

TAMIL WELFARE ASSOCIATION (NEWHAM) UK

20
YEARS OF
SERVICES FOR
TAMIL
COMMUNITY

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.



ANNUAL REVIEW REPORT 2005

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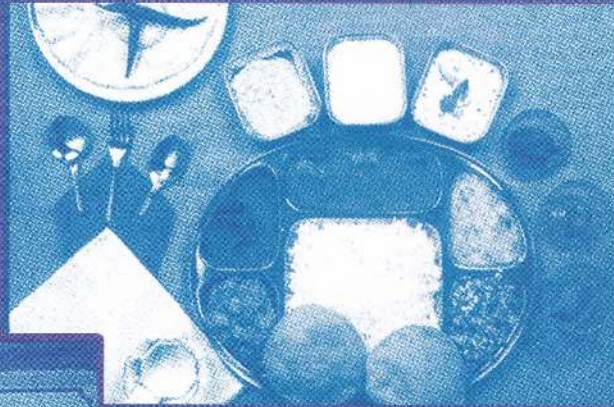
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யாழ் உணவகம்

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வாருங்கள் வந்து சுவையுடன் உண்டு மகிழ யாழ் உணவகம்.

உங்கள் திருமண வைபவங்கள் பிறந்த நாள் விழா கொண்டாட்டங்கள்
மற்றும் மங்களகரமான வைபவங்களுக்கும் சுவைமிக்க தரமான உணவு வகைகள்
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10 பவுண்டுகளுக்குமேல்
உணவு வாங்குபவர்களுக்கு
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40 இருக்கைகள் கொண்ட தமிழ் உணவகம்

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Tel: 020 - 8471 6744 020 - 8471 7319

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.
தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ. ரா.

நல்ல சட்ட ஆலோசனைகளுடன்
சமூக நல திட்டங்கள் பலவற்றை
நம்மவர்க்காய் இந் நாட்டில்
தொண்டாற்றி தாயர்துடைத்து
இருபது ஆண்டு சேவையினை
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புகலிடத் தேவைகளை புரிந்து நற் -செயலாற்றி
முத்தோர், சிறுவர்கள், மகளிர் என
அனைத்தப் பராயத்தினர்க்கும்
ஏற்ற நல் செயல் திட்டம் தீட்டி
புகலிட மண்ணில் இனிதே வாழ வைத்த
நற் தமிழர் நலன்புரி சங்கமே வாழி வாழி

வியய என்றழைக்கும் இனிய தமிழ்ப் புத்தாண்டை
வர வேற்று விழா எடுக்கும் இந் நன் நாளில்
கலைஞர்கள் , விருந்தினர்கள், நலன்விரும்பிகள் சகிதம்
இன்பமாய் கொண்டாடிடுவோம் நாளைய விடிவிற்காய்

சுபம்

Annual Review Report - 2005

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

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Tel: 020 - 8478 0577 Fax: 020 - 8514 6790

e-mail: twan@twan.org.uk



STEPHEN TIMMS MP
House of Commons
London SW1A 0AA

Tel: 020 7219 4000
Fax: 020 7219 2949

Labour Member of Parliament for East Ham

Mr V Jana
Executive Director
Tamil Welfare Association (Newham) UK
602 Romford Road
Manor Park
London
E12 5AF

11 April 2006

Dear Mr Jana

I write to congratulate the Tamil Welfare Association (Newham) for another successful year's work on behalf of the Borough's Tamil Community. I have been an enthusiastic supporter of TWAN for twenty years. I am delighted by your progress, and by the contribution you are making to the local community.

I know from many members of the Tamil community just how important TWAN's services are. Regardless of whether they have lived in the United Kingdom all their lives, or have only recently arrived in the country, people in the community know they can approach TWAN whatever their problems. If they face problems with immigration or housing, or if they need careers advice or help claiming benefits, they know that TWAN will be able - and willing - to assist them.

As you celebrate the Tamil New Year later this month, our thoughts will also be with the Tamil community worldwide. The peace process in Sri Lanka has been through a very difficult patch in the last twelve months, and we all hope that the Geneva talks will strengthen the ceasefire, lead to a new understanding between both sides, and open the chance for an enduring peace.

I look forward to working alongside the Tamil Welfare Association (Newham) in the year ahead, for a better future for the Tamil community, both in Newham and throughout the world.

With all best wishes,

Yours sincerely

STEPHEN TIMMS MP



CHAIRPERSON'S ADDRESS

எனது பார்வையில்

வணக்கம்



தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐரா தான் ஆரம்பித்த நோக்கத்தில் இருந்து வழி பிறழாது கடந்த 20 ஆண்டு காலம் சேவையினை இந் நாட்டில் வாழ்கின்ற தமிழ் சமூகத்திற்கு ஆற்றி வந்துள்ளது என்பதை என்னால் உறுதியாக கூற முடிகிறது. இந்த ஸ்தாபனத்தின் கடந்த கால ஆவணங்கள் இதற்குச் சான்று பகர்கின்றன. கடந்த சில வருடங்களே நான் இச் சங்கத்தின் இயக்குனர் சபையின் உறுப்பினராக இருந்தாலும் இச் சங்கத்தின் சேவை வழங்கும் திறனும், இயக்குனர்

சபையினரதும், இவ் அலுவலகத்தில் பணியாற்றும்பவர்களின் விடா முயற்சியும் இச் சங்கத்தின் வெற்றிக்கான அடிப்படை தகமைகள். சமூகத்தின் அனைத்து தேவைகளையும் எம்மால் நிறைவு செய்ய முடியாது இருப்பினும் இந்நாட்டில் முழு நேர சேவையினை தொடர்ச்சியாக பல ஆண்டுகள் வழங்கி வரும் ஒரு சில தமிழ் சமூக ஸ்தாபனங்களில் ஒன்றாக இத் தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐரா (TWN) இயங்கி வருவது கண்கூடு. கடந்த காலங்களில் இதற்காக அயராது உழைத்த நிர்வாகசபை உறுப்பினர்கள், சேவை ஆற்றிய ஊழியர்கள், தொண்டர்கள், முதுகெலும்பாக இருந்த அங்கத்தவர்கள், நலன் விரும்பிகள் அனைவருமே இதில் பெருமிதப்பட வேண்டிய தருணம் இது. கனவுகள் நனவாகி மேலும் பல செயற்கரிய செயல் திட்டங்களை இச் சங்கம் தொடர்ந்தும் எதிர் வரும் காலங்களில் செய்வதற்கு முனைந்து நிற்கின்றது என்பதை உறுதியாக கூற விரும்புகின்றேன்.

எமது முயற்ச்சிகளுக்கு அரச ஸ்தாபனங்களும், உள்ளூராட்சி நிர்வாகங்கள் போதிய ஆதரவு தர பின் நிற்பினும் தொடர்ச்சியான எமது அணுகு முறை மூலம் முடிந்தவரை எமது திட்டங்களை நிறைவேற்றி வருகின்றோம். நிதி வழங்கும் அமைப்புக்களிடமிருந்து எமக்கு தொடர்ச்சியான ஆதரவு இருப்பினும் எமது திட்டங்களை செயற்படுத்த அவை போதாமல் இருப்பதும் சில பின்னடைவுகளுக்குக் காரணமாக அமைகிறது. எனினும் எமது சங்கத்தின் சேவையினை பெறுபவர்களின் கருத்து கணிப்புகளும் சேவை நாடி வருவோரின் எண்ணிக்கையையும் வைத்து மதிப்பிடும் போது நாம் சமூகத்தின் அவசிய தேவைகளை நிவர்த்தி செய்யும் ஒரு ஸ்தாபனமாக இத் தமிழர் நலன்புரி சங்கம் செயல்படுவது புலனாகிறது.

'வியய' என்ற புதிய ஆண்டிற்குள் காலடி எடுத்து வைத்துள்ள இந்த நேரத்தில் நமது சங்கமும் சீர் பெற்று வழமுடன் வாழ வேண்டும் என்று கூறிக் கொண்டு, நிறைவாக இன்றைய இந்த இனிய மாலை பொழுதில் எம்மை மகிழ்வித்த சிறுவர்கள், கலைஞர்கள் மேலும் இந் நிகழ்ச்சியில் கலந்து சிறப்பித்த உங்கள் அனைவருக்கும் நன்றி கலந்த இனிய நல் புத்தாண்டு வாழ்த்துக்களை கூறி விடை பகர்கின்றேன்.

நன்றி

தலைவர்

திருமதி த. ஜனகா

தி. ஜனகா

தமிழர் நலன்புரிச்சங்கம் (நியூஹாம்) ஐரா.

TRUSTEE'S REPORT

Mission:

The main purpose of the organisation is to promote integration and improve quality of life of the Tamil community in the UK.

Aims and Objectives:

The purpose of the organisation is to provide the Tamil community:

- Relief from poverty.
- Practical support, representation at tribunals etc.
- Access to services.
- Improved quality of life for vulnerable people such as children, women, elders, disable people and refugees via a range of specialised services.
- Organise health, recreation, fitness and sport activities especially for young people.
- Access to education through supplementary classes and training programme.
- Awareness of employment opportunities through job search and other employment programmes.
- Social, recreational and cultural activities.
- Dissemination of relevant information

services to the Tamil community in the UK. The organisation plays a significant role in the settlement of migrant Tamils in UK in various ways. Predominantly those who fled from Sri Lanka as refugees has highly benefited from our services over the past years.

TWAN's primary purpose is to relieve Tamils from poverty, distress and homelessness and to support their rehabilitation and integration into civic society. It relieves these problems by offering services that address the social, cultural, welfare -related and educational needs of the society.

However information and advisory service for our users are in high demand, this development has led us to provide specialist services in legal issues in the area of migration and housing. In the year 2004 the Legal Services Commission awarded us a civil contract to provide immigration legal casework. With other various funding support the organisation grew from strength to strength and now we own the office premises on the ground floor, which facilitate us to carry out extension of the rear part of the building by 35 square metres. This will allow us to increase office space, which will enable us to expand the scope of our services.

Overview of year 2005

The Tamil Welfare Association (Newham), UK (TWAN) is completing its 20th year of providing

We are now allowed to resume the level three works as authorised by the Office of the Immigration Services Commissioners (OISC) after we met the requirements set out by the OISC. The user

feed back records indicating need and satisfaction of our services, the number of beneficiaries continues to increase.

We raised around £167,000 from grants as restricted funds while £11,000 was raised from other sources as unrestricted funds.

Mr V. Janarthanan is the Chief Executive staff; his duties are to execute the organisation's service delivery plan and director decision, as well as the post holder liaising with staff and directors.

Strategic Business Plan

As an ongoing process our policies and procedures will be reviewed annually and similarly our business plan was reviewed in July 2005 to reflect the Legal Service Commissions (LSC) requirements. The business plan has been prepared to ensure that TWAN's strategy is transformed into a realistic, measurable and achievable plan. This being:

- A wider range of services for the Tamil community.
- Effective development of services and monitoring of all programmes.
- Improved management structure for efficient service delivery.

The plan also considers risk analysis with identified resources to meet the organisation's aspirations. Moreover it also identified future key development and potential resources to fulfil the organisations aims.

The key changes during the last year:

- Improvement in service delivery and greater demand for our services.
- Funding secured with necessary planning permission to carry out building extension work that will begin at the end of the year.
- Income increased from £135,286.00 to £178,391.00
- Allowed to resume the level three works as authorised by the OISC after we met the requirements set out.
- Increase in membership and number of staff.

Service Delivery/Management Structure

The services are delivered in two ways: Office based service delivery and other services provided at sites outside the office premises. The advisory project and legal casework, employment initiative

project, mental health counselling are the main office based services which is delivered by drop in sessions on Mondays and Wednesday between 9.am-3pm and between 9am-1pm on other week days. The telephone advises service is available on Tuesdays and Thursdays between 2pm-4pm and also appointment system available on Monday afternoon. Further outreach services will be available at the hospitals.

The other kind of services such as: day centre, supplementary education, fine arts learning, holiday play schemes, adult learning classes are run at the other venues by us (like the Manor Park Community Centre, Little Ilford School and Kensington Primary School). All these activities are coordinated and implemented by the executive director with the specifically segmented subcommittees. The user feedback and the annual assessment will be taken into consideration to create appropriate changes to be made in order to enhance the need and further development of the project.

Financial Management and Resources

The trustees are mindful to utilise the restricted funds for the specific purpose while they are keen to invest the unrestricted funds in the capital project and resources.

The annual financial auditing record shows the organisation's growth and its ability to control and utilise the fund in purposeful manner, also the annual accounts reflect the organisation is financially sound and meets its set targets and plan.

The main funding is coming from the Legal Service Commission (LSC) to deliver legal casework while the second bigger funding comes from the Association of London Government (ALG), which is supplemented by the Comic Relief funding to deliver general advice and legal casework for the clients. Clients, who do not meet the LSC funding criteria, will be supported by the ALG. However at the end of this year (2005) the City Parochial Foundation (CPF) funding and the Home Office funding both comes to an end and we are actively seeking alternative funding to continue the initiatives.

Organisational development

The development of the organisation is in progress as per the strategically planned structure in the year 2003. By the strategy of the organisation the executive director is the key person to identify the further needs of the community and secure the necessary resources and to implement the organi-

sations service delivery plan. The post holder moreover provides support and guidance is being given to motivate the organisational staff and volunteers to carry on attaining perfection in their day-day assigned tasks and objectives. At the end of the year, 3 full-time, 2 part-time and one casual worker serve the organisation as paid staffs while around 25 active volunteers play a vital role in order to support the organisation in attaining its service delivery. The organisation has acquired accredited workers and also encourages its all staff to attain accredited status to give flexibility and to improve the quality of the work.

The office premises are being extended to increase office space, which will enhance us to increase the service delivery and expand our services. This is an astute decision taken by the board to ensure the sustainability of the organisation in the long term. To maintain our Specialist Quality Mark status and LSC civil contract funding on immigration it is vital for the organisation to build its success in its highly reputed legal casework. Moreover it is possible for us to obtain other LSC contract to serve the community's other legal problems such as employment, housing, welfare benefits, consumer and money areas.

Going Ahead:

One of the organisations prime goals for the near future is to explore the possibility to become a self-income generating organisation for its activities. Currently around 7% of our funding has been raised by the organisation of its own unrestricted funding we intended to increase this unrestricted funding to twice the amount we raised now. As per this plan, we are also in the process of setting a social enterprise scheme and to set up a limited company to generate this fund for this (TWAN) charity. Also to invest our unrestricted funds in the properties ensure our income is maximised in order to accelerate the self-sufficient income generating organisation sustainability. Further more identifying and bringing other long term funding to new initiatives to serve the community in the field of employment training, childcare and homeless shelter. There is the possibility of the organisation to develop a Tamil Law centre in the next 5 years.

User, Participation and Management:

One of the organisations strength is that it is well rooted in the community and its ability to reach, the hard to reach members of the community, it is substantial to note that the organisation is a cluster of people from different backgrounds. This was reflected from our user records and membership of the organisation. The annual general meeting gives a perfect platform to bring new suggestions, ideas and comments on various issues to direct the organisations future and also well attended and supported by the members. The organisation's last annual general meeting was held on the 19th June 2005 and major issues were discussed and new board of directors were elected.

The board is expected to meet once a month, which will amount to twelve times in a year. The board will elect the office bearers amongst themselves; this includes chairperson, treasurer, secretary and public relations officer. During these monthly board meetings the organisation performance with financial transactions will be scrutinised and the appropriate actions and decisions will be put in place for the future. Minutes of the meetings will be documented.

Conclusion

TWAN continues to be a fundamental link for Tamil community in London and the UK as a whole. TWAN acknowledges its staff as a very important asset and attributes its successes and achievements to their productivity. I also take this opportunity to thank our key partnership organisations, staff members, volunteers and trustees for their support in achieving our goals of empowering and reaching out to the Tamil community in the United Kingdom.

Finally, on behalf of the board of Directors, I would like to thank our funders and donors for their financial support, without which we would not have been able to face the immensity of our task and hope that we will be able to count on your continued support and gain confidence in our work from new funders in the coming years.

Secretary
Mr. P. Chandradas

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DIRECTORS

M Balasingham (Mrs)
P Chandradas Esq
T Janaka (Mrs)
S Kirubaharan Esq
S Ramanan (Mrs)
S Paneerchelvan Esq
R Rajanavanathan Esq
S Muthucumarasamy Esq
K Shanmugavadivel (Mrs)
N Rakavan Esq

SECRETARY

P Chandradas Esq

REGISTERED OFFICE & BUSINESS ADDRESS

602 Romford Road
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London
E12 5AF

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Certified Accountants
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London
NW9 6NB

SOLICITORS

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Manor Park
London
E12 6SA

PRINCIPAL BANKERS

Barclays Bank Plc
Newham Busines Centre
737 Barking Road
Plaistow
London E13 9PL

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS

The directors present their report and audited financial statements for the ended 31st December 2005 .

PRINCIPAL ACTIVITIES AND BUSINESS REVIEW

The Association is a registered charity and the company is limited by guarantee.

The Association's principal activity is to provide advisory, legal casework and representative services for the Tamil speaking community in the United Kingdom, to foster and promote good race relations between such persons of all groups within the area of benefit.

DIVIDENDS

The directors do not recommend payment of a dividend.

DIRECTORS AND THEIR INTERESTS

The directors at the balance sheet date and their interests in the company at that date and at the beginning of the (or on appointment if later), were as follows:

		<u>Number of shares</u>	
	<u>Class of share</u>	<u>2005</u>	<u>2004</u>
M Balasingham (Mrs)	Ordinary shares	-	-
K Shanmugavadivel (Mrs)	Ordinary shares	-	-
P Chandradas Esq	Ordinary shares	-	-
N Rakavan Esq	Ordinary shares	-	-
T Janaka (Mrs)	Ordinary shares	-	-
S Kirubaharan Esq	Ordinary shares	-	-
S Ramanan (Mrs)	Ordinary shares	-	-
S Paneerchelvan Esq	Ordinary shares	-	-
R Rajanavanathan Esq	Ordinary shares	-	-
S Muthucumarasamy Esq	Ordinary shares	-	-

DIRECTORS' RESPONSIBILITIES

Company law requires the directors to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the company and of the profit or loss of the company for that period. In preparing those financial statements, the directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the company and to enable them to ensure that the financial statements comply with the Companies Act 1985. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS (Continued)

CLOSE COMPANY

The company is a close company as defined by the Income and Corporation Taxes Act 1988.

AUDITORS

The auditors, Advanced Accounting Practice, are willing to be reappointed in accordance with section 385 of the Companies Act 1985.

By Order of the Board
P Chandradas

P Chandradas Esq
Secretary

Date: 29th March 2006

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

**AUDITORS' REPORT TO THE MEMBERS OF
TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

We have audited the financial statements of the company for the year ended 31st December 2005 which comprise the Statement of Financial Activities, the Balance Sheet and the related notes set out on pages 6 to 10. These financial statements have been prepared under the historical cost convention, and the accounting policies on page 6.

The report is made solely to the company's members, as a body in accordance with Section 235 of the Companies Act 1985. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of the directors and auditors

As described in the Directors' Report the company's directors are responsible for the preparation of financial statements. It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you.

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Companies Act 1985. We also report to you if, in our opinion, the Director's Annual Report is not consistent with the financial statements, if the charity has not kept proper accounting records, or if we have not received all the information and explanations we required for our audit, or if information specified by law regarding director's remuneration and transactions with the company is not disclosed.

We read other information contained in the Director's Annual Report and consider whether it is consistent with the audited financial statements. We consider the implications for our report if we become aware of any apparent misstatements or material inconsistencies with the financial statements. Our responsibilities do not extend to any other information.

Basis of opinion

We conducted our audit in accordance with Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the directors in the preparation of the financial statements, and of whether the accounting policies are appropriate to the company's circumstances, consistently applied and adequately disclosed.


We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

AUDITORS' REPORT TO THE MEMBERS OF (Continued) **TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

Opinion

In our opinion the financial statements give a true and fair view of the state of affairs of the company as at 31st December 2005 and of its incoming resources and application of resources, including its income and expenditure for the year then ended and have been properly prepared in accordance with the Companies Act 1985.


ADVANCED ACCOUNTING PRACTICE
Certified Accountants
Registered Auditors

2nd Floor, 4 Watling Gate
297-303 Edgware Road
London
NW9 6NB

Date: 29th March 2006

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31ST DECEMBER 2005**

		Restricted Funds	Unrestricted Funds	Total 2005	2004
INCOMING RESOURCES					
Grants	2	167,454	-	167,454	116,274
Membership subscriptions		-	963	963	879
Other receipts		-	9,152	9,152	17,877
Interest receivable	4	-	822	822	256
Total Incoming Resources		<u>167,454</u>	<u>10,937</u>	<u>178,391</u>	<u>135,286</u>
RESOURCES USED					
Direct Charitable Expenditure		101,571	-	101,571	82,293
Management and Administration		<u>28,774</u>	<u>5,022</u>	<u>33,796</u>	<u>23,583</u>
		<u>130,345</u>	<u>5,022</u>	<u>135,367</u>	<u>105,876</u>
NET INCOMING RESOURCES BEFORE TRANSFERS					
		37,109	5,915	43,024	29,410
Transfer to Designated funds		<u>(45,000)</u>	<u>(5,000)</u>	<u>(50,000)</u>	<u>(10,000)</u>
Net Movement in funds		(7,891)	915	(6,976)	19,410
Balance brought forward		<u>17,108</u>	<u>4,412</u>	<u>21,520</u>	<u>2,111</u>
Balances carried forward		<u>9,217</u>	<u>5,327</u>	<u>14,544</u>	<u>21,521</u>

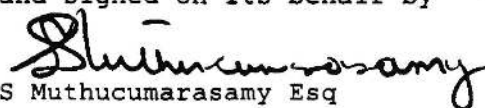
The notes on pages 6 to 10 form part of these financial statements.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

BALANCE SHEET AT 31ST DECEMBER 2005

	Notes	£	2005 £	£	2004 £
FIXED ASSETS					
Tangible assets	7		128,560		108,281
CURRENT ASSETS					
Debtors	8	6,328		8,973	
Cash at bank and in hand		28,192		31,709	
			<u>34,520</u>	<u>40,682</u>	
CREDITORS: Amounts falling due within one year	9	(17,027)		(34,862)	
NET CURRENT ASSETS			<u>17,493</u>		<u>5,820</u>
TOTAL ASSETS LESS CURRENT LIABILITIES			146,053		114,101
CREDITORS: Amounts falling due after more than one year	10		(56,189)		(67,260)
			<u>89,864</u>		<u>46,841</u>
CAPITAL AND RESERVES					
Designated Funds			75,320		25,320
Profit and loss account	12		14,544		21,521
SHAREHOLDERS FUNDS			<u>89,864</u>		<u>46,841</u>

The financial statements were approved
by the board on 29th March 2006
and signed on its behalf by


S Muthucumarasamy Esq Director

The notes on pages 6 to 10 form part of these financial statements.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

1. ACCOUNTING POLICIES

1.1 BASIS OF ACCOUNTING

The financial statements have been prepared under the historical cost convention.

1.2 INCOMING RESOURCES

This includes grants received, membership fees, bank interest, donations received and rental income from subletting of tenanted premises.

1.3 DEPRECIATION

Depreciation is provided using the following rates and bases to reduce by annual instalments the cost, less estimated residual value, of the tangible assets over their estimated useful lives:-

Fixtures and fittings	15% Reducing balance
-----------------------	----------------------

1.4 DEFERRED TAXATION

Deferred taxation is provided where there is a reasonable probability of the amount becoming payable in the foreseeable future.

1.5 LEASING AND HIRE PURCHASE

Rentals payable under operating leases are taken to the profit and loss account on a straight line basis over the lease term.

