

ANNUAL REVIEW REPORT 2013

TWAN

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

TAMIL WELFARE ASSOCIATION (NEWHAM) UK

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வாழ்த்துப்பா

நம் நல்வாழ்வுக்காய் வழி சமைத்து
வந்தாரை எல்லாம் வரவேற்று
நற்பயன் மிகு ஆலோசனை வழங்கி
உகந்த நற்திட்டங்களுடன் சேவை பல ஆற்றும்
தமிழர் நலன்புரி சங்கமே நீ நீடுழி வாழ்க!
நம் இன, மொழி, கலை, கலாச்சார வளர்ச்சியோடு
நம் பலரின் வாழ்வுக்கான ஒளி வீளக்காய்
செயற்கரிய சேவை பல செய்து
பல வருட தடம் பதித்த
தமிழர் நலன்புரி சங்கமே நீ வாழி வாழி!
ஜய வருடமதை வரவேற்று
நல்லதொரு பொழுதின் ஜனத்துக்காய்
காத்திருக்கும் நம் தமிழ் சமூகம்
இழந்ததை மீட்டு
இனிய நல்வாழ்வுக்காய் தொழுதிடுவோம்!

Annual Review Report - 2013

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TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

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THE RT. HON. STEPHEN TIMMS MP

**House of Commons
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Labour Member of Parliament for East Ham

Tamil Welfare Association (Newham) UK
602 Romford Road
Manor Park
London
E12 5AF

4 May 2014



Dear Friends,

I am delighted to join you this evening to celebrate the Tamil New Year, as I have done regularly for over twenty years. Thank you also for giving me, once again, the opportunity to contribute to your annual report.

I never fail to be impressed by the commitment of TWAN to our local community. It has had to respond to drastic cuts in government funding, particularly in the Legal Aid budget. The cuts have caused problems for many people who now find it difficult to afford legal representation. However, TWAN continues its remarkable work in providing advice and assistance to many people in our borough. It is an admirable record, of which TWAN members can be very proud, and one which is very much appreciated in our local community.

I wish everyone a very happy new year. I also wish TWAN all the very the best in its important work – with continuing challenges – in the next twelve months.

I do hope this evening proves a memorable and enjoyable celebration.

*Yours sincerely,
Stephen Timms*

STEPHEN TIMMS MP

Message from the Chairman



அன்புத் தமிழ் உள்ளங்கள் அனைவருக்கும் எனது இனிய வணக்கம்.

முதலில் அனைவருக்கும் எனது 'ஜய' வருட தமிழ் புத்தாண்டு வாழ்த்துக்கள். இப்புதுவருடத்தில் உங்களுடன் சில தகவல்களைப் பகிர்வதில் நான் மிக்க மகிழ்ச்சி அடைகிறேன்.

நமது தமிழர் நலன்புரி சங்கம் சமூகத்தில் அவ்வப்போது ஏற்படுகின்ற தேவைகளை அறிந்து உரிய விதத்தில் பல வித சேவைகளை 28 வருடங்களுக்கு மேலாக எமது தமிழ் மக்களுக்கு வழங்கி வருகிறது.

எமது சங்கத்தின் ஆரம்ப காலங்கள், அதன் அங்கத்தவர்களில் நிதி, உடல் உழைப்போடு ஆரம்பித்து படிப்படியாக வளர்ச்சி பெற்றபோது, அறக்கட்டளை நிதியங்களின் நிதி உதவியும் கிடைக்கப் பெற, சங்கத்தின் சேவைகள் சிறப்புற்று வளர்ந்து வருகிறது. எனினும் ஒரு 10 வருட சுழற்ச்சியில் அவ்வப்போது நிதி இல்லா நிலைமையும் ஏற்பட்டு வருகிறது. 1993, 2003 பின் 2013 என காலத்துக்கு காலம் நிதி நெருக்கடியில் இருந்து மீண்டும் வந்துள்ளது. எனினும் துரிதமாக மேற்கொள்ளப்பட்ட நிதிநிர்வாக மாற்று நடவடிக்கையின் மூலம் சங்கத்தின் சேவைகளை ஓரளவு பேண முடிந்தது.

நாம் அனைவரும் எமது சங்கத்தின் சேவைகளை மட்டும் பெறுவதோடு நில்லாமல் பல விதத்திலும் இச்சங்கத்தின் வளர்ச்சியில் பங்கேற்று காத்திரமான திட்டங்கள், கருத்துக்களை வழங்கி, எமது சங்கத்தின் வளர்ச்சியில் பங்கேற்று உதவும் உங்கள் அனைவருக்கும் நான் நிர்வாக சபை சார்பாக நன்றி கூற கடமைப்பட்டுள்ளேன்.

இன்று போல என்றும் எமது நலன்புரிச் சங்கத்தினால் தமிழ் மக்களுக்கு வழங்கப்படும் சேவை எவ்வித குறையும் தடையும் இன்றி தமிழ் மக்களுக்கு சென்றடைய நாம் அனைவரும் உறுதுணையாக பாடுபடுவோமாக.

நன்றி.

Kamalaraj Thiyagarajah (கமல்ராஜ் தியாகராஜா)
Chairman

Tamil Welfare Association (Newham) UK

REPORT BY BOARD OF DIRECTORS

CHARITY'S ADVANCEMENT TOWARDS MEETING ITS AIM

The overall responsibility of the organisation and its effective running lies in the hands of the ten Board of Directors who are elected at the Annual General meeting. The organisation is registered with the Charity commission and Company house and is obliged to fulfil their requirements. Apart from these we often get registered with other regulatory bodies as per the requirements of the funders for particular projects. The purpose of the organisation is to serve the Tamil speaking population in UK by relieving them from poverty, transforming their life for the better and to facilitate resettlement.

The organisation offers services to meet the requirements of the individuals who came to this country at various points in time. Recently the focus is more on the third generation Tamil population in this country. We see younger generation in this community struggle reaching to the top levels in various significant areas. In spite of being born in this country and having skills in par with the natives they face discrimination in various areas. This discrimination starts with the skin colour and the fact that their parents and ancestors are not from this country. We create opportunities for them to learn about the background of their community, cultural and other aspects of their native country in order to strengthen their identities. A better understanding about their background and origin increases the resilience and strength of youngsters in establishing themselves in this country.

The other group of individuals whom we cater to are those who had migrated to this country before few years seeking safety and a normal life. They are forced

to work for longer hours and harder than the natives in order to attain their basic requirements. Most of them fall below poverty line and some tend to be in middle class. They struggle even to maintain such low levels as their financial situations are bound to change with minor disturbances. Families are often found to face possession order, financial difficulties, addiction, family disputes and various other problems due to financial trouble. These categories of people tend to have stronger ties with their family members in the native country and are affected largely by the matters that are ongoing in Sri Lanka. Besides being British nationals there is high prevalence of child poverty and overcrowded homes and other disadvantages due to low income.

The third categories of people are the migrants with limited leave to remain in this country and those who have come from other European nations exercising their treaty rights. They have problems in settling down in this country and it may be due to difficulty in getting across the English language exams. In these families we often see prevalence of conflicts leading to wife and children being deserted by husband. They have problems in learning the new language and understanding the system of the country. They struggle hard to integrate with the community and transform their life.

The last group are the victims of torture and asylum seekers, for which the organisation was initially started 28 years ago as a small self help group. There hasn't been any positive change in the past 28 years in the situation in Sri Lanka and although officially 5 years is over since the civil war was declared as ended the human rights violations are still ongoing and we see those who seek asylum as the representatives of the justice seeking community. Due to tighter border

controls and inability to travel without a valid visa there is a reduction in people travelling under others passport while going to other countries to seek asylum. Instead individuals utilise student visa and other visitor visa as means to enter a safe country. Due to absence of LTTE navy the chances of those who can go to south India and then seek asylum has been drastically reduced.

