

Immigration and asylum

Asylum seekers fight deportation to Afghanistan

Lawyers challenge Home Office's proposed charter flight, thought to be departing Stansted on Tuesday, following court victory for Afghans last week



Stansted airport: the Home Office said it could not confirm whether the deportation flight would go ahead. Photograph: Justin Kase/Alamy

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Lawyers have launched a series of last-minute challenges to the proposed deportation of failed asylum seekers on a charter flight to [Afghanistan](#).

In a string of judicial reviews, lawyers for people who have been sent tickets for the flight are seeking to have the decision by the Home Office to remove them overturned.

A ruling on Friday at the court of appeal upheld an order preventing the removal of some Afghan asylum seekers, but it emerged that a number were still due to board the flight, which is thought to be departing Stansted on Tuesday.

On Friday, Lord Justice Clarke rejected home secretary Theresa May's application to overturn the order on the basis that a significant number of people due to board the flight could be affected by an ongoing case about the dangers of forcibly returning failed asylum seekers to Afghanistan.

His order forbids the removal of anyone who was "habitually resident" in an insecure province. This is defined as anywhere in Afghanistan apart from Kabul, Bamiyan and Panjshir, which left some asylum seekers still facing removal.

This prompted the latest challenge to stop the removals. Toufique Hossain, of Duncan Lewis Solicitors - who brought the legal challenge against the planned flight, said: "It is clear that the deteriorating security situation in Afghanistan means that the UK government needs to seriously consider their policy on returns to Kabul. In what is unprecedented, the court of appeal has had to intervene at

to Kabul. In what is unprecedented, the court of appeal has had to intervene at the last minute. We understand that the cost of cancelling a charter flight for the secretary of state is significant.”

The Home Office said it was unable to confirm whether or not the flight would go ahead following the ruling, but are looking at it.

Many of those being deported are former child asylum seekers who have been living with UK foster families and who the Home Office now wants to remove because they have turned 18.

An 18-year-old Afghan asylum seeker who took part in Friday’s successful legal challenge said he was relieved he would not be one of those deported on Tuesday’s flight if it went ahead.

“All my family have been killed by the Taliban,” he said. “I have nobody to go back to and if the Taliban find me they will kill me too. I am very frightened about the situation.”

He explained that he arrived in the UK at the age of 12. Initially he was placed in the care of Kent county council who told the Home Office he was 18.

“That was a very bad time for me and I was very scared. Then a doctor told them he believed I was only 12 and after that I was placed with a foster family. I have been going to school and at the moment I am doing business studies. I hope I will be able to continue my life here. But I don’t trust the Home Office. I am safe from tomorrow’s flight but they may try to put me on another flight very soon. I’m very worried about that,” he said.

A 22-year-old Afghan man, who was taken off a charter flight in March, said he feared that the government would try to put him on a future flight. “I escaped from Afghanistan after my father’s life was threatened by the Taliban because he worked with the country’s army,” he said.

He arrived in the UK at the age of 14 after being shot in the leg in a Taliban attack. He was also placed in the care of Kent county council and dreamed of becoming a doctor. “I’m scared every day of being forced to go back home,” he said.

“The Red Cross tried to find my family but couldn’t find any sign of them. I was in detention in Harmondsworth immigration removal centre near Heathrow in March of this year when they tried to remove me. My body went limp when the Home Office gave me the flight ticket. I was taken to the airport but I was taken off the flight at the last minute. I am living in constant fear of being arrested and put on another plane to Afghanistan.”

The Home Office regularly charters planes to Afghanistan to remove failed asylum seekers. A charter flight went ahead on 10 March this year but a subsequent flight scheduled for 21 April was cancelled following a high court ruling that it would be too dangerous to return people there.

Between January and March 2015 the Home Office chartered 11 removal flights sending 626 people back to six different countries including Afghanistan. More than 2,000 people were removed on charter flights in the 2012/13 financial year, at a cost to the government of £13m.

A Home Office spokesperson said on Monday: “It would not be appropriate to comment while the case is ongoing.”

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