2. GRANTS RECEIVED

	2005	2004
	£	£
<u>Analysis by:-</u>		
CPF Grant	15,000	15,000
ALG Grant	28,000	29,579
Organisation and development	3,160	4,900
Legal Services Commission re: Legal work	53,419	38,980
Employment and training Project	20,985	7,740
Education Project	10,825	2,565
Childrens' Project	9,145	8,885
Age Concern Project	6,920	8,625
Comic Relief	10,000	-
Building Project	10,000	-
	<u>167,454</u>	<u>116,274</u>

The grant recieved from Association of London Government has been used for general advisory and legal services. Similarly grants recieved from CPF and Legal Services Commission were also used for salaries for case workers and administration costs of the Association. Where grants were provided for a specific purpose the Association has used them solely for those purposes.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

3. NET INCOMING RESOURCES	2005	2004
	£	£
The net incoming resources is stated after charging:		
Depreciation	1,765	1,756
Operating lease rentals:		
Land and buildings	9,736	13,566
	<u> </u>	<u> </u>
 4. INTEREST RECEIVABLE	 2005	 2004
	£	£
Bank and other interest receivable	822	256
	<u> </u>	<u> </u>
	822	256
	<u> </u>	<u> </u>
 5. INTEREST PAYABLE	 2005	 2004
	£	£
On bank loans and overdrafts	5,266	942
	<u> </u>	<u> </u>
	5,266	942
	<u> </u>	<u> </u>
 6. DIRECTORS AND EMPLOYEES	 2005	 2004
	£	£
Staff costs:		
Wages and salaries	63,989	41,392
Social security costs	4,948	2,636
	<u> </u>	<u> </u>
	68,937	44,028
	<u> </u>	<u> </u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

7. TANGIBLE ASSETS

	Land & buildings £	Fixtures & fittings £	Total £
<u>Cost</u>			
At 1st January 2005	98,327	34,819	133,146
Additions	20,219	1,825	22,044
At 31st December 2005	<u>118,546</u>	<u>36,644</u>	<u>155,190</u>
<u>Depreciation</u>			
At 1st January 2005	-	24,865	24,865
Charge for	-	1,765	1,765
At 31st December 2005	<u>-</u>	<u>26,630</u>	<u>26,630</u>
Net book value at 31st December 2005	<u>118,546</u>	<u>10,014</u>	<u>128,560</u>
Net book value at 31st December 2004	<u>98,327</u>	<u>9,954</u>	<u>108,281</u>
		2005	2004
		£	£
Analysis of net book value of land and buildings:			
Freehold		<u>118,546</u>	<u>98,327</u>

8. DEBTORS

	2005	2004
	£	£
Other debtors	806	1,561
Prepayments and accrued grant income	<u>5,522</u>	<u>7,412</u>
	<u>6,328</u>	<u>8,973</u>

9. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	2005	2004
	£	£
Bank loans and overdrafts	7,168	8,361
Taxes and social security costs	884	5,764
Other creditors	1,471	1,000
Accruals and grants recieved in advance	<u>7,504</u>	<u>19,737</u>
	<u>17,027</u>	<u>34,862</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

10. CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR	2005	2004
	£	£
Loans	56,189	67,260
	<u>56,189</u>	<u>67,260</u>
11. BORROWINGS	2005	2004
	£	£
The company's borrowings are repayable as follows:		
In one year, or less or on demand	7,168	8,361
Between one and two years	15,784	15,784
Between two and five years	23,675	23,675
In five years or more	16,730	27,801
	<u>63,357</u>	<u>75,621</u>
12. PROFIT AND LOSS ACCOUNT	2005	2004
	£	£
Retained profits at 1st January 2005		
as restated	21,520	2,111
Profit for the financial	43,024	29,410
Transfer to Designated funds	(50,000)	(10,000)
Retained profits at 31st December 2005	<u>14,544</u>	<u>21,521</u>

Designated Funds represent the surplus income that the Association generated from it's internal fund raising events and other income generated through its own ability. It also incorporates the surplus of restricted funds which, have been allocated towards the purchase and improvement of the Association's land and building.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2005

13. REVENUE COMMITMENTS

The amounts payable in the next year in respect of operating leases are shown below, analysed according to the expiry date of the leases.

	Land and buildings		Other	
	2005	2004	2005	2004
	£	£	£	£
Expiry date:				
Within one year	7,280	7,272	-	-
Between one and five years	29,088	29,088	-	-
	<u>29,088</u>	<u>29,088</u>	<u>-</u>	<u>-</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

MANAGEMENT INFORMATION

FOR THE YEAR ENDED 31ST DECEMBER 2005

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 31ST DECEMBER 2005

	2005		2004	
	£	£	£	£
<u>Income</u>				
<u>Restricted Funds</u>				
Grant received (Sch)		167,454		116,274
<u>Less: Expenditure</u>				
Childrens' project	8,876		8,022	
Education project	3,119		2,665	
Age Concern project	5,107		4,875	
Salaries and wages (incl N.I)	68,937		44,028	
Volunteers and sessional workers	4,444		2,004	
Staff recruitment and training	5,822		2,251	
Rent, rates and insurance (See note)	10,607		14,224	
Light and heat	2,005		1,710	
Telephone and fax	2,696		3,246	
Printing, postage and stationery	2,906		2,962	
Office maintenance	1,632		4,674	
Organisation & Development	3,578		4,223	
Accountancy	1,875		1,780	
Security costs	338		338	
Travelling	2,649		2,726	
Bank charges	488		606	
	<u> </u>	<u>125,079</u>	<u> </u>	<u>100,334</u>
 Net surplus		 <u><u>42,375</u></u>		 <u><u>15,940</u></u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 31ST DECEMBER 2005

<u>Unrestricted Funds</u>	<u>2005</u>	<u>2004</u>
	<u>£</u>	<u>£</u>
<u>Income</u>		
Membership fees received	963	879
Rent receivable	6,067	7,967
Donations and other income	3,085	9,910
	<hr/>	<hr/>
	10,115	18,756
<u>Less: Expenditure</u>		
Cultural activities	1,383	547
Asylum seekers expense	-	1,156
Meeting expenses	-	231
Sundry expenses	286	484
Membership and subscriptions	1,588	425
Depreciation	1,765	1,756
	<hr/>	<hr/>
	5,022	4,599
	<hr/>	<hr/>
Net Surplus	5,093	14,157
	<hr/>	<hr/>
Gross Incoming Resources before Interest and other income	47,468	30,097
	<hr/>	<hr/>
 OTHER INCOME AND EXPENSES		
Interest receivable:		
Bank deposit interest	822	256
	<hr/>	<hr/>
	822	256
Interest payable:		
Bank interest	5,266	942
	<hr/>	<hr/>
	(5,266)	(942)
	<hr/>	<hr/>
NET INCOMING RESOURCES	<u>43,024</u>	<u>29,410</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT

FOR THE YEAR ENDED 31ST DECEMBER 2005

Schedule - Grants received

	<u>2005</u>	<u>2004</u>
	<u>£</u>	<u>£</u>
CPF Grant	15,000	15,000
ALG Grant	28,000	29,579
Organisation and Development Grant	3,160	4,900
Legal Services Commission re: Legal work	53,419	38,980
Employment and training project	20,985	7,740
Education Project	10,825	2,565
Childrens' Project	9,145	8,885
Age Concern Project	6,920	8,625
Comic Relief	10,000	-
Building Project	10,000	-
	<u>167,454</u>	<u>116,274</u>

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Legal Service



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- ☆ **Bharatha Natiyam Smt R. Somasundaram**
- ☆ **Violin: Kalaimamani M Nandini**
- ☆ **Karnatic Vocal: Smt Suganthi Srinesa**

Further Details please contact: 020 - 8478 0577 during the Office hours.

Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) இ.இ

PROJECT PROGRESS REPORT 2005

Introduction

Our records show that during this year we had 6,475 visits from our users. An average of twenty-six people per day received advice and support in the field of immigration, welfare benefits, housing and other community related issues. These figures show the quality in the organization's service delivery, which has appropriately met our community needs.

The Legal Services Commission (LSC) has recognized our efforts in the year 2004 and has awarded our organization with a Specialist Quality Mark in immigration as a result. We have been awarded a Civil Legal Aid Contract to provide immigration related services to our users who are qualifying under the *means and sufficient benefit merits* test. However, we are still serving those who failed either of these tests with the support of the Association of London Governments (ALG) funding and Comic Relief Funding. Apart from this, our organization was granted The Home Office Challenge Fund since September 2004, in order to provide one year to deliver employment initiative projects. In addition to this, we found support from the part of different donors, who provided us with a number of small funding to carry out specific projects. Lloyds and TSB Foundation helped us to run day centre for elders; BBC Children In Need funded a summer holiday project for school-age children, and KPMG Foundation awarded us a grant to run education and fine arts projects for younger persons in the community. Moreover, we were able to start our building extension work with the support of The Percy Bilton Charity and Tudor Trust. All these developments reflect that the organization is strengthening to achieve its goals.

TWAN has successfully completed twenty years of service to the Tamil Community in Great Britain, and its mission is still relevant to the present. This has been reflected through the findings and recommendations given in our Review Organization Strategic Business Plan. In this new business plan we have identified potential resources

for the future and revised the organization's management structure in order to improve the Service Delivery Plan. TWAN has been very active in providing help to our users with immigration related issues. Due to the gradual cease-fire agreement in Sri Lanka, the number of Tamil people arriving in the UK as asylum seekers has fallen considerably compared to previous years. Now, we are being able to concentrate on other immigration issues such as citizenship, European Law, variation of leave and UK visas-entry clearance. Our records show that 2,098 visits made during this year concerned asylum-seeking matters; however, most of these visits were from asylum seekers already living in the UK under temporary admission. On the other hand, an average of 1,558 was related to other immigration issues mentioned above. Aside from this, we attended other cases. An average of 1,442 visits were related to benefits matters, other 454 to employment, 424 to education, 669 to housing and 2,187 to other matters.

Despite these improvements, the Office of Immigration Services Commissioners (OISC) imposed limitations to our casework level reducing it to level 2, which has caused some discomfort among our users. This means that we are now unable to represent the immigration matters at the Immigration Courts and when our clients' casework reaches the Immigration Court hearing, we have to refer them to other firms of legal representations. In our opinion, this is unnecessary, since we are capable and well equipped to provide specialist service under level 3 on immigration matters. However at the end of year 2005 we have been given permission to carry out level 3, casework that will hugely benefit our clients.

Another setback in this year was the ending of the City Parochial Foundation funding in November 2005, which we have received for the last three years. This funding enabled us to provide initial information and advice to our users. Unfortunately, we will not be able to renew this funding or find an alternative source of income to continue this service. In addition to this, our Employment

Initiative Project Funding came to an end in September 2005. Its renewal application was unsuccessful and we have been unable to find alternative donors to continue this project in the future.

Our main goals at present are extending our office premises at the rear and complete it by April 2006. Once this first stage is completed, we aim to connect the second floor to the ground floor. The improvement of our premises will give additional space that will enable us to increase the number of services to our clients and conduct other services, which are relevant to our community. These changes will benefit our organization since this will help us to improve the quality of our services and attract more donors. Even though we have lost some funding during this year, we intend to consolidate the achievements gained until now by ensuring the source of income and attracting new donors, in order to enhance our organization and services.

Initial Advice and Information Service

The drop in service is available from Monday to Wednesday from 9.00 to 3.00 pm and all other days from 9.00 to 1.00 pm. Clients telephone or attend our office without prior appointment and they could obtain assistance from one of our advisers to solve their problems or get further assistance. The adviser deals with most of the user's queries and if necessary, the case is referred internally to a caseworker and a file is opened to follow up and deal with it in detail. Some other cases are referred to other service provider; however, when this happens we still offer support and monitor our clients until the matter is completely solved. Around twenty-five clients come to our office per day to obtain services and we answer around thirty calls per day during the telephone advice session on Tuesdays and Thursdays between 2.00 to 4.00 pm. We also provide an outreach advice service to the detention centres, hospitals, and other official places, but this service is limited according to our staffing level on particular days.

In our experience, access to quality legal representation is not available for our community. The number of private practitioners (solicitors) is limited, due to the reduction in the public funding and other requirements set by the Legal Service Commission. These measures have created a

vacuum in the Legal Service Section within our community, since many practitioners are switching to commercial or other related areas of work. Other restrictions imposed by the OISC and LSC to the community sector advice service providers make it hard for the ethnic minority communities to obtain quality advice. Donors and statutory bodies have identified this problem; however, the efforts made are still far from meeting all the needs of one community.

Apart from the services already mentioned, we cover a wide range of demands from our community. During this year we received a total average of 2,187 visits. Among these 699 were related to family matters, 128 related to criminal advice, 116 to consume and debts advice and 1,244 related to other matters such as translation and interpretation as well as health care.

Recent measures taken by the Government to reduce Legal Aid funding have proven to be inconvenient for the effectiveness of service delivery on immigration issues. Our users have fewer choices to obtain services, since many advisers try to take advantage and profit from the situation at the expenses of the users. Now more than ever community support is needed, however, this will not be easy to accomplish without adequate resources and planning.

Changes in the Asylum and Immigration Law

The new structure of the immigration appeal system came into force on April 4th 2005. Two tiers of the previous appeal system are now being replaced by a single appeal system in the Asylum and Immigration Tribunal (AIT). This new system limits the previous appeal rights and centralizes the procedures giving total authority to the Tribunal President to allocate the different cases to the judges. As well as this, the President controls the number of cases that each judge can undertake and has the right to redistribute them according to the circumstances. Another important change is the introduction of stricter timetables and deadlines to conclude the proceedings for each case. This means that the appeal will be heard within two months time comparing to the past when some cases could take several months or even years. The appeals can also be submitted directly to the AIT without forwarding them to the Home Office, which will simplify the process.

The Notice of Appeal forms have changed assigning the AIT-1 form for appeals made within the UK and the AIT-2 form for appeals made overseas. In the event of late appeal, an application for extension of time limit will be submitted with the appeal, specifying the reasons for the delay with supporting evidence. The AIT will have the right to decide whether the appeal has been with in the time limit and in some cases they will require a hearing to clarify the preliminary issue of the late appeal. In regard to the structure of the appeal system, even though it seems completely different, in practical terms is more or less the same with stricter timetables. The new system allows calling for a Case Management Review in order to identify the key issues and the direction in which both parties (appellant and respondent) will be served. In the event of absence without explanation, the appeal may be dissolved and the representatives should be in a good position to approach the Case Management Review, otherwise it would be too late to change and lead the case effectively.

Once the Case Management Review has been conducted effectively, the hearing before the AIT will proceed. There may be some variations in the appeal with the permission of the AIT. If the permission is granted by the AIT the appellant can then given an opportunity to change grounds of appeal before the hearing. The AIT may determine an appeal without hearing with the consent of all parties. Similarly, the appeal can be determined in cases when the appellant is underrepresented, when it is impracticable to issue a notice of hearing and when the party fails to comply with directions set out by the AIT. The parties also have the chance to make written representations when there is a hearing before determination.

There should be sufficient reasons to convince the AIT to seek adjournment, otherwise the request may be refused and the AIT will make a determination on the appeal. If the adjournment request is accepted, it may be postponed up to 28 days in normal circumstances. In-country asylum appeals, special procedures and time limits would be applicable. It is most likely that the hearing will be fixed within 28 days after the AIT receives notice of appeal. In the case of late appeals, the 28 days will count from the day when the notice has been received. This time limit may not be applicable if the respondent fails to lodge the bundle on time.

After the determination of the appeal, the AIT will send it to the respondent within 10 days of the hearing. In cases where there is no hearing, the AIT will send to the respondent the determination within 10 working days after the hearing was determined on papers. When the respondent receives the determination of the appellant, he or she has to respond within 28 days and notify the AIT that it has been done. The AIT will accept oral, documentary or other evidence in case of need. The tribunal cannot compel a witness to give evidence unless he or she would be compellable in a civil trial. However, the AIT has the power to summon witnesses. In the case the evidence written is in an other language, certified translations to English must be provided.

If fewer than three judges dismiss the appeal, the appellant may apply to the High Court under the section 103, (immigration and nationality, asylum Act 2002) in order to request the High Court to intervene in this matter, and ask the AIT to review its decision. This is on the grounds that the AIT had made an error of law in the first instance. However, the High Court is will not order for reconsideration of ancillary procedural on preliminary decisions. The appellant seeking for the reconsideration order should lodge the appeal within five working days after the AIT decision; if the appellant is overseas the time limit will be 28 working days. The High Court may also accept an application for reconsideration order out of time; if the appellant can justify that it is not reasonably practicable to make it within that period. The application for the reconsideration will be determined on the written submission available at the Court.

In cases where the section 103A is not applicable and the appeal has already been permitted for reconsideration, the application for review or reconsideration under section 103A will not be considered initially by the High Court, but by a designator member of AIT. When the appellant applies to the High Court and/or the AIT for reconsideration after the reconsideration hearing, the appellant must complete an application to ask for his costs to be paid out by the Community Legal Service Fund. If after the reconsideration hearing the parties are not satisfied with the decision, they can take this matter to the Court of Appeal on a point of Law with permission of the AIT. If this permission is refused by the AIT, it might be pos-

sible to take this matter to the Court of Appeal under section 103C, 103B or 103E. The AIT will also be responsible for Bail jurisdiction. In the past the Immigration Appellant Authority and the Immigration Appeal Tribunal were responsible for dealing with this. If none of these remedies are possible, the appellant can go for a juridical review on limited circumstances to the High Court under the 2004 Act (asylum and immigration treatment of claimants)

The Procedural Changes in 2005

This procedural change came into force on 4th April 2005. In this new version some of the rules of interpretations have been modified. Now, the word 'appellant' refers only to the person who has appealed against an immigration decision, and the 'respondent' will always refer to the person whose decision is under appeal.

New appeal forms came into force; these are AIT-1 for in-country appeals, AIT-2 for ECO case and AIT-3 for non-suspensive appeals, and AIT-4 applications to the Tribunal for leave to appeal to the Court of Appeal, and B1 for bail applications. These new appeal forms require more information to lodge the appeal. This may be a difficult task to fulfil given the new requirements on time limits. However, the department of Constitutional Affairs indicated that the appellant would not be penalised and his request would still be considered valid in the case that such detailed information was not dealt with at the moment of lodging the notice of appeal. If the notice of appeal was not accepted for any reason, the AIT must notify it to the parties as soon as possible. When the notice of appeal of a person facing removal in five days is running out of time, a Senior Immigration Judge will be available to deal with this urgent matter according to the circumstances.

For asylum cases, the AIT will hear the appeal within 28 days after receiving the notice of appeal. However, rule 23 has been modified to allow the Tribunal to postpone the hearing date if the Home Office does not file the 'appeal bundle' in time for the CMR hearing. With these changes, the AIT will send its determination to the respondent who will have 28 days to serve it to the appellant. If an asylum seeker receives a negative determination he/she will be detained immediately, in order to be removed. As well as this, the Home

Office has started to use 'tagging', 'tracking' and voice recognition with the aim to keep in touch with asylum claimants.

Another change in the procedure terms concerns to what was previously called 'pre-hearing review', now called 'case management review hearing'. The new rules also formalise the practice where all notices served on the appellate authorities have to be in English. In case of presenting documents in foreign language, these must be accompanied by a certified English translation.

For the cases which decision has been served before the 4th April 2005, the old procedure will continue to apply. However in the cases where a leave to appeal to the Tribunal has already been granted, this will be reconsidered under the new norms, depending on the grounds of appeal or limitations that the Vice-President of the AIT will specify when giving permission to appeal.

In the past it was simpler: if any of the parties was not happy with the adjudicated decision, they could seek for a leave to appeal to the AIT. The leave would be granted if there were arguable points. If the case was refused and the parties were still not happy, they could go for a judicial review or statutory review. Due to the speeding up of the asylum appeal process, this effective appeal system was abolished and replaced by the new appeal system. However, the new system became complex and unable to solve some of the matters, such as a material error of law. This new system is not going to solve the timing of overall appeal proceedings either, except in cases where the repeated remittals are no longer possible, unless the matter goes to the Court of Appeal. Now there can be only one review and reconsideration.

Immigration Asylum and Nationality Bill 2006

The government is now in process to make further changes in the immigration appeal system through *Immigration, Asylum and Nationality Bill 2005*. At present, the government has not explained the full significance and the effect of the change. The proposal seems to be complex and has to be understood with reference to other immigration legislation. Furthermore, most of the appeal rights are going to be abolished, particularly in entry clearance cases.

These changes will also affect people with leave to remain in the UK. The present law allows people to appeal against a refusal of extension while they are in the UK. Now, these changes will prevent people to appeal within the UK, however, applicants appealing from abroad have fewer chances of winning their appeals, since they will be unable to attend the hearing and provide evidence. The proposed withdrawal of appeal rights could undermine the overall immigration appeal system and many entitlements of the applicants in many ways.

Importance of In-country Variation of Appeals

Under this proposed changes the person who are living in the UK could lose their appeal rights. Without these rights, they would be considered as illegal in the UK. However, there might be various reasons for being under these circumstances, such as the applicant's lack of understanding of the immigration requirements or simple error caused by the Home Office during this process. As a result of this, the applicant may become illegal and face removal without appeal rights. Due to this practice, other family members, or the particular individual's future could be seriously affected.

Case study 1

Mr. P.K.R arrived in this country to serve as a Minister of Religion, he was granted leave to enter for one year in March 2004. At the beginning of March 2005 he approached us to extend his visa for further leave to remain in the UK as a Minister of Religion. We made the application in time and it was considered under the paragraph 322 of the immigration law. However, his variation of leave to remain was refused by the Home Office by stating that "the applicant failed to produce documents (passport), which the Secretary of the State requested within a reasonable time". As representative we informed the Home Office in several occasions that our client witnessed a serious crime scene in compelling circumstances. The police accused our client as well and he had to face a trial at the Crown Court. Due to this charges the police withheld his passport, which was later submitted to the Home Office through the Crown Court. We enclosed the documentary evidence on this matter and asked the Home Office

to extend the time limit to make the decision on this application, until the Crown Court hearing concluded. However, the Home Office refused to accept our explanation of evidence and they simply refused our client's variation of leave. Our client was given appeal right and he was able to appeal against the decision. The Immigration Judge allowed this appeal in October 2005 since the Home Office finally recognized that the appellant failed to provide his passport on time due to the compelling circumstances and the appellant pleaded not guilty to the charges.

Case study 2

Miss V. K. arrived in the UK in March 2001 with entry clearance visa as a student for one year. This visa was renewed for further 3 years until March 2005. At the beginning of this month she submitted through us her variation of leave application with the required documents. In May 2005, her variation of leave was refused by the Home Office stating that "*your application has been refused ... you have failed your ACCA examinations on three occasions and the Secretary of State is not satisfied that you can show evidence of satisfactory progress in your course of study*". Our client exercised her right of appeal. Accordingly, we lodged the appeal on the grounds that the Secretary of the State made an error of law and facts at the moment of making the determination. We proved that our client had serious reasons to justify her delay in the progress of her studies, which were not considered as relevant for the Secretary of State. Besides, the appellant had proved to have successfully completed her previous short courses, which allowed her to go for further studies. Now she could renew her visa to obtain the professional qualification that would help her to engage as an employee in her country of origin. Her appeal hearing was heard on July 05 and the Immigration Judge allowed her case.

Case study 3

Mrs. S.V. is a German Citizen who arrived in the UK in January 2005. In August 2005 she visited us to apply for a UK residency permit exercising her rights as EEU national. She also wanted to apply for her brother's residency permit as her dependant. We sent the application and supportive evidence to the European Casework Unit. However, the Home Office replied one month latter request-

ing us to provide more documents in support of her application. We sent this information to the applicant but due to a postal delivery delay she could not get this information on time and failed to produce the documents required. On December 2005, the Home Office refused his application. However, we are in the process of lodging the appeal for the reconsideration of our client's application. This case demonstrates the importance of keeping the appeal rights, which enable our clients' applications to be reconsidered in situations where the circumstances are beyond their will.

Application refused for not being completed properly/improper documents were enclosed or when the requested documents are not provided within the time limits

The Home Office continuously refuses applications for variation of leave for minor reasons. Among these we can mention relevant documents provided few days later than the requested time limit, relevant information or documentation not sent to the Home Office's appropriate section or applications not completed properly. In our experience, not all the migrants make such applications or deal with British legal matters through legal representative or adequate legal advice. The lack of access to legal representation and eligibility for public funding constitutes other reason why the migrants are forced to deal with their immigration matters inappropriately. Some of these minor mistakes could be overlooked or corrected by the Home Office in a flexible and helpful manner. However, in practice the Home Office approach is not encouraging in solving people's immigration matters without the Immigration Court Interference.

Case Study 4

Mr. R.C. approached us to help him obtaining a residence permit in the UK, as a worker in this country he is an EEA national and included four of his dependants in his application. As he qualified under Reg 5 (1) of EEA Reg 2005, we made the application to the Home Office in December 2004. March 2005 the Home Office requested the submission of further documentation to confirm the case, such as children's birth certificates, payment slips and bank statements. We informed our client of this matter and requested him to attend the office with the requested documents. Instead

of visiting our office, our client responded to the Home Office's request on his own and sent further documents to the inappropriate section. Days later, the Home Office refused his application for residence permit stating that "*the Secretary of State is not satisfied that you are a qualified person as set out in regulation 5(1)*". Given this, our organization lodged the appeal on the grounds that the appellant had sent the documentation required and the Secretary of State had not considered it when they refused the permit. We also stated that our client is a qualified person working and exercising his rights in the UK as EEA national. Therefore, as a full Member State citizen, his rights also extended to the rest of his dependent family members to a residency permit. As a result of this, the Home Office was in breaching of art. 8 and 14 of the European Convention for Human Rights (ECHR) since refusing the residence permit meant discrimination and damage of their private life. The appeal was considered and allowed in July 2005 by the Immigration Judge. They were finally granted right of residence in the United Kingdom in August 2005.