THE CHALLENGES FACED BY THE ORGANISATION IN 2013.

The organisation faced a lot of problem during this year due to reduction in the incoming funds. In the end of year 2012 the Legal aid agency (LAA) began to recoup for some of the clients files related payment by stating those areas of work did not meet the funding criteria. Mainly citizenship related claims made over the last 5 years were identified and recouped as nationality application was refereed to as simply forming filling work involving no legal issues. This is despite our community member's problem in obtaining citizenship due to repeatedly as Home Office tends to link the political activities that they were involved earlier with a good character test while assessing their naturalisation application. Those associated with Liberation tigers of Tamil Ealam were denied with citizenship for their involvement with a terrorist organisation. When these applications were refused there is no appeal right and the individual will loose around £900 paid as application fees. We took one test case TC to high court to challenge the home office approach through JR application. Despite these efforts and explanation our client's citizenship related claims were recouped by LAA and apart from this they also found fault with some other case related files and made nil assessment on those file as well. The LAA identified claims worth of around £63,000 to be ineligible and to be recovered from the organisation. As a result of this our monthly payment were reduced and we had to meet the disbursement cost which includes the barrister fee and other professional charges within that amount.

Further the organisation was receiving funding assistance from London council for the last 10 years to provide legal advice with around £40,000 grants per year. This funding application wasn't renewed in April 2013 as our services did not meet the new funding criteria which was set out by the London Mayor and funding officers. Since the coalition government came into power its keen on funding cut and it further started to implement their funding strategy by recouping some of its money in the legal field which was initially given by the LAA this is

including charities and non-profit sector. They have also restricted the funding allocated for voluntary sector by setting up new tight criteria which are practically not attainable.

This sort of practice by the government not only leads to the curtailing of the already available funding but also led to recouping of the money that was paid earlier. Worst of all the new restrictions have created a very tough financial climate making it very hard to acquire any new funding. In the month of May the organisation faced uncertainty and board of Directors acted swiftly by talking up some emergency measures to prevent the organisation from becoming bankrupt or collapse. Staffs were made redundant and some of the staff offered to volunteer to help the organisation come out of the crisis. This situation disturbed the service delivery of the organisation to a great extent. In one side it was answering and offering service to a high number of users without any funding and on the other hand it was abiding with LAA requests and forwarding the files that they were requesting now and then. The work was very much disrupted by such actions especially in the absence of adequate staff. On the whole it was very clear that such an action was not taken with the welfare of the community as a priority. If that was the case then they would have allowed the amount to be used for other charity purposes or by resolving the matter through other long term liability agreement. As it was purely an action to curb the services and the organisations that were trying to reach out to the disadvantaged we don't think this was a strategy that was followed by the government but actually a dead end in the smooth delivery of services. These sorts of approaches are not going to help them maintain good relationship with any of the community concerned, for that matter. This actually hinders the goals of the government itself for which the organisation would have acted as tool. The amount that was saved for the past 10 years with the intention of purchasing the first floor premises of the office or some other building under social enterprise scheme had to be utilised in this crisis situation in order to keep the office open and the other services running. We were forced to utilise the unrestricted fund that was accumulated over the years through fund rising events had to be utilised as the situation was very critical.

IMPLEMENTATION OF THE STRATEGIC PLAN

The organisation had a practice of preparing strategic plan for three years in regular intervals. According to this in November 2012 a strategic plan was framed

and the organisation was conducting its business accordingly. However the funding shortage that occurred in May 2013 forced us to stop implementing the three year business plan. We framed an interim plan and it was executed to deal with the situations that were very much unexpected. The interim strategic plan identified the amount of unrestricted funds available and the way they can be distributed. The management of the office in accordance with the staff redundancy by keeping the office open and running the necessary services was also decided upon accordingly. The board brainstormed on the ways to reduce expenses and implement cost cutting measures apart from identifying sources to generate additional income. In order to come out of this financial crisis we have to identify new funders and secure the necessary funds within 8 to 10 months. In May 2014 we will be reviewing the strategic plan fully.

AUDITED ACCOUNTS AND FINANCE MANAGEMENT

Since the formation of the organisation it has been audited by an independent auditor annually in order to scrutinise the finances. In the year 1990 an approved accountant was appointed to perform an audit and the statement was published in our annual report. The annual report is mainly for the information of the members but we forward this document to all interested parties and funders. Based on this, each year in the month of February approved accountants are scrutinised and a report is produced. According to this policy in 2013 "Advanced Accounting Practise" examined our accounts and approved it. We submit this report to the company house and charity commission as a requirement and make sure this is passed on to other relevant parties. Our financial year ends on the 31st December and it covers a period of one year starting from the month of January and ending in December.

We are highlighting the points from the annual report. Board of directors are the overall responsibility for the financial management but the treasurer will be responsible for taking financial decisions and maintaining financial records. We maintain accurate and transparent financial records with the support of staff and volunteers to the best of our ability. Under the section 477 of the companies' act 2006 relating to small companies the company was exempted from audit. Finally this audited report was approved by the board of directors in 28 days time. In the year 2013 the organisation has generated an income of £119,040 and has spent an amount of £155,846. This difference in income and expenses had lead to a deficit of £36,806

and this has been clawed from the unrestricted funds (building fund). The current net assets amount was £50,604 which predominantly denotes the cash in the bank. For the 2nd consecutive year there was a necessity to transfer funds from unrestricted funds to designated funds.

As far as the funding grants are concerned we received around £20,000 from Trust for London. London council's payment for the last two quarters which ended by April 2013 was an amount of £20,000. Apart from this London legal support trust had offered a grant of £5000. Legal aid agency had paid an amount of around £28,000 for the work we carried out and another £30,000 was received under the cost order recovery.

The main expense of the organisation is salary cost which amounts to £48,000. It's followed by client disbursement charges which was an amount of £30,954. This includes the charges for hiring barristers and other professionals for the client's cases. Although the value of our designated funds is amount of £226,382, apart from the cash in the bank a value of £168,521 denotes the value of the ground floor building from which the organisation is running.

At the year end the organisation just had around £50,000 in reserves, but we are very much hopeful that we will generate £75,000 for the next financial year to run the current level of services without any disruption. If we can secure more than 50% of this amount in the beginning of the year itself then there are more chances for the survival of the organisation. Otherwise the office working hours have to be reduced in order to manage the situation.

SERVICE DELIVERY AND STATISTICS

The organisation is delivering a number of services for the Tamil community over the years. Legal advice, case work and representation, running day centre for senior citizens, fine arts classes and supplementary education for migrant children are some of the key services. Among these projects supplementary education for refugee children has been stopped since July 2013 due to unavailability of funding. Outreach work also has been suspended due to shortage in volunteers and staff. Apart from these two changes we managed to deliver other services to the required level. We are able to continue to run the Day centre for elders and fine arts classes with the help of the contribution from the community. Although it has helped us in sustainable service delivery, running the

projects without external support is very difficult. We are intending to run these programs as far as possible and we are also trying to acquire some funding to run this project further.

