TAMIL WELFARE ASSOCIATION (NEWHAM) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

ANNUAL REVIEW REPORT 2006

Sri Lankan & South Indian Cuisine

Yall Restaurant

யாழ் உணவகம்

உங்கள்
திருமண வைபவங்கள்
பிறந்தநாள் விழா
கொண்டாட்டங்கள்
மற்றும்
மங்களகரமான
வைபவங்களுக்கும்
சுவைமிக்க, தரமான
உணவுவகைகளை
குறித்த நேரத்தில்
செய்து தரப்படும்.

Opening Hours
Sun - Thurs 12 moon to midnight
Fri - Sat 12 noon - 1.00 am

10 பவுண்களுக்கு மேல்
உணவு வாங்குபவர்களுக்கு
2 மைல் தூரத்துக்கு
இலவச விநியோகம்

அறுசுவை குன்றாத இலங்கை தென்னிந்திய உணவு வகைகள்...
வாருங்கள் - வந்து சுவையுடன் உண்டு மகிழ....
40 இருக்கைகள் கொண்ட தமிழ் உணவகம்

404 BARKING, EAST HAM,
LONDON E6 2SA

TEL: 020 8471 6744, 020 8471 7319

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ. ரா.

Annual Review Report - 2006

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

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Company Registration No:2962857
Charity Registration No: 1047487

THE RT. HON. STEPHEN TIMMS MP
House of Commons
London SW1A 0AA
Tel: 020 7219 4000
Fax: 020 7219 2949

Labour Member of Parliament for East Ham

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

20 March 2007

Dear Mr Jana

I am writing to thank The Tamil Welfare Association (Newham) for all your service over the past year. It has been a great pleasure to be involved with the work that you do and I am glad to have this opportunity to commend you for your dedication to the Tamil community.

The Tamil Welfare Association continues to advise and help many members of the Tamil community, whether they have just arrived in the country or have lived in the UK all their lives. TWAN's immigration advisory service has expanded in response to the needs of the community, providing vitally needed assistance to Tamils in the UK. The Specialist Quality Mark, awarded to the Tamil Welfare Association (Newham) by the Legal Services Commission, demonstrates the proficiency of the advice that is being offered.

The Tamil Welfare Association also provides practical support on a host of issues, other than immigration, of relevance to the Tamil Community. Activities such as the children's project and the education project are excellent resources that enable Tamils to integrate into British society.

The Tamil Welfare Association (Newham) has been tirelessly campaigning for the rights of Tamils living in Sri Lanka. I have met with members of the organisation many times to discuss finding a way forward for a peaceful outcome to the struggles in Sri Lanka. I am glad that groups, such as the Tamil Welfare Association, ensure that this conflict remains a high priority for the international community.

I look forward to working with TWAN in the coming year, and wish you all the best in your endeavours.

Yours sincerely,

Stephen Timms

STEPHEN TIMMS MP

Electronic mail: stephen@stephentimmsmp.org.uk
Web: http://www.stephentimmsmp.org.uk/

Chair's Foreword

வணக்கம்!

தமிழர் நலன்புரிச் சங்கம் (நியூஹாம்) ஐ.ரா வின் ஆண்டறிக்கைக்கு ஓர் முன்னுரை வழங்கி தலைவர் என்ற கடமையில் சில விடயங்களை உங்களுடன் பகிர்ந்து கொள்வதில் மட்டற்ற மகிழ்ச்சி.

ஏமது சங்கம் (TWAN) பல ஆண்டுகளாக நம் மக்களுக்கு இந்த நாட்டில் வாழ்வதற்கு தேவையான சேவைகளை முன்னின்று வழங்கி வருவதை யாரும் மறுக்க முடியாது. அப்படி ஒரு சங்கத்தை தொடர்ந்தும் வெற்றிப் பாதையில் வழி நடத்திச் செல்வதற்கு ஊக்கமும் ஆக்கமும் தேவைப்படுகிறது. இது பெரும்பாலும் நம் சங்கத்தினால் பயன்பெறும் பாவனையாளர் களாலும், சங்கத்தின் உறுப்பினர்பளாலும் பெரிதும் வழங்கப்படுகிறது. மேலும் நிதி வழங்கும் அறக்கட்டளை அமைப்புக்கள், அரச சார்பு நிறுவனங்களின் உதவியோடு பொது மக்களாலும், அரசு சார்பு அமைப்புக்களாலும் ஒரு அங்கீகரிக்கப்பட்ட ஸ்தாபனமாக எமது சங்கம் மென்மேலும் வளர்ந்து வருவது கண்கூடு.

நம்மிடையே சேவை செய்ய பல சமூக ஸ்தாபனங்கள் இருந்தாலும் தொடர்ச்சியாக தெளிவாக வரையறுக்கப்பட்ட வேலைத்திட்டங்களுடன் தொலை நோக்கோடு தொடர்ந்து ஒரு வெற்றிப் பாதையில் பயணம் செய்யும் ஸ்தாபனங்கள் மிக சிலதே. அதனுள் ஒன்றாக நமது தமிழர் நலன்புரிச் சங்கம் இவ்வாண்டறிக்கையே சான்று பகர்கிறது.

புதிதாக குடிபுகுந்த நிலையில் தடைகளைத் தாண்டி நம் சமூகம் இந்நாடில் காலூன்ற இச்சங்கம் பல வழிகளிலும் உதவியுள்ளது. திசை தெரியாது இந்நாட்டில் வந்து இறங்கும் அகதிகளுக்கும் அன்றாட வாழ்க்கைச் சுமையை சுமக்க முடியாது திணறும் பலரும் இச் சங்கத்தின் வேலை திட்டங்களால் பெரிதும் பயன் பெறுபவர்களாவார்கள்.

ஏமது அலுவலக கட்டடத்தின் ஒரு பகுதியை தனதாக்கி அதனை விஸ்தரித்து எமது பாவனையாளர் களின் பத்திரக்கோவைகளை பாதுகாக்க ஒரு களஞ்சியத்தையும் கொள்வனவு செய்து கடந்த 2 வருடங்களுள் ஒரு காத்திரமான அமைப்பாக இச் சங்கம் பரினாம வளர்ச்சி கண்டுள்ளது.

தமிழ் புத்தாண்டு பிறந்து 'சர்வஜித்' வருடத்தில் அடியெடுத்து வைக்கும் மக்களுக்கு சர்வசித்திகளும் கிடைக்க வேண்டும் எல்லாவகை துன்பங்களும் நீங்க வேண்டுமென வேண்டி வாழ்த்தி எமது சங்கத்தின் வளர்ச்சிக்கு ஆதரவு அளித்து வரும் நிர்வாக சபையினர், அலுவலர்கள், தொண்டர்கள், அங்கத்தவர்கள் அனைவருக்கும் என் நன்றியைத் தெரிவித்துக் கொள்கிறேன். இன்றைய கலைவிழாவில் கலந்துகொள்ளும் அனைவருக்கும், இக்கலைவிழா இனிது நடைபெற உதவிய கலைஞர்களுக்கும் எனது நன்றியையும் புத்தாண்டு வாழ்த்துக்களைபும் கூறி விடைபெறுகிறேன்.

நன்றி

தலைவர்
திருமதி த. ஜனகா

த. ஜனகா

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

TRUSTEE'S REPORT

Vision and mission

TWAN has successfully completed its 20 years of service to the Tamil community in East London. The organization plays a tremendous role in the settlement process of Tamil migrants and refugees from Sri Lanka.

Our vision is to:
"Take responsibility and lead the Tamil community in the UK to improve their life through strategic planning "

Our mission is to promote integration and improve the quality of life for the Tamil community in UK

Statement and Purpose
The main purpose of the organization is to provide support to the Tamil community in various ways-

1. Relief work for poverty stricken groups
2. Practical support and representation at various tribunals
3. Access to services
4. Improved quality of life for vulnerable in dividuals such as refugees, children, women, elders and mentally ill through a range of special services, programmes and projects.
5. Organised health programmes, recreation and fitness and sport activities especially for young people.
6. Access to education through supplemen tary classes and training programmes
7. Awareness of employment opportunities though job searches and other employment programmes.
8. Social, recreational and cultural activities that promote the Tamil culture
9. Dissemination of relevant information

Overview
Tamil Welfare Association (Newham) UK is completing its twenty-first year of services to the Tamil community in UK. The organization successfully secured the funding required to deliver its services and achieve their aims in the year 2006.

However, the removal of failed asylum seekers is still an issue of great concern to the Tamil community. With an excessive workload and limited staff, our organisation struggles to cope with this deportation issue. However, our workers and volunteers work hard to play an effective role in helping failed asylum seekers. We also maintain high standards and produce good results in other legal areas of concern to our clients.

The organization has also completed building extension work, which will enable us to expand our services and will provide our users with more space to enjoy in the waiting area. Due to this development the assets of the organization increased by around £25,000.

Over the last two years, the organization has strengthened its resources and improved its service delivery. As a result, the Legal Services Commission has recognised TWAN as one of the specialist service providers in London and has awarded a specialist quality mark to the organization, accompanied by a legal aid contract. Recently.

Furthermore, the organization has acquired part of the office premises with a mortgage repayment arrangement. This demonstrates the Board's commitment to investing unrestricted funds in a sensible manner. The impact of this change is significant and has encouraged the Board to carry

out a consultation and review of its future plans to provide the best service to its users.

The financial planning and service delivery plan are the two key issues that have been addressed in the report. The organisation will be adopting the Legal Services Commission requirement as a guide whilst redrafting the strategic plan to develop a sustainable long-term strategy. Consultation with the organisation's members and service users has also been taken into consideration when setting down our future proposals. The review also identifies priority issues or services, thus enabling the organization to monitor and evaluate methods and management strategies.

Strategy for development

The objectives for TWAN over the next four-year period include a continuation of the work already being carried out and an increase to the financial stability of the organization through the acquisition of property and contracts for casework to provide a secure and substantial income.

Our property development is to purchase the first floor of the current premises and extend the adjoining premises. The expansion will improve the organisations sustainability by diminishing reliance upon rented spaces for classes and day centre. The extension will directly benefit an estimated 650 people in the Tamil community in the coming year. In the next fifteen years the figure will amount to 9,750 people directly benefiting from the improved facilities. This will not only save on rental costs but will also provide a more accessible service by removing the limitation of opening hours or time slots at local schools and community centres.

Since it was established, TWAN has extensively developed in providing services to Tamil community. Over the next three to five years, it is planned to expand the services as the organisation extends its access to the property it occupies in Romford road. The organization objectives for service delivery are to

- Continue to expand the provision of the day centre for the elderly
- Expand the fine arts programme
- Provide counselling and a referral service for the people with mental health problems
- Establish an after care project
- Continue to expand the immigration case work
- Establish a playgroup for children with working parents.

Also we want to develop sustainable income generation for the organization through establishing a social enterprise company, the income from which will enable the charity to increase it's income while reducing grant dependency.

Service delivery

Currently legal casework on immigration and asylum is delivered by the organization with the support of the Legal Services Commission's civil legal contract funding. With this funding we are required to carry out no less than 1100 hours of legal casework on the specified type of work, but in practise the organization is doing more than the specified hours. The costs incurred by this extra work are covered by other funding such as London Councils and Comic Relief.

The second type of service we deliver is that of providing advice and support to the users who visit our office. This advice service includes general welfare benefits, housing, employment, consumer, education, immigration and asylum, family matters, health etc. Unfortunately, we have been unable to secure sufficient funding for these services and consequently have had to draw on other funding we have received from London Council and Comic Relief.

The education and finance project is funded by the KPMG foundation. With this funding we successfully run the supplementary education and finance project at the little Ilford School with a subsidised rate of rent. Around 120 children benefit from this project.

With the support of BBC Children in Need, each year we run the summer holiday project for school age children. In 2006, around 100 children benefited from this project and we intend to continue running the project this following year.

The day centre project for elders has also proved successful. The project runs once a week at the Manor Park Community Centre with various activities starting at the beginning of the year. We have recently secured funding from the Big Lot-

tery's 'Awards For All' programme to run this service for a further 2 years.

The counselling service for victims of torture and community members suffering with mental illness is run all year round with the help of volunteer counsellors fluent in Tamil and experienced in dealing with mental health issues. Other services are delivered on a small scale, from time to time through existing resources and volunteer support.

Quality sector

The demand for our services from the community confirms that we are providing high quality services. There is a particular high demand for our services in relation to legal advice and casework, despite the availability of other service providers. Our unique position within the community enables us to specialise in the areas of direct importance to our community and tailor our services to their specific needs. The high standards of our services has been noted by the Legal Services Commission who have awarded our organisation a specialist quality mark in recognition of the quality of services we provide. We have also been authorised by the Office of the Immigration Services Commissioner to provide immigration advice to the maximum level 3. Moreover, our internal user assessment records highlight high-levels of client satisfaction at the quality of services we provide for our community.

Management and Staff

The Board of Directors, comprised of ten elected members, is responsible for the overall management of the organisation and trusteeship of the charity. The Board meets once a month to review the service delivery plans and project progress. A number of sub-committees, set up in relation to specific projects, are responsible for the more detailed legal, financial and operational activities relating to each project.

The Secretary of the Board ensures that the overall effectiveness of the administration of the organisation is maintained, while the Treasurer is responsible for all financial matters. The Executive Director is responsible for executing the decisions of the Board. During the monthly Board meetings the organisation performance with financial transactions will be scrutinised and the appropriate actions and decisions will be put in place for the future. Minutes of the meetings will be documented.

The Directors are fully representative of the Tamil community. They have a wealth of experience and skills drawn from diverse backgrounds with expertise in the following areas: financial management; Tamil community issues; detailed knowledge of the issues faced by Tamil refugees and asylum seekers; and education and childcare issues.

The office is staffed by two full-time and two part-time workers. A review conducted last year highlighted the need secure an extra member of staff in order to better meet the needs of our community. This would require extra funding, but if secured would permit our organisation to maintain consistency, continuation and stability of our service delivery. This pressure flags up the need for a clear strategy to take account of the growing demand for services. We are looking for Tamil speaking staff on a Legal Services Commission accredited standard and people who can develop our network contacts creating new partner arrangements by which TWAN can maximise its service delivery.

TWAN is also supported by a number of volunteers working with different projects. Many of our volunteers are dedicated community members and centre service users. They are trained and provide support at every level of the organisation. We also offer work placements to individuals of all ages and backgrounds from various voluntary sectors, universities, colleges and training providers.

AGM

Our AGM was held on 25th June 2006 at the Manor Park Community Centre. Seventy-eight members attended the meeting. The AGM went well: our strategy plan was reviewed and our consultant, Mr Chris Sims, presented the organisation's future plans to our members. The drafted plan was amended to take into account any new suggestions and was formally adapted by the members. The Office Bearers were also elected and the AGM concluded around 7 pm with dinner.

Financial Management and Resources

In 2006, we raised around £7,000 unrestricted funds and £144,000 restricted funds, making a total of around £150,000 raised in the last year.

This is around £25,000 less than previous years. This difference is mainly due to the funding we received to carry out building extension work to our offices, which began in year 2005 and was completed by the middle of 2006. Due to this building extension work our assets value have increased by £20,000 with net a balance showing at the year end around £14,000. We have gained 35 metres square of office space through this extension work, which will be very helpful for our future developments.

The main source of funding remains the Legal Services Commission, the funds from which allow us to deliver legal casework. The second largest source of funding comes from the Association of London Government (ALG) which is supplemented by the Comic Relief funding to deliver general advice and legal casework for our clients.

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

We have a plan to increase the resources with identified funders for the next 3 years. Furthermore, we have taken steps to establish a social enterprise scheme to receive income from another source, which may help to reduce our dependency on grants and help to develop a greater degree of financial independence and autonomy. Moreover, we have reduced our rental costs by purchasing the downstairs and upstairs offices, and hope to eventually terminate all rental expenses through full ownership of the upstairs premises.

Partnership and Networking

We work in partnership with a number of statutory agencies including; the Home Office, the Police, local governments, NHS Trust, Courts and Prison Authorities. Apart from these bodies, we have formed a close working partnership at an operational level with a number of voluntary organisations, which include ILPA, JCWI, AdviceUK, NCVO, Refugee Council, and other similar organisations. We are also working with community organisations and charities on an individual issue-based approach to achieve our common goals.

Conclusion

TWAN has laid the foundations of an association committed to providing services, which reach out and empower the Tamil community. Our 20 years of experience and a track record of providing quality services are valuable assets, while the members of the community and those who benefit from our organisation function as the backbone of this organisation. The Board is committed to continuing our success in helping the community overcome social barriers and reduce social exclusion. Equally, the staff and volunteers do their utmost to ensure that this remains a reality.

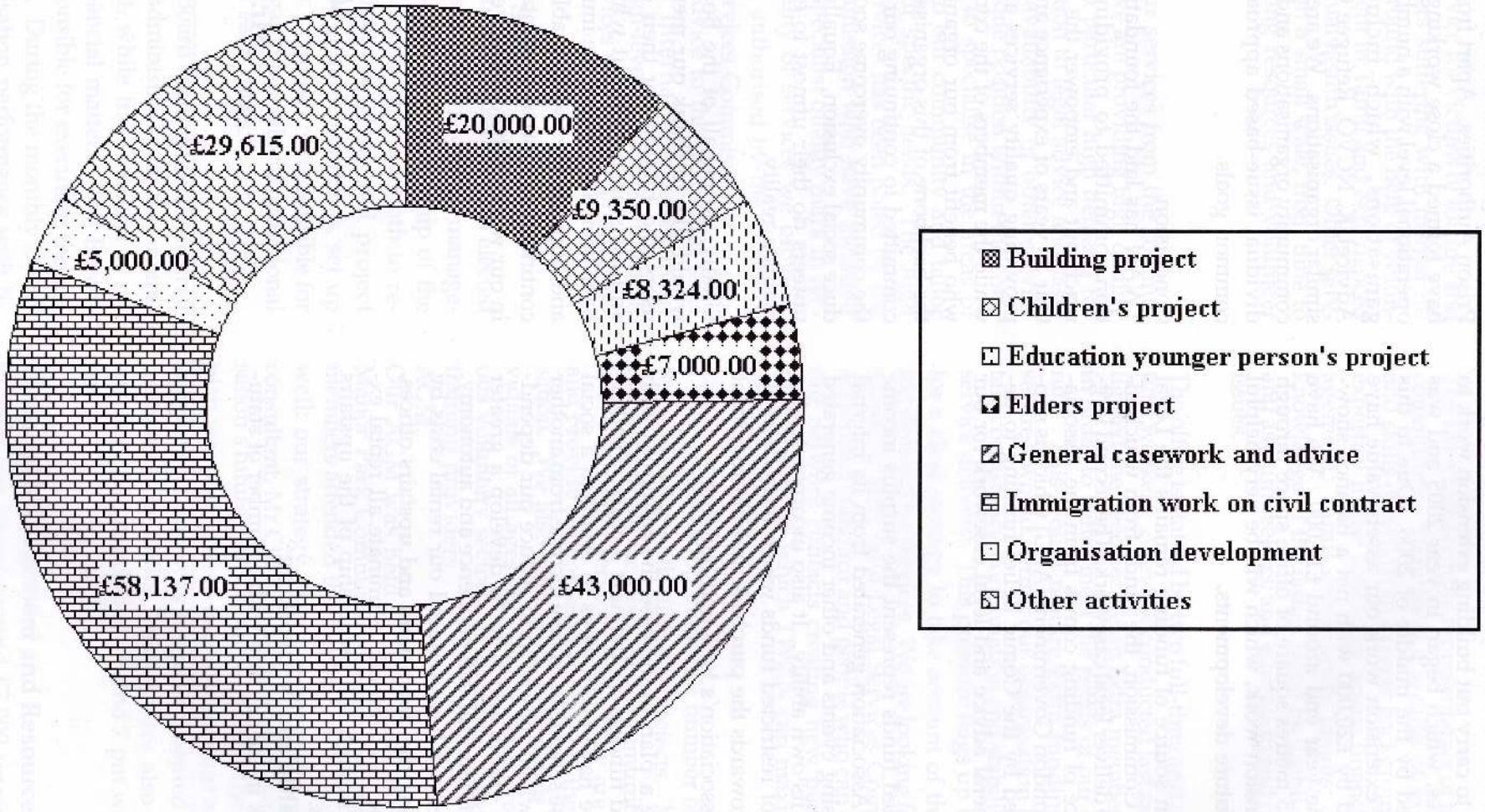
Finally, on behalf of the Board of Directors, I would like to thank our members, supporters, users and funders for their continued support and assistance, without which we would not have been able to face the immensity of our task and hope that we will be able to count on your continued support and maintain your confidence in our work in the coming years.

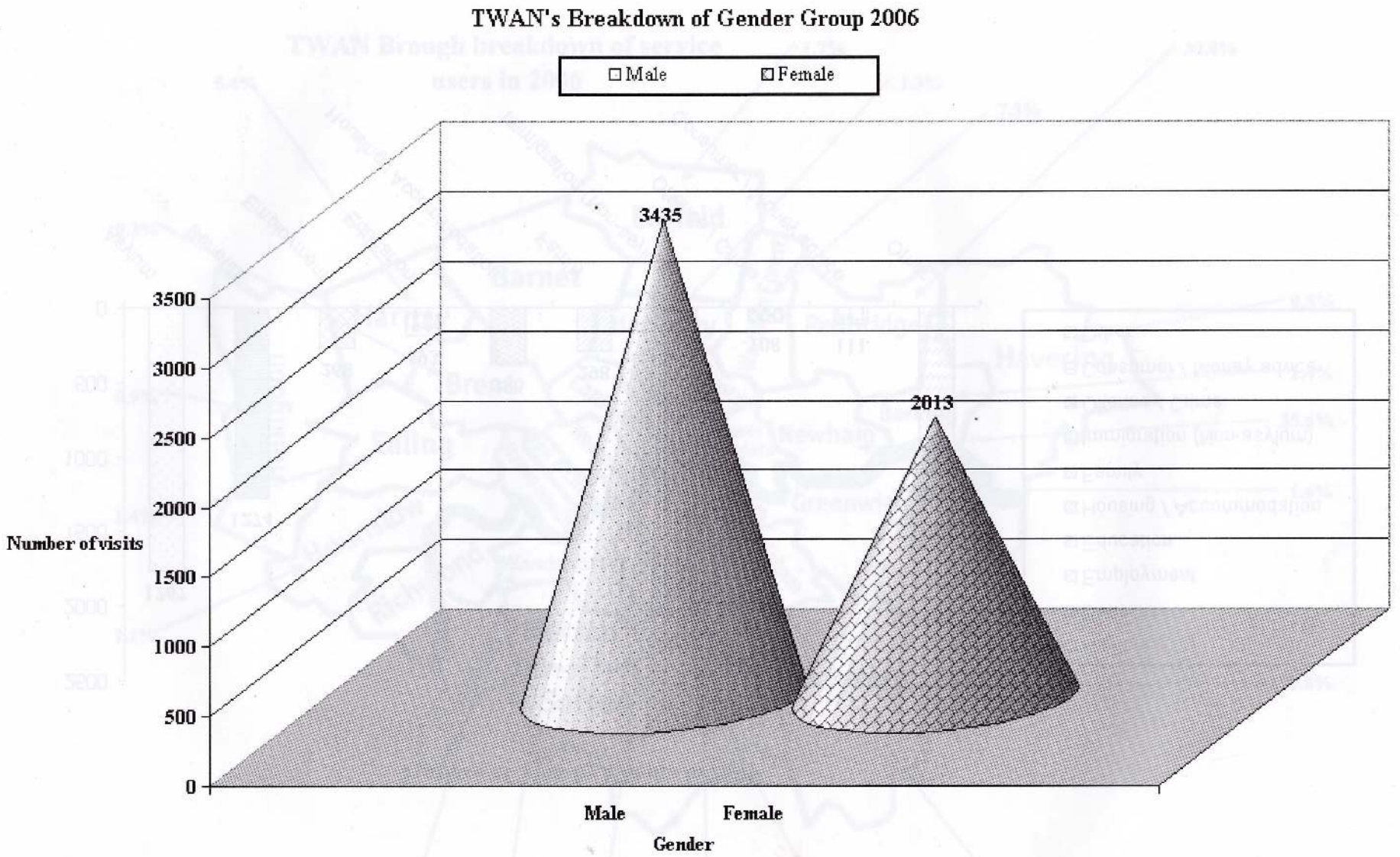
pchandradas

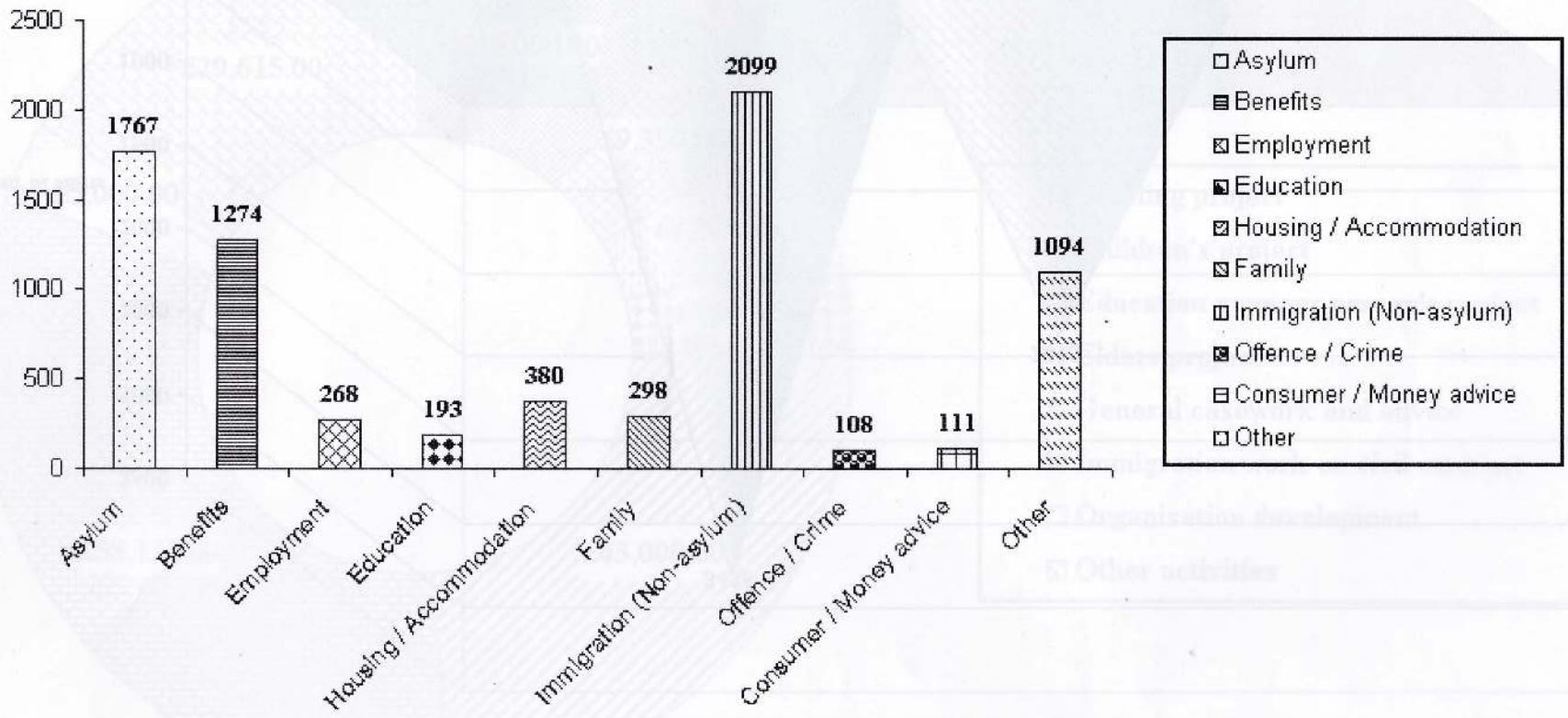
Secretary

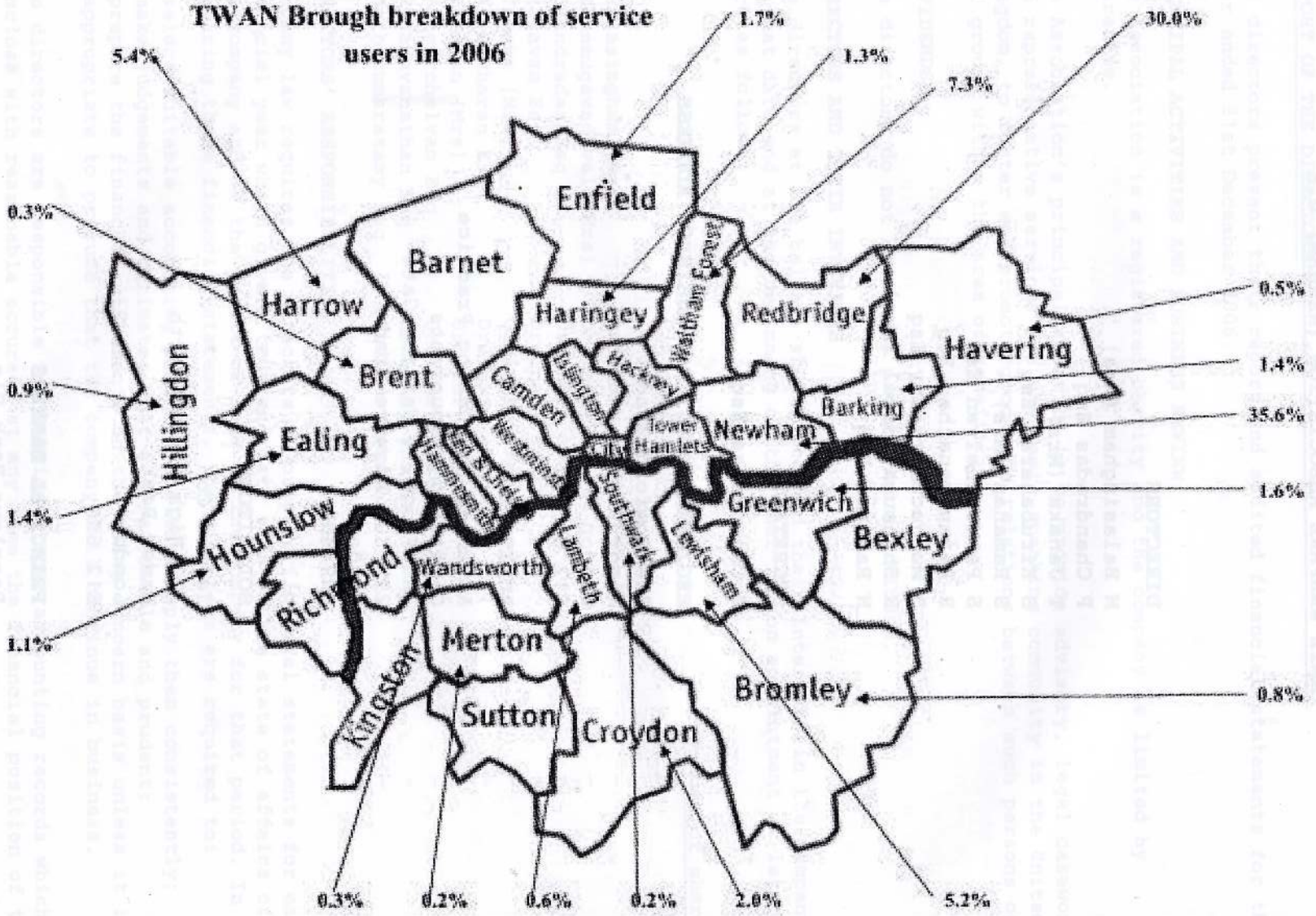
Mr. P. Chandradas

How the Money was Utilised in Year 2006




TWAN's Breakdown of Gender Group 2006
Male
Female
3435
2013
3500
3000
2500
2000
1500
1000
500
0
Number of visits
Male
Female
Gender


Purpose of Visit by Clients in 2006
2500
2000
1500
1000
500
0
1767
1274
268
193
380
298
2099
108
111
1094
Asylum
Benefits
Employment
Education
Housing / Accommodation
Family
Immigration (Non-asylum)
Offence / Crime
Consumer / Money advice
Other


TWAN Brough breakdown of service users in 2006
5.4%
1.7%
1.3%
7.3%
30.0%
0.3%
0.9%
1.4%
1.1%
0.5%
1.4%
35.6%
1.6%
0.8%
0.3%
0.2%
0.6%
0.2%
2.0%
5.2%
Enfield
Barnet
Harrow
Haringey
Redbridge
Havering
Hillingdon
Brent
Camden
Barking
Newham
Ealing
Greenwich
Hounslow
Bexley
Wandsworth
Lambeth
Lewisham
Merton
Bromley
Sutton
Croydon
Kingston

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2006

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DIRECTORS

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

SECRETARY

P Chandradas Esq

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London
E12 5AF

AUDITORS

Advanced Accounting Practice
Certified Accountants
2nd Floor, 4 Watling Gate
297-303 Edgware Road
London
NW9 6NB

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

REPORT OF THE DIRECTORS

The directors present their report and audited financial statements for the year ended 31st December 2006.

