



**Tamil Welfare Association (Newham) U.K.**

**தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.**



**Annual Review Report - 2002**





# YAAL RESTAURANT



Sri Lankan & South Indian Cuisine  
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## யாழ் உணவகம்

யாழ் உணவகம் மீண்டும் புதிய நிர்வாகத்தின் கீழ் புதுப் பொலிவுடன் அறுசுவை குன்றாத  
இலங்கை - தென்னிந்திய உணவுவகைகள்.  
வாருங்கள் - வந்து சுவையுடன் உண்டு மகிழ்

யாழ் உணவகம்

உங்கள் திருமண வைபவங்கள் - பிறந்தநாள் கொண்டாட்டங்கள்  
மற்றும் மங்களகரமான வைபவங்களுக்கும் நீங்கள் விரும்பும்  
சுவைமிக்க - தரமான உணவுவகைகள் சுடச்சுட குறித்த நேரத்தில் செய்து தரப்படும்.

10 பவுண்டுகளுக்கு மேல் உணவு வாங்குபவர்களுக்கு  
2 மைல் தூரத்துக்கு இலவச விநியோகம் செய்யப்படும்

40 இருக்கை வசதி கொண்ட தமிழ் உணவகம்

Opening Hours:

Sun - Thu: 12.00 pm to Midnight

Fri - Sat: 12.00 pm. to 1.00 am

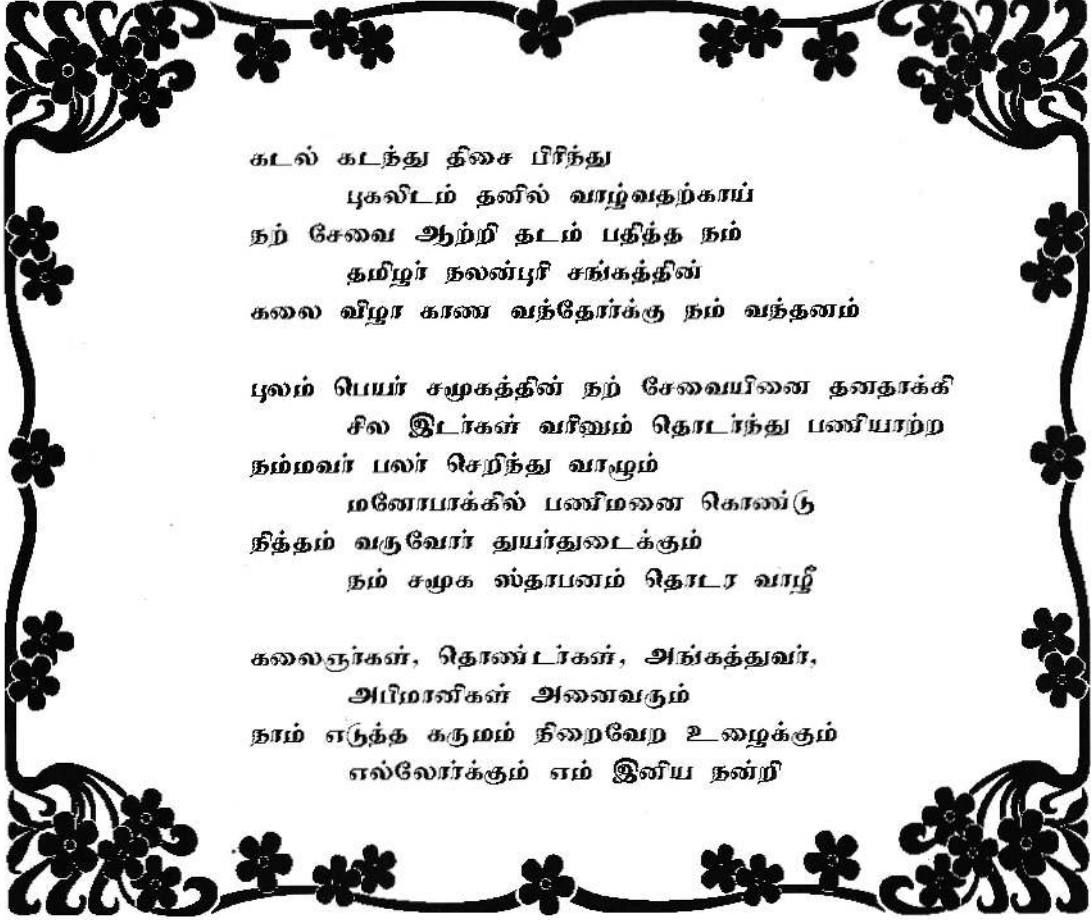
404 BARKING ROAD, EASTHAM, LONDON E6 2SA

TEL: 020 8471 6744 / 020 8471 7319



# Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.



## TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

602 Romford Road, Manor Park, London E12 5AF

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

E-mail: twan @tamilwelfare.fsnet.co.UK

The Secretary,  
Tamil Welfare Association (Newham) UK,  
602 Romford Road,  
Manor Park,  
E12 5AF

Your Ref:  
Our Ref: RW 0255-03



SIR ROBIN WALES  
Mayor of Newham

Date: 16 April 2003

அன்புள்ள செயலாளர் அவர்களே,

இவ்வருட வரலாற்றின் அறிக்கையில் ஒரு சில வார்த்தைகள் கூற எனக்கு வாய்ப்பு அளித்தமைக்கு மிக்க நன்றி. பரோவின் கலாச்சார மேன்மைக்கு தமிழ் சமூகத்தினர் மீண்டும் உறுதுணையாக இருந்தது பற்றி எனக்கு மிகவும் மகிழ்ச்சியாக உள்ளது.

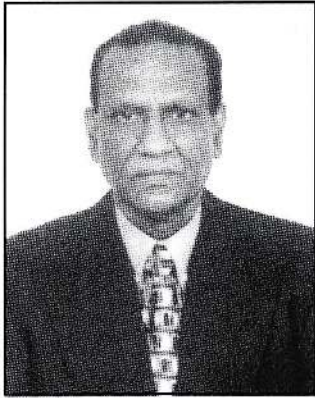
உள்ளூர் தமிழர்களுக்கு ஒரு விலைமதிப்பில்லாத ஆதாரமாக இந்த அசோசியேஷனின் வேலை இருந்து வருகிறது. இவ்வாறு வேலை செய்வதன் மூலம், நியூஹாம் பரோவிற்கு ஆக்கபூர்வமான பங்களிப்பை தமிழர்கள் வழங்குவதற்கு இது ஏதுவாகிறது.

அசோசியேஷனின் எதிர்காலம் வெற்றியடைய நான் வாழ்த்துகிறேன். உங்கள் வலிமைகளைத் தொடர்ந்து பெருக்குவீர்கள் என நம்புகிறேன்.

தங்கள் உண்மையுள்ள

சார் இராபின் வேல்ஸ்  
நியூஹாம் மேயர்.





**உங்களுடன் சில நிமிடங்கள்**

அன்புடையீர்!

தமிழர் நலன்புரி சங்கத்தின் வருடாந்த விழாவான இந்த இனிய மாலைப் பொழுதில் எங்களுடன் சில மணி நேரங்களைப் பகிர்ந்து, நிகழ்வுகளை ரசித்து இன்புறுவந்தி ருக்கும் உங்களுக்கும், எமது சங்கத்தின் அங்கத்தவர்கள், நலன்விரும்பிகள், பயன் பெறுவோர்கள், அனைவருக்கும் எனது இனிய வணக்கங்களும் புத்தாண்டு வாழ்த்துக்களும்.

நுவான் (TWN) என பலராலும் அழைக்கப்படும் எமது சங்கம் 602 ரொம்பொர்ட் ரோட்டை அலுவலகமாக மாற்றி இட வசதியுடன் சேவைமாற்றி வருவது பலரும் அறிந்ததே எனினும் இவ் வளர்ச்சி கடந்த 10 மாதத்துள் தடைப்பட்டு சேவைகள் மட்டுப்படுத்தப்பட்டதோடு ஓர் நிச்சயமற்ற நிலமையும் உருவாகி இருந்ததையும் இவ்விடத்தில் நினைவு கூர வேண்டும், எமக்கு வழங்கப்பட்ட நிதி உதவி புதுபிக்கப் படாது மாற்று நிதி வழங்கும் நிறுவனங்களை நாடும்படி எமது சங்கம் கோரப்பட்டமைபே இதற்குக் காரணமாகும்.

இந்த நெருக்கடியினால் தொடர்ந்து கடமையாற்றிய 3 பணியாளர்களும் வேலை இழந்ததோடு, ஊதியமற்ற சேவையினை இதர தொண்டர்களோடு இணைந்து சங்கத்திற்கு வழங்கி இருந்தனர் என்பதும்ஐ இம் மனப்பாங்கு ஸ்தாபனத்தை நடாத்திச் செல்வதில் அனைவருக்கும் இருக்கும் ஒருமித்த ஈடுபாட்டைக் காட்டுகிறது.

நமது சமூகத்திடம் இருக்கும் அத்தி எதிர்பார்ப்பு சமூக ஸ்தாபனங்களால் ஈடு கொடுக்க முடியாத போது சில சமயங்களில் விமர்சனத்துக்குள்ளாக்கும் சூழ் நிலை இருப்பதை நாம் நன்கு உணர்ந்துள்ளோம். மிகவும் மட்டுப்படுத்தப்பட்ட வழங்களுடன் முடிந்தளவு சிறப்பான சேவையை எமது சங்கம் வழங்கி வருகிறது என்பதை நிர்வாக சபையின் சார்பில் உறுதியாகக் கூற விரும்புகிறேன்.

மேலும் எமது ஸ்தாபனம் சட்ட நிறுவனங்களுக்கான சமூக சேவை ஆணைப் பகுதியினாலும் (Community Legal Services Commission) குடிவரவு சேவை ஆணையாளராலும் (Immigration Service Commissioner) அங்கீகரிக்கப்பட்டு உரிய சேவைகளை தகுந்த முறையில் வழங்கி வருகிறது என்பதை மகிழ்ச்சியுடன் தெரிவிக்கிறேன். ஆரம்பித்து வரும் செயல் திட்டங்கள் வெற்றி பெறவும், நிதி நிலையில் ஏற்பட்ட சரிவை நிவர்த்தி செய்ய முயற்சிகள் சாத்தியமாகி நமது சமூகத்தின் மேம்பாட்டிற்கு இச் சங்கம் தொடர்ந்தும் சேவையாற்றி இந்த நாட்டில் தடம் பதித்த நம்மவர்களுக்கு உறுதுணை புரியும் என கூறி உங்களுடன் சில விடயங்களை நிர்வாக சபையின் சார்பில் பரிமாற சந்தர்ப்பம் அமைத்தமைக்கு நன்றி கூறி விடை பெறுகிறேன்.

தன்றி

வணக்கம்

சி முத்துக்குமாரசாமி

தலைவர்

திருச்சுருதி மடம்.

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ. ரா.







## Secretary's Report

Since 1986 the Tamil Welfare Association of Newham (TWAN) has provided the services most needed by the Tamil people in and around Newham, most particularly in immigration, housing, employment and education. Since 1993 TWAN has provided these services in a more structured and improved manner. In the past year we have undergone faced considerable financial difficulties, but have successfully reorganised our activities and obtained alternative funding in order to continue to provide a quality service. We ended the year in a better financial position than we had done previously.

Since 1995, we received uninterrupted adequate funding from the National Lotteries Charities Board (NLCB). This funding continued for six years until end of May 2002, but the NLCB would not extend the funding because they do not fund individual projects beyond six years. Our application was felt to be insufficiently different from our previous applications, and it was therefore turned down. In this situation we sought alternate funding. However, this did not come through, which forced us to review our structures. This enabled us avoid closure, and to keep our organisation running successfully. This is mainly due to the co-operation of our workers, volunteers and directors, who showed considerable understanding and gave their services uninterruptedly and without payment. Payment of rent for the premises remained our greatest concern, although we have continued to operate by drawing upon our reserve designated funds. From November 2002 we received partial funding for one year for our advisory project from the City Parochial Foundation and the European Social Fund (ESF) Fast Forward.

### Management and Organisational Structure

Up until 2002 we had 460 members, of whom 190 were valid members in 2002.

**The members** participate in our AGM where they put forward their suggestions, which are democratically agreed. General members also have voting rights for the election of new directors.

**The directors** meet at monthly meetings and discuss and decide on the services provided and financial matters that have taken place during the month. They discuss funding and fundraising matters. Our designated directors pay regular visits to the office to monitor staff and offer them necessary support. A member of the office staff also attends the monthly meeting, to implement decisions taken at the meeting at the office level. This office staff member liaises between the directors and staff.

**Sub-committees** are formed for running specific projects that involve user participation. In our children's project the parents or guardians of children are fully involved in decision making about the project, as are the elders in the elder's project.

**Staff and volunteers.** For the last three years there were one full-time and two part-time workers. From May 2002 they were all made redundant because the funding ceased. However these workers continued to work as volunteers without payment which enabled us to run the office smoothly, and didn't significantly affect the serv-



ices delivered to the clients. Funding came through in November 2002 for a full-time worker and a part-time worker. We also received money from the Local Regeneration Access Fund to cover volunteers' costs. Although the funding does not cover all costs we use our reserved fund to meet the office and other volunteers' expenses. We offer work placements to students and other people through partnerships with Trident and universities. Students gain experience in legal casework. We also provide community members with training in office skills.

**Revised strategy planning and funding.** Since we lost the NLCB's funding in May 2002 we revised our business plan and funding strategy. The Outreach worker's position came to an end with the cessation of funding from NLCB. In this situation we were forced not to accept new asylum cases. General advice on pending cases was provided without the quality being affected.

**Funds** In the past two years our financial status as follows:

2000	-	£ 4,416 deficit
2001	-	£21,607 deficit
2002	-	£ 2,237 deficit

It is noticeable that there is a substantial difference between years 2002 and previous years. This is mainly due to substantial reduction in staff salaries and the organisation's increased fundraising activities. The Board of Directors is aware of the ongoing deficit, and has taken action in order to improve the situation. Part of this included approaching the Charities Aid Foundation for consultancy support, to prepare a business plan which emphasised financial planning and a three year budget. This plan will come into force from April 2003.

**Legal status.** According to the Immigration and Asylum Act 1999 an immigration advisers must be registered as Immigration Service Practitioners. As a charitable organisation TWAN applied to the Immigration Service Commission for exemption from this requirement, which we obtained. We obtained the Quality Mark level 2 status from the Community Legal Service Commission, to provide casework on welfare benefits, immigration and housing. Since our registration we have been successfully audited by both organisations.

## Activities

**Service and delivery.** Alongside our full-time Information and Advice worker, two part-time volunteers assist in carrying out work smoothly. They attend to immigration and asylum queries, and clients' social security and National Asylum Support Services problems. In addition to these services, advice on housing, education and employment related matters are offered to whoever needs them. The services are offered through drop-in sessions and appointments, as well as advice by telephone, internet and interviews in the media. We offered assistance on 140 cases in 2002. Despite our funding difficulties, this is similar to our work in previous years.

**Employment project.** With new initiatives taken we were able to find employment for 89 unemployed people. This was possible through ESF funding, which comes to an end in mid July 2003. We are investigating funds that would enable us to continue to provide this valuable service.

**The AGM** took place on 23rd June 2002 at Manor Park Community Centre and 67 members attended the meeting. Elections were held for the posts of three outgoing directors and the vacancies were filled. We obtained members' approval for changes to the constitution, regarding the objectives of the organisation and the powers of the trustees. These followed recommendations from the Federation of Information and Advice Centres, and are subject to the approval of the Charity Commission.

## Developments

Our priority for the coming year will be to stabilise our funding, and to regain the lost caseworker and outreach and development worker posts. We have obtained planning permission for use of the upstairs of our office premises. This has enabled us to carry out work with clients with more confidentiality. We are seeking appropriate funders to help to buy this property, and have already begun to make applications for this purpose. We also wish to upgrade our Quality Mark status to level 3, which will enable us to provide specialist help to our clients.



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# FINANCIAL STATEMENTS FOR THE YEAR ENDED 31<sup>ST</sup> DECEMBER 2002

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## TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

Company No: 2962857

### **DIRECTORS**

M Balasingham (Mrs)  
K Balasundram Esq (Resigned 28.06.2002)  
P Chandradas Esq  
S Gajendrakumaran Esq  
T Janaka (Mrs)  
S Kirubaharan Esq  
S Kanthasamy (Miss) (Appointed 25.09.2002)  
S Paneerchelvan Esq  
R Rajanavanathan Esq  
M Kanagalingam Esq (Resigned 28.08.2002)  
S Muthucumarasamy Esq  
K Shanmugavadivel (Mrs) (Appointed 27.06.2002)

### **SECRETARY**

P Chandradas Esq

### **REGISTERED OFFICE & BUSINESS ADDRESS**

602 Romford Road  
Manor Park  
London  
E12 5AF

### **ACCOUNTANTS**

Advanced Accounting Practice  
Certified Accountants  
2nd Floor, 54-58 High Street  
Edgware  
Middlesex  
HA8 7EJ

### **SOLICITORS**

Jeya & Co  
322 High Street North  
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

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4	Balance sheet
6	Notes to the financial statements



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K****REPORT OF THE DIRECTORS**

The directors present their report and financial statements for the year ended 31st December 2002 .

**PRINCIPAL ACTIVITIES AND BUSINESS REVIEW**

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

The Association's principal activity is the providing of advisory and representation 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 year (or on appointment if later), were as follows:

	<u>Class of share</u>	<u>Number of shares</u>	
		<u>2002</u>	<u>2001</u>
M Balasingham (Mrs)	Ordinary shares class 1	-	-
K Shanmugavadivel (Mrs)	Ordinary shares class 1	-	-
P Chandradas Esq	Ordinary shares class 1	-	-
S Gajendrakumaran Esq	Ordinary shares class 1	-	-
T Janaka (Mrs)	Ordinary shares class 1	-	-
S Kirubaharan Esq	Ordinary shares class 1	-	-
S Kanthasamy (Miss)	Ordinary shares class 1	-	-
S Paneerchelvan Esq	Ordinary shares class 1	-	-
R Rajanavanathan Esq	Ordinary shares class 1	-	-
S Muthucumarasamy Esq	Ordinary shares class 1	-	-

**CLOSE COMPANY**

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

Date: 26th March 2003

By Order of the Board,  
*P Chandradas*  
 P Chandradas Esq  
 Secretary



TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

ACCOUNTANTS' REPORT ON THE UNAUDITED ACCOUNTS TO THE  
DIRECTORS OF TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

As described on the balance sheet you are responsible for the preparation of the financial statements, set out on pages 3 to 9, and you consider that the company is exempt from an audit. In accordance with your instructions, we have compiled these unaudited accounts in order to assist you to fulfil your statutory responsibilities, from the accounting records and information and explanations supplied to us.