Our records show that a majority of users approach our office to obtain legal advice on asylum and immigration matters. This reflects our previous year's statistics as well confirming the fact that this has been our major service. Since April 2013 legal aid is no longer available for immigration cases, and only asylum casework are funded under the legal aid contract. Due to this change we refrained from taking up immigration cases and limited our services to asylum cases, bearing in mind the lack of resources and staff shortage. The second highest number of users approached our office to either obtain welfare benefits advice or solve their financial problems. This service has also got severely disrupted and we are not able to cater to all those who approached us as we did in the past 10 years. Around 30 % of people who approached us for some sort of support were turned away or signposted. There are not enough service providers available to deliver this service as many voluntary agencies are closing down or reducing their service delivery. We are not sure about how our users are coping with this sort of dearth in services. Moreover there aren't enough funders available to fund welfare benefits related advice work. This is another crucial problem in front of us in continuing our services in the future. The third category of people who approached us for help are those who are homeless or those who face issues related to housing, council tax benefit reduction, housing benefit deduction, landlord license scheme and bedroom tax. Some of the matters are of recent origin and are affecting the prospects of low income families or individuals to find housing or accommodation greatly. Landlords are not interested in letting properties to people those are in receipt of housing benefit or low income. Landlords are reluctant to invest in housing market in Newham Borough due to landlord license scheme and other such hassles. In our view this is fuelling the problem of homelessness. When we were in receipt of funding from London council we effectively handled the matters pertaining to homelessness and housing crises. Local homeless persons units are not very effective and affordable housing has become a big concern for the community members.

We also cater to other needs of the users by dealing with issues related to consumer and money advice, employment and health care related matters. Despite this adverse situation we managed to provide casework and representation in asylum seekers

related matters as it was one of the priorities and we had legal aid contract in order to facilitate such matters. We also take steps to undertake various other cultural and social events which target the community members and their involvement to a greater extent.

In the last year 464 visits made by users in relation to their asylum related matters, 576 visits were made in relation to benefits related matters and 631 visits have been made by users in relation to their immigration related matters. A significant number of visits were made by users in relation to their housing, employment, consumer, crime and other matters respectively. The majority of visits to office were made by the population in the age group of 25 to 50 years. A large number of visits were made by clients hailing from the Newham Borough and it amounted to 1087 and this was followed by users from Redbridge Borough. However clients from various other London Boroughs, from outside London areas apart from clients who are homeless also seek our support.

Before April 2013 we had 2 full time and 2 part time workers working for us apart from volunteers. This situation got changed in May by reduction in staff to 2 fulltime workers and that too with reduced working hours. Moreover our legal aid contract won't allow us to take up new cases of asylum seekers who are in detention. Hence we are turning down clients who are seeking our services from detention centres.

MANAGEMENT OF THE ORGANISATION

The board of Directors meet every month to discuss about the issues faced by the organisation and review the status of its projects. Further developments and various key issues that were dealt by the Executive director are taken to their notice with the help of a memo. The board on reviewing the projects and the financial situation suggest appropriate changes to rectify the problem, if any. The Executive Director will be responsible to implement the decision taken by made by the board and a designated board member will support the post holder in running the organisation on a day to day basis. The treasurer will attend the office at least once a month and would go through the financial records. A meeting with staff and volunteers will also take place in regular intervals to discuss about case related issues, training appraisal and other individual matters. Users can make their suggestions or raise their concern either verbally or through the user feedback form. This data will be analysed and added to our central records and appropriate action will be taken when necessary.

We are noticing that our clients are very much disappointed that we are not offering services in certain areas. The membership strength of our organisation is 280, out of which some of them are new members while the remaining have renewed their membership. Users are encouraged to become members of the organisation and contribute towards the management of the charity and we are proud to say that most of our Directors were users of the organisation in the past. We are very much keen in maintaining this tradition. The Annual General meeting of this year was held on the 15.06.2013 from 12 to 4 pm in the Manor Park community centre and was attended by 68 members. Mr. Rajanavanathan, Mrs. Sathyanithy Ramanan and Mr. Ragavan Nataraja were re-elected at the board while Mrs. K Senathiraja was elected to fill the vacancy created by Mr. Sajikumar. Moreover Mr. Kathiravel Nallathamby was confirmed as an elected member at the board. Mr. Srirajeevan was elected as a stand-in member at the meeting to fill any vacancy that may arise unexpectedly. The key agenda of the AGM were submission of the reports, approval of accounts, election of the Directors, project report, suggestion and observations. The members who presented at the AGM encouraged and endorsed the strategic plan that was put forward by the board members.

WORKING WITH OTHER NON-PROFIT SECTOR

The organisation is very much aware of the necessity for working closely with voluntary sector organisations, statutory organisations and other relevant professional who are offering similar service or operating with similar objectives. In particular we closely work with other voluntary sector organisations to achieve our collective goals and in solving common problems. Mostly our working relationship with statutory bodies is to bridge the gap between the relevant statutory service providers and those with need in the community. We tried to work with other Tamil community organisation under the name of Tamil community partnership and as a network with 42 other black and minority community organisations that are operating in London. This network is called

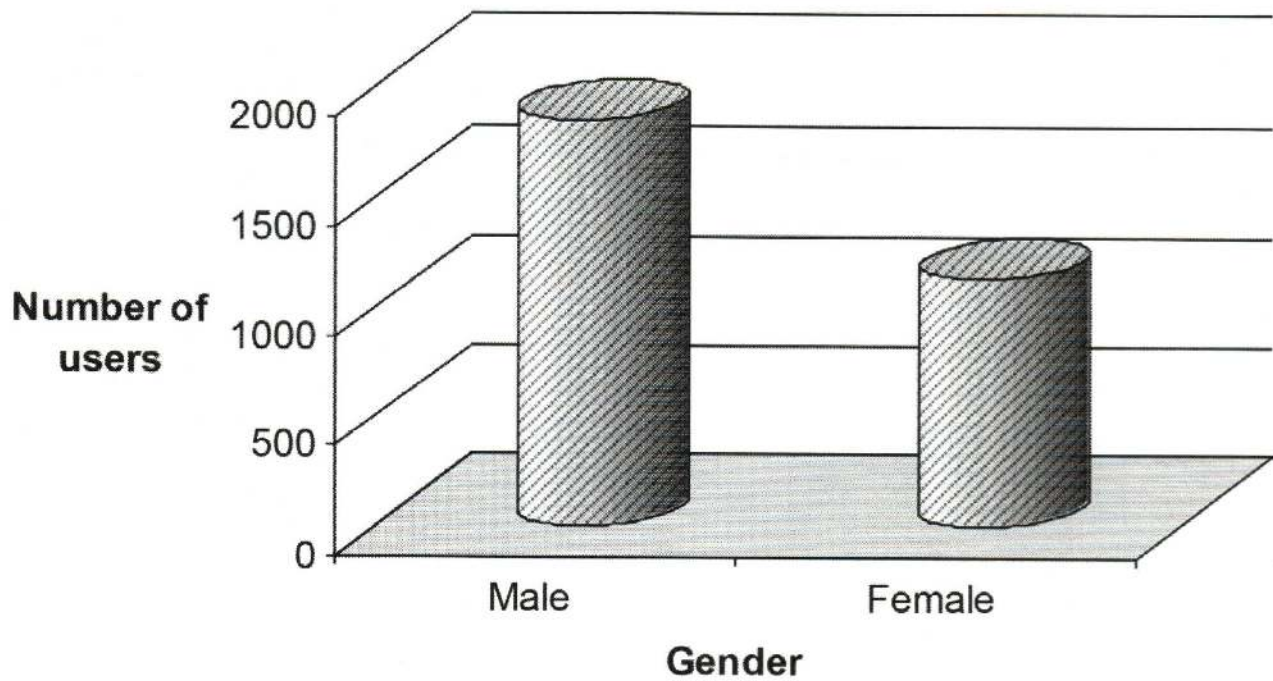
the Black and ethnic minority advice network (BAN) and is led by Advice UK. Withdrawal of London council funding has affected all the 42 member organisations alike and this has reduced the dynamism of the members. We are working along with "Ramfel" a group of east London organisations and this is also not functioning adequately as a result of reduced funds.