PRINCIPAL ACTIVITIES AND BUSINESS REVIEW

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

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

DIVIDENDS

The directors do not recommend payment of a dividend.

DIRECTORS AND THEIR INTERESTS

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

		Number of shares	
	Class of share	2006	2005
M Balasingham (Mrs)	Ordinary shares	-	-
K Shanmugavadivel (Mrs)	Ordinary shares	-	-
P Chandradas Esq	Ordinary shares	-	-
N Rakavan Esq	Ordinary shares	-	-
T Janaka (Mrs)	Ordinary shares	-	-
S Kirubaharan Esq	Ordinary shares	-	-
S Ramanan (Mrs)	Ordinary shares	-	-
S Paneerchelvan Esq	Ordinary shares	-	-
R Rajanavanathan Esq	Ordinary shares	-	-
S Muthucumarasamy Esq	Ordinary shares	-	-

DIRECTORS' RESPONSIBILITIES

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

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

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS (Continued)

CLOSE COMPANY

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

AUDITORS

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

By Order of the Board

P Chandradas Esq
Secretary

Date: 10th April 2007

Community Legal Service
Quality Mark

TWAN

602 Romford Road, Manor Park London E12 5AF

OISC

Charity No 1047487

Company No 2962857

Fine Arts Classes

Venue: **Room A6 & A4, 1st Floor**

Little Ilford School Browning Road, Manor Park, London E12

Every Sunday 9.30 AM to 2.30 PM

- ☆ **Miruthangam: Sri N. Somaskandtha Sharma**
- ☆ **Veena: Smt Seimani Sritharan**
- ☆ **Bharatha Natiyam Smt R. Somasundaram**
- ☆ **Violin: Kalaimamani M Nandini**
- ☆ **Karnatic Vocal: Smt Suganthi Srinesa**

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

Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

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

We have audited the financial statements of the company for the year ended 31st December 2006 which comprise the Statement of Finacial Activities, tthe Balance Sheet and the related notes set out on pages 6 to 10. These financial statements have been prepared under the historical cost convention, and the accounting policies on page 6.

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

Respective responsibilities of the directors and auditors

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

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

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

Basis of opinion

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

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

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

Opinion

In our opinion the financial statements give a true and fair view of the state of affairs of the company as at 31st December 2006 and of its incoming resources and application of resources, including its income and expenditure for the year then ended and have been properly prepared in accordance with the Companies Act 1985.

ADVANCED ACCOUNTING PRACTICE
Certified Accountants
Registered Auditors

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

Date: 10th April 2007

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

Community Legal Service Quality Mark

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

602 Romford Road, Manor Park, London E12 5AF
Tel: 020 - 8478 0577 Fax: 020 - 8514 6790
e-mail: twan@twan.org.uk

OISC

Supplementary Classes

at

Room A6 &; A4, 1st Floor
Little Ilford School Browning Road,
Manor Park, London E12

Every Sunday 9.30 AM to 2.30 PM

Maths, Science, English

(For School Age Children)

Further Details please contact 0208 478 0577 During Office Hours

Company Registration No:2962857

Charity Registration No: 1047487

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31ST DECEMBER 2005

		Restricted Funds	Unrestricted Funds	Total 2006	2005
INCOMING RESOURCES					
Grants	2	144,061	-	144,061	167,454
Membership subscriptions		-	1,035	1,035	963
Other receipts		-	5,895	5,895	9,152
Interest receivable	4	-	450	450	822
Total Incoming Resources		144,061	7,380	151,441	178,391
RESOURCES USED					
Direct Charitable Expenditure		96,447	-	96,447	101,571
Management and Administration		28,910	4,030	32,940	33,796
		125,357	4,030	129,387	135,367
NET INCOMING RESOURCES BEFORE TRANSFERS		18,704	3,350	22,054	43,024
Transfer to Designated funds		(17,000)	(3,000)	(20,000)	(50,000)
Net Movement in funds		1,704	350	2,054	(6,976)
Balance brought forward		9,217	5,327	14,544	21,520
Balances carried forward		10,921	5,677	16,598	14,544

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

BALANCE SHEET AT 31ST DECEMBER 2006

	Notes	2006 £	2006 £	2005 £	2005 £
FIXED ASSETS					
Tangible assets	7		158,082		128,560
CURRENT ASSETS					
Debtors	8	7,657		6,328	
Cash at bank and in hand		15,376		28,192	
		23,033		34,520	
CREDITORS: Amounts falling due within one year	9	(15,852)		(17,027)	
NET CURRENT ASSETS			7,181		17,493
TOTAL ASSETS LESS CURRENT LIABILITIES			165,263		146,053
CREDITORS: Amounts falling due after more than one year	10		(53,345)		(56,189)
			111,918		89,864
CAPITAL AND RESERVES					
Designated Funds			95,320		75,320
Profit and loss account	12		16,598		14,544
SHAREHOLDERS FUNDS			111,918		89,864

The financial statements were approved by the board on 10th April 2007 and signed on its behalf by

S Muthucumarasamy Esq Director

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

NOTES TO THE FINANCIAL STATEMENTS FOR THE year ENDED 31ST DECEMBER 2006

1. ACCOUNTING POLICIES

1.1 BASIS OF ACCOUNTING

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

1.2 INCOMING RESOURCES

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

1.3 DEPRECIATION

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

Fixtures and fittings	15%	Reducing balance

1.4 DEFERRED TAXATION

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

1.5 LEASING AND HIRE PURCHASE

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

2. GRANTS RECEIVED

	2006 £	2005 £
Analysis by:-		
CPF Grant	5,000	15,000
ALG Grant	28,000	28,000
Organisition and development	5,000	3,160
Legal Services Commission re: Legal work	58,137	53,419
Employment and training Project	-	20,985
Education Project	8,324	10,825
Childrens' Project	9,350	9,145
Age Concern Project	250	6,920
Comic Relief	10,000	10,000
Building Project	20,000	10,000
	144,061	167,454

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

NOTES TO THE FINANCIAL STATEMENTS FOR THE year ENDED 31ST DECEMBER 2006

3. NET INCOMING RESOURCES	2006 £	2005 £
The net incoming resources is stated after charging:		
Depreciation	1,502	1,765
Operating lease rentals:		
Land and buildings	7,280	9,736

4. INTEREST RECEIVABLE	2006 £	2005 £
Bank and other interest receivable	450	822
	450	822

5. INTEREST PAYABLE	2006 £	2005 £
On bank loans and overdrafts	4,161	5,266
	4,161	5,266

6. DIRECTORS AND EMPLOYEES	2006 £	2005 £
Staff costs:		
Wages and salaries	62,963	63,989
Social security costs	4,441	4,948
	67,404	68,937

NOTES TO THE FINANCIAL STATEMENTS FOR THE year ENDED 31ST DECEMBER 2006

7. TANGIBLE ASSETS

	Land & buildings £	Fixtures & fittings £	Total £
Cost			
At 1st January 2006	118,546	36,644	155,190
Additions	31,024	-	31,024
At 31st December 2006	149,570	36,644	186,214
Depreciation			
At 1st January 2006	-	26,630	26,630
Charge for year	-	1,502	1,502
At 31st December 2006	-	28,132	28,132
Net book value at 31st December 2006	149,570	8,512	158,082
Net book value at 31st December 2005	118,546	10,014	128,560

	2006 £	2005 £
Analysis of net book value of land and buildings:		
Freehold	149,570	118,546

8. DEBTORS

	2006 £	2005 £
Other debtors	1,093	806
Prepayments and accrued grant income	6,564	5,522
	7,657	6,328

9. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR

	2006 £	2005 £
Bank loans and overdrafts	7,418	7,168
Taxes and social security costs	1,838	884
Other creditors	1,696	1,471
Accruals and grants recieved in advance	4,900	7,504
	15,852	17,027

NOTES TO THE FINANCIAL STATEMENTS FOR THE year ENDED 31ST DECEMBER 2006

10. CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR	2006 £	2005 £
Loans	53,345	56,189
	53,345	56,189

11. BORROWINGS	2006 £	2005 £
The company's borrowings are repayable as follows:		
In one year, or less or on demand	7,418	7,168
Between one and two years	15,784	15,784
Between two and five years	23,675	23,675
In five years or more	13,886	16,730
	60,763	63,357

Details of security:

The bank loan is secured by way of a legal charge over the company's freehold property.

12. PROFIT AND LOSS ACCOUNT	2006 £	2005 £
Retained profits at 1st January 2006 as restated	14,544	21,520
Profit for the financial year	22,054	43,024
Transfer to Designated funds	(20,000)	(50,000)
Retained profits at 31st December 2006	16,598	14,544

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

NOTES TO THE FINANCIAL STATEMENTS FOR THE year ENDED 31ST DECEMBER 2006

13. REVENUE COMMITMENTS

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

	Land and buildings		Other	
	2006	2005	2006	2005
	£	£	£	£
Expiry date:				
Within one year	7,280	7,280	-	-
Between one and five years	29,088	29,088	-	-

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE year ENDED 31ST DECEMBER 2006

		2006		2005	
		£	£	£	£
Income					
Restricted Funds					
Grant received	(Sch)		144,061		167,454
Less: Expenditure					
Childrens' project		9,460		8,876	
Education project		7,169		3,119	
Age Concern project		2,956		5,107	
Salaries and wages (incl N.I)		67,404		68,937	
Volunteers and sessional workers		3,223		4,444	
Staff recruitment and training		3,058		5,822	
Rent,rates and insurance		9,695		10,607	
Light and heat		1,270		2,005	
Telephone and fax		2,561		2,696	
Printing, postage and stationery		4,116		2,906	
Office maintenance		3,517		1,632	
Organisation & Development		1,010		3,578	
Accountancy		2,283		1,875	
Security costs		470		338	
Travelling		2,167		2,649	
Bank charges		837		488	
			121,196		125,079
Net surplus			22,865		42,375

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE year ENDED 31ST DECEMBER 2006

Unrestricted Funds		2006 £		2005 £
Income				
Membership fees received		1,035		963
Rent receivable		4,142		6,067
Donations and other income		1,753		3,085
		6,930		10,115
Less: Expenditure				
Cultural activities	877		1,383	
Meeting expenses	297		-	
Sundry expenses	282		286	
Membership and subscriptions	1,073		1,588	
Depreciation	1,502		1,765	
		4,030		-,022
Net Surplus		2,900		5,093
Gross Incoming Resources before Interest and other income		25,765		47,468
OTHER INCOME AND EXPENSES				
Interest receivable:				
Bank deposit interest	450		822	
		450		822
Interest payable:				
Bank interest	4,161		5,266	
		(4,161)		(5,266)
NET INCOMING RESOURCES		22,054		43,024

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT

FOR THE year ENDED 31ST DECEMBER 2006

Schedule - Grants received

	2006 £	2005 £
CPF Grant	5,000	15,000
ALG Grant	28,000	28,000
Organisation and Development Grant	5,000	3,160
Legal Services Commission re: Legal work	58,137	53,419
Employment and training project	-	20,985
Education Project	8,324	10,825
Childrens' Project	9,350	9,145
Age Concern Project	250	6,920
Comic Relief	10,000	10,000
Building Project	20,000	10,000
	144,061	167,454

Community Legal Service
Quality Mark

TWAN

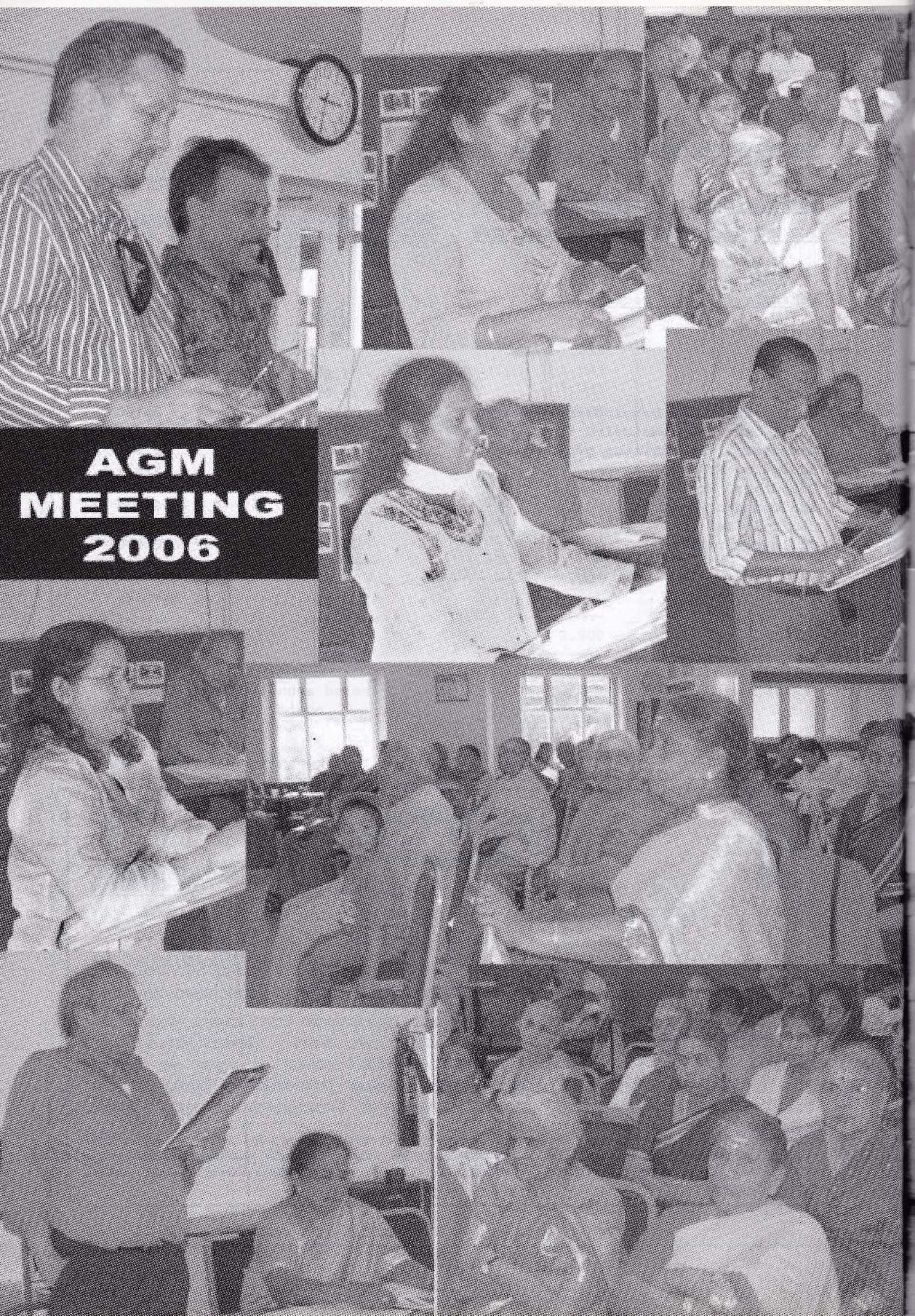
OISC

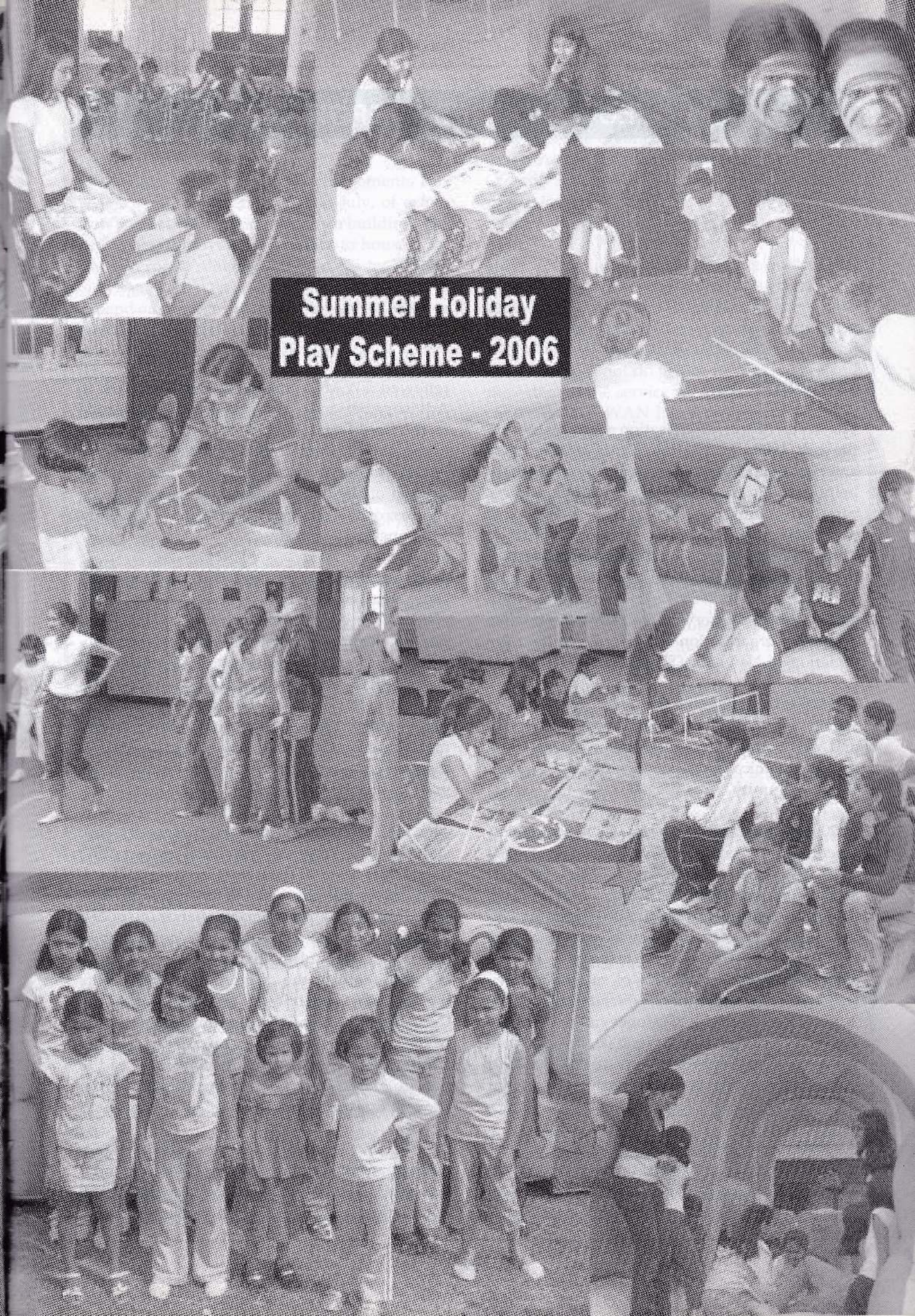
TAMIL WELFARE ASSOCIATION (NEWHAM) UK.
602 Romford Road, Manor Park, London E12 5AF
Tel: 020 - 8478 0577 Fax: 020 - 8514 6790 e-mail: twan@twan.org.uk

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

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

இதுபோன்று நமது சமூகம் எதிர்நோக்கும் மேலும் பல விடயங்களில் உதவி வழங்கும் எமது தமிழர் நலன்புரி சங்கம் (TWAN) வார நாட்களில் திங்கள், புதன் கிழமைகளில் காலை 9:00-3:00 வரையிலும் செவ்வாய், வியாழன், வெள்ளிக்கிழமைகளில் காலை 9:00-1.00 மணிவரையும் நேரில் வருவோருக்கான சேவையினையும், மற்றும் தொலைபேசி ஆலோசனைகள் செவ்வாய், வியாழன் ஆகிய நாட்களில் பிற்பகல் 2:00-4:00 வரை நடைபெறும் என்பதையும் அறியத்தருகிறோம்.


AGM
MEETING
2006


Summer Holiday
Play Scheme - 2006

PROJECT PROGRESS REPORT 2006

Introduction

The seeds of our organisation were planted in the early 1980s. At that time, Tamil refugees were entering London - a new community - without help. Arriving in the capital city, Tamil refugees came to assemble on a regular basis, sharing past experiences and discussing present difficulties. These assemblies gave Tamil refugees the chance to create an informal advisory service, something that happened in 1985. Supporting fellow refugees in need, the service had, by 1986, become an official organisation - the Tamil Welfare Association of Newham (TWAN).

TWAN was dedicated then, as it is dedicated twenty years on, to improving the life-prospects and well being of refugees, asylum seekers and socio-economically excluded members of the London community.

In 2006, most of our organisation's work remains essentially the same as it was when we started out. This year, as for the last 20 years, we have successfully achieved our primary aim: the successful resettlement of Tamil refugees in the UK. In addition we have maximised our efforts in achieving our other general objectives. Among such objectives, our delivery of successful advisory work is a highlight of which we are proud. Around 2,400 individual refugee cases were handled - and settled - by us in 2006, and, in total, we have served approximately 10,000 to 12,000 individuals during the last twenty years of our endeavours.

As well as personal achievement, our accomplishment also represents our tremendous growth and success. This year, as granted in 2005, the Legal Services Commission (LSC) has renewed TWAN's Specialist Quality Mark in Advisory Services. The LSC has also awarded us the Civil Legal Aid Contract that enabled us to expand our immigration services. This recognition, granted us by the LSC, is a clear demonstration of the high quality, and overwhelming success, of the services we provide - as well as their ongoing expansion.

In illustrating that success, this year's records show that our clients have made around 5,300 visits in the period January-October 2006. Taking the example of legal casework, we were instructed to open 213 new case files, closed 105 and, in total, currently hold 550 active files. This extensive advisory project is funded by the London Councils' Association of London Governments and by Comic Relief, whilst the LSC remains the main source of funding for our immigration-specific casework.

The LSC has, however, certain case-by-case standards for funding individual cases falling outside the remit of their basic funding package. Some cases fall short of LSC's criteria as they have 'less than a fifty percent chance of success in court'. We cannot, and we do not, let go of these cases, recognising that they are a matter of life and death or the difference between a life worth living and one not worth living at all. Consequently, even if there is only a tiny chance of success in any particular case we are asked to handle, we pursue it - the outcome may lead to the life of one individual being drastically improved, or even saved.

Apart from the funding specified above, we receive financial support from the KPMG Foundation, BBC Children in Need, the Lloyds and TSB Foundation and Tudor Trust, as well as the Percy

Bilton Charity and the Adventure Capital Fund for various other of our activities that were conducted during 2006.

One of our main structural achievements this year was the completion, in mid-July, of extension works in the rear of our office building. The extension will give us the ability to house a social enterprise scheme, and, too, better sustain our organisation as a whole. It will enable us to expand our services, increase our assets and boost our office facilities. Improvements stemming from this extension have so far encouraged us to continue seeking out new funding, as we might further extend the premises and therein further improve our services in the coming months and years.

In addition to extending our office space, we are also taking steps to extend our finances. The fiscal year 2006 saw the establishment of TWAN's 'social enterprise scheme'. This scheme is generating another source of income for the future of our charity. With an eye on that future, TWAN has also reviewed the way in which it conducts specific tasks i.e. has just completed a round of comprehensive review. Dealing with our clients on a case-by-case basis has required, for example, the imposition of more stringent time limits. As demonstrated in our 2006 'four-year budget', new management strategies have been set up to deal more efficiently with the income we receive. We want to focus on maintaining consistency and stability in our services via realistic, measurable and achievable financial planning and we can only do this with the new and improved management laid out in our review.

But 2006 was also a hectic year. The continuing forced removal of Tamils who have failed in their asylum appeals has created a lot of work for us. Human rights reports from Sri Lanka more than imply a continuing upsurge in the abuse of the Sri Lankan population. In an address by the Human Rights Commission of the United Nations, the Commissioner herself stated that "there is an urgent need for the international community to monitor the unfolding human rights situation in Sri Lanka, as there are not merely ceasefire violations but grave breaches of international human rights and humanitarian law". Tamil asylum seekers are already in a very threatening situation – the continued rejection of asylum by the Home Office places them in an even more vulnerable and dangerous position.

That said, the organization's advisory and legal casework projects are progressing very well. Overall, 2006 has been a very good year and a fitting anniversary tribute to 20 years of Tamil welfare in London.

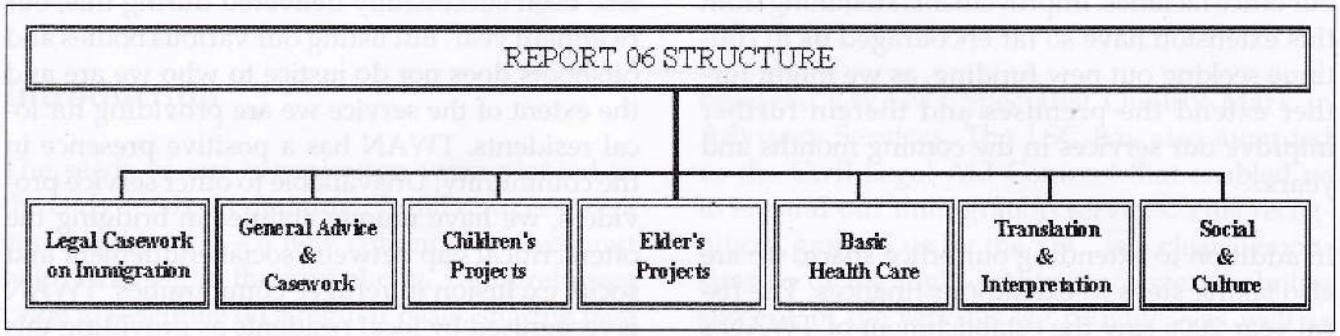
Other of our projects, for example our supplementary education project, fine arts classes, day centre for elders, and holiday play schemes have also been successfully delivered during this, our twentieth year. But listing our various bodies and offshoots does not do justice to who we are and the extent of the service we are providing for local residents. TWAN has a positive presence in the community. Unavailable to other service providers, we have unique abilities in bridging the often critical gap between social entitlement and social exclusion in refugee communities. TWAN is recognised by local residents as providing this shared sense of security and achievement, expressed in our ability to reach members of our community other organizations cannot.