Case study 5

Mr. T.P. arrived in the UK in 2000 and claimed asylum. This first application was not successful. He made further representation to the Home Office under Humanitarian Protection, because of his past persecution and ongoing political unrest in Sri Lanka. While this application was under consideration he was allowed to stay under temporary admission. In January 2005, his uncle Mr. S.M., a German national, applied to the Home Office to obtain residency permit in the UK, under the European Regulations when exercising treaty rights. In his application, he wanted to include his nephew T.P. as his dependent, who had been in the UK without immigration status, and provided all the documentation required. One month later, Mr. S.M. was granted the residency permit, however, the Home Office refused to accept Mr. T.P. application stating that "*you have not produced the documents that show that you and Mr. S.M. are related (...) you have failed to produce a valid identity document to show that you are a citizen of Sri Lanka*". After this, we lodged the appeal under the grounds that the Secretary of State made an error of law given that our client had provided the documents requested. Now the Immigration Judge will hear the case.

Entry clearance decisions and appeals- different common law procedure

If this proposed Immigration Asylum and Nationality Bill were implemented without amendments, most of the entry clearance applicants would be severely affected. The proposal hugely denies the appeal rights. Nevertheless, the records show that the Immigration Judges reverse most of the entry clearance appeal decisions. In South Asian countries around 27% of entry visa applications are refused and a high number (74%) appeal against this decision. The Immigration Court allows only 10% of these appeals, while the UK visas cases are reconsidered in 74% of the appeals. The statistics' information reveals the need of keeping the appeal system; otherwise the applications made initially are not going to succeed. As a result of this, in the long run people would be reluctant to make entry clearance applications because they do not trust the system. This development puts at risk the government's migration program strategy for skilled migrant workers to fulfil the UK employment needs. The high requirements set by the government to fulfil the profile of a skilled migrant will impede people already working, or potential workers in the UK to stay in this country or bring their families. This would have high social effects in the future of the migrant community, with exception of the EEA nationals.

Case study 6

Mr. A. B. as a UK student, studying and working in the UK wanted to bring his wife as spouse from Sri Lanka. He sent the necessary paper works and his wife submitted the application in October 2004, which was refused. The argument provided was that they had not proved that they would be able to maintain themselves adequately without recourse to public funds. According to the Entry Clearance Officer the bank statements provided had not enough funds, the appellant did not speak English, as well as he considered that the couple had no reasons not to stay in Sri Lanka. The applicant's husband was not happy with the decision and approached us to appeal against it. We lodged the appeal in November 2004 under the grounds that the appellant's husband had an employment and earned enough money to support his partner in the UK and provided the necessary accommodation. As well as this, the appellant's lack of English knowledge was not relevant, since

she was coming as a dependant of her husband and she would gradually increase her language knowledge. Furthermore, the Entry Clearance Officer failed to give reasons for not believing in the authenticity of the marriage despite the documentary evidence made available to them. The appeal was heard and allowed in October 2005 by the Immigration Judge.

Case study 7

Mr S.A. arrived as a student in the UK in 2001. He married in Sri Lanka in 2005 and wanted to bring his wife after he completed his studies. The appellant made the application to enter the UK as a student's dependant for five months. This application was refused by the Entry Clearance Officer with the argument that they had not provided evidence that they would be able "to maintain and accommodate without recourse to employment or public funds". As well as this, the Officer did not consider appropriate for a serious student to have an arranged marriage in the middle of his studies. Finally, he considered that the proof of financial situation was not credible. We lodged the appeal on the grounds that the appellant met the criteria to enter the country as spouse of a prospective student. As well as this, the Entry Clearance Officer provided irrelevant arguments about the conditions of their marriage and about the couple's maintenance and accommodation requirements. Finally, the Home Office rejection of the applicant's right to join her husband for at least a short period of time was against the European Convention of Human Rights. At the end, the Immigration Judge heard and allowed this appeal in November 2005.

Case Study 8

Mr. R.S. successfully obtained refugee status in the UK in 2002. In 2003 he went to India and got married to bring his wife to the UK. Our client made an application to bring his wife as spouse in 2004. However, the Home Office refused this application in October 2004 stating that "*I am not satisfied that there will be adequate accommodation for you and your husband and any dependants (...) that you will be able to maintain yourselves without recourse to public fund*". We lodged the appeal under the grounds that the denial had been an error of law, since our client had submitted the appropriate documentation proving to have enough

income to support his wife and provide her and dependants with decent accommodation. Under these circumstances, the Home Office was breaching the Art. 8 of the ECHR. This appeal was heard and allowed in October 2005.

Immigration and Nationality Directorate (IND) inefficiency.

When the labour government took power few years ago, they promised to reorganize the IND department in a fast form and fair manner to deal with their duties. However, the evidence shows that their improvements were not significant. Particularly, they are disorganized, not cooperative and keep losing the records or clients' files. When a newly asylum seeker attends an appointment in the Asylum Screening Unit at Croydon, they have to be at the queue before nine o'clock. The access to the ASU is very slow. After two to three hours waiting in the queue, the applicant has to wait for further three hours before being seen by an officer. After this, the applicant's fingerprints and initial details are taken and he/she is asked to wait for further four or five hours. At the end, the client would be interviewed at around seven o'clock in the evening. Sometimes the applicant may be asked to come back the next day in the morning or may be transferred to Oakington Reception Centre. In our opinion, all these waiting times could be shortened to up to six hours, instead, the applicant is sometimes kept waiting for more than twelve hours before the asylum claim is taken.

Case study 9

Miss R.A. arrived in the UK to claim asylum in 2005. Due to her mental illness she was under treatment at the North East London Mental Health NHS Trust. When she recovered, she was referred to us by the social worker. When we assessed her case we found out that she had arrived in this country a few months ago to claim asylum, however, the unfortunate circumstances prevented her to claim asylum immediately after her arrival. After that, we decided to take her to the Asylum Screening Unit, in order to make an Asylum and Human Rights claim. One of our advocate workers took her to the Home Office in December 2005. Both of them queued from around eight o'clock in the morning in front of ASU and were not al-

lowed inside the building until ten o'clock. After waiting for three hours, her fingerprints and personal details were taken by one of the officials in the Home Office. Then, they were asked to wait until five o'clock in the evening. Her screening interview took place and was completed around six thirty, they were asked to wait again. Finally, around eight thirty she was given some papers, the Home Office requested her to come back the following day before eleven am. The next day she arrived at nine o'clock and she went through the same procedures, spending the same waiting time. In the evening around six o'clock, she was allowed to return for some documents. Our caseworker negotiated with the Home Office and explained her mental health problems. Due to this special circumstance, the officers decided not to take her to Oakington Reception Centre and gave her a temporary admission until a decision on her asylum application was considered.

Case study 10

Mr. C.P. arrived in this country in 2005 to claim asylum. He visited the Asylum Screening Unit (ASU) with our caseworker. They joined the queue at seven o'clock in the morning and were allowed inside the building around ten thirty, fingerprints were taken and he was given an ASU card. However, he was asked to come back the following day. The following day his screening interview was taken, our client was advised about the procedures on his asylum claim and was appointed a third interview three days later. After this third interview, our client was taken to the Oakington centre while a decision about his case to be considered. He was given an appointment for a fourth interview a week later, after which our client's asylum claim was refused and certified as "clearly unfounded" without in-country appeal rights. However, we challenged this decision because our client's case was very much in line with the *Razgar (HL)* case law. The Home Office agreed to review the decision and to remove the certification imposed in our client's refusal letter. The Home Office, however, failed to reverse the decision or keep us informed on this matter since August 2005. We wrote to them twice about this matter but they failed to respond, meanwhile our client was kept waiting for temporary admission. Apart from Asylum Screening Unit mismanagement, there are other areas in which the Home Office lacks efficiency and provides poor decision-

making processes. A considerable number of our clients face unnecessary delays and because of the Home Office's errors, they are prevented from their entitlements.

Case study 11

Ms. N. C., a German citizen, claimed a residency permit exercising her rights as EEU national. She submitted her application and wanted to include her nephew as her dependant. The Home Office granted her a residency permit but denied her nephew's application saying that "you have failed to produce a valid identity document and the Secretary of State is not satisfied that you are related to an EEA national". However we lodged an appeal on the grounds that we had submitted reasonable documentation to prove that our client's nephew was her dependant, therefore, the Home Office decision was an error of law. We addressed these issues to the Home Office and now our representation is under consideration.

Case study 12

Mr. M.R and Mrs. S.R. made a citizenship application for their two children under 18. We started the procedures and sent the children's registration applications with the necessary documents to the Home Office. Three months later the Home Office granted citizenship for one of the applicants, while the other was refused. The Home Office replied saying that a person applying for a citizenship in this conditions "is expected to be in the UK on the actual date 5 years before making the application". In other words, they took Miss B.R. application under the requirements set for an adult. However, at the moment when we submitted the application Miss B.R. was a minor and entitled to become a UK citizen with minimum requirements. During the Home Office's delay the applicant became 18 years old and they rejected her child registration application treating her as an adult. This means that now Miss B.R. has to make a new citizenship application and satisfy the Home Office with more requirements. Due to this mistake her parents lost two hundred pounds. In natural justice, this application should be considered as minor because it was submitted when the applicant fulfilled the requirements.

Case study 13

Mr. S.K. arrived in the UK in 1995. In 1999, he was granted Exceptional Leave to Remain until 2003. One year later he obtained an Indefinite Leave to Remain. In 2005 he visited us to make an application for citizenship. We assisted, advised him and submitted the application on his behalf in May 2005. Two months later the Home Office requested the submission of his passport and birth certificate to complete his application. We informed our client to submit these relevant documents but he did not receive our letter and the Home Office refused his naturalisation application. Once again, we informed our client about this refusal. On this occasion, the client received our letter and he attended the appointment in our office. We made the representation within two weeks after the decision with the requested documents and asked the Home Office to review their decision. However, they failed to comply with our request by stating that the applicant should submit a new naturalisation application.

Case study 14

Mrs. B.S.K arrived in the UK in 2000, and was granted an asylum status in 2002. In 2005 she visited us to request her citizenship. We assisted her with the application process and sent the documents on her behalf. In her application form, she stated that her husband was deceased and her referees confirmed this information. Two months later, the Home Office sent us a letter requesting original documents providing information about her deceased husband and his death certificate. Nevertheless, this kind of documents is hardly available for people under asylum status, since their relations with the country of origin had been normally interrupted. However, the Home Office seems very keen to insist on getting them. Fortunately, our client was able to provide this documents which were forwarded to the Home Office on time. Now her application is under consideration. However, this is not always possible and Home Office should be flexible on these issues.

Our experience shows that the Home Office continuously loses clients' vital documents in their possession, such as passports, land registry documents, or other personal documents. In some occasions, this becomes an impediment for some of

our claiming asylum seekers for their voluntary return program. If a common failed asylum seeker returns to Sri Lanka, he/she must bring their identity document, such as passport or national identity card from their native country; otherwise they would be kept at the airport by the police in Colombo for further investigation. In these occasions, the asylum seekers are put at risk of facing persecution by the security forces.

Case study 15

Mrs. S. M. arrived in this country in 2000 and claimed asylum in May of the same year. We advised her and submitted her documents on this matter. During this period, she married a British citizen and she informed the Home Office about this. Two months later her asylum application was refused. We lodged the appeal for her asylum application for her case to be reconsidered. However, she submitted another application to extend her stay in the UK as a spouse of a British citizen in November 2000, before the Home Office decided her asylum claim. The Home Office showed little cooperation in her case and kept our client and us for almost two years without information about the progress made on her case. We wrote several times to the Home Office to request information about any decision, but they never replied. We referred to the local MP looking for support. The MP informed us that in June 2004 her asylum appeal was being processed and that the marriage application had been put to one side until the asylum appeal was processed. In September 2004, her asylum application was decided without success. And she waited until January 2005 to receive response on her marriage application. However, the Home Office did not reply and our client decided to return to Sri Lanka and apply for a spouse entry clearance from there. She requested the Home Office to have her passport back in order to travel to Sri Lanka. However, the Home Office failed again to respond to her request on time. Finally, without any other choice, she decided to apply for an emergency passport at the embassy of Sri Lanka in the UK, in order to travel to Sri Lanka. We have not heard any news about our client since then. However, we believe that travelling with an emergency passport might be inconvenient and cause problems to our clients at their arrival at the airport. This example shows the little Co-Operation and the lack of interest in matters like this from the part of the Home Office.

Case Study 16

Mrs. D.P. arrived in this country on December 2004 and claimed asylum at the age of 65 through other solicitors. She was interviewed in January 2005 and the former solicitors referred the case to us in April. Her claim for asylum was refused and certified in June 2005 by the secretary of state without in-country appeal rights. We raised her Human Rights issues and the Home Office's policy on people over 65. We asked the Home Office to grant a discretionary Leave to Remain outside the immigration rules. The Home Office refused this request and asserted report at the Becket House on a monthly basis and allowed her to stay in the UK until her removal proceedings materialized. She waited for three months and decided to return to Sri Lanka voluntarily in September 2005. She requested the Home Office to return her passport and identity documents to make arrangements for a voluntary return. However the Home Office did not respond. Finally, she obtained the emergency passport with the help of the International Organization for Migration (IOM) and returned to Sri Lanka at the end of September. At the age of 65, she was very reluctant to return to Sri Lanka without her identity documents for fear of being interrogated at Colombo airport on her arrival. The IOM raised this issue to the Home Office, but they were unable to comment anything or return her documents before the day of her departure.

Advisory work

When our organization started in 1986 began providing its services as a self-help group for Tamil refugees and it later developed as an advisory agency for the Tamil Community. The organization has successfully delivered these services over the years and has positively resulted in the growing and strengthening of our organization. Until now, the main service delivery covers general information and advice.

There are other reasons why the Tamil community relay on our services. Research findings indicate the general lack of access to quality advice for the migrant communities; therefore we try to fill this gap within ours. During the last three years, this project has been mainly funded by the city Parochial Foundation and has been considerably supplemented by the Association of London

Governments and the Comic Relief founders. However, the organization is in need to find alternative funding to provide continuous quality of information for our advisory project. Approximately, thirty persons visit our office per day. The advisory officers are always engaged with the people on a one-to-one basis to find out the reason for their visit. After this, they refer the client internally to the appropriate caseworker to deal with his/her case or signpost them to another appropriate service provider in the area.

As an accredited service provider, our office advisory and legal casework delivery is structured according to the requirements set by the Legal Service Commission and the Office of the Immigration Service Commissioners. Accredited workers integrate most of our staff. They provide advice work according to their permitted level. These services are provided mostly by dropping-in sessions, where the clients visiting our office will be catered on their immigration common benefits such as housing, debt and money advice as well as other areas such as consumer and education matters. Telephone advice is also available on Tuesdays and Thursdays between 2-4 pm, approximately three advisors are engaged during their time and around twenty-five calls per day are being recorded for this service. Emergency advice is also given between 2-3 pm on weekdays. We also provide out of reach advice work in limited circumstances, particularly in cases where the clients have been detained or are at the hospital. The lack of advice service locally available and our organization's legal status have been a reason why a vast number of non-Tamil speaking people have recently approached us for help. However, we are primarily focused on serving the members of the Tamil-speaking community and we are also restricted to provide services to the members of other communities. Due to our organization's lack of resources, most of these people are signposted to other appropriate service providers.

Advice on Immigration matters

Immigration advice has been the most demanded service by our clients during this year. According to our records, we have mainly been giving advice on naturalisation and European residency related issues. However, many Tamil failed asylum seekers are still living in the UK under tem-

porary admission. These people, whose lives have been left in a limbo, continuously need our support on their routine proceedings, such as reporting condition, renewal of their temporary admission or change of address. The closure of solicitor firms that in the past used to serve the Tamil speaking community as well as the lack of public funding for this kind of work, have been crucial for the increase in the number of Tamil speaking asylum seekers, who have recently approached us to help them solving their difficulties. As a community organization we cannot turn them away but, on the other hand, we are unable to deal with all the callers. At times, this creates some discomfort for our clients and staff. Moreover, some inaccurate information published at times through the Tamil media contributes to create anxiety among the members of our community. This results in the fact that many calls from our users to our office are with the purpose of finding out more information on those issues, which usually consumes our staff's valuable time in an unwanted manner.

November of 2005, two changes were introduced in the naturalisation process, affecting a number of Tamil people who are entitled to apply for their citizenship for the number of years that they have been living in the UK. In February 2005, the command on English language became essential to succeed in naturalisation applications in the UK and, in November, the introduction of tests of knowledge of life in the UK became essential to success of such applications. This meant the sudden increase of visits to our office between September and November, from people who were entitled to apply for their citizenship and wanted to avoid being affected by those changes in their application process.

The second series of issues that have also kept us busy catering for our clients' demands are those related to EU residency. Many of the Tamil community members are dispersed in European countries due to the twenty years of civil war situation in Sri Lanka. However, many of their family members have been living in the UK as failed asylum seekers. Under European Law, provided opportunity, these people are entitled to settle their immigration status in the UK as a dependent of their European family members. As well as this, in the case of *Zhu and Chen*, the European Court of Justice also entitles the parents of a new born in the

UK to obtain residency, which means that failed asylum seekers whose children were born in the UK are entitled to obtain residency under this case law. These developments in the EU Law accommodated our work on this area during this year.

Benefits advice

As a community advisory agency, the number of visits related to benefits entitlements issues for people living in this country is considerably high in our day-to-day work. Serving to a migrant community makes giving advice on this area even more complicated, since our clients are subjects of immigration control for the access and purposes of the benefits. Asylum seekers usually approach us enquiring whether they are entitled to the support provided by the National Asylum Support Service. We mostly deal with applications on welfare benefits and queries about matters such as job seekers allowances, pension credits and family credits. As many occasions, it is evident that the officials make the wrong decisions by mistake and deny our users' entitlements. This result in us getting involved to solve our clients' benefit related issues or lodging appeals to get justice on their behalf. This becomes further complicated when our users make the benefits applications by themselves, with very little knowledge about the requirements or lack of English language command. This usually causes errors, which are complex to deal with.

A second type of benefits related work is involved with the National Asylum Support Service (NASS). This work has become an increasingly frustrating task because of the regular changes in NASS policies over the asylum seekers' support entitlements. Moreover, the NASS sections' inability to deal directly and swiftly with the queries, as well as the unnecessary mistakes that they make over the payment of asylum seekers' support are the main causes of concern on this area. Many of our clients' supports have been suspended without previous notification. Some people find this out at the post office counter, when they try to claim their weekly payment and they cannot obtain them. On these occasions, they are given only a post office counter receipt with a code number, instead of their payment. These people have approached us with this receipt and asked us to help them to reinstate their entitlements. In these circumstances, we need to communicate with NASS

to find out the reasons for the suspension or the code number's interpretation on the refusal of their payments. Sometimes it happens as a fault or error with the paying card, which looks like a credit card. In some occasions, NASS stop their benefits based on their records suggesting that they have changed their asylum seeker immigration status; therefore, they are no longer entitled for NASS support. However, in practice, it could be someone's in the Asylum Section data misquotation to the NASS. In other cases, the official decision might have been already taken but it had not been provided to the asylum seeker for few months, which means that, without the actual decision document, the asylum seeker cannot do anything by law. In these circumstances, the asylum seekers have the right to claim their entitlements until they had been served with the official decision taken by the Home Office.

Case Study 17

Mr R.T arrived in this country at the age of 75, as a dependent under the sponsorship arrangement in the year 2001. A few months later the sponsor passed away while his health condition deteriorated and made him unfit to return to his native country. He made an extension of visa application one year later as a dependent of his daughter who is in the UK, but the Home Office refused this application and his appeal also failed in July 2002. In 2004 he made further representation through TWAN due to his ill health and asked the Home Office to reconsider his application on compassionate grounds, that application was also refused. In April 2005 one of his sons migrated from Holland to the UK, under the Freedom of Movement Treaty rights and he made the presidency permit application for his family including Mr R.T. as a dependent. In July 2005 he was granted five years of stay in the UK, which permitted him to receive social security benefit for his living costs. We approached the Pension Credit Section to obtain his welfare benefit support however; they refused to release the Pension Credit application form because he was without a national insurance number to enable him to claim the benefit. When we approached the Welfare Pension Department to obtain a national insurance number they refused to give an appointment for him to submit an application. After three months of struggle we managed to explain and convince the Pension Service to release the appli-

cation form and subsequently he was given an appointment. Six weeks later he received a national insurance number and at the end of 2005 he started to receive his state benefit through a pension.

Housing and Accommodation Advice

The number of referrals from officials such as hospitals, park attendants and police has increased during this year in terms of accommodation or night shelter for our community. This clearly reflects that some of the government's policies have further excluded the members of disadvantaged communities. Social exclusion, poverty and starvation are common attributes of these people. On some occasions, people suffering from mental illness or alcohol addiction fall into this category, particularly, when they are questioned by the police under suspicious circumstances, due to their inability to provide proof of fix status, the police cannot release them with fixed status on bail. As well as this, sometimes the park attendants notice a person sleeping in the park. In cases where the person has not a place to sleep at night, the park attendants call our office to help these unfortunate people to find a shelter. The government benefits system and immigration law facilitate the breach of these people's basic human rights. NASS failure to deal with asylum seekers' NASS application or failed asylum seekers' application, are some of the main causes why these people have to sleep in rough circumstances without the needed support that should be provided by law in this country.

Another category of people, who is likely to become homeless, includes those who live in this country with a limited visa, but have lost their status document or passport to prove their entitlement to obtain welfare benefits. Consequently, these people become a burden for public services such as the NHS or the police. The number of callers requesting for help to find a shelter has been a challenging task for us during this year, since the local authorities do not want to engage in any homeless persons' project by refusing to give permission to run a homeless shelter in the eastern areas. Apart from this other service providers like Night Shelter or Salvation Army are unable to cope with the demand or do not want to provide services for people without a permanent status in this country. All these circumstances cause great

problems to the migrant community that have to deal with the burden of not being able to take up all these homeless people's problems on their hand, in order to provide them with essential support.

As a community organization we are expected by the public to solve their much-needed problems but we have our own limitations to deal with them, unless the local authorities or government come forward to work with us as partners in such matters. However, we have successfully prevented a number of people becoming homeless by providing them with advice and appropriate alternative actions. We have also been successful at providing practical support to homeless people by offering them emergency food, paying their travel expenses, and allowing them to use our toilet facilities. We have established some links with members of our community living in the surrounding areas of London, who help us to support these people by providing them with spare room's accommodation and food. Moreover, we help people entitled to obtain NASS support or welfare benefits to find accommodation locally, as well as negotiate with the landlords in order to make the necessary arrangements with their payments on accommodation or food through the benefit system. We are also working closely with the Housing Association and Hostels to assist our clients with a vacant room or house whenever it is possible, in order to reduce the level of homeless people in our community. On average one person per week approaches our office as a homeless person trying to find shelter. Often they are failed asylum seekers who have voluntarily returned applications that are in progress. In the meantime they are unable to find accommodation and so seek to rely on our support. The NASS Section 4 provision is meant to support these kinds of people however, we have found that the NASS are continuously failing to support them. For example one of our clients received the NASS Section 4 eight months after he submitted his application. It was stated that his application was in progress and they were waiting for a medical report to make a decision on whether he would receive the NASS support. Furthermore it is difficult to contact them over the phone.

When try to negotiate with the Section 4 team at the NASS they are continuously reluctant to respond to our queries and show little interest in

providing support for these applicants. Section 4 was implemented by the Government with the intention to supply the much needed support to failed asylum seekers as swiftly as possible, but in practice this is not happening.

The other kind of accommodation advice is related to finding rooms, houses or flats for the people who pay their rent through housing benefits. However they are lacking information in this area and there are many barriers to secure accommodation in the private sector. Previously most of the private landlords were prepared to accept tenants who were on benefits but the situation has now changed. Due to the local authorities' housing benefits system, landlords are reluctant to offer accommodation to the people who are on benefits. There are a number of reasons behind this decision:

- a) The benefits offered by the council are of a very low level. Landlords can inflate the rent with privately paying tenants with the knowledge that they have the means to pay.
- b) The local authority's bureaucratic approach means that benefit applications are a painfully slow process.
- c) The housing benefit system is often badly managed, holding risks for landlords. Often an error will occur that leads to the council overpaying allowing the tenant more than they are entitled to. This error may not be reprimanded until a few years later when the tenant has moved on leading to the council demanding money from the landlord.
- d) The council often gives tenants on benefit wrong advice. The council encourages the tenants to use their rights and to fight against the landlords, instigating a bad relationship when alternative method of dispute solving, could develop a working relationship.

Landlords are asking high advance for deposit money often because they are unable to get a reference for this prospective tenant, as they are new in the country. Our presence facilitates to solve this problem by introducing the tenants to landlords and also when they are in dispute we are prepared to negotiate with both parties and able to solve the problem amicably without the courts interference. This kind of approach encourages landlords to rent out accommodation through us and also tenant's rights are protected as we pro-

vide impartial, meaningful and sound advice to the tenant. In turn this prevents homelessness. Most particularly when a tenant's rental benefits are in trouble we will take the appropriate action tirelessly with the council so that a crisis can be averted. When their properties need attention or emergency repairs we tactfully take a proactive role, negotiating with landlords and ensuring that those building works are carried out according to the necessity. Where necessary our casework's section will take up the appropriate cases to challenge the landlord/council to establish the tenant's rights. These claims are mostly against the local authorities for unpaid housing benefits, which resulted in the tenants developing a large rental arrears often ensuing in them facing eviction from the local authority or private landlord. In some cases we refer the housing matters to a publicly funded firm of solicitors to challenge the cases in court against the relevant landlords.