Last year was not a good year as far as networking activities was concerned due to the poor financial situations faced by all the member organisations including TWAN.

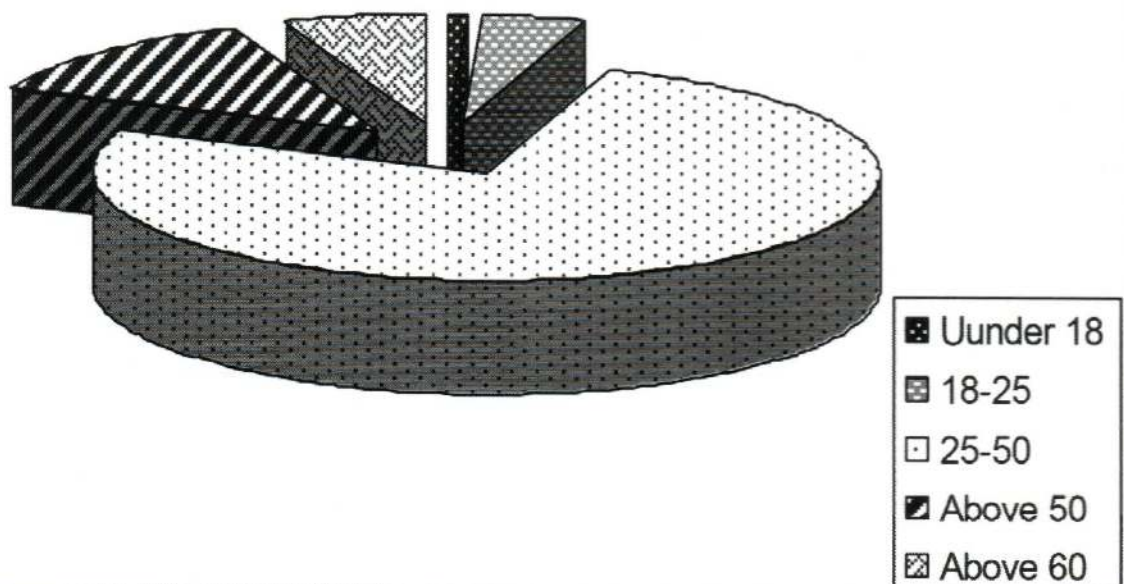
SUSTAINABILITY OF THE ORGANISATION

Despite facing a serious set back in the middle of the year 2013, the organisation has been progressing by applying appropriate rebuilding strategy. Steps were taken to reduce the expenses as much as possible and to secure even to secure the minimum amount of grants possible. To maintain the service delivery to the current level, the organisation may need around £70,000 per year. Otherwise we may have to reduce the services we offer to match the range of funds available. By the end of year 2013 we strongly believed that the organisation will be able to secure funds for around 52 to £55,000 for the year 2014 and actions are being taken in full swing to reach the £70,000 per annum mark. Our strategic plan is going to be renewed extensively for the upcoming 3 years in the middle of 2014 and strategies for sustainability of the organisation will be framed. The organisation is also actively working to establish a social enterprise scheme which could generate at least £10,000 per year to meet the charity's expenses. Initial consultation is in progress and we hope this additional income amount will rise to £30,000 in 5 years of time. Moreover, the plan of purchasing the 1st floor rented premises of the office has been postponed for further 2 years keeping in mind the funding situation. The board members of the organisation, staff and volunteers are working together to rebuild the organisation as soon as possible. ●