We also reviewed our business plan in 2006, charting and managing the current resources of the organization. We identified possible developments in the near future and identified the tasks, time limits and goals relevant to their pursuit.

We have always been pushing for better and better results. April 2003 saw the development of TWAN's three-year business plan, aiming at significant improvements in the management, number and quality of services available to London's Tamil Community. Most of the aims of this report, as per our Mission Statement, have been met in 2006, further bolstering our provision of relief from poverty, our free legal representation and educational opportunities and our alleviation of general socio-economic problems faced by Tamils in the UK.

Widening the range of services available to London's Tamil community is our strategic priority and it was to this end that the restructuring of TWAN's management, and other tasks were pursued, and secured, during yet another year of promoting the Tamil community in London.
Finally, new government initiatives relating to community welfare – Local Area Agreements (LAA) – have been calling on local organizations

to co-ordinate and maximise their achievements i.e. to improve 'services to local people, based on local needs and priorities' (Local Area Agreement Newsletter, Issue One, October 2006). In 2006, TWAN achieved this, becoming an exemplary model of the practical efforts, and personal dedication, required in meeting those aims shared by modern governments and communities. TWAN is promoting integration and sustainable community relations, pursuing 'a safe, just and tolerant society for everyone in the UK, regardless of their race, religion, gender or age' (Home Office website, 'Equality and Diversity', 2006). TWAN is contributing in no small part to the confidence, happiness and personal empowerment of many individuals in many or our diverse and special London bouroughs. TWAN is an example of a community service bureau fullfiling more than just its role as a local advice service and is looking forward to a bright 2007. I hope you enjoy reading the rest of this report and share our sense of optimism for the future.



LEGAL CASEWORK ON IMMIGRATION

IMMIGRATION (NON-ASYLUM) CASEWORK

The Legal Service Commission under the civil legal aid contract mainly funds the legal casework on immigration matters. Under this contract we are allocated a fixed amount of money to perform 1,100 hours of legal casework per year; which includes around 650 hours of casework on immigration field and around 450 hours in the asylum field. However all the immigration or asylum work is exceeding the expectations of the Legal Service Commission's civil legal aid contract criteria. The current assessment on our performance by the legal service commission indicates that we are performing 16% above the expected hours under the legal aid contract system. As such some of our asylum or immigration related work is to be conducted under other sources of funding in order the meet the exceeding demand for our legal advice services. As a registered charity, we are expected to provide quality free service for the community; which means we are forced to rely on funding support from the Trust fund to fill the gap. This includes for example, those whose casework is not eligible under the Legal Service Commission civil legal aid contract system, or persons who fail to on the means and merits assessment of the civil legal aid contract system, yet are still expected to receive continuous support from us.

Due to legal aid withdrawal or reduction in the past three years, many private solicitor firms have ceased doing immigration work, while some other firms are now charging money to their clients; which is not suitable to our community or other refugee community because they are living in an economically disadvantaged position. Therefore, the community heavily relies on the organizations providing free legal advice and casework. However, this lack of legal options puts more pressure on the committee organization with comparison to other non-profit agencies or private firms working under the civil legal aid contract system. Our casework trend has been shifting from asylum to other non-asylum immigration in recent years; in particular European law related cases are becoming an important portion of our legal casework.

European Community Law

The last twenty-two years of civil war in Sri Lanka produced many Tamil refugees to seek asylum in many parts of the European countries. Due to border control and other restrictions, refugees fled their countries without a destination and ended up in wherever it was possible to seek asy-

lum. As part of this process, numerous Tamil refugees claimed asylum in various European countries and became citizens of the country in which they claimed asylum. This includes family members starting living in exile in different countries, and they now have the opportunity to reunite with their families through European treaty rights. European law states the following:

1) The right and the freedom to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaty and to the measures adopted to give it effect;

2) Free movement of persons constitutes one of the fundamental freedoms of the internal market, which comprises an area without internal frontiers, in which freedom is ensured in accordance with the provisions of the Treaty;

3) Union citizenship should be the fundamental status of nationals of the Member States when they exercise their right of free movement and exercise.

The guidelines for making settlement applications by European nationals and their family members specify that EEA states that are exercising a Treaty right in the United Kingdom or have exercised the Treaty rights for four years (other than as a student), may apply for permanent residence. To qualify, they have to have been issued a Residence Permit. The exercising of Treaty rights for the purpose of obtaining permanent residence is defined as the following: Employment, Self-Employment, Economic Self-Sufficiency, Retirement, and Incapacity. Interested applicants are required to submit evidence of nationality and evidence of the exercising of Treaty rights for four years. Those who meet the European Community law requirements will be issued a residency certificate by the Home Office initially for five years then they can be obtained indefinitely to remain. There is no entitlement to social assistance during the first three months of residence and residency rights for the Union member and their family members are dependent upon not becoming an unreasonable burden on the social assistance system. It may however, be possible for low-income families to claim the Working Families Tax Credit and housing benefits. Those whose application is refused can exercise their appeal rights or they can resubmit their application with the appropriate documentary evidence. Residency permits can however, be withdrawn in the case of abuse of rights or if fraud is committed, such as a marriage of convenience. Rights of permanent residency can also be lost through the absence from the EEA Member State for more than two consecutive years.

European law Directive/EEA Regulations 2006 which came into force in end of April 2006 have had some adverse effects on the rights of EEA nationals and their dependents as governments have sought to restrict their entitlements under the Maastricht Treaty. In the past two years, many European Tamil speakers had benefited from this freedom of movement under the Treaty rights, being reunited with their family members in the U.K. The main beneficiaries of this include failed asylum seekers and those whose EEA family members had moved to the U.K. Accordingly, they would become entitled to apply for a residency card to obtain five years of leave to enter the U.K. through family membership and dependency. In a crucial case, the European Court of Justice recently rejected the suggestion supported by the UK Government that only family members who have lawfully resided in another member State can benefit from Community law to hold that family members can apply for a residence card having come directly from his or her country of origin.

Non-EEA Dependents of EEA Nationals

Family members of an EEA National who are themselves not nationals of the EEA are entitled to a permanent residence card in the EEA state where the EEA member of their family resides. Family members of a Union citizen (regardless of nationality) who have the right of residence or the right of permanent residence in an EEA state are also permitted to enter into employment or self-employment. In this case a family member means a relative of an EEA national, his or her spouse or his or her civil partner. In addition, under **Article Eight of the Immigration (European Economic Area) Regulations 2006** the person (s) seeking residency must prove that:

(a) The person is residing in an EEA State in which the EEA national also resides and is dependent upon the EEA national or is a member of his household.

(b) The person is accompanying the EEA national to the UK or wishes to join him there.

(c) The person has joined the EEA national in the United Kingdom and continues to be dependent upon him or to be a member of his household.

It is up to the person applying for permission to join their family member to prove through documentary evidence that they have been and are financially and emotionally dependent on the EEA national family member. Applications for residency can also be supported on certain compassionate grounds which include: when it can be proven that deportation to the country of origin would constitute a threat to the dependent's life (such as through political unrest), when a dependent suffers from either a physical or mental disability, and when a dependent would be the sole family member to remain in the country of origin. However, since April 2006, many non-European dependents applications have been refused by the Home Office on point of law by providing new interpretation of the European law family dependency. Now the Home Office is arguing that the non-EEA dependent also should come from the other Member State where the EEA national lived. This point of law challenged in the High Court in the ECJ in the case of Jia (Case C-1/05). Similarly, in a similar case of ours (also in the High Court), it is argued that a judge who decided that a non-EEA dependent did not qualify for residency based on the fact that he had not resided in the Member State where his sponsor resides, was incorrect to place UK domestic law above what is stated in Community Law. Community Law does not require the extra condition that a non-EEA dependent must have previously lived in the Member State of the EEA National. We hope that the case of Jia will produce a clear decision on this matter, in favour of those non-EEA dependents seeking residency.

Case Study 1 (P66)

Mr P.N. claimed asylum in October 2000, but the Home Office refused his asylum claim in May 2001, as was his appeal in April 2003. However, he was given temporary admission to stay in the UK, as the ever-changing situation in his country of origin meant that his removal was not possible. Since his arrival, he has not been given permission to work and his NASS (National Asylum Support Service) was turned down because he failed to claim asylum at the port of arrival or at his first opportunity. Due to this he was supported financially and emotionally by his Aunt from Germany and in May 2005 she exercised her European Community Treaty Rights and moved to the UK as a worker. She and Mr P.N. lived in the same house and she decided to make an application for a residency permit for the UK as an EEA national. In the application she included her nephew as an extended family member. The Home Office accepted the application and Mr P.N. was granted UK residency for 5 years.

Case Study 2 (V94)

Mr S.V. came to the UK and applied for asylum. Although his asylum claim was rejected he was permitted to stay in the UK temporarily. While he was in the UK he married, Mrs. A.V., a French citizen who came to the UK on 22nd December 2003 as a worker. They married in the UK in March 2004 and since the marriage the couple had been living together in the same household that they owned in the UK. She applied for a residency permit, exercising her right as an EEA national and also included her husband, Mr S.V., in the application as a dependent of an EEA national. The Home Office accepted the application in April 2006 and Mr S.V. was issued with a residency permit for the UK valid for 5 years confirming his right to remain here under European Community Law. He is only allowed to remain here as long as his wife exercises her Treaty Rights and remains in the UK and his residency here is also conditional on the marriage lasting. If he ceased to be a family member of an EEA national, he would have to qualify to stay in the UK in his own right.

Case Study 3 (S370)

Mr K.R. came to the UK seeking asylum, however his claim was refused by the Home Office in 1999 however he continued to live in the UK under the temporary admission permission granted to him by the Home Office. Under the conditions of the temporary admission, Mr K.R was not given permission to work and was therefore emotionally and financially dependent on his father, Mr S.R. a German citizen who came to the UK in November 2005 as a worker. Mr

S.R. applied for a residency permit for the UK in February 2006 exercising his Treaty Rights and included his son, Mr K.R. on his application. Whilst the application for a Residence Document is under consideration Non-EEA nationals who are family members of EEA nationals are permitted to work. Mr S.R and his wife were given residency rights for the UK by the Home Office in February 2005, but the Home Office refused his son's application in September 2006 even though he lived at the same address as his parents since their arrival. The Home office claimed that since his arrival in the UK, Mr K.R. could not show that he had been emotionally and financially dependent on his father. Mr R.S. launched an appeal on behalf of his son, contesting the Home Office verdict. Mr V.R. is permitted to remain in the UK while his appeal is heard.

European Community Law Appeals

Case Study 4 (K201)

Mr K.G. fled Sri Lanka in October 2000 and arrived in the UK a month later claiming asylum, living with his sister and her husband, but he was supported by his brother, who had been living in Germany since 1992 and was granted German citizenship in July 2001. Mr K.G.'s application for asylum was refused on December 2000 and his appeals to an Adjudicator and the Tribunal were also refused, but he remained in the UK without leave. During his time in the UK he was at least partially dependent on his brother. (Under the regulations it is not required that an applicant be wholly dependent). He had also been previously dependent on his brother between 1992 and 2000 in Sri Lanka. Mr K.G.'s brother arrived in the UK in January 2006 and applied for a residence permit under the rights given to him in the European Treaty. He also applied for residency for his brother, Mr K.G as his dependent, however Mr K.G was refused residency rights in July 2006 as the Home Office claimed that Mr K.G had been unable to prove that he had been financially dependent on his brother whilst in the UK or in Sri Lanka and that he could also not prove that he had ever lived with his brother. An appeal was lodged in August 2006 and this time a judge ruled that Mr K.G. had been dependent on his family members especially since his NASS support stopped after his failed asylum claim. It was also ruled that Mr K.G. was part of his sponsor's household and that of his brother-in-law and therefore qualifies under the regulations and the appeal was therefore allowed under the Immigration (EEA) Regulations. The Home Office challenged the decision and claimed that the Immigration Judge's decision was incorrect as it holds that Mr K.G. can neither show that he is residing in the UK with and EEA national and is dependent on them or is a member of their household. A Tribunal is soon to reconsider the case.

Case Study 5 (K206)

Mr N.R. entered the UK as an asylum seeker in June 2002, but his case was refused. His cousin, Mr K.S., a German citizen came to the UK as a worker in June 2005 and applied for a Residency Document exercising his Treaty Rights. He also applied for residency for his cousin, Mr N.R., acting as his sponsor. Mr N.R. had been his dependent whilst in Sri Lanka and here also in the UK especially after Mr N.R's NASS was terminated in April 2003 following his failed asylum claim and appeal. Mr K.S. was awarded indefinite right of residence, however his cousin's application was refused by the Home Office in July 2006 as they claimed that he had not been able to show that he had been emotionally or financially dependent on his cousin in Sri Lanka or since his arrival in the UK. An appeal against the Home Office decision was lodged on the grounds that Mr N.R had been part of his cousin's household in Sri Lanka and received financial support from his cousin after his cousin arrived in Germany and that Mr N.R. continued to be wholly financially dependent on his cousin after he arrived in the UK. He also lived in the same household as his cousin after June 2005. A tribunal decided that the appeal should proceed to a hearing. In September 2006 after a successful outcome, Mr N.R. received permission to obtain a residency card for the UK with Limited Leave to Remain as an EEA national's dependent.

Appeal at the High Court or Administrative Court

Case Study 6 (M116)

Mr T.P came to the UK in August 2000 claiming asylum. His cousin, Mr A.M., a German citizen, financially supported him. Mr A.M. moved to the UK in February 2005 with his family. He applied for a residency permit for the UK exer-

cising his right as an EEA national, and also applied for residency for his cousin, Mr T.P. as a dependent of an EEA national. Despite the fact that a Home Office caseworker accepted that Mr A.M and Mr T.P were cousins, the Home Office rejected the application in July 2006 on the basis that 'the evidence provided does not show that you resided as part of the household of an EEA national in an EEA state' under Regulation 8(2) of the EEA Regulations 2006. The applicant appealed the decision on the grounds that he had been emotionally and financially dependent on his EEA sponsor both since his arrival in the UK and in Sri Lanka. It was also argued that being an asylum seeker where the appellant was to arrive in the EU was the agent's decision and not his own. A tribunal ruled that the appeal should proceed to a hearing, however an immigration judge dismissed the appeal in October 2006 as Mr T.P (although he had proved he had lived with his cousin in Sri Lanka and the UK) was not 'residing in an EEA state in which the EEA national also resides', the judge ruling that from Regulation 2(1) an 'EEA state' means a member state other than the UK. The case shows the gulf between Community law and domestic law and it is notable that the decision taken by the court in this case is not expected to be the decision of the ECJ in the case of Yunying Jia v Migrationsverket. Mr T.P's case has been referred to the Administrative Court.

NATIONALITY

Many members of our community are acquiring British citizenship through the process of naturalisation. We provide key services to our clients in this area by providing them with up-to-date information on citizenship law and by helping to significantly reduce the chance of their applications being refused. Applications are most often rejected due to incorrectly completed forms, missing supporting documents or no inclusion of insufficient fees. However, 90% of applications completed by us are successful, as we are familiar with the procedure and ensure that all the required documents are included.

British citizenship can be acquired in the following ways:

Acquisition by Birth
Under the British Nationality Act 1981, any person born in the UK before 1st January 1983 qualifies as a British citizen. However, any person born in the UK after 1st January 1983 is a British citizen only if either his/her mother, and/or his/her father if married to the former, is settled in the UK at the time of birth.

Acquisition by Descent
Persons born outside the UK before 1st January 1983 are British citizens by descent if their father (in cases where parents are married) is a British citizen by birth, adoption, registration or naturalisation in the UK. For persons born outside of the UK after 1st January 1983, citizenship passes down the maternal line and, if married, the paternal line, so long as the parent has British citizenship by birth, adoption, registration or naturalisation in the UK.

Acquisition by Naturalisation
Citizenship can be acquired this way if the applicant has already been granted Indefinite Leave to Remain (ILR), has lived legally in the UK for five years with twelve months ILR (or three years, if married to a British citizen, in which case ILR for twelve months is not required), is over eighteen; has been absent from the UK for no more than 450 days if in the UK for five years, no more than 270 days if in the UK for three years, and no more than ninety days in the last twelve months of ILR, and, lastly, is of sound mind. Those applicants who are not of sound mind or who had previously been debarred from entering the UK will be separately considered by the Secretary of State and only allowed citizenship upon his approval. In addition, sufficient knowledge of English is required (tests may apply but these can be waived depending on the age and ability of the applicant), and, since November 2005, all applicants are expected to take the 'Life in the UK' test which contains questions relating to British customs, culture, law and other matters. Any fraudulent or unacceptable behaviour concerning this test has clear warnings and consequences. Moreover, two referees with British citizenship are required. All applicants must also be of 'good character' (i.e. no relevant criminal convictions or serious financial problems), and must also be able to demonstrate an intention to remain closely connected with the UK. There are to exceptions to the latter requirement, which are that stateless persons, British overseas citizens, British protected persons, and British

subjects do not have to meet it.

Acquisition by Registration

Registration is easier than naturalisation but only applies to those who fit into the relevant category. Registration is the only way for people who are under eighteen to become British citizens. Some people are entitled to register by entitlement if they fit the criteria applicable to their group, whilst others can register by discretion. Children born in the UK who are not born British can be registered as British citizens if a successful application is made before they are eighteen. All children must submit separate application forms, as applications can no longer be made as an extension of their parents' application.

Under British law it is permissible to hold dùal citizenship, so becoming a British citizen will only affect a person's previous nationality if the law of that country stipulates this.

Case Study 7 (S296I)

Mr T.S was Sri Lankan national arrived in the UK in November 1999 and his wife, also a Sri Lankan national had arrived in the UK in July 1999. Their appeal against the Home office decision to refuse their asylum application was rejected in April 2003, but in 2004 they applied for Indefinite Leave to remain, which was granted in February 2004. The youngest child who was born in the UK in November 2000 was successfully registered as a British citizen in August 2004 and the Home Office agreed to issue her with a certificate of registration as a British citizen. However, when in May 2005 the remainder of the family applied for British citizenship their applications were refused by the Home Office on the grounds that they were living in the UK in breach of immigration law from April 2003 until may 2005, which fell within the qualifying 5 year period of legal residence required to obtain British citizenship. The application of the other child was also rejected on the grounds that he was born outside of the UK and neither parent was a British citizen at the time of birth. The Home Office further advised that although the family could reapply it was unlikely that any application received before January 2009 would be successful.

Case Study 8 (B35)

Mrs B.V. entered the UK with her daughter in July 1999 claiming asylum, yet her claim and appeal were unsuccessful. She however made an application to the Home Office for leave to enter as the spouse of someone settled in the UK in March 2003, and was awaiting a decision. In October 2004 she however, applied for settlement under the one-off ILR family amnesty announced by the Home Secretary in October 2003 under which asylum applications lodged before 2nd October 2000, which include at least one minor dependent could be considered for ILE/R. Mrs B.V. and her daughter were granted indefinite leave to enter / remain (ILE/R) in December 2004. Last January she applied for naturalisation as a British citizen. Her and her daughter's citizenship applications were approved in September 2006.

Case Study 9 (L17)

Mr. K.L. had been living in the UK since June 1999 and was granted ILR in November 2003 as a refugee. Having lived in the country legally for more than 5 years he wished to exercise his entitlement to apply for British Naturalisation for himself and his two children. In December 2005 all three applications for nationality were approved by the Home Office, and they were invited to a ceremony in which it was required that Mr K.L take an Oath or Affirmation of Allegiance to the Crown and a Pledge of Loyalty to the United Kingdom. However, at the ceremony the registrar decided that Mr K.L did not have the level of English language proficiency that the evidence he supplied towards had indicated. Although Mr K.L. wrote to his local member of Parliament requesting help, there was nothing that could be done to advance his case for naturalisation until he met the required level of English language proficiency.

Case Study 10 (M100)

Mr. S.M entered the UK in February 1994 and claimed asylum. Since his arrival he married a Sri Lankan national in a cultural ceremony and then a civil ceremony in the UK. Following the marriage, the couple had a daughter who was born in the UK in 2003. Mr S.M approached us as he wished to make an ILR Family Amnesty Application Request under the terms applicable to those who had made asylum applications before 2nd October 2000. In March 2006 the family were granted IDLE/R in the UK under this amnesty. After this the family wished to register

their daughter as a British citizen, and the application was successfully concluded in October 2006, after which the parents were able to apply for a British passport for their child.

ENTRY CLEARANCE VISAS

According to Greater London authority 2002 there are approximately 120,000 Tamils living in and around London, who have successfully settled into this country. Tamil migration to the UK has increased over the years. In the 1970's, many Tamils migrated to the UK as students. Their purpose for migration changed in the mid-1980's, as many Tamil nationals began migrating to the UK as refugees due to instability in Sri Lanka. This prompted the UK government to introduce an entry clearance visa system, because there was a huge influx of refugees. For the first time in May 1985, Sri Lankan nationals were asked to obtain an entry clearance visa before travelling to the UK. Since this requirement was imposed by the UK government, we began helping Tamil nationals with their entry clearance visa applications, and lodging appeals for them when they were refused. The concerns of our clients varied, and still vary, as different clients needed different visas. Consequently, we work on different visa applications and appeals, such as visiting visas required for relatives of those Tamils living in the UK, settlement visas to allow Tamils to settle in the UK with their family members, student visas, working holiday visas, and work permit visas. These are our main areas of work where entry clearance visas are concerned.

General Concerns with Entry Clearance and Leave to Enter

Sri Lankan nationals are visa nationals, and therefore, subject to paragraph two of the Immigration Rules, they must obtain a visa when entering the UK for any purpose. All Tamil nationals wishing to enter the UK must obtain a visa from the British Embassy or High Commission in the country from which they are emigrating. The visa will specify the person's reasons for entering the UK, for instance, 'visiting'. The person applying for entry clearance must be outside of the UK at the time, and the application must be made to the Entry Clearance Issuing Post (ECIP) of the particular British Embassy in question.

On the entry clearance certificate or the visa, it states the duration for which the applicant will be allowed to remain within the UK. How long this duration will be depends on the kind of visa being applied for, as well as what the Entry Clearance officers believes to be appropriate according to the purposes of the application.

If one arrives in the UK without a visa, they will have to apply for entry clearance at the port of entry. In such instances, the entry clearance officer cannot immediately make a decision. The applicant will be taken to a Secondary Examination Area to be questioned further as to the purpose of his/her arrival. The entry clearance officer may refuse the applicants leave to enter. If this is the case, then the applicant will be deported from the UK. If this does not occur on the same day, the applicant may be given temporary admission to stay in the UK until he/she is removed.

If one arrives in the UK with a leave to enter, this leave may be cancelled on the basis of the following grounds: false representations, change of circumstance since the entry clearance was issued, medical grounds, criminal record, existence of a deportation order or presence not conducive to the public good, and seeking entry for a purpose other than that for which the clearance was granted.

Basic Immigration Rules

1. Intention to Leave
All applicants who are applying for all but a settlement visa must show an intention to leave the UK. They will be challenged under the new points system.

2. Maintenance and Accommodation without Recourse to Public Funds
For a short-term stay, the applicant must be able to prove that he/she can support him or herself whilst in the UK without recourse to public funds. Students can work a maximum of twenty hours per week, however, the entry clearance officer must approve that this will be enough for them to support themselves. Furthermore, child benefit funds are not con-

sidered recourse to public funds, as long as the children being benefited are supported by a married couple, who need these fund specifically to support their children.

3. Accommodation
The applicant must show that the accommodation he/she will be staying in will be exclusively occupied or owned and that the accommodation will not be overcrowded.

Temporary Categories

1. Visitors
There are basic criteria set out for visitors, which are the following: (i) business visitors can transact but not engage in business, (ii) maximum stay is six months, (iii) intention to leave, (iv) no intention to work or provide services, (v) no intention to study at a maintained school, (vi) ability to maintain and accommodate oneself without recourse to public funds.

2. Working Holiday Makers
Entry clearance can be given to non-visa nationals, thus Tamil nationals, but it is the decision of the entry clearance officer to decide the length of the applicant's stay. If a couple wishes to come for a working holiday, each person must individually make an application, and they must not have any young dependents. They must fall between the ages of seventeen and thirty. The applicants must show that they intend to come to the UK, not only for purposes of employment, but mainly for holiday reasons. Applicants are allowed to work full time, so long as they do so for less than half of their holiday stay.

3. Students
There are specific criteria for applying for leave to enter as a student. These are the following: (i) accepted for course of full time study at a publicly funded college of FE or HE or at a bona fide private educational institution or fee paying school, (ii) intention to leave on completion of studies, (iii) ability to meet the cost of the course without working, and (iv) ability to accommodate and maintain oneself without recourse to public funds. There are separate set of criteria for leave to remain as a student, which are the following: (i) no switching to student status, (ii) meeting the requirements for leave to enter, (iii) regular attendance and satisfactory progress, and (iv) not intending to stay any more that two years on a short course.

The Work Permit Scheme

There are two stages in the application for a work permit. The employer, and not the employee, makes an application for a work permit. If the work permit is approved, the employee then needs to make an application either for entry clearance, if the applicant is outside the UK, or leave to remain if the applicant is already in the UK.

The applications that are submitted by the employers are not immigration decisions. WorkPermits(UK) have an independent system of internal review to make such decisions, so they cannot be appealed against. However, the entry clearance/leave to remain decisions remain immigration ones, and can thus be appealed against.

Under paragraphs 128-135 of the Immigration Rules, the UK government will grant entry clearance or leave to remain for employment purposes to those applicants who (i) hold a valid Home Office work permit, (ii) are not of an age that puts them outside the limits of employment, (iii) are capable of undertaking the employment specified in the work permit, (iv) do not intend to take employment except as that specified in the work permit, (v) are able to maintain and accommodate themselves without recourse to public funds, (vi) intend to leave at the end of their employment (if their work permit is valid for only twelve months or less).

The UK government intends to "strike the right balance between enabling employers to recruit or transfer skilled people from abroad and protecting job opportunities for resident workers" (Work Permits UK), and thus people of Tamil origin are welcome to be recruited.

There are, however, specific skills and criteria that must be fulfilled in terms of the particular vocation that the work permit is for. For any vocation for which a work permit is required, the job in itself must require the following criteria of the individual it wishes to recruit: (a) a UK equivalent degree level qualification, or (b) a Higher National Diploma (HND) qualification, which is not relevant to the post on offer, or (c) a HND qualification which is not relevant to the post on offer

plus one year of relevant work experience, (d) three years work experience of using specialist skills acquired through doing the type of job for which the permit is sought, at a vocational qualification of level three or above.

There are two tiers into which the work permits are divided. Most applications of Tamil nationals fall under the second tier, as they are not high vocational posts. The second tier tends to be more scrutinised, and thus a second tier application is quite difficult to pass through.

Indefinite Leave to Remain for Workers

People who have been working here under a work permit may be granted indefinite leave to remain in the UK, subject to the following conditions: (i) the person has spent a continuous period of five years in the UK in this capacity, (ii) the person has met the requirements of paragraph 131 throughout the four year period, and (iii) the person is still required by his/her employer for the employment in question.
The Sector Based Scheme

The sector-based scheme allows non-EEA nationals to take part in short-term casual jobs within the UK. The work is low skilled, and is available in the hospitality industry and food manufacturing industry. Both are subject to quotas. These are good positions to apply for when one does not have high-level qualifications, and can be advantageous for such Tamil nationals.

Highly Skilled Migrant Programme (HSMP)

This programme allows migrants who have exceptional personal skills and experience to come to the UK to look for jobs, and begin working. This is a programme that is especially used by Tamil nationals and has helped them find a vocation and live comfortable lives.

This is a very accessible programme, as any individual can apply. Persons may apply directly to Work Permits (UK), which is a part of the Home Office. A team considers the application. If it is successful, the person can then apply for entry clearance. The criteria that have to be met for one's application to be successful have recently gotten stricter. Applicants now are judged according to a points-based system, in which applicants earn points towards a successful application. This new system has somewhat restricted the chances of Tamil nationals to enter the UK through the HSMP programme. Applicants are now judged based on how exactly they will be able to contribute to the labour market in the UK. The applicants would be required to pass a control test and an attributes test. In the control test, the applicant would have to provide a certificate of sponsorship, show that he/she had previously complied with immigration rules, that he/she could support him or herself without recourse to public funds, and that he/she knew a certain level of English. In the attributes test, the applicants will be judged on the basis their age, previous earnings, the job offer they hold, and the English language skill they possess. One further requirement that has been imposed is that the applicant must hold a valid degree. If the applicant according to his/her attributes appears to be someone that will aid the growth of the UK's economy, he/she will be granted permission to be a part of the HSMP.

The new restrictions have caused certain uproars within the legal community, and rightly so, as they take opportunities away from certain persons who are deserving of a chance to be a part of the HSMP programme. As the Immigration Law Practitioners Association (ILPA) argues, there are chances that certain highly skilled individuals will be rejected from entering the UK on the basis that they do not hold a degree. However, often in the business world, highly capable individuals have built themselves from work experience, and not a degree. Work experience, however, has been excluded from the list of requirements. These issues make it more difficult for Tamil nationals to enter and work in the UK, even if they are exceptionally talented individuals.