Case Study 18

Mr V.V.R arrived in the UK and claimed asylum in 1999. His asylum claim was refused and his appeal rights were exhausted in October 2003 however, he was given a temporary admission with permission to work, since he is working and supporting himself. In July 2005 he was found to suffer from a heart condition and was admitted to the hospital for a few weeks, during this time he lost his job and his accommodation. When the hospital discharged him in November 2005 he had no place to go or anyone who could provide him with free accommodation. The Mayday Healthcare Hospital approached TWAN for assistance and to provide this person with accommodation. He visited our office on the second week of November and we provided him with food and two days accommodation locally. We found out that he wanted to return to Sri Lanka due to his health condition, the Sri Lankan security forces would no longer trouble him. He therefore requested us to assist him in applying to return. We made his application for the International Organisation for Migration (IOM) and also submitted the Section 4 NASS application on the same day by fax and posted with his medical report. We haven't heard from the Section 4 NASS team even though we wrote a letter on the 5th December 2005 to which they failed to respond or acknowledge receiving our application. In the meantime the Home Office refused to accept his volun-

tary return application on the grounds that he was not fit enough to travel to Sri Lanka. Therefore, we registered him with a GP and hospital to assess his health and to confirm his fitness to travel by air, subsequently the Home Office approved his voluntary return application and he returned to Sri Lanka on the second week of January 2006. We never heard about his Section 4 NASS application and it was fortunate that we were able to find a family who run a business in Hampshire who were prepared to provide food and shelter for the last two months of his stay in the UK.

Case Study 19

Mr V.R arrived in the country and claimed asylum in February 1998, his asylum claim was refused and his appeal rights were exhausted in February 2001. However, he was granted permission to stay in this country on temporary admission and was given permission to work in the UK as he had employment and was self-sufficient. In 2004 his firm of solicitors closed down their business and subsequently he developed a mental illness, due to which he lost his job and accommodation and started to sleep on the streets. At the end of the year 2004 he was caught by the police for theft as he was stealing food from a shop, Horseferry Magistrates Court prosecuted him. While he is facing prosecution his duty solicitor approached us for our help to find an address as to enable them to release him from police custody on bail. With our support he was released and looked after by us. We registered him with a GP and provided him with immediate food and shelter and medical care. The court later discharged his conviction for theft based on his mental health illness report. During this time we wrote a letter to the asylum project in Newham Local Authority for food and accommodation support. As he claimed asylum in 1998 he was not be eligible for NASS support. However, the local authority would not provide the much-needed support, after our continuous attempts without success we decided to place him in the night shelter at the Redbridge. Now, more than one year on, he is depending on the night shelter accommodation while the local authority continuously fails to provide him with help.

Consumer and Money Advice

The number of clients seeking advice and assistance in solving their consumer related issues con-

cerning debt and money advice have increased over the last 3 years. A lack of understanding about the system and the contract held between the consumer and the manufacturer of the product is creating this problem. Moreover, a lack of adequate advice and the giving of intentionally misleading information to the consumer are further factors that bring dispute in this area. Challenges against these decisions are not always easy but we try to negotiate with the relevant authorities on behalf of our clients to solve these disputes, If this is not successful we will take the matter to the Ombudsmen or to the court.

Case Study 20

Mr A.M arrived in this country with a work permit visa in June 2003 which expired in June 2004. Before his visa expired he submitted his passport to an immigration consultant, as advised by his employer, with a fee and other supportive documents. After a few months he had not heard from the immigration consultant and when he approached him the immigration consultant failed to give a convincing explanation. Our client then registered a copy of the letters and of the application, which was submitted to the Home Office. The immigration consultant refused to return the documents, when he started insisting, they threatened they would not help him any more. They demanded our client to pay a further £1000 for their service, which resulted in this dispute and the tension between the parties. In May 2005 Mr A.M approached us (TAWN) and we tried to negotiate with the immigration consultant when we were told the person dealing with that matter was not available. We waited for a month but we received no response to our constant phoning or letter requests. In the circumstances we lodged a formal complaint to the Office of the Immigration Commissioner to investigate in this matter and we also lodged a small claim application to the County Court for compensation of around £4000. In September we received the response from OISC stating that they are unable to investigate in this matter because the incident was committed before May 2004 therefore 'this was outside our remit at the time.' However, the County Court listed for the hearing in November 2005 and then postponed it till December. One of our employees (a solicitor) represented Mr A.M at the hearing. The court fully accepted our client's claim, awarding the full cost of the compensation to be paid by the other party.

Case Study 21

Mrs P.J visited South India in the summer of 2005 on returning to the UK in August 2005 she was stopped from boarding her return journey by British Airways staff. Mrs P.J had a valid visa to travel to the UK but was nonetheless targeted by British Airways and asked to bring a letter of confirmation from the British High Commission in Chennai to confirm her immigration status. On receiving the letter the British High Commission stated that an 'administrative error' had occurred but that Mrs P.J did have indefinite leave to enter the UK. Our client suffered discomfort and unreasonable expense being forced to spend eight days in a hotel creating a detriment of £200. Furthermore, she had to book another flight costing £350 and had taxi charges of £75. Our client came to us wishing to seek compensation from British Airways of £625 for the financial damage that was caused by this mistake. British Airways held that their staff interpreted the visa correctly and had reasonable ground for offloading our client from her flight. As the fault lay with the immigration office they did not accept liability and were not able to consider her claim.

Money and debt advice

As previously stated advice on money and especially debt has become a key area in relation to our communities needs for a number of reasons. As a migrant community we will be settling in the UK within the next 20-50 years, during this settlement process members of the community engage in many different activities involving finance. As the system and approach to money in the UK is fundamentally different, it is a very unfamiliar territory for the new community. This facilitates the taking risks on this matter in the hope of transforming their lives in the UK. When they become the losers of this game they face huge debts on their name and even bankruptcy, which leads to the break down of families while some people commit crimes due to the debt stress. Therefore it is vital as a community, to provide support and find a route to rescue them from their debt. Part of our influence is that we are advising our community not to take another high interest loan to add to your debt, instead of that we are prepared to negotiate with the debtors to reorganise their debt payments into longstanding repayment plans. If a member of the community finds

himself/herself in financial problems they gain a poor credit rating that stunts them from gaining legitimate or low interest loans, prevents credit cards and gaining a mortgage. New migrants to the UK can find it hard to set up bank accounts, loans and credit or debit cards. It is unlikely that they can give a fixed address due to the constant moving that comes with being found rented accommodation. In other cases people move where work is needed and so determining a lack of a fixed address. A further problem along these lines is that it is often hard for new members of the community to establish their identity and documents that certain organisations require. This can lead to less use of more legitimate money lending. The main problem is caused by a lack of understanding of the workings of the money circuit in the UK. Dangers in money security such as the freedom of the Internet or people exploiting this lack of awareness through high rate loans get rich quick schemes and other methods of obtaining financial details and can lead to cases of fraud. When fraud occurs it can cause a substantial loss for the members of our community not fully understanding what or how it has happened. We take swift action by providing information or taking actions that can be taken to freeze their assets and inform the local police as to what has occurred.

Case Study 22

Ms S.R.S's visa card was used from the 10th of March to 24th of April 2005 without her knowledge. On the 25th of April Ms S.R.S checked her balance and became aware of considerable purchases that she had not made herself. Around £1,400 of fraudulent charges had been made to her visa card. She came to us (TWN) to get information on how to handle this incident. We therefore informed Hatton National Bank in Sri Lanka of the fraud that had occurred in Britain and they cancelled the debt that was not raised by Ms S.R.S from her visa card bill.

Case Study 23

Mrs C.N was faced with a telephone bill from NTL for £1,138 on the 25th of January 2005 following this was a series of final demands along with threatened action, such as debt recovery, if payment did not occur. Mrs C.N. **contests** the phone bill, stating she did not use the telephone within

Tamil Welfare Association (New Ham) UK

Presents

'Viyaya' Tamil New Year

Cultural Night

Programme:

● **Veena:** Students of TWAN Fine Arts Academy

Presented by Smt. S. Sritharan

Lavitha Vishnuthevan, Keshika Vishnuthevan, Kavitha Sivakumar, Vinoja Karunanithi, Aruthy Arumugam, Jenitha Jeyapiragash, Nerthika Paramsothy, Keerthana Vigneswarathasan, Sowmyan Kesavan, Harini Kesavan.

● **Thaala Vaadhyam:** Students of TWAN Fine Arts Academy

Presented by Sri. A. N. Somaskanda Sarma

Hajanth Pasgarathasan, Thiluxan Lingeswarathasan, Rasmith Sivanathan, Risanth Sivanathan, Lojan Sivachelvam, Harshan Ramachandra, Kiszhanth Parameswaran, Nivejan Santhakumaran, Darran Thiruchelvam, Hariharan Sivaji, Piratheesh Vigneswarathasan, Kirusaanth Sabapathy, Sairekha Ragavan, Harris Nageswaran, Kirishanth Kiritharagopalan, Sayanthan Gunanathan, Niresw Srinasa, Raveethan Gunaratnarajah, Mayutharan Mathuralingam, Kapiltharan Mathuralingam, Sowmyan Kesavan, Tharmaseelan Vishnuthevan, Rathavan Gunaratnarajah, Ratheshan Sivanantharajah.

● **Bharathanatyam:** Students of TWAN Fine Arts Academy

Presented by Smt R. Somasundram

Jathavi Thirukumaran, Kavitha Karthibanathan, Sushmita Jayapal, Sruthi Senthurchelvan, Abhirami Vimalaswaran, Arthiga Vimalaswaran, Lavitha Vishnuthevan, Kavitha Sivakumar, Kavitha Somasundram, Sri Sabrina Gunanathan, Niveetha Mathanachandran, Sangavi Sivarajah, Swarathmiha Janarthanan, Pranavi Ramachandra, Keerthana Vigneswarathasan, Chuphangini Chandrakanthan.

● **Violin:** Students of TWAN Fine Arts Academy

Presented by Kalaimamani M. Nandini

Swarathmiha Janarthanan, Arthi

● **Vocal:** Students of TWAN Fine Arts Academy

Presented by Smt S Srinasa

Niveetha Mathanachandran, Lavitha Vishnuthevan, Kavitha Sivakumar, Dhinesh Srinasa, Kavitha Somasundram, Sri Sabrina Gunanathan, Jude Nithilan Arokianathar, Jude Norman Arokianathar, Doreena Arokianathar, Keerthana Vigneswarathasan, Thenuja Balarajan, Rakshayni Ragavan, Natashai Ragavan, Logini Sivaselvam, Ainjitha Aingaralingam, Adshara Vimalanathan, Joanne Pooley, Geerthana Sundaram, Garthika Sundaram, Shobna Pakia Maran, Kalaivani Parameswaran, Sinthuja Ragupathy, Kannan Karthibanathan, Kavitha Karthibanathan, Pranavi Ramachandra, Dharshini Kaneshalingam, Sruthi Senthurchelvan, Mayura Uthayakumaran, Arththi Uthayakumaran, Gowsica Pushpanathan, Siva Pirapaharan, Thishaan Sabeshan, Bhraman Sabeshan, Sivahami Balakumaran, Abiramy Gnanavadiel, Apinaya Gnanavadiel, Rajeevi Raguthas, Pameela Panchalingam, Karthiga Kiritharagopalan, Padhushani Ganeshan.

● **Therai Isai Nadanam:** *Performed by Play Scheme Students.*

Kokila Elangovan, Sumitra Sundaram, Vineeta Sathiamoorthy, Tharani Vilvendrarajah, Garuni Vilvendrarajah, Nivetha Kandasamy, Yanipriya Krishnamoorthy

● **Violin:** *Performed by Kalaimamani M. Nandini*

● **Folk Theatre** *Performed by Mr. Sam Pratheeban*

● **Bangara Dance:** *Perform by "Storm Promotion Entertainment"*

மலர்ந்துள்ள 'வியய' தமிழ்ப் புதுவருடத்தை முன்னிட்டு
தமிழர் நுலன்புரீ சங்கம் (நியூஹாம்) ஐ. ரா.

வழங்கும்

பல்கலை இரவு

நிகழ்ச்சிகள்:

● வீணை இசை TWAN நுண்கலைக்கூட மாணவர்கள்
தொகுத்து வழங்குபவர் ஸ்ரீமதி சே.ஸ்ரீதரன்

லவிதா விஷ்ணுதேவன், கேஷிகா விஷ்ணுதேவன், கவிதா சிவக்குமார், வினோஜா கருணாநிதி, ஆருதி ஆறுமுகம், ஜெனித்தா ஜெயபிரகாஷ், நேந்திகா பரம்சோதி, ஸௌம்யன் கேசவன், ஹரிணி கேசவன், கீர்த்தனா விக்னேஸ்வரதாசன்.

● தாளவாத்திய இசை TWAN நுண்கலைக்கூட மாணவர்கள்
தொகுத்து வழங்குபவர் ஸ்ரீ அ. ந. சோமால்கந்த சர்மா

ஹஜாந்த் பாஸ்கரதாசன், திலக்ஷன் லிங்கேஸ்வரதாசன், றஸ்மித் சிவநாதன், றிஷாந்த் சிவநாதன், லோஜன் சிவசெல்வம், ஹர்ஷன் ராமச்சந்திரா, கிஷாந் பரமேஸ்வரன், நிவேஜன் சாந்தகுமார், தரன் திருச்செல்வம், ஹரிகரன் சிவாஜி, பிரதீஷ் விக்னேஸ்வரதாசன், கிருஷ்ணத் சபாபதி, சாய்ரேகா ராகவன், ஹரீஸ் நாகேஸ்வரன், கிரிஷாந் கிரிதரகோபாலன், சயந்தன் குணநாதன், நிரேஷ் ஸ்ரீனேசா, ரவீதன் குணரட்ணராஜா, மயூதரன் மதுரலிங்கம், கபில்தரன் மதுரலிங்கம், ஸௌம்யன் கேசவன், தர்மசீலன் விஷ்ணுதேவன், ராதவன் குணரட்ணராஜா, ரதீஷன் சிவானந்தராஜா.

● பரதநாட்டியம் TWAN நுண்கலைக்கூட மாணவர்கள்

தொகுத்து வழங்குபவர் ஸ்ரீமதி இ. சோமசுந்தரம்

ஜாதவி திருக்குமாரன், கவிதா கார்த்திபநாதன், சுஷ்மிதா ஜெயபால், ஸ்ருதி செந்தூர்செல்வன், அபிராமி விமலேஸ்வரன், ஆர்த்திகா விமலேஸ்வரன், லவிதா விஷ்ணுதேவன், கவிதா சிவகுமார், கவிதா சோமசுந்தரம், ஸ்ரீசுப்ரினா குணநாதன், நிவேதா மதனச்சந்திரன், சங்கவி சிவராஜா, ஸ்வராத்திகா ஜனார்த்தனன், பிரணவி ராமச்சந்திரா, கீர்த்தனா விக்னேஸ்வரதாசன், சுபாங்கினி சந்திரகாந்தன்.

● வயலின் இசை TWAN நுண்கலைக்கூட மாணவர்கள்

தொகுத்து வழங்குபவர் கலைமாமணி ம. நந்தினி

ஸ்வராத்திகா ஜனார்த்தனன், ஆர்த்தி

● கர்நாடக சங்கீதம்: TWAN நுண்கலைக்கூட மாணவர்கள்.

தொகுத்து வழங்குபவர் ஸ்ரீமதி சு. ஸ்ரீனேசா

நிவேதா மதனசந்திரன், லவிதா விஷ்ணுதேவன், கவிதா சிவகுமார், டிவேஷ் ஸ்ரீனேசா, கவிதா சோமசுந்தரம், ஸ்ரீசுப்ரினா குணநாதன், ஜுட் நித்திலன் ஆரோக்கியநாதர், ஜுட் நோமன் ஆரோக்கியநாதர், டொரினா ஆரோக்கியநாதர், கீர்த்தனா விக்னேஸ்வரதாசன், தேனுஜா பாலராஜன், றக்ஷாயினி ராகவன், நட்பாஷா ராகவன், லோஜினி சிவசெல்வம், அஞ்ஜிதா ஐங்கரலிங்கம், அட்ஷா விமலநாதன், ஜோஆன் பூலே, கீர்த்தனா சுந்தரம், கார்த்திகா சுந்தரம், ஜொப்னா பாக்யமாறன், கலைவாணி பரமேஸ்வரன், சிந்துஜா இரகுபதி, கண்ணன் காத்திபநாதன், கவிதா கார்த்திபநாதன், பிரணவி ராமச்சந்திரா, தர்ஷினி கணேஷலிங்கம், ஸ்ருதி செந்தூர்செல்வன், மயூரா உதயகுமாரன், ஆர்த்தி உதயகுமாரன், கௌஷிகா புஷ்பநாதன், சிவா பிரபாகரன், திஷான் சபேசன், பிரமன் சபேசன், சிவகாமி பாலகுமாரன், அபிராமி ஞானவடிவேல், அபிநயா ஞானவடிவேல், ராஜிவி இரகுதாஸ், பமிலா பஞ்சலிங்கம், கார்த்திகா கிரிதரகோபாலன், பதுஷாணி கணேஷன்.

● திரையிசை நடனம்: "TWAN'S" விடுமுறை செயல் திட்ட சிறுவர்கள்

வழங்குபவர்கள்: கோக்லா இளங்கோவன், சுமீத்ரா சுந்தரம், வனித்தா சத்தியமூர்த்தி, தாரணி வில்வேந்திரராஜா, காருண் வில்வேந்திரராஜா, நிவேதா கந்தசாமி, ஜானுப்பிரியா

● வயலின் இசை:

வழங்குபவர் கலைமாமணி ம. நந்தினி

● நாட்டுக் கூத்து:

வழங்குபவர் - திரு. சாம் பிரதீபன்

● பஞ்சாபிய கிராமிய நடனம்:

தொகுத்து வழங்குபவர் - 'ஸ்ரோம் பிறமோஷன்' என்றாரைமன்

the period of the 20th - 30th of November 2004, which is when specified calls to Tuvalu created the bill in question. Mrs C.N. contacted NTL by phone but received no response. TWAN on behalf of Mrs C.N sent three letters to NTL requesting that they look into the matter. NTL did not respond to our concern and continued to send final notices and threats of action, which accumulated to a debt collector's notice from the FTC Legal Department and the involvement of the solicitors Keppe and Partners on behalf of NTL informing our client of court proceedings. Due to the lack of response regarding our concerns, we issued a formal complaint to Otelo (Office of the Telecommunications Ombudsman) on behalf of our client. Eventually we received notification from NTL on the 17th and then the 28th of May 2005 that the call charges were correct and caused by Premium Rate Rouge Diallers who had been connected to our client's computer modem. NTL holds it is not responsible for the calls as Mrs C.N. agreed to their terms and conditions to pay for calls regardless of what ISP is used for connection. The conclusion of the complaint to Otelo states that the responsibility lied with Mrs C.N. to protect any equipment from rouge callers not the service provider and that the only error was the lack of a call back in the new year following a telephone conversation with the client, in which they suggest a £10 gesture of goodwill from NTL. A further request was made to Otelo to reconsider the case with our client considering the inadequacy of NTL's advice on rouge callers, which was rejected by Otelo. Mrs C.N was by now a mental health service user. The client has refused to accept the decision of Otelo; this leaves us with no other alternative than to refer the matter on to a solicitor to make a claim to a County Court.

Case Study 24

Mrs S.Y sought help from TWAN following notification by Newham Council that an overpayment of housing benefit had occurred in 2000. The council therefore wished to claim £575 from our client in June 2005 and started proceedings in July for debt recovery. The council stated it sent an invoice and two reminders in 2000 to our client's last known address in 2000; however Mrs S.Y no longer lived at this address and did not receive this notification. Due to the length of time that has passed she is now out of time for an appeal to the Housing Benefit Section and the council were

unwilling to stop recovery action. Our client upholds that her rent was fully paid by the housing benefit section and she was entitled to it on receipt of her social security benefit, therefore any debt seen to exist by the council was in error. In September, following communications with TWAN, the council revised their decision on appeal deciding not to seek recovery of the overpayment of Housing Benefit.

Mental Health Counselling

This is one of the most essential services for our users in terms of our user records, reflecting that no other places in London provide Tamil mental health counselling. Most of our Tamil seeking clients are relying on our service alone and, even without the appropriate funding support, we still manage to consistently provide a quality mental health counselling service and this is only through the support of qualified volunteer counsellors. However, we are unable to cater to all of the callers needs, therefore, after the assessment we give help according to the priority and severity of their needs. As an advisory charity it becomes harder and harder to find funding for our services, this is another area that needs urgent assistance by funding bodies. The counselling service is conducted at our office premises once a week, around four to five people will call on this day benefit from this counselling. As a victim of torture, war or homelessness many Tamil people rely on this service. Furthermore, family disputes, alcohol abuse and lack of opportunities also contribute to members of the communities' likeliness to develop a mental illness. Culture and traditions can prevent the most vulnerable people from seeking help from counsellors; this put some of them in serious risk of self-harm and other conditions such as post-traumatic stress disorder and depression, which are the most common mental illnesses for those who are receiving our counselling support.

Case Study 25

Mr V.P. was an asylum seeker and claimed asylum in 1998, he was interviewed a few months later and the Home Office has considered his claim. During his stay in the UK he developed a mental illness for which he started to receive treatment from the East London and the City Mental Health Service. He was arrested by the police on suspicion due to his behaviour; they later learned

of his mental illness and this was also confirmed by the immigration services. Then police wanted to release him safely but he had no fixed address or close relatives to take care of him. The police approached us to support this person and we started to provide him with the necessary support and counselling and by securing accommodation locally. Later we started to communicate with his doctor and we took his file from his previous solicitors to make the representation to immigration concerning his human rights. From his medical reports the client had been diagnosed with a schizoaffective disorder and Post-Traumatic Stress disorder, for which he was on medication. Every month a blood test is required due to this medication and its potential side effects. The client has previously attempted suicide and has stated that he would kill himself if he were to be returned to Sri Lanka. His consultant psychiatrist specifically states that return to Sri Lanka would 'exacerbate' his disorders and appropriate treatment would not be available. Currently we are continuously reporting to the Home Office of Mr V.P.'s condition, outlining the law on human rights and asylum. He is currently pending investigation and therefore his immigration status is not settled adding to his instability and distress.

Case Study 26

Miss S.S was regularly attending our counselling services due to her mental health illness. She is a failed asylum seeker but is unfit to return to Sri Lanka according to the medical report submitted by the Medical Foundation and South London and Maudsley NHS Trust. This report states that she is suffering from depression and post-traumatic stress disorder; there is also a strong risk of compulsive overdosing. It was considered by the report that 'without support and treatment her mental health would decline and symptoms would worsen.' This in turn would lead to an increased risk of a suicide attempt. Miss S.S is on a course of anti-depressants, treatments and support that she would be unable to obtain in Sri Lanka. The current legal instability is also upheld in the report to be worsening her symptoms. She made further representation to the Home Office on her human rights and is waiting for their decision while receiving our counselling support. The NHS Trust due to the severity of her mental illness gave her accommodation.

Family Disputes and Mediation

Any migrant community has to adapt and settle down when displaced abroad. However, this is by no means easy and they face a number of difficulties during the process of transforming their lives in the civic life. They are faced to overcome cultural, social and emotional barriers in order to adapt and succeed in this society. This process is creating confusion and discomfort among family units. In their native countries their family lives were looked after and guided by the elder members of their own community. Currently, they are left alone in a new and strange country without proper family or social support. They have to pick up the pieces and start to build their life wherever they ended up during their displacement.

After a few years members of the migrant community begin to form a family or a new social life. However, trappings of the new culture can lead to the development of unwanted habits such as alcohol, drugs or violence, which seriously damages their role in family life if they have become a husband, father, wife or mother. The children are also left in huge confusion as to what extent they wanted to keep their cultural tradition or to adapt to their current surrounding and new culture. All of this confusions and troubles of displacement are creating problems between the parents and their children. The generation gap has expanded between older and younger members of the family unit; this lack of understanding in turn has led to increased strain and tension in their relationship. In some instances children are manipulating the law of the land and taking matters into their own hands. For example some children have threatened their parents that if they do not do certain things they will make false claims and report their parents to the social services to be taken away. The parents are helpless on this matter and in some locations are facing unwanted allegations and court proceedings against them simply because the child is choosing to misuse the system. On the other hand, if the parents are not taking appropriate action for their children's behaviour or anti-social problems they can also face criticism from their neighbours, schools, the council and society in general. In some cases youths have started to get involved with violence and end up in a gang culture. As a community organisation we are not equipped with the resources and ex-

pert knowledge required to handle this matter, but we have to deal with elements of it to some extent, because there are no other alternatives available. We have to fill this black hole as well as we are able so as to guide our community and prevent a social disaster. Having identified this area we are seeking some financial help and development but it may take some time to secure the resources necessary to provide the full length of services that the community requires.