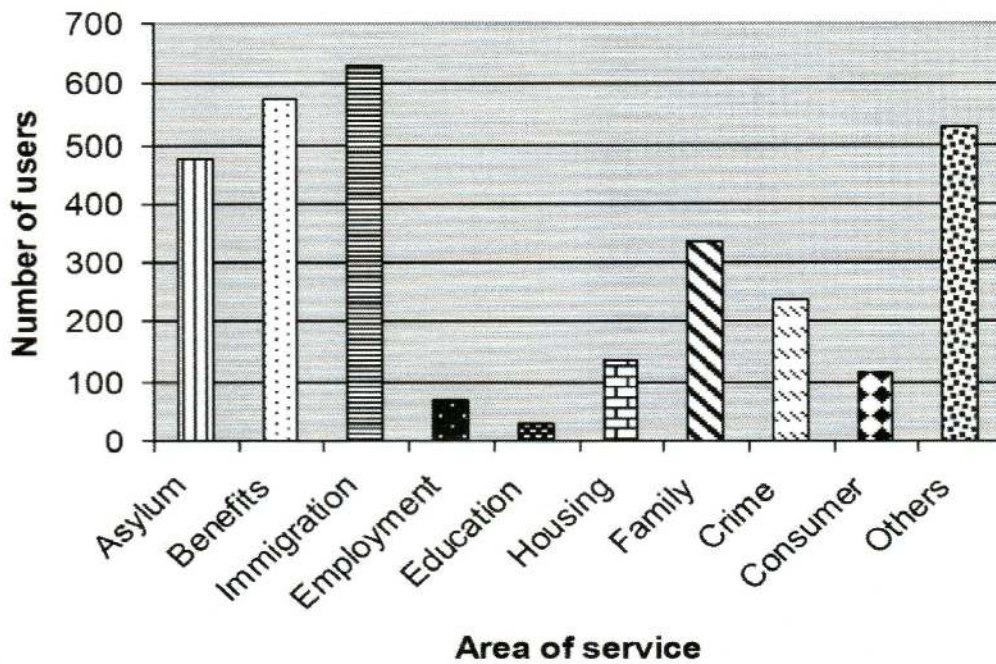
Distribution of users by gender



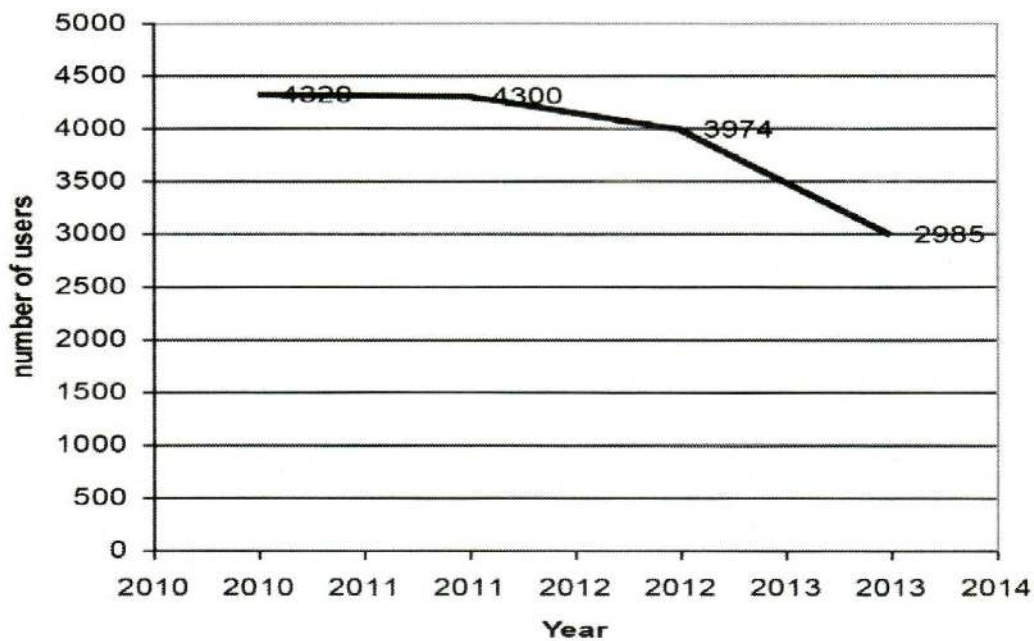
Distribution of users by age group



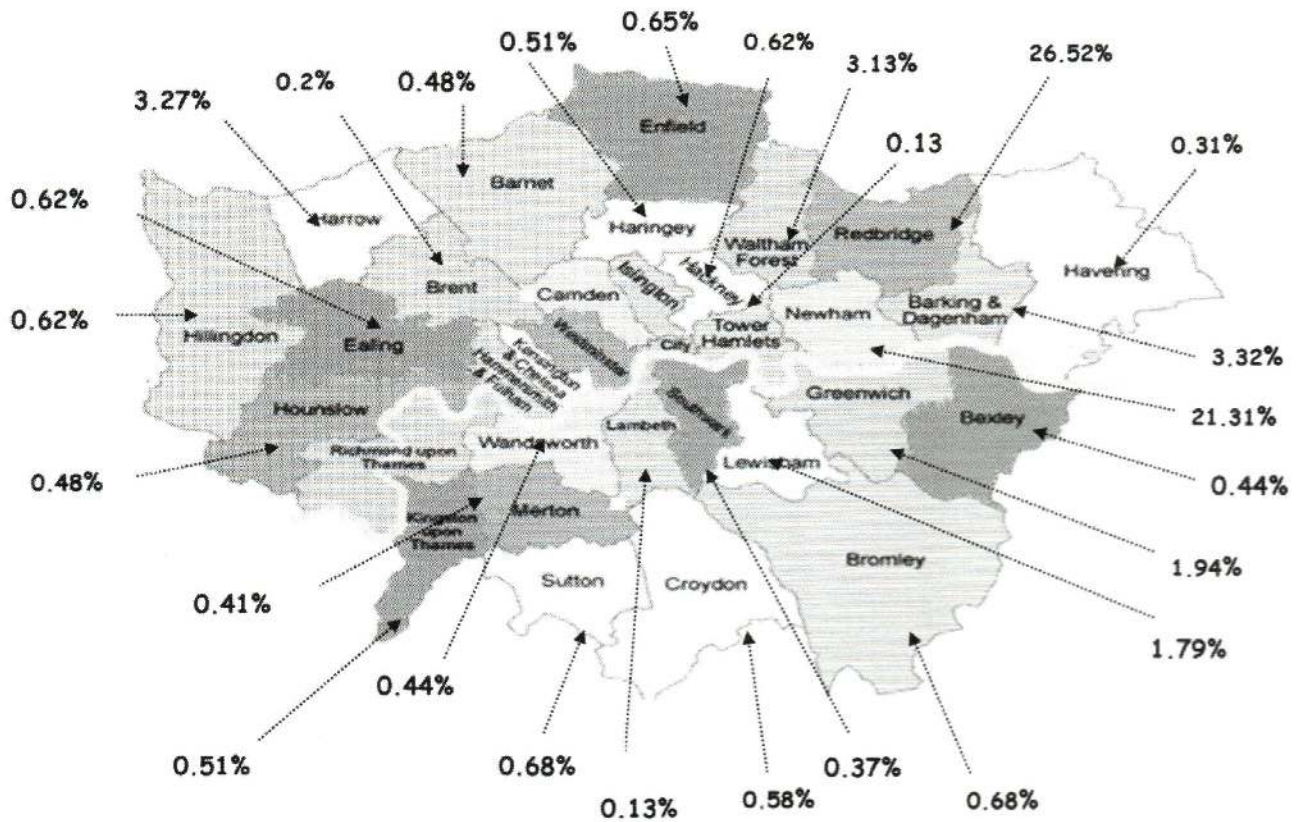
Distribution of users based on service delivery



Number of users over the years



Borough wide distribution of our users



Outside of London- 1.8%, Homeless- 1%,Others-15.7%

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

TAMIL WELFARE ASSOCIATION (NEWHAM) UK

COMPANY NO: 2962857

CHARITY NO: 1047487

FINANCIAL STATEMENTS

- For the year ended -

31ST DECEMBER 2013

ADVANCED ACCOUNTING PRACTICE

Certified Accountants
23 Langmead Drive
Bushey Heath, Herts
WD23 4GD

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DIRECTOR/TRUSTEES

M Balasingham (Mrs)
P Chandradas Esq
T Janaka (Mrs)
S Ramanan (Mrs)
S Paneerchelvan Esq (Resigned 30.01.2013)
T Kamalraj (Appointed 30.01.2013)
R Rajanavanathan Esq
S Muthucumarasamy Esq
N Rakavan Esq
K Nallathambi Esq
V.Sajikumar (Resigned 15.06.2013)
K.Senathirajah (Appointed 15.06.2013)

SECRETARY

P Chandradas Esq

REGISTERED OFFICE & BUSINESS ADDRESS

602 Romford Road
Manor Park
London
E12 5AF

AUDITORS

Advanced Accounting Practice
Certified Accountants
23 Langmead Drive
Bushey Heath
Herts
WD23 4GD

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/TRUSTEES

The directors present their report and financial statements for the year ended 31st December 2013.

PRINCIPAL ACTIVITIES AND BUSINESS REVIEW

The Association is a registered charity and the company is limited by guarantee and not having a share capital.

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.

FUNDS

The directors do not recommend any funds be transferred from the Unrestricted funds to the Designated fund account due to the need for the Association to retain funds for the effective running of their offices.

The company is a registered charity and hence no dividends are payable.

DIRECTORS AND THEIR INTERESTS

The directors do not have any interests in the capital or reserves of the company.

TRUSTEES/DIRECTORS' RESPONSIBILITIES

The trustees (who are also directors of Tamil Welfare Association Newham UK for the purposes of company law) are responsible for preparing the Trustees' Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Acceptable Accounting Practice).

Company law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for the year. In preparing these financial statements, the trustees 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 charitable company will continue in operation.
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The trustees 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 2006. They are also responsible for safeguarding the assets of the charitable company and hence taking reasonable steps for the prevention and detection of fraud and other irregularities.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS/TRUSTEES

CLOSE COMPANY

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

INDEPENDENT EXAMINERS

Advanced Accounting Practice, are willing to be reappointed as independent examiners.

Date: 28th April 2014

By Order of the Board
P Chandradas
P Chandradas Esq
Secretary

**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

**Legal Aid Agency**

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

**OISC**

1. அரசியல் தஞ்சம் (Asylum & Appeals) 2. குடிவரவு (Visa Extension, Entry Clearance, Work Permits, Citizenship, EU Residency Permit) 3. தடுப்புக் காவல் விடயங்கள் (Detention Matters.)

4. தஞ்சம் கோருவோருக்கான மானியங்கள் (NASS Application & Appeals) 5. சமூக நல மானியம் (Social Welfare Benefits) 6. தங்குமிட /வீடு வசதிகள் (Accommodation, Housing)

7. உடல் /மன நல விடயங்கள் (Healthcare) 8.வேலை/கல்வி வாய்ப்புக்கள் (Employment, Education)

கிதுபோன்று நமது சமூகம் எதிர்நோக்கும் மேலும் பல விடயங்களில் உதவி வழங்கும் எமது தமிழர் நலன்புரி சங்கம் (TWAN) வார நாட்களில் தங்கள், 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 அறிவித்திருக்கிறோம்.