*g/12*  
ADVANCED ACCOUNTING PRACTICE  
Certified Accountants

2nd Floor, 54-58 High Street  
Edgware  
Middlesex  
HA8 7EJ

Date: 26th March 2003



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 31ST DECEMBER 2002**

	Notes	2002 £	2001 £
<b>TURNOVER</b>	<b>2</b>	64,145	71,674
Administrative expenses		(66,465)	(93,758)
<b>OPERATING LOSS</b>	<b>3</b>	(2,320)	(22,084)
Interest receivable	<b>4</b>	83	477
<b>LOSS ON ORDINARY ACTIVITIES BEFORE TAXATION</b>		(2,237)	(21,607)
Tax on loss on ordinary activities		-	-
<b>LOSS FOR THE FINANCIAL YEAR</b>	<b>9</b>	(2,237)	(21,607)

None of the company's activities were acquired or discontinued during the above two financial years.

The company has no recognised gains or losses other than those dealt with in the profit and loss account.

The notes on pages 6 to 9 form part of these financial statements.



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**BALANCE SHEET AT 31ST DECEMBER 2002**

	Notes	2002 £	2001 £
<b>FIXED ASSETS</b>			
Tangible assets	6	8,420	9,768
<b>CURRENT ASSETS</b>			
Debtors	7	1,058	6,894
Cash at bank and in hand		21,805	21,891
		<u>22,863</u>	<u>28,785</u>
<b>CREDITORS: Amounts falling due within one year</b>	8	<u>(14,754)</u>	<u>(19,786)</u>
<b>NET CURRENT ASSETS</b>		<u>8,109</u>	<u>8,999</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		<u>16,529</u>	<u>18,767</u>
<b>CAPITAL AND RESERVES</b>			
Designated Funds		35,063	35,063
Profit and loss account	9	(18,534)	(16,296)
<b>SHAREHOLDERS FUNDS</b>		<u>16,529</u>	<u>18,767</u>

The statements required to be made by the company's directors and the signature required by the Companies Act 1985 are given on the following page.

The notes on pages 6 to 9 form part of these financial statements.



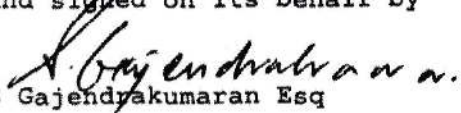
TAMIL WELFARE ASSOCIATION (NEWHAM) U.KBALANCE SHEET AT 31ST DECEMBER 2002 (Continued)

The directors have taken advantage of the exemption conferred by section 249A(1) not to have these financial statements audited and confirm that no notice has been deposited under section 249B(2) of the Companies Act 1985.

The directors acknowledge their responsibilities for ensuring that:-

- i) The company keeps accounting records which comply with section 221 of the Companies Act 1985;
- ii) The financial statements give a true and fair view of the state of affairs of the company as at 31st December 2002 and of its loss for the year then ended in accordance with the requirements of section 226, and which otherwise comply with the requirements of the Companies Act 1985 relating to financial statements, so far as is applicable to the company.

The financial statements were approved  
by the board on 26th March 2003  
and signed on its behalf by

  
S Gajendrakumaran Esq

Director

The notes on pages 6 to 9 form part of these financial statements.

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2002**

**1. ACCOUNTING POLICIES**

**1.1 BASIS OF ACCOUNTING**

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

**1.2 TURNOVER**

Turnover represents grants received, membership fees and 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. TURNOVER**

	2002	2001
	£	£

Analysis by:-

Grants received	61,874	66,003
Membership fees	771	660
Local Authority receipts	-	3,076
Rental Income	340	910
Donations received and other income	1,160	1,025
	64,145	71,674



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K****NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2002**

<b>3. OPERATING LOSS</b>	<b>2002</b>	<b>2001</b>
	<b>£</b>	<b>£</b>
The operating loss is stated after charging:		
Depreciation	1,485	1,725
Operating lease rentals:		
Land and buildings	3,714	14,093
	<u>          </u>	<u>          </u>
<b>4. INTEREST RECEIVABLE</b>	<b>2002</b>	<b>2001</b>
	<b>£</b>	<b>£</b>
Bank and other interest receivable	83	477
	<u>          </u>	<u>          </u>
	83	477
	<u>          </u>	<u>          </u>
<b>5. DIRECTORS AND EMPLOYEES</b>	<b>2002</b>	<b>2001</b>
	<b>£</b>	<b>£</b>
Staff costs:		
Wages and salaries	23,880	40,760
Social security costs	1,119	2,267
	<u>          </u>	<u>          </u>
	24,999	43,027
	<u>          </u>	<u>          </u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2002**

**6. TANGIBLE ASSETS**

	Fixtures & fittings £
<u>Cost</u>	
At 1st January 2002	29,529
Additions	137
	<hr/>
At 31st December 2002	29,666
	<hr/>
<u>Depreciation</u>	
At 1st January 2002	19,761
Charge for year	1,485
	<hr/>
At 31st December 2002	21,246
	<hr/>
<u>Net book value at 31st December 2002</u>	8,420
	<hr/>
<u>Net book value at 31st December 2001</u>	9,768
	<hr/>

**7. DEBTORS**

	2002 £	2001 £
Other debtors	-	3,168
Prepayments and accrued income	1,058	3,726
	<hr/>	<hr/>
	1,058	6,894
	<hr/>	<hr/>

**8. CREDITORS: AMOUNTS FALLING DUE  
WITHIN ONE YEAR**

	2002 £	2001 £
Taxes and social security costs	-	611
Other creditors	4,805	3,698
Accruals and grants recieved in advance	9,949	15,477
	<hr/>	<hr/>
	14,754	19,786
	<hr/>	<hr/>



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2002**

**9. PROFIT AND LOSS ACCOUNT**

	2002 £	2001 £
Accumulated losses at 1st January 2002	(16,297)	5,311
Loss for the financial year	(2,237)	(21,607)
Accumulated losses at 31st December 2002	<u>(18,534)</u>	<u>(16,296)</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.

**10. 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	
	2002 £	2001 £	2002 £	2001 £
Expiry date:				
Within one year	14,450	14,450	-	-
Between one and five years	<u>43,350</u>	<u>57,800</u>	<u>-</u>	<u>-</u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**DETAILED TRADING AND PROFIT AND LOSS ACCOUNT**  
**FOR THE YEAR ENDED 31ST DECEMBER 2002**

	2002		2001	
	£	£	£	£
<u>Income</u>				
<u>Restricted Funds - Advisory &amp; Employment Project</u>				
Grant received		37,743		61,803
<u>Less: Expenditure</u>				
Salaries and wages (incl N.I)	24,999		43,027	
Rent, rates and insurance	4,540		15,059	
Light and heat	668		1,111	
Security costs	508		-	
Printing, postage and stationery	2,000		2,500	
Telephone and fax	2,546		3,358	
Accountancy	1,348		1,212	
Computer costs	1,168		1,150	
Staff recruitment and training	2,000		1,509	
Travelling	500		2,500	
Volunteers and sessional workers	600		1,256	
		40,877		72,682
Net deficiency		(3,134)		(10,879)



**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K****DETAILED TRADING AND PROFIT AND LOSS ACCOUNT**  
**FOR THE YEAR ENDED 31ST DECEMBER 2002**

<u>Designated Funds</u>		<u>2002</u>	<u>2001</u>
		<u>£</u>	<u>£</u>
<u>Income</u>			
Grants received	(Sch)	24,131	4,200
Membership fees received		771	660
Local Authority receipts		-	3,076
Rent receivable		340	910
Donations and other income		1,160	1,025
		<u>26,402</u>	<u>9,871</u>
<u>Less: Expenditure</u>			
Cultural activities	1,733	1,527	
Childrens' project	8,843	280	
Age Concern project	5,329	3,127	
Asylum seekers expense	385	-	
Education project	448	2,195	
Repairs and renewals	1,630	2,901	
Printing, postage, stationery	1,504	3,373	
Travelling	2,660	5,108	
Meeting expenses	80	89	
Bank charges	413	507	
Sundry expenses	505	244	
Membership and subscriptions	573	-	
Depreciation	1,485	1,725	
		<u>25,588</u>	<u>21,076</u>
 Net Surplus/(Deficiency)		 <u>814</u>	 <u>(11,205)</u>
 Gross Profit/(Loss)		 <u>(2,320)</u>	 <u>(22,084)</u>

**OTHER INCOME AND EXPENSES**

Interest receivable:			
Bank deposit interest	83	477	
	<u>83</u>	<u>477</u>	
 NET LOSS FOR THE YEAR		 <u>(2,237)</u>	 <u>(21,607)</u>

**TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**

**General Funds - Grants received**

**FOR THE YEAR ENDED 31ST DECEMBER 2002**

**Schedule for Designated Funds - Grants received**

	<u>2002</u>	<u>2001</u>
	<u>£</u>	<u>£</u>
Technical Aid Fund (L.B.N)	1,544	700
Employment amd training project	-	500
Education Project	6,038	3,000
Childrens' Project	9,774	-
Age Concern Project	5,000	-
Organisational development grant	1,775	-
	<u>24,131</u>	<u>4,200</u>

**TWAN- AGM 2002**





## Project Progress Report 2002

### Introduction

This year the Tamil Welfare Association has faced a setback in the delivery of its services due to funding difficulties. The successful achievements of the past ten years were halted by the sudden unavailability of the expected funding, which led to a considerable disruption of service delivery to our users. However, our swift implementation of an alternative action plan has enabled us to successfully overcome this difficult period.

In the last six years, our organisation has been funded mainly by the Community Fund (NLCB). This funding programme came to an end in May 2002. Our other main funding requests were also not successful in time. Our funding application for Capital Project was also unsuccessful because the Community Fund found our new funding application not significantly different from our previous funding. Other main funders have also shown reluctance to positively consider our funding requests. However the funding from ESF and City Parochial, along with other small funds, have eased our difficulties.

Despite the organisation's financial difficulties, our existing advisory work and casework has continued. Previously paid staff have sacrificed themselves and come forward as part-time volunteers. With other volunteer participation most of the organisation's services have survived.

Asylum casework has been the field most interrupted by these funding difficulties. A combination of the tighter requirements in order to qualify for asylum and removal threats to failed asylum seekers are the other areas keeping us busy and the community concerned. Further dispersal policy in cluster areas without adequate community support creates discomfort among asylum seekers. Without resources we are unable to fill the gap in the cluster area for Tamil refugees. Despite all these difficulties our community has benefited from our services throughout the year. The new premises give us more space and flexibility to provide services in an appropriate manner. Our asylum casework also achieved the targeted success rate. In addition, our existing work has indicated that new areas of services need to be delivered and initiative taken in the near future. Despite the main funding difficulties we have managed to raise funds for other smaller projects and successfully completed those projects.

### Advisory Project

#### Immigration and Asylum Advice

Over the years of our successful advisory work on asylum and immigration work the demand for services in our community remains high. Six to eight persons daily approach us for our services. For the first five months of 2002 this project was supported by the Community Fund, and from November onwards the City Parochial



Foundation provided funds for one year. Between May and November this project was run purely on a voluntary basis with the support of designated funds by the Board of Directors.

As required by law we obtained Quality Mark Status Level 2 from the Community Legal Services Commission to provide advice to the community from March 2002. We are taking every effort to upgrade the status to Level 3. In June 2002 we also obtained exemption certificates from the Immigration Services Commissioner, which enabled us to continue advice with casework in the field of asylum and immigration. These requirements come into force after the implementation of Asylum and Immigration Act 1999. We are providing advice at drop-in sessions, which are available on Mondays and Wednesdays from 9.30 a.m. to 3:00 p.m., and on other working days from 9.30am until 1:00 p.m. Telephone advice sessions are available on Tuesday and Thursday between 2:00 p.m. and 4:00 p.m. Around ten to twelve callers per day are served. The outreach advice work was provided until May 2002, when it was temporarily suspended for lack of funding. Advice is also available over the Internet, although very few users are making use of this advice.

### **Benefit advice**

This is the second highest area for which people approach us for help. On average we serve three to four persons daily. The nature of this work is advice and assistance with income support, housing benefit, job seekers allowance, disability benefits, child benefits and other welfare benefits. We are also helping those people who are assisted by National Asylum Support Services (NASS) and local authorities under the Children's Act and National Assistance Care Act 1948. This provision needs financial assistance in the future if it is to continue. In the past six years this project has been funded by the Community Fund.

### **Casework and Legal Representation Project**

In the past three years we offered this service in a small scale with the funding support of the Community Fund. However at present we provide a restricted level of service, and we are trying to find alternative fund to provide a full serv-

ice. We hope that in the future the Community Legal Services Legal Aid Civil Contract may provide support to continue this service. Under these services casework and legal representation services are provided in the field of asylum and immigration.

### **Education and Employment Project**

The purpose of this project is to address the fundamental problems that prevent the Tamil-speaking community from accessing local employment opportunities and career improvements. In the past we have provided a limited level of advice work in this field, but it is an area that needs to be developed. This year we were given a small ESF Fast Forward grant to deliver services for forty weeks. The initiative aims to find employment for those in our community who are unemployed. We also provide English language tuition, work-oriented skills, training and other support. We are seeking the necessary funds to develop this project further.

### **Children and Youth Project**

This project aims to provide additional support to recently arrived children to supplement their school education. This is achieved through supplementary classes, which we run on Sundays between 9am and 3pm. Around 40 children benefit from this service, which is funded by the Tudor Trust. This year we ran a holiday project for children in the summer holiday with the support of BBC Children in Need. Around 60 children attended this scheme, which involved various activities. This year we started a new initiative to provide out-of-school activities for children. Twenty children participate in culturally appropriate activities. The Children's Network Fund supported this project.

### **Elders Project**

With the help of Lloyds and TSB Foundation we run a project for elders involving various activities, including practical assistance to help them to access services. This prevents the isolation of elders who are frail and find it difficult to socialise within the community. Around one hundred elders benefit from regular support once a week.



We run a day centre for elders, which provides an opportunity to care for them more appropriately and keep them active in the community. The centre offers various activities including physical exercise, exchanging ideas, luncheon clubs and a health care programme. Thirty-five to forty people attend the day centre every Thursday from 10am to 3:00 p.m.

## Advisory & Casework Project

2002 Immigration and asylum bill

The government intends to make amendments to the existing Immigration and Asylum Law by narrowing down the definition of the established Immigration and Asylum Law. These measures seem in many ways to be discriminatory. The proposed changes were published in a White Paper in February 2002.

## Citizenship and Nationality

In the White Paper it is proposed that a person who applies for naturalisation should have sufficient knowledge about life in United Kingdom. Those lacking in knowledge need to fulfil these requirements by attending specified courses. A person who has sufficient knowledge of English will qualify for citizenship, which will be awarded at a ceremony, which includes the Citizenship Oath and pledge,

'I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe laws faithfully and fulfil my duties and obligations as a British Citizen.'

Further powers are extended in order to withdraw citizenship status where persons have committed offences seriously prejudicial to wider interest of the UK.

## Asylum

The new bill allows the Secretary of State to build new induction or reception centres to house maximum asylum seekers until their cases are fully determined. The centres may provide in-house health and education facilities. One positive aspect of this bill is the withdrawal of voucher payments of support to asylum seekers

and its replacement by cash payment. This system will be supported by a new type of Asylum Registration Card, which is very similar to an Identity Card. However there are no changes in the type of support offered by the National Asylum Support Services (NASS). Under this NASS support system the applicant has no choice regarding NASS accommodation.

## Appeal

Further restriction of the right of asylum seekers to appeal are proposed by defining specific immigration decisions which prevent appeals against the removal of administrative decisions like Human Rights. There are also restrictions of the appeal rights of applicants whose claims are said to be unfounded. In these circumstances, persons who do not have automatic appeal rights in this country can appeal once they are removed from UK. The Bill will also allow the Secretary of State to impose certification of applicants' claims which means automatic appeal rights are removed. In addition, multiple adjournments of hearings before the Appellate Authority will be restricted.

## Detention Removal and Enforcement

Some of the detention centres have been redesigned as Removal Centres. In addition, immigration and police officers have been given extended power to enter business or private premises to conduct searches and make arrests, and power to remove family members including non-British born children if applicants are illegal entrants or port applicants. New offences have been specified, including assisting unlawful immigration trafficking of people in or out of the UK, forgery of the application registration card (ARC), and employment of persons who are subject to Immigration Control.

## Claiming asylum

This is one of the most demanding services required by clients. Due to our limited resources, on average one hundred to one hundred and twenty people make their asylum claim through us each year. However, this year we were forced to reduce this service still further between June and November. As a result about seventy-five asylum claims were made through us. These claims are made both by claiming at the port of



entry or by claiming at the Home Office as an in-country applicant.

### Port of entry claims

Asylum seekers are expected to make their asylum claims at their port of entry immediately after their arrival. However this is not always possible for various reasons. This year thirty-two of our clients made their claims at the port of arrival. A person's claims at port are subject to a screening interview immediately after arrival. Almost all our clients were interviewed without our involvement. Whenever we have made approaches regarding clients' screening interviews, immigration officials have not been cooperative. In many cases applicants are reluctant to face the interview immediately after arrival. Some applicants make confused statements through fear, which result later in an adverse credibility finding. Lack of education and their level of general knowledge prevent asylum claimants from giving accurate answers. However once we get the opportunity, we try to straighten these matters through representation. But this is not possible in all cases, as we are not provided with screening interview notes on all occasions. When we request these documents we sometimes receive a response, but it is not helpful to receive these screening notes at a later stage.

