

Migration and development

Afghan asylum seekers deported from UK may have been unaware of rights

Home Office ignores law firm's exhortations to inform people with no legal representation of court order limiting deportation to three Afghan provinces



© Haroon Ahmadi from Laghman province, Afghanistan, was flown out of the UK on a Home Office charter flight despite a court order limiting deportations to three other Afghan provinces.
Photograph: Sune Engel Rasmussen

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Sune Engel Rasmussen in Kabul

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A private plane chartered by the UK's Home Office landed in Kabul on Wednesday, carrying almost a dozen failed asylum seekers despite down-to-the-wire legal challenges to prevent the aircraft's departure.

Lawyers [succeeded](#) in removing more than 60 of the asylum seekers initially scheduled to be on the flight but, according to passengers, the plane touched down carrying 11 people.

On Friday, Lord Justice Clarke of the appeal court upheld an earlier ruling to stay the deportation of nearly 600 Afghans from all but three Afghan provinces – Balkh,

the deportation of people originating from all but three Afghan provinces - Kabul, Panjsher and Bamyan.

However, at least one person from another province was returned despite the court order. Haroon Ahmadi, 39, from the volatile Laghman province, was deported after 11 years in the UK. He said he had not heard about the court decision.

Duncan Lewis Solicitors, a law firm that challenged the deportation flight on behalf of 30 clients, had tried to get the Home Office to inform all the Afghans in detention of the court order, but the Home Office refused.

“So many people on this flight were unrepresented, and if they were, they might not have been informed of the court order,” said Jamie Bell of Duncan Lewis.

However, the order leaves room for some dispute, as it forbids the removal of anyone “habitually resident” in an insecure province. It is unclear whether that terminology is meant to apply to someone like Ahmadi, whose father and brother - who picked him up at the airport - live in Kabul.

“I think the Home Office needs to inform people of their rights,” Bell said. “If he had known about the order, he would have been able to contact legal representation.”

The British government is facing mounting criticism for deporting hundreds of asylum seekers who have spent significant portions of their life in the UK.

Over the past six years, the Home Office has deported 605 Afghans who arrived in the UK as unaccompanied minors, according to a recent [report](#) from the [Bureau of Investigative Journalism](#).

Despite [Britain's military engagement in Afghanistan](#), Afghan children are much more likely to be refused permanent asylum than children of other nationalities. Since 2006, only 6% of unaccompanied Afghan children have been given refugee status, compared with 15% overall, the report says.

This type of uprooting can be very damaging, said Catherine Gladwell, director of the London-based [Refugee Support Network](#). While they enjoy protection as children, asylum-seeking minors put down roots, make friends and join football clubs. “And when they turn 18, all of that is torn apart,” she said.

That is what happened to Khaled Mohammadkhail. His journey to the UK at 15 did not secure him and his family the future they had hoped for. It made their lives harder.

Like Ahmadi, Mohammadkhail is from Laghman but lives in Kabul because his village is not safe. “There’s too many Taliban. If I go, and they find out I was in the UK, they will kill me,” he said.

His trip drove his family into poverty, as they sold all their land for \$9,000 (£5,810). But it also made their lives unsafe, as neighbours gossiped about him spying for the British.

Without connections in Kabul, Mohammadkhail has been unemployed since returning to [Afghanistan](#) two years ago.

“I’m fed up with life,” he said. “I’m hopeless here.”

Gladwell said there is not enough monitoring done of how young Afghans are stigmatised and threatened after being deported to Afghanistan. In a [report](#), she chronicled how a young man, deported after six years in the UK, was abducted upon returning to Kabul. His kidnappers posed as UN representatives, and accused him of becoming a bad Muslim in Europe. They extorted \$200,000 from his family.

“We say that it’s safe to send back these young people, but we have no way of knowing that. At the moment, there’s a lot of things pointing to the contrary,” Gladwell said.

This year is shaping up to be the most violent for Afghan civilians since the beginning of the war in 2001. Nearly 5,000 civilians have been killed or injured so far in 2015, and a [growing proportion](#) of them are women and children.

Richard Danziger, chief of mission of the [International Organisation for Migration](#) in Afghanistan, admitted that the issue of underage asylum seekers in Europe is “extremely complicated”.