The relationship between the husband and wife also needs some care and support from our association. Traditionally their parents and grandparents in their native countries provided this sort of guidance and support during the early stages of their marriage. The stress of upheaval and settling in a new society combined with the loss of the support and authority of the elders of the community has led to an increase in marriage breakdowns. Arguments can lead to violence and the involvement of services and even court proceedings for divorce. TWAN is attempting to fill the void left by the change in the migrant community. Mediation and discussion to resolve disputes can take over the supportive, authoritative and advisory role of the elders. Access to information can be supplied meaning that if a member of the family has a specific problem, such as depression or alcohol abuse, they can access help they did not know was available. The family as a unit can work through these problems together.

Case Study 27

Miss R.T arrived in the UK and claimed asylum in 1993 with single status. A few years later she met another single Tamil asylum seeker and they decided to marry and start a family life. They enjoyed their family life and were blessed with a child who is now around 7 years old. In April 2005 her husband lost his job and subsequently they were unable to pay their mortgage so that their house was about to be repossessed due to unpaid mortgage arrears. This financial burden created mental stress to her husband and he started to behave in a mentally unstable manner. She tried to negotiate with her bank and wished to make payment through her employment wages to keep their family home. One occasion in July her husband behaved in a drastic and abnormal manner. Miss R.T panicked and because she had no one else to call for advice, phoned the police. An al-

lergic reaction suffered by Miss R.T that day, causing a swollen face, along with explainable bruising caused the police to suspect violence. The problem of the language barrier meant that Miss R.T could not explain herself sufficiently. The police made assumptions and took her husband to the police station. He was released in the early morning on bail with the condition that he should not return to his family home. For one hour he stayed in the road then decided to go back to his family home despite the police condition. He stayed in his house until the next morning at 7am when police officers visited the address as a routine visit. They arrested him again due to the breaching of the bail condition and charged him for assault. During this period his mental illness deteriorated and he was transferred to a Mental Health Unit and detained for a few weeks. Subsequently Miss R.T. lost her home as it was reposed, herself and her child were moved to a homeless shelter by the social services to maintain the welfare of the child. The social worker had a routine conversation with the child and most of this conversation was later informed to the police. The social worker put pressure on Miss R.T to press charges against her husband and support the police for a conviction. At this point she approached our organisation and we got a statement from her and her child separately finding out that there is nothing for the police to press charges against her husband. Instead the child and the mother were desperate to be reconciled with the father of the family but the whereabouts of her husband were no longer known. We decided to contact the Essex's police to find out her husband's whereabouts or address. One of our staff wanted to meet him to give him comfort about the condition of his family, but the police refused to give his address and were more keen to press charges against him and when he would be fit enough to face the charges in court. In November he was taken to court to face the assault charges. We tried to explain to the police about Miss R.T's position but they refused to communicate with us on this matter. Finally, the court dismissed the case stating that there was no case to answer. However, despite this outcome she was not able to find out the whereabouts or talk to her husband. We continuously asked the police to let us know the address, when they got back to us they had released her husband and were unaware of his whereabouts. Currently, she can still not trace her husband but together with the social services we are trying to reunite the family.

Case Study 28

Mrs D.P migrated to this country and in the last 10 years has enjoyed a family life with two children. However, her family life was interrupted by her husband's violence. In the beginning of this year, she called the police for support and the police attended the house and arrested her husband for domestic violence and pressed charges against him. The social workers were informed and they advised her to seek separation from her husband but she was unsatisfied with the police and social workers actions and she approached us for help. We got involved and provided help according to her wishes. We informed the police that she wanted the charges against her husband dropped because he had assaulted her due to his addiction to alcohol. Mrs D.P strongly believes her married life can be saved through other alternative arrangements but the police refused to accept this and took the case to court. Later the court dismissed the charges due to lack of evidence. However, she accepted our advice and she brought her husband to our office where he started to attend regular counselling services. Furthermore, both parties then attended our mediation service to solve their differences. In our opinion it seems to have worked as their family life has improved and they are showing considerable enjoyment of their day-to-day living.

Case Study 29

Mrs M.R migrated to the UK; she was married and had been enjoying her family life for 10 years. However, at the end of last year she was not content with the treatment she received by her husband, this included violence that had started to increase when she approached the police. The police were called three times in a month and finally they wanted to charge her husband for assault. Miss M.R disagreed with the police officer and was unwilling to press charges against him; instead she wanted to take a different approach on this matter. At the beginning of this year she approached us and both parties attended our counselling and mediation service to solve their differences but the matter became more complex. Then we referred them to the recognised local mediation services, while we tried to provide alternative accommodation and other welfare support to her and her two children. We also provided a secondary point for the children and the

father to meet so as not to isolate their relationship. Both husband and wife felt negotiation could mean that there was still a chance to save their marriage. However, due to restriction on benefit and welfare, Mrs M.R felt forced to conclude a legal separation so as to gain access to these resources for herself and her children. The barrier of declaring a legal separation restricts the chances of this family to reunite and once again be happy as this process takes time to work. In the mean time, as Miss M.R is unemployed and being not legally separated she would be refused welfare benefits affecting her and her children's survival. They are currently still undergoing mediation under this complex system.

Legal Casework Service

This service has improved significantly within the last three years, due to our organisation's Specialist Quality Mark status and the Immigration Contract Funding by the Legal Service Commission (LSC). However, the LSC Contract Funding does not fund all our legal casework; this is due to a number of barriers that are in place. Our users have to individually meet the means and merits tests, an assessment criterion that is set out by the LSC. Only these people's cases can be taken over by us under the Civil Legal Aid Contract Funding. Moreover, we cannot handle all types of cases under this funding. An example all failed asylum seekers whose appeal rights have been exhausted but is allowed to stay in this country. These kind of people cannot be served under this funding unless they are seeking voluntary return or are in the high thresholds expected by the LSC of a human rights claim making them unable to return to their country. However, this kind of people still need to report admissions, a change of address as well as other changes in circumstance to immigration status until they have been removed from this country or are granted a visa to stay. As a community organisation we cannot close the file and ask the client to go away. We do not have the fund to continue our work like other profit and non-profit organisations that are practicing at present. Fortunately, we are receiving funds from Associates of London Governments and Comic Relief in smaller amounts. This has been very helpful to members of our community, especially those who have not fallen under the LSC's Contract Funding. Another example is an asylum seeker's

claim that was refused by the Home Office and given a right of appeal. To meet the LSC's Contract Funding requirements the success rate of the appeal needs to be no lower than 50% but in reality most of our client's chances of winning his case are only 40%. When a client comes to us with only a 5% of winning his appeal the client does not see this in terms of success rates. The appeal to him is a matter of his life and living in conditions that can maintain his survival without fear of harm and abuse. Therefore, it is hard for us to turn that client away. There is an irony in the giving of a right of appeal that most appellants cannot enforce as no one can represent because they do not meet the funding criteria. It is at this point that other funding supports are playing a crucial role in our client's cases; through these we can give them continuous services.

Under this legal casework service we are predominantly providing services on immigration and asylum matters, which include citizenship, entry visas, furthering extension in the UK and European National's residency permits. With regularly changing immigration laws, continuous Home Office policy updates and procedural changes this has become a hot area for our community to receive continual help. As an organisation formed 20 years ago for the refugees, we hold a high relevance to our community as they rely on us for their legal matters in the field of immigration. We have been given funding from the LSC to conduct 1100 hours of immigration work. Under the Contract Funding this is approximately 91 hours per month but our monthly reports submitted to the LSC suggests that we are performing 16% more than the allocated funding for eligible work under the contract. Also as previously mentioned around 60% of our callers services are made by this contract funding and the ALD and Comic Relief funding will meet the rest. .

Claiming Asylum

Asylum claims within the Tamil community have increased due to a change in the election result in Sri Lanka that has lead to increased violence and human rights abuses. Some of the members of the Tamil community in Sri Lanka seek protection and have brought actions under the Geneva Refugees Convention. The strict border controls and harder immigration laws have made safer countries like European Countries or Canada, harder to reach

for those who are under the refugee convention. This means that asylum seekers are stranded in other countries, which are not signatories and therefore have no need to honour to the UN Refugee Convention. Due to this, people are facing being held under unlawful stay in those countries or spending time in detention or jails for no reason. Therefore it may be sensible for asylum-giving countries to think globally by incorporating other countries to approach this problem according to the Refugee Convention, rather than concentrating on tightening up border controls and preventing refugees from entering their countries. In viewing this as a humanitarian rather than a national problem, a more effective solution can be achieved.

Furthermore, the UK government has the intention to add more countries to the list of visa national countries (countries whose nationals need a visa to enter the UK). If access to the UK is denied, these people from visa national countries may be forced to claim asylum, as this is there only means to prevent immediate deportation from the port. This type of asylum claim is damaging those people who claim for real asylum purposes as it is giving rise in the media to cases of wrongful asylum. Within the last few years this kind of approach has made some people feel that claiming asylum is a crime. The press is misleading the UK wider community and they are unable to understand the importance of the government's obligations under the UN Refugee convention or the European Convention of Human Rights. Also this kind of misunderstanding among the wider community in the UK may create unnecessary tensions, as the public is not being given the full picture. Through the guidance by the media some sections of the community are feeling resentment, which can accumulate and result in an imbalance in the harmony of the wider community.

Asylum seekers are making their claims in two ways: firstly, when they are entering into the country or at the first available opportunity when they enter or secondly, they claim asylum as an in-country applicant after they get into the country without the knowledge of the immigration officers and submit there claim at the Home Office. There is an argument arising from the latter process aired by immigration officers suggesting that genuine asylum seekers will always claim asylum as the first opportunity and those who are not

doing so are not genuine in their asylum claim. This line of argument has been given in letters of refusal for in-country asylum applicants to quote a refusal letter 'it is reasonable to believe that an individual who is in need of international protection would claim asylum as soon as they arrived in a safe country or at the earliest opportunity.' However, there are a number of reasons that an in-country claim is still a genuine claim. A person trying to leave their country cannot always obtain a visa. If their life is at risk in that country they are unlikely to apply for one as this means putting themselves forward. The absence of a visa can lead to these people using forged documents and getting a new identity in an attempt to obtain a ticket to leave their dangerous home country. On arrival in the UK they can face criminal charges for using these forged documents meaning that they are unlikely to claim asylum at the first opportunity. Alternatively people wishing to claim asylum use an agent to smuggle them into the safe country. These agents do not wish to be identified and therefore advise the asylum seeker that they will be put in a community or with relatives and from within the country they can try to claim asylum at the Home Office. The current system and immigration laws do not appreciate the problems and fears that come with gaining a visa by a person who does not want their real identity to be known. Asylum seekers use all possible means to facilitate their safe arrival in the UK; their claims can still be genuine claims for asylum and as legitimate as those of a person who applied at the first opportunity. Furthermore, asylum seekers may be more comfortable to make an asylum claim after securing entry to a safer place and with the help of legal representatives. When seeking asylum immediately on landing in the UK there is no initial right to legal representation. Interviews will be conducted and recorded by immigration officers before the asylum seeker can gain any advice. It is only in the later stages of being processed in the detention centres that legal representation is offered. Here the choice of representation is very narrow. Legal representation is offered at a minimum level within the detention centre however, if the case is dismissed there is no right to legal representation for an appeal and it is left to the person seeking asylum to find further representation.

Case Study 30

Mr N.V claimed asylum at the port in November 2005 and initially the immigration officer at the

airport using an interpreter and without legal representation interviewed him. The applicant was not given an opportunity to get advice on his asylum claim. Later he was taken to Oakingdon Reception Centre and detained. His presence at Oakingdon Reception Centre meant that he could access a legal centre; accordingly the Refugee Legal Centre obtained his file of papers and took instruction from him to act on his asylum claim. Without choice or further knowledge the applicant accepted their support and they represented him at the asylum interview. One week after the asylum interview his claim was refused but an appeal right against the Home Office decision was allowed. Two days later he was released. During his release the Refugee Legal Centre sent a letter stating that they had lodged an appeal against the decision but they are unable to proceed with the appeal anymore and asked him to find an alternative service provider to take up his case. His village people who are settled in East London helped him, but they were unable to provide any financial support other than providing free accommodation and meals. A week later he received notice of the hearing that was sent to Oakingdon Reception Centre then a few days later he received the notice of hearing letter through immigration. During this process of set backs he lost two to three weeks in time and he approached us and other service providers but he was unable to find a legal representative to take up his appeal hearing. This happened for three reasons: firstly, his case is not merited for public funding (Legal Service Commission Contract Funding); secondly, whoever is going to take up the appeal hearing does not have time to prepare his appeal and thirdly he has no financial support to instruct a firm of solicitors directly. Even though he has been given a right of appeal he is unable to exercise his rights to save his life because of the system currently implemented. We are writing a letter to the courts to see if we can extend the date given for the hearing so as to give Mr N.V has a chance to find representation with time to prepare his appeal. If this is not given his appeal will have to be decided on a paper basis, as the client is unable to Produce his side of the argument.

In our experience more asylum seekers prefer to claim asylum as an in-country applicant. Over our years of existence within the locality most asylum seekers approach us through referral by members of the community and on average we are able to

take up two new cases per month providing specialist support to our community. The number of cases we can pursue should be compared to the national Home Office Asylum Statistics, considering that in the first quarter of 2005 there were 150 and in the second quarter 130 Sri Lankan applicants for asylum in the UK. Approximately 600 Sri Lankan's claimed asylum in 2005 this means we can only take about 4% of the Sri Lankan cases to give specialist support. We can offer many other areas of help to asylum seekers but only a minority can receive our support for the casework of their claim. The other reasons for our community to chose us as their legal representative is that we have public funding with a Specialist Quality Mark, furthermore we can help members of the community whose claims are not covered by public funding through other funding given to us through our charity status. Also as a community organisation we offer support in many other areas. We are consistent in taking a client through their case and do not stop representation after an initial stage unlike some other legal centres. A further factor is the limited choice available to the Tamil Community: due to the limits on public funding there are few solicitors that handle asylum work. When we are unable to take up other clients' cases we always try to find them another service provider and refer them.

When an asylum seeker approaches us to claim asylum we will take them to the Asylum Screening Unit in Croydon. The Legal Service Commission Funding normally will not cover this post because they will only reimburse the expenses for honourable clients for example a minor, the elderly or those with mental health issues. However, we are continuing this support because practically it is impossible for the client to go to the Home Office and we can use the funding support given by the other funders. When we take clients we have to be in the queue before 9:00, if we are late we have to come on the next day. We are then left in the queue for about two hours outside the building, and then a further wait ensues of up to three hours before an officer will see our client. The officer will then takes initial details and carry out the fingerprinting and photo screening process. Then the client may have to wait for four or five hours, they will then receive an AR Card and documents and be asked to revisit the Home Office in a few days time. During this second visit the client will again go through the queuing and

waiting system until he or she is interviewed, in the evening the person will be taken to Oakingdon Reception Centre. Once an asylum seeker arrives at the reception centre his case will be reported to the Refugee Legal Centre by the immigration officer at Oakingdon. Even if the client already has his or her own source of legal representation the Refugee Legal Centre will not hand over the case until it is proved that five hours of work has already been carried out by the clients own choice of representative. If less than five hours of work has been carried out, the centre will take over the remaining hours to reach five hours of casework, and then the case will be transferred. From the moment the detainee goes to the Oakingdon Reception Centre we file with immigration to gain a Legal Preference Number (LPN) to be able to represent their case. A legal appointment with the centre can be taken by email only and must be 24 hours before the visit. If our request is accepted we can make a legal visit on the preferred day. However, this is not always easy because once the client is detained, the asylum interview we need to give advice on is on the third or forth day of detention. This means there can be little room for error on the booking system. From experience we have often been misdirected by the legal visit booking section at the Oakingdon reception centre.

Case Study 31

Mr M.R wanted to claim asylum and was taken by us to the Asylum Screening unit in Croydon. After the initial date proceedings he was asked to attend the Home Office in a week's time. At the Home Office he was interviewed and taken to Oakingdon Reception Centre. The next day the client informed the reception centre that we would like to visit him as soon as possible and we sent an email to the booking section of the centre. They quoted a reference number but our initial request was denied by asking us to produce the LPN number. On the second day, we received this number but were informed by the immigration that our client had an asylum interview in two days time immediately we made a second legal visit request. On the third day, we received a reply that the asylum interview was postponed for a week but still we did not receive a legal visit number meaning the booking was confirmed. Even after several emails, we did not receive number, meaning we had to speak to the centre

by phone and eventually obtained the number and we completed the visit.

On some occasions the port applicants are continuously released with temporary admission with a request to submit their asylum claim by Statement of Evidence Form (SEF). In August 2004 Immigration started to treat Sri Lanka as a safe country meaning it was included in the safe country list (the white list). The result of this is that Sri Lankan asylum seekers' claims are fast tracked and most of the claims are refused and certified without in-country appeal rights. Before August 2004 generally Sri Lankan asylum seekers were given an SEF to submit with their claim before they were interviewed by the Home Office on their full asylum application. This practice has recently changed because of the political change in circumstance within Sri Lanka. In the last quarter of the year 2005 the Home Office changed their practice towards Sri Lankan asylum claimants by giving in-country appeal rights against their decisions and also they restarted to give a SEF to submit to the Sri Lankan applicants to their claims.

Case Study 32

Miss S.K arrived in this country in the second week of November and claimed asylum at the port. After the initial screening interview she was released with temporary admission with a request to complete and submit the SEF within a 14-day time limit. She approached us under our legal casework section and we took the matter and submitted her claim form. Two weeks later she was asked to attend an asylum interview at the Home Office in Croydon she was interviewed for her asylum claim. Three weeks later her asylum claim was refused and given the in-country appeal rights; we lodged her right to appeal. The Home Office concluded her refusal for the following reasons: there was not a well founded fear of persecution due to the change in the political climate of Sri Lanka, thus being 'further improvements with the peace process' between the government and LTTE; that the Sri Lankan authorities are not interested in low level LTTE members, that there is now the ability to approach Sri Lankan authorities and obtain any redress and support, removing the fear of the applicant. They also consider it not 'unduly harsh to expect you to relocate and reside safely in Colombo' that Sri Lanka now holds the medical facilities 'for any psychological and

physical problems you have or may experience on return.' Thus removing the rights of appeal under claims against Human Rights and the Geneva Convention.

Reasons for refusal

In the last year newly arrived asylum seekers are receiving a decision on their claim within two weeks of making it, due to an accelerated decision making process. More than 60% of the applicant's claims are certified as manifestly unfounded claims without in country appeal rights despite the adverse deterioration in the human rights situation in Sri Lanka. This certification processed by the Secretary of State demonstrates an unfair judiciary system in a democratic country. Asylum seeker's lives are in danger because there is no other automatic legal remedy available to challenge the Home Office decision, except making an application to the High Court for Judicial Review. There are a significant number of applications for judicial review that have been lodged and are waiting for the court decision. However, it is not always possible for the asylum seeker or their legal represented to lodge such an application, even in the cases merited lodging for judicial review, this is for a number of reasons. The positive aspect of the recent refusal letters is that the Home Office seems, now more than in the past years, to take into considerations each individual and the particular circumstances of their asylum claim. A negative feature is the length of the refusal letters on claimed asylum with 70-80 paragraphs of reason for refusal, while a few years ago only 14-15 paragraphs of reasons for refusal were given to asylum claims.

The ceasefire agreement along with the Sri Lankan government's position to negotiate with LTTE to find a political solution, the activity of the Human Rights Commission and the function of the Sri Lankan judiciary system are the most common reasons stated in the recent refusal letters in support of the refusal. The refusal letters constantly fail to acknowledge the continuing human rights abuses and the political killings still strongly present in Sri Lanka despite these advances. Under the '*Political Killings and Rituals of Unreality*' informational bulletin it is reported that killings have been 'occurring almost daily', expressing concern that the 'long held assumption of the peace process was that as long as the ceasefire held

between security forces and the LTTE, the rest was manageable.' However, it reports 'the targeting of intelligence personnel, Tamil civilians and opposition party members was largely ignored despite the creeping instability.' Although the ceasefire was a positive sign, peace talks have stalled since April 2003 and violence has been revoked. The evidence of a ceasefire is not enough to ignore the human rights situation in Sri Lanka. The Sri Lanka Government reports 1,000 violations of the 2002 agreement by the Tamil Tigers, causing the BBC in January 2006 to report it as an 'undeclared civil war'. They continue 'the ceasefire may not have broken down yet, but there is an alarming level of lawlessness and unrestrained violence in the disputed north-east'. It also reported the 'recent wave of violence' to be the worst since the 2002 ceasefire. Updating in February 2006 the BBC states 'at least 120 people- including 80 soldiers and sailors and as many civilians-have died in the upsurge of violence, which has abated since the deal to hold talks was reached'. A specific example from *Human Rights Watch* reports 200 Tamils have been killed for political reasons, most of which are attributed to the LTTE. However, the Sri Lankan Army are using the emergency regulations to arrest Tamil civilians without any reason even while the ceasefire agreement is in force, this incites Tamil peoples to violence. In response to the changes in the judicial functioning in Sri Lanka in Amnesty International's report 2005 'some torture victims seeking redress in the courts were reportedly put pressure on to withdraw their cases.' Their given example being Gerald Perera a torture victim set to give evidence against seven police officers who was subsequently shot dead. With the *National Human Rights Commission* (NHRC) reporting an increase in custodial deaths, with at least 19 cases reported in 2005 alone, and cases of police torture continuing, the situation in Sri Lanka has not been resolved and reforming the system is slow with inherent errors as shown above. *Human Rights Watch* state 'the police continue to enjoy great impunity' and that 'while some cases of death in custody and torture have been investigated, no one has been prosecuted or punished yet.'

In effect of the current situation and the evidence above it may be time for the Home Office to remove Sri Lanka from the designated country list. Thus allowing Tamil asylum seekers to appeal against the Home Office's decision, to put their

arguments across in line with fairness and justice and to prevent them from future prosecution. Our opinion is well supported by the High Court as can be seen by their granting permission for a full hearing for the Tamil asylum seekers on their judicial review application against the Home Secretaries certification and prevention of their in country appeal rights. If the appeal rights are given this allows the opportunity for the asylum seeker to raise their issues of asylum, including their human rights issues, and have them discussed in a high court. Currently the government's position on these issues, such as sufficient medical care and family life, can remain unchallenged and uncontested. It is only one side of the argument. In a democratic country it is a principle of justice that both sides of a story are heard. In this way the courts can check the government's actions are lawful and fair.

Case Study 33

Miss S. N arrived in this country and claimed asylum as an in-country applicant in September 2005 because she was in fear of persecution by the Sri Lankan security forces and her political party (LTTE) because of her association with Colonel Kuruna's group in the eastern part of Sri Lanka. Before she began her political involvement in LTTE she was harassed and assaulted by the security forces at check in points due to her age and her appearance, which prompted her to join the LTTE after the training she was sent to the Eastern part of Sri Lanka under the control of Karuna, Where she carried out her duties, she was caught in the conflict between the LTTE the Karuna group, which resulted in her arrest by the LTTE and was put in the punishment camp. In December 2004 she was fortunate to escape from her custody and the Tsunami, She used this opportunity and moved away from the eastern part of Sri Lanka to Colombo, where she realised she can be caught soon by the LTTE because of her prominent involvement with them, she decided to get help from an agent to leave Sri Lanka. The agent attempted to get an entry visa but this failed and subsequently she was hiding in the south of Sri Lanka for two months. She felt she was becoming more vulnerable because of the increased violence by the LTTE members towards the Kuruna groups supporters. Finally, her uncle made an arrangement through another agent and she left the country in June 2005. With an agent she travelled to a

middle-east country for a month and kept in another unknown country for a further two months. However, the agent had trafficked her for prostitution purposes to get money for their survival in those countries. Without the choice she went throughout this ordeal and finally she reached the UK and was left by the agent in London. However, Miss S. N found she was pregnant without being able to ascertain who the father was and feared even more for herself and her baby given how she would be treated on return to Sri Lanka. Fortunately, she was supported in London by the members of the community and claimed asylum at the Home Office she was taken to Oakington reception centre, she was interviewed her claim was refused but given in-country right of appeal to challenge the Home Office decision. The letter of refusal gives the reasons that her profile was not high enough to warrant her getting attention from the authorities and that if this did happen there are now sufficient remedies to this within Sri Lanka and that there is the option of re-placement in Colombo. However, Miss S.N had already attempted to live in Colombo and feared suspicion due to her past involvement with Colonel Kuruna. The Home Office refusal letters state that after *Selveratnam* in light of the current ceasefire and the trends towards peace it would only be the exceptional Tamil case that would not be able to return safely to Sri Lanka. Under the human rights considerations the right to a family life should be an area of appeal that makes Miss S. N an exceptional case for the safety of her and her baby, as attention is now likely to be drawn to her on returning to Sri Lanka. She lodged the appeal against the decision and we are waiting for a decision.