### Statement of Evidence Form (SEF)

In most cases, following the screening interview the applicant will be given a Statement of Evidence Form (SEF) to make their asylum claim substantively. Those whose claims are found to be without foundation may face immediate detention and their claim certified as manifestly unfounded. Appeal rights are also restricted and their claim is fast-tracked to full determination by the Appellate Authority. They may also face a removal direction within a short period of time. Anyone whose claim is certified as manifestly unfounded is also placed in detention and the time limit for appeal is restricted to two (rather than ten) working days. But persons who are released on temporary admission are usually given a Statement of Evidence Form to make their claim, to be returned within ten working days. In our experience, applicants are not properly informed about the time limit or the importance of

this asylum claim form. Anyone who fails to complete and return this form within the given time limit has his or her asylum claims refused without consideration. A person who then makes a successful appeal has the case heard by an adjudicator.

We and our clients face other problems even when we return the completed SEF within the time limit. Some of our applicants' asylum claims application forms do not reach the specified address in time. The responsibility falls on us as a representative to contact the Post Office to obtain proof of timely delivery to the Home Office or special adjudicator of the completed form. On some occasions the decision is reversed, but in most cases the Home Office refuses to withdraw its decision. In this case we may make representation in front of special adjudicator with the proof of delivery. The special adjudicator may then ask the Home Office to review this matter or make a decision on the preliminary issue before proceeding further with the hearing. The applicant is unnecessarily penalised for this administrative drawback.

Forty-two applications were made with our guidance in 2002.

### Case Study 1

Mr KS arrived in this country at Gatwick airport on 1st October 2001 and claimed asylum. He was released with some immigration documents. He approached us a few days later with the given documents. We realised that he had been given One Stop Notice Temporary Admission and NASS Benefit Claim related documents. We wrote to the Gatwick Immigration and asked them to release the Screening Interview and to confirm whether he was given an SEF application with his change of address. A few days later we received a Temporary Admission notice and not any other documents.

In November 2001 we received his refusal letter stating that his asylum claim was refused because of his failure to return the completed



SEF Form within the time limit. We appealed against the decision by stating that neither the applicant nor his representatives received the said forms to be completed, and that the Immigration Authorities failed to respond to our earlier letter. On this occasion the Immigration Officials did not agree to reverse their decision. They had given the SEF to the applicant on the day of his arrival. Accordingly they stand by their decision. The adjudicator heard this matter in July 2002. We made representation at the hearing with our evidence. The adjudicator agreed with us and asked the Home Officials to produce the Screening Interview notes and review these matters and set the direction hearing in two months' time. However, the Immigration Officials took no action. In October another adjudicator heard this matter and he reversed the earlier adjudicator's decision and set the date for full hearing in November. We made preparations and instructed the counsel. On the day of the hearing the third adjudicator asked the Home Office to produce the interview notes and set a new date for February 2003.

We strongly believe this matter could have been solved earlier by encouraging the legal representation to participate in the Screening Interview or by improving the communication and co-operating with the representative. This problem could be solved in a fair and effective manner, saving time and money for all involved.

As mentioned in previous years we are concerned about the standard of Screening Interviews and asylum applicants' access to legal advice at the port of arrival. We are furthermore concerned about the length of the interview when it is conducted over the telephone. These practices by port officials – which are on the increase – are at the expense of quality of the applicant's claim because incorrect records are often later challenged as showing adverse credibility by the Immigration Officials. In the past very brief interviews of not more than three pages were completed at the port of arrival. Now however the interview has been extended to three stages, including completing the Screening Form (five pages) then the Personal Bio Data interview (four pages), and the level 3 Interview regarding

the purpose of their entry to UK.

Given the lack of legal advice, and applicants' lack of awareness that they will face a lengthy interview immediately after arrival, this interview is the most worrying aspect of our recent experience. Many of the negative answers are recorded in writing and other positive factual claims are omitted by the interviewing officer without the facilities of a tape recording or the presence of a legal representative. There is very little opportunity for legal representatives to contest this matter. At later stages this lack of facilities severely undermines the merits of an asylum claim. It is also becoming increasingly difficult for legal representatives to obtain interview notes because casework is allocated in different sections with different address.

### Asylum Interviews and Representation

A person who has claimed asylum will be called for an interview for further scrutiny about his claim through questioning by the officers. During this process a legal representative is allowed to sit for observation without interrupting the proceedings. This representation enables the applicant to answer their questions in a confident manner, and the conduct of interviewing officers and of the interpreter's can be maintained to an appropriate standard. Without this presence, the applicant may face unnecessary bullying. The negative approach by the officials and the accuracy of the translation can be monitored to ensure that answers are recorded accurately and appropriately. All this improves the quality of the applicant's asylum claim. If the procedures are not followed it may lead to negative credibility findings at an early stage. In the past we have successfully made representation in all of our cases. However, since June 2002 we have been unable to provide one hundred percent representation due to the shortage of funding for the casework and the suppression of the Outreach workers' posts. In 2003 efforts are being made to find funding for the Caseworker and Outreach worker. We provide representation at on average one hundred to one hundred and twenty applicants' interviews. In 2000 and 2001 many interviews were scheduled in Leeds and Liverpool and the travel costs were unexpectedly



high. However, in 2002 many of our clients' interviews were scheduled at Croydon and the travel costs were considerably reduced. This bought us some relief as we were short of funds.

An applicant who fails to attend the interview is very rarely given another chance even with a valid reason for failing to attend. In these circumstances the claim is determined by the Secretary of State without proper consideration. This puts the applicant in a disadvantageous position. In the past few applicants were called for interviews three years after they made the application. However in 2002 applicants were called for interview within three to six weeks of claiming asylum. This helps the applicant to give more to give accurate information about the current country situation. Not all asylum seekers are necessarily called for interview. A few applicants are found to be have an unfounded claim according to the Refugee Convention, and their applications are rejected by the Home Secretary and certified as a manifestly unfounded with restricted appeal rights. In October and November 2002, some Tamil asylum seekers' claims were refused without interview as unfounded claims. They were subsequently detained purely based on some officers' assumptions due to the ceasefire and peace talks in Sri Lanka. They believe that Tamil asylum seekers are no longer eligible for protection under the Refugee Convention. However, in December this year this was further amended by Home Office officials. None of our clients have been rejected under this category.

#### Case Study 2

Mrs T arrived in this country and claimed asylum at end of 2001. She was called for an interview in January 2002. She was unable to attend the interview for to health reasons. She submitted a medical report and requested another date for the interview through her legal representative but her request was turned down. Her asylum claim was refused, and it was stated on her refusal letter that no satisfactory explanation has been given for her failure to attend the interview. She made an appeal on her asylum claim. The adjudicator also failed to take ac-

count of the evidence of her medical certificate explaining her failure to attend the asylum interview. The appeal was dismissed.

#### Supportive Evidence

When asylum seekers are on the run from their persecutors it is very hard to expect them to gather information and submit that evidence with their initial asylum claim. But officials expect that applicants should submit evidence with their initial claim. In some instances they state on the refusal letter that the applicants did not produce any evidence with their claim, and that the Secretary of State does not therefore believe their claim. The Secretary of State does not accept a lower level of standard of evidence, despite the case law established in the case of Sivakumaran 1998 IMM AR147 and Kaja 1995 AR1. The court directed that 'the question of whether the applicant has a well-founded fear of persecution for a convention reason has to be looked at in the round in the light of all relevant circumstances and judged against the situation as at the time of hearing of the appeal with a lower level of standard of proof.'

#### Expert Evidence

This is the evidence most commonly used in Tamil asylum cases to support the applicants' claim, because the majority of applicants have faced some form of physical abuse or torture by their persecutors, with the result that applicants are left with stress, mental disorder and visible scars on their bodies inflicted by their persecutors during their torture. We have frequently used Medical Foundation reports as evidence, with the help of which we have managed to establish their persecution to the required standard. These reports are obtained free of charge from the Medical Foundation and we are very grateful for their services. We have also obtained medical reports from applicants' GPs, hospitals and private medical practitioners. These medical personnel charge for their services, but sometimes produce reports free of charge. Photographs of injuries are also produced as evidence.

#### Case Study 3

Mr S.K arrived in this country and claimed asylum in August 2000. His claim



was refused in July 2001. Subsequently he made an appeal and his case was heard in February 2002. The appeal was allowed on the basis of the medical evidence. The appellant claims that he was accused of being a Liberation Tigers of Tamil Eelam (LTTE) fighter, questioned and tortured. The adjudicator reports that 'I saw his scars. The only scar which I consider to be of any significance was on his left arm. He had other scars, which I consider to be relatively minor. A medical report was produced. The author of the report, Dr Jossie, has considerable experience in forensic medicine. I consider his report to be of assistance in contra distinction to many. He described the scanning with associated suture scars probably operative over the front of the elbow with distortion of local tissues. According to the appellant this was caused by shrapnel. I was prepared to accept that appellant had some other scarring which he stated was not due to any conflict. The appellant has a number of fairly small scars on his forehead, which he claimed was caused by being struck by his captors and the doctor confirms that the injuries are consistent with that. Again I am prepared to accept that this is how he suffered these injuries. The Secretary of State in his letter makes no comment on the credibility of the applicant's claim. The appellant has been fairly consistent throughout. As I have said I am prepared to treat his evidence as the truth.' The appeal was successful, and the applicant was granted refugee status.

#### Case Study 4

Miss KT arrived in this country in September 2000 and claimed asylum. Her claim was refused in July 2001. She appealed, and her appeal was heard in April 2002. The appeal was allowed by the learned adjudicator who accepted that there might have been discrepancies in her evidence for cultural reasons. 'She may well have been reluctant to elaborate on this matter [of her persecution] in male company. I have taken most careful account of all that the appellant has said.

That which has been inflicted upon her went beyond that that which she has described.' The adjudicator was prepared to accept that, with regard to her culture and having considered the report of Medical Foundation, there was no reason to doubt the truth of the appellant's account. The adjudicator stated, 'On 31st January 2002 she was shocked and terrified by her experience, especially by the memory by the brutal sexual assault upon her. For a girl of eighteen years with no previous experience of sex this was the most traumatic event, which she had great difficulty in speaking about it. I have had the opportunity of not only considering the written and oral evidence before me, but of observing the demeanour of the appellant and the manner in which she gave oral evidence to me. Even if evidence of the appellant's detention has been challenged, I am now prepared to accept that she was detained for the purpose claimed by her and that she was treated in the manner she has described. It would be premature for this appellant to return to a situation and circumstances which I am satisfied are reasonably likely to place her at continuing risk although I acknowledge that situation in Sri Lanka is improving.'

#### Case Study 5

Mr K arrived in this country in October 2001 and claimed asylum at the port of entry. He was interviewed in April 2002. At the interview he submitted documentary evidence to support his arrest. However his asylum claim was refused and his appeal was heard in November 2002. At the hearing documentary evidence was scrutinised by the adjudicator and the applicant was asked to authenticate the document, which he could not do. Despite the adjudicator accepting his ill treatment, the appeal was dismissed as it was said that the appellant had failed to discharge the burden of proof of having a well-founded fear for persecution.

Since August 2002, Dr Anthony Good, a senior lecturer in social anthropology, has written reports, which have been used as supportive evidence in Sri Lankan Tamils' cases. Dr Good has



analysed the peace process taking place between Government of Sri Lanka and LTTE, and discussed how it affects the determination of asylum cases. He has also highlighted the previous peace talk process failures. Unfortunately decision makers are not giving adequate consideration to these reports by stating that Dr Good's reports have been overtaken by the events now taking place in Sri Lanka.

### Reasons for Refusal

After the applicants submit their asylum claim, the Secretary of State makes the decision on their claim for asylum. In the first half of 2002, 6.8% of Sri Lankan asylum seekers were accepted by the Home Office as refugees under the Refugee Convention, and 6.5% were granted Leave to Enter on Humanitarian Grounds. The remainder of applicants, 86.7%, were refused and served removal orders. However, in the second half of 2002 only 3.1% of Sri Lankan nationals were accepted as refugees for Convention reasons and around 6% were granted Leave to Enter on Humanitarian Grounds. More than 90% of applicants were refused and served with removal orders.

This may reflect the current on going peace development in Sri Lanka. However, in the past decision making did not reflect Sri Lanka's severe political unrest, which means that the quality of the Home Office's decision making has improved in the last two years. In addition, in the letters stating the reason for refusal in which country information is quoted, the individual nature of applicants' claim is now also considered, in contrast to previous refusal letters. Most refusal letters contained blanket out-of-date country information without information on the applicant's individual claim. Despite this improvement in the Home Office's decision making, there are still problems with the assessment of credibility findings and with some decision makers' high expectation of documentary evidence. Further, in stating the reason for refusal in letters, the Secretary of State sometimes asserts that he does not believe the applicant's statement or claim, without giving appropriate reasons for this disbelief.

In our experience the Secretary of State accepts

many applicants' claims. But the main reason for refusal is given as lack of evidence for future persecution on their return, despite the acceptance of past persecution. In these circumstances almost 99% of applicants are appealing against their decision, which means the special adjudicators will hear their appeal later. Generally the procedure is that applicant will be served a refusal letter with notice of removal, appeal forms. Since the 1999 Immigration Act came into force, the one stop notice and statement are also included. In the past all these documents were served directly by the officers to the applicants, requesting them to attend an interview. However, this year, following the new procedures, all applicants are served these documents by post. These documents are usually served to the applicants and their representatives. However sometimes these letters are not received by both applicants and representatives, as a result of administrative errors. Applicants can therefore be left without their appeal rights.

### Case Study 6

Mr SV arrived in this country in October 2000 and claimed asylum on arrival. He was given a SEF application form that was completed and returned through his representative. Subsequently he was asked to attend an interview in November 2000. He was informed that he was not successful in his asylum claim. The reason for refusal with other documents would be sent later. In these circumstances, the applicant and his representative waited for the relevant documents to make an appeal.

### Common Reasons for Refusal

This year, the reasons given in the refusal letters in relation to asylum claims by Sri Lankan Tamils are dominated by the peace development in Sri Lanka. They include:

- Some progress is being made with the main opposition with regard to peace talks. Moreover the Secretary of State also takes the view that the government of Sri Lanka has the right to take whatever measures it considers reasonable to defend itself and to maintain Law and or-



der in the face of containing the terrorist threat posed by the LTTE.

- The Secretary of State points out that the Nordic observers began monitoring ceasefire ending nineteen years of civil war on 2nd April 2002. Representatives from Norway, Sweden, Finland and Denmark have been carrying out the monitoring and working with local observers in six districts in the North and Eastern Province. The Secretary of State has noted from their findings that there have been no combat-related deaths reported since the truce was signed.
- The Secretary of State has noted that another development in April 2002 was the opening of A9 high way - a key road linking the Jaffna Peninsula with the rest of the country. It was the first time the road had been opened in twelve years and meant that civilians under the control of Tamil Tiger Rebels could travel freely to the Government-controlled area.
- On 22nd February 2002 an announcement was made that the government of Sri Lanka and Tamil Tiger Rebels had signed a permanent ceasefire ending nineteen years of civil war. This includes:
  - both parties in accordance with International Law refraining from hostile acts against the civilian population including such acts as torture, intimidation, abduction extortion and harassment
  - the parties refraining from engaging in activities or propagating ideas that could offend cultural or religious sensitivities
  - the parties reviewing security measures and the set-up of checks points particularly in densely populated cities and towns in order to prevent harassment of civilian population
  - the parties agreeing that search operations and arrests made under the Preventing Terrorism Act shall not be made and that arrests

shall be conducted under due process of Law in accordance with the circumstances procedure code.

Despite these reasons and findings by the Secretary of State, the objective evidence contradicting his views widely states that it is premature to take these developments in the peace process into consideration in relation to asylum claims. Below are some of the sources for this contradictory evidence:

#### **U.N.H.C.R Statement in August 2002**

'Although steps towards peace have been taken in Sri Lanka recently, it is still premature to advocate that the situation has reached a satisfactory level of safety to warrant the return of all unsuccessful asylum applicants to Sri Lanka. In this regard UNHCR has been aware that the returning Tamils are potentially open to risk of serious harm similar to those encountered by the young male Tamils in certain circumstances. The risk may be triggered by suspicions (on the part of the security forces) founded on various factual elements relating to the individual concerned including the lack of identity documents, the lack of proper authorisation for residence and travel, the fact that the individual concerned is a young Tamil male from an 'uncleared' area or the fact that the person has close family members who are or have been involved with LTTE'.

#### **EC Conflict Assessment**

##### **Mission Report August 2002**

'While vigorously pursuing peace both sides are also actively preparing for a possible resumption of hostilities. Both sides are strengthening their armed destructive capacity by expanding recruitment to their respective equipment of massive retaliation.'

#### **BBC On Line News, 3rd January 2003**

'President Kumaratunge and her supporters have clashed with the Prime Minister over aspects of the peace process. A Presidential spokesman last week accused the Tigers of recruiting thousands of child soldiers since the ceasefire came into effect.'



## Yahoo News Asia

'The Rebels signed a ceasefire with the government on February but they withdrew from a key committee on desecration on the latest round of peace talks earlier this month. This move was prompted by the Sri Lanka Army's insistence that the rebels disarm immediately before the army leaves its camps in the high security zones in the Northern Jaffna Peninsula, home to most of the Islands 3.2 million Tamils'

### Other reasons for refusal

Reasons given for the refusal of Tamils' asylum claims are not limited to those related to the peace process. However, in many cases, these reasons are directly contradicted in other cases.

- Internal Flight Alternative. 'The Secretary of State has stated that the alleged fear of return applies only to certain areas within Sri Lanka. Irrespective of his other comments regarding merits of claim he considers that applicant does not qualify for recognition as a refugee. This is because there are parts of Sri Lanka in which you do not have a well-founded fear of persecution.'

However, in the case of Theivendra Kumaran (00-TH-01459), the tribunal found that a young Tamil is at risk of being thought to be an LTTE member by Sri Lankan Authorities and being persecuted because of this. Internal flight is therefore not relevant where risk of persecution is at the hands of authorities.