Family Members Coming for Settlement

Family settlement visas are very common amongst Tamil refugees, who have been granted leave to remain in the UK, but then wish to bring their family to join them. The rules that are to be met in order for an individual to have their family live with them in the United Kingdom are set out in Part VIII of the Immigration Rules, paragraphs 277-319. The rules vary according to what exactly the relationship between the sponsor and

the family member is. The categories set out in the immigration rules are (a) spouses and civil partners, (b) fiancé(e)s, (c) unmarried partners, (d) children, and (e) parents, grandparents and other dependant relatives. The requirements for each category are discussed below:

(a) Spouses and Civil Partners

Both the sponsor and the sponsor's husband/wife need to be eighteen or over in order to successfully apply. If the partner is polygamous and has married more than once legally under the laws of his/her country, only one spouse may apply to enter the UK at a time.

If the sponsor is settled or seeking to settle in the UK, and the spouse/civil partner is seeking to join him/her and settle with him/her, then the following requirements must be met:

(i) The applicant must be married to or the civil partner of a person who has the right of abode in the UK or indefinite leave to enter or remain in the UK who may also simultaneously be applying for the right to settle in the UK

(ii) The applicant and the sponsor must have been married for four years, during which time they were living together

(iii) The parties to the marriage have met

(iv) The parties intend to live permanently together in the same accommodation, which they will exclusively occupy

(v) The marriage is subsisting

(vi) The couple will be able to support themselves without recourse to public funds.

If the spouse is simply seeking leave to enter the UK, whose sponsor is settled or seeking to be settled in the UK and is present therein, he/she must meet requirement (i) stated above. On that basis, he/she may be granted entry for no more than two years. If the applicant meets all of the requirements above, he/she may be granted indefinite leave to remain in the UK.

If the applicant receives entry for a definite period over six months, he/she may later apply for an extension of his/her stay when that period of time is coming to an end. In such an instance, all the above requirements must again be met, and on that basis indefinite leave to remain will be granted.

Although these requirements do not appear difficult to satisfy, they often can be. This is because the burden of proof for everything falls upon the applicant. In Sri Lanka, it is often the case that a lack of bureaucracy results in people having their marriages unregistered, despite the fact that they legally married and have a marriage certificate. Furthermore, it is difficult to prove that the couple were living together for four years before one of them came to the UK, simply because of the unstable situation in Sri Lanka, which often causes them to have to live apart for certain periods even after their marriage. Another problem that arises with the entry clearance officer is the subsistence of the marriage. Often when the couple have only lived together on and off because of political instability in Sri Lanka, and/or their marriage has not been noted by the registry, the entry clearance officer believes that the marriage is not subsisting. Thus, these simple requirements can often be very difficult to meet.

(b) Fiancé(e)s

The requirements for fiancé(e)s or proposed civil partner to be granted entry clearance to the UK are similar for the spouses/civil partners, except they are not to show that they have been living together for four years. The maximum period of time that a fiancé(e)/ proposed civil partner will be granted leave to stay in the UK is six months. Extension can be applied for at the end of that period as a spouse/civil partner, if they are married at the end of that period, or as a fiancé(e)/ proposed civil partner again, in which case the applicant must provide good reasons for not having married yet.

(c) Unmarried Partners

Unmarried partners may be granted entry clearance to the UK, provided that both parties to the relationship are eighteen or over, and provided that they meet the requirements as stated for spouses/civil partners, except their relationship must be akin to marriage or a civil partnership, but is not required to be that.

The unmarried partner will receive leave to remain in the UK for a period not exceeding two years only if the first requirement (i) is met. Indefinite leave to remain may be granted if all other requirements are met as well.

Tamil persons seeking to apply for this form of settlement have the same difficulties as spouses and civil partners, except in such cases it even more difficult to prove that a subsisting relationship exists.

(d) Children

For children to come and join their parents who must already be settled in the UK, the children must be under eighteen, not living independent lives, the parents must be capable of supporting the children without recourse to public funds, and the parents must provide for accommodation for the children to live with them exclusively in the same house. If only one parent is sponsoring the children and the other parent is alive and not coming to the UK as well, the parent sponsoring must also show that he/she has had sole responsibility of the children in the past and that there are good reasons for bringing the child to the UK and away from the other parent.

(e) Parents, Grandparents and Other Dependant Relatives

Dependant parents/grandparents can apply to come and live with their settled family member(s) in the UK, given that they are aged over sixty-five and that there are no other close relatives left to support them within their home country. Again, the sponsor must show that he/she will be able to adequately support them without recourse to public funds, and that he/she can provide them with accommodation which they will exclusively occupy (along with the sponsor).

Other dependant relatives will only be given leave to remain in the UK on exceptional grounds of compassion. It is very difficult to obtain leave on this basis, as the grounds of compassion must indeed be compelling.

For Tamil families, this is especially difficult, because any children that are over the age of eighteen fall into the 'other' dependants category. In Tamil tradition, however, children are still children even beyond the age of eighteen and they remain living in a close-knit family until they marry. Thus it is not just to consider them 'other' dependants simply because they are over the ages of eighteen, as being over that age has not made them live or think independently of their parents. It is therefore very difficult to reunite families who have children over the age of eighteen.

Case Studies Concerning Family Settlement

Case Study 11

Mr. J successfully obtained indefinite leave to remain in the UK as a refugee. He wished to bring his family to join him. Mrs. J then applied for indefinite leave to remain in the UK as the spouse of Mr. J, and Miss N.J. and Miss S.J., applied for indefinite leave to remain in the UK as children of Mr. and Mrs. J. They were refused leave to enter the UK by the Entry Clearance Officer (ECO) in Colombo because he/she was not satisfied that the sponsor and the first appellant would be able to support themselves without recourse to public funds, as the sponsor's bank statements do not show that sufficient funds were available and the accommodation that was being rented by the sponsor in itself cost £900 per month. The ECO refused the second and third appellants on the basis that both their parents would not be admitted for settlement, and therefore, they could not be granted leave to enter the UK. We thus lodged an appeal on behalf of Mr. J and his family. It was shown in the appeal that Mr. J's son, Mr. T.J., who also lives in the UK with his father, also earns a substantial income, which helps in paying the rent and sending money back to the rest of their family in Sri Lanka. With the cumulative incomes of both Mr. J and Mr. T.J., it was shown that they would be able to support their family without recourse to public funds, as well as live in an accommodation that they would exclusively occupy. As a result, the appeals of Mrs. J, Miss N.J., and Miss S.J. were allowed.

Case Study 12

Mrs. P.N. applied for an entry clearance visa into the UK as a visitor. The Entry Clearance Officer (ECO) in Sri Lanka refused her entry because she apparently did not provide sufficient evidence showing that she would be able to sustain herself during her trip to the UK, or that her sponsor would be able to pay for her journey and other expenses that the trip would incur. The ECO also did not believe that the purposes of Mrs. P.N. for coming to the UK were truly for visiting the UK, because she was an elderly woman, and her sponsor, her son, Mr. N., had also come to the UK on a visiting visa, and then indefinitely remained in the UK under a different status. We therefore lodged an appeal on behalf of Mrs. P.N., showing that the sponsor Mr. N. would be able to support his mother without recourse to public funds by demonstrating through his bank statements and pay slips that he earns ample money to do so. We also showed that Mrs. P.N. is settled in Sri Lanka, and has no reason to stay in the UK, as there she has her

elder son to take care of her, who has been her principal call of support for several years. We proved that her only reason to come to the UK was to visit her younger son. Thus immigration judge therefore allowed the appeal, and Mrs. P.N. was able to visit her son in the UK.

Case Study 13

Mr. T. was granted indefinite leave to remain in the UK as a refugee. After having lived here for some time, he wished to bring his family to live with him. Thus, his wife, Mrs. T., and his sons, Mr. S.T. and Mr. G.T. applied for entry clearance visas into the UK so that they could reside with their father. Mrs. T. and Mr. S.T. were granted entry clearance, however, Mr. G.T. was not granted entry clearance on the grounds that he is a child over the age of eighteen, and should therefore be able to support himself. However, Mr. G.T. was unable to support himself, he was still studying, and was still very much considered a child in his family unit. We thus decided to lodge an appeal on his behalf so that he could continue growing up with the support of his family around him. We attempted to explain to the immigration judge that in Tamil tradition, children live with their parents and are supported by their parents beyond the age of eighteen, and thus it falls under one's right to family, as stated in Article 8 of the ECHR that Mr. G.T. should be able to join his family in the UK. However, the immigration judge insisted that there be specific compassionate grounds for which he should be given leave to enter the UK, as instead of being viewed as a child dependant, he would be viewed as an 'other' dependant due to his age. The threshold of these compassionate grounds is very high and often very difficult to meet. In Begum (Iqbal), it was stated that someone who is unable to care for him or her, has no assistance, or would suffer isolation and social stigma would be granted leave on compassionate grounds. In Kunthagas [2003], it was upheld that family life can be maintained despite physical separation of the family, and In Miao [2006], it was stated that even under a family reunion policy compassionate grounds have to be met, and such grounds much be compelling, if a family member falls under the 'other' dependants category. Thus despite our attempts to convince the immigration judge that the compassionate grounds were that Mr. G.T. had never lived without the support of his family, that in Tamil tradition, one lived with their family beyond the age of eighteen, and that the unstable political situation is a difficult and perilous environment in which to live for a young person attempting to support himself for the first time, these grounds were not compelling enough for the immigration judge, and we were forced to withdraw our appeal.

VARIATION OF LEAVE

Variations of Leave to Enter and Remain in the UK

If a person has already been granted leave to remain in the UK for a certain period of time, he/she may apply for variation of that leave. This must be done before the original leave expires, otherwise, one becomes categorised as an 'overstayer', for having stayed longer than the permitted time. Applications for variations to leave can be made using one of the mandatory forms for visa applications, such as applications for married or unmarried partners (FLR(M)), students (FLR(S)), people issued with a work permit or recognised as highly skilled immigrants (FLR(IED), dependant relatives (SET(F)), and for business people (BUS). Other applications upon which variation of leave can be applied for are for indefinite leave to remain including long residence (SET(O)) applications, and a variety of other reasons to remain applications (FLR(O)). However, not all applicants are entitled to extend their stay. Most visit visa applicants are not entitled to extend their visa whilst in the UK, and switching from one category of visa to another is heavily restricted.

If the Home Office wishes to reject an application of variation of leave to remain, then it must do so within twenty-one days. The applicant is then left with twenty-eight days within which to re-apply. If an application is made before the person's original leave to remain expires, then their original leave to remain will be extended for the time that their application is still in consideration. Leave to remain is again extended if the applicant has been rejected and wishes to lodge an appeal.

It is essential to make sure that the application is correctly filled out using the right application form for the matter at hand. It is often because

(continued on page 48)

Tamil Welfare Association (Newham) UK

Presents

'Sarvajith' Tamil New Year

CULTURAL NIGHT

06.05.2007

Programme:

★ Vocal

Junior Student of TWAN Fine Arts Academy

Presented by Smt. Suganthy Srinesa

Niveetha Mathanachandran, Adshara Vimalanathan, BarathySivakumar,
Sri Sabrina Gunanathan, Keerthana Vignesvarathasan,
Ainjita Aingaralingam, Pranavi Ramachandra, Dharshini Kanesalingam,
Chayan Shanmugaratnam, Aruyah Shanmugaratnam, Geerthiya Shanmugaratnam,
Jabitha Premathasan, Thushitha Premathasan, Kannan Karthipanathan,
Kavitha Karthipanathan, Suruthi Senthurchelvan, Malaviga Gopalakrishnan,
Arthi Uthyakumaran, Mayura Uthyakumaran, Gowshika Pushpanathan,
Kalaivani Parameswaran, Sivakami Balakumran, Thanikaikumaran Balakumaran,
Bhraman Sabeshan, Thishaan Sabeshan , Sivamuraleetharan Piraphakaran,
Abiramy Gnanavadivel, Apinaya Gnanavadivel, Rajeevi Ragudhas, Ragavi Mohan,
Shankeetha Shankar, Preyanthi Pasgarathasan, Seetharam Seethamohan

★ Violin

Junior Student of Kalaimamani M. Nandhini -TWAN Fine Arts Academy

Group 1: Shakthivel, Shankeetha Shangar, Thugitha Premathasan,
Sayanthan Gunarathnam

Group 2: Swarathmiha Janarthanan, Arthi Uthyakumar, Karthika Chellappa,
Sayahi Varatharajan

★ Murugan Sthuthy Dance

Saranya Jeyaganerajah, Vyshna Thaneswaran

★ Theepa Dance

Malavika Gopalakrishnan, Banusha Bavaharan, Ramya Rasalingam, Diantha Sivalingam

★ Koladdam

Malaviga Gopalakrishnan, Jathavi Thirukumaran, Abhirami Vimaleswaran,
Arthiga Vimaleswaran, Sushmitha Jayapal, Kavitha Karthibanathan, Soumya Sivakumar,
Ayesha Shanel, Suphangini Chandrakanthan, Sruthi Senthurchelvan

★ Miruthangam

Students of TWAN Fine Arts Academy

Presented by Sri. A. N. Somaskanda Sarma

Thirushan Thirunavukarasu, Kiruben Kamalarajan, Chayan Shanmugaratnam,
Matheeban Baskaranathan, Darran Thiruchelvam, Ajithgajan Alagadurai,
Shanjay Sivakumaran, Harish Thayaparan, Harshan Thiyagarajah,
Seetharam Seethamohan, Nilaksan Santhakumaran, Nivejan Santhakumaran,
Kajanth Jeyaratnam, Lakshan Thiyagarajah, Hariharan Sivaji, Kiszhanth Paramasivam,
Sivalojan Sivachelvam, Rasmith Sivananthan, Rishanth Sivananthan,
Thiluxen Ligeswarathasan, Hajanth Paskarathasan, Sayanthan Gunanathan,
Niresh Srinesha, Pratheesh Vikneswarathasan,
Sowmyan Kesavan

★ **Abinaya dance**
Nivashiny Gopalakrishnan, Banusha Bavaharan

★ **Melody dance**
Vinushanthi Thavapalasingham, Sajanthi Thavapalasingham,
Niveetha Mathanachandren, Sangavi Sivarajah, Sagana Sivakumaran

★ **Veena**
Student of TWAN Fine Arts Academy, Presented by Smt. S. Sritharan
Group 1: Niruja Jeyapalasingam, Priya Mahendran, Priyantha Pasgarathasan,
Anjitha Aingiraliya, Vinushanthi Thavapalasingam, Sajanthi Thavapalasingam
Group 2: Sowmyan Kesavan, Harini Kesavan, Nerthika Paramsothy,
Kalaivani Parameswaran, Keerththana Vikneswarathasan
Group 3: Aruthy Arumugam, Sabrina Gunanathan, Vinoja Karunanithy

★ **Jatheeswaram**
Pranavi Ramachandra, Keerthana Vigneswarathasan, Swarathmiha Janarthanan

★ **Classical Songs**
Kutralam Nagarajan

★ **Dance**
Little Lions Dance Club
Libi Nair, Zineerah Usman, Soumya Kumar, Sethu Parvathy Jaykumar,
Shereen Prasad, Mehnaz Mahaboob, Lina Karuvetil, Nilesh Nair,
Akhil Joi, Aazil Ahmed, Niaz Mahaboob, Raez Mahaboob

★ **Violin**
TWAN Fine Arts Academy
Senior Student of Kalaimamani M.Nandhini,
Sabrina Gunarathnam

★ **Dance**
Sofi Climont

★ **Isayum Kathayum**
Presented by TWAN elders project
Mrs Moorthy, Mrs Kanagashaesan, Mrs Ganesaratnam,
Mrs Ponnuthurai, Mrs Anantham

★ **Vocal**
Senior Students of TWAN Fine Arts Academy,Presented by Smt. S. Srinesa
Lavitha & Kavitha

★ **Dance**
Garuney Geetha Vilventhraraja and Deborah Tharani Vilventhraraja

★ **Dance**
Student of SMT Kalamathy Prabaharan
Vinoja Premkumar

★ **Bollywood Dance**
Little Lions Dance Club
Aazil Ahmed, Lina Karuvetil

மலர்ந்துள்ள 'சர்வஜித்' தமிழ்ப் புதுவருடத்தை முன்னிட்டு
தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.
வழங்கும்

பல்கலை இரவு

06.05.2007

நிகழ்ச்சிகள்:

★ வாய்ப்பாட்டு

TWAN நுண்கலைக்கூட கீழ்பிரிவு மாணவர்கள்
தொகுத்து வழங்குபவர்~ஸ்ரீமதி சு ஸ்ரீனேசா

நிவேதா மதனசந்திரன், அட்ஸரா விமலநாதன், பாரதி சிவகுமார், ஸ்ரீ ஸப்ரீனா குணநாதன், கீர்த்தனா விக்னேஸ்வரதாசன், அஞ்ஜிதா ஜங்கரலிங்கம், பிரணவி ராமச்சந்திரா, தர்சினி கணேசலிங்கம், சஜன் சண்முகரட்ணம், ஆர்யா சண்முகரட்ணம், கீர்த்தியா சண்முகரட்ணம், ஜபித்தா பிரேமதாசன், துசிதா பிரேமதாசன், கண்ணன் கார்த்தீபநாதன், கவிதா கார்த்தீபநாதன் , ஸ்ருதி செந்தூர்செல்வன், மாளவிகா கோபாலகிருஷ்ணன், ஆர்த்தி உதயகுமாரன், மயூரா உதயகுமாரன், கௌஸிகா புஸ்பநாதன், கலைவாணி பரமேஸ்வரன், சிவகாமி பாலகுமாரன், தணிகைகுமரன் பாலகுமாரன், பிரமன் சபேசன், திஸான் சபேசன், சிவமுரளிதரன் பிரபாகரன், அபிராமி ஞானவடிவேல், அபிநயா ஞானவடிவேல், ரஜீவி ரகுதாஸ், ராகவி மோகன், சங்கீதா சங்கர், பிரியந்தி பாஸ்கரதாசன், சீதாராம் சீதாமோகன்

★ வயலின் இசை

TWAN நுண்கலைக்கூட கீழ்பிரிவு மாணவர்கள்
தொகுத்து வழங்குபவர்~கலைமாமணி ம. நந்தினி

பிரிவு 1: சக்திவேல், சங்கீதா சங்கர், துசிதா பிரேமதாசன், சயந்தன் குணரட்னம்

பிரிவு 2: ஸ்வராத்மிகா ஜனார்த்தனன், ஆர்த்தி உதயகுமார், கார்த்திகா செல்லப்பா, சாயகி வரதராஜன்

★ முருகன் ஸ்துதி நடனம்

சரண்யா ஜெயகனிராஜா, வைஸ்ணு தனேஸ்வரன்

★ தீப நடனம்

மாளவிகா கோபாலகிருஷ்ணன், பானுஷா பவகரன், ரம்யா ராசலிங்கம், டியந்தா சிவலிங்கம்

★ கோலாட்டம்

மாளவிகா கோபாலகிருஷ்ணன், ஜாதவி திருகுமாரன், அபிராமி வீமலேஸ்வரன், ஆர்த்திகா வீமலேஸ்வரன், சுஷ்மிதா ஜெயபால், கவிதா கார்த்திபநாதன், சௌம்யா சிவகுமார், ஆயிஷா ஷானெல், சுபாங்கினி சந்திரகாந்தன், ஸ்ருதி செந்தூர்செல்வன்

★ மிருதங்கம்

TWAN நுண்கலைக்கூட மாணவர்கள்
தொகுத்து வழங்குபவர்~ஸ்ரீ அ. ந. சேரமாஸ்கந்த சர்மா

திருஷன் திருநாவுக்கரசு, கிருபன் கமலராஜன், சஜன் சண்முகரட்ணம், மதீபன் பாஸ்கரநாதன், தரன் திருச்செல்வம், அஜித்கஜன் அழகதுரை, சஞ்ஜேய் சிவகுமாரன், கரிஸ் தயாபரன், கர்ஷன் தியாகராஜா, சீதாராம் சீதாமோகன், நிலக்சன் சாந்தகுமாரன், நிவேஜன் சாந்தகுமாரன், கஜந் ஜெயரட்னம், லக்ஷன் தியாகராஜா, ஹரிஹரன் சிவாஜி, கீஷ்ஷாந் பரமசிவம், சிவலேஜன் சிவசெல்வம், ராஸ்மித் சிவநாதன், ரிஸ்ஷந் சிவநாதன், திலக்ஷன் லிங்கெஸ்வரதாசன், கஜாந் பாஸ்கரதாசன், சயந்தன் குணநாதன், நிரேஷ் சிறீநேசா, பிரதீஸ் விக்நெஷ்வரதாசன், சௌமியன் கேசவன்

★ அபிநயம்

நிவாஷினி கோபாலகிருஷ்ணன், பானுஷா பவகரன்

★ மெல்லீசை நடனம்

வினுசாந்தி தவபாலசிங்கம், சஜயந்தி தவபாலசிங்கம், நிவேதா மதனசந்திரன்,
சங்கவி சிவராஜா, சகானா சிவகுமாரன்

★ வீணை இசை

TWAN நுண்கலைக்கூட மாணவர்கள்

தொகுத்து வழங்குபவர் ஸ்ரீமதி சே. ஸ்ரீதரன்

பிரிவு 1: நிருஜா ஜெயபாலசிங்கம், பிரியா மஹேந்திரன், பிரியந்தா பாஸ்கரதாசன்,
அஞ்சிதா ஜங்கஜறிலீயா, வினுசாந்தி தவபாலசிங்கம், சஜேந்தி தவபாலசிங்கம்

பிரிவு 2: சௌம்யன் கேசவன், ஹரிணி கேசவன், நேர்த்திகா பரம்சோதி, கலைவாணி
பரமேஸ்வரன், கீர்த்தனா விக்னேஸ்வரதாசன்

பிரிவு 3: ஆருதி ஆறுமுகம், சபரினா குணநாதன், வினோஜா கருணாநிதி

★ ஜதிஸ்வரம்

பிரணவி ராமச்சந்ரா, கீர்த்தனா விக்னேஸ்வரதாசன், ஸ்வராத்மிகா ஜனார்த்தனன்

★ கீர்த்தனம்

குற்றாலம் நாகராஜன்

★ நடனம்

லிட்டில் லயன் நடன குழு

லிபி நாயர், ஸிநீரா உஸ்மன், சௌமியா குமார், செரீன் பிரசாத்,
மெஹநாஸ் மஹபூப், லினா கருவேடில், நிலேஸ் நாயர், அகில் ஜோய், ஆஸில்
அஹ்மட், நயிஸ் மஹபூப், றீஆஸ் மஹபூப்

★ வயலின் இசை

TWAN நுண்கலைக்கூடமேல் பிரிவு மாணவி

தொகுத்து வழங்குபவர் கலைமாமணி ம. நந்தினி

ஸப்ரீனா குணநாதன்

★ நடனம்

ஸோபி கிலிமண்ட்

★ இசையும் கதையும்

தமிழர் நலன்புரி சங்க மூத்தோர் நிலையம்

திருமதி மூர்த்தி, திருமதி கனகசபேசன், திருமதி கணேசரட்னம்,
திருமதி பொன்னுத்துரை, திருமதி ஆனந்தம்

★ வாய்ப்பாட்டு

TWAN நுண்கலைக்கூடமேல் பிரிவு மாணவர்கள்

தொகுத்து வழங்குபவர் ஸ்ரீமதி சு. ஸ்ரீநேசா

லவிதா, கவிதா

★ நடனம்

காரணி கீதா வில்வேந்திராஜா டெப்ரா தாரணி வில்வேந்திராஜா

★ நடனம்

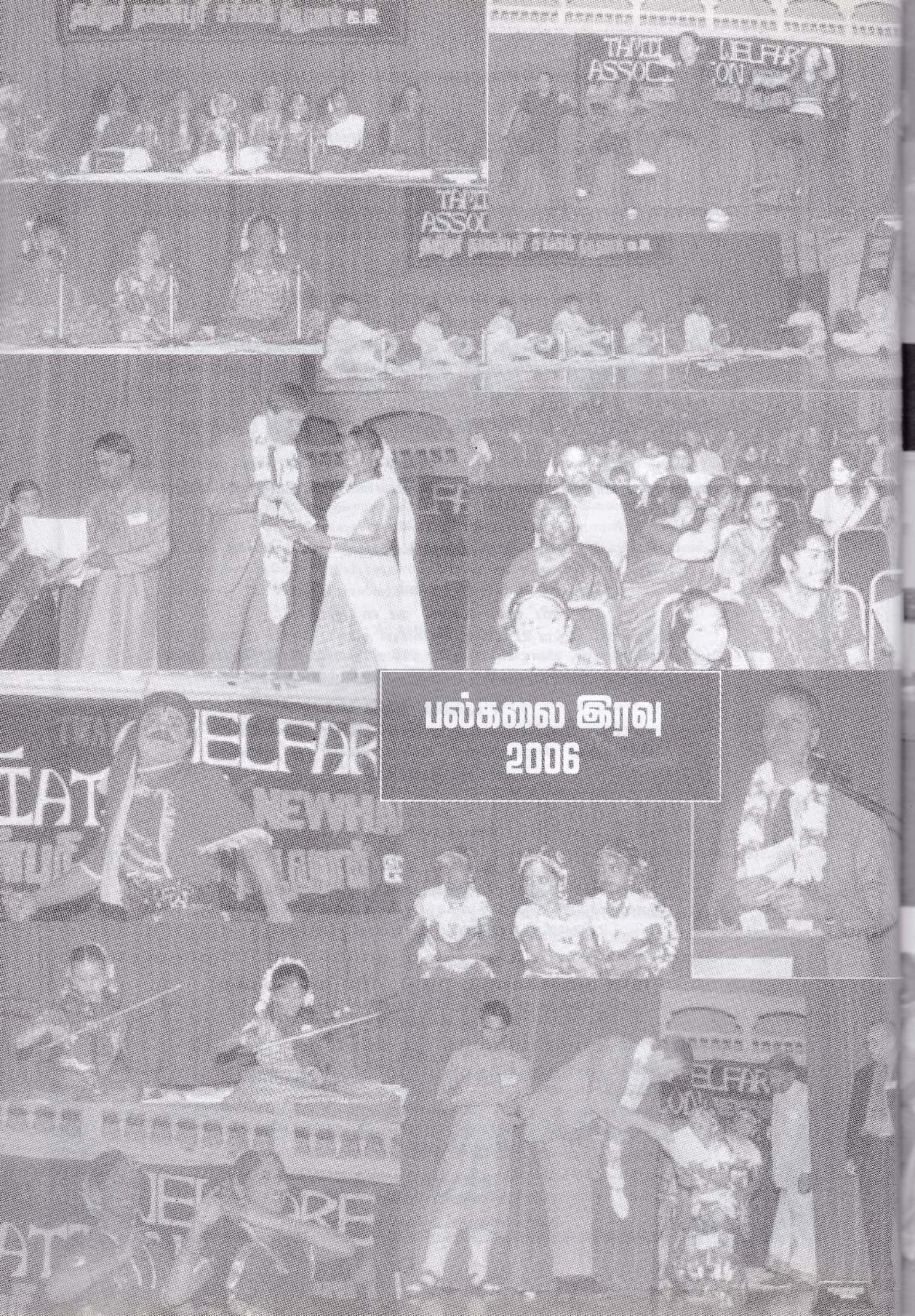
ஸ்ரீமதி கலாமதி பிரபாகரன் மாணவி

வினோஜா பிரேம் குமார்

★ பொலிவூட் நடனம்

லிட்ல் லயன் நடன குழு

ஆஸில் அஹமட், லினா கருவேரில்



பல்கலை இரவு
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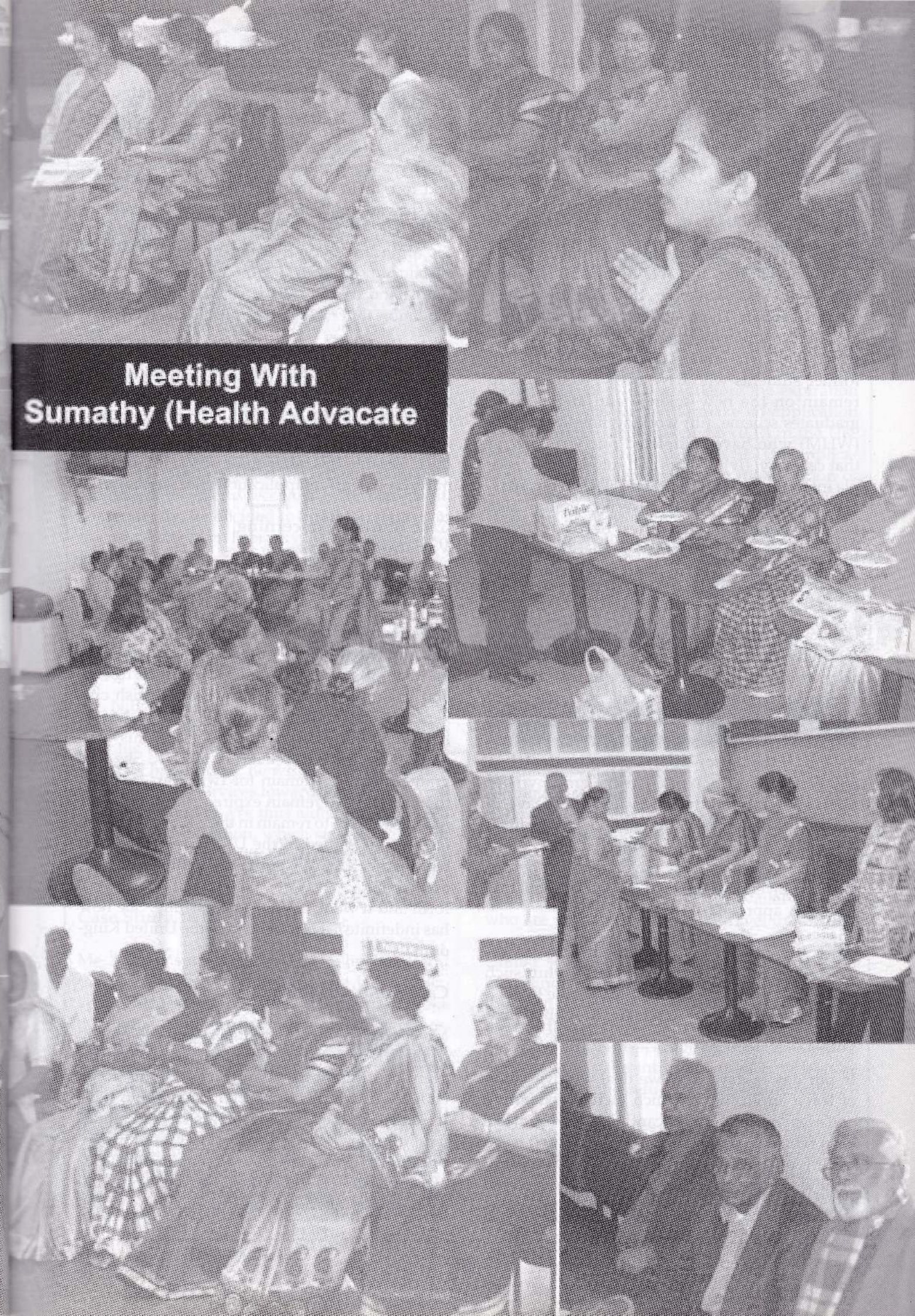

Meeting With
Sumathy (Health Advacate

of simple mistakes such as these that applications are refused. That is why we aid our clients in making sure they fill out the right forms, and that they fill them out correctly.