Case Study 34

Mr D.S arrived in this country and claimed asylum in December 1999 because of his persistent harassments and the re-arrest in the year 1999 by the Sri Lankan security forces due to his families' involvement with the LTTE. He was arrested and kept in Joseph camp in Sri Lanka and he was interrogated and tortured by the security forces. Due to the torture he was badly injured and fell ill meaning he was transferred to Anuradhapura Hospital but after a week's treatment he escaped from the hospital. A month later he was arrested at the checkpoint and later identified by the security personnel as a wanted person and detained

for three months. There he was tortured and was forced to falsely confessed his involvement with LTTE and to criminal offences. The security forces made a document in a language he did not understand but he signed it to prevent further torture. After this incident he was transferred to an unknown detainment centre in a remote area where he spent a further month and had to carry out compulsory labour. When the opportunity arose he escaped and managed to reach a near by village, With the support of the village people he went to Colombo. Later with the support of family members he arranged an agent and left the country with a forged passport. He was initially interviewed and it was under consideration by the Home Office until June 2005. In June 2005 again he was interviewed for a second time over his asylum claim and on the second occasion he was asked mainly to convince the Home Office on how he could be persecuted at present on his return to Sri Lanka because of the effect of the ceasefire agreement and of the case law established in *Selveratnam* where it was held that it would only be the exceptional Tamil case that would not be able to return safely to Sri Lanka. The applicant was unable to produce supporting evidence to confirm his future persecution, which resulted in his claim being refused in October 2005 with a right of appeal. The Home Office's opinion of the merits of his claim in 1999 meant that he was granted asylum, however the ceasefire meant the Home Office no longer saw these merits as conclusive enough to maintain his stay in the UK. The applicant has lodged his appeal and is waiting for a decision.

The decision by the Asylum and Immigration Tribunal (AIT)

Over the last year there have been some changes to the immigration and asylum appeals system, with new legislative provisions, Procedure Rules and Practice Direction coming into force on the 4th of April 2005. Due to these changes the immigration appeal tribunal (IAT) was replaced by the Asylum immigration Tribunal (AIT), the adjudicators are now called under the new changes immigration judges and there is a new single tier appeal system. All new appeals lodged after the date the new system came into force will face this single tier appeal system. To prevent the high court being overwhelmed by applications before the new procedures come into force the new pro-

cedures contains a filter mechanism. This means that applications do not go straight to the high court but are considered by a designated member of the AIT who considers whether the AIT should review the decision. If refused the AIT member's decision is sent to the parties where they can renew the application on paper to the high court. If the AIT judge orders a reconsideration order then a hearing is commenced. There is a very low chance of an appeal being heard by the AIT, in the last quarter of 2005 only 80 out of 580 appeals were heard by the AIT, this being 14%.

Case study 35

Mr K.M arrived in the UK in December 1998; in March 2005 his claim for asylum was refused. Subsequently we filed an appeal, which was then heard on the 17th of June. He was refused asylum in March as the Home Office considered that he was not of interest to the authorities in Sri Lanka due to his release from being held by them. They also concluded he was no longer of interest to the PLOTE due to the fact he could bribe the PLOTE to his release. They highlighted the failure to visit the Medical Foundation for the Care of Victims and Torture as damaging his integrity, current developments in the peace process and the ability of many Tamils to live safely in Colombo. Mr K.M's brother gave evidence that the PLOTE had been looking for his brother every two to three months since 1999 and that no protection was available. The immigration judge held that his brothers evidence was too vague not giving a reason why the PLOTE would still be interested in his brother, that the last time they came looking was 6-7 months ago and that Mr K.M and his brother had not spoken about this discredits this evidence which 'is core to the appellants claim.' He also based his decision on the change in political circumstances and the appellants 'low lever' involvement in LTTE. Considering the claim of a breach of art.8 the right to family life the judge held that although the appellant had built up a life in Britain he also had family in Sri Lanka to return to.

Case Study 36

Ms A.M came to the UK in September 2005; her claim for asylum was refused in November. She was refused asylum due to her low level status, her failure to approach the authorities or a non

government organisation for help and considered areas of Sri Lanka to be safe for her such as Columbo or the south. Ms A.M appealed on the grounds that she had made a few mistakes in the facts in her asylum interview and explained the absence of some facts to the memory loss suffered from sleeping tablets she was given. The tribunal held that although due to the background of the situation in Sri Lanka the appellant's account was not patently inconsistent, however her account still lacks credibility. The tribunal pointed to inconsistencies from her initial asylum interview and also her account in line with events towards the peace process and dismissed her claim, as Ms A.M was not a 'credible witness'. In considering the medical reports from Dr Win the tribunal said his report was made on 'assumption of the truth' of her account and therefore dismissed them. They denied that the LTTE would still have any interest in Ms A.M and that she could seek medical assistance in Sri Lankan facilities.

Case Study 37

Mr A.V arrived in the UK on the 17th of November 2005 and claimed asylum the next day. Mr A.V fought for the LTTE and had been arrested and tortured several times, on the incident of a specific shooting he went into hiding and fled Sri Lanka. His asylum claim was refused as he was considered low level LTTE, that he did not leave Sri Lanka at the first opportunity and that he could live safely in other areas of Sri Lanka such as Columbo. Mr A.V appealed against the decision on the grounds that his medical condition was ignored which is against Home Office policy, that he is still at risk due to the volatile situation currently in Sri Lanka and to return him to Sri Lanka would breach his human rights due to his medical conditions and high suicide risk. He was granted appeal to the AIT to review the decision of the Home Office on the 22nd of December.

Entry Clearance Visas

According to our records this area of work has increased, this is for a number of reasons. Such as the fact our community are beginning to understand the other immigration criteria to which they are entitled to in the UK or over the 20 years of Tamil communities settlement in the UK the stability is making them want to bring their other family members or friends to visit or settle in the

UK. We provide services under this category on behalf of our clients who are in the UK and help them to obtain their friends or family member's clearance visas to visit or settle in the UK. The most common visas for our clients seeking assistance from us are student visas, working holiday visa, a visiting visa or a settlement visa for family reasons. In most cases a person who has claimed asylum and granted limited leave for refugee status are finding it increasingly difficult to bring their other close family members to the UK, even though they are entitled according to the immigration laws and Home Office Policy. Many cases, which we received in the last year, approached us at the appeal stage; it is more beneficial to take up the cases from the initial state. From taking up the matter at the initial proceeding we can avoid lengthy appeals by addressing any problems in the first place by negotiation through writing letters to solve the issue. A further problem can be seen by the recent changes brought to the entry visa procedure by the Immigration and Asylum Act 1999 and the Immigration (Leave to Enter and Remain) Order 2000. Previously, when a visa was issued, for example for six months, that six-month period would start when the person landed in the country. However, with the new changes the entry certificate overseas will specify the duration of the stay. Therefore, the six-month period of allowed entry into the UK starts when the person is still overseas. The given example is if you gain clearance on the 18th May 2005 and arrive on the 24th of July, you only have permission to stay till the 18th of November 2005. The limited visitors are refused appeal rights against the decision. Applications for entry clearance are now have to be made on the VAF1-VAF6 application forms. The VAF1 is a non-settlement form, the VAF2 is a settlement form, VAF3 is a direct airside transit visa form (for when passing through the country to another destination), the VAF4 is for the right of abode, the VAF5 for the application for overseas territory visa (for citizens returning to the UK after a period of work abroad) and the VAF6 is the ECAA (for EU citizens). In most situations our users require the VAF1 and 2 forms.

Case Study 38

Mr K.T has been granted refugee status in the UK and he wanted to reunite with his family in the UK. He approached us in February 2005 to bring his wife and two sons to the UK and we gave him

initial advice and prepared the documentary arrangements. According to our guidance his wife submitted the settlement visa application at the High Commission in Colombo. After the interview his wife and younger son were granted entry visas to rejoin their husband/father in the UK, but his elder son's application was rejected. The grounds for rejection were due to the elder son lying that his house was destroyed by the Tsunami by asking how he had the ability to produce all of his documentation in good condition thus affecting his credibility, his age at 22 and good health meaning he is able to obtain work in Sri Lanka, a lack of any other compelling compassionate reason and the lack of evidence that his father will be able to support him in the UK without public funding. We appealed on behalf of the elder son on the grounds that his evidence is credible as a victim of the tsunami, his house suffering flood damage, and certificates can be obtained from his school in good condition. Also, it has to be considered that the son relies fully on his father, the social system being wholly different to England as the son relies on their parents till they are about 25 and without work or his relatives the appellant is likely to suffer from depression. The right to a family life under art 8 of the ECHR is breached by this refusal of a visa. Further more, the father is the only source of income to this family and this can be proved by the bank account in Sri Lanka, despite his limited funds in his account in Britain. The tenancy agreement, considered as 'no satisfactory evidence' shows that the appellant will have a place to stay. The appeal failed under the precedent set by case law in *Senanayake v SSHD* that a person over the age of 18 may be allowed to join their parents settled in the UK only if, among other things, they are living alone outside the UK in the most exceptional compassionate circumstances. The court did not consider there were exceptional circumstances in this case, despite our arguments about the tsunami and changes in Sri Lanka and Human Rights that meant living alone puts you in a dangerous predicament.

Case Study 39

Mrs P.K wanted to visit the UK to join her husband who is studying in the UK with a student visa. He approached us and his wife submitted the entry clearance application with our assistance to join with her husband. Her application was re-

fused by the entry clearance officers by stating there was no evidence her husband had finished his initial degree at Newport University as is now on a lower course at a different establishment. Secondly, there was no credible explanation given as to why they chose to have an arranged marriage in the middle of his studies. Thirdly, although she had funds they were not satisfied as to the origins of the funds and therefore doubted that they reflected her true financial situation and lastly that her husband had been long studying a course that was available in Sri Lanka they questioned whether they would leave the UK at the end of his studies. We appealed for Mrs P.K on the grounds that the appellant's funds could be accounted for as she had dowry money every month and also regular income from her coconut estate, meaning she had sufficient funds to accommodate a stay of five months. Due to the maintenance of this coconut estate she cannot and does not wish to stay in the UK after his studies, also his degree is aimed at finding him a job in Columbo, where they plan to settle. Her husband had finished his degree at Newport University and gone to another institution to do masters; furthermore this course is not readily available in Sri Lanka and would not hold the same influence in the jobs market in Columbo. The appeal was heard in November 2005 where the immigration judge was convinced the applicant showed enough evidence to meet the requirements of the immigration rules, holding entry clearance officer's decision as wrong and allowing the appeal.

Case Study 40

Mrs P.S wanted to come to the UK and settle with her husband who has been granted refugee students and has settled in the UK. Mr R as a refugee cannot safely return to Sri Lanka instead he went to India and married Miss P.S, subsequently, he returned to the UK and his wife submitted the settlement with our application at the Columbo high Commission with the necessary documentation. The application was refused by stating that since a previous visa application that failed her circumstances had not changed very much, also they were still unconvinced that there was relevant funds to support her as Mr R's balance was overdrawn until a deposit of £2000 for which she cannot account. There is also no satisfactory evidence of his accommodation, so may already be living in overcrowded conditions. We lodged an

appeal for Mrs P.S on the grounds that she submitted a tenancy agreement stating her husband to be a tenant of a three-bedroom house and proof of her husband's monthly earnings showing no need to depend on public funding. Also, the £2000 is not the matter of the Entry Clearance Officer is a regular income can be proved. The change in circumstances of the application was the marriages of the appellant, meaning there should not be further delay as to letting them enjoy their right to family life. We lodged the appeal and it was heard on October 2005. The immigration judge allowed the appeal by stating that her sponsor was a hard workingman who had not relied on public funding. The accommodation was adequate to house him and his wife, the fact they only had one room in a house owned by his sister, does not automatically mean there are overcrowded conditions. The judge considered the sponsors salary not in excess of his outgoings and the £2000 to be payment back from a loan, thus adequate finance to support his wife in settlement in the UK.

Extension of a Visa (Variation of Leave)

A person who has been granted leave to remain in the UK can normally extend there variation of leave on either the same or a different category, except the persons who are given less than six months, to extend a visa the application should be made within six weeks before the date of expiry. In a few categories of cases you can also switch for the extension of a visa under the immigration rules. This extension request should be made in the prescribed form by the Home Office such as form FLR(M) for marriage or unmarried partner applications, FLR(S) for students SET(O) for indefinite leave to remain including long residency or SET(F) for dependent relatives. For any reason if this application is not valid then the secretary of State should inform the applicant or his or her representative within twenty-one days. If such an invalid letter is not issued then the applicant should be treated as a valid visa holder for the purpose of employment or benefit. This application should be submitted with the correct version and the necessary documentation with the registered fee for the application. For example all postal applications have a £335 fee, except student postal applications that have a £250 fee, transfer to leave postal applications that have a £160 fee and premium service which have a £500 fee. When

an application is made in time, leave to remain is automatically extended pending a decision for a further ten working days thus allowing for an appeal to be lodged and then for the duration of the appeal. As a community organisation and serving a particular targeted community of migrating and settling Tamils in this country. As usual we are inundated with work of this nature with a consistent flow of clients requiring our help in this area.

Case Study 41

Mrs N.R. arrived in the UK and claimed asylum. Her claim failed but she was granted exceptional leave to remain on 25th October 2001, which expired on the 25th of October 2005. With our assistance Mrs N.R completed an ELR application extension form. The Home Office experienced delays with applications of this type taking an average of ten months. In January 2006 Mrs N.R. and her children were granted indefinite leave to remain. Her husband came to the UK separately and claimed asylum, his claim also failed, but he was not granted exceptional leave to remain and stays in the UK on temporary admission.

Case Study 42

Mr S. E arrived in the UK in January 1998 and claimed asylum, which failed, he then exhausted his appeal rights. He is married to Mrs S.E. who was granted indefinite leave to remain (ILR) in the UK in October 2001. Mr S.E came to us wishing to make an application for a family settlement in the UK using a FLR (M) form thus extending the stay of a spouse of a person present and settled in the UK. We advised on the relevant documentation needed to be sent with his form and the fee of £155 and forwarded it to the Home Office. The Home Secretary announced the ILR Family Amnesty in October 2003, we asked for the IND Family Indefinite Leave to Remain Exercise Questionnaire as Mr S.E claimed asylum before October 2000 and has a child born in the UK. The Home Office experienced long delays but eventually sent us the questionnaire, which we filled out and sent back within the time limit period, and the Home Office considered Mr S.E's case. Mr S.E. was granted ILR.

Case Study 43

Mr G.D is a practising minister of religion who arrived in the UK in April 2004. He was granted exceptional leave to remain in the UK, which expired on the 24th of March 2005. He came to us wishing to obtain an extension of leave or ILR. We assisted him in completing an FLR (O) form on the basis of permit free employment and set out that he currently practicing minister who had food and accommodation provided for him. The Home Office requested further information about his circumstances and required Mr G.D's passport, which had been taken by the police due to Mr G.D witnessing a crime and being suspected of GBH, for which he was later completely cleared. The Home Office stated that they had to have his passport to consider his application and that he would need to retrieve it from the police. If the passport was not received within 28 days the application would be considered on the basis of the documents and information already provided, thus without a passport Mr G.D's claim would fail. Fortunately, Mr G.D was cleared of any charges and his passport was returned in time for it to be sent to the Home Office and his application for extension of leave was granted.

European Law

The European Freedom of Movement within the European economic area will permit the European citizen to move around Europe without restriction. Those who seek employment start self-employment or to engage in full time studies, retired or disabled can move to other member state of the EU and seek settlement in that country. Under these Treaty rights many dispersed Tamils have hugely benefit from this agreement. Mostly they left their native country by journey without destination, and ended up in different European asylum giving countries, having been separated from other family members. Through this settlement process many of them obtain citizenship and become a European citizen. From this they can benefit from the freedom of rights. Scattered families can regroup within one country and live as a family unit. In a similar process, many EU Tamils are moving to London and getting employment and wanting to obtain a residency permit in the UK to allow them to apply for residency. Around three people per week are making such an appli-

cation with our assistance. This residency permits process not only benefits European citizens but also other non-European citizens with a European family member benefiting through this application. Many failed asylum seekers and those that are staying in the UK with temporary admission are using this opportunity and seeking settlement through this residency application their other European family counterparts. If they are successful they will be given residency documents while their other EU family members will obtain a residency permit to succeed their application. The applicant needs to submit evidence of nationality, such as a passport or identity card, and evidence that they have been exercising the treaty rights for four years. Under the latter, evidence of employment, tax certificates or if self-employed documentary evidence proving the payment of tax should be submitted. If economically self-sufficient by themselves or by a spouse then evidence of funds in a bank account for four years is satisfactory. For the retired a pension is evidence as is a doctor's letter confirming permanent incapacity for the disabled. A spouse or dependent family member of EEA nationals who are either EEA nationals themselves or nationals from other countries may also apply for permanent residence if they have lived in the UK with their European family members for four years.

Case Study 44

Mr T.P. is a failed asylum seeker living in the UK since June 2000 with temporary admission. He is living with his uncle Mr S.M. in the UK. Mr S.M. has been granted residency permit in the UK because he is an EU national exercising his European Treaty rights in the UK. Mr S.M intends to support his nephew Mr. T.P. as a dependant because he has been supporting Mr T.P. financially and emotionally in the UK over the past 2 years. According to their request we sent the EEA application in February 2005 with the relevant documentation to support the application but the Home Office refused Mr. T.P. residency documents application by stating "you have not produced the documentary evidence that shows you are related to your uncle". We lodge the appeal against this decision because we submitted the relevant birth certificate and its translation to prove their relationship. We lodged this appeal by recorded delivery and the postal records confirmed the delivery, which shows that it was de-

livered in time to the appeal section of the Home Office but we haven't received any response from them over six months. We then decided to send them a reminder letter to find out the progress of this appeal, we were told that the Asylum and Immigration Tribunal's database as well as the Home Office did not possess the case file of Mr. T.P. and therefore we were asked to re-submit all the documentation once again. We are currently waiting for the confirmation of hearing.

Case study 45

Mr. P.T. is a failed asylum seeker and claimed asylum in October 2000 but he was not successful with his asylum claim and his appeal asylum claim rights were exhausted in June 2003 since he is living in the UK with temporary admission with his aunt Mrs. N.C. Mrs. N.C. is an EU-national who came to the UK in April 2005 as a worker. Mrs. N.C. has been looking after her nephew since she came to the UK. As she is an EEA national and never relied on public funds she would like to apply for an EU residency permit for herself and her dependant nephew Mr. P.T. We sent the completed application with all relevant documents to the Immigration and Nationality directorate of the Home Office on September 2005 and in November 2005 we sent further documentation to confirm Mr. P.T.'s identity and nationality. In December 2005 the Home Office granted Mr. P.T a United Kingdom residence document as confirmation of his right to remain in the UK under European Community Law.

Case study 46

Mrs S.V. is a German national exercising her EU Treaty rights in the UK. She submitted a residency application in August 2005 with one non-European national as a dependant who is an asylum seeker in this country. The application of her brother to a right of residence in the UK as a family member of an EEA national was refused in December in view that he had lived independently from Mrs S.V prior to his arrival in this country. It was stated that *"the Secretary of State is not satisfied that you have failed to demonstrate that you are genuinely dependant upon your EEA family member"*. However, prior to the refusal we sent a letter to the Home Office with all relevant documents enclosed as evidence of the dependant's relationship with his sister. The tenancy agreement shows that

they are currently living in the same household and even prior to coming to the UK, her brother was financially supported by his sister who was sending back home money to help out her family in Sri Lanka.

We appealed against the decision of the Secretary of State for the Home department on the grounds that all relevant documents have been provided to grant residency permit to Mrs S.V's brother as a dependant of an EEA national. We are currently waiting for the decision of the Asylum and Immigration Tribunal.

Citizenship

Our community who are settling in the UK most of them are going through the integration process and their immigration status also changing to become citizens of this country via the naturalisation process. Many of our clients heavily rely on our assistance to receive updated information and advice on the current status of the law in this area and also to obtain the citizenship successfully. Over 90% of our clients applications are successful without any difficulties; however when it is refused is mainly due to a lack of the relevant documents enclosed or application incorrectly completed by the client. In cases where the client is completing the citizenship application alone without relying on our assistance, it is common that improper documentation or insufficient fees are included. On the other hand when handling these applications the process usually runs smoothly because we follow the relevant procedures and include all relevant documents. In the event that the applicant has committed a minor criminal offence, his/her records will be kept for a maximum of five years and the Home Office may refuse their application on these grounds.

Under the British Nationality Act 1981, a person born in the UK before 1st January 1983 is a British citizen, if a person is born after the same date will be a British citizen only if either the mother or father if married is settled in the UK at the time of birth. If the person is born outside the UK before 1st January 1983 he/she will be a British citizen if born to a father (when parents are married) who himself had his citizenship by birth, adoption, registration or naturalisation in the UK. A person who is born outside the UK but after this date is a British citizen by descent if born to a mother (or fa-

ther if married) who had his or her citizenship by birth, adoption, registration or naturalisation.

Acquisition by registration

Registration enables certain groups of people to register as British, provided that they satisfy the appropriate criteria for their category. This is the only way for people under 18 who are not British by birth to become British citizens.

Acquisition by naturalisation

To become a British Citizen by naturalisation, the applicant must have been granted Indefinite Leave to Remain (ILR). He/she has also to satisfy one of the two tests of residence set out in the Act by proving lawful status in the UK of either 5 years residence with 12 months ILR or 3 years residence plus ILR by the date of the application and of the marriage to a British citizen. Applicants must be 18 or over of sound mind and with sufficient knowledge of the English language and culture. For this purpose since 1st November 2005, all applicants have now to take a "life in the UK test". In addition the absences from the UK don't have to exceed 450 or 270 days with a maximum of 90 days in the final 12 months. Two referees with British citizenship have to vouch for the applicant and finally the applicant himself has to show intention to stay closely connected with the UK in the future.

Case study 47

Mr. A.P. who has been living in the UK for over 5 years and was granted ILR on the 5th December 2001. He submitted his application for naturalisation in August 2005. We sent a cover letter with the completed application form, all relevant documents and the correct fees enclosed to the Home Office on our client's behalf. In September we received a letter from the Home Office informing our client of the reception of such application form. In February Mr A.P attended his ceremony of naturalisation and received his certificate. He was now able to apply for a British passport. We assisted him in the process of submitting the new application form with all relevant documentation to the Home Office. Mr A.P obtained his passport few weeks later.

Case study 48

Mr. S. K. who has been living in this country for 5 years was granted ILR in July 2001. He also possesses a certificate in ESOL Skills for Life Initial As-

assessment entry level 3 which confirms that the applicant meet the language requirements as set out by the Home Secretary. All relevant documents and information were forwarded to the Home Office along with the client's application form in October 2005. In February 2006 we received a refusal letter from the Home Office stating that in view of a criminal conviction dated 30/08/05 the *"the Secretary of State cannot be satisfied that the applicant is of good character"*. Mr. S.K will be able to apply again from 30.08.2008 through a fresh application.

Case study 49

Mrs S.P. arrived in the UK in 2000. She was given leave to enter into the UK. She is a British Overseas Citizen. She was born in Malaysia in 1944 when it was still a British colony. She didn't obtain British citizenship and lived in Sri Lanka with her father after her mother died. The Sri Lankan government refused to give her identity as a Sri Lankan. She approached the High Commission in Sri Lanka and obtained the British Overseas Citizenship passport with limited leave to enter and she entered the UK in 2002. In September 2002 Mrs S.P applied for ILR in the UK to regularise her status but the Secretary Of State on May 2005 refused her application and requested her to leave the country. At this stage Mrs S.P. approached us and we lodged the appeal against this decision. While this appeal is under consideration we submitted to the Home Office a fresh application for registration as a British citizen. This application is currently under consideration to the Home Office. We also wrote to the British High Commission in Sri Lanka and Malaysia to confirm Mrs S.P's personal and family background. We haven't received any response yet.

Case study 50

Mr S.T wanted to naturalise as a British citizen. He arrived in the UK in 1999. He has been living in this country for more than 5 years and in 2004 he was granted ILR. In October 2005 Mr S.T submitted a naturalisation application and wanted to register his child as British citizen as part of this application. We sent the client's application and relevant documents to the Home Office but unfortunately in March 2006 the application for the child registration was refused on the grounds that under section 3(1) of the British Nationality Act

1981, the registration of minors is at the secretary of State's discretion and in this case the child is *"over 13 years of age and has not been resident in the UK for 2 years prior to the application"*. Further more the Home Office stated that *"sufficient grounds could not be found to exercise discretion in this case"*. The registration application was therefore refused but it was acknowledged that the applicant could apply for naturalisation on reaching the age of 18. The naturalisation application of Mr S.T is still under consideration at the Home Office.

Home Office Policy Settlement ILR Family Amnesty

On the 24th of October 2003 the Home Secretary made the announcement regarding an indefinite leave to remain (ILR) amnesty scheme, allowing failed asylum seeking families to settle in this country using a one off exercise. To qualify under this scheme, families had to have:

- Applied for asylum before October 2000;
- And have at least one child under 18 years old on October 24th 2003.

