provide legal advice and representation in immigration and asylum law matters, as a not-for-profit organisation. There is much ground still to cover, but we hope in time to gain appropriate qualifications. The benefit for our clients would be considerable, since it is at present extremely difficult to secure such advice and representation. We hope it may also open fresh sources of funding.

## Casework Report

Kent Refugee Help's Prison Project is in its third year. Supporting foreign national prisoners is now the charity's core work since the closure of Dover Immigration Removal Centre in 2015. This has been a traumatic time for the Prison Service which reached a crisis due to continued staff cuts and a disproportionate increase in the

intake of prisoners. A spike in assaults, homicides, self-harm and suicides has made prison a dangerous place. In November 2016 prisoner officers walked out across the UK in an unprecedented protest at their working conditions. A murder the previous month in HMP Pentonville caused the prison to shut down and a regular workshop for foreign prisoners which we participate in was suspended until the situation stabilised. This toxic environment coupled with the Brexit decision and continual anti-immigrant rhetoric voiced by politicians means that support for isolated and vulnerable migrants held in the prison system is even more crucial.

### **Who are foreign national prisoners?**

Foreign prisoners are a diverse group which includes: refugees, former unaccompanied minors, EU migrants, those with long residence who came to the UK fleeing human rights violations with their parents when very young, people who are undocumented or stateless.

### **Our work**

We assist prisoners in Kent and London prisons. A referral form can be accessed from our website: [www.kentrefugeehelp.org.uk](http://www.kentrefugeehelp.org.uk). We are happy for prisoners to self-refer by writing to us or telephoning. Contact details are provided on a leaflet circulated to the prisons. We make individual visits and also have a regular attendance at HMP Pentonville where we alternate with the legal charity Bail for Immigration Detainees (Bid) in running a foreign prisoners' workshop.

Here we provide practical and emotional support and take referrals for legal advice and representation. This is particularly important as there is no duty legal advice service in prison.

As a prison sentence of 12 months or more invokes mandatory deportation many clients are desperate to find a solicitor to make a legal challenge. No legal aid is generally available since 2012 for family life grounds so clients need advice in preparing an asylum claim or making a case for exceptional funding. It is very difficult to find solicitors who will visit prisoners as they are not paid under legal aid for travelling time. Kesar and Co, Fadiga and Co and the Kent Law Clinic have been helpful in taking cases but many clients are currently unrepresented. An immigration lawyer now volunteers as part of our workshop team and we plan to register with the OISC so he can give legal advice to clients and supervise others. This could allow for some work to be done pro-bono which would help prisoners who are without legal representation.

In September we met with the governor of HMP Maidstone, the Kent designated prison for foreign nationals, to propose setting up a regular FNP workshop based on the Pentonville model. Our proposal was endorsed by Bid who offered a three monthly attendance. We provided a business plan and arranged for an assistant governor to observe our work. Unfortunately our proposal was turned down on the basis that it would cause a conflict of interest as it was the prison's role to prepare foreign prisoners for deportation. Sadly we believe this decision is not in the best interests of prisoners and affects their ability to defend their human rights.

### **Casework Statistics**

As from May 2017 we have met 58 new prisoners while continuing work with 10 existing clients. We have seen prisoners from: Afghanistan, Algeria, Bangladesh, the Bahamas, Congo, Cuba, Chile, Cyprus, Eritrea, Egypt, Ghana, India, Iraq, Italy, Jamaica, Mauritius, Nigeria, Pakistan, Portugal, Sierra Leone, Sudan, Syria, Tasmania, Ukraine and even the UK.

**4 people have been granted immigration bail-** though later the grant of bail for one man was withdrawn as the Probation Service had delayed in approving the bail address.

**1 man with severe mental health issues was released to the street** then readmitted to prison after a complaint was made to his MP, with the promise that he would only be released to proper accommodation.

**1 person was granted indefinite leave to remain. 1 person was granted discretionary leave of 1 year.** He is challenging this on the basis that as a victim of trafficking he should have been granted refugee status of 5 years.

**1 person was granted humanitarian protection** after winning his deportation appeal but the Home Office is appealing this.