'Switching'

In cases where a person's leave to remain in the UK is ending, they are able to switch from one category of visa to another, thus extending their leave to remain. There are restrictions upon this, as only the following groups are able to switch: (i) students who obtain degrees in the UK, (ii) former students who have been given leave to remain on the new science and engineering graduates scheme, (iii) working holiday makers (WHM) who have completed one year stay in that category, (iv) doctors and into leave as people intending to establish themselves in business, (v) trainee doctors and dentists admitted to take the professional enrolment test or for a specific professional job, (vi) people with permission under the highly skilled migrants programme, and (vii) people admitted as innovators.

Generally, those who are able to switch are those who have already been employed, and if not, then they would have to be students. In the case that the person is employed and falls into one of the categories above, he/she would have to make an FLR (IED) application in order to remain in the UK. If the person applying is a student, he/she can switch to Work Permit employment upon showing that he/she was given leave to remain in the UK as a student and has obtained a qualified degree on a recognised degree course at either a UK university, given that his/her future employer has applied for a Work Permit that has been approved.

Since the categories for switching are so restricted, it is often difficult to fall within such categories, making it difficult for people to get a variation of their leave to remain through switching.

In our day to day work, we deal with variation of leave applications, which include extending one's leave after the applicant's asylum claim has been refused, but he/she has been granted leave to enter based on humanitarian protection grounds. If the applicant has been living in the UK for three years under such leave, he/she is then capable of applying for indefinite leave to remain in the UK, in order to then extend his/her leave. If the applicant has been given discretionary leave to enter in the UK, he/she will have had to remain in the UK for six months before he/she can apply for indefinite leave to remain in the UK. In both instances, it is required that the applicant show that he she will be able to sustain himself/herself without recourse to public funds, and that he/she is staying in an accommodation that he/she occupies exclusively.

Applying successfully for visa extensions has increasingly become complicated and difficult due to lack of documentary evidence that the Home Office expects clients to submit with their applications, but which the clients are unable to produce. Despite this, after some struggles, most of our visa extension applications are successful.

Case Studies Concerning Variation to Leave

Case Study 14 (T119)

Mr. T. came to the UK in 1995 and was eventually granted indefinite leave to remain in the UK. He then applied for a naturalisation certificate and has now been naturalised as a British citizen. After some time in the UK, he wished to have his wife living with him. Thus, his wife applied for leave to remain in the UK. She was granted leave to remain for two years. Just before her leave to remain expired, she applied for indefinite leave to remain in the UK as the spouse of someone settled in the UK. She was thus extending her visa. We aided her with her SET(M) application
form and it went through successfully. She now has indefinite leave to remain in the United Kingdom.

Case Study 15 (T135)

Mr. T. was granted discretionary leave to remain in the UK for a short period of time. When his grant of discretionary leave was coming to an end, Mr. T. wanted to apply for indefinite leave to remain in the UK on grounds of Humanitarian Protection. We decided to aid him in his application to extend his leave to remain in the UK. His application is still in the process of being considered. He must undergo interviews with im-

migration officers giving and explaining good reasons as to why he should be granted indefinite leave to remain in the UK.

Case Study 16 (K228)

Mr. K was granted leave to remain in the UK as a student on several occasions. The last leave to remain that he was granted expired on 31st October 2006. For the academic year following this date, Mr. K wished to do a work placement in collaboration with his studies. However, he was unable to find such a place, but having relied on the notion that he would get the placement, he did not re-enrol for university for the academic year of 2006/2007. However, he did remain in close contact with the university and his tutors, who tried to help him find a placement. Finally, he and his tutors reached the conclusion that he would not be able to receive a work placement; consequently, he decided to enrol for courses in the university from February 2007 onwards. Seeing it was clear that he was enrolled in a university, the immigration judge allowed him leave to remain in the UK until his course of study was over.

Case Study 17 (N107)

Mr. N.B. was granted entry clearance to enter in the UK until December 2006. He wished to extend his visa, and thus vary his leave to remain. Being a Hindu priest, he wished to stay in order to continue his services towards the Hindu community in London. We thus aided Mr. N.B. with his FLR(O) application, which successfully went through. His visa was extended until December 2007.

Case Study 18 (K218)

Ms. K. was sponsored by her ex-husband and then given leave to remain in the UK for two years. During these two years, her marriage broke down due to domestic violence and other issues, and thus the marriage that allowed her to gain entry into the UK was no longer subsisting. However, Ms. K. wished to remain in the UK. Under the UK Immigration Rules, there is a provision that allows for those persons who have suffered from domestic violence in their marriage to apply for indefinite leave to remain in the UK. However, they must have been granted leave to remain in the UK for two years, and they must show that their marriage commenced by being a subsisting one, which later permanently broke down. There must be evidence supporting this permanent breakdown. They must also show that they are financially independent and can support and sustain themselves. Ms. K. has is in the process of making such an application, which requires her to fill out domestic violence questionnaires, as well as a SET(O) application.

Case Study 19 (S411)

Mrs. S. was sponsored by her husband, and on that basis was granted leave to remain the UK for a period of two years. Before the expiration of her visa, she wished to make an application for Indefinite Leave to Remain (ILR) in the UK. We thus aided Mrs. S. with her SET(M) application. However, her application for variation of her leave was refused by the Home Office on the basis that they no longer believed that Mrs. S.' relationship with her husband was a subsisting one, as they believe they were no longer living together, despite evidence having been given that they were residing in the same accommodation. We are thus in the process of lodging as appeal for Mrs. S. against the decision of the Home Office.

ASYLUM CLAIMS

Claiming asylum is becoming a harder and more complex system in the UK. The most vulnerable asylum seekers are torture victims, who are increasingly prohibited from claiming asylum in Europe. Strict border controls also prevent such asylum seekers from gaining entry into these regions. Since there is no system available, those who are in fear of persecution travel unlawfully to a safer destination. On the other hand, as the United Nations (UN) Convention on Refugees has acknowledged, those who are in fear for their lives and are unable to flee from their own countries with their own identities, but this fact is ignored by the European governments. Making matters worse, the introduction of new legislation criminalizing refugees is on the increase.

One such example of the new criminalizing legislation that has been put in place is the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Under Article 2(1) and 2(2) of this Act, it is a criminal offence to enter the UK and at-

tend a leave or asylum interview without a travel document which is in force and which satisfactorily establishes his nationality and his identity, and if the person has a child, he/she must provide the same such documents for his/her child. Although this Act does allow for defences for not having such travel documents under Article 2(4) and 2(5), there lie ambiguities in the definitions of these defences, which the authority may easily define contrary to the wishes of the person claiming asylum. Thus, although it is recognised that it is often the case that asylum seekers are unable to travel using a travel document, they are still required to provide a 'reasonable' excuse in the eyes of the authorities for travelling without such a document.

Under Article 3(2) and 3(3) of the aforementioned act, the travel document cannot be forged, and their regulation falls under the Forgery and Counterfeiting Act 1981 (Article 3(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004). Those who attempt to enter the UK with such forged documents will also be liable for having committed a criminal offence under UK law. This is regardless of the fact previously mentioned that refugees and asylum seekers often have no choice but to travel either with no documents or with forged documents, because they are unable to flee from their own country using their own identities. This is because of what they are -refugees. This very status places them in fear of persecution within their home countries, and thus to flee their own countries, they would not be able to use their own identities if they wished to escape without getting caught.

Despite the fact that asylum seekers may fail to be granted refugee status on the basis that they had no travel documents or their travel documents were not genuine, once their claim for asylum has failed, their support is then withdrawn. The Secretary of State then has the discretion to provide accommodation for the failed asylum seeker until he/she leaves or appeals, and the Secretary of State, if he/she wished to provide accommodation then decides for how long such accommodation will be provided (Articles Nine and Ten of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).

In this year, the Immigration, Asylum and Nationality Act 2006 were brought into force. This imposed further restriction on the asylum claims that can be made. One issue is the type of leave refugees are now granted under this act. Instead of being given indefinite leave to remain (ILR) as a refugee, some refugees may only receive leave to remain for five years, and once their five years is up, it will be decided whether they are still worthy of refugee status. If they wish to remain, they must prove that, on asylum grounds, they are still refugees, and appeals can only be made on that very basis.

Appealing is made very difficult. In the eyes of the law, after five years the person is no longer considered a refugee. He/she may thus appeal to obtain discretionary leave on ground of humanitarian protection. The only way he/she can be considered a refugee again is if he/she appeals through the 'upgrade' process. If that refugee status is not re-obtained, the person may not be granted leave to remain in the UK, or if he/she is granted such leave, it will only be for a discretionary period.

The credibility of asylum seekers is easily doubted. Since the claims of asylum seekers are often entirely based on what they said took place back in their home country, it is very difficult to judge from the outside whether what they are claiming holds water. Since the burden of proof lies upon the claimant, it makes it very difficult for those seeking asylum to prove the claim that not only did they fear and face persecution, but that they will continue to in the future as well. These people have left everything behind in fear of persecution, yet they are expected to have brought evidence with them. Sometimes, their credibility and what dangers they face in their home country is not accepted by the immigration authorities based on very weak political objective evidence, which is no true reflection of the real situation in Sri Lanka.

The treatment of claimants and their credibility was an issue touched upon in Article 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, which has lain down, according to commentators in the journal Immigration, Asylum and Nationality Law an "agenda of disbelief". Article 8 is based upon a set of assumptions made by government as to what behaviour is proper and legitimate for asylum seekers. This is too restrictive, as it does not allow for the individual circumstances of each

asylum seeker. The legislation does not take into account the realities of the dangers and threats that asylum seekers face and what their desperate circumstance may indeed cause them to do. The legislation puts in place a framework that prevents the judging authorities from taking into full account the position that an asylum seeker may find himself or herself in, and the difficulties that situation may create. Without having understanding for such a position, it is unlikely that the decision makers will decide in favour of those claiming asylum, indeed the likelihood is that they will be rejected, and that is why that is what so often happens.

There is no doubt that the immigration authorities do have need to be careful about whom they let in order to protect the wider UK community; however, the regulations currently in place are far too restrictive and often place asylum seekers in a negative light unnecessarily.

This focus on creating legislation to make it more difficult for asylum seekers to enter the UK as resulted in many asylum seekers having to seek safety in countries that are not signatories to the UN Convention on Refugees. If the UK government is so focussed on restricting entry of asylum seekers, as are other UN Refugee Convention signatories, then perhaps they should also focus more on attempting to make more countries signatories of the convention, and making the support of refugees a global effort, so that all the asylum seekers they reject do not end up in prisons and indefinite detention in countries that are not signatories.

The number of Tamils seeking asylum has greatly increased this year. Since 2002, due to the peace process in Sri Lanka, the number of Tamil asylum seekers between 2002 and 2005 decreased, but by the end of 2005, the human rights and political situation heavily deteriorated, which prompted an increase in Tamil asylum seekers wishing to seek asylum in the UK. Despite our efforts in April 2004 onwards encouraging the UK government to remove Sri Lanka from the designated country list of safe countries, Sri Lanka remained on that list until this year. In the meantime, Tamil asylum seekers' claims were refused and certified without in-country appeal rights and their applications were considered under the fast track system. This fast track system is a system under which applications are not thoroughly considered, but rather considered as quickly as possible. Thus, there is certainly a risk that asylum seekers who have their claims reviewed under this system will not have their claims properly looked at and determined, resulting in the possible return of failed asylum seekers who truly are at risk of facing persecution in their home countries. Finally, Sri Lanka was taken off this list on 8th December 2006, and now Tamil asylum seekers are able to receive an exhaustive examination of their appeals, rather than a superficial overview.

The asylum seekers make their claims either upon their arrival as port applicants, or they claim asylum at the Home Office as in-country applicants. The Home Office procedures say they are no longer accepting postal application of the asylum claim. Whoever wants to claim asylum must attend the Home Office in person, if not, they should have claimed asylum upon their arrival. The people who claim asylum as in-country applicants may be challenged more severely on credibility grounds than those that claim asylum upon arrival. Despite this risk, most asylum seekers may prefer to claim asylum as in-country applicants for various valid reasons. Most of our asylum casework has involved in-country applicants. This is due to funding restrictions by the legal services commission (LSC). Because very limited service providers are given contracts by the legal services commission to provide legal support for applicants who claim asylum upon arrival in the UK, and therefore go through fast track procedures, we are unable to provide such claimants legal support, as we are not given the permission to do so by the LSC. We are only able to take up fast track cases and follow them through if we have completed an initial five hours of work under the legal help form before the applicant has claimed asylum, which is near to impossible if the applicant claims asylum upon arrival in the UK.

There are several valid reasons why many applicants do not wish to claim asylum upon their arrival. When asylum seekers arrive at UK ports, they are unaware of the laws that regulate their rights and are often unaware that they can remain in the UK for a definite or indefinite period of time by claiming asylum. There is no legal advice provided to them at the port to make them

aware of their position. Furthermore, because they themselves do not know what rights they are allowed to claim, they simply follow the instructions of their agents once they arrive, and that usually results in them entering the UK without claiming asylum, but later obtaining advice as to what rights they have and what they can claim. It is only then that they can apply, and therefore, they end up mostly being in-house applicants. Moreover, the asylum seekers are fearful of several things. They are fearful of speaking to immigration officers because they fear that at any point, they may be deported. They have also usually come from a traumatic experience, so they are not trusting of any officials, and fear being interviewed and possibly mistreated by them. They would have no legal support if such a situation arose. To avoid such circumstances, they enter the UK before claiming asylum. Most asylum seekers are in-country applicants for these very understandable reasons, and there is no reason why their credibility ought to be questioned simply because they did not apply for asylum at the port of entry, especially since most in-country applicants make applications very soon after their entry into the UK, showing that they genuinely are just as genuine as those asylum seekers that claim asylum upon arrival in the UK.

Case Studies Concerning Asylum Claims

Case Study 20 (T139)

An unaccompanied minor child, Mr. T., claimed asylum in the UK as an in-country applicant. We aided the client in making his claim to be granted refugee status. His application was sent to the Home Office; however, the latter refused to grant him refugee status on the basis that his claim did not hold enough credibility. Consequently, he was given a discretionary grant of leave to remain in the UK until May 2007, before which point he will have to apply for variation of his leave because the country situation is not safe for him.

Case Study 21 (S365)

Miss T.S. arrived in this country and claimed asylum at the Home Office in January 2006 as an in-country applicant. After the screening interview at the Home Office, she was taken to the Oakington Reception Centre, where she was interviewed three days later about her asylum claim. As her legal representative, we represented her during her asylum interview. We further represented our client after the interview, defending her claim to refugee status. Her claim was refused one week later, and she was given in-country appeal rights and released on temporary admission. We lodged her appeal at the end of January 2005, and an Immigration Judge in the middle of February heard her case, and it was dismissed in the middle of March. The case was dismissed because the Immigration Judge did not find the claimant to hold a credible claim. However, she continues to stay in the UK with temporary admission because the situation is such in Sri Lanka that it is unsafe for her to return and there is no one to receive her safely when she returns to Colombo.

Case Study 22 (K221)

Miss K. arrived in the UK on 1 November 2006. On 3 November 2006, the Home Office issued her a warning, and she was told to go to the Home Office the next day. When she did this, she was detained at the Yarl's Wood Detention Centre. She wanted to apply for refugee status in the UK. She came to us so that we could aid her with her asylum claim. She told us that she was pregnant, and so we insisted that she be released from the Centre. Despite our requests to release her, because she was pregnant and the stress of the Detention Centre was causing her to lose weight so she was not in good health, the Home Office refused to release her, saying she was fit enough to remain there. Whilst she was in the Detention Centre, the doctors confirmed at an early stage in her pregnancy that there was seriously something wrong with the development of her foetus, and she was advised to abort the child. However, because she was unable to leave the Detention Centre, the child continued developing abnormally, and now it is too late to conduct an abortion. Aside from her health problems, Miss K. also had several problems with her asylum claim. She underwent her asylum interviews, during which we acted as her legal representatives. After having filed her application for asylum, she was refused refugee status by the Home Office because for various reasons, they did not believe that she was faced with persecution if she returned to Sri Lanka, however, much of their defence was based on outdated objec-

tive evidence that did not pertain to the reality of the situation in Sri Lanka. Her claim was certified as clearly unfounded under section 94(2) of the Nationality, Immigration, and Asylum Act 2002. She was not given any in-country appeal rights. She was released from the detention centre and given temporary admission to remain in the UK for a brief period of time. She returned to us for help. Since, in our opinion, her case was strong, we considered it unreasonable that she not be given refugee status and or any appeal rights. We requested the Home Office to thoroughly review her case and withdraw their certification of her case and allow her to exercise her appeal rights. We never received a response from the Home Office. We then informed the Home Office that we would be taking action under judicial review if they chose not to submit to our requests. We subsequently have heard from them, and they have notified us that they will review the case.

Case Study 23 (C24/2)

Mr. P.K. arrived in the UK in July 2005 and claimed at the Home Office as an in-country applicant. He was taken to Oakington Detention Centre. A few days later he was interviewed and his asylum claim was refused and certified without in-country appeal rights. He was released from Oakington Detention Centre on temporary admission after the decision. We wrote to the Home Office the certification of this asylum claim, and their error of law, and we asked them to withdraw their certification and allow the claimant in-country appeal rights. The Home Office was initially reluctant to review this matter, but when we commenced the application for judicial review, the Home Office withdrew their certification and they gave the claimant his appeal rights. We thus withdrew our application for judicial review. An Immigration Judge heard his appeal in July 2006. It was allowed on grounds of an individual's right to family, enshrined in Article Eight of the ECHR and Article Three of the ECHR, which is a person's right to be protected from degrading or inhuman treatment. After his appeal was allowed, he was granted refugee status. This demonstrates that had we not pushed for the Home Office to review this case and allow the appeal, Mr. P.K. could easily have been returned to Sri Lanka. It was our willingness to support our client despite the initial refusals that eventually allowed him to remain in the UK.

Fast Track Claims

Case Study 24 (S418)

Mr. T.S. arrived in the UK in December 2006. He claimed asylum at the Home Office as an in-country applicant under the fast track procedure. We helped him make his claim, but the Home Office refused it. Considering they had looked at his application under fast track procedures, it was clear that they had not properly reviewed his application. He was, however, given appeal rights under the Fast Track procedure. This meant that during the time of his appeal, Mr. T.S. had to remain in the Harmondsworth Detention Centre where he was being detained for the entire period that his appeal would take place. We continued to represent Mr. T.S. during his appeal. On the basis of his ECHR Article Three right, the right not to be subject to inhumane or degrading treatment, the Immigration Judge allowed his appeal. It was only once his appeal was allowed that he was finally able to leave the detention centre where he had been detained. He may now re-apply for refugee status in the UK, and since his case was decided in his favour, the likelihood is that he will obtain refugee status and therefore leave to remain in the UK.

Reasons for Refusal

The reasons for refusal given by the Home Office when they decline the applications of Tamil asylum seekers often have no relation to the circumstance in which the particular applicant finds him or herself, and thus they offer no real reasons as to why that particular applicant ought to be rejected. Often what the Home Office states, or rather lists, in its refusal letters are a list of facts of objective evidence which are there enclosed in order to demonstrate the apparently 'current' situation in Sri Lanka. However, these lists are often an arbitrary collection of facts that are often out of date, and in any case, do not support the Home Office's claim. They also fail to touch upon the situation of the particular client at hand, and only gloss over the facts, taking a superficial overview of what is taking place in Sri Lanka.

Sometimes it is clear that one part of a refusal letter has been copied and pasted into another. In a few of the refusal letters that we have received, we have received acknowledgement of the fact that, the Sri Lankan authorities "beat our client with a wooden pole on [his] head". They then stated, "[h]owever, it is understood that the Government of Sri Lanka, as well as 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 Covenant on Civil and Political Rights and by human rights organisations". We found this exact same statement in another one of the Home Office's refusal letter's, and in this case it first acknowledged that there have been "abuses of human rights by members of the security force in Sri Lanka". This demonstrates how the Home Office does not thoroughly view each case on its own merits, nor does it respond to each case noting its individual weaknesses. This general claim that Sri Lanka is willing to improve the human rights situation in Sri Lanka is also a weak one, as despite all its public efforts, on the ground in Sri Lanka, it is clear that these abuses are continuing on regular basis.

The Home Office, in arbitrarily handing out objective facts, also refers to a lot of irrelevant, outdated information that does not have to do with an asylum seeker's individual claim. On several occasions it has mentioned the ceasefire agreement between the LTTE and the Government of Sri Lanka:

"On 22nd February 2002 an agreement was made between the Sri Lankan government and the LTTE, requiring both parties to abstain from hostile acts against the civilian population, including such acts as torture, intimidation, extortion and harassment. The parties also agreed that search operations and arrests under the Prevention of Terrorism Act (PTA) should not be made". This is clearly out of date, but this statement has been made in almost every refusal letter since 2002, despite the fact that this agreement was created many years ago, and has been breached a significant number of times since then.

The Home Office also often asserts that there are numerous human rights organisations in Sri Lanka that are willing and able to protect the Sri Lankan Tamils, and that human rights awareness within Sri Lanka is growing, as people are becoming more educated in the matter. It states that "investigations into disappearances have been initiated, and the Government has undertaken to prosecute those responsible for human rights violations. Prosecution of security forces are in progress". However, those organisations that had the authority to protect Tamil Sri Lankans, and bring to justice those responsible, have mostly fallen apart, like the National Human Rights Commission in Sri Lanka. Other commissions have failed to bring Sri Lankan authorities that have breached human rights to justice. The Sri Lankan Government's own attempts to create such commissions are not regulated by an independent body, and thus there is no one to check that they are guarding the rights of Tamils. This was recognised by Amnesty International late this year:

"Unfortunately, the Government of Sri Lanka has cut too many corners in establishing its current national Commission and the accompanying International Independent Group of Eminent Persons. Amnesty International is concerned that serious shortcomings in the mandates of the Commission and the Group of Independent Persons will undermine their effectiveness" (UN Human Rights Council Third regular session, Compilation of statements by Amnesty International, 22nd December 2006).

This is why UN Human Rights officials, despite the Sri Lankan government's efforts to create commissions to monitor and bring to justice human rights breaches, have expressed concern that shortcoming in the national legal system could hamper [their] effectiveness" (UN News, "Sri Lanka: UN rights chief hails probe into extrajudicial killings but voices concerns).

Moreover, the Home Office has claimed on many occasions that although there have been several human rights violations, "no violations of Human Rights which may have been committed by members of the security forces in Sri Lanka are condoned...these actions arise from the failures of discipline and supervision rather than from any concerted policy in the part of the Sri Lankan authorities". The Home Office appears to suggest that because these breaches do not occur out of a concerted policy, Sri Lanka is still a safe place to live, regardless of the fact that the human rights breaches on the part of Sri Lankan authorities continue. Despite having admitted the continuing Human Rights breaches, the Home Of-

fice has on several accounts also stated that the applicant should have sought redress from the Sri Lankan police, knowing well that it is they who in most cases have violated human rights law. The truth of this is supported by Amnesty International's report on the Human Rights situation in Sri Lanka 2005, wherein it was stated that "[t]orture in police custody was widely reported and victims seeking redress faced threats and violence".

The Home Office also uses statements made by international organisations years ago that have no relevance to the present situation in Sri Lanka. For instance, they stated in a refusal letter given to us this year that "Human Rights organisations including Amnesty International, have acknowledged that the Government of Sri Lanka has taken these steps to restore the rule of law". Contrarily, the lack of the Sri Lankan government's efforts to change their overall system of governance has been reflected in their judiciary's inability to uphold the rule of law for the justice of its people. The Sri Lankan government, for instance, has made no changes to place a check upon its judiciary so that it upholds justice. The United Nations Human Rights Committee (UNHCR) decided in the case of Singarasa (2004) that his Human Rights had been clearly breached. However, in 2006, the Supreme Court of Sri Lanka held that

"judicial power forms part of the sovereignty of the people and could be exercised in terms of the Sri Lankan Constitution only by courts established under the Constitutions. The resulting position is that Singarasa cannot seek to enforce his rights through the UN Human Rights Committee in Geneva, which has no judicial power under the Sri Lankan Constitution" (Tamil Information Centre, Briefing Note, November 2006).

Furthermore, the Home Office often asserts that any dangers that failed asylum seekers face when they return, even if they have been previously involved with the LTTE and are not in good stead with the Sri Lankan authorities, are merely speculative in nature, and therefore do not suffice as great enough a threat to their lives. The Home Office has stated that "[h]aving considered all of the available information it is considered that it is safe to return failed asylum seekers to Colombo". However, the Home Office clearly has not viewed all the available information, and if they have, they have only given the information convenient to them any real significance, when indeed it is they who ought to be taking an objective approach. There is evidence demonstrating that not only are deportees targeted by the Sri Lankan authorities upon their return, but the Sri Lankan authorities are given information from the UK authorities about who is being sent back, allowing the authorities in Sri Lanka to prepare to take into detention more easily those they think are against them due to their previous records. In a research paper conducted by the Research Directorate, Immigration and Refugee Board of Canada, Ottawa, concerning "Sri Lanka: Treatment of Failed Asylum Seekers Returning to Sri Lanka", it was stated that "[r]eturnees, if identified to the airlines as such by immigration authorities who are removing them to Sri Lanka, have an established process awaiting them upon arrival", where "[i]f there is an outstanding warrant for arrest, the returnee may be arrested". The Research Directorate also found that "persons returning to Sri Lanka who have had previous problems with the government of Sri Lanka may be detained by the police upon their arrival...and are more likely to be arrested". This is not the only organisation that has found this to be a significant issue where refused asylum seekers are concerned, as it has been recognised by both Amnesty International and the US State Department. A lot of the asylum seekers that are sent back also have scarring from previous torture that they have experienced. This puts them even further at peril of being detained and tortured once again. As Professor Good states in his "Report on Fact-Finding Visit to Sri Lanka, 2006", "people with torture scars are likely to be targeted; this applies to returnees too, as their torturers will know that they are back in the country and could give evidence against them". It is not only the Sri Lankan authorities that look out for their past enemies. The LTTE considers anyone who has left the LTTE to be a past enemy as well, an as is stated in the UNHCR Refugee Agency has stated in their "Position on the International Protection Needs of Asylum-Seekers from Sri Lanka", "the LTTE has proven capacity to track down its targets anywhere and there is a lack of assured protection by the authorities". The ability and want of the LTTE to detain those who they think have deceived them is far more significant than the Home Office wishes to accept, however, it is recognised by the UNHCR. Thus failed Tamil asylum seekers face

threats from more than one avenue upon their return.

The situation in Sri Lanka has worsened over the past couple of years, making the situation for people already within Sri Lanka and for those returned to Sri Lanka far more dangerous. The introduction of the Emergency Regulations, which were put in place after the situation became volatile at the beginning of 2005, has had a significant impact on the safety and rights of individuals. As Professor Good states in his report, "[t]he current ERs [emergency regulations] give the security forces and the police wide powers to detain persons incommunicado and without charge for long periods of time", and according to Home for Human Rights, this provides a "ready context for deaths in custody, disappearances, and extra judicial executions". Although the Home Office often mentions the return of the Emergency Regulations, it fails to recognise just how significant a difference it makes in terms of how much more easily Human Rights breaches can occur under these regulations.