- 'In order to bring yourself within the scope of United Nations Convention you would have to show these incidents were not simply the random actions of individuals but were sustained pattern or campaign of persecution directed at you which was knowingly tolerated by the authorities or the authorities were unable or unwilling to offer you effective protection. This has not been established in this case.'

In the case of Farai (1999 INLR 451) the appeal court held that persecution - unlike torture - always involves a persistent course of conduct and

an element of sustained or systematic failure of protection towards the person or group which is the object of persecution as distinct from the criminal or random act of violence inflicted in citizens at large. Also, in the case of Jeyakumaran (1994 AR45) the court held that an applicant for asylum does not have to prove that he has been singled out for persecution.

- 'With regard to your claimed difficulties with members of LTTE the Secretary of State would point out that members of this group cannot be regarded agents of persecution within the terms of 1951 United Nations Convention relating to the State of Refugees.'

LTTE can be agents of persecution in the areas of Sri Lanka. They control an area as set out in the Tribunal Authority of Karunakaran. The country information also does not record various forms of torture in Sri Lanka. This applicant's subjective fear focuses on his fear of LTTE who detained him, threatening him, which he believes will bring him to the adverse attention of the authorities. These factors will put him at risk on return. The LTTE can be regarded as an agent of persecution within the terms of 1951 UN Convention.

- 'United Nation's handbook on procedures and criteria for determining refugee status states that the applicant should supply all pertinent information concerning himself. You arrived in United Kingdom with forged passport and attempted to dispose of it. The Secretary of State is of the opinion that your actions were to prevent your true identity being established. This action has considerably detracted from the credibility of your claim as a whole.'

The UNHCR handbook paragraph 198 states that a person who because of his experiences was in fear of the authorities in his own country may still feel apprehensive vis-à-vis any authority. He may therefore be afraid to speak freely and give a full account of his case. Furthermore Professor Hathaway states that it is critical that a reasonable margin of appreciation be applied to any



perceived flaws in the claimant's testimony. A claimant's credibility should not be infringed simply because of vagueness or inconsistencies in recounting peripheral details since many persons who have been persecuted experience memory failures. The Secretary of State did not make the correct approach to the applicant's credibility findings.

- 'The Secretary of State has noted that there are significant differences between your various accounts and that these cast considerable doubt on the credibility of your claim.'

Many asylum seekers are not familiar with the interviewing techniques and the ability to give accurate answers. They may put their asylum claim in jeopardy because they lack the knowledge of the importance of their actions and answers. In the case of Sikey Urek (18778) the learned adjudicator said 'It is totally unsatisfactory in the context of a person educated to a very basic level to be submitted to adverse questioning'. Moreover, in the case of Chiver 1997 INLR 212 the question of credibility is discussed. Decision makers should be cautious in rejecting as incredible an account of an anxious and inexperienced asylum seeker whose reasons for seeking asylum may well be expected to contain inconsistencies and omissions in the course of its revelations to the authorities and investigators on appeal.

- 'The government of Sri Lanka and in particular the president is firmly resolved to improve the Country's Human Rights record. The government has followed a number of recommendations made by the monitoring committee under the International Convention on Civil Political Rights and Human Rights Organisation.'

Amnesty International's 2002 Report states that an increase in human rights abuses was noted from May in the context of the protracted armed conflict between Security Forces and the LTTE. Amid political instability and increased military activity, police and security forces were responsible for arbitrary arrest and detention, torture,

disappearances and extra-judicial execution. There was a marked rise in allegation of rape by police, army and navy personnel, although the number of disappearances decreased in comparison with previous years. Human Rights Watch World Report 2002 states that police and military personnel were rarely punished for mistreatment for detainees or failing to abide by legally mandated procedures. One has been convicted for the crime of torture since Sri Lanka ratified the UN Convention against torture.

All these reasons explain why Tamil asylum seekers challenge the decisions of Secretary of State and make appeals to the special adjudicator to clarify their asylum claim. In general, 97% of Sri Lankan asylum applicants whose application is refused by the Secretary State make an appeal to the special adjudicator.

### Asylum Claims Accepted by the Secretary of State

In 2002 thirteen of our clients were granted Convention Refugee Status and Exceptional Leave to Remain (ELR). In total around 350 Sri Lankan seekers were granted similar status by the Secretary of State in 2002. Exceptional Leave to Remain is generally granted on compassionate grounds. However this practice was reviewed at end of 2002. The Home Office made an announcement regarding the abolition of ELR on 29th November 2002, and the introduction of a new Humanitarian Status, which to some extent appears to be ELR by another name. Exceptional Leave to Remain is to be replaced by the new entitlement to Humanitarian Protection for those who have protection needs but who are not covered by the 1951 Refugee Convention.

### Case Study 7

Mr PD arrived in this country in June 2002 and claimed asylum as an in-country applicant. In August 2002, following his visit to the Home Office in Croydon the applicant was given a self-completion questionnaire to make his asylum claim. His asylum claim was refused. However, it was decided that it would be right, because of the particular circumstances of this client's



மலர்ந்துள்ள 'சுபானு' தமிழ்ப் புதுவருடத்தை முன்னிட்டு

**தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.**

**வழங்கும்**

## பல்கலை இரவு

East Ham Town Hall 10.05.2003

**நிகழ்ச்சிகள்:**

● இசை விருந்து:

**TWAN நுண் கலை கூட மாணவர்கள்.**

தொகுத்து வழங்குபவர் ஸ்ரீமதி. சுசந்தி

டொரீனா ஆதோக்கியநாதர், பாரதி சிவகுமார், சாமினி சண்முகரஞ்ஜன், நிவேதா மதனசந்திரன், அட்சரா விமலநாதன், பமீலா இராஜதுரை, கண்ணன் காசிபநாதன், ஆதமி வல்லவன், தேனுஜா பாலராஜன், லவிதா விஷ்ணுதேவன், மதிலதனி செல்வராஜ், கவிதா சிவகுமார், வாகினி சண்முகராஜன், ஷாலினி சண்முகரஞ்ஜன், சப்ரினா குணநாதன் கவிதா சோமசுந்தரம், தினைஷ் சிறினிசா, நித்திலன் ஜூட், நோர்மன் ஜஜீட்,

● மிருதங்கம்:

**TWAN நுண் கலை கூட மாணவர்கள்**

தொகுத்து வழங்குபவர் ஸ்ரீ. சோமஸ்கந்த சர்மா

விஸ்ணுதேவன் தர்மசீலன், கருணானந்தராஜா ராஜினந்தன், கருணானந்தராஜா ரவிதன்,

● குழு நடனம்:

**TWAN நுண் கலை கூட மாணவர்கள்**

தொகுத்து வழங்குபவர் பரத சூடாமணி

நாட்டிய சிரோண்மணி ஸ்ரீமதி வசந்தகுமாரி.

து.தாரிந்தி, மு.சொருபிணி, ஸ்ரீ.சிந்துஜா, வ.ஜீவிதா, ஸ்ரீ.கீர்த்திகா, ஏ.கீர்த்தனா நே. நந்தனா, ஊ. சாரதா

● வயலின்: **TWAN நுண் கலை கூட மாணவர்கள்**

தொகுத்து வழங்குபவர்: ஸ்ரீமதி. ரேணுகா அருள்குமார்

ரம்யா ரத்தினம், ஆர்த்திகா பாஸ்கரன்,

அந்தூரி மனோகரன், ஷாலினி சண்முகரஞ்ஜன்

● நடனம் சப்ரினா குணநாதன்

● பரத நாட்டியம் ஸ்ரீமதி ராதா

● நாடகம் லண்டன் தமிழ் கலை கழகம் சார்பில் எஸ்.எஸ்.எஸ்

புரடக்ஷன்ஸார் வழங்கும் ஸ்ரீசாம்ராட் அசோகன்ஸி ஓரங்க நாடகம்

சிலோன் சின்னையா, எஸ்.வி ரஞ்சன், விவேகானந்தா, பி.ரவி,

பகீரவன், திருமதி சிவா, மலேசியா ஆனந்த்,

மோகாசெல்வம், ரமணன், சிவா, ஆர். குமார்

● நடனம்: செல்வி சங்கீதா சந்திரகோபால்

● காட்சியும் கானமும்: யாழ் 'மின்னல்' நாடக புகழ் பாலா குழு





# Tamil Welfare Association (Newham) UK

Presents

## "Subanu" Tamil New Year Cultural Night

10<sup>th</sup> May 2003

### Programme

- Vocal:** Students of TWAN Fine Arts Academy  
Presented by Smt. Suganthy  
Doreena Arokiyanathar, Barathi Sivakumar, Shamini Shanmugaranjan,  
Nivetha Mathanachandran, Adshana Vimalanathan, Pamela Rajadhurai,  
Kannan Karthipanathan, Arthamy Valavan, Dhenuja Balarajan  
Lavitha Vishnuthevan, Mathivathany Selvaraj, Kavitha Sivakumar,  
Vahini Shanmugaranjan, Shalini Shanmugaranjan, Sabrina Gunanathan  
Kavitha Somasundharam, Nivetha Mathanachandran,  
Adshana Vimalanathan, Dinesh Srinesa, Nithilan Jude, Norman Jude,
- Thalavadyam:** Students of TWAN Fine Arts Academy  
Presented Sri.Somaskantha Sarma  
Vishunuthevan Tharmaseelan, Karunanatharaja Rajinthan,  
Karunanantharaja Raveethan
- Group Dance:** Students of TWAN Fine Arts Academy  
Presented by Smt.Vasanthakumari  
J.Tharindi, K.Sorubini, S.Sinduja, T.Jevitha, S.Kerthika,  
V.Keerthana N.Nanthana, C.Sharadha
- Violin:** Students of TWAN Fine Arts Academy  
Presented by Smt.Renuka Arulkumar  
Ramya Ratnam, Arthiga Basharan, Anthury Manoharan,  
Shalini Shanmugaranjan
- Solo Dance:** Performed by Sabrina Gunanathan
- Barathanadyam:** Performed by Smt.S.Ratha
- Drama:** London Tamil Kalai Kalaham Presents  
"Samrad Ashakan"  
Performed by Ceylon Sinnaiah,  
S.V. Ranjan, Viveganantha ,P.Ravi,  
Bahiravan, Mrs.Siva, Malasiya Ananth,  
Yogaselvam, Ramanan, Siva, R.Kumar
- Classical Dance:** Performed by Sangeetha Santhiragopal
- "Kaadchyum Ganamum":** Presented by Yarl Minnal famous  
Bala's Group



case, to grant him Exceptional Leave to Remain in the United Kingdom until 11th December 2002. This was because the applicant was an unaccompanied minor who was to reach his eighteenth birthday on this date. Therefore he was granted only four months before the expiry date of Exceptional Leave to Remain. He had to make an application for the extension of visa. In our opinion the applicant should have been granted one year's Exceptional Leave to Remain instead of four months. Home Office policy states that unaccompanied minors be granted a minimum of one year's ELR. The applicant made an application for travel documents, which was turned down because the visa period was insufficient, being less than six months.

#### **Case Study 8**

Mr GN arrived in this country and claimed asylum at the port of entry at the age of sixteen in February 2002. He was given the self-completion questionnaire form (SCQ) and was asked to complete his asylum application. In March 2002 he was given Exceptional Leave to Remain until March 2003. His asylum claim was refused. We believe this applicant's Exceptional Leave was granted due to his age, as in the previous case of Mr PD.

These two cases suggest that the Home Office's practices are inconsistent.

#### **Case Study 9**

Mr RT arrived in this country in February 2002 and he claimed asylum at the port. He was given Statement of Evidence Form (SEF) to make his asylum claim. Based on that asylum claim he was interviewed in March 2002. One month later his asylum claim was refused but was granted Exceptional Leave to Remain for 4 years. His age was 23 years. It has been decided however that because of the particular circumstances that he should be granted exceptional Leave to Remain until 12th March 2006.

#### **Case Study 10**

Miss KS arrived in this country and

claimed asylum in 2001. Based on her claim she was granted asylum under the UN Convention in February 2002. It was stated that 'I am writing it tell you that you have given Indefinite Leave to Remain in the United Kingdom. However that if during your stay in United Kingdom you take part in activities involving, for example, the support or encouragement of violence whether in the United Kingdom or abroad so as to endanger National Security or public order, the Secretary of State may deport you'.

#### **Indefinite Leave to Remain Status**

Since 1992, some Sri Lankan asylum applicants' claims have been refused and their appeals have failed. However they have not been deported because of fears for their safety due to on-going political unrest in Sri Lanka. In these circumstances the Home Office allowed them to stay in this country on temporary admission. Those who remain in this country for over ten years are well settled in Britain, and a few of them have granted Indefinite Leave to Remain from 2002. Two of our clients obtained similar status, which helped us to close their cases after more than ten years.

#### **Case Study 11**

Mr P arrived in this country in 1989 and claimed asylum. His asylum claim was refused and he was granted one year Exceptional Leave to Remain. After one year of period he submitted an application for extension of stay, which the Home Office decided was an upgrading of his asylum application. The Home Office refused his Exceptional Leave to Remain extension and refused his asylum claim. He appealed against the decision, but it failed and his appeal rights were exhausted. But he was allowed to stay in this country on a temporary admission. Finally in November 2002 he was granted Indefinite Leave to Remain based on further representation made by us in March 2000.



## Cases determined by Immigration Appellate Authorities (IAA)

Approximately seven thousand Sri Lankan asylum appeals were determined by special adjudicators in 2002. Around 15% of these cases were allowed by the adjudicators and 84% were dismissed, while 1% were withdrawn. This is a considerable reduction, compared with 2001 when a little over 45% of Sri Lankan appeals were allowed by the adjudicators. The reasons for the sharp fall in the success rate are Sri Lanka's political improvements and ceasefire agreements. In general, the majority of the appellants' claims were found to be credible and their past persecution was accepted by adjudicators. However, the future persecution on their return to Sri Lanka was found to be hard to prove to the required standard. Thus many cases were dismissed by the special adjudicator. Those who were unsuccessful in their appeals have very little chance of success with further appeals. In these circumstances those whose appeal rights are exhausted face removal with uncertainty for their future persecution. This is because the peace in Sri Lanka between the government of Sri Lanka and LTTE has just begun and no significant agreement on the political solutions has so far been made. In addition, the president of Sri Lanka and the main opposition parties are not co-operating over the peace talk process. Therefore many parties believe that these talks will be inconclusive for several more years. During this period, changes taking place in Sri Lanka may re-ignite the civil war, which may result those who were deported again being persecuted. Therefore any removal at this stage by the British government or any other asylum giving country could be an error, and may be a breach of their obligations under the UN Refugee Convention and Human Rights Convention by failing to give full protection.

Therefore we are urging the British government not to undertake any forcible removal and to encourage failed asylum seekers to return voluntarily by giving some guarantee regarding the political situation. If returnees fear persecution once again they should be able to obtain help from British High Commission in Sri Lanka in order to return to UK and reopen their asylum

claims.

In 2002 TWAN provided representation at 141 asylum appeal cases. Thirty-one cases were allowed, which reflects the success of our representation, which is higher than that of other representatives. In the past our outreach and development worker provided representation in person. But since June 2002 we have been unable to continue this service because of staff shortages due to insufficient funding. Instead we are making representation in writing. However, full hearings are well represented by the established counsels due our existing working relationship with barristers in a number of Chambers, because of our charitable work.

These concessions encourage appellants to proceed with their cases appropriately with quality representation. We provide all necessary casework, which includes advice and preparation for hearings, taking instructions and writing statements, gathering evidence, and building up the cases in presentable manner for the appellant authority. We also provide a translation service. On average fifteen to seventeen hours are spent with each appellant before the appeal hearing. We must find necessary funds to recruit one full-time caseworker to deal with this matter with the support of volunteers.

### Hearing by Special Adjudicator

In the asylum claim process, once the appeal is lodged against the decision of Secretary of State all the appellants are given the opportunity to present their cases in front of Special Adjudicators. At the hearing the appellant is given the opportunity to give evidence personally, usually with the help of interpreters. Once the appellant has given evidence he or she is likely be cross-examined by the Home Office Presenting Officers, and the adjudicators may clarify appellants' evidence. The council makes submissions on the merits with legal arguments and the Home Office Presenting Officers also present their arguments. The adjudicators usually make their decisions within six to eight weeks. These decisions are sent to the appellants and their representatives. If the appeal is allowed, the Home Office may appeal against the adjudicator's decision. If the appeal is dismissed, in most cases the appli-



cant may lodge an appeal with the tribunal within ten working days. All appeals made to the tribunal are be scrutinised by tribunal adjudicators. If leave to appeal has been granted then the hearing takes place within two to three months at the Immigration Tribunal.

### **Giving evidence at the hearing in front of Special Adjudicator**

It is not compulsory by law for appellants to give evidence to support their claim. However it is usually advantageous to give oral evidence at the hearing to establish the claim, in order to provide a thorough explanation to the decision makers to enable them to reach a decision. The purpose of this process is to ascertain the credibility of appellant's claim. In asylum cases the responsibility for 'discharging burden of proof' (proving the claim) belongs to the appellant. Therefore we always encourage our clients to give oral evidence at the court, unless there are compelling reasons for not giving evidence at the court.

#### **Case Study 12**

VP arrived in this country on 18th October 1998 and claimed asylum. The Secretary of State refused the claim. VP appealed against the decision and the appeal was heard in March 2002. At the hearing he was called by his counsel to give evidence. Based on this evidence the adjudicators allowed the appeal, stating 'I accept the appellant as a witness of truth. I do not consider that the two factual matters, which the respondent's [Home Office] representatives submit undermines appellant's credibility, are sufficiently weighty to do so. There is nothing implausible in the appellant's account and in my view his account stands up well to fair but firm cross-examination'.