Initially the Home Office set the deadline to request such an application before the 31st of September 2004. However, later it was extended and is currently still open for people fitting the criteria to make such an application. Also, they revised its criteria so that the following classes of people will be eligible:

- Families with a dependent child who was under 18 on either the 2nd of October 2000 or the 24th October 2003;
- Families with a child or which were joined by a dependent child, between those dates;
- Families with limited leave will be eligible;
- Families entered the UK under the Kosovan Humanitarian Evacuation Programme before the 2nd of October 2000 and did not apply for asylum.

For those families with an application for asylum, the amnesty concession would be available if the initial claim was made before the 2nd of October 2000, and they meet one of the further listed criteria:

- The application has not yet been decided;
- It has been refused and is subject to an appeal;
- Has been refused and there is no further avenue of appeal but the applicant has not yet been removed;
- Has been refused but limited leave has been

granted.

The gaining of the concession is subject to some exclusion, the principle applicant or any of the dependents must not have:

- A criminal conviction;
- Been subject of an anti-social behaviour order or sex offender order;
- Have made (or attempted to make) an application for asylum in the UK in more than one identity;
- Had their asylum claim considered by another country;
- Present a risk to security;
- Fall within the scope of Article 1F of the refugee convention; or
- Whose presence in the UK is otherwise not conducive to the public good.

Under this scheme, many of our community have benefited and their immigration status has been settled. We actively involve our users on this settlement process; around 100 families have benefited directly through our service by making such an application and obtained ILR status. Currently, we have many other people's applications that are being considered by the Home Office. However, not all applications are straightforward and some cases need more attention by us so we can establish their entitlement under the scheme.

Case Study 51

Mr F.K came to the UK in September 1999 with his wife and son and claimed asylum. The Home Office refused his claim and we filed an appeal. Following the announcement of the Family Amnesty Policy, Mr F.K fell under the given criteria, having applied for asylum before October 2000 and having a child under 18 years old on October 24th 2003. The Home Office refused his application for the concession amnesty due to Mr F.K being registered as having a criminal conviction. When Mr F.K's appeal claim for asylum reached the AIT, the concession refusal was contested. At the appeal hearing the Home Office representative conceded that there was no criminal conviction held by Mr F.K. Thus, after this error was cleared the Home Office granted Mr F.K and his family indefinite leave to remain in the UK under the Family Concession Policy. The appeal for asylum was adjourned and then consequently dropped.

Case Study 52

Mr R.T arrived in the UK in August 1994 and lived with his wife and his two daughters. He claimed asylum, which was refused and his appeal dismissed in June 1998 with no leave to appeal to the tribunal. Mr R.T then appealed after the Human Rights Act came into force claiming a breach of Art 8 he had to sell his house to return to Sri Lanka. Subsequently, through out these proceedings, his permission to work was withdrawn, meaning he lost his job and had to be supported by the local authorities under the National Assistance Act. However, under this act he is not entitled for housing benefit because he is the owner of his house. He still faced mortgage payments on this property, which he was unable to pay, resulting in the mortgage lenders threatening to repossess the house. In September 2004, he made the request for an application for ILR Family Amnesty to the Home Office and in October we were given acknowledgment through the receipt of our letter. It wasn't until in February 2005 that he was issued with the Family amnesty questionnaire. He completed and submitted the application within a week. In March his local authority withdrew asylum seekers support stating, as he is entitled for ILR family amnesty the local authority is no longer responsible to support him. As a result of this, his family faced starvation and homelessness. We made further representation to the Home Office on his outstanding ILR Family Amnesty application and its urgency but the Home Office failed to act quickly. The local MP Stephen Timms wrote to the home office in 2002

Further Representation to the Home Office in October 2005 finally, he and his family were granted ILR and he restarted his employment. However, due to the inefficiency of the system he has huge arrears accumulated for non-payment of his mortgage and have suffered a great deal of anxiety and stress.

Humanitarian Protection and Discretionary Leave

The Home Office announced that from the 1st of April 2003 there is no longer exceptional leave. It has instead, been replaced by two types of leave: Humanitarian Protection and Discretionary leave.

Humanitarian Protection (HP) is granted to any-

one who is unable to demonstrate a claim for asylum but would face a serious risk to life or person arising from:

- The death penalty.
- Unlawful killing.
- Torture, inhuman or degrading treatment or punishment.

Exceptions to those able to gain Humanitarian Protection are:

- Serious criminals,
- Terrorists,
- Those who raise a threat to national security,
- Anyone considered being of bad character, conduct or associations.

HP can be granted for up to three years, following which an active review is held where if successful ILR will be granted, if unsuccessful and they have no other basis of stay they will be expected to leave.

Discretionary Leave (DL) may be granted to those not considered to be in need of international protection or have been excluded from such protection. DL can be granted to an applicant who:

- Has an Article 8.
- Has an Article 3 claim only on medical grounds or severe humanitarian cases.
- Is an Unaccompanied Asylum Seeking Child (UASC) for whom adequate reception arrangements in their country are not available.
- Would qualify for asylum or HP but has been excluded.
- Is able to demonstrate particularly compelling reasons why removal would not be appropriate.

DL should not be made for more than three years, unless in specific cases. After the time given has expired the claimant's situation will be reviewed and further leave granted if appropriate. A person on DL will normally become eligible to apply for ILR after six years, unless under the excluded from asylum or HP category. A person who no longer qualifies for leave will be expected to leave the UK.

Case Study 53

Miss T.M arrived in the UK in May 2002 and made an asylum claim, the claim was refused by the Home Office. Her appeal was not successful after the long legal battle; she lost all appeal rights and was served with a removal order. Her previous solicitors were unable to precede this case further

and she approached us at the end of year 2004. After the initial assessment we identified substantial human rights claim is outstanding and we made this allegation, we gathered supportive document with evidence and we made further representation on her human rights ground this application considered was by the Home Office in March 2005 and she was issued with a discretionary leave to remain based on the Secretary of States discretion.

Case Study 54

Mr R.T claimed asylum in November 2005 at the age of 17 and completed a statement of evidence form (SEF), and the relevant documentation to claim asylum. His Asylum claim was refused In December 2005, however the Home Office granted Mr R.T discretionary leave to remain for four months until he reaches the age of 18 and is no longer a minor.

Case Study 55

Mr R.P arrived in the UK in May 1993 and claimed asylum, his claim failed but he was granted exceptional leave to remain in the UK until March 2005. Mr R.P's previous solicitors lodged an appeal on his claim for asylum. Mr R.P became our client. We were unable to obtain Mr R.P's status paper from the Home Office during this appeal proceedings' The Appeal was dropped and we instead applied for an extension of the exceptional leave or indefinite leave to remain. Through this application we managed to obtain Mr R.P's status paper of exceptional leave from the Home Office.

Seven Year Children's Policy

Previously, it was the practice of the Immigration and Nationality Directorate not to pursue enforcement action for deportation or removal of families who have children under the age of 18 living with them who have spent 10 years or more in the UK in on exceptional circumstances. In 1999 this practice was altered so the time period for the child's stay was lowered to seven years. Thus the general presumption is not to proceed if the child was born in the UK and lived continuously for 7 years or have come to the UK and accumulated 7 years or more of continuous residence. There are still some circumstances where even if

a child under the age of 18 has been in this country for 7 years the family may still be deported. Guidelines for whether enforcement action should proceed include the following factors:

- Length of the parents residence without leave;
- The age of the children;
- Whether they were conceived at a time when either of the parents had leave to remain;
- Whether return to the parents country of origin would cause extreme hardship for the children or put their health seriously at risk;
- Whether either of the parents has a history of criminal behaviour of deception.

Case Study 56

Mr P.S came to the UK in May 1993 at the age of 15 and claimed asylum with his mother, whom he was dependent on till 1995. His mother's claim was refused in September 1994 and she unfortunately passed away in 1996. As arriving in this country as a minor and having completed seven years of continuous stay he falls under the presumption and entitled to obtain leave to remain in UK according to the Home Office seven-year policy.

Long Residence Rule

Under the Immigration Rules rule 276B a period of 10 years continuous lawful residence in the UK or 14 years continuous residence, having being given notice of liability for removal or a notice of intention of deportation from the UK, entitles the claimant to ILR on the grounds of long residency. This is whilst giving regard to the public interest, that there are no reasons it would be undesirable for him to be given indefinite leave to remain on the grounds of long residence.

Case Study 57

Mr V.P arrived in the UK in October 1997 at the age of 14 and made an asylum claim, which was refused by the Home Office, and he also lost his appeal in March, 2003 and his appeal rights was exhausted. He approached us at the end of 2004 and we made further representation on his human rights claim, our client's entitlement under the Home Office seven-year policy, which is under consideration by the Home Office.

Case Study 58

Mr M.M arrived in the UK in October 1993 and claimed asylum on arrival, which was then refused in 1994. An appeal was heard in February 1999 and dismissed, but a further human rights application was then placed. Mr M.M then became our client and we filed a long residency application for the consideration of outside the rules under the compelling compassionate circumstances. We applied for ILR under the basis of his long residency (12 years) in accordance with rule 276 stating his established private life, his adapting to the UK lifestyle and under Art 8 of ECHR on breaching his private and social life if he was to be removed. The Home Office subsequently granted ILR in January 2005.

Detention, Removal and Voluntary Return

In 2005, the number of incidents of removals of Sri Lankan failed asylum seekers has been very low. Following the tsunami the government suspended all enforced removals to areas affected by the disaster. The government recognising the hardship that would occur in removing people back to affected areas, for both those failed asylum seekers and the damaged areas of Sri Lanka. However, the newly arrived asylum seekers are kept in Oakingdon Detention Centre and with their claims being considered within the centre. Thus, most of their claims are refused without in country appeal rights. In 2-3 weeks in the centre they are released on temporary admission. The fast track cases or third country removals are held in detention centres, the most common for holding Tamil detainees being Yarl's Wood Detention Centre, Campsfield House in Oxford, Hestler Detention Centre in Portsmouth, Dover Detention Centre and Lindholme Removal Centre in Doncaster. At the end of 2005, our records show the Home Office involvement is very active to remove failed Sri Lankan asylum seekers by detaining them while they are complying with there immigration conditions at the reporting centre. Many of these asylum seekers have current asylum claims or human rights claims that are under consideration by the Home Office. These failed asylum seekers are detained and their claims are rapidly pushed through the system, the majority gaining a refusal. Some of the failed asylum seekers may even qualify under the Home Office's

policies such as the long stay policy or grounds of humanitarian concern. The use of forceful removal is most likely going to facilitate possible persecution on the detainees return to Sri Lanka, because the Human Rights situation is in such disarray. Amnesty International report, as recently as January 2006 those emergency regulations are currently in force in Sri Lanka allowing for detention in police custody for up to 90 days. Hundreds of people were arrested in Columbo under these provisions during cordon and search operation conducted by the security force at the end of December 2005. The UN Human Rights Committee is concerned about torture and cruel or degrading treatment of punishment of detainees by law enforcement officials and members of the armed forces.

During this removal process the failed asylum seekers who do not have a valid Sri Lankan passport have to sign on their Sri Lankan passport application form against their will and also forced to visit the high commission and obtain proper documents in order for their removal from the country to go through. This happens while their fresh asylum claim or human rights claim is still under consideration, even in some cases the officer from the Sri Lankan High Commission will visit the detention centres in order to collect the potential returnee's personal information and to confirm their nationality. This means Sri Lankan travel documents can be obtained for their removal. Some of the practices that are being committed are against the Data Protection Act. A main problem is that if an asylum claim or a human rights claim is refused, the Home Office allow little or no time for an applicant to make further submissions or legal challenge against their decision before they are deported. The above process makes the facilitation of their removal happen quickly thus preventing legal assistance and new appeal claims. In our experience on the day the potential returnee's human rights or fresh asylum claim is refused, it is only a few hours later that they are issued with a removal order and only a few hours after that the person will face the removal direction. This kind of removal puts failed asylum seekers lives at risk and denies them the right to justice and a fair trial as the legal representative finds that they are not provided with adequate time to place the detainees claim.

Case Study 59

Mrs S.S entered the UK in April 2000 and made an application for asylum, which was refused in March 2001, as were two appeals in 2004 and a claim for judicial review. She approached us in January 2005 when she was in the detention centre; we took up her case and got her released on bail. Mrs S.S then made a claim on human rights grounds that her removal would breach articles 3 and 8 of the ECHR due to her medical conditions. Following her unsuccessful claims directions were issued for her removal to Sri Lanka Mrs S.S was detained at Yarl's Wood Removal Centre pending her removal. Having been detained on the 6th of February directions were issued for her removal three days later. On the same day as the directions were issued, her human rights claim was refused, stating that there were no compelling reasons to let Mrs S.S stay in the UK.

Voluntary Return

Some of the failed asylum seekers who feel that they are safe in Sri Lanka because their political activity was low level or believe they are no longer wanted by the security forces due changes to the peace process are voluntarily returning to Sri Lanka through the International Organisation for Migration (IOM) with our assistance.

For failed asylum seekers who claimed asylum before January 2006 there is a £1000 reintegration package, for those after this date there is the possibility of a further £2000 if the Home Office considers you eligible until June 2006. IOM pay for the international flight, onward transportation and provide assistance with documentation and airport procedures.

Case Study 60

Mr V.V's asylum claim was refused and he wished to return to Sri Lanka due to his immigration status and his sickness. He now felt it was safe enough for him to return to Sri Lanka assisted by IOM. We assisted Mr V.V with his UK Voluntary Assisted Return and Reintegration Programme. IOM agreed to assist Mr V.V in his return to Sri Lanka. We completed the Sri Lankan passport application and obtained Mr V.V Sri Lankan passport. Mr V.V returned to Sri Lanka on the 22nd of February 2006.

Employment Initiative Project

This is a new initiative for our organisation, set up in 2003 with a small European Social Fund. Following this initial set up, for the years 2004-5 we were funded by the Home Office to carry out this initiative. The purpose of this project is to activate members of our community to become economically active and relieve them from poverty. This process will transform our community as a community that is contributing to this country and help them to integrate more swiftly. As well as providing short-term assistance through accessing state benefits, we work at long-term assistance of finding employment. Networking with potential employers, providing work experience schemes, making contact between the job seekers and employees through communication of the skills of the Tamil community, should give us the ability to facilitate this integration into the local economic community. Tackling initial homelessness and poverty can be the key to giving people the chance to get jobs so as to improve their standard of living. Advice on housing, tax and benefits forms a major part of this work. Looking at a clients training needs allows us to identify how to put them into contact with accessing this training and clients that already hold specialist skills can be targeted towards the right employers. The facilities here, such as free Internet access and CV assistance from staff, have proved invaluable to our clients. Career development is also essential, advice on how to increase their potential and achieve qualifications in order to do so; helps maintain and extend the reach of the Tamil community. We target barriers Tamils may face from entering the workforce, for example run English courses, advise them on their rights so they are not exploited by employers and target unemployed individuals in the community.

The scheme was very successful, our records showing that we supported around 175 individuals on a one to one basis on employment related issues. From October 2004-5 1166 visits were made by individuals for benefit related enquiries. From this figure the post holder assisted 370 people. From September 2004-5, individuals regarding their education and career development matters made 290 visits and individuals regarding their employment matters made 329 visits. In October 2005 we held the data of 170 people who were looking for jobs. We approached 46 employers in

relation to this project and ran seven employment related seminars. Through these seminars and employer appointments users were introduced to potential employers and likewise employers were introduced to our community to fulfil their vacancies in the future. Our community is eager to start work and potential employers see our organisation as a bridge between the employees and themselves if a dispute were to arise, also our organisation holds weight over the community and therefore the worker. Since January 2005 we have been running English Language Level 2 classes for jobseekers. Around 35-70 students enrolled in these classes, completing the course at the end of July 2005, obtaining entry level 1 and 2 certificates. Four mothers were also aided in finding appropriate and affordable childcare to help them acquire employment. From a survey of 100 users 65% of people stated they received very good service, the remaining 35% rated it as good. No significant concern arose from the structure of our project and all our outputs were achieved in a reasonable time limit. Due to the limited time of the project it is hard to evaluate its overriding effect on the community. Further funding of the initiative is required to really create an impact on the employment of our community and this is currently being sought.

Case Study 61

Mr SP claimed asylum in September 1998 and with his claim under consideration by the Home Office, he was granted permission to work in October 2002 and started employment with British Bakeries. In August 2004 he was asked to produce identity documents to confirm his residential status in the UK. We wrote a letter to his employers and explained that he had been allowed to stay in this country on temporary admission with permission to work, and this status had not yet been changed. Further, he had been working in their establishment for over two years, and under Home Office guidelines on this matter, the new checks on the documents of current employees did not apply to our client. However, they refused to accept our advice and terminated our client's employment contract in the second week of August. We then made the representation to the Home Office and asked them for an appointment for an Asylum Registration Card to establish his identity and eligibility for work. Our client was given an appointment by the Home Office in the mid-

dle of October and obtained the ARC with permission to work. Following this, we negotiated with his employer to have him reinstated in his previous position. Finally, the company reemployed him.

Case Study 62

Mr VS had worked in Texaco Service Station for over 8 years. He went on medical leave due to his mental illness. When he was ready to return to work the employer told him that he was no longer an employee in their workforce. We represented him to his employers by stating that he was on medical leave. He produced relevant documentation to prove his illness and that he was now ready to return. However, in the mean time they had not at any point informed him of his termination. Therefore, we asked them to review his employment. They reviewed the matter and asked him to produce a GP report confirming that he was fit to return to work. However, they argued that his sick not did not remove the assumption that he was too unwell to work. We then wrote a letter to Texaco informing them that they should contact our client's GP for evidence that Mr VS could return to work. When we received no reply, we wrote another letter and received a response from them stating that they would like to arrange a meeting with him to discuss his current conditions and his employment options. Following this interview, Texaco agreed to reemploy him on a trial period at a different station.

Case Study 63

Mr.K.T worked in J. Sainsbury, during his employment he had to take statutory sick leave for two weeks from August 15th 2005. These two weeks came to 64 hours, for which he was entitled sick pay; however, Mr S.C. only received 30 hours of sick pay. We sent a letter to the manager of the branch in relation to the lack of payment. Further to this, we also brought up Mr K.T's concerns of racial harassment he faced by the night shift manager, which amounted to constructive dismissal and lodged a complaint. Eventually Sainsbury paid Mr K.T the sick pay to which he was entitled.

Case Study 64

Mr V.S was employed with M and L Ambulance Service, after an incident with supervisor and a

disciplinary hearing Mr V.S. was dismissed for Gross Misconduct. Mr V.S came to us wishing to appeal the decision of the disciplinary hearing on the grounds that: the hearing was flawed as he had not been informed of the severity of the hearing and that he may be dismissed; he was not informed of his right to be accompanied at the hearing and that he was not informed of the content of the investigation carried out against him. Furthermore, he considered that it was his supervisory that approached him in a public area and for a disciplinary matter the discussion should have been carried out in a private area. In response, M and L Ambulance reviewed the hearing and overturned it based on our submission. Mr V.S was then reinstated.

Mental Health Counselling Service

We are offering a mental health counselling services in the Tamil language, with the help of professionally qualified councillors, to support to our users, those who are in great need of this service. The counselling system supports domestic violence, drugs and alcohol dependency, family dispute and behavioural problems. However, most are asylum seekers those who are mentally disturbed by the war, torture and having lived in conditions of poverty and starvation without access to any medical facilities. Moreover, when they arrived in the UK there asylum or human rights claims are under consideration their health condition further deteriorates, especially when their asylum claim is refused and they face a threat of removal. From this there is much anxiety, which can aggravate their posttraumatic stress disorder. The medical assistance that is available to Tamils who suffer from mental illness is severely limited. The language barrier often means that local health authorities cannot provide adequate care and these authorities are already struggling. Due to the need of a service for the Tamil community, we set up a counselling service; however, due to lack of funding this service does not have the means to facilitate the entire problem. We are trying to obtain further funding and therefore to assist the majority of cases. Currently though, we can only help those that our means can allow, the service being available once a week between 10-2. Still, in this time we manage to see on average five people.

Case Study 65

Miss R.A arrived in this country in May 2005 and

stayed with her relative without claiming asylum, two months later her mental health deteriorated and she was arrested by the police and handed over to North East London Larks Wood Centre. After she received treatment she was discharged from the hospital and looked after by social workers in a care home run by the North East London Mental Health Trust. In October she was referred to our organisation by the social worker so we could consider her immigration matter and also to provide a counselling service. A week later she was taken by our caseworker to the Home Office, where she claimed asylum and she also regularly attended our counselling service. A month later her asylum claim was refused and we lodged an appeal against the Home Office's decision. Despite the merits of this case the Legal Service Commission refused her legal representation, this prevented us from instructing a barrister to act at her hearing at the Immigration Tribunal. She continued to benefit from our counselling service and other overall support services. The social worker using documentation from our organisation is currently attempting to get the court to adjourn the case.

Case Study 66

Mr V.P claimed asylum in August 1998, he was interviewed two months later. While his asylum claim was under consideration he became a victim of a mental health illness, he was treated by the East Ham Memorial Hospital. However, when he was discharged he lost his accommodation and benefit support; subsequently he became homeless and was arrested by the police. After an investigation the police decided to release him, but he did not have a fixed address or any relatives in the UK. The police then referred this matter to our organisation and we took up the case, making representation to the Home Office on his asylum and human rights grounds. From the medical report it is concluded that Mr V.P has a schizoaffective disorder and is on medication that requires monthly blood testing. Mr V.P also has a history of serious suicide attempts. Our asylum and human rights appeal was on the grounds above meaning that if he were forced to return to Sri Lanka it would breach his Article 3 rights to not be subjected to torture or inhuman treatment. Mr V.P is at risk of torture or degrading treatment by the Sri Lankan Authorities and also threatens suicide, citing *R (Razger) v SSHD 2003* that the test for whether medical evidence shows the specific

standard is if 'there is a real risk of significantly increased risk that by removing a person from the UK they would commit suicide'. We thus requested either compassionate leave or humanitarian protection. Throughout these proceedings Mr V.P is benefiting from our counselling service.

Senior Citizens Project

Apart from our office based services we run some other activities to meet specifically targeted age groups to serve them according to their needs. This senior citizen project is specifically designed to cater for Tamil elders those who are vulnerable in many ways and need our assistance to keep them healthier and happier. To achieve this task we are running a day centre at the Manner Park Community Centre with a variety of activities, which engages them in a purposeful manner from seminars on topics such as healthy living to drama productions given by the elders at local high schools. We have also been able to provide suitable sheltered accommodation for some elderly relieving the burden of older Tamil refugees from overcrowded households. A main aim of this project is the health of the Tamil elders, through this scheme we can monitor their health with routine health care check ups by monitored professionals and provide advice and care when it is needed; this also keeps them from isolation and other adverse conditions. The scheme also works on keeping the minds of the elders active, many seminars being discussion groups such as 'life in Sri Lanka and Life in Britain' of the elders, also 'how to love happily in spite of having problems in the world,' which was followed by a question and answer session. The Lloyds and TSB Foundation fund this project. Around 155-60 Tamil elders have visited and benefited directly from the scheme, 120 of these elders use the scheme regularly.

Education Project

We are running two types of education projects with the help of KPMG foundation funding. One project is to provide support for school children in their school subjects, in particular maths, English and science. The other project run is English language classes for younger persons in the community. The first project is continually conducted at the Little Ilford School, Browning Road, London E12 on Sundays during school times, where there are currently 85 students attending

and benefiting from this service. As well as assisting the children in their core subjects other classes are run to assist students in their communication skills for everyday life and to assist them in obtaining jobs. This project has been successful in helping children to improve their education. Several after school activities are arranged, keeping many disadvantaged children off the streets and to also help them to integrate them into the community. The second project, ESOL (English Speakers of Other language users) is conducted at the Manor Park Community Centre two days a week with the assistance of the Newham Community Education and Youth Service. This project is for young people to improve their English language and learning skills. Children from schools are also given the opportunity to learn office skills in our office through Newham Trident, helping them gain the skills they need to get a job. There are currently 22 young people benefiting from this service.

Holiday Play-Schemes

This project is targeted at school age refugee children and was funded by the BBC's Children in Need. With this funding we run four weeks of holiday activities during the summer at Kensington School, Manor Park. This project enables children to engage in a variety of activities including painting, indoor and outdoor games, plays, dances, dace painting, sand craft, reading, story telling and outdoor trips. This project enables

parents to leave their children in a safe and enjoyable environment, and also enables the children learn traditional games, arts, cooking and other activities. The project also helps the children to grow in confidence, and to improve their learning skills. There is also the opportunity to engage with the children and help them with any problems such as isolation, behavioural problems, and other family and immigration issues. The Project is of a good standard being registered and audited by OFSTED, and we have many years experience running this project and other similar projects. We aided a total of 141 refugee children between the ages of 5-16 last year.

