

Theresa May rebuked over illegally deported asylum seeker

Rare court order calls on home secretary to find and bring back Turkish national and investigate UK Border Agency conduct

Diane Taylor

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UK Border Agency staff should be investigated over their alleged refusal to let a Turkish asylum seeker apply for safe haven at Stansted airport, a high court judge said. Photograph: Steve Parsons/PA Archive/Press Association Images

The home secretary is under fire for failing to comply with a high court order to bring an asylum seeker who is in hiding in Azerbaijan back to Britain.

The Border Agency forcibly removed the man, a Turkish national, from the UK in March despite a court order being issued before he boarded the plane preventing officials from deporting him. His lawyers had argued he should not be removed because he wanted to claim asylum but had not been allowed to do so.

After the order was breached, Mr Justice Singh issued a second order to [Theresa May](#) to "use her best endeavours" to find the man, who cannot be named for legal reasons, and bring him back to the UK.

However, the home secretary has returned to the high court and asked Mr Justice Lloyd Jones to set aside the order. The request was rejected and May now has to ensure the man is brought back to the UK. It is rare for orders to be granted by the court calling for people who have been forcibly removed from the UK to be returned and even rarer for the home secretary not to comply with them.

Mr Justice Singh stated that he was "very concerned" the government had failed to comply with his order.

In the court documents a senior UK Border Agency official admitted: "It is regrettable that the claimant was removed in spite of a court order preventing removal."

The 37-year-old Turkish asylum seeker arrived in the UK on 13 March and claimed asylum, complaining of persecution in Turkey. He said he was a [human rights](#) activist and had been jailed and tortured in Turkey because of his activities. After he was forcibly removed from the UK back to Turkey he claims he was arrested, detained for three days and mistreated by the Turkish authorities. After his release he fled to Azerbaijan where he is in hiding and is said to be in fear for his life if he is returned to Turkey.

In a statement, his solicitor, James Packer of Duncan Lewis, said his client was threatened and blackmailed and subjected to psychological pressure to withdraw his asylum claim soon after he lodged it on arrival at Stansted airport. He was asked to sign a document withdrawing his asylum claim. He did so but then said he was confused about what he had been told to sign and tried to lodge his asylum claim once more.

"He signed this document under pressure of threat of detention," said Packer. "I made it quite clear to UKBA that my client did want to claim asylum. They were at best obstructive and refused to listen. They seemed determined to remove him in any event."

Mr Justice Lloyd Jones said: "Serious allegations have been made about the conduct of officers of the Border Agency which to my mind require investigation by the court."

A UK Border Agency spokesperson said: "We are disappointed that this man has won the right to have his asylum claim heard in the UK, despite choosing to leave the country voluntarily. We will now consider his claim carefully before making a decision as to whether he requires international protection."

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