INDEPENDENT EXAMINER'S REPORT TO THE TRUSTEES OF
TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

I report on the accounts of the company for the year ended 31st December 2013 which are set out on pages 6 to 10.

Respective responsibilities of the trustees and examiner

The trustees (who are also the directors of the company for the purposes of company law) are responsible for the preparation of the accounts. The trustees consider that an audit is not required for this year under section 43(2) of the Charities Act 1993 (the 1993 Act) and that an independent examination is needed.

Having satisfied myself that the charity is not subject to an audit under company law is eligible for independent examination, it is my responsibility to:

- examine the accounts under section 43 of the 1993 Act.
- follow the procedures laid down in the general directions given by the Charity Commission (under section 43(7) of the Act, as amended); and
- state whether particular matters have come to my attention.

Basis of independent examiner's statement

My examination was carried out in accordance with general directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of any unusual items of disclosures in the account, and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit, and consequently no opinion is given to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

Independent examiner's statement

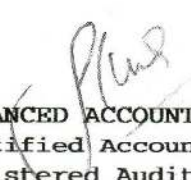
In connection with my examination, no matter has come to my attention:

1. which gives me reasonable cause to believe that, in any material respect, the requirements:

- a) to keep accounting records in accordance with section 386 of the Companies Act 2006; and
- b) To prepare accounts which accord with the accounting records, comply with the accounting requirements of section 396 of the Companies Act 2006 and with the methods and principles of the Statement of Recommended Practice: Accounting and Reporting by Charities.

have not been met: or

2. to which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.


ADVANCED ACCOUNTING PRACTICE
Certified Accountants
Registered Auditors

23 Langmead Drive
Bushey Heath
Herts
WD23 4GD

Date: 28th April 2014

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31ST DECEMBER 2013

	Notes	Restricted Funds	Unrestricted Funds	Total 2013	2012
INCOMING RESOURCES FROM GENERATED FUNDS					
<u>Voluntary Income</u>					
Grants	2	102,468	-	102,468	101,879
Donations			12,850	12,850	2,100
Membership subscriptions		-	1,595	1,595	999
<u>Income from generating funds</u>		-	2,074	2,074	1,975
<u>Interest receivable</u>	4	-	53	53	84
Total Incoming Resources		<u>102,468</u>	<u>16,572</u>	<u>119,040</u>	<u>107,037</u>
RESOURCES USED					
Direct Charitable Expenditure		127,766	-	127,766	134,721
Governance costs		21,228	6,852	28,080	30,073
		<u>148,994</u>	<u>6,852</u>	<u>155,846</u>	<u>164,794</u>
NET INCOMING RESOURCES BEFORE TRANSFERS	(3)	(46,526)	9,720	(36,806)	(57,757)
Balance brought forward		-	12,299	12,299	46,118
Balances carried forward		(46,526)	22,019	(24,507)	(11,639)
Add: Designated Funds brought forward		-	226,382	226,382	250,320
Transfer to Building funds		46,526	(46,526)	-	-
		<u>-</u>	<u>201,875</u>	<u>201,875</u>	<u>238,681</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**BALANCE SHEET AT 31ST DECEMBER 2013**

	Notes	2013	2012
FIXED ASSETS			
Tangible assets	7	175,586	176,832
CURRENT ASSETS			
Debtors	8	4,950	24,437
Cash at bank and in hand		58,406	85,727
		<u>63,356</u>	<u>110,164</u>
CREDITORS: Amounts falling due within one year	9	<u>(12,752)</u>	<u>(18,978)</u>
NET CURRENT ASSETS		<u>50,604</u>	<u>91,186</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		226,190	268,018
CREDITORS: Amounts falling due after more than one year	10	<u>(24,315)</u>	<u>(29,337)</u>
		<u>201,875</u>	<u>238,681</u>
CAPITAL AND RESERVES			
Designated Funds	12	179,856	226,382
Unrestricted Funds	13	22,019	12,299
SHAREHOLDERS FUNDS		<u>201,875</u>	<u>238,681</u>

For the year ending 31st December 2013 the company was entitled to exemption from audit under section 477 of the Companies Act 2006 relating to small companies.

Director's responsibilities:

- i) The members have not required the company to obtain an audit of its accounts for the year in question in accordance with section 476.
- ii) The directors acknowledge their responsibilities for complying with the requirements of the Act with respect to accounting records and the preparation of accounts.

The financial statements were approved
by the board on 28th April 2014
and signed on its behalf by


S Muthucumarasamy Esq

Director

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

1. ACCOUNTING POLICIES

1.1 BASIS OF ACCOUNTING

The financial statements have been prepared under the historical cost convention and are in accordance with applicable accounting standards.

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
-----------------------	----------------------

No depreciation is provided on freehold buildings as it is the company's policy to maintain these so as to extend their useful lives.

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.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

2. GRANTS RECEIVED	2013	2012
Analysis by:-		
London Council/Advise UK Grant	20,000	30,000
Legal Aid Agency re: Legal work	28,343	58,754
Legal Aid Agency re: Court order/Cost recovered	30,000	-
Trust for London	19,125	3,125
Cloth Workers' Foundation re: Capital expenditure	-	10,000
London Legal Support Trust	5,000	-
	<u>102,468</u>	<u>101,879</u>

The grant recieved from London Council has been used for general advisory and legal representation. Grant received from Legal Aid Agency has been used for specialist and general case work on immigration and aslyum matters.

Where grants were provided for a specific purpose the Association has always used them solely for those purposes.

3. NET INCOMING RESOURCES	2013	2012
The net incoming resources is stated after charging:		
Depreciation	1,246	1,467
Operating lease rentals:		
Land and buildings	<u>8,040</u>	<u>8,040</u>

4. INTEREST RECEIVABLE	2013	2012
Bank and other interest receivable	53	84
	<u>53</u>	<u>84</u>

5. INTEREST PAYABLE	2013	2012
On bank loans and overdrafts	870	1,238
	<u>870</u>	<u>1,238</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

6. DIRECTORS AND EMPLOYEES	2013	2012
Staff costs:		
Wages and salaries	44,432	58,408
Social security costs	3,571	5,552
	<u>48,003</u>	<u>63,960</u>

7. TANGIBLE ASSETS	Land & buildings	Fixtures & fittings	Total
<u>Cost</u>			
At 1st January 2013 and			
At 31st December 2013	168,521	43,309	211,830
<u>Depreciation</u>			
At 1st January 2013	-	34,998	34,998
Charge for year	-	1,246	1,246
At 31st December 2013	-	36,244	36,244
<u>Net book value at 31st December 2013</u>	<u>168,521</u>	<u>7,065</u>	<u>175,586</u>
<u>Net book value at 31st December 2012</u>	<u>168,521</u>	<u>8,311</u>	<u>176,832</u>
		2013	2012
Analysis of net book value of land and buildings:			
Freehold	168,521	168,521	

8. DEBTORS	2013	2012
Other debtors	3,552	200
Prepayments and accrued grant income	1,398	24,237
	<u>4,950</u>	<u>24,437</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

9. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR	2013	2012
Bank loans and overdrafts	5,891	5,891
Taxes and social security costs	1,598	1,479
Other creditors	-	1,197
Accruals and grants recieved in advance	5,263	10,411
	<u>12,752</u>	<u>18,978</u>

10. CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR	2013	2012
Loans	24,315	29,337
	<u>24,315</u>	<u>29,337</u>

11. BORROWINGS	2013	2012
<u>The company's borrowings are repayable as follows:</u>		
In one year, or less or on demand	5,891	5,891
Between one and two years	11,783	11,783
Between two and five years	12,532	17,554
	<u>30,206</u>	<u>35,228</u>

Details of security:

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

12. DESIGNATED FUNDS - BUILDING FUND	2013	2012
Balance at 1st January 2013	226,382	250,320
Transfer deficit from Restricted funds	(46,526)	(23,938)
Balance at 31st December 2013	<u>179,856</u>	<u>226,382</u>

Designated funds represent the surplus income that the Association generated from it's internal fund raising events and other income generated through its own ability during the past several years. Part of the fund has been invested into the land and buidling owned by the Associaton. The fund represents 168,521 of the net book value of land and building (see note 7).