**This case demonstrates the value of presenting oral evidence at the hearing.**

#### **Case Study 13**

SS arrived in this country in December 2001 and claimed asylum as an in-country applicant. His application was refused in February 2002, and he appealed against the decision. The Special Adjudicator heard the

hearing in July 2002 and the stated, 'I have considered the whole of the evidence in this case including the written and oral evidence of the appellant and the substantial amount of objective evidence. I found the appellant to be honest and a reliable witness and I have no reason to doubt his credibility. In October 2000 a masked witness - following an LTTE attack on the Kiliveddy main army camp - identified the appellant as an LTTE supporter. The appellant was fingerprinted, photographed and questioned by Criminal Investigation Department (CID) officers and was then detained for approximately eleven months, during which time he was severely ill-treated and tortured. It was only after his parents had arranged for payment of a bribe that the appellant gained his release and managed to flee the country. The appellant states that he has been informed by his family that the authorities are still searching for him and he fears that if he is returned he would face similar torture and ill treatment'. The appeal was allowed.

#### **Case Study 14**

P arrived in this country in June 2000. He claimed asylum upon arrival and his asylum application was refused. His appeal was heard in January 2002. At the hearing we decided not to call appellant to give evidence because of the medical expert's advice, that because of his psychological difficulty our client was unfit to give evidence and face cross-examination. In this situation the appeal was dismissed. The adjudicator stated, 'The appellant in this case chose not to give evidence and so I had no opportunity to consider his evidence, which may have been of assistance given what was in my view the inadequacy of Dr Steadman's report. The appellant has not provided any convincing explanation for these discrepancies either in his further statement or by electing to give evidence at the hearing or in the medical report submitted. Having regard to the nature of the discrepancies in this case which amount to considerably more than minor discrepancies over matters such as dates and the fail-



ure of the appellant to explain them (including that failure of Dr Steadman's report to do likewise), I find that I reject the appellants account as not credible.'

### Common reasons for the failure in asylum cases in front of adjudicators

In 2002, the ceasefire agreement between LTTE and the Government of Sri Lanka and the development of the peace negotiations has dominated Sri Lankan Tamil asylum cases. Many adjudicators believe that Tamil asylum seekers do not qualify for asylum because they do not face persecution on their return. This single reason is behind many asylum claim failures despite past persecution being accepted by the adjudicators. These decisions are mainly influenced by number of tribunal findings, shown below.

- In case of Jeyachandran (2002) UKIAT 01869 it was stated that, 'The reality is that it is yet premature to accept that every one who has claimed asylum would be able to return safely but we are of the view that at the present situation and having regard to present trends it is only the exceptional cases who will not be able to return safely.'
- In the tribunal finding of Thirugnana-sampantner (1995) IAR 425 it was held that it did not automatically follow that evidence of ill treatment in the past proves a founded fear of persecution in the future.
- In the case of Brinston (2002) UK IAT 01547 it was stated that, 'The present peace process is operating at a more substantial level than any previously. I find that in the much-improved situation in *Sri Lanka at present with the ceasefire holding and peace talks under way*, the situation should auger well for the appellant.'

Returnees with visible scars are no longer at risk of arrest on their return. In the past few years many Tamil cases were allowed due to their visible scars, as these place them at risk of re-arrest

as suspected LTTE members by the Sri Lankan security forces at Colombo airport on their return. Based on this fact many Tamil asylum seekers qualified for asylum in the past. However in 2002 a number of tribunal findings suggest there is no evidence at present that returnees with visible scars are at risk of future persecution. Therefore Tamil asylum seekers with visible scars no longer qualify for asylum. This decision is another factor in failure of a number of Tamil asylum cases.

- In the case of Iyangavan (2002) UK IAT 091 it was felt that scars should not be considered in isolation. The issue is whether and to what extent the relaxing of security arrangements in Colombo following the ceasefire should be a part of that consideration. Checks on returnees at the Colombo airport have been eased with returned rejected asylum seekers by being waved through. If a returnee were not wanted he would be stopped at the airport.

Scarring is not seen to be a significant issue although obvious scarring could draw attention and result in further inquiries and detention by the authorities. Most returnees' cases undergoing checks were released on the same day. There is complete freedom of movement in the Colombo area.

- In the case of Tharmakulaseelan and Thiagarajah, the decision of IAT states that low level activities are no longer of interest to the authorities; that checks on relatives at Colombo airport have eased with rejected asylum seekers being waived through; and that only obvious scarring could draw the attention of the authorities. There is freedom of movement in Colombo area.

### Sri Lanka's Immigration and Emigration Amendment Act 1998

Another reason for the failure of Tamil asylum cases in 2002 is that the new Sri Lankan government has relaxed the Immigration and Emigration Amendment Act 1998. Under implementation of this Act, people were stopped and



searched at Colombo airport, and returnees who left the country illegally or returned with emergency or fraudulent documents were subject to arrest at the airport. In May 2002, British government representatives signed an agreement with the Sri Lankan government to co-operate on the return of failed Tamil asylum seekers. The effect of this agreement is that Tamil returnees are no longer arrested at Colombo airport under Sri Lanka's Immigration and Emigration Act 1998.

- In the case of Pathmanathan 101/TH/021011 it was decided that those returning or who admitted having left illegally were at risk of persecution under the Immigrants and Emigrants Act 1998. This persecution by Sri Lanka government may amount to persecution for Convention reasons because of the nature of poor present condition and poor treatment of Tamil prisoners. However in year 2002 the previous tribunal decision was reversed.
- In the case of Thananjayan Thambirajah the tribunal stated that 'The situation in Sri Lanka has changed and has undoubtedly improved. We have seen the report of the fact-finding mission of March 2002. The fact-finding mission's findings are as follows. The Director of the CID explained that if a returnee is not wanted they would not be stopped at the airport. However when the CID is certain that the individual has committed or been convicted of an offence then they would be stopped. A computer holds the name, address and age of the wanted person and the police will purely go on records. Scars would not make a difference and the authorities would not make a decision on this basis. Further objective evidence suggests that checks on returnees at the Colombo airport have eased with many returned reject asylum seekers simply being waved through since December 2001. This is in sharp contrast to what happened previously. Even returnees who arrested at Colombo airport are released on the same day. Scarring is not

seen to be a significant issue although obvious scarring could draw attention and result in further enquiries and detention by authorities.'

### Asylum appeals allowed by the adjudicator

The struggle that Tamil asylum seekers face at their appeal is to convince decision makers that they qualify for asylum even with regard to current developments in Sri Lanka. Occasional positive decisions give the community some relief, given the premature conclusions adopted by most decision makers. In particular, the following tribunal decision gave guidance to adjudicators as to which categories of Tamils still face persecution on their return

#### Case Study 15

Jeyachandran (2002) UKIAT 01869 came to UK and claimed asylum. His asylum claim was refused by the Secretary of State. He appealed to an adjudicator and the Chief adjudicator heard the appeal. The adjudicator accepted the account of the appellant that he was an honest witness. He dealt with a fear of persecution by the LTTE resulting unwilling assistance and his escape. The case depends upon where there is a reasonable likelihood of persecution by the authorities in the form of the army or any other security forces when he returns initially to Colombo where he would be interrogated, or if he were to return to his home area where he is on a wanted list. It was stated that 'It is still too early to be satisfied that the situation has changed to such an extent that there is no risk to anyone. Where the situation is somewhat fluid it would surely be sensible to give some limited leave'. This appeal was allowed.

### Summary of our cases allowed by the adjudicators

In 2002, the adjudicators allowed thirty-three of our clients' asylum cases. This success rate is relatively high in comparison to national statistics of Tamil asylum cases allowed by the adjudicators. The reasons for this success may be our structured casework system, the ability of our



staff and other volunteer support, as well as the determination and commitment of our team of barristers. Our clients are also to be credited for their co-operation in the development of their cases. Due to the confidence in our work they remain with us. The reduction of our staff, and the backlog in the Home Office's clearance system which has accumulated many appeals in the last year, keep us very busy in the preparation for our clients' hearings. The number of appeals by our clients has been higher in 2002 than in previous years.

#### Case Study 16

Mr KM's case was heard in February 2002 and the adjudicator state 'I find that this appellant is an upcountry male Tamil who is suspected of involvement little atrocity and who is wanted by the authorities on that account. In addition he will be unable to return to Colombo on his own [Sri Lankan] passport. While I recognise the steps that the government has taken to improve the human rights in Sri Lanka I am satisfied that for this appellant that discovered on his return to Colombo which would result in his detention. On that basis I am not persuaded that this appellant would be safe on return. Indeed I find that there is a real risk than he would be subjected to treatment which would amount to persecution. It follows in my judgement he is at real risk of persecution on account of his perceived political opinion if he were to be returned to Sri Lanka'. The appeal was therefore allowed.

#### Case Study 17

The case of SK was heard on 7th February 2002. The immigration adjudicator gave his findings that, 'The appellant has shown to the required standard that she has a well-founded fear of persecution in the whole of Sri Lanka if returned there today, by reason of pro-LTTE political opinion attributed to her by the Sri Lankan authorities. She also has a well-founded fear of persecution at the hands of LTTE if returned to the north where she is likely to be exposed to being forced to fight for the LTTE or forced labour. The appellant has shown

that she is a refugee and her asylum appeal is allowed.'

#### Case Study 18

In the case of AT the adjudicator stated that 'I find that there is evidence that there is something in the appellant's history in Sri Lanka which would expose her to a real risk of persecution on return there. The appellant has established sufficiently for me to find that there is a real risk that she will be detained questioned and suffer ill treatment amounting to persecution if returned to Sri Lanka. This is because of the political activity and those of her family in the past.'

#### Case Study 19

The appeal of Mr KP was allowed under the Refugee Convention by the adjudicator. 'The appellant provided his evidence in straightforward fashion and provided plausible clarification, explanation and exploration of any aspect of his account when asked. I accepted his accounts as credible. He would be returning on an emergency travel document and superficial injuries would reveal that he had previously been returned from Germany detained and had admitted to LTTE involvement. In reaching the conclusion that the appellant is reasonably likely to be tortured, I have had regard to country information regarding prison conditions and the treatment of LTTE members in custody in the CIPU [Country Information Policy unit] report and US Department of State country report on human rights.'

#### Case Study 20

V's case was heard by the adjudicator on 12th February 2002. It was stated that 'It appeared on the face of it that under the Refugee Convention the case was not a strong one and that if the appellant persisted with this particular application she ran the risk of being found to be incredible and having her case dismissed. However, under the European Convention on Human Rights if this appellant was forced to be separated from her family life with her



husband in this country and sent back to Sri Lanka the position is wholly different. It would appear to me wholly disproportionate to send the applicant back especially in her pregnant state and to expect the husband who is settled here to give up his job and his house and go to live with her in Sri Lanka. In these circumstances therefore I note that the asylum appeal has been withdrawn but I formally allow the appeal under article 8 of the European Convention on Human Rights on the basis that it would be in breach of obligations under article 8 of the European Convention on Human Rights to return this appellant to Sri Lanka. She should therefore be allowed to remain and enjoy her family life with her husband and her children who are to be born in the next two months.'

#### Case Study 21

Mr KP case was heard by adjudicator on 5th November 2002, and the adjudicator stated, 'During the course of the hearing I came to view the appellant as a credible and compelling witness. The appellant's ultimate arrest on 21st February 2002 occurred the day before the ceasefire agreement but despite this the appellant was detained and tortured for a month. In view of this fact I conclude that either the appellant is of considerable interest to the Sri Lankan authorities, or that notwithstanding his minor profile, the ceasefire is ineffective in preventing the authorities from continuing the use of detention, ill treatment and torture. For this reason I believe that it is likely there is a clear and continuing risk to the appellant.' This appeal was successful.

#### Tribunal Decisions

Over the years we have lodged appeals to the tribunals when the adjudicators dismissed our applicants asylum appeals because there are enough merits to lodge the appeals to tribunals. However in the year 2002 there were few cases for which we were unable to lodge the appeals, as in the barristers' opinion there was a lack of merits. The new case law on the current situa-

tion in Sri Lanka and the improved quality of adjudicators' decisions are the main reasons preventing us from appealing to the tribunals. However five of our appeals to tribunals were granted leave. Among them, two were successful in reversing the adjudicators' decisions.

#### Case Study 22

TM's appeal was heard on 8th January 2002. With the Individual nature of the appeal the appellant would be at high risk and the ordinary Tamil returnee of interrogation more than brief detention. The evidence before the adjudicator should have let him to conclude that he appellant would face a current risk of persecution for convention reason. Accordingly the appeal was allowed.

#### Case Study 23

Miss EV's appeal heard at the tribunal May 2002. The counsel relied on Ayden case law and submitted that to return the applicant to Colombo would be a clear violation of article 3 of the ECHR. The applicant was sexually assaulted, which was a gross breach of her human rights. The tribunal also took account of the fact that the appellant is a vulnerable young woman who does not speak Sinhala and never lived in Colombo. The cumulative effect of all evidence indicates that it would be unduly harsh for the appellant to live in Colombo. The appeal was allowed.

In contrast, in seven of our allowed cases the Home Office appealed against the adjudicator's decision. Of these, four were granted Leave to Tribunal of which three were remitted back for fresh hearing and the other decision was allowed in favour of appellant. The following cases illustrate other tribunal decisions were allowed in favour of appellants in year 2002.

#### Case Study 24

SN's case was heard on March 2002. The factors for consideration were the close family connections with the LTTE, with three brothers having actively served them and one having been killed in battle leading to publicity that the LTTE regard that



brother as a hero of the movement. This last matter has occurred since the appellant arrived in United Kingdom but simply reinforces the profile of this particular family. This appellant himself was detained for a considerable period and tortured, and his release was procured by bribery. In this circumstance tribunal allow the appeal.

#### Case Study 25

AR's case was heard on June 2002. It was decided that even in the present circumstances post-ceasefire there is arguably still a risk for LTTE fighters in Sri Lanka. This is a case where a sustainable credibility finding is essential. The appeal was allowed.

#### Case Study 26

In the case of SAS the appeal was heard on April 2002. The tribunal felt that 'The appellant's evidence remains consistent and credible. The appellant was prevailed upon to assist the LTTE terrorists and then regarded himself as forced to continue. The authorities ultimately detained him for some period, interrogated and ill-treated him. He was charged with harbouring and assisting the LTTE, brought before a court and released on bail. After he jumped bail the police notified his family that they want him. An agent brought him to United Kingdom.' These are my finding of fact accordingly this appeal was allowed.

#### Case Study 27

In the tribunal determination for MS, it was stated that, 'We have to reach conclusions as to the view we take of the present position in Colombo. In this respect we have the report of March delegation. We note that at paragraph 3.2 it is said that many rejected asylum seekers are simply being waved through at Colombo airport but we cannot read that paragraph as indicating that each and every rejected asylum seeker is waved through. Unfortunately we are given no information as to the proportions that are in fact waved through although we appreciate that it would be very difficult

to get such specific information. On the basis of the balance probabilities we have reached the conclusion that it was more likely than not that the authorities would ascertain that there was a record of previous detention. If this came to light then we would take the view that this appellant would be in difficulties. We think it is very important to remember the standard of proof that has to be applied in these cases. We are not concerned with the probabilities. We are concerned with reasonable likelihood.

We are delighted that there is some evidence of an improving situation in Sri Lanka. Although we fully appreciate the fact that the report necessarily with main dealings with the region of Colombo, in the particular circumstances of these appellant's cases the totality of the objective evidence that we have considered does not give sufficient confidence to conclude that there is a reasonable likelihood that this appellant would not be persecuted or this human rights be infringed. We agree when the president said that each case must be considered on its own facts and we consider that the circumstances in these cases are such as to cause us to allow this appeal.'

#### Detention

The new Immigration and Asylum Act 2002 confirms further more powers for officials to detain asylum seekers under different forms of detention but the overall aim is to detain as many asylum seekers as possible.

#### Induction Centres

These centres will provide initial accommodation for newly arrived asylum seekers for a week time. Within this time their welfare and accommodation needs will be assessed. Asylum seekers those who have their own arrangements with friends or relatives may be released with the Temporary Admission. Those who are relying on National Asylum Support Service (NASS) assistance for their accommodation will be moved to cluster areas. During the stay at the



Induction Centre the asylum seekers will face Immigration screening interview and will be health-checked and given access to legal advice. Also those who wish to return to their native countries will be given advice on voluntary departure. Facilities are made available to hold 400 asylum seekers.

### **Accommodation centres**

As part of the government's dispersal programme, additional accommodation centres will be made available in the cluster areas. Despite the local communities' objections, the government is determined to make arrangements to hold more asylum seekers in different parts of the UK with purposeful activities. This accommodation is to be provided through the NASS system asylum seekers being able to choose where they stay. Anyone who refuses to accept the accommodation offered may become destitute. The asylum seekers are entitled to accommodation until their appeal rights are exhausted. In total up to 3,000 persons can be accommodated at any one time. The government has also made it clear that asylum seekers will not be detained at these accommodations centres; they are allowed to move freely and receive visitors or legal advisors. But asylum seekers are required to reside in the allocated accommodation with reporting conditions. Anyone who fails to comply with their Temporary Admission conditions may face compulsory detention and withdrawal of NASS support.

### **Family Holding Centres**

Families and children may also face detention against their will by Immigration officials at specially designed Family Holding Centres. This should not be for an extended period. In the past only children with families and those who face removal in the immediate future are kept in detention.

### **Removal Centres**

Most of the Immigration Detention Centres are named Removal centres in order to facilitate strict removal of failed asylum seekers. In year 2000 the capacity was increased by 40% to detain those who face a removal order. Overall 4,000 people may be held. It has been suggested that the government will use prison to accommodate a fur-

ther 2,000, including those who have committed criminal offences and who have suspected links with terrorists.

### **Bail**

Part III of the Immigration and Asylum Act 1999 constituted a major change in bail provisions. The review of the government intention's to implement automatic bail hearings and regular detention was reviewed was welcomed by Immigration Officers. The new Act will give wider powers to authorise detention and bail to staff other than those from the Immigration service. We sought bail for eight of our detained clients. Two were released with Temporary Admission and three were deported to Sri Lanka after a few months of detention. Another remained in detention and faced removal to Sri Lanka with the current legal system and country situation preventing us from challenging the removal direction. One detainee's bail was lodged and heard without success.

