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Asylum seekers 'prevented from lodging cases'

Law Society claims Asylum Screening Unit are preventing claimants lodging claims unless lawyers threaten legal action

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Asylum Screening Unit are preventing claimants lodging complaints, claim Law Society. Photograph: Clara Molden/PA

Asylum seekers are being prevented from lodging claims for permission to stay in the UK unless their lawyers threaten legal action, according to the Law Society.

In a strongly worded criticism of shortcomings at the Asylum Screening Unit (ASU) in Croydon, south London, the body which represents solicitors complains of "degrading treatment", telephones constantly engaged or rarely answered and individuals who arrive in person being sent away.

The letter, sent to the head of the ASU and the United Nations High Commissioner for Refugees (UNHCR), highlights concerns voiced by other groups about facilities in Croydon – the only place in the whole of the UK where asylum claims can be made.

Mark Paulson, head of the Law Society's family and social justice section, said that the only certain means of securing an appointment was for solicitors to send in "pre-action protocol" letters on behalf of clients announcing they were instigating judicial review proceedings.

In July, Law Society representatives met ASU officials to raise concerns about problems. The situation, they claim, has deteriorated since then: "In recent months [we have] received reports of asylum seekers who are finding it increasingly difficult, if not impossible, to register their claim for asylum, or who experience what appear to be quite unnecessary difficulties ..."

"Our members' experience and others' reports ... have highlighted the negative and sometimes quite degrading treatment of people on their arrival at the ASU and the appalling nature of the physical environment which they expected to be in for often prolonged and indeterminate periods of time."

Registering asylum applications as soon as possible is vital for claimants. Any delay undermines the credibility of their case. Without registering, they cannot gain access to benefits or support for accommodation.

The letter contained nine case studies. One detailed the experience of an elderly Zimbabwean woman who caught a bus at 3am in order to arrive at Croydon by 7am where she was given a letter informing her that she was too late to be seen that day.

The Law Society said there was a conflict between the UKBA's role as protector of the nation's borders – keeping people out – and its international treaty responsibilities under the 1951 UN Convention on refugees.

The coalition's commitment to reduce net migration to tens of thousands in the current parliament's lifetime meant that the first duty was being given primacy, Paulson suggested.

The UKBA's website acknowledges that it experiences delays, explaining that: "The Asylum Screening Unit operates an appointment system and will also accept applicants on a walk-in service. If you choose to use the walk-in service, you should be aware that depending on your personal circumstances, there will be no guarantee that you will be seen. Therefore, it is strongly recommended that you book an appointment."

A number of solicitors raise similar complaints about the ASU in the latest issue of the Law Society Gazette. Alice Boyle, an immigration partner at the law firm Duncan Lewis, said: "It always takes the whole day to get through (to the ASU) – if you manage at all. Our public law team has considered judicial reviews, but on each occasion an appointment has been secured before any further action was taken."

Alison Stanley, head of immigration at Bindmans solicitors, described her 'Kafkaesque' dealings with the ASU. She said: "You have secretaries sitting all day pressing the redial button, but never get through, and so you turn up without an appointment. You queue for hours and then get sent away. Telephone us, they say, and make an appointment."

Russell Blakely, an immigration specialist at the law firm Wilson, said: "The ASU has suddenly become more chaotic which, by coincidence, suits the UKBA. If it's harder to claim asylum, then fewer are going to do so – bringing the statistics down."

In response to the Law Society's letter, the UK Border Agency said: "We are confident that the care provided to asylum seekers at the Asylum Screening Unit in Croydon is of a good standard."

"Asylum seekers are given access to interpreters and information regarding the asylum process and how to contact legal representatives. UKBA takes complaints very seriously and has processes in place for those using the unit to raise any concerns they may have."

The UNHCR said that it had been working with the UKBA since 2004 on the Quality Integration Project which is designed to improve the agency's processing of asylum claims. It declined to comment on the letter.

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