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2013

13. PROFIT AND LOSS ACCOUNT

	Restricted Funds	Unrestricted Funds
Retained profits at 1st January 2013		
as restated	-	12,299
Net incoming resources before transfers	(46,526)	9,720
Transfer to Designated funds	46,526	-
	<hr/>	<hr/>
Accumulated losses at 31st December 2013	-	22,019
	<hr/>	<hr/>

14. 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	
	2013	2012	2013	2012
Expiry date:				
Within one year	8,040	8,040	-	-
Between one and five years	32,160	32,160	-	-
	<hr/>	<hr/>	<hr/>	<hr/>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 31ST DECEMBER 2013

	<u>2013</u>	<u>2012</u>
<u>Income</u>		
<u>Restricted Funds</u>		
Grant received (Sch)	102,468	101,879
<u>Less: Expenditure</u>		
Client disbursements	30,954	24,876
Childrens' project	595	743
Education project	8,250	7,766
Age Concern project	3,198	6,719
Salaries and wages (incl N.I)	48,003	63,960
Professional fees	8,940	5,438
Volunteers and sessional workers	13,925	10,100
Staff recruitment and training	643	785
LSC grant assessment audit	-	2,160
Rent, rates and insurance	13,258	12,174
Light and heat	3,138	2,287
Telephone and fax	4,332	4,235
Printing, postage and stationery	4,759	6,772
Office maintenance	1,798	3,243
Organisation & Development	900	900
Accountancy	2,500	2,968
Security costs	478	423
Travelling	1,639	1,326
Bank charges	814	552
	<u>148,124</u>	<u>157,427</u>
Net surplus/deficiency	<u>(45,656)</u>	<u>(55,548)</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

**DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 31ST DECEMBER 2013**

<u>Unrestricted Funds</u>	<u>2013</u>	<u>2012</u>
<u>Income</u>		
Cultural activities collections	1,799	1,975
Membership fees received	1,595	999
Donations and other income	12,850	2,100
Family outing	275	-
	<u>16,519</u>	<u>5,074</u>
<u>Less: Expenditure</u>		
Cultural activities	4,236	2,400
Meeting expenses	-	63
Sundry expenses	114	431
Membership and subscriptions	1,256	1,768
Depreciation	1,246	1,467
	<u>6,852</u>	<u>6,129</u>
Net Surplus/(Deficit)	<u>9,667</u>	<u>(1,055)</u>
<u>Gross Incoming Resources before Interest and other income</u>	<u>(35,989)</u>	<u>(56,603)</u>
 OTHER INCOME AND EXPENSES		
Interest receivable:		
Bank deposit interest	53	84
	<u>53</u>	<u>84</u>
Interest payable:		
Bank interest	870	1,238
	<u>(870)</u>	<u>(1,238)</u>
NET INCOMING RESOURCES	<u><u>(36,806)</u></u>	<u><u>(57,757)</u></u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT

FOR THE YEAR ENDED 31ST DECEMBER 2013

Schedule - Grants received

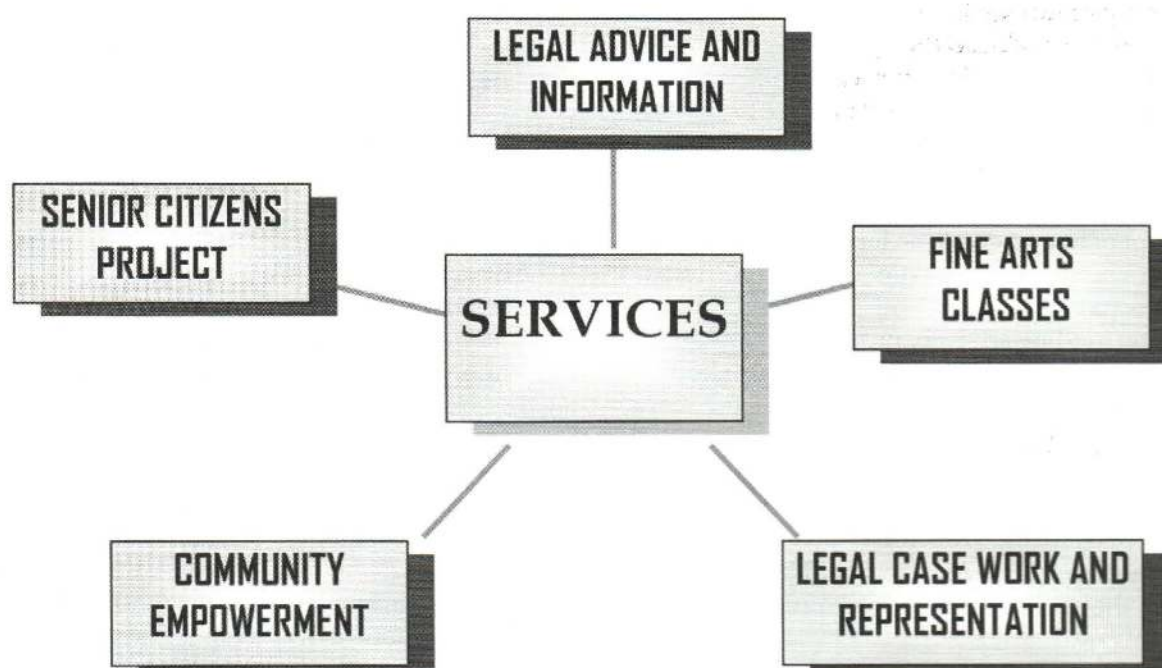
	<u>2013</u>	<u>2012</u>
ALG/Advice UK Grant	20,000	30,000
Legal Aid Agency re: Legal work (See note below)	28,343	58,754
Legal Aid Agency: Court order/Costs Recovered	30,000	-
Trust for London	19,125	3,125
Cloth Workers' Foundation	-	10,000
Re: Capital Expenditure		
London Legal Support Trust	5,000	-
	<hr/>	<hr/>
	102,468	101,879
	<hr/>	<hr/>

Legal Aid Agency re: Legal work

Claims forwarded for the current year	54,172
Adjustment re: clawback against previous year(s) payments	(28,172)
	<hr/>
	26,000
Add: Payment towards other civil bills	2,343
	<hr/>
	28,343
	<hr/>

The clawback relates to the recoupment of funds provided by the Legal Aid Agency during the past years as imposed by the Contract Reconciliation Protocol.

PROJECT PROGRESS REPORT 2013



The organisation was initially formed by a group of Tamil refugees with the aim of resettling and integrating Tamil refugees in the UK. Even though the civil war in Sri Lanka came to an end four years ago, the human rights violations and suppression of the Tamil minority community by the majority Sinhala government continues, resulting in a large number of Tamils forced to claim asylum in the UK even now. While the migrant Tamil community in the UK is in the process of integrating with mainstream society, we, as a community organisation have to play a major role in the swift settlement of newcomers.