Fine Arts Academy

This is an opportunity for our younger members of the community to learn extra curricular activities. These activities are culturally appropriate and help them exhibit their talents; this project helps to improve the confidence of the young people and also helps to integrate them more into the community. This project is held at the Little Ilford School, Manor Park every Sunday between 9:30am - 2:30pm. Qualified professional artists are appointed to give lessons in the field of instrumental music such as Miruthangam, Vaaena, Violin and Flute. We also teach other performing arts such as Bharathanatyam and classical singing. There are currently about 60 students participating in this project, who also take exams awarded by the Oriental Fine Arts Academy Ltd (OFAAL).

Community
Legal Service



Quality Mark



TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

602 Romford Road, Manor Park, London E12 5AF

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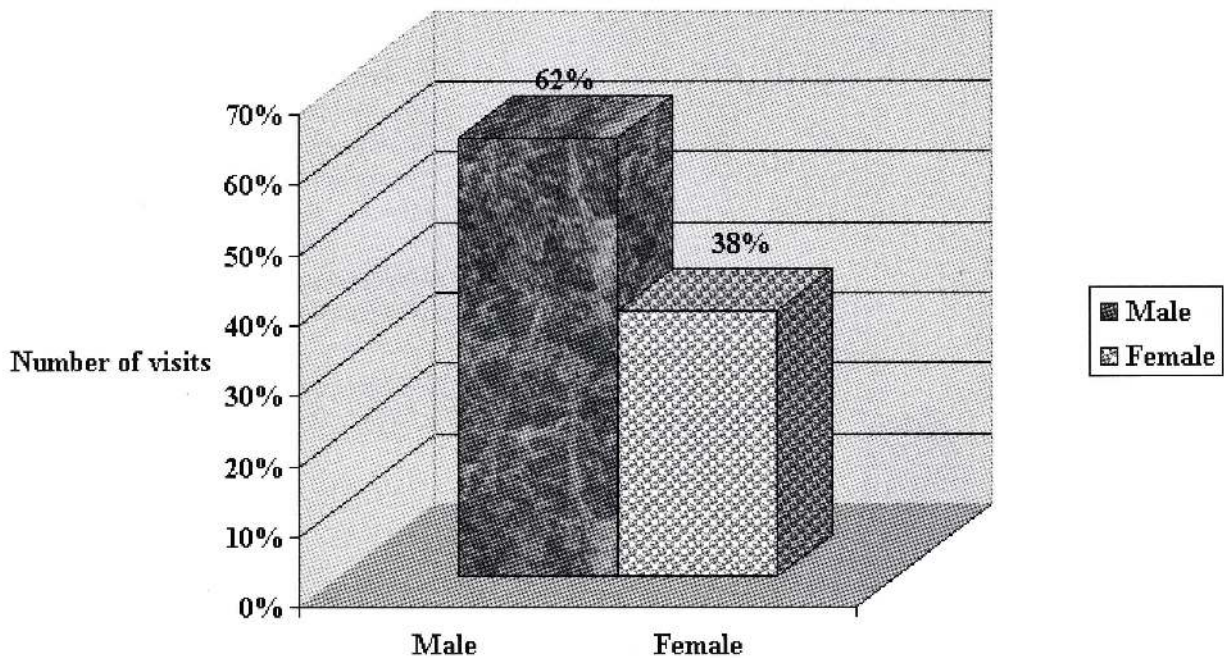


We are recognised by the Legal Services Commission as a Quality Services Providers and awarded Specialist Quality Mark with Immigration Franchised contract.

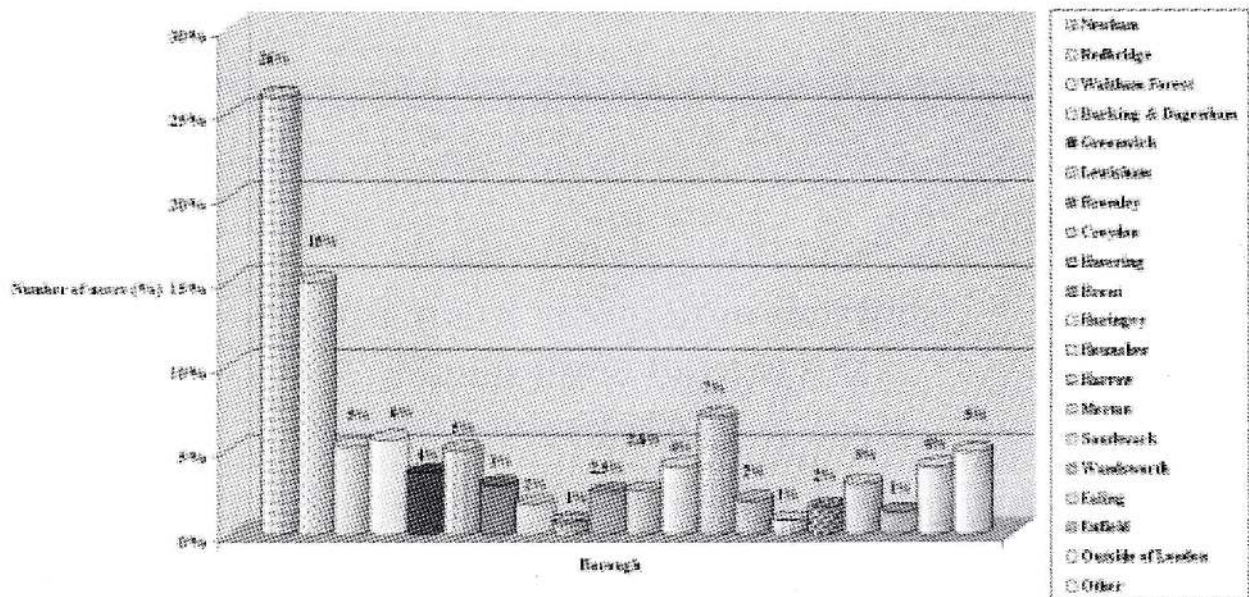
1. அரசியல் தஞ்சம் (Asylum & Appeals)
2. குடிவரவு (Visa Extension, Entry Clearance, Work Permits, Citizenship, EU Residency Permit)
3. தடுப்புக் காவல் விடயங்கள் (Detention Matters.)
4. தஞ்சம் கோருவோருக்கான மானியங்கள் (NASS Application & Appeals)
5. சமூக நல மானியம் (Social Welfare Benefits)
6. தங்குமிட / வீடு வசதிகள் (Accommodation, Housing)
7. உடல் / மன நல விடயங்கள் (Healthcare)
8. வேலை / கல்வி வாய்ப்புக்கள் (Employment, Education)

கிதுபோன்று நமது சமூகம் எதிர்நோக்கும் மேலும் பல விடயங்களில் உதவி வழங்கும் எமது தமிழர் நலன்புரி சங்கம் (TWN) வார நாட்களில் திங்கள், புதன் கிழமைகளில் காலை 9:00-3:00 வரையிலும் செவ்வாய், வியாழன், வெள்ளிக்கிழமைகளில் காலை 9:00-1:00 மணிவரையும் நேரில் வருவோருக்கான சேவையினையும், மற்றும் தொலைபேசி ஆலோசனைகள் செவ்வாய், வியாழன் ஆகிய நாட்களில் பிற்பகல் 2:00-4:00 வரை நடைபெறும் என்பதையும் அறியத்தருக்கிறோம்.

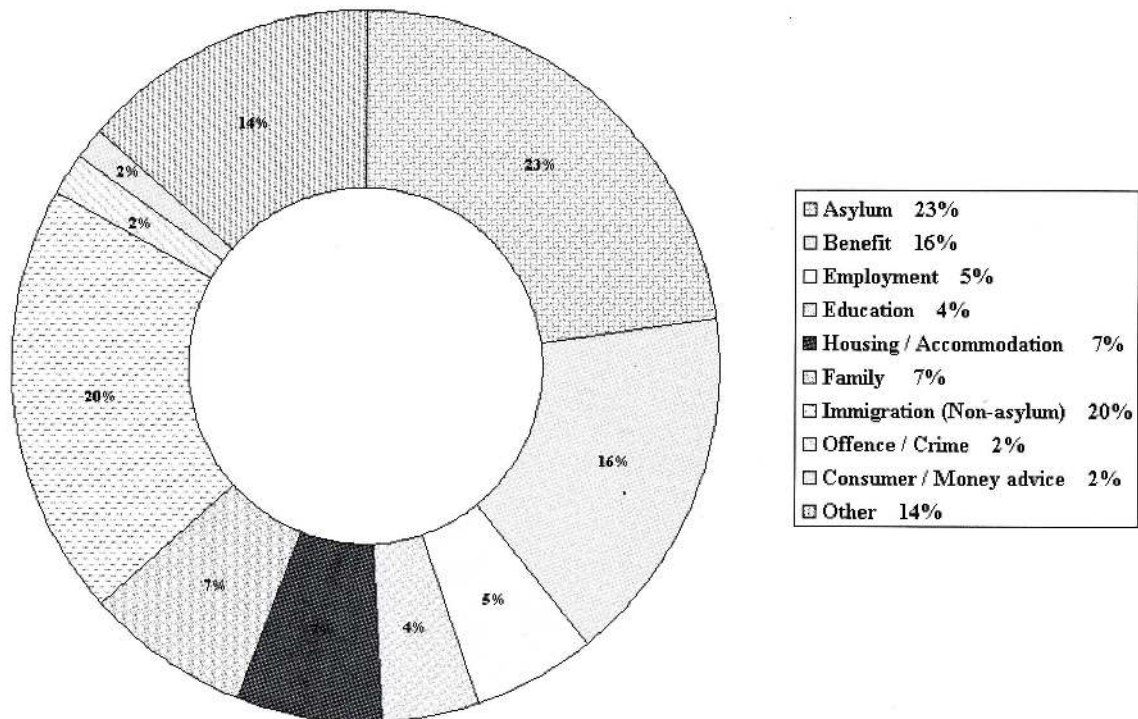
TWAN's breakdown of gender group 2005



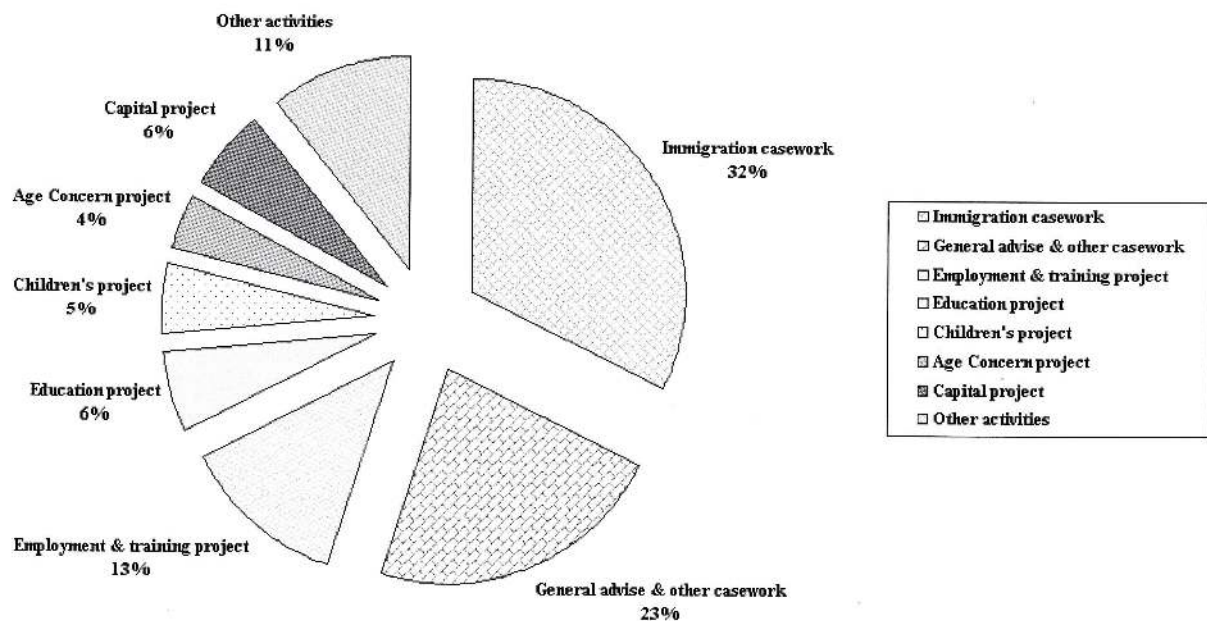
Breakdown of users from 2005



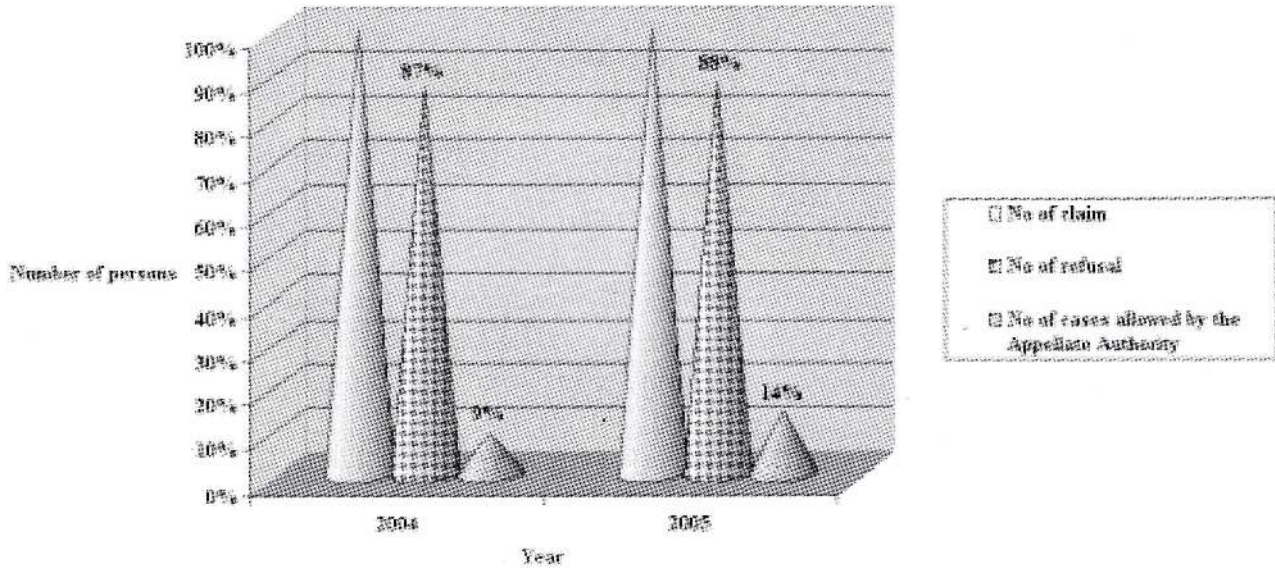
Purpose of visit by clients 2005



How the money was utilised in year 2005



Number of Sri Lankan claimed asylum and their decision



TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

Community
Legal Service



Quality Mark

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

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We Thank

*Big thank you for the people who have supported us over the last 20 years
and the funders who have recognise our services and aided us
with grants to enable us to deliver our services.*

*Particularly all of our guest of honorable invitees for having graced the occasion
by your presence this evening. Also sincere thanks
to Staff, Volunteers, Members, client's and Well- wishers*

*Mr. Stephen Timms MP
Mr. Unmesh Desai, Mr Clieve Furnes and
Local Councilors*

*Legal Services Commission, Association of London Government,
City Parochial Foundation, BBC Children's in need, KPMG Foundation,
Adventure Capital Fund, The Percy Bilton Charity,
The Tudor Trust, Challenge Fund-Home Office,
Comic Relief and Lloyds & TSB Foundation.*

*OISC, Counsels, Medical Foundation, Professional Doctors,
Health Advocacy Services and GP's and Pan London Tamil Group.*

*Networking Organisation Advice UK, MODA, London Refugee Voice,
NCVO, Newham Voluntary Sector Consortium,
North East London Network, British Refugee Council,
JCWI, LASA, ILPA, BID and CLT*

*Redbridge Refugee Forum, The Renewal Programme
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*Newham Community Education Services, Kensington Primary School,
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SUMMER PLAY SCHEME - 2005





SUMMER PLAY SCHEME - 2005



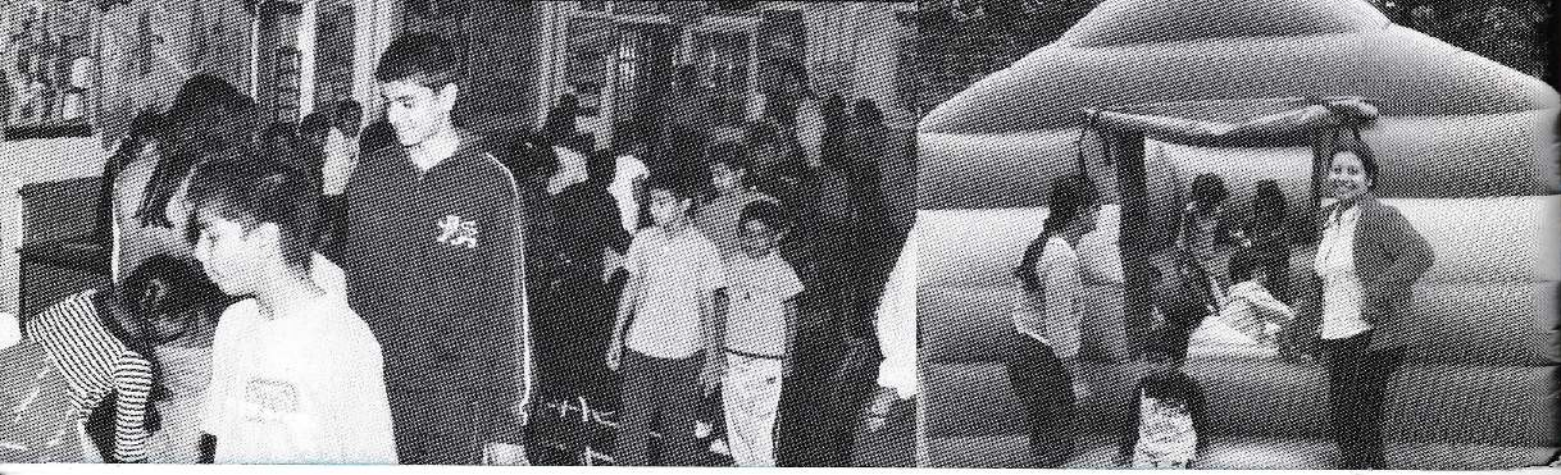
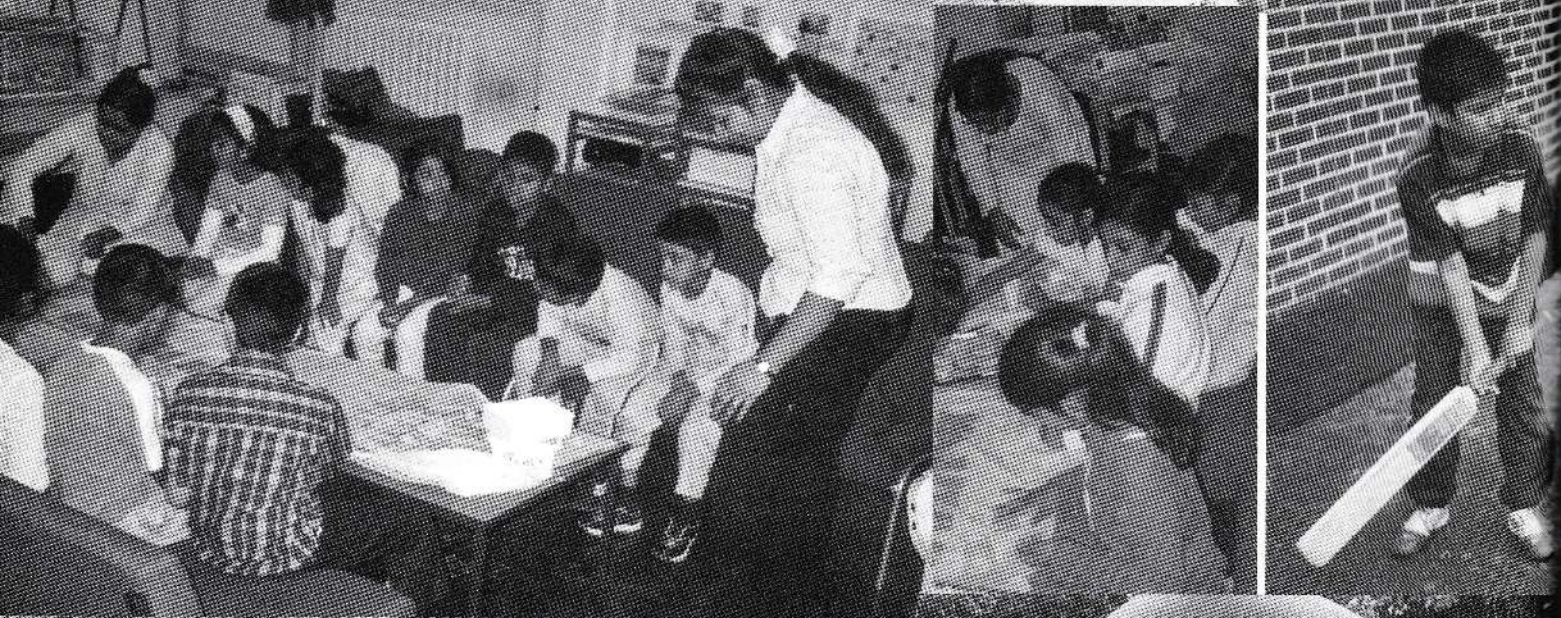
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**SUMMER
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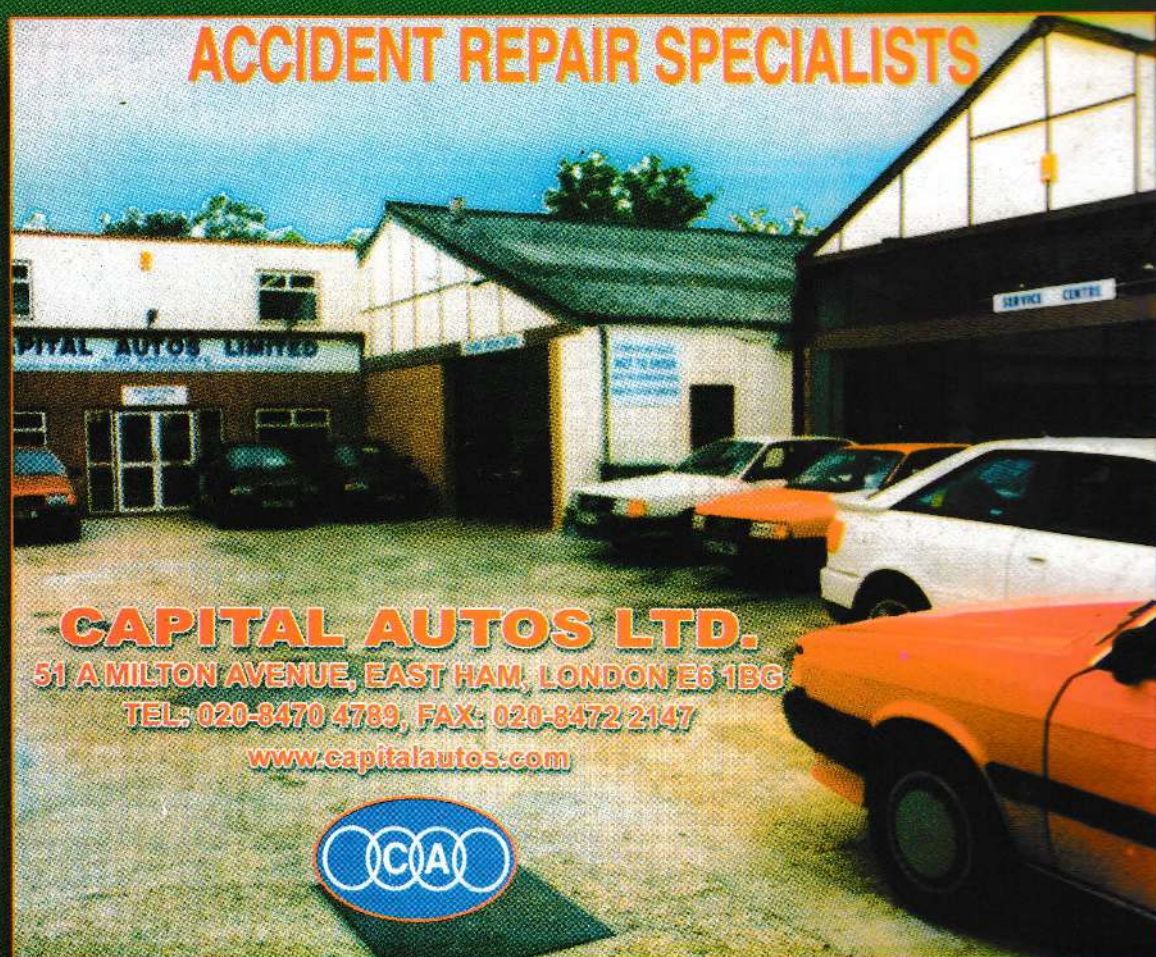
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