The Home Office wants to downplay the volatile political situation, as well as the amount of racism still present in Sri Lanka. It has often stated that
"[i]t is understood that there are no legal barriers to Tamils participating in political and economic affairs and all Sri Lankan citizens over the age of 28 years are entitled to vote regardless of their ethnic origin. It is also understood that a Tamil ethnic background is not a bar to advancement in Sri Lankan society as many Tamils hold positions as MP's, senior officials and professionals".
The Home Office fails to recognise that the lack of legal or political barriers imposed against Tamils in no way prevents them from being targeted in society. As the UNHCR has stated in its report, where there are large Tamil communities, Tamils are "at heightened risk of security checks, arbitrary personal and house to house searches, harassment, restrictions on freedom of movement, and other forms of abuse since the imposition of new security regulations". It also states that Tamils are especially vulnerable to abductions, disappearances, and killings". Thus, they continue to be targeted, regardless of whether Tamil people have the right to vote or there are a few Tamil people who have managed to obtain political standing. For the most part, those who do have political standing still do not have enough power or authority behind them to change the ways of the Sri Lankan authorities or the LTTE because if they did, the atrocities taking place would not continue to occur. It is for this very reason that the UNHRC have instructed countries to "favourably consider" asylum claims when they have been made by Tamils, stating that they "should be recognised as refugees based on the criteria under the 1951 Convention unless the individual comes within the exclusion criteria of the 1951 Convention". Thus the UNHRC encourages States who are signatories to this convention and to whom the refugees flee to take Tamils in and consider them not even in objective light, but a favourable one.

This is because ultimately the situation in Sri Lanka is a very unstable one, especially since violence again erupted in 2005. Since then, Sri Lanka has been unpredictable and unsafe, and Human Rights breaches continue day in and day out. This was confirmed by the fact that at the end of 2006, Sri Lanka was removed from the list of white countries by the UK government. This at least enables rejected asylum seekers to exercise their appeal rights, as it affirms that Sri Lanka is no longer safe or stable. Once again, the report by the UNHRC is a clear demonstration that currently safety and stability is far beyond Sri Lanka's reach:
"[t]here are indications that all side are drawing civilians into the conflict and not respecting individual's right to seek safety or remain in displacement for as long as they deem it necessary for their own security. The Government has coerced displaced communities into going back to their homes before they were ready to do so...the LTTE has prevented communities from fleeing areas where their lives might be in danger from military attack...There is evidence of increasing communal violence, and human rights violations affecting many communities including mob attacks and the burning of villages...All sides have provoked fear among local communities... Provocations have included threats, extra-judicial killings or dumping of bodies in public places...".
The list goes on, but even though this list is not exhaustive, it makes clear that the situation in Sri Lanka is a meagre, insecure state of affairs, to which people ought not be driven back, unless they are given real reasons concerning their individual circumstances as to why they are being sent back. Instead what the Home Office of-

fers for the most part is a superficial glossary of out-dated facts that do not pertain to the truth of what is taking place in the circumstance of the individual applicant and on the ground in Sri Lanka. This is, for the most part, all that the Home Office ever provides; leaving many genuine asylum seekers rejected and sent back to face the perilous situation of their home country in fear of persecution.

DETENTION AND REMOVAL

Detention and removal cases have been our main focus throughout this year. The increasing power that has been given to the UK immigration authorities through the introduction of new legislation has led to many asylum seekers being kept in detention without sufficient justification. Challenging the removal had become a very difficult and complicated process. During the year, six of our clients were deported, but seventeen of them were not removed from the UK and were released from detention. In some cases, while the application of an asylum seeker is outstanding, the immigration authorities continue to remove those who have outstanding applications from the country, without their being able to see any legal representatives or knowing whether their application was justifiably rejected. When the asylum seekers are arrested, the Home Office is not bothered to inform the legal representative of the asylum seeker that he/she is being held in detention, nor do they provide any reasons to justify his/her detention. When an asylum seeker's legal representatives want to challenge the Home Office's decision to deport him/her, enough time normally is not given to the legal representative to make a judicial review application or to take an injunction against his/her removal because the Home Office has most likely refused the asylum seeker's fresh/human rights application while it is still outstanding. Further still, in some cases, removal takes place during the out of office hours of the legal representatives, thus disallowing the asylum seeker to get any legal advice whilst they are being removed. All these actions facilitate the immigration enforcement authorities to carry out deportations without having to justify themselves to the legal representatives of the asylum seeker in question. In the past members of Parliament were able to intervene by representing the deportees, however, presently, it is not within their power to intervene, and even if it is, it no longer has the effect that it used to. Some asylum seekers are held in detention for over a six-month period. Furthermore, if an immigration officer merely suspects, but has no evidence, that the asylum seeker has committed an indictable offence, the immigration officer may arrest the asylum seeker without warrant.

Cases Concerning Detention and Removal

Case Study 25 (R83)

Mr. R arrived in the UK in January 2002. He made an application to the Home Office for asylum, and was interviewed about his application in February. The Home Office subsequently refused his application in March, and in late March, the Home Office gave instructions for his removal. We lodged an appeal for Mr. R., but his appeal was dismissed. Immigration authorities then detained him. We attempted to bail him out using medical evidence that he ought not be detained due to the previous torture that he had suffered. He was then released on bail. A few months later, however, the immigration authorities again detained him. We again tried to get him released on bail, however we were unsuccessful. Whilst the Home Office was making arrangements to have him removed from the UK, we got our documents together and managed to lodge a judicial review claim just before he was removed. Upon his judicial review application being considered, he was released on bail. His judicial review application is still in the process of being considered.

Case study 26

Mr. W.R. arrived in UK in June 2006 and claimed asylum as an in-country applicant. After the screening interview, he was transferred to Harmondsworth detention centre and his claim was considered under the fast tract procedure. He was interviewed and three days later the home office refused his asylum. Our client exercised his appeal right and his case was heard on 1st week of July 2006. The immigration judge dismissed his appeal on the grounds that his case had no credibility. He subsequently received new evidence, which confirmed that he was a wanted person by the Sri Lankan security forces. Based

in this new evidence, we made a fresh application and immigration continued to detain him in a detention centre. His new claim was also refused in September 2006 and we took an action of judicial review to the high court. Despite this application, the Immigration Authorities refused to realise him on temporary admission. He was left no choice but to lodge a bail application and with the help of two of his distant relatives residing in the UK the case was finally heard by the immigration judge on October 2006 and he was realised on bail conditions. One month latter he was given temporary admission while his JR application was under consideration by the administrative court.

Case study 27

Mr LS arrived in UK on April 1999 and claimed asylum at the port of the entry. He was interviewed on November 1999. Mr LS approached us for legal support on his claim; we represented him thereafter. His claim to asylum was refused in January 2000. In July 2000, his appeal was dismissed since he had been allowed to stay in the UK in temporary admission, as his removal was not possible. In December 2006, he was arrested by the police in a routine roadside checkup. He was then consequently asked to attend the Home Office the next day. He was then detained in Harmondsworth detention centre and issued with a removal order. As he had an existing appeal, we argued that this would be a breach of his human rights. Consequently, The Home Offices suspended the removal order but continued to detain him in the detention centre. Finally, we made and application for bail to the immigration judge. The day before the bail hearing he was realised with on temporary admission with a weekly reporting condition. One week later, when he was attending on his routine reporting condition then he was electronically tract until his human rights claim was fully considered

Case Study 28 (KP 131)

Mr. K. arrived in the United Kingdom in February 2002. He applied for asylum to the Home Office, who subsequently refused his application. He was then detained. He decided to lodge an appeal. He was detained from the period of his first refusal until the appeal. His appeal was heard in 2003, but unfortunately, it was unsuccessful. Then in 2004, Mr. K. made a fresh claim for asylum, in which we acted as his legal representatives. During the entire period, Mr. K. was held in detention. He was held in detention until 2005. In 2005, he was given temporary admission to stay in the UK until 2006. In the beginning of September this year, he was again detained, as his temporary admission to stay had come to an end. The Home Office subsequently sent us a letter stating that since Mr. K. no longer had any grounds to stay here, he would soon be detained. We managed to defer his removal for a brief period of time, but eventually, the Home Office deported him in the middle of September. Their reasons for deporting him were based on the decisions of his previous hearings, which suggested that he would be capable of living in Sri Lanka. The Home Office failed to take the current situation into account, which is worse from that when his hearings took place.

Human Rights Claims / Fresh Applications

Any individuals who are facing deportation can raise their human rights issues at any point before their removal if they believe their human rights will be breached once they return to their home countries, particularly if their removal is in breach of Articles three or eight of the European Convention on Human Rights (ECHR). As Rule 353 of the HC 395 states,
"when a human rights or asylum claim has been refused in any appeal relating to that claim is no longer pending, the decision maker will consider any further submissions and if rejected will then determine whether they amount to a fresh claim".
The submission will only amount to a fresh claim if they are significantly different from the material which has been previously been considered. This will be found where the content either
1) Had not already been considered, or
2) Taken together with the previously considered material, had created a realistic prospect of success, notwithstanding its rejection.
The courts take a standard civil approach to newly submitted material. This requires, as stated in Ladd v Marshall, that the material only be admitted where it could not, with reasonable diligence, have been put before the Judge in the earlier appeal. Deviation from this strict rule will only be accepted in exceptional circumstances

as stated in E&R v. Secretary of State for the Home Department (SSHD).

The WM & AR case establishes that it is incumbent upon the SSHD to consider the new material with the old and make two judgments:
1) Is the new material significantly different from that previously submitted?
2) If the material is significantly different the SSHD should consider whether it creates a realistic prospect of success in any further claim.
The second judgment involves judging both the reliability of the new material and the outcome of any tribunal proceedings based on that material. The SSHD can, however, bear in mind an adverse credibility finding made by a previous tribunal.

The effect of the immigration rule is to entitle failed asylum seekers to make a fresh claim or human rights claim based upon evidence of changes in the Sri Lankan human rights situation which put their lives in danger on their return. If, at the time of the previous decision, a particular asylum seeker is unable to prove reasonable likelihood of future persecution then the individual will receives a negative decision and faces a removal order. However, if a person can obtain new evidence or the country's human rights situation changes dramatically then the individual may submit a fresh claim to seek protection.

Case study 29

Mr P. arrived in this country and claimed asylum in 1999 at the Home Office as an in-country applicant. The Home Office refused his asylum claim and his appeal was heard on February 2002. The adjudicator rejected his claim, stating, "I do not accept that the appellant is of any interest to the Sri Lankan authorities" and dismissed evidence regarding his psychological condition taking the view that it was not of a severity such as to bring him within the purview of Article 3. His case was thus dismissed. Subsequently he lost contact with his previous representative and he was referred by the social worker to us and he approached us in the beginning of this year. We decided to take this matter and make further representation in July 2006. We submitted a fresh claim based upon the client's medical circumstances and the exacerbation of his psychological condition. We submitted the claim on the premise that his condition reached a level of severity which was capable of invoking protection under Article 3 which is defined, under the authority of Pretty v UK, as including "suffering which flows from naturally occurring illness, physical or mental...where it is, or risks being, exacerbated by treatment, whether flowing from the conditions of detention, expulsion or other measures, for which the authorities can be held responsible". There was an abundance of material documenting his severe psychological ill health and behaviour symptomatic of suicidal tendencies, which meant that he was able to qualify under the Pretty definition. This created circumstances under which the client could fulfil the two requirements for making a fresh claim. The exacerbation and increased severity of his mental health formed the basis for a fresh claim as per the WM & AR and Ladd v Marshall case law requiring a new circumstances to have arisen which would give the claim the possibility of success before a tribunal. Reports from the Social Services, Tulip Newham Community Services and the Newham NHS Mental Health Unit were sent to assist the claim.

The claim was rejected in January 2007 on the basis that the client's mental health had been considered in the initial application and that the grounds under which our fresh claim was brought were not significantly different to meet the threshold established in the Immigration Rules and that the provision of medical care in Sri Lanka was sufficient enough to negate a charge that the UK would be acting in breach of Article 3 by removing him from the country.

Case study 30 (SK 269)

The client arrived in June 2006 and claimed asylum. The Home Office refused his claim in July 2006. He first sought protection under the Refugee Convention as a basis for his asylum claim. He contended that he was in fear both of the Sri Lankan authorities for reasons of his previous involvement with the LTTE and his connection to the TELO who had been involved in some killings, and of the threat to his life posed by the LTTE itself as an 'informer' participating with the rival organisation, TELO. He thus claimed he was unable to seek refuge from the authorities in respect of the threat of persecution from the LTTE and consequently faced the additional threat of persecution from the authorities.

The tribunal used the standard of proof set down in Sivakumaran and Kaja: reasonable degree or serious possibility of being persecuted for a convention reason on return to his country, bearing in mind the circumstances prevailing in the country of origin.

Although the tribunal accepted that there was a general threat of persecution, the tribunal declined his claim due to the level of the threat, which the client faced, based on the accuracy of the factual circumstances presented in his account. They concluded that the low level of his activity with TELO meant that he did not face a significant threat from the LTTE and this, in conjunction with the improving situation in Sri Lanka, freed him from direct threat of persecution and he thus also lost the protection afforded by Articles 2 and 3 under the European Convention on Human Rights.

Since this decision the client is allowed to stay in the UK with temporary admission until his removal is executed. In April 2004 the country situation significantly changed and we made further representation whilst his claim was under consideration by the Home Office. Our client received further evidence in support of his claim which was presented in our representation in July 2006.

The client has since received news that his daughter was hospitalised having been seriously injured following a violent encounter between the Sri Lankan authorities and rebel forces. He has also suffered damage to his property. The LTTE have also increased contact with the client's family and appear to be monitoring their activity. Consequently his family are in grave danger and face intimidation and further physical attacks by the LTTE. The client is also suffering from a great deal of anguish in relation to these threats and is receiving medical treatment for psychological problems. Based upon these new facts we thus submitted a fresh claim based upon the principles in Ladds v Marshall alongside evidence from the authorities in respect of damage to property; written evidence of Mrs Santhiran's official complaints; medical documentation in respect of the client's ill-health, and newspaper reports attesting the violent clashes. We hope that this will demonstrate that there is a threat to his life and threat of persecution sufficient to engage Articles 2 and 3 under the ECHR and which will place the client under the Refugee Convention's protection.

Case Study 31 (PT P68)

Mr T. arrived in the country in October 2000 and claimed asylum which was refused in March 2001 based upon the tribunal's finding that round-ups by the security forces did not amount to persecution under the Refugee Convention; that there had been an overall improvement in human rights in the country; and that our client's activities had been too minimal to place him in particular danger. In December 2001, following a failed appeal in June of the same year, we made a representation for a fresh claim which challenged the erroneous interpretation of the objective situation in Sri Lanka and the worsening of the situation in the country. Upon the basis that a fresh claim can be based simply upon a change in situation and/or background evidence we argued that the situation in Sri Lanka and our client's personal activities left him in great danger. We had a body of evidence and information which highlighted the highly dangerous situation in the country, drawing attention to the widespread torture inflicted by the police, civilian deaths as a result of retaliatory strikes between the police and rebel forces, and the expansion of both the areas and range of people being systematically killed by the LTTE. We also highlighted the particular vulnerability of our client due to the nature of his activities within the LTTE. Based on this new submission we hope that the case, currently pending a decision, will be shown to fall under Paragraph 353 of the HC 395 and Mr T's asylum claim reviewed in his favour.

Judicial Review

Lodging an appeal against a negative decision

There will be no out of country right to appeal on asylum grounds for 'Third Countries' under the Dublin convention, or those countries in which is it deemed safe to live. Section 84(1)(g) will provide an alternative, human rights, ground to appeal in country (in-country right of appeal).

Under s.115 of the Nationality, Immigration and Asylum Act 2002 there is a presumption that applications from listed countries are unfounded in the absence of evidence to rebut the presump-

tion. Consequently there will not be an in-country asylum or ECHR appeal available; the only challenge being a judicial review hearing. According to ZL and VL v SSHD and LCD, the following considerations must be made when making a decision that a case is unfounded:

1. the factual substance and detail of the claim;
2. how it stands with the known background data;
3. whether in the round it is capable of belief;
4. whether some part of it is capable of belief;
5. whether, if eventually believed in the whole or in part it is capable of coming with the convention.

If this does not apply, in-country right of appeal against removal, decision to make or refusal to revoke deportation order or refusal to vary in an in-time application under s82(1) of the Act. An exception to this is where the asylum seeker has been granted 1 year or less discretionary leave to remain outside the rules/exceptional leave when they are excluded from appealing under s83. The time limit for appealing varies according to the type of case, but does not exceed 10 days.

The Seven-Year Rule for Under Eighteen's

When an individual is to be deported as he/she has no grounds to remain in the UK, but he/she has a child who is under the age of eighteen, the Home Office takes into account the individual case at hand, but there are certain factors that are inevitably considered by the Home Office in such a situation. The Home Office has created a "seven-year" policy in which if the child in question was born in the UK has lived in the UK for seven years or more, or the child has lived in the UK for seven years or more since his/her arrival in the UK, then the Home Office generally will not follow through with enforcement proceedings to remove his/her parent (the individual who no longer has grounds to remain in the UK). There are, however, circumstances in which the Home Office will follow through with enforcement proceedings of an individual in order to remove him/her, despite his/her child having lived in the UK for over seven years. This will be dependent on the immigration history of the individual in question, for instance, if the individual has a poor immigration history and has deliberately seriously delayed consideration of his/her case, then he/she may be deported regardless. There are other factors that are taken into account, which include:

- the age of the child or children,
- whether the child was or children were conceived whilst the parents has leave to remain or not,
- whether the return of the family would cause serious hardships for the child or children, and place him/her/them in serious danger upon his/her/their return, and
- whether the parents have a criminal record or criminal history.

All these factors are considered, as well as the individual merits of the case, when determining whether an individual with children should indeed be deported from the UK.

Case Study 32 (P92)

Mrs. P. arrived in the UK in May 1993 with her child. Mrs. P. applied for asylum in the UK upon her arrival. Her application was subsequently refused in 1994. She thus decided to appeal against this decision. For the time that she was lodging her appeal, she was given temporary admission to remain in the UK. As a result of her appeal, she was given leave to remain in the UK for a discretionary period of time. This discretionary period came to an end and the Home Office subsequently wanted to deport her. However, since her son had been staying in the UK for over seven years, he fell under the seven-year rule for under eighteen's. Consequently, both she and her son have not been deported.

The Ten-Year Rule

An individual residing in the UK, but who does not have indefinite leave to remain in the UK may apply for indefinite leave to remain in the UK on grounds of long residency if he/she has been living in the UK for a total of ten years. For these ten years, it is required that his/her residency is lawful and continuous. This is stated in §276B of the Immigration Rules. There are certain factors that are taken into account as well as simply the length of the individual's residence, and these are:

- the age of the individual,
- his/her strength of connection to the UK,
- his/her personal history, such as his/her character, conduct, associations and employment record,

- his/her domestic circumstances,
- whether he/she has a previous criminal record, and if he/she has one, what nature that record holds (for instance, whether the individual has been convicted),
- his/her compassionate grounds, and
- any representations received on his/her behalf.

Again, each case is to be assessed based upon its own individual merits, but all the factors listed above are always taken into consideration, and it is upon these elements as a whole that the decision to grant an individual indefinite leave to remain or not is based.

Case Study 33 (S93)

Mr. S. arrived in the UK in February 1997, and upon his arrival, he claimed asylum in the UK. The Home Office rejected his claim. In 2000, Mr. S. decided to lodge an appeal against the decision of the Home Office to refuse him refugee status. Unfortunately, the court dismissed his appeal. Then in 2001, he made a fresh application for asylum on the basis that the situation in Sri Lanka was sufficiently different, and thus sufficiently dangerous such that he ought not be forced to return. During the time that his fresh application was being considered, he was given temporary admission to remain in the UK. The period during which his fresh application was being considered has carried on through to now, and he has been granted temporary admission to remain each year since he has made his application. In 2007, he will have remained in the UK for ten years, and consequently, he will be able to lodge an application for indefinite leave to remain on the basis of his long residency of ten years in the UK.

The Fourteen-Year Rule

For an individual who has been residing in the UK illegally, or resided in the UK illegally before obtaining the right to legally remain in the UK, then he/she can only apply for indefinite leave to remain in the UK on grounds of long residency if he/she has lived in the UK for a total of fourteen years. These fourteen years exclude any time that the individual spent in detention upon arriving in the UK. There are also certain factors taken into account when considering the individual's application, which are the same as those listed above.

As with all the policies, each individual case will be determined with regard to its own merits, alongside all the basic factors that are always taken into account.

Case Study 34 (A42)

Mr. A. arrived in the UK in June 1992. He claimed asylum upon her arrival. In 1995, after Mr. A. had undergone several interviews and procedures concerning his asylum claim, the Home Office refused his claim, issuing a refusal letter in February 1995. In 1996, he appealed against the decision of this refusal. This appeal was refused. He appealed again against the decision of the immigration judge. The determination of this appeal was given in early 1997, and it was a dismissal of his appeal. He lodged a fresh application for asylum again in 1997, and whilst his application was under review, he obtained temporary admission to stay in the UK. There was no progress on his application for a very long period of time. As a result, Mr. A. kept having his temporary admission to remain in the UK renewed. During this lengthy wait, the firm of solicitors that were legally representing Mr. A. shut down. This occurred in 2005, and thus his papers were transferred over to us. The following year, Mr. A. then came to us to apply for indefinite leave to remain in the UK based on the fact that he has now been living in the UK for fourteen years (albeit unlawfully), and thus he had a long residency basis through which to validly apply. During the period that his application was being considered, he was granted temporary admission again. Ultimately, the result of his application came through successfully, and he was granted indefinite leave to remain in the UK.

Indefinite Leave to Remain for Family (Amnesty)

On 24 October 2003, the Home Secretary announced that families who had applied for asylum before 2 October 2000, and had at least one child under eighteen years on 24 October 2003 were eligible to apply for indefinite leave to remain under the amnesty. The Home Office allows for those who either have an

- an asylum claim still awaiting an initial decision from the Home Office, or
- an asylum application that has been refused by the Home Office, but will be heard in a court of appeal, or
- an asylum application that has been refused and there is no further avenue of appeal, but the applicant has not been removed.

Other considerations to take into account include are that families that include a main applicant whose asylum claim was refused and who has no further avenue of appeal will be considered under this amnesty. It must also be noted that those families who have previously been removed or have voluntarily left the UK after their initial asylum application has been refused shall not be considered under this amnesty. There are also certain requirements each family must meet in consideration of their dependants. If the dependants are children, then must, according to the amnesty, have been less than eighteen years of age when the family applied for asylum. If they are not children, they would have to have been both financially and emotionally dependent upon the family. The Home Office will consider, when regarding an application, whether the dependant was related to the main applicant of the family at the time of the application, and whether he/she formed a main part of the family unit in the UK on 2 October 2000 or on 24 October 2004. The family and dependants must also provide full evidence of the dependency in order to fully demonstrate the relationship that they have. The elements considered in this regard will be whether

- The dependant is listed on the asylum case file before October 2003,
- The dependant, if born in the UK, has a UK birth certificate but is not listed, therefore, on the initial asylum claim file,
- There is evidence demonstrating the relationship of dependency, for instance in the documents that show financial dependency and a history between the dependants and the main applicants demonstrating emotional dependency.

These are the main requirements that are taken into account when looking at family indefinite leave to remain cases. These cases, are however, also considered on their individual merits.

Cases Concerning Family Indefinite Leave to Remain (ILR) Amnesty

Case Study 35 (M100)

Mr. M. arrived in the UK in 1994 without his family. He got permission to remain in the UK temporarily. His family subsequently joined him in the UK. In 2005, he then applied for indefinite leave to remain of his family under the amnesty set out by the Home Office. We aided him in his claim. He had to provide documentation of the fact that those who were claiming to be his family were indeed that, and emotional attachment had to be demonstrated via photographs, marriage certificates, birth certificates, etc. Since it was clear that the dependant for whom he was applying were clearly a part of his family, his claim for indefinite leave to remain, for himself and his family, was granted.

Case Study 36 (S242)

Mrs. M.S. arrived in the UK in June 2001. She made a claim for asylum upon her arrival in the UK; however, she was not granted refugee status. Rather, she was given exceptional leave to remain (ELR). She then gave birth to her daughter, Miss C.S., during her time in the UK in December 2003. She attempted to apply for indefinite leave to remain as a family, but her application was refused on the basis that her child did not fall under the amnesty, as she was not born prior to 24 October 2003. She thus had to go on to make another application, requesting an extension of her leave.

GENERAL ADVICE AND CASEWORK

Since the beginning of this organisation, general advice and casework has been the key project undertake by us, as it provides information and general advice that mainly affects the migrant Tamil community in the UK. For the past three years, this project has been mainly funded by the City Parochial Foundation, however in the beginning of this year, the three-year funding programme came to an end, and we are currently serving this area of work with our existing resources given to us by the London Council Funding and the Comic Relief Funding. Currently, we are actively seeking further funding for the continuation of this project. The initial advisory workers, the latter of whom assist their needs, see around thirty to forty people per day. Some

matters can be solved then and there. If the issue at hand is more complex, and will therefore take more time, our casework unit will handle such a case in order to resolve the problem. If it is viable for us to resolve the problem, then the initial advisor will signpost the individual to other service providers who could help him/her. However, it is difficult to find alternative service providers for our users for several reasons, which may result in us having to provide services to them beyond our available resources. While our members of the community are settling in this country, they will face other practical problems, rather than immigration matters. Equally, they are lacking knowledge of their entitlements and rights, and the abilities they have legally to have such rights represented within the UK. This mainly includes tackling problems concerning their accommodation, welfare benefit entitlements, employment or career related issues, financial and consumer related issues, healthcare matters, and family and social issues.

WELFARE BENEFITS

Our reports show 28 percentage of our users approach our services in order to seek help and assistance on benefit related issues. As a migrant community, our users lack knowledge about the benefits system and their entitlements. Furthermore, the complicated calculation system hinders them from understanding their appropriate entitlements. Most of our users approach us in order to obtain support and advice on matters such as: Jobseekers Allowance or Income Support; Family Tax Credits; and Disability Benefits. Other benefit related matters for which advice is sought are: Pension Credits; Council Tax Benefits and Housing Benefits; Sickness Benefits; Maternity Benefits; and Social Fund. As well as advice on benefit entitlements, our users seek our assistance with completing relevant forms and negotiating with benefit agencies to solve various problems. We also provide representation on behalf of our users to benefit agencies or other relevant bodies, challenge agency decisions and represent our users in front of Benefit Tribunals.

Jobseekers Allowance

Jobseeker's Allowance has two parts: contribution-based and income-based.

Contribution-based Jobseeker's Allowance

Contribution-based Jobseeker's Allowance is taxable, overlaps with other benefits, and has no dependant additions. It is not means-tested but it does count as income for other means-tested benefits.
Payable at:
Under 18 £35.50 a week
18-24£45.50 a week
25 or over £57.45 a week

To get Jobseeker's Allowance you have to sign on as available for work and you must show you are actively seeking and capable of work. You will be required to sign a Jobseeker's Agreement setting out your job search activities as a condition of getting benefit.

Couples without children, where one or both were born after 28/10/57 will both have to satisfy the qualifying conditions in order to be paid benefit.

You are required to be immediately available for work and will normally be expected to be available for 40 hours work a week. However, if you are a carer or your capacity to work is limited by ill-health or disability, you can be available for fewer than 40 hours a week.

You could lose benefit for the following periods if:

- you leave work voluntarily or through misconduct (up to 26 weeks); or
- you fail to apply for a job or neglect a work option (up to 26 weeks); or
- you fail to take part or lose your place on a Gateway to Work course (2 weeks); or
- you are directed to undertake a job search activity, (e.g. contact employers to ask if there are vacancies) and you fail to do it (2 or 4 weeks)

Jobseekers Allowance should be claimed from the Jobcentre.

Case Study 37

Mrs R was an asylum seeker in the UK for 10 years until 2005 at which date the Home Office granted her indefinite leave to remain in the UK.

Mrs R applied for JSA in July 2005. However, the application for Jobseekers Allowance was refused on the ground that she could not provide a National Insurance Number for her husband. Mrs R appealed on the grounds that the decision is wrong because she was claiming for herself and not her partner who as an asylum seeker has no entitlement to Social Security Benefit. Her partner is unable to live with her and has not done so for 3 years. The Appeals Tribunal held that the decision should be revised. At the date of the claim Mrs R was not living with her husband and has not done so for a number of years. She was claiming Jobseeker's Allowance on her own behalf and not on behalf of her husband. Therefore, it was not necessary for her to provide his details in her claim. The Tribunal held that she was entitled to Jobseeker's Allowance from the date of her first claim and that payments should be backdated to this date.