**2 people were deported. 1 person returned voluntarily.**

These statistics illustrate the game of snakes and ladders that is played out in the field of immigration and asylum. Hard won individual victories are undermined by the threat of an appeal by the Home Office or the delays and incompetence of related agencies. However we remain impressed by the resilience and courage of our clients. They in turn have expressed their appreciation for our letters, visits and telephone conversations; small actions which help beat isolation and despair.

A recent legal victory gives hope- see below.

### **Legal Victory- Justice for foreign prisoners**

In June 2017 an important legal victory was won in favour of foreign national prisoners. The Supreme Court ruled that the Home Office's "deport first, appeal later" policy breached the human rights of foreign criminals. In the case of two men facing deportation who had come to the UK as children, the court ruled that no proper provision had been made to take part in an appeal from abroad as even if they managed to find legal representation, the barriers to giving evidence on video link were almost insurmountable. Shockingly the government had extended this cruel policy to refused asylum seekers. However the ruling means that for the right of appeal to be effective the government must ensure that deportees are not disadvantaged by appealing from abroad or must be allowed to appeal in country before deportation or removal. This means it applies widely.

Kate Adams  
Caseworker  
Kent Refugee Help

## Events

### **Open House Art Exhibition and more**

In November 2017 Kate Adams organized an art exhibition, House in the Rain, in her home featuring the work of London artist Chris Bird. It included some of Kate's paintings and poems. The exhibition attracted 40 local people and raised £250 for Kent Refugee Help. Chris has donated many pieces of art to our charity. His design I Live Here was used as our postcard for Refugee Week last year. The postcard was received enthusiastically by protestors at Dover Docks when their convoy bringing aid to Calais was blocked by the authorities.



*Bird Song* by Chris Bird

I Live Here is also the title for a mixed exhibition coordinated by KRH trustee Bahriye Kemal showing work by Chris Bird, Kate Adams and Henry Cockburn alongside audio visual art by Syrian artists living in Lebanon. The exhibition opens on July 15th at Conquest House Gallery in Canterbury to coincide with Kent Refugee Help's AGM and 10th Anniversary. We have used Bird Song by Chris Bird to on our publicity flier; an image of hope. Proceeds of sale will go to Kent Refugee Help and refugee children in Lebanon.

### **Dover Together – Multicultural Festival**

KRH had a stall at the Dover Together – Multicultural Festival at the end of May. After initial difficulties in putting up our gazebo (the Army cadets soon had us sorted – we were the third they had done already!), we enjoyed a wonderful sunny day, listening to new music, watching dance and enjoying food from Caribbean, Syrian, Nepalese and Hungarian cooks. We caught up with old friends and made many new ones. Our stall attracted a lot of interest and provoked some interesting discussions. The atmosphere was relaxed and celebratory, a tribute to the organisers and demonstrating that we do have more in common than divides us.

### **Evaporating Borders**

More recently, Refugee Week was marked by a film event at the Gulbenkian, **Evaporating Borders**, reflecting on the experiences of refugees and asylum seekers in Cyprus. A panel discussion followed, on which we were represented by Kate Adams.

More recently, as part of Refugee Week The Diocese of Canterbury organised a film event and discussion at the Gulbenkian. *Evaporating Borders*, is a visual essay in five parts that explores the lives of asylum seekers and political refugees on the island of Cyprus. The film was followed by panel discussion highlighting the everyday life of refugees and asylum seekers in Kent. With a stimulating line up of speakers from various charities -- Kent Refugee Action Network, Migrant Help U.K and The Children's Society --working with refugees, Kent Refugee Help was represented by Kate Adams....

### **Looking Forward.....**

We begin another's years work at a time of extreme uncertainty – nationally and globally. Brexit , and whatever outcome this may have, casts a long shadow over any plans for the future. We know there are challenges ahead, and that we will need more than ever the support of our volunteers and friends on whom we depend for so much. We will continue to challenge the negativity around immigrants and asylum seekers, and to celebrate our diversity. Our work in supporting refugees and asylum seekers is as urgent as ever, and we will do our utmost to make their voices heard.

