

Gay woman who was gang-raped after being unlawfully deported to Uganda wins court case against Home Office

A gay woman who was unlawfully deported from the UK to Uganda where she had been gang-raped has won in a court case against the Home Office.

The 26-year-old was brought back to the UK last year under High Court orders after it was ruled that the decision to reject her asylum claim was unlawful as it did not give her sufficient time to obtain evidence to support her case.

The Home Office attempted to challenge the court decision for her to return to Britain, but the Court of Appeal dismissed the department's appeal on Monday, as well as ruling that the woman was unlawfully detained in the UK for a period of four months.

The woman, who cannot be named for legal reasons and is referred to by the courts only as PN, initially arrived in the UK in 2011 and claimed asylum on the basis that she was a lesbian and would be at risk of persecution in Uganda. She was refused and removed in December 2013 on the grounds that the Home Office did not believe she was gay.

Speaking from Uganda in July 2019, she told *The Independent* that she was gang-raped and had lived in perpetual fear since being sent back to the country, where she said she felt unable to report to the police out of fear that they would discover her identity, as she has previously been persecuted against due to her sexuality.

She is one of thousands of asylum seekers whose immigration cases were decided under the Home Office's "detained fast-track" system, which was introduced in 2005 and came to an end in 2015 after the High Court ruled that it was "structurally unfair". Her case was the first successful appeal allowing a claimant to return to the UK.

In a Court of Appeal ruling on Monday, Lord Justice Dingemans found that PN had been unfairly disadvantaged by the fast-track Rules as she was prevented from obtaining critical evidence relating to her sexuality claim from Uganda within the time frames.

The judge also found that the woman had been unlawfully detained from the point at which her asylum appeal concluded until she was ultimately removed from the UK – a period of four months.

Lawyers and campaigners said the latest ruling marked a "nail in the coffin" for the fast-track system and could pave the way for thousands of similar challenges from people who were removed under it.

The fast-track system, which aimed to make asylum decisions within two weeks and required that people were kept in detention during the process, had a 99 per cent rejection rate. Many on the fast track were from countries experiencing conflict or violence, such as Afghanistan and Sri Lanka.

The court ruled in 2015 that the system did not allow enough time for lawyers to take instructions, prepare statements, translate documents and obtain evidence.

Speaking to *The Independent* in July 2019, the Ugandan national talked about the trauma of getting pregnant and having a child, who is now four months old, as a result of the sexual assault she suffered after being deported to her home country. She now has a baby son.

"I was sleeping one night, the people came, they banged on the door, they stole everything and they raped me. I was on my own in the room," she said. "I couldn't tell the police as I don't want them to know who I am... I moved away from that place.

I wanted the doctor to terminate the baby, as I didn't know if I would be able to manage it, but the doctor said that if I tried to do that I might lose my life. The only people I have in my life are my baby and the people who are helping me in the UK."

Speaking after the Court of Appeal judgement on Monday, PN said: "I feel so happy for this decision, when you are fighting so long for something it feels like you will never win and that is very frightening. This journey has not been easy and it is amazing to win against the Home Office who have put me through so much torture - I was waiting for this day to come.

"When I remember what I went through in Yarls Wood it makes me feel really bad – I don't want to think about it because it makes me so upset. So many questions about what they put me through that I will never get answers to.

"It is awful and unspeakable what I went through in there. I am so happy for this decision but it can not take those memories out of my mind; my mind is already damaged for life."

Sulaiha Ali of Duncan Lewis Solicitors, who represented PN, told *The Independent*: "We welcome the Court of Appeal's judgment which yet again confirms the unfairness that the detained fast-track process had on asylum seekers in the UK.

"Thousands of individuals were subjected to unfair decisions and removal because of this process, and we hope that like PN, others are able to have their asylum appeals considered afresh so that they are considered fairly and in accordance with the law."

Karen Doyle, national organiser of campaign group Movement for Justice, which has been supporting the woman, said: "This decision is the culmination of almost seven years of struggle for PN, for our fight to bring her back after her unlawful removal under fast-track.

"It has been a long and difficult struggle. The Home Office has done their best to obstruct, delay and prevent her return and defend their decision to remove her. But PN never gave up, MFJ never gave up and this decision is a testament to what can be achieved when you stand together and fight.

"This is another nail in the coffin for the unlawful detained fast-track procedures which subjected so many asylum seekers to unjust decisions and removals over years. We hope this decision gives inspiration and hope to others in PN's situation that it is possible to overturn these unjust fast-track decisions."

The Home Office has been approached for comment.