“But it’s definitely not in the best interest of the child to be allowed to stay in Europe until they’re 18, and then deported,” he said. “If they have been in, say, Denmark or England for five years, they pretty much become Danish or English.”

Danziger pointed out that while the large number of refugees arriving in Europe presents a challenge, it is also an opportunity for industrialised countries facing falling birthrates.

“But it takes political courage to admit that,” he said. “It’s not something that’s going to get you votes.”

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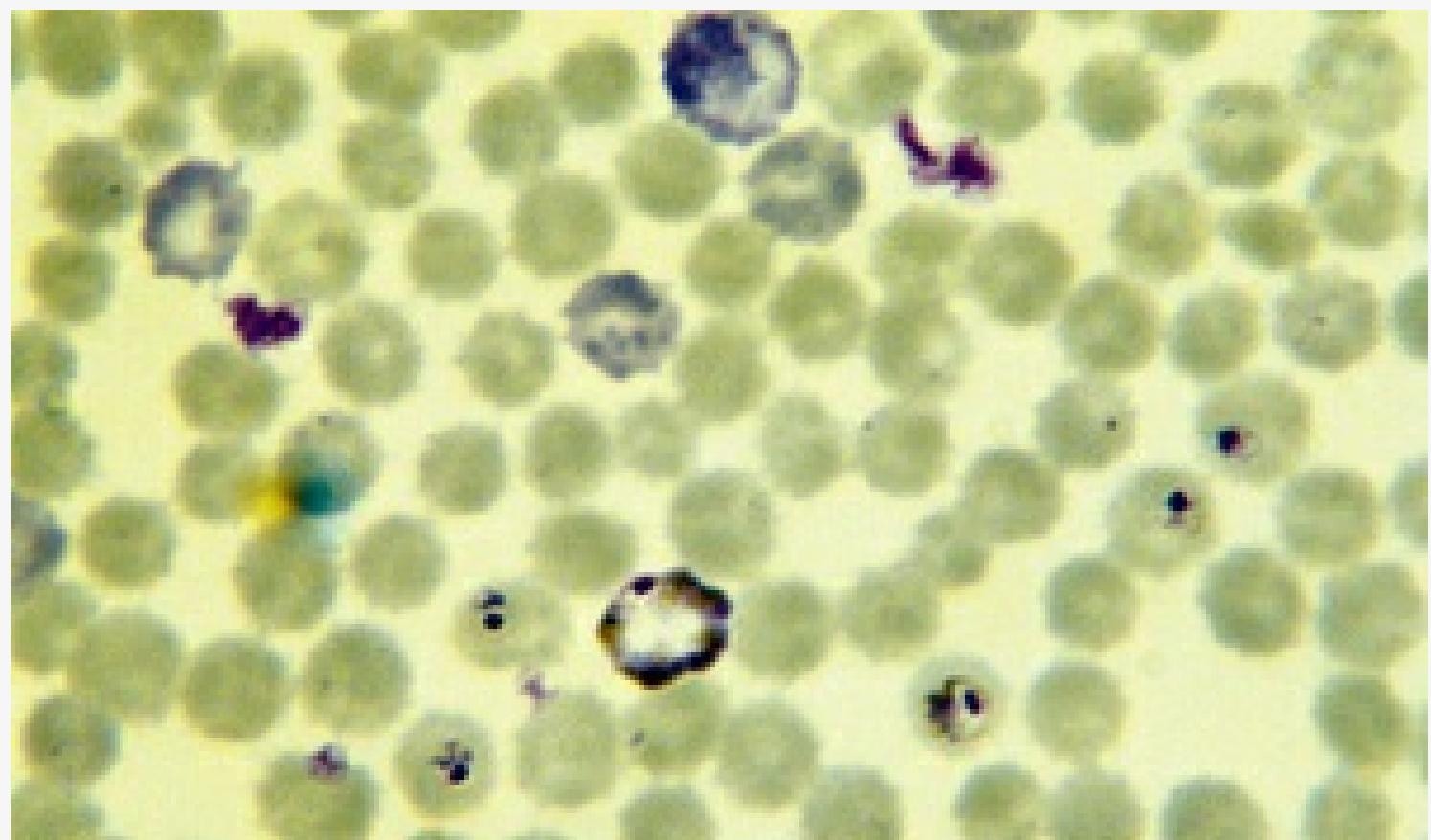


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