Case Study 38

Mr P was a UK citizen and had worked for 15 years in the UK. He was made redundant by his employers and consequently approached the Job Centre to make a claim for Jobseeker's Allowance. His application was denied on the grounds that he had not been contributing Class 1 National Insurance contributions. Mr P appealed the decision on the grounds that this was not the case and that the denial of a Jobseeker Allowance may cause himself and his family to become destitute. As he did not have any other financial support to feed his family, this decision could breach his Article 3 and 8 rights under the European Convention on Human Rights. Upon the production of proof of previous employment and certificates of pay, the decision was reversed.

We deal with an average of 2.5 cases per week concerning Jobseeker's Allowance. As well as dealing with these cases, we give advice and assistance by completing forms and other related support to around 10 to 12 people per week.

Means-tested Benefits

Means tested benefits are affected by the amount of income or other resources (e.g. savings) you have made. They may be paid if you have no other money coming in or to top up the money you have.

The main means-tested benefits are:
Income support
Income support tops up income for certain groups aged under 60 (e.g. incapable of work, lone parents) who are not working or work less than 16 hours a week.

Income based Jobseeker's Allowance
Income-based Jobseeker's Allowance tops up income for those not working or working under 16 hours a week but who are not eligible for Income support and so have to be available for and seeking work.

Pension Credit
Pension Credit has two parts - guarantee credit which ensures a minimum income for those aged 60 and over, and savings credit which provides extra income for those aged 65 and over who have modest savings or additional income.

Income Support
You have to be in one of the groups of people who can qualify for Income Support. The following rules must be met:

- You must be at least 16 years old and under 60 years old
- You must have less than £16,000 in capital (savings)
- You must not be working on average 16 hours or more a week, nor must your partner (if you have one) be working on average 24 hours or more a week.
- Exceptions to this rule whereby you can claim income support if:
- You are disabled and your earnings are 74% or less or your hours are 75% or less than those you could do if you were not disabled; or
- The work is as a childminder at home; or
- The work is on a Government training scheme; or
- You live in a residential care home or nursing home; or
- You are a carer for someone; or
- The work is a fire fighter, coastguard, life boat crew or in the territorial forces; or
- The work is a foster carer receiving a fostering allowance; or
- You are performing duties as a local authority councillor
- You cannot get Income support whilst in full education, but there are exceptions if:
- You are responsible for a child living with you; or
- You qualify for the disability or sever dis-

ability premium or have been incapable of work for 28 weeks or more; or

- You are a single parent or single foster parent; or
- You are a person accepted as a refugee learning English for up to 9 months in your first year in GB; or
- You are a person from abroad whose funds have been temporarily disrupted; or
- In the summer vacation only, you are on of a couple and you are both students and one of your is in a qualifying group and you have a dependent child.
- As well as meeting rules 1-4 (above), you must also be in one of the groups below:
- You are responsible for a child
- You are incapable of work due to sickness or disability
- You are caring for someone
- You have been accepted as a refugee and have started an English course in your first year in GB
- You are a person from abroad with limited leave to be in the UK and your funds from abroad are temporarily disrupted, or you are a sponsored immigrant but your sponsor has died.

If you are not in the list above you may still be entitled to income-based Jobseeker's Allowance.

Under the means tested benefits category, the majority of our cases relate to claims for Pension Credit and Income Support. Most of our clients do not pay enough NI contribution, and even if they are looking for a job, they are able to claim Income Support. Similarly, the majority of our clients have not worked in the UK for a long period of time or they have not made sufficient NI contributions. Nevertheless, if they are over the specified age limit they are still entitled to claim Pension Credit.

Case Study 39

Mrs S received a letter from the Job Centre claiming her circumstances had changed and declaring that she was therefore no longer entitled to Income Support. Mrs S argued against the decision, holding that her circumstances had not changed and that she was still eligible for Income Support. She requested a full explanation of the decision in order to lodge an appeal. The Job Centre did not provide a full explanation and reinstated her Income Support payments.

Case Study 40

Mrs K challenged the decision of the Job Centre to discontinue her Income Support based upon her immigration status as her visa required to be renewed. Mrs K had applied to remain in the UK, but the Home Office had not yet made a decision. Under UK law, a person is still entitled to receive welfare until the decision of the Home Office is made final. Mrs K challenged the decision on these grounds and her Income Support was reinstated.

Income-based Jobseeker's Allowance

Conditions for getting income-based jobseeker's allowance

- You must be at least 18 years old and must be below pension age.
- You must have less than £16,000 in capital or savings
- You must not be working on average 16 hours or more a week nor must your partner, if you have one, be working on average 24 hours or more a week.
- You must not study full-time at any level
- You must be actively seeking work

The weekly income-based Jobseeker's Allowance is the amount the law says a person needs to live on each week, less the amount you are treated as having in weekly income.

A significant number of Tamil speaking European nationals living in the UK and working part-time in low-income jobs receive income-based Jobseeker's Allowance.

Income Support and Income-based Job Seekers Allowance (mixed households)

Since 6 April 2004 new claimants of income support and Jobseeker's Allowance cannot claim amounts for their children and instead can claim child tax credit if they are entitled.

Whether or not they can claim for their partner and/or any child will depend on whether the claimant is entitled to normal or urgent cases payments of benefit, and whether the partner is defined as a person subject to immigration control.

- If the claimant is a person subject to immi-

gration control and not entitled to urgent cases payments they cannot claim for any partner and/or any child regardless of the child or partner's status.

- If the claimant is a person subject to immigration control and is entitled to urgent cases payments they can claim for any partner and/or any child (and will get full personal allowance for each child).
- If the claimant is entitled to normal payments they can only claim for a partner and/or children who are not subject to control.
- If both the claimant and their partner are entitled to normal payments they can then claim for any child.
- If the lone parent is entitled to normal payments s/he can claim for any child.

If the partner is a person subject to immigration control and therefore no benefit can be paid in respect of them, any income and capital they have will be taken into account, and their presence will mean the claimant cannot claim as a single parent.

However, if the settled person is an EEA national who is exercising rights under EC law as a worker, then they confer rights of residence on the partner and the ordinary rate of income support is paid at the couple rate.

Pension Credit

Pension Credit consists of two parts:

- Guarantee credit ensures that no one aged 60 or over lives on less than a set amount. This is £114.05 for a single person and £174.05 for a couple. Extra amounts will be paid on top of this if you qualify for the severe disability additional amount; you are a carer or have relevant housing costs. If your income is less you will be topped up to these amounts.
- Savings credit is payable for those aged 65 or over to provide extra 'reward' income for having modest savings and additional income. The maximum amount of savings credit you can get is £17.88 for a single person or £23.58 for a couple.

Case study 41 R72

Mr R arrived in the UK in 2001. While his stay in UK his health condition deteriorated and he applied to extend of his stay as dependent of his son. His application was initially refused, as was his appeal. Nevertheless, he remained in UK as an old age person with a poor health condition, claiming that he was unable to return his native country. In April 2005 he made the application to stay in this country as a dependent with his EU national son in conformity with European community law treaty rights. This application was accepted and Mr. R was granted leave to remain in UK. He then subsequently made the pension credit application. After the long process with our assistance he was successful in obtaining his pension credit entitlement.

Incapacity Benefit

Incapacity Benefit is for people unable to work because of illness or disability. Usually you must have paid enough National Insurance contributions to qualify.

Incapacity Benefit is taxable. It counts in full as income for means-tested benefits. It is an 'overlapping benefit' which means that you cannot receive two of them at any one time.

Incapacity benefit consists of three different levels: Short term (payable for the first 28 weeks); short term higher rate (payable from 29-52 weeks); and long term (payable from 53 weeks onwards or from 29 weeks if you are terminally ill).

Incapacity Benefit will be reduced if you have a personal or occupational pension or personal health insurance over £85 a week.

Case Study 42

Mrs P was suffering from epilepsy, arthritis and depression. As a result of her illness, she was unable to work. She applied for Incapacity Benefit. After providing the requisite documents such as a completed incapacity to work questionnaire and appropriate doctors notes, she was granted Income Support in the form of Incapacity Benefit.

Case Study 43

Mr U had been living in the UK for a little over 10 years with his family and worked in a warehouse. One day when at work, he was injured. As a result of his injury, he was unable to con-

tinue working. His wife approached us to find out if they were entitled to any benefits. Initially, we negotiated with his employers and made arrangements for his sick pay. We then contacted the Benefits Agency and arranged for him to receive Incapacity Benefits and Housing Benefits. Lastly, we advised and assisted him in his personal injury claim against his employers.

Housing and Council Tax Benefit

- Person seeking for housing benefit must have less than £16,000 as savings or capital. Pensioner who qualifies pension guarantee credit will qualify regardless of savings or capital.
- Partner is liable to, or treated as liable for payment of rent including payments such as license agreement.

Person cannot be included in the hosing benefit

- A full time student
- Leasing with a lease of more than 21 years
- Payment rent to someone you live with and either the arrangement is not commercial or your landlord/lady is a close relative.
- In a contrived agreement to pay rent in order to rake advantage of the housing benefit scheme.

The maximum hosing benefit could be obtained from the amount of the actual rent. However from 3rd April 2000 subject to immigration control those falling under this category are entitled to housing benefit-severe disablement allowances and council tax benefit- Non-contribution Incapacity benefit.

Restricted housing benefit if your private rent is too high or your home is too big.

- Housing benefit is normally calculated using whole rent figure deducting fuel, water and food. The housing benefits are not reduced because of too high rent and too large room.
- Housing doesn't cover full rent if it is found too high or if home is too big.
- If new housing benefit claim other than routine or moved house after 1.1.96. The council limit the housing benefit to local average rent to the size of the house.

Person is eligible to claim **Council tax benefit**

- Only if he has low income i.e. less than £16,000 in savings or capital.
- Person on pension credit guarantee credit eligible regardless of savings or capital.

However there are other ways to pay less council tax through the second adult rebate council tax benefit scheme. In case of couples where one is not subject to immigration control that person can claim full benefit. However unlike Income support and income-based Jobseeker allowance, Housing Benefit and Child Tax Benefit is paid at the couple rate. If one member of the couple has limited leave subject to'no recourse to public funds' condition that they should be aware that a claim could result in additional public funds being claimed. It is always advisable to seek advice from respective immigration advisor before making any claim.

Person not included in council tax benefit

- Under 18 or over 18 those parents those getting child benefit
- Student nurse and full time student
- Person living in prison, hospital (severely mentally impaired people), carers looking after someone on highest rate of DLA care component or attendance allowance
- Care workers (local authority & charity) for at least 24 hours a week, paid on more than £30 a week.

CONSUMER RIGHTS AND MONEY ADVICE

Members of our community often find themselves in financial problems, either through mishandling their financial matters or through lack of understanding of their consumer rights. Their lack of knowledge about the UK financial system and the different culture they have been brought up in exacerbate this problem. During this period of integration in the UK, the Tamil community will face more and more problems in this area. In particular, credit card facilities and loan facilities tempt our community members to take loans or overspend beyond their ability. This puts them and their families in severe hardship and puts them at risk of being evicted from their homes.

Our organisation holds a debt counselling licence and insurance from AdviceUK. This licence allows us to provide debt advice/counselling to the Tamil Community. Our organisation seeks to

help people with their debt problems by negotiating on their behalf and advising them how to discharge specific debts.

Debts fall into two categories: priority; and non-priority. Priority debts include: mortgage arrears; secured loan arrears; secured overdrafts; ground rent and service charges arrears; rent arrears; council tax arrears; fuel debts; magistrates' court fines; hire purchase/conditional sale agreements; income tax and VAT; and child support arrears. Priority debts are always dealt with before non-priority debts. Payments should start as soon as possible.

Non-priority debts are also known as credit debts and include: credit cards; charge cards; storecards; unsecured personal loans; credit sale agreements; catalogues; money owed to money lenders; credit union loans; money owed to family and friends. Usually, offers to repay non-priority debts are made proportional to the size of the non-priority debt and the available income of the debt holder. Therefore, the larger the debt, the larger the monthly offer of repayment will need to be.

Case Study 44

Mr P had accrued debts after failing to pay his Council Tax. The debt was passed on to bailiffs who notified Mr P that they would be visiting his property to remove his goods to cover the cover the costs of the removal and to clear his debt at public auction. We contacted the bailiffs dealing with the debt, notifying them that Mr P was unable to pay the debt in one payment as his business had closed down. We negotiated that he would pay manageable monthly instalments in place of the one-off payment.

Case Study 45

Mr T transferred a sum of £1505.00 to a company that specialised in money transfers and instructed them to transfer the money to Sri Lanka as he needed the money to spend while on holiday there. The transfer request was received on Saturday, 1 April and as such transfer requests received during the weekend were normally transmitted on Mondays. On Monday, 3 April, as a result of an investigation by HM Revenue & Customs, a Crown Court issued the company with a restraining order. As a result, the money transfer was not completed and Mr T's funds were frozen along with the company's bank accounts and assets. We wrote to the company's solicitors and the HM Revenue & Customs on behalf of Mr T requesting that the £1505.00 be refunded. When the money was not returned, we commenced small claims proceedings against the Director of the company in the local County Court. The Court ordered that Mr T be refunded the sum of £1505.

Case Study 46

Mrs K received a bill from Telecom Billing Services for calls made from a mobile. However, neither she nor anyone in her household owned a mobile with the number referenced in the bill. She refuted the bill to Telecom Billing Services who continued to bill her and commenced legal proceedings against her for the outstanding amount. We wrote to the debt collection agency in charge of the outstanding account and provided them with signed statements from Mrs T confirming that neither she nor anyone in her family had the telephone number in question. The Debt Collection agency cleared the debt and cancelled the proceedings against Mrs T.

Case Study 47

Mrs S's house telephone stopped working. Due to the nature of her work, she urgently required her telephone connection. She contacted NTL to ascertain why her phone had stopped working and requested that the line be reconnected. The staff at NTL advised her to divert to another mobile phone number while her landline was reconnected. She used the mobile phone number for 3 days until her landline was reconnected.

However, the staff member failed to advise her that she would be charged at a higher rate for this service. Months later, she received an invoice from NTL charging an extra £24 for the service. Mrs S approached us asking about her consumer rights. We contacted NTL who advised us that they were going to cancel the £24 charge. However, they failed to do so. Consequently, we re-contacted NTL who then refused to refund the £24, but offered to re-fund £4 instead. We wrote to complain the Office of the Telecommunications Ombudsman (OTELO) and NTL agreed to refund the money to Mrs S.

HOUSING AND ACCOMMODATION

Finding accommodation or shelter for failed asylum seekers or Tamil migrants is becoming increasingly difficult. Failed asylum seekers are only entitled for Home Office section 4 of the National Asylum Support Service (NASS). However, this support is not practical as the NASS have tied strict conditions to the support, and asylum seekers are continuously forced to comply with the voluntary return program, which requires them to return to their native countries. If they fail to leave, their section 4 support could be terminated. As a result of this practice, many failed asylum seekers have to rely on their friends, relatives or their communities. This situation is proving stressful for community organisation like us. In most occasions, we try to find a bed at the night shelter, but spaces are not always available. The causal effects of homelessness are immense and often lead to many other problems. The other category of homeless persons are those who have been granted leave to enter, but are facing eviction or homelessness due to other various reasons. These include: failure to keep up with mortgage payments; eviction from their relatives accommodation due to overcrowding or other reasons; suffering from mental illness or alcohol addiction; or inability to find alternative accommodation in time before the expiration of their lease.

A person is eligible for homelessness assistance if they are:

- UK nationals;
- Persons with a right of abode;
- EEA national and their family members;
- Persons who have been granted refugee status in the UK
- Persons with exceptional leave to remain that is not subject to a 'no recourse to public funds' condition
- Persons with indefinite leave to remain
- Persons who have made a claim for asylum at the port of entry before 3 April 2000 and a decision on the claim has not yet been made;
- Persons who is on income-based Jobseekers Allowance or in receipt of Income Support

Neither the asylum seekers nor the dependant of an asylum seeker, who is eligible under the above categories, is eligible for assistance.

Persons who are not eligible are:

- Those subject to immigration control;
- Those barred from receiving housing benefit under s115 Immigration and Asylum Act 1999
- Persons with no recourse to public funds
- Asylum Seekers
- Those who fail the habitual residence test

This test is intended to convey a degree of permanence in the person's residence. Various factors may be relevant to an authority's decision concerning habitual residence, including: centre of interest; reasons for coming to the UK; work arrangements; pattern of work; joining family or friends in the UK; applicant's plans; length of residence in another country.

Certain categories of persons eligible for Housing Assistance are considered to have a priority need for accommodation. These persons are:

- Pregnant women
- Those with whom dependent children reside
- Vulnerable persons due to old age, mental illness or disability. This category may also include chronically ill persons, those aged 18-25, particularly those fleeing home due to abuse or violence, those fleeing harassment, former asylum seekers who might have experienced persecution or severe hardship in coming to the UK.
- Persons homeless as a result of an emergency such as flood, fire or other disaster.

Before carrying out all of the basic enquiries, if a person approaches the homeless department the authority might have a duty to provide accommodation under an interim duty. This would be if the authority has reason to believe that an applicant may be homeless, and is eligible for assistance and in priority need.

The Housing Authority will consider whether a person becomes homeless intentionally. This is where a person deliberately does or fails to do anything and the consequence is that they cease to occupy accommodation, which is available for their occupation and would have been reasonable for them to continue to occupy.

Where the authority are satisfied that an applicant is homeless, eligible for assistance, in priority need and not intentionally homeless, and is

not subject to a local connection referral to another authority, their duty is to 'secure that accommodation is available for occupation by the application'. The accommodation secured must be suitable, and in particular must be affordable.

Law associated with housing and accommodation

Since housing law changes with the requirement of the people it is mandatory to keep oneself update about the housing law and rights. According to homeless application under part VII housing act 1996 there are five test that determine the type of duty owed to a homeless applicant by a local authority which can be categorized below-

- Is the applicant believed to be homeless or threatened with homelessness?

1) Under this category person who has accommodation but are not secure entry.
2) No permission to reside.
3) A person is threatened with homeless if it is likely that he/ she will become homeless within 28 days.

- Is the applicant believed to be eligible for assistance?

See page 68 (person is eligible for homelessness assistance if they are)

- Is the applicant believed to in priority need?

See page 68 (persons eligible for Housing Assistance are considered to have a priority need for accommodation)

- Is the applicant intentionally homeless?

1) He/she enters into an arrangement under which she/he is required to cease to occupy.
2) The purpose of the arrangement is to enable him/her to become entitled to housing assistance. The housing authority should take particular

- Does the applicant have a local connection?

3) The condition which a person has a local connection with the local housing authority is by when he/she residing somewhere else in the past before the application.
4) Employed there
5) Family associations
6) Special circumstances.

Once the application is made, the Homeless Person's Unit is under a statutory duty to make enquires into the applicants housing situation.

However those asylum-seekers who are eligible to apply as homeless are subject to special provision under the immigration and Asylum Act 1999. According to 1996 Housing Act provides that asylum-seekers can be referred to another local authority if that authority agrees, regardless of whether the person has a local connection. The authority can also accommodate outside its own area, where there is written agreement with the other authority to do so. The asylum seeker who has been accommodated by NASS and then receives ILR, ELR/humanitarian protection/ discretionary leave, thus becoming eligible for homelessness assistance, dose not establishes a local connection with the district in which he/ she was housed by NASS. This is because local connection can only be established by normal residence, which is defined as residence by choice. As asylum-seekers have no choice as to the district in which they are housed by NASS, they cannot have normal residence. This decision leaves former asylum-seekers potentially free to make an application as homeless in any district.

- What happen if the appeal fails?

If the applicant is unsuccessful in his/her appeal to the country court, there is a further recourse to the court of appeal, provide permission to appeal is granted. If the permission to appeal is refused, the applicant may make a new application, unless there has been a significant change of circumstance since the previous application.

- What happen if the appeal is not possible?

If there is no point of law on which to basis an appeal to the country court, but the applicant has been the victim of maladministration in the way the housing authority has dealt with his/ her application then the applicant can complain to the local government Ombudsman.

- Criminal offence

Section 214(1) includes the following criminal offences in connection with homelessness applications:
1) Knowingly or recklessly making a false statement
2) Knowingly withholding information reasonably required by the authority.
3) Failure to notify a material change of facts before a decision in made, unless the applicant has reasonable excuse for not doing so.
4) On conviction a person may be fined up to level 5 on the standard scale maximum of £5,000.

Case study 48

Mr and Mrs A J were over 60 years old when they arrived in the UK and claimed asylum. In March 2002 they were granted exceptionally to remain. Subsequently, they were entitled to national assistance care due by the Local Authority and accordingly were granted pension credit and housing benefit for their rented accommodation. At the end of 2005, the Council evicted them due to rent arrears of £5,000. The Council claimed that this debt had been accrued due to the couple's failure to complete the form sent to them to renew their housing benefit. As a result, their housing benefit was stopped and the couple were evicted. When they became homeless they were referred to our organisation. We managed to secure for them a place in a hotel as an emergency accommodation with the help of the local police. The Homeless Person's Unit of Newham Council has now given them shelter. We challenged the debt of £5,000 imposed by the Council who finally agreed to write off the debt and offered the couple secured housing in Manor Park where they are currently residing. Unfortunately, the housing, which was offered to them, had supplementary problems with things such as furnishing, gas and electricity supply and other practical difficulties. Consequently, we are still supporting them in all possible ways until they are settled in this country without any further difficulties.

Case study 49

Mr RT and his wife came to this country and claimed asylum in 1994. We represented their case, which was refused and their asylum appeal was also unsuccessful. As they were unable to return to Sri Lanka, they made a fresh application, which included their human rights claim. The case was heard before the court in June 2003 and was dismissed. While staying in UK, Mr RT was blessed with two children and was allowed to work. He bought a house and the couple enjoyed a family life in the UK. In 2004, Mr. RT lost his job and was not able to receive any NASS or social security benefit, as he was not an asylum seeker for NASS support nor had he been granted leave to enter for social security support. Consequently, due to his lack of income, he was unable to pay his mortgage in time. We negotiated with the building society to allow them to remain in their house. At the end of 2005, they were granted indefinite leave to remain under the family ILR amnesty. However, at the beginning of 2006, they were evicted by the building society. When they were made homeless we arranged, on their behalf, with the Homeless Persons Unit to provide shelter for them. They were offered bed and breakfast in a hotel and we are still awaiting a long-term housing option from the HPU.

Case study 50

Mrs RW arrived in this country and claim asylum in 1993. Her asylum application was initially refused and her appeal was also not successful. However, she was allowed to stay in this country in temporary admission because her removal was not possible. During her stay in the UK, she was married and blessed with a child. She then made a subsequent representation, claiming that her deportation would breach her human rights. While the application was under consideration by the Home Office, the family enjoyed their life in UK. Unfortunately her husband lost the job and subsequently suffered from mental illness. The family fell into debt, were unable to pay their mortgage and were subsequently made homeless. Due to this excessive stress, the family life became very distressful and Mrs R was forced to seek the assistance of police. The police arrested her husband, but later released him on the condition that he did not return to the family home. However, as Mr. R had nowhere else to go, he returned to his house and stayed the night. The police discovered that he breached the condition and re-arrested him despite the objection of his wife. While he was in custody Mrs R and her children were evicted by the building society and were given shelter by the local authority with our assistance. The case was then dismissed, as there was no evidence to support the police charge. Due to this trauma the husband refused to return to his family, but managed to settle the ILR family amnesty. Now the mother and child have been given accommodation by the local authority.

Case study 51

Mr EX came to this country and claimed asylum in 1999. The Home Office refused his claim in October 2000. The adjudicator heard his appeal in March 2002, which was also unsuccessful. In June 2002, he made a fresh application on hu-

man rights grounds, since he had been diagnosed with Post Traumatic Stress Syndrome. While this application was under consideration, he was allowed to stay in the UK on temporary admission and was supported by the asylum team under the Local Authority under the National Assistance Care Act. In April 2006, the Local Authority threatened to withdraw our client's support and he is subject to eviction because the Local Authority stated our clients fresh claim was refused by the Home Office, but neither client nor his solicitor received such a refusal letter. Our caseworker took over his immigration matter as well and made further representation on this issue. Based on this representation his support has been restored.

CRIME, OFFENCE AND VICTIM SUPPORT

In recent years, some of the Tamil youths have been creating unwanted headlines in the media by developing gang culture and committing violence and crime in their surrounding areas. This is a considerable cause for concern by the Tamil community and authorities. We are working on these issues with London Metropolitan Police by setting up the Pan London Tamil Community Group, which was initiated by Stephen House, Deputy Assistant Commissioner of the Metropolitan Police. The objectives of the meetings were to form working partnerships with the Police, helping them solve crime and identify culprits, while also helping them provide support to the victims and the necessary advice to the community regarding these issues. Part of this activity involved the launch of Operation Enver and Operation Quadrant, which aimed to crack specifically down on Tamil related crime. We work closely with the victims or suspects for their safety, finding alternative accommodation in another area of the UK in order to prevent attacks by rival gang groups. Where necessary we attend prison visits, help their family members carry out prison visits and work with probation officers while the ex-offenders are subject to release from prison after their conviction. This involves finding suitable accommodation in a safer area, and monitoring and providing guidance and support for their integration back into the community instead of returning to their past activity. This support includes electronic tagging, social welfare support, and other emotional support including career development advice. Moreover, if the victims are injured, they may be entitled to criminal injury compensation, which we help them claim. We also advise our clients on road traffic related offences and parking fines appeals.

Case study 52

Mr PV was asleep in his care when a group of 25 males approach the car and began to smash it up. They were wielding a variety of weapons, including a sword, axe and a cricket bat. Mr PV had done nothing to provoke the attack. They broke the window of the car on the passenger side. Mr PV suffered cuts to his right hand, right leg and both legs. We acted on behalf of Mr PV in claiming compensation from the Criminal Injuries Compensation Authority. The case is still ongoing and we are awaiting a decision from CICA.

Case study 53

Mr MK was attacked as he was leaving a friends house. He was carrying a bag and a mobile phone. His attacker tried to steal his phone and knocked him unconscious. As a result of the attack, Mr MK experiences stress and pain at the right side of his forehead, he has trouble with his temper and tends to forget things. We acted on behalf of Mr MK and have received an interim payment of £1,000 from CICA, while we await a decision as to the final amount to be awarded.

Case study 54

Mr TG was fined for parking in a restricted street where parking restrictions were in force. We contested the fine as Mr TG is a disabled badge holder which he was clearly displaying in his window. Moreover, there were no sign posts suggesting that the area was restricted for waiting and loading. His appeal was successful and the penalty notice was cancelled.

Case study 55

Mr MS was charged with failing producing a full UK driving license when stopped by the police. Mr MS was only in possession of a provisional licence, as he had not obtained his full permit. When he was stopped he was not displaying an

L permit and was not accompanied by a qualified driver. Mr MS was issued with an on-the-spot fine of £60. We contested the fine on behalf of Mr MS, claiming that he was in possession of an international driving licence. Consequently, the penalty was incurred because of a genuine mistake and there was no intention on his part to commit any offence. The case is being reviewed and Mr MS is being allowed to argue these mitigating circumstances before court.

National Asylum Support Service (NASS)

Since the last year, most of our clients have been detained and their asylum claim has been determined by the Home Office on the fast-track system. Most of their asylum claims were refused and certified without recourse to the in-country appeal rights. Later, they were released on temporary admission. This system prevents many asylum seekers from obtaining their NASS entitlements, because they are no longer asylum seekers for the definition of NASS support. However, most of these applicants are challenging Home Office decisions through the process of judicial review or by making a fresh asylum claim. While their judicial review application is in process or their fresh application is under consideration they may be entitled to NASS support in law, but in practice they are not given their much-needed support. Whenever they made their NASS application either those clients have not received any reply or very few cases have received a refusal letter from NASS stating that they are no longer entitled for NASS support. When we appeal against these decisions, the NASS asylum support adjudicator requests that our client produce the confirmation letter or acknowledgement letter from the Home Office confirming their fresh application is under consideration. But in practice, the Home Office never issues such an acknowledgment letter whenever the client's representative has submitted the fresh or human rights claim. This is a technique deliberately used by the Home Office to make the process more difficult for failed asylum seekers and consequently makes it easier for the Home Office officials to deport them. Due to this Home Office approach, many asylum seekers become homeless or destitute and consequently have to rely heavily on their relatives or community for support. Section 4 of the NASS Support provides specifically support for the destitute failed asylum seekers, but in practice has very little effect on the NASS system, because whoever is seeking section 4 support is required to comply with the enforcement conditions for their removal at any time if they refuse to co-operate. Consequently, their food and shelter support will be withdrawn and they will be thrown out by the relevant hostels. We have received many users seeking advice on these issues, but we are not successful in obtaining support for them on many occasions due to the Home Office NASS system.

Section 94(1) of the Immigration and Asylum Act 1999 (IAA) defines an asylum seeker as a person who is not under 18 and has made a claim for asylum that has been recorded by the Secretary of State, but which has not been determined. Under section 95 of the IAA, destitute asylum-seekers and their dependants are eligible for asylum support. In other words, asylum-seekers who do not have, and cannot get, adequate accommodation and their essential living needs are entitled to NASS support. However, a person will not be eligible for support if they have no minor dependents and fail to claim asylum as soon as reasonably practical after their arrival. Claims made 3 days after arrival are usually seen as exceeding the reasonable time limit.

NASS agents can provide emergency accommodation to those who have claimed asylum, are awaiting a decision as to whether they are entitled to NASS support and have not been provided with NASS accommodation elsewhere.