### **Case Study 28**

TS arrived in this country in December 1999 and claimed asylum at the Home Office. The Secretary of State refused his claim in March 2001 and he was asked to report every month to the local police station. He exercised his right of appeal, which was heard in August 2000 and dismissed. We made further representation in July 2002 based on new evidence, including a medical report from the Medical Foundation as evidence of past persecution. In November 2002 TS was detained at the police station, at which he had complied with the monthly reporting conditions, without any specific reason. As his legal representative, we were alerted by his brothers in the UK. Immigration officers confirmed his detention and subsequently refused our further representation, which included article 8 of the Human Rights claim. We raised the section 65 of the appeal under the Immigration and Asylum Act 99. In December 2002 this appeal right was denied by the Secretary of State as certified under section 73 (8) and 73 (9) of the Immigration and Asylum Act 99. In the meantime we also



made a bail application, which was also turned down by the Special Adjudicator. This indicates that the applicant is to remain in detention for an unlimited period.

### Section 65 Appeal rights under the Immigration and Asylum Act 99

The Immigration and Asylum Act 99 further restricts appeal rights. When this legislation was brought to Parliament for discussion on 20th March 2001, Lord Lester of Hern Hill asked Her Majesty's Government whether they would ensure that asylum seekers who inform the Immigration Service of their intention to appeal against removal from United Kingdom on human rights grounds under section 65 of the Immigration Appeal 1999 are permitted to remain in United Kingdom pending the determination of their appeal.

There is a right of appeal under section 65 of the Immigration and Asylum Act 1999 against a decision relating to entitlement to Leave to Enter or remain in United Kingdom which is exercisable if the decision was taken on or after 2nd October 2000 when that section came into force. People appealing against Immigration decision made before 2nd October 2000 cannot benefit from section 65 of the Immigration and Asylum Act 65, which is not retrospective. We have given assurance that if such people have a human rights concern they may make a separate human rights claim and will have an opportunity to appeal. 'People appealing against decisions taken before 2nd October 2000 do not have to wait until their appeal is determined or until any removal procedures are commenced before making a human rights claim. If they have an arguable case to make they should make it as soon as possible.' The Supreme Court of Judicature endorsed this interpretation.

#### Case Study 29

In the case of KKK, in July 2002 the Court of Appeal dismissed the appeal Secretary of State of against the order of Newman J, declaring that removal directions were a decision challengeable by appeal under section 65 of the Immigration and Asylum Act 1999. It was stated that 'Section 6, con-

cerned as it was with human rights, should be interpreted broadly. So far as possible it should be constructed to enable its practical operation within the overall scheme of the 1999 Act and the Immigration Legislation of which it was part. In human rights context the word "entitlement" warranted a widened construction as Newman J indicated. If a claimant had a valid human rights claim he not be removed but was entitled to stay whatever the status of the decision designed to remove him, as he had a section 65 entitlement'.

Despite these decisions the Home Office continuously denied section 65 appeal rights by stating 'We are aware that following the judgement of the court in the case of KKK that the setting of the first or any subsequent removal direction will generate an entitlement to a section 65 appeal upon the making of an allegation that the decision in breach of the subjects human rights.' However the court of appeal also made it clear that the answer to abusive appeals was the certification provisions of section 73 of 1999 Act.

In our experience the Home Office is simply refusing most of the human rights claims without appeal rights by suggesting that action is necessary to prevent abusive appeals. This is not justifiable. In the interest of justice the appellants' appeal rights must be protected.

#### Case Study 30

Mr T arrived in this country in December 2000, and his claim for asylum was refused in May 2001. An appeal was lodged in June 2001 and human rights were raised. The appeal was heard and dismissed in a written determination on in January 2002. Leave to appeal to the Immigration appeals tribunal was refused in February 2002. A human rights claim was submitted in March 2002 but refused in May 2002. A second human rights claim and a fresh application for asylum were submitted June 2002. These were both considered carefully but refused and certified under Section 73/81 (preventing any further ap-



peal) in a letter of July 2002 by stating that issues were raised in a further human rights application. We agree the appellant raised the same issues again and again because that issues were not dealt with adequately, and new evidence was not taken into consideration despite the rapidly changing human rights situation in the country. We believe require further scrutiny by the adjudicator before the appellant's removal, which could otherwise be a breach of obligations under the Human Rights Convention, particularly article 3.

## Removal Procedures

The continuing civil war and human rights abuses have made it impossible to remove failed Tamil asylum seekers to Sri Lanka. However, last year's ceasefire possible for the UK Immigration Officials to enforce removal orders. On average, three persons are deported to Sri Lanka each week. Three of our clients were also deported in 2002 and this was the first occasion on which our clients who are failed asylum seekers have been deported. As mentioned earlier in this report, in the context of view of the current ceasefire developments these premature removals have caused immense upheavals for failed asylum seekers. Instead of forcible removal, failed asylum seekers should be encouraged in all possible ways to return voluntarily. In particular, the arrest of failed asylum seekers without prior notice, and their detention for an unspecified period without allowing them arrange packing of their belongings are the factors causing concern to the community. Returnees are not provided with any assistance or transport to enable them to reach their native villages in the north or east of Sri Lanka.

### Case Study 31

PN arrived in the UK in October 2000 and sought asylum, which was refused in June 2001. An appeal was made and dismissed by the special adjudicator. Leave to appeal to tribunal was also refused. Subsequently our client made a human rights allegation through us using new evidence us. This was also refused. He was detained and moves were made to remove him. We re-

quested that Home Office allow us to appeal under the Human Rights Act, but section 65 appeal was denied by certifying the Human Rights removal, thus depriving our client the opportunity to appeal to the his consistency MP. We contacted Mr Cohen MP at the House of Commons, and requested him to get the certification removed, to enable the client to make an appeal under Section 65 of the IAA 1999. Our client was removed on a flight from the UK to Sri Lanka in August 2002 by order of Home Office.

### Case Study 32

SJ arrived in UK in February 2000 and claimed asylum, which was refused in March 2001. Our client made an appeal, which was dismissed by the special adjudicator in November 2001. Leave to appeal to tribunal was refused in February 2002. Further representation was made in June 2002 with new evidence and country information but the application was refused in August 2002. He was removed in August 2002. After his removal our client informed us from Sri Lanka that during the deportation process he was handcuffed and manhandled. On his arrival at Colombo airport, CID police questioned him and held him for a brief period. He was released after the intervention of his relatives.

## Non-Asylum Immigration Matters

Apart from asylum cases, we deal with other immigration-related casework. The main areas that we deal are Family Reunion Entry Visa applications, Extension Visa appellation, EU Residency permits, work permits and British Nationality.

### Citizenship

The Home Secretary is keen to adopt a practice similar to that seen in the United States and many other European Countries. The oath of allegiance will address to the Queen and her successors and a new pledge will affirm the commitment to the United Kingdom and its democratic values. Twenty-seven of our clients were advised and



helped to apply for British citizenship in 2002. The waiting period for citizenship applications has reduced in comparison to earlier procedures to twelve to fourteen months.

It is essential to take classes in the English language classes and knowledge of the British way of life to be considered for citizenship. We feel that these changes are unnecessary, as they further widen social exclusion, causing interrogation of ethnic minority communities, which prevents fast integration. We therefore feel that the Home Office should reconsider its citizenship policies.

### Family Reunion

According to Refugee Convention, people who came here as refugees and were granted Refugee Status in UK are entitled to rejoin their family members. This Home Office policy only finally became an immigration rule in October 2000. It is usually only applicable to a spouse and children under eighteen years old. However children over eighteen years old and elderly parents could may us Article 8 of European Human Rights Convention in order obtain Entry Clearance Visas to rejoin the applicant. Normally they do not need to pay for Entry Clearance Visas, but in some cases people who have claimed asylum and been granted Exceptional Leave to Remain are prevented from bringing their family members to the UK within the allocated limited visa period. We made around 25 family reunion applications last year. Most of them were successful, and we lodged appeals against the negative decisions.

#### Case Study 33

JK arrived in this country and claimed asylum in September 2000. After a substantial interview his asylum application was refused but he was granted Exceptional Leave to Remain in December 2000. In November a family reunion application was made by his spouse in Sri Lanka. This application was refused in November 2001, with the statement that 'Your husband only has Exceptional Leave to Remain in UK and therefore there is no provision under Immigration Rules for admission. We also considered your application in line with ar-

ticle 8 of ECHR but we are satisfied that any interference in your right to family life with your husband is both justified and both proportionate. Therefore your application for Entry Clearance is refused.' The appeal against the decision on human rights ground has been awaiting consideration by the appellant authority for eighteen months.

#### Case Study 34

Mr SM arrived in this country in August 1999 and claimed asylum. He left behind his spouse and two children in Sri Lanka. After consideration his claim for asylum was refused in May 2000. He exercised his right to appeal and his appeal was heard and allowed by the adjudicator in 2000. In April 2002 the Home Office released documentation of his refugee status. Subsequently he made arrangements to obtain Entry Clearance Visa and his family joined him in the UK in August 2002.

### Entry Visa Applications and Appeals

To help an applicant's family members, relatives and friends in UK have approached us for advice on Entry Clearance Visas for relatives and friends who are in Sri Lanka to visit the UK as visitors, as students or with work permits. We also make appeals against refusals where it is appropriate and take up those cases as casework. We handled thirteen cases in 2002 under the new Immigration Rule Para 60(1) and 67(1), which make it clear that someone who was last admitted to the UK as a prospective student may be granted an extension of stay as a student. However in our experience obtaining Entry Clearance as a prospective student has become difficult. Also there is no longer time limit on someone who was admitted in UK to undertake training or work experience; they may be allowed to stay in UK for that purpose continuously until the training or work experience has been completed. The Sheffield-based Home Office Unit now handles this kind of application. Similarly, someone who has completed recognised qualifications may now be more freely switched into their student status for employment. This procedure became an Immigration Rule last year: Para 131A and 131B facilitate the swift changes. Further-



more Immigration Rule 199A to 199C provide a new category of multiple entry work permits for entry to the UK to undertake employment or seek employment for maximum period of two years. At the end of this period the appellant is compelled to leave the UK, but may come back again after a few months. This practice prevents the applicant from obtaining Indefinite Leave to Remain after four years of residence in this country.

#### Case Study 35

Mr RR made an application for Entry Clearance in Sri Lanka in July 2002 as a student. The officer stated 'I am not satisfied that you are able and intend to follow your course, nor that you intend to leave UK at the end of your studies,' and refused his Entry Clearance Visa. Furthermore, 'I am not satisfied that you can meet the cost of your studies, accommodation and maintenance without taking employment, engaging in businesses or having recourse to public funds. The applicant's relatives in UK asked us to take up this matter. Accordingly we took up this case and appealed. The appeal was heard at the end of 2002 and the adjudicator dismissed it.

#### Extension of Stay Applications

This type of immigration work forms our second highest caseload after asylum work. We dealt with forty-five cases in 2002. This includes extension of ELR, ILR, extension of stay for family reasons, extension for students and extension of stay for employment purposes. The numbers of people obtaining these services are on the increase.

#### Case Study 36

Miss MS arrived in this country in June 2001 and claimed asylum. The asylum claim was refused but she was granted Leave to Remain for four years. She married Mr K in 2002. He is also an asylum seeker and his asylum application is under consideration. The applicant wishes to make an application of extension of stay in UK as a family. This application is also under consideration by Home Office.

#### Case Study 37

Miss RN arrived in this country in December 1999 and claimed asylum. Her claim was refused and she exercised her right of appeal. While her appeal was outstanding she married to Mr A, who is settled in this country with Indefinite Leave to stay. Based on their family life he made an application for settlement alongside her husband's Immigration status. While this was under review by the Home Office the appellant's asylum hearing was scheduled for September 2002. Mr A wrote a letter to Home Office stating that if the outstanding family application were granted then the applicant need not proceed with her asylum appeal. Unusually Home Office promptly granted Indefinite Leave to Remain. Accordingly her asylum appeal was withdrawn.

#### Voluntary Repatriation Programme

Over the years of our experience this has been the first time that some of our clients who are refugees have shown interest in withdrawing their claim and wish to return to Sri Lanka. This observation reflects the current ceasefire development in Sri Lanka. We decided to approach this matter by individually assessing their risk and advised them accordingly. However the final decision is left made by the applicants. Whoever wishes to return to their homeland will be assisted by the International Non Governmental Organisation through their voluntary assisted return programme. We made four applications under this programme last year. Among them, one withdrew at a later stage and one returned to Sri Lanka. The return programme for the remaining two is still outstanding. Under this scheme there exists small fund, called the reintegration fund, but it is not clear how this will help the refugees in their reintegration in Sri Lanka.

#### Case Study 38

Mrs KR arrived in this country in the year 2000 and claimed asylum with her two children. Her asylum claim was under consideration by Home Office. In September 2002 she received a letter from a hospital in Colombo stating her husband had been ad-



mitted with Epistaxis Hypertension, and was under treatment and bed rest. This letter encouraged this applicant to make a crucial decision. With the ceasefire developments in Sri Lanka she felt that the chance of persecution was reduced. Therefore she decided to return and we helped her in making the application and made other arrangements. Accordingly she returned in December 2002.

## Benefits and Improving Household Income

### National Asylum Support Service assistance (NASS)

The largest user group of the organisation are asylum seekers and refugees. Our organisation benefit-related work is also dominated by asylum seekers- or refugee-related benefit work. Four hundred callers in last year were helped to obtain their entitlement. Local Firms of Solicitors and local authorities also refer clients to our service. This service consists of making applications to NASS (mostly subsistence only) and following up communication with NASS, providing information to the applicants, updating changes of circumstances of the applicants and challenging NASS decisions.

Following our previous years of experience we feel that NASS is becoming less helpful to the applicants and is becoming disinterested in the community groups who are providing front-line services to their communities. In particular, the approach of NASS officers is to restrict the opportunities to appeal against their decisions. Normally two working days are given to appeal against the decisions. The right of appeal has also been denied in several cases. Furthermore applications have been rejected for minor errors at the application stage. Common problems we faced last year included poor coordination with agency called Sodex; NASS not informing applicants about the change of circumstances in the benefit, but instead informing their Post Office; NASS's request that the Post office stop financial assistance and NASS's failure to ask Post Office to give written information on why they refuse to pay. It is difficult to contact officials on the telephone to solve the applicant's problems.

### Case Study 39

Miss GM is an asylum seeker. She applied to NASS for subsistence support only. She received support from January 2001 without any difficulty until the end of 2002. But in November the benefit was stopped, with the statement that 'You no longer qualify for support under section 95 of the Immigration and Asylum Act 99 because your claim for asylum was determined in March 2001. Therefore you are not entitled for support from NASS.' There is no right to appeal against this decision under section 103 of the Immigration and Asylum Act 99. However we believed our client was still eligible because her asylum application was outstanding. Accordingly we made representation to NASS. A week later we received a reply from NASS, stating that the applicant's appeal claim has still not been received, and therefore the applicant was not entitled for support. Again we made representation to NASS, stating that the asylum appeal was lodged in time by fax and registered post; that her appeal is still to be determined, and that therefore our client's benefits should be reinstated. A week later we were asked to provide the confirmation from the Immigration Authority regarding the outstanding appeal. We wrote twice to the Immigration Authority and we were unable to obtain any confirmation. We are still waiting for a reply. The appellant is undergoing hardship.

### Case Study 40

Mrs TK is an asylum seeker assisted by NASS from August 2002. In November she changed her address and informed NASS and the Immigration Service. She was told at the Post Office counter that they were unable to make any payment to her and to contact the NASS. The applicant approached us and after our intervention NASS stated that they did not receive the change of address information, and therefore her benefit was stopped. We confirmed the change of address by fax, and a week later the benefits were reinstated.



#### Case Study 41

SA claimed asylum and made an application to NASS for subsistence only. His appeal for benefit was approved and he received emergency vouchers, and was asked to collect his payment at the Post Office using his asylum Register Card. But at the Post Office he was denied payment and told that they did not receive any information regarding ongoing payments. After writing several times to NASS his benefits were reinstated.

### Social Security Benefits

Around 23% of our callers obtain advice and support regarding their welfare benefits entitlement. Most of this work facilitates smooth settlement and integration. Additionally, persons who are settled get additional support on their Social Security Benefits. We provide ongoing advice, support and representation on Job Seekers Allowance (JSA), Income Support Benefits, Disability Living Allowance, Incapacity Invalidity Allowance, Family Credit, Child Benefit, Housing and Council Tax Benefits. Representation was made to the Benefit tribunal in three cases. Families and children are the biggest beneficiaries of this service. We need to find resources to run this project successfully and to recruit a person who could specifically handle social this benefit advice and representation service in an improved and structured manner. We also wish to build effective partnerships with statutory bodies and voluntary sector advisory services in order to provide more effective services to our community, and to positively influence national policy making processes.

#### Case Study 42

Mrs AT arrived in this country in July 2001 and claimed asylum. After considering the asylum claim the Secretary of States refused her claim. However the special adjudicator allowed her asylum claim in March 2002. Accordingly the Home Office released her refugee status documentation in May 2002. The applicant was entitled for Social Security Benefits but she was unable to convert the benefit from NASS support to Social Security Benefits because of the

failure of NASS to produce a discontinuation certificate. We made several attempts to resolve this, and NASS's discontinuation certificate was finally released in August 2002. During this process her Social Security benefit application was turned down and the case was closed, because she could not produce the NASS discontinuation certificate in time. Her NASS support was stopped because, 'You are no longer entitled for NASS assistance support since you were granted refugee status'. This situation left her without support for three months and caused severe hardship. Finally, at the end of August she managed to make a fresh claim at the Social Security Office. On this occasion she was advised and given an Incapacity Benefit Claim Form due to her age and was asked to wait until she was issued with National Insurance (NI) number. It took a further two months to obtain the National Insurance number. In October she received a reply from the Benefit Agency stating that 'You do not qualify for Incapacity Benefit as you have not paid enough NI contribution.' She approached us again to seek advice on this matter. We advised her to make an Income Support Claim. When she approached the Social Security Benefit Office she was denied Income Support Benefit Claim at the counter and asked her to go to Job Centre. When she approached the Job Centre she was again given the Incapacity Claim Form. We contacted the Benefit Agency and managed to obtain the Income Support Form for her. She started receiving Social Security Benefits from the middle of November.

