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Failed asylum seeker returns to Nigeria

45-year-old Isa Muazu, who had been detained since July, 'not found to have genuine need of protection' in UK

Press Association
theguardian.com, Wednesday 18 December 2013 09.30 EST



Isa Muazu had 'overstayed his leave for five-and-a-half years,' said immigration minister Mark Harper.

A failed asylum seeker who went on hunger strike has been removed from the UK after an unsuccessful legal battle.

Isa Muazu, who was said to be seriously ill after refusing food for about 100 days, has been returned to Nigeria, immigration minister Mark Harper said.

The 45-year-old had been detained since July after he was found to have overstayed his leave by five-and-a-half years.

Harper said halting Muazu's removal because of his hunger strike would "provide a dangerous incentive for others to follow suit".

He said: "Today, Mr Muazu, a failed asylum seeker from Nigeria, has been successfully returned. While we rarely comment on individual cases, in this instance we believe it is in the public interest to know the facts about the case, why he was returned and what we are doing to ensure his welfare. At times we need to make difficult decisions to maintain the integrity and fairness of our immigration system.

"Mr Muazu arrived in the UK as a visitor for six months. He overstayed his leave for five-and-a-half years before claiming asylum in July of this year.

"We consider every claim for asylum on its individual merits and he was not found to have a genuine need of protection. This was a decision that was supported by the courts.

"Mr Muazu was found to have no right to be in the UK and so the Home Office began the complex process of removing him.

"Halting the removal of Mr Muazu because of his protest would undermine our asylum and immigration system – and provide a

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dangerous incentive for others to follow suit.

"The health of those in our care is something we take very seriously and all detainees including Mr Muazu have access to healthcare provision.

"At every stage, the government has offered appropriate assistance to him and has also facilitated his transport to a hospital in Nigeria where the cost of an assessment will be covered."

Muazu – who despite being 1.8 metres (5ft 11in at one time weighed just 58kg (8st) – claimed he faced persecution from the militant Islamic group Boko Haram if he was to return to Nigeria, but has lost a series of legal challenges.

He said he came to the UK for a better life, and would rather die than face removal.

Earlier this month, a [chartered deportation flight carrying Muazu was turned back](#). This prompted his lawyers to launch another attempt to appeal against the decision to remove him, but this was again unsuccessful.

Toufique Hossain, public law and immigration law director at Duncan Lewis Solicitors, who represented Muazu, said the firm was extremely disappointed.

"We felt that the substantial evidence produced before the tribunal more than justified the granting of a stay and permission to apply for a judicial review. Although we are disappointed with the decision, we will continue to fight for Mr Muazu even though he is outside the country.

"With respect, we maintain that there are significant errors of law in the upper tribunal judgment and we intend to pursue our appeal at the court of appeal.

"This case has been extremely difficult to litigate given the contracted timeframe pushed by the home secretary purely because she wanted him on a plane as soon as possible after her failed attempt.

"We will not give up on him."



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