Asylum support will be withdrawn if one of the following circumstances arises: the assisted person ceases to be an asylum seeker; assisted person becomes an EEA national; or the assisted person is a failed asylum seeker and does not take reasonable steps to leave.

Failed asylum seekers may receive support by virtue of section 4 of the Immigration and Asylum Act if they meet all of the following criteria:

- Their claim for asylum has been determined
- They have been supported by the NASS or by a local authority
- They are no longer an asylum seeker
- They have no other avenue of support.

Each case is considered on its own merits, but support will not normally be granted to a person unless:

- They are unable to leave the UK by reason of a physical impediment to travel e.g. illness or pregnancy
- Those waiting on a travel document to return back to their home country
- They are unable to leave because there is no safe return available e.g. Iraq
- They are applying for judicial review of the decision to refuse them asylum and have been granted permission to proceed
- Their circumstances are exceptional or compassionate

Other sources of support are available outside the NASS. For example, families with children or unaccompanied children may receive local authority support under the Children Act 1989. Moreover, disabled asylum-seekers are owed the same duty under section 21 of the National Assistance Act as British citizens.

Case study 56

Ms AV was granted support by way of section 95 on 10 October 2002. On 9 February 2004 the Home Office terminated support on the grounds that she was no longer an asylum seeker. The Home Office then withdrew this decision on 13 February 2004. On 13 August 2004, the Home Office terminated support to Ms AV for the second time, again claiming that she was no longer an asylum seeker. The Home Office withdrew this decision on 24 August 2004. On 15 September 2004 the Home Office terminated support to Ms AV for a third time on the same grounds on 21 September 2004. The Home Office then rook the fourth decision to withdraw our client's support on 26 July 2006 stating that the appellant was no longer an asylum seeker as her claim to asylum had been determined on 17 May 2000 and her period of support should have ended on 8 June 2000. Ms AV had made a human rights claim on 16 June 2000 and so far had had no response. Upon review of the case, the Asylum Support Adjudicator held that the Home Office should ascertain the date on which the our client's human rights claim was determined and served on Ms AV. In the meantime, the adjudicator held that Ms AV should continue to receive support.

Case study 57

Mr SJA sought political asylum in the UK after being tortured in his home country. He arrived into the UK on 21/11/06 and made his claim for asylum on 23/11/06. He applied for NASS support under section 4,95 and 98 of the IAA. Initially, his claim was unsuccessful due to the fact that the Home Office were not satisfied that he had made his claim for asylum as soon as reasonably practicable after his arrival into the UK. However, on the basis of the information Mr SJA gave the Home Office at his screening interview, the Home Office decided to provide him with subsistence support while his asylum application is pending or any subsequent appeal is outstanding on the basis that he is now destitute.

Case study 58

Ms VS and her child arrived in the UK and political claimed asylum on 12/09/2006. She made a claim for asylum on human rights grounds and requested NASS support while her asylum application was pending. Her application was successful to receive subsistence support. However, as she had chose to live in accommodation not provided by NASS, the NASS stated that they would not be held liable for any rent, utility bills or other costs arising from the sue of accommodation whilst she was residing there.

VOLUNTARY RETURN PROGRAMME

As part of our service we also provide advice and assistance to failed asylum seekers who are planning to return to Sri Lanka. Independent and accurate advice is not available on this matter and from time-to-time some of the failed asylum seekers are tempted to return to their homeland for good. However, ever changing political and human rights situations prevent them from making this decision on their own. Consequently, we help provide failed asylum seekers with accurate information and the risk they would face on their return. We also provide information regarding where to seek assistance for safety and relief should they encounter problems upon their arrival at Colombo airport and how to travel between the south and north of the country. Failed asylum seekers wishing to return home voluntarily are assisted by the International Organization for Migration (IOM) voluntarily return programme. We complete the relevant application forms on behalf of the clients and coordinate with the IOM. Once the application is

successful, we obtain a departure date and details. Anyone who applies for voluntary return between 1st February 2007 and the end of May 2007 the UK may receive an increased reintegration assistance package, which the government is increasing from £1000 to £3500 per person returning. The conditions under which the package is allocated are:

- An asylum seeker must have applied to return by 31st May 2007
- They must have applied for asylum by 31st January 2007
- They must travel within three months of applying for voluntary return

Reintegration assistance is given in kind to re-establish a person in Sri Lanka, not in cash. Recipients of the enhanced package will however, receive £500 in cash at the airport as a relocation grant. The remainder will be disbursed to pay for the agreed reintegration activity. It is advised to apply for this enhanced package by the date mentioned, as the enhanced package will be reduced to £2500 in June 2007. But if anyone fails to apply before June they will still be entitled to receive the previous rate of £1000 per person as part of Reintegration Assistance per person.

The process to apply for voluntary return through IOM's assistance are

Step1- Eligibility - if you are asylum seeker who is waiting for a home office decision, who has had an application refused, is appealing against refusal, has exceptional leave to remain, and has been given humanitarian protection.

Step2- file the application form

Step3-contact person who can help to complete the application form and send them successfully to IOM officer

Step 4- The IOM will process the application and arrange the travel documents.

Case study 59

Mr. TA came to this country and claim asylum in 1998. His asylum application was refused and his appeal was not successful. However, he was allowed to stay in this country in temporary admission. Later in 2000, he submitted a human rights claim while his application was under consideration. In September 2006, he wanted to return to Sri Lanka because he felt the situation was safe enough to go back and be reunited with his family. A few weeks later his application of voluntary return was accepted, which had been filled by our Organisation. He was subsequently given departure date at some point in the year 2006. However, due to the escalation of violence in Colombo, he did not wish to proceed with his application in December 2006. We informed the IOM of his decision and he is now waiting until the conflict situation becomes normal in order that he may return safely to Sri Lanka.

Case Study 60

Mr EV was admitted in Basingstoke hospital after being collected by paramedics for abdominal pains and vomiting. He was treated by the hospital for a period of 2 months. At the time, he was homeless and had no means to provide for himself. The hospital contacted us to find him temporary accommodation and support. We found accommodation in the Tamil community and later we made a NASS section 4 application. He was then provided for under section 4 support by NASS. However, the accommodation and food arrangements exacerbated his ill-health and consequently his health deteriorated. Therefore, he approached us at the end of 2005 and asked us to help him to return to Sri Lanka. We assessed his case and obtained his file from his previous solicitors, which stated that he had claimed asylum in 1999 and his appeal was fully determined in October 2003. Later, he made a fresh application through his solicitor, which is under consideration by the Home Office, but the client's poor health condition was taken into consideration and he made the application for his voluntary return through IOM. However, initially the Home Office refused to accept his application and asked him to produce documentation that confirmed that he is fit enough to travel by air. We managed to obtain such documents from his GP and finally his application was approved. Then we made the assistance for him to obtain an emergency travel document and finally he departed in February 2006 to Sri Lanka.

Case study 61

Mrs KY arrived in the UK in March 2002 and the Secretary of State refused her claim for asylum later in the year. Her appeal was also not successful and it was dismissed in 2003. She approached our organisation in the middle of 2005 to obtain NASS support. We secured the support under section 4 and she was provided with food and shelter. She stayed with temporary admission with monthly reporting admission. In the beginning of this year, she approached us, as she wanted to return to Sri Lanka. We made the application on her behalf which was approved. However, due to the escalation of human rights violations in Sri Lanka one month later, she changed her mind and with-

drew her voluntary return programme application.

PRIMARY HEALTH CARE AND MENTAL HEALTH COUNSELLING

When we are working with refugees or migrants, we may have to give advice and assistance regarding almost all areas affecting their lives. Accordingly, we provide basic information about the health system, eating habits with other issues affecting their health. In particular, asylum seekers and European nationals encounter difficulties in registering with GPs. Most of the local GP surgeries are already full and do not want to take on new patients, in particular those who are foreign and in the above-mentioned categories. A further concern for these people is fee payments of their treatments. We intervene in many occasions to explain our client's plight and their entitlements for free NHS treatment. We also provide interpretation services on behalf of our clients in GP surgeries and hospitals. A number of our users are victims of torture or war and consequently their mental health has been considerably affected. Family disputes, alcohol abuse and lack of opportunities also contribute to members of the communities' likelihood of developing a mental illness. Culture and traditions can prevent the most vulnerable people from seeking help from counsellors; this puts some of them in serious risk of self-harm or other conditions such as post-traumatic stress disorder and depression. We provide mental health counselling services for those people through the support of qualified volunteer counsellors. Unfortunately, there are no local Tamil counselling services available through the NHS and as a result, our service is very important and much needed for those people.

Family disputes are also common among the migrant community, as they have to overcome cultural, social and emotional barriers in order to adapt and succeed in this society. This can cause confusion and discomfort among family units, which may lack the family or social support they are used to in their own culture, as traditionally parents and grand-parents in their native countries provided guidance and support to their children's marriages. The stress of upheaval and settling in a new society combined with the loss of support can lead to marriage breakdowns. Problems of adapting to a new culture can also lead to the development of unwanted habits such as alcohol, drugs or violence by members of the family unit.

The children may also face confusion as to what extent they wish to keep their cultural tradition or to adapt to their current surrounding and new culture. These problems can lead to an increased strain and tension on the relationships within a family. Parents may face false accusations from social services made by their children if this relationship breaks down. Likewise, if parents are not taking appropriate action for child's behaviour or anti-social problems, they may also face criticisms from their neighbours, schools, the council or the community. In some cases youths have started to get involved with violence and end up involved in gangs.

As a community organisation we do not have the expert knowledge required to handle this matter, but we have to deal with elements of it to some extent, as there are no other facilities for dealing with these problems. As a community service, we provide mediation and discussion to resolve disputes, which, in the case of marriage breakdowns, can take over the supportive, authoritative and advisory role of the elders. We provide access to information to those who may have specific problems, such as depression or alcohol abuse. We help families work through these problems together.

However, due to lack of funding we are unable to cater to all of our clients needs and have to give help according to the priority and severity of their needs. As an advisory charity it becomes harder and harder to find funding for our services; these are areas that require urgent assistance by funding bodies.

Case study 62

Mr PP arrived in the UK in 1999 and sought asylum, but it was refused. During his stay in the UK, he developed post-traumatic stress, heart problems, diabetes and depression. He was referred to a psychiatrist who reported that his illness would most certainly worsen over time. Moreover, if he were to be returned to Sri Lanka, he would not be able to receive the required medication and treatment for his illness. Therefore, if he were to be returned it was extremely likely that his illness would become so severe that he would not recover. Upon this prognosis, we made a fresh application on behalf of Mr PP on human rights grounds for him to remain in the UK. The Home Office accepted his claim and granted him asylum. He is benefiting from our counselling service.

Case study 63

The NHS referred Mr NJN to our counselling

services after being diagnosed with post-traumatic stress and depression. He now benefits regularly from our service.

THE ORGANISATION'S OTHER ACTIVITIES

Summer Holiday Play Scheme

The organisation has been running a play scheme for over 15 years through different funding support. Last year the project was funded by the BBC Children in Need which enabled us to provide a holiday play scheme for around 97 children. The scheme provides a safer play environment to the children and affordable childcare facilities for the disadvantaged parents in the community. The project also provides purposeful activity for young children with an aim to combat unwanted antisocial problems in the neighbourhood.

The play scheme offers various kinds of activities ranging from indoor and outdoor games involving tradition dance and music to story telling and face painting. The project helps young children befriend other children from a similar background, boosts their confidence and gives an opportunity to improve their learning skills. On the final day of the scheme the children staged their skills in front of their parents and other members of the community. The event attracted an audience of around 225 and concluded with a prize giving.

Learning and careers development for young refugees

We run supplementary educational support to improve the performance of young refugees in school. The scheme also provides English language classes with career development assistance for refugees aged between 16 and 30. The aim of the project is to improve refugee children's schoolwork and confidence, prevent anti-social behaviour and help them achieve their potential.

The project is funded by the KPMG Foundation. Currently, 189 children benefit from our Sunday classes. These pupils have made significant progress, which has been noted by teachers and reflected in general exam results. Other youngsters get involved in our English Speakers of Other languages classes (ESOL). These classes are predominately focused on children holding refugee status. Classes are held twice a week for 4 hours and are designed to help refugee children improve their English language skills. This provides not only a great opportunity for children to learn, but also to meet and mix with other children.

Elders Day Centre

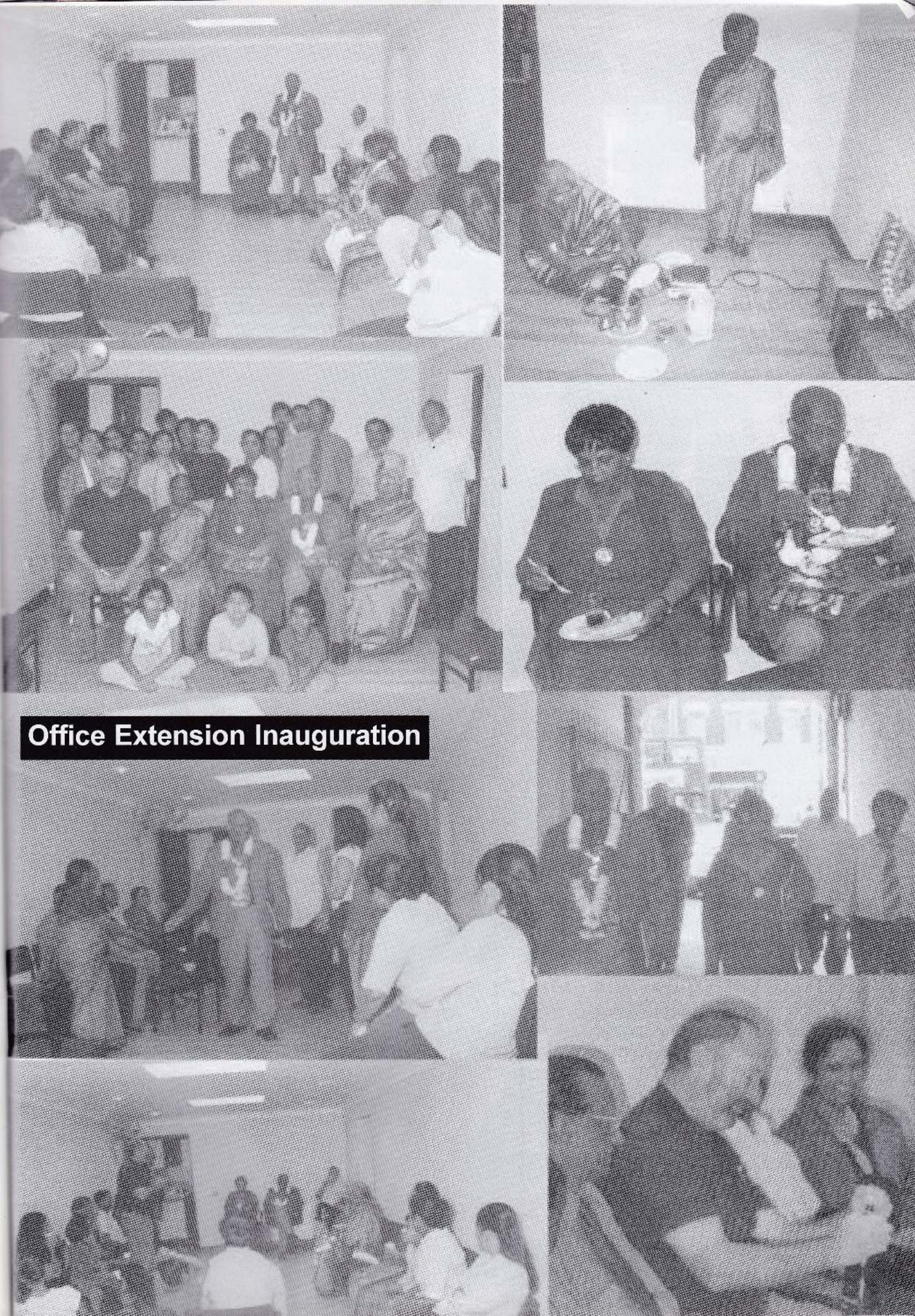
The Centre provides services to Tamil elders who came to the UK as refugees and are now living in isolation. The Centre attempts to minimise the barriers to services that the elders face, by providing a number of services such as:

- Provide translated information about health, diet, benefits and housing;
- Organise visits from heath professionals to speak about diet and physical health and provide mental health counselling;
- Organise day trips and cultural outings, including visits to other refugee community groups around London
- Run language and reading classes;
- Run volunteer opportunities to help Tamil elders and develop a befriending scheme between elder and younger members of the Tamil community.

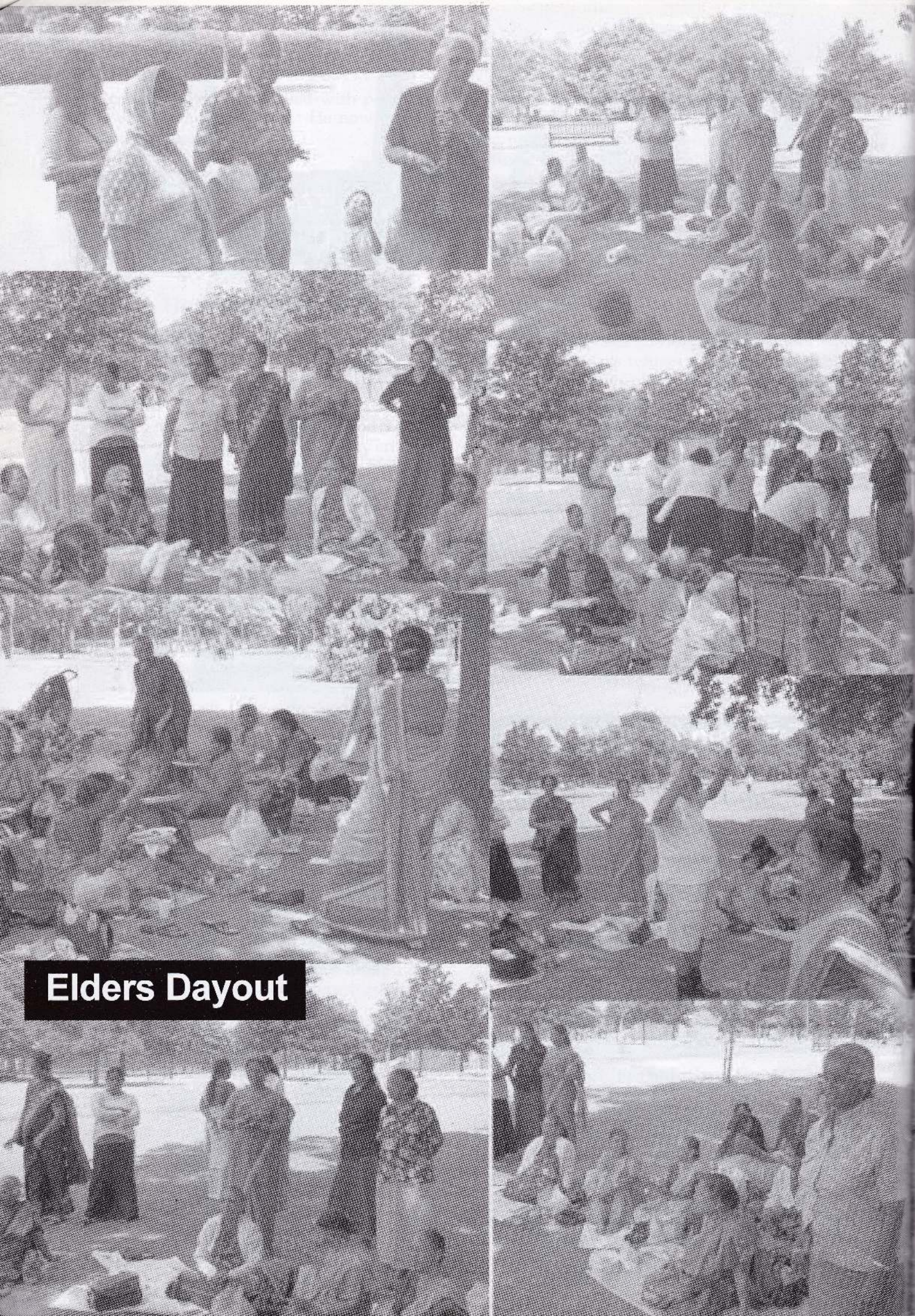
The aim of this project is to ensure that the right of elders to access services, activities and information is fulfilled. In providing information and advice to elders, the Centre seeks to empower elders and improve their quality of life. Accordingly, elders will feel more independent which will in turn help them form more positive relationships with their families. Finally, the project hopes to help bridge the gap between older and younger generations, encouraging mutual respect and social cohesion.
The Centre runs every Thursday at Manor Park Community Centre. At present, the Centre provides access for 155-60 Tamil elders, 120 of whom use the scheme regularly. We have secured future funding for this project from the Awards for All England.

Cultural and Translation Service

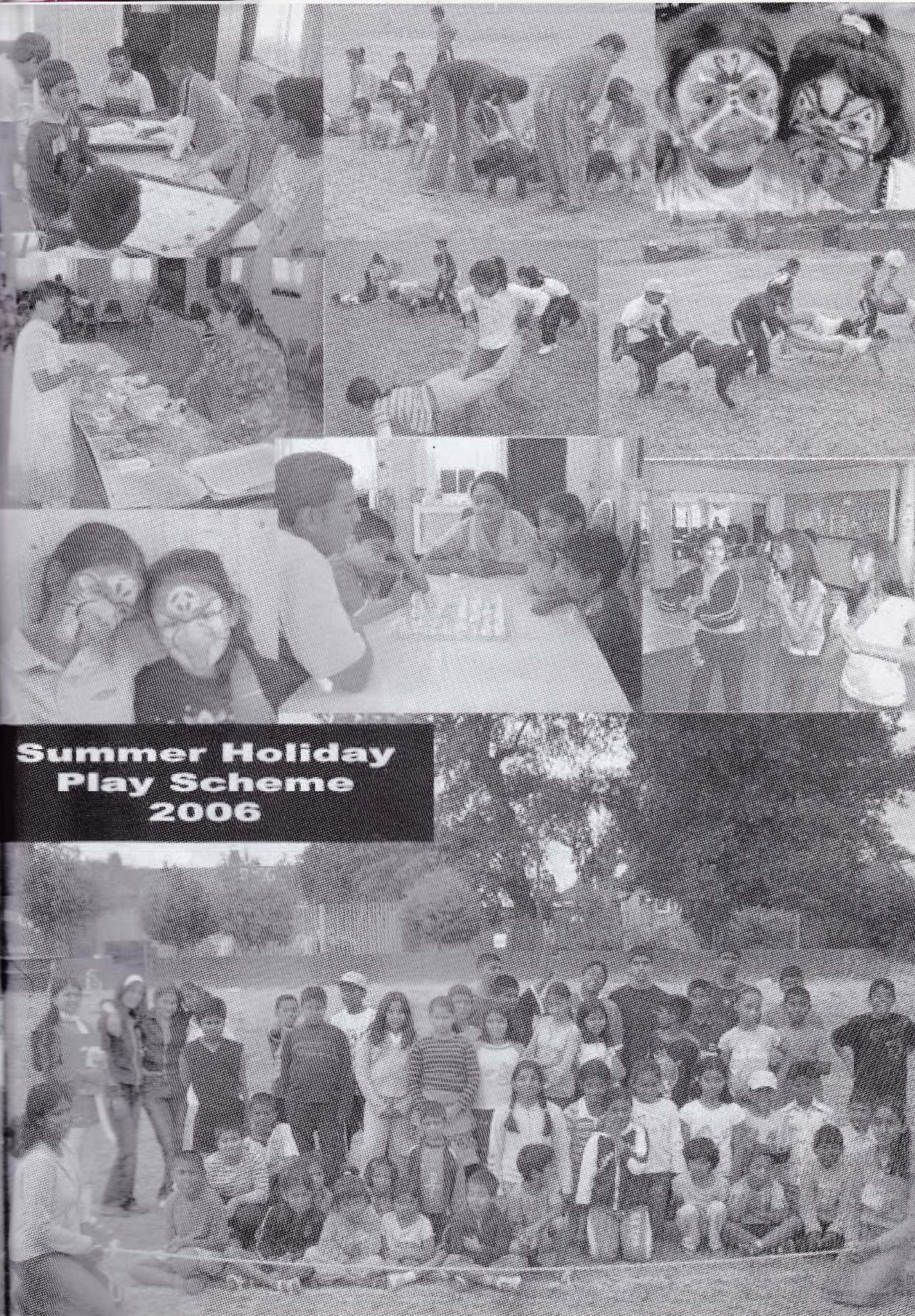
We also provide translation services for our users when possible. This service involves translating official documents required to support our client's claims and telephone and in-person interpretation services where necessary. Furthermore, our organisation aims to assist in the development of Tamil culture and language. ✪



Office Extension Inauguration

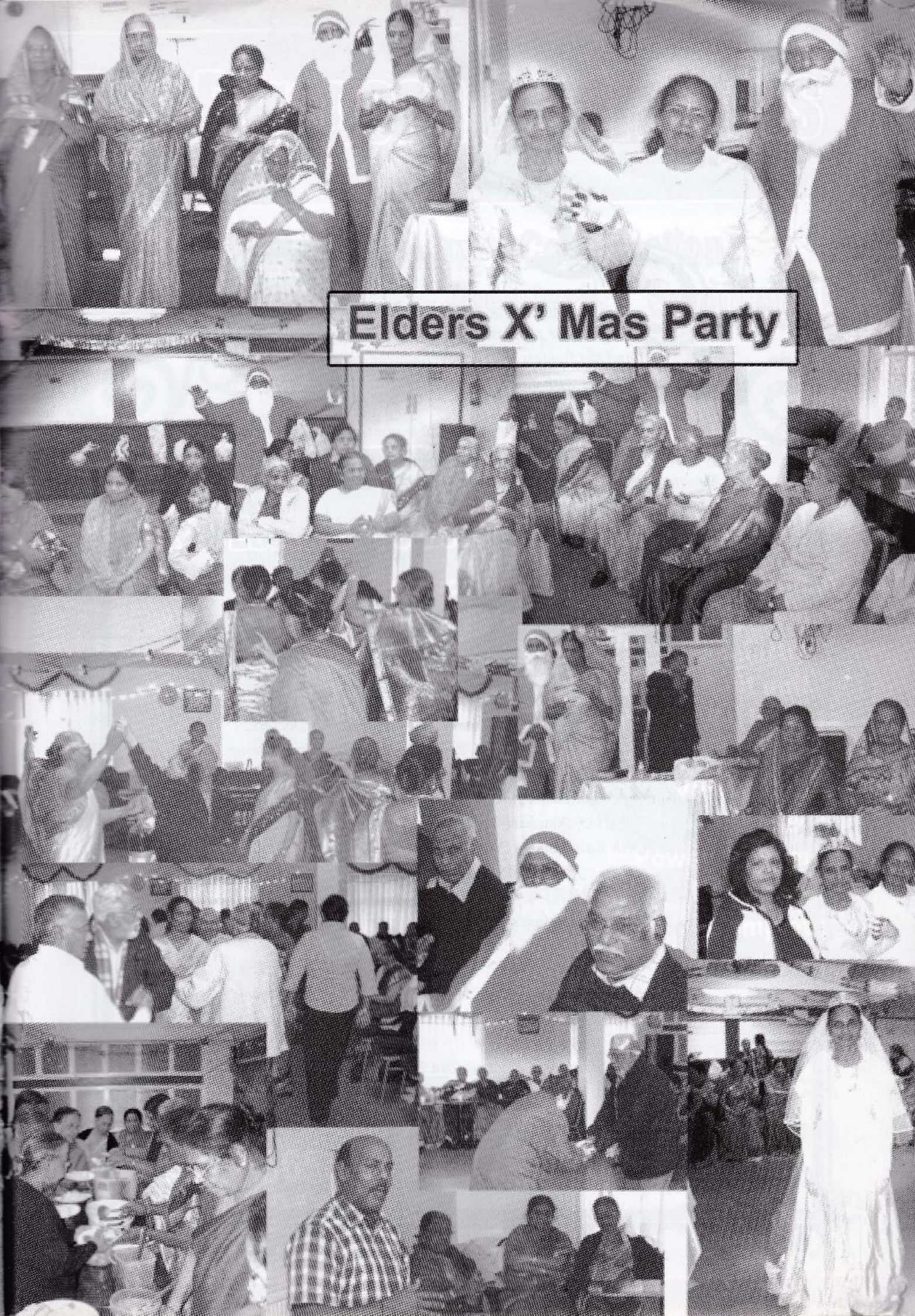


Elders Dayout



Summer Holiday Play Scheme 2006


Summer Holiday
Play Scheme Day trip


Elders X' Mas Party

ACKNOWLEDGMENTS

We Thank

Big thank you for the people
who have supported us over the last 21 years
and the funders who have recognized our services
and aided us with grants to enable us to deliver our services.

Particularly our entire guest of honorable invitees for having graced
the occasion by your presence this evening.
Also sincere thanks to staffs, volunteers, members, clients and well wishers

Mr. Stephen Timms MP, Civic Ambassador- Councillor Pearson Shillingford
Mr. Unmesh Desai, Mr. Clieve Furness & Local Councilors

Legal Services Commission,
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The Tudor Trust, Comic Relief

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

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

Redbridge Refugee Forum, The Renewal Programme
& Newham Community Accountancy Project

Newham Community Education Services, Little Ilford School
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