#### Case Study 43

Mr KT arrived in this country in February 1997 with his spouse and claimed asylum. While his asylum claim was under consideration he received Social Security Benefits until August 2002. The couple's Social Security Benefits were protected under the Transitional Act. When their asylum claim was finally fully determined the Social Security Benefit was stopped and they were advised by the Benefit Agency to approach NASS to seek help. But NASS refused to



assist them by stating 'Your appeals are exhausted and therefore you are no longer asylum seekers and do not qualify for support under section 95 of the Immigration and Asylum Act 99.' The applicant approached us and we contacted the local Authority and made representation on the basis that the applicant fell into the special need category due to his disability and age. Therefore responsibility has fallen to the local authority, under the National Assistance Care Act. The local authority reviewed the matter and consented to provide support.

## Housing and Homelessness

We have been awarded the Community Legal Service Commission's Quality Mark Status Level II for general help with casework in the field of immigration welfare benefits and housing. Our users are benefited continuously from help from our housing and homelessness-related service. 16% of our callers receive this kind of service from us, which includes general homelessness, threat of eviction from landlords and the emergency shelters for asylum seekers. We have some facilities for homeless persons, who can be provided with up to three nights of accommodation for an emergency purpose. Seven people were helped last year with this kind of emergency need. Within the three days period it is our responsibility to find alternative accommodation through local authorities, Homeless Persons Unit or secure accommodation through NASS. Mostly we provide advice and representation to the appropriate service providers and refer to clients to them to take up these particular cases. If neither of these services is available then we try to make arrangements for alternative shelter for the required persons in night shelters, or Salvation Army or similar types of shelter. In our experience we find that most of these shelters are always fully booked and there is a shortage of bed spaces in London. We are trying to build shelters for our community with the partnership of existing shelter service providers in the voluntary sector.

To secure emergency accommodation through local authorities' Homeless Persons Units is be-

coming harder and harder and when approached the officers are unhelpful. Newly arrived asylum seekers running away from dispersed NASS accommodation and seeking help from us in London is another problem we are facing at present. Our work consists of advising them, reinstating them into NASS alternative accommodation, and tackling their NASS accommodation-related problems.

Through this work we have established a working relationship with a number of voluntary organisations working in this field, including Migrant Helpline, Refugee Arrival Projects, North of England Refugee Service, Scottish Refugee Council, and Immigration Advisory Sector. Duty social workers during out-of-office hours advise us either to refer those who are in need of emergency shelter or to take them to the local police station in order to obtain emergency accommodation through the Homeless Persons Unit. In 2002 we referred four cases to the local police station for this purpose. This new practice is not very convenient as people are reluctant to approach police stations. The waiting hours at the police are long and we also have to wait due to lack of interpreting facilities. However, when court action is necessary we refer them to solicitors who are specialised in these matters and work alongside them.

### Case Study 44

RT moved into a property for residence on a short-hold tenancy agreement in November 2001 for six months, which was not renewed after expiry. However RT was allowed to continue as a sitting tenant and the applicant was in receipt of welfare benefits. Accordingly the landlord continued to receive housing benefit from the applicant. In August 2002 the applicant was asked to vacate the premises but applicant refused to vacate as the rent was paid by the local authority and he has no place to go. Two weeks later he was given a letter by landlord asking him to vacate the house, as they wanted to decorate the building. The applicant approached the letting agent who provided the accommodation initially. The letting agent promised to speak to the landlord to resolve the problem but



nothing happened.

The house decoration begun in October, and when the applicant returned home he found that his belongings had been thrown outside. He was unable to open the door as the lock had been changed. As a result, the applicant spent the night with his friends outside. The next day the applicant approached us for help. We spoke to the landlord and the letting agent but they are adamantly against allowing him back to his room. We then contacted the Newham Council Housing and the applicant was called to attend the Homeless Persons Unit. He was asked to wait. A few hours later the security officer asked the applicant to leave the premises, as they want to close the office. The applicant returned to our office after 5:00 p.m. We contacted the duty social worker and they advised us to take the applicant to a local police station. After a long wait at the police station applicant was accommodated in hotel accommodation for three nights over the particular weekend.

On Monday morning the applicant learnt that he no longer could stay at the hotel, so he returned to us on Monday afternoon. We approached the social worker again, who refused to offer accommodation. Instead she asked him to come the following morning to their office and left him without shelter. We managed to find him a place to stay that night. The following day he approached the council's Homeless Persons Unit. Again he was interviewed and asked to produce number of documents, but was not offered any accommodation that night. We provided accommodation for the night and referred him to the firm of solicitors who will challenge the action against the previous landlord and the conduct of the local authority Homeless Persons Unit.

#### Case Study 45

Mrs AT, with her child, was granted Indefinite Leave to Remain as a refugee in May 2002. The local authority supported

her as an asylum seeker until May 2002. Local authority assistance was withdrawn and she was asked to claim Social Security Benefit. She attempted to get Social Security Benefits but the Benefit Agency's procedure took more than two months. During this time her rent accumulated and she was asked to vacate the premises. She and her child became homeless and approached us for help. We spoke to the Homeless Persons Unit and sent her to them for an assessment. She was briefly interviewed and was given an appointment for few days later but was not provided with any accommodation. She returned to our office in the evening on that day. Without any choice we called the out-of-hours duty social workers. They asked us to send the client to the nearest police station. Accommodation was provided at a hotel.

## Employment

### Initiative for unemployed Persons

For the first time in 2002 we managed to secure a small grant to deliver the services to Tamil-speaking unemployed people. An ESF Fast Forward grant of £9860 was awarded to run the project for forty weeks. In September 2002 this covered a part-time salary and project costs. With this grant we help unemployed people to get into the job market by finding suitable jobs and to assist them to solve their disputes with their employers. We also provide advice and support, make representations about their work permits, obtain National Insurance numbers and act as interpreters for ongoing work-related difficulties. As part of this service we work with a number of recruitment agencies.

Seventy-nine persons were found employment through us. Three cases were taken up as case-work to tackle their dispute with employers. After our intervention two of the clients were reinstated in their jobs. The persons who are seeking employment are be interviewed by recruitment agencies with the help of our interpreters. We will run this session twice a month where necessary. The health Nurse will assess the prospective employee's health condition and Fitness where they intend to take job in the Food Indus-



tries. In our experience we find most employers are reluctant to offer employment because of the uncertainty of our clients' status and eligibility for work. Employers also do not understand the validity of the Home Office documentation in relation to their entitlement for work. In many occasions our interference has helped them to clarify the documentation.

### **New Home Office Regulation on Employment Concessions**

The Home Office Minister's announcement of withdrawal of employment concessions shocked many asylum seekers. The average time taken for initial decisions on refugee status is thirteen months and appeal decisions take a further twenty weeks. Since 23rd of July 2002 asylum seekers are no longer entitled to work, but persons who are granted status are entitled to work in the future. This announcement also put at risk many voluntary organisations that are providing services to the refugee community through the European Social Fund. The new Home Office announcement in relation to asylum seeker permission to work may not serve the asylum seeking community through European Social Fund because they are no longer going to be entitled. This effect is clearly a set back for the voluntary sector and refugee community in the integration programme. Once again this new procedure contradicts the Home Office's fast track integration policy regarding the migrant community.

### **Withdrawal of Permission to work for asylum seekers**

It is Home Office policy not to withdraw the permission to work until such time he is removed or his status settled in UK. However since last year some applicants' permission to work have been withdrawn while appeals are pending. We made representations on this matter on many occasions. However only on two occasions was the decision reversed and permission to work reinstated.

#### **Case Study 46**

Mr PS was granted permission to work earlier in May 2002 on his temporary admission. When he changed his address, a restriction on work was imposed on him

with his new temporary admission. We requested that the Immigration Authority grant him permission to work according to Home Office policy until such time as he is removed. Permission to work was granted.

#### **Case Study 47**

Mr CP arrived in this country and claimed asylum in March 1999. Six months later he was granted permission to work because his asylum was under consideration. In end of year 2000 his claim for asylum was refused by the Secretary of State but he was allowed to work continuously since his appeal was outstanding. However in November 2000 the special adjudicator dismissed his appeal. In February 2001 we made further representations on behalf of the applicant, based on his human rights allegation, which was refused in January 2002. Under sections IAA99 an appeal was lodged and is currently outstanding. But his permission to work was withdrawn by the Home Office in the refusal letter of his human rights claim. We made representation on this matter but Home Office refused to grant permission for him to work. We asked Local MP Mr Stephen Timms to intervene in this matter and his efforts were without success. We appealed to Mr Timms to bring about transparency in the Home Office in practising their policy since he was granted permission to work, which should be valid until the case is fully determined.

### **Other services**

#### **Translation and Interpretation Services**

As an established community organisation we are generally expected to provide interpretation and translation services to other similar voluntary sectors and statutory bodies. We mostly receive calls from police, hospitals and local authority departments for the interpretation services over the telephone. Also we receive calls from Migrant Helpline, the Refugee Council, and Immigration Advisory Services for this kind of telephone interpretation. We provide these serv-



ices as frequently as possible. However, the reduction in staff level makes it impossible for us to do so all of the time. Otherwise we provide the necessary interpretation services to our user group where it is appropriate. Two of our casual staff were able to provide such a quality service during case preparations and conferences with learned counsels. We also provide translation of material evidence to support users' claims. Other official documents like birth, marriage and death certificates are also translated and certified by us. Generally we are an accepted body for this kind of work. Translation may take three weeks and it is free of charge. We expect contributions from people who seek these services.

### Day Centre

In order to serve all sections of the community we conduct specific programmes for targeted user groups. Accordingly we run a number of activities for elders, which include day centre luncheon clubs, outreach work, home care support and escorted visits. In the past day centre was based at the Tamil House in Romford Road, Manor Park. However at end of 2002 we moved this project to Manor Park Community Centre due to lack of facilities in the previous venue. To continue this project we are in the process of securing funding for the future.

### Summer Holiday Project

This project is targeted at refugee children who are facing a number of difficulties to overcome their barriers, including language isolation, lack of play areas and poverty. The purpose of this project is to reach the targeted group and benefit the families and children in a number of ways. In the past few years the local authority funded this project. However funding policy changes in the local authority prompted us to seek alternative funders. Accordingly in 2002 this project was funded by BBC Children in Need. With their support more than sixty children participated in our summer holiday activity project, which took place at Kensington Primary School for three weeks during the summer school vacation. During this period we were audited by OFSTED, the regulatory body that provides supervision and support to service providers that

run children's projects. The findings of the auditors were encouraging. We hope to continue this project in future.

### After School Project

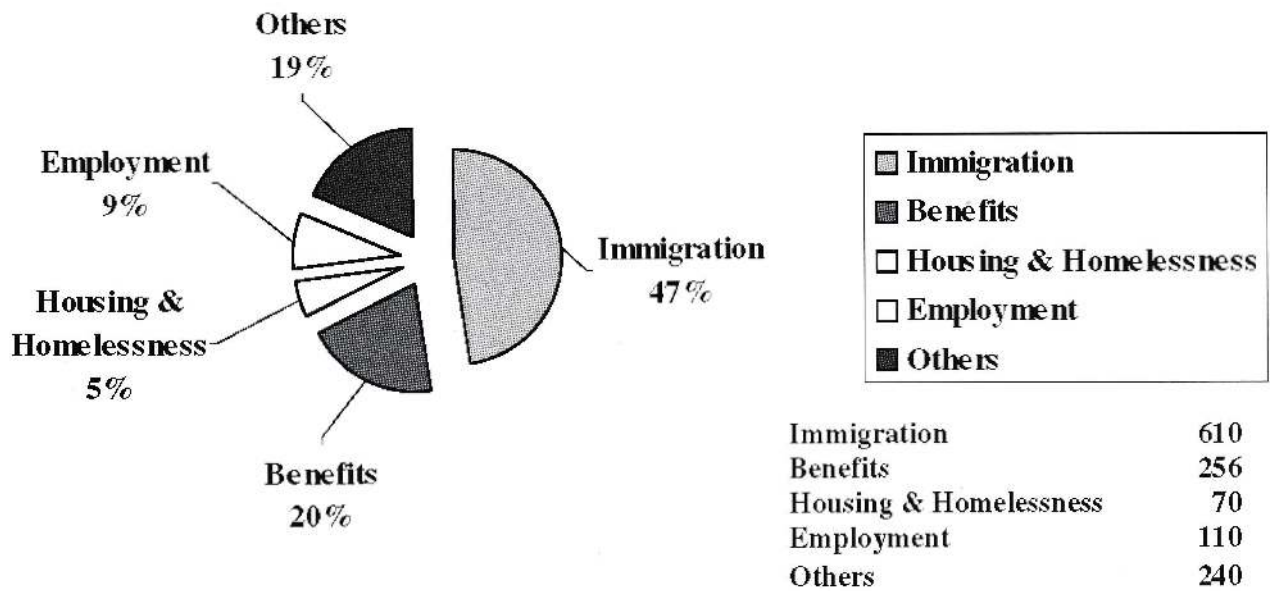
This is a new initiative started in 2002 with the support of Children's Network fund. The aim of the project is to provide support for their school education and extra-curricular culturally appropriate activities to promote their confidence and keep them in a safe environment. In order to reach this aim we run two projects. One is the Homework support club and other is the Fine Arts learning activities. Around thirty to thirty-five children participate and benefit from these activities. Eight committed volunteers including six tutors provide these services.

### Supplementary Educational Project

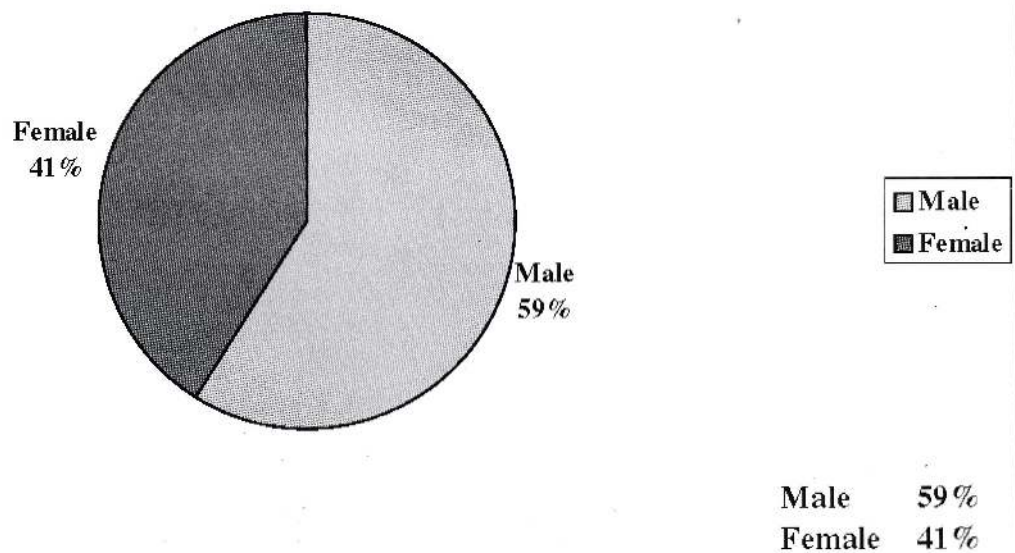
This project began in 1993 in order to boost refugee children's educational achievement at their school. The aim of this project is to work closely with local schools, parents and the children to improve their educational standard and all aspects of the welfare of the children. In particular, we work with unaccompanied children, children with behavioural problems, children who are mentally disturbed by conditions in their native country or unable to adopt themselves to the new civic life environment. Fifty to fifty-five children regular attend our Sunday Supplementary School at Little Ilford School. Classes are available from 9.30am to 2.30pm. The Local Education Authority provides us with a classroom at subsidised rates, and six qualified tutors conduct the classes as volunteers.



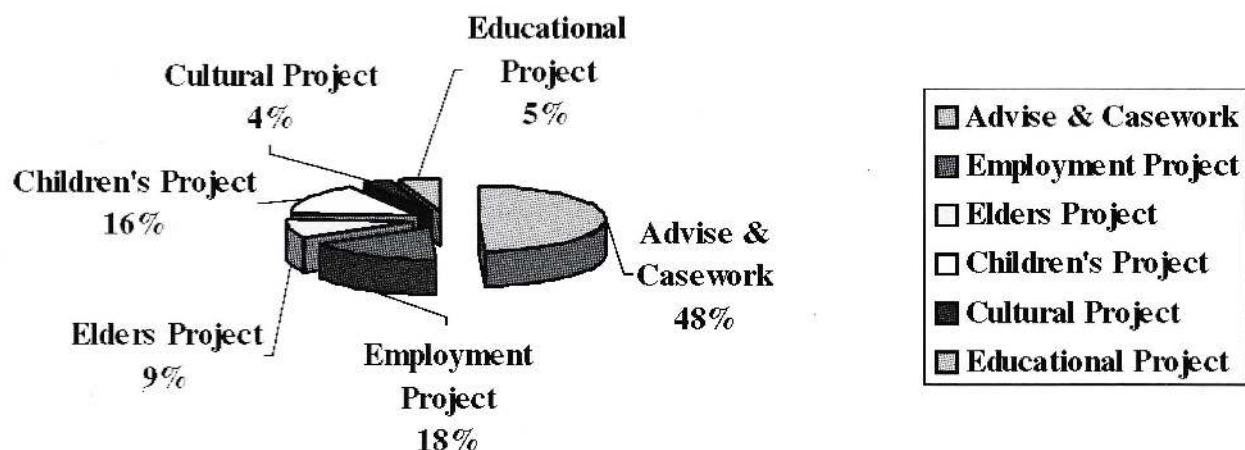
### Areas of service delivery in year 2002



### Service user classification by gender in year 2002

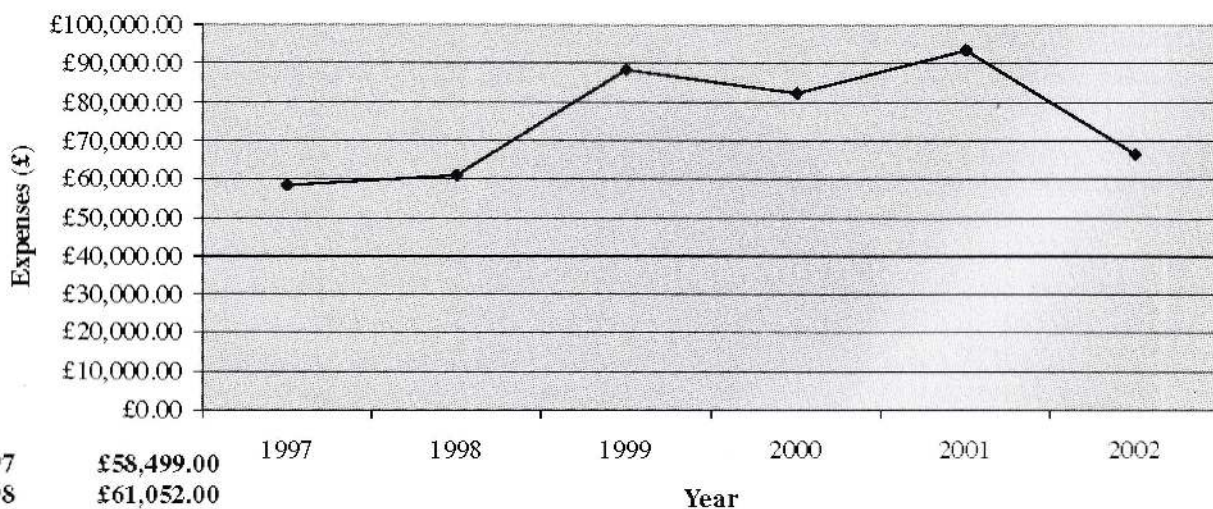


## Money spend on projects in year 2002



Elders Project	£5,000.00
Children's Project	£9,000.00
Cultural Project	£2,000.00
Educational Project	£3,000.00

## Our yearly expenses for last 6 years

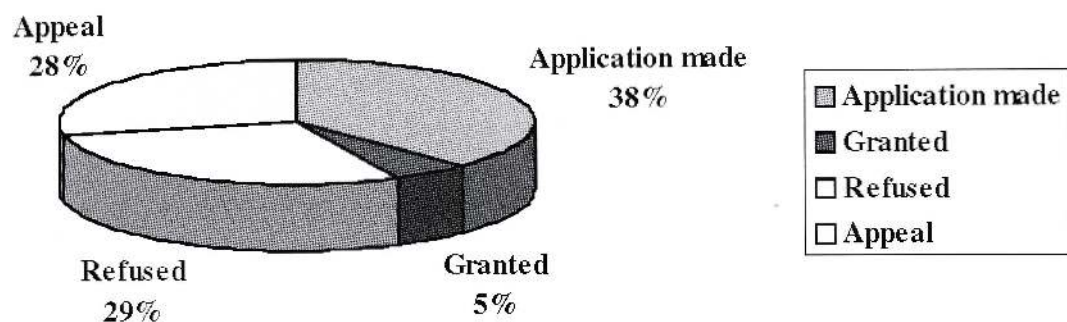


1997	£58,499.00
1998	£61,052.00
1999	£88,267.00
2000	£82,303.00
2001	£93,758.00
2002	£66,465.00

→ Series1

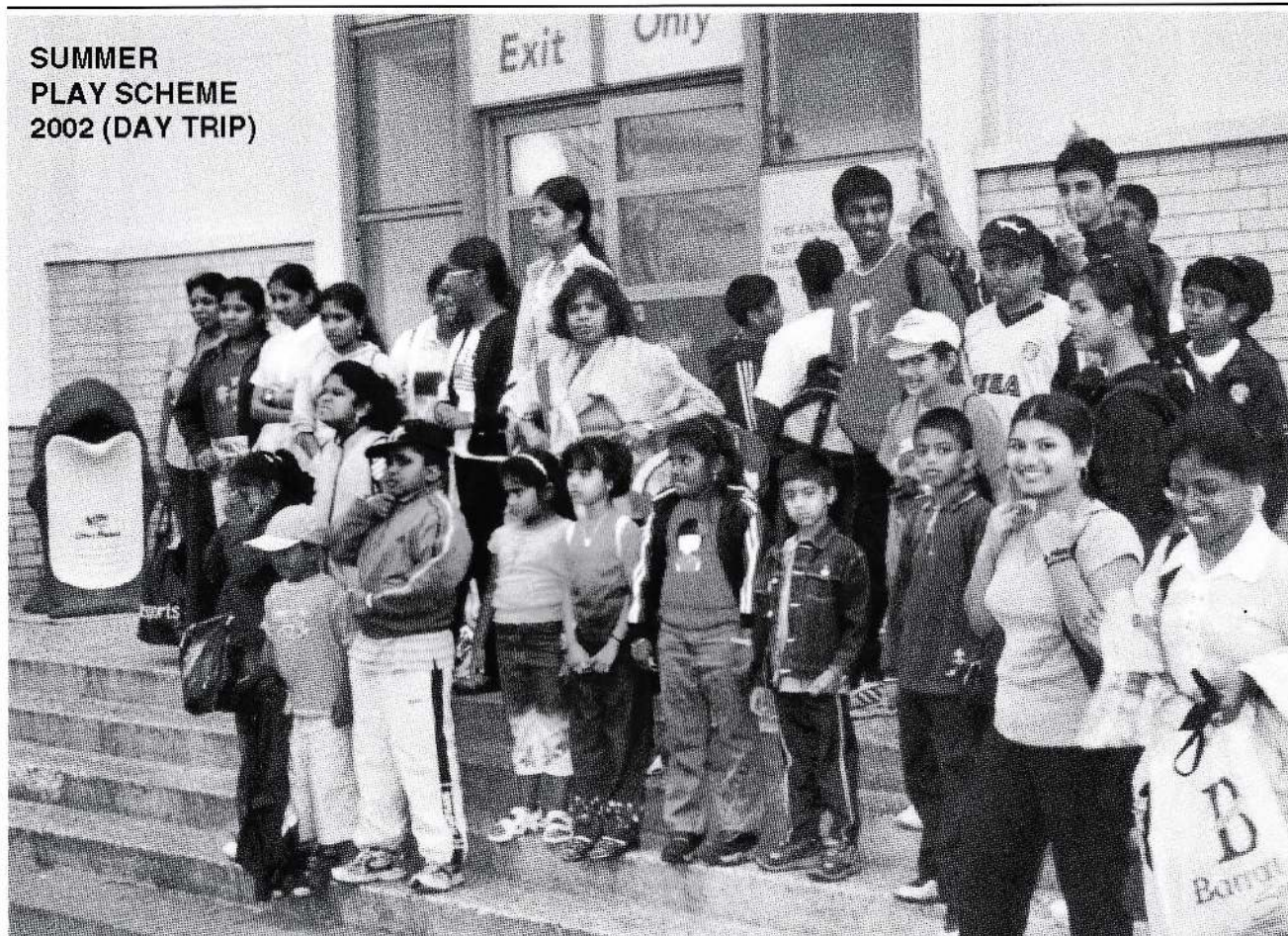


## Classification of Sri Lankan asylum claim in year 2002



Application made	4235
Granted	600
Refused	3240
Appeal	3175.2

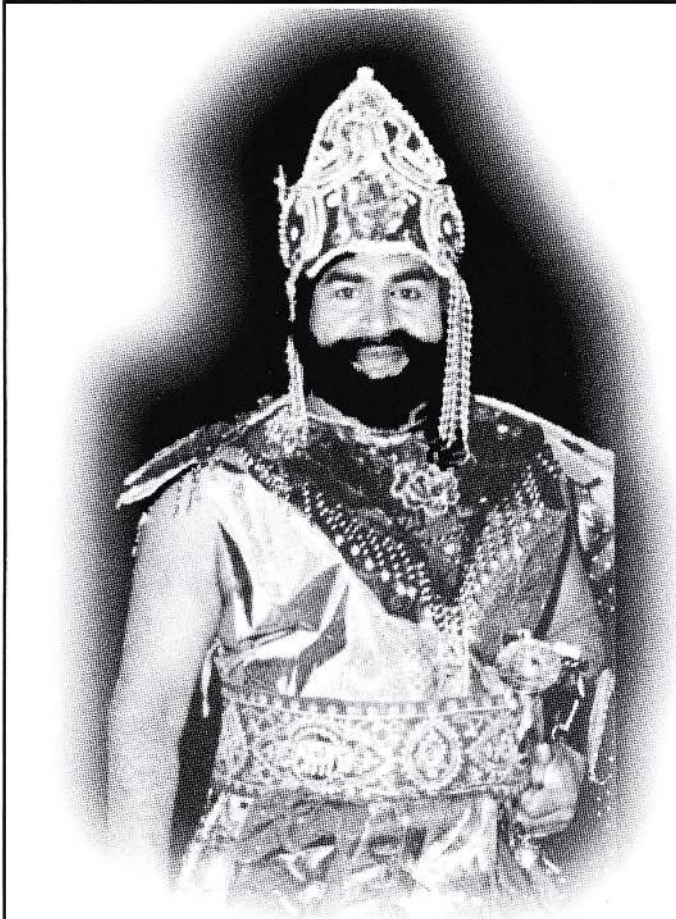
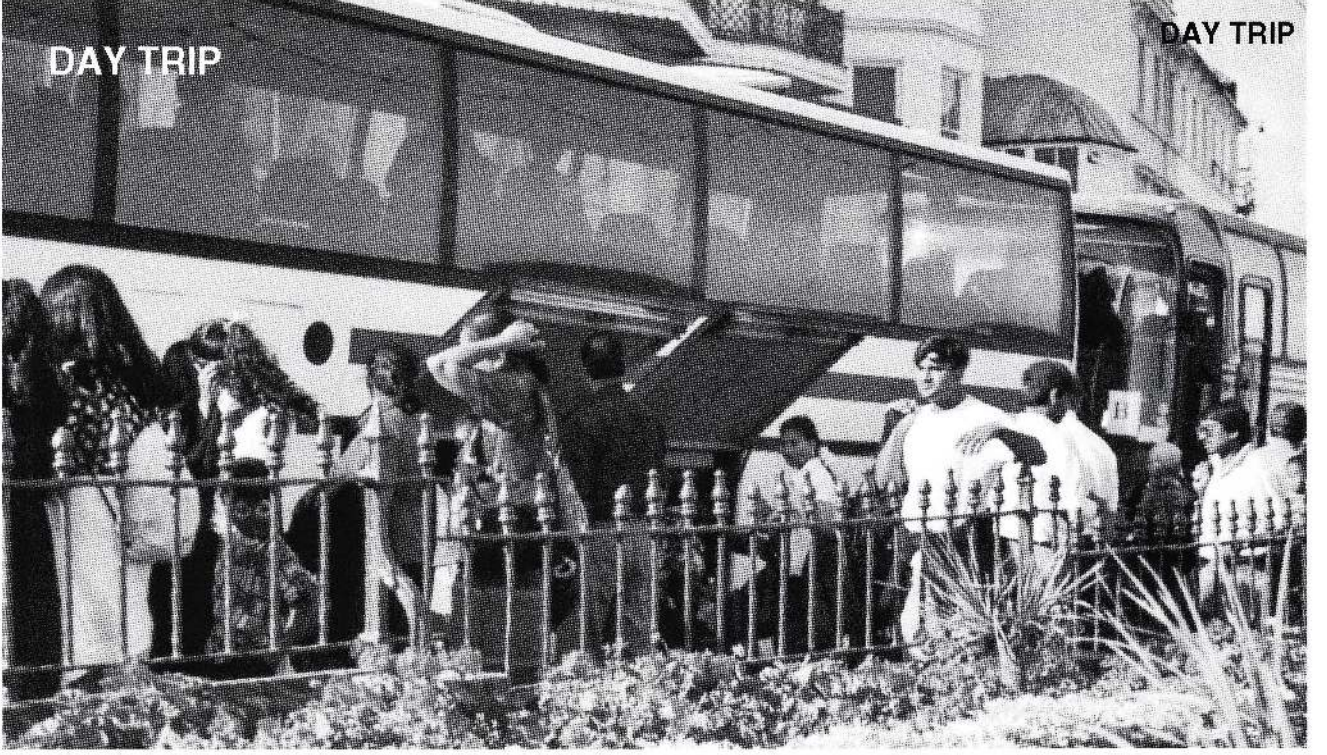
SUMMER  
PLAY SCHEME  
2002 (DAY TRIP)



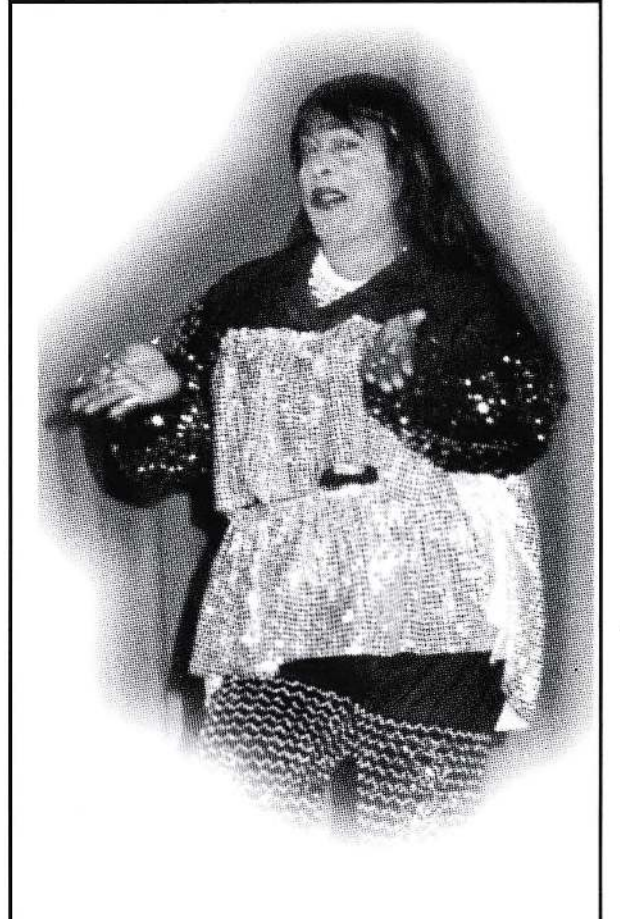


DAY TRIP

DAY TRIP



பல்கலை இரவு - 2003 இல் இடம்பெறும்  
'சாம்ராட் அசோகன்' நாடகத்தில்  
சிலோன் சின்னையா



பல்கலை இரவு - 2003 இல் இடம்பெறும்  
'காட்சியும் கானமும்' நிகழ்வில்  
யாழ் மின்னல் புகழ் பாலா





பல்கலை இரவு  
2002  
காட்சிகள்  
சில







SUMMER  
PLAY SCHEME  
2002



SUMMER  
PLAY SCHEME  
2002





SUMMER  
PLAY SCHEME  
2002

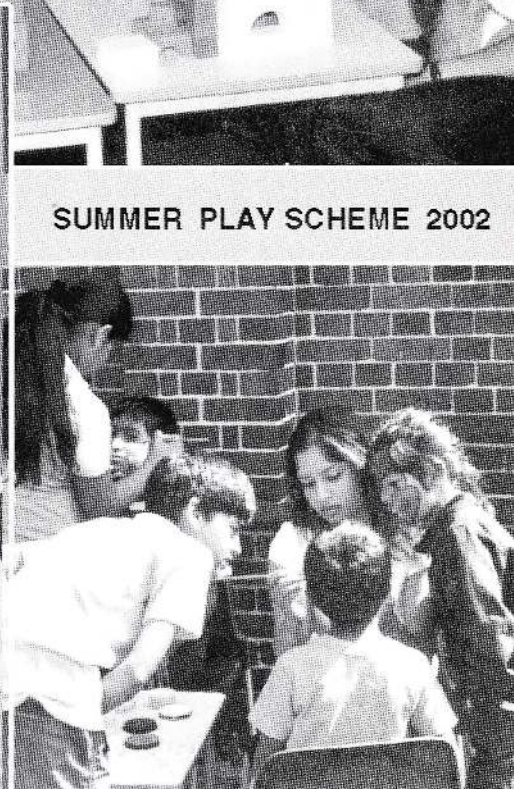




SUMMER  
PLAY SCHEME  
2002







SUMMER PLAY SCHEME 2002







TWAN- AGM 2002





# Acknowledgements



All our distinguished guests  
for having graced the occasion  
by your presence this evening

Staff, Volunteers, Members, Services users and Well-wishers

Local MP Mr. Stephen Timms  
LBN Mayor Sir Robin Wales  
Local Councillors

City Parochial foundation, Community fund, BBC children's in need, Tudor trust,  
Local Children's Network, Lloyds TSB Foundation,  
Local Regeneration Network Access Fund, ESf Fast Forward,  
Newham Training Network, Comic Relieve, YAPP trust

Counsels of 12 Old Square, 10-11 Gray's inn chambers, Daughty Street Chambers,  
Medical foundation Professional Doctors and G.Ps

Affiliated organisation: - Advice UK (FIAC), MODA, Refugee working party,  
NCVO, Newham voluntary sector consortium, North East London Network,  
British Refugee council, JCWI, LASA, Newham Accountancy project,  
Redbridge Refugee forum and Community Accountancy Project

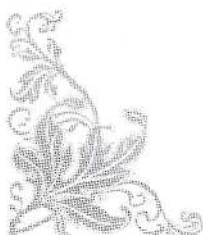
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Kensington Primary School, Little Ilford School and Manor Park Community Centre.

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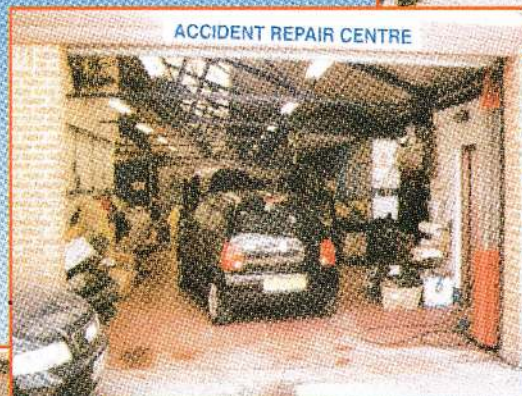
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