The organisation strives hard to achieve its aims and objectives through a range of activities and by addressing the felt needs of various vulnerable groups in the community through tailor made programs. Since its formation, the advisory project has been a

key component of the service delivery plan. There are various other programs that are being run to meet the needs in the community like the Day centre project for the elders, Fine arts classes for disadvantaged children and Legal case work.

Among the many reasons for our continued success, especially in contrast to generic service providers, the following must be mentioned: Our clients have specialised and complex needs that cannot be met by generic service providers, and we are better equipped to access hard-to-reach members of the refugee community – especially vulnerable groups such as elders, single mothers and those with mental health issues. Our track record and good reputation has stood us in good stead, more so at a time when generic organisations have a very heavy workload and are unable to cater even to their own clientele.

LEGAL ADVICE AND INFORMATION

PROJECT IN BRIEF

The finances of our charity - Tamil Welfare Association (Newham) UK have been hit hard by the recent changes in the attitude and approach of government agencies and funders towards advisory projects. The coalition government, which came to power a few years back, has significantly reduced funding for community-related advisory services. As a direct result of this, the London Council and Legal Aid Agency, previously known as the Legal Service Commission, have reduced their grants by cutting the number of services providers they can support. Many potential funders too have stopped or have drastically reduced the grant size for community advisory services.

The concept of free advice is no longer encouraged as the funders seem to underestimate its significance. Institutions like Big Lottery and Trust funds are not very keen on funding advisory projects. Organisations like Citizen Advisory Bureau and Law Centres provide generic services and, given the heavy work load, are struggling to meet the requirements of all those who approach them. Non-profit organisations and community organisations too are struggling to continue providing free legal advice to their community and users. As a result, there is a huge vacuum in the service delivery of frontline advisory agencies.

Lack of quality legal advisory services affects disadvantaged members in the community

considerably; especially the ethnic minority communities that already face a number of barriers to settling in this country and leading a decent life. The refugee community, in particular, is disadvantaged due to the immigration status of individuals, lack of English language proficiency and inadequate understanding of the British system.

The TWAN advisory project had been funded mainly by the London council for the last 10 years, but this funding is no longer available. Under the guidance of Advice UK, and along with 42 other community organisations under the BAN network partnership, we had applied for a funding extension, which was turned down by the London Council in February 2013. Consequently, since April 2013 we are faced with a funds gap of £40,000 per year

TWAN was formed 28 years ago with the main aim of offering legal advisory service. Since then this project has gone from strength to strength and, over the years, the charity has successfully delivered very high quality legal advice. In 2003 it obtained the Specialist Quality Service Provider status.

Legal advice is a vital component to achieve the aims and objectives set by the organisation, and the community expects us to provide services in areas such as housing, employment, welfare benefits, health care, immigration, debt and money advice and advice to deal with crime and minor offences. It is difficult to run this community organisation without the peripheral service, namely the legal advisory project.



Most of our community members live in poverty: they cannot carry out the instructions given by the benefit agency at their home, both because they lack access to a computer and because they cannot afford to access it elsewhere. In addition they are not well-versed in English nor do they have the skills required to use the computer. This has led to a lot of discomfort in our clients, as all the processes to get benefits have been computerised, starting from filling up of an application. The absence of printed information and materials also escalates the problems for the user groups that we are targeting.

The local government and some of the funders are aware of the benefits of a legal advisory service and are encouraging frontline non-profit advisory agencies to offer it in a modified manner. However, even as they accept the need for this service they believe that a reasonable fee should be charged in order to sustain the project. But since most of the community organisations or charities were formed with the aim of providing free services, the idea of paid service is contrary to their aim and objectives. Even in our organisation, the Directors and members will no longer be interested in contributing further should such a situation arise. The pride and dedication is lost and they will start wondering whether the organisation needs to run with such a strategy.

As a charity organisation with an in-depth understanding of the problems in the community we don't consider this a viable option. Most of the users who approach us are struggling to meet even their daily needs and we cannot charge them for the services we offer.

There are several types of problems that we solve for our clientele. Some seek our help in getting their benefit claims – which may have been unreasonably stopped – reinstated. Some are homeless, rough sleepers or who are threatened with homelessness due to poverty. Others seek us out for debt and money advice: They are not able to prioritise and manage debt and money. People who have a restriction on access to public funds seek our support in various matters, as do the unemployed and jobseekers.

Based on all these factors it is clear that this service is not one that can be carried out by charging the user group. If such a thing were to be implemented then the organisation will not be able to meet the demands of the community and help individuals overcome their difficulties. In order to continue offering this service we should be able to tap the resources available more keenly and be ready to look for other alternative sources to keep the project running.

WELFARE BENEFITS

Our community members are forced to seek welfare benefits due to poverty and other disadvantages. Many of them are not aware of their rightful entitlements and suffer unnecessarily, until we intervene. We assess the situation of the clients and advise them on the benefits that they are eligible for. They are also helped in making applications and get their rightful entitlements without any issue. Often clients who are already receiving benefits approach us if the payment gets stopped in between for some reasons. We sort out such matters and when necessary lodge appeals and help clients get their benefits reinstated. In our experience we experience a lot of such situations in which disadvantaged clients suffer a lot as a result of benefits being stopped abruptly. The current benefits system is very much complicated and not friendly to a layman and that's the reason why our services are in high demand even now. We help clients break through the barriers and get economically empowered by acting as bridge between them and service providers. More than 550 clients were advised on welfare benefit related matters this year, the huge number proving the enormous need for it among the community members.

JOB SEEKERS ALLOWANCE

Jobseekers allowance is a weekly monetary benefit paid to help those who are looking for a job. To claim this allowance one should be able to work, be available for work and be above 18 years. The claimant should neither be in full time education nor work more than 24 hours in a week. The claimant must have less than £16,000 in savings and should be actively looking for a job. An individual is not eligible for an allowance if they or their partner is in full-time employment. The claimant's partner must not be in a remunerative employment and receiving ESA or Pension credit. An individual's job seeker allowance process will be initiated only if they attend a job interview, which will be scheduled immediately after submitting the application. The job interview will make sure that the respective individual is looking for a job sincerely and they will also be advised on the steps that should be taken to enhance the job search.

An individual who had made adequate NI contributions for 2 tax years will be eligible for contribution-based allowance. Those who are between 16 and 24 years can claim £57.35 weekly and those who are aged above 25 years can get £72.40 weekly.

Income-based Job seekers allowance is the other type of allowance which is paid if the particular individual

has not made adequate NI contributions. Those who are between 16 and 24 years, and single parents less than 18 years are eligible to claim £57.35 weekly. Those who are aged above 25 years and lone parents above 18 years can get £72.40. A couple in which both of them are aged above 18 years are eligible for an amount of £113.70. A joint claim can be made if both of the partners wish to claim for a Jobseekers allowance as they are looking for a job. The claimants should be less than the state pension age and shouldn't be responsible for a child.

A Jobseekers allowance will be stopped under various circumstances. If the claimant doesn't report to the job centre when requested, or if they turn down a job or training unreasonably then their allowance will end. It will also end if the claimant had failed to take active steps to look for a job. The claim might be suspended up to a period of 3 years.

Case Study 1

Mr. SS who had been working as a chef in a restaurant was made redundant all of sudden. He had a family to support and this crisis seriously affected his family situation. He was actively looking for a job but couldn't find one. After trying for some time he applied for Jobseekers allowance. He abided by their rules and fulfilled the requirements set by the authorities. However his Jobseeker allowance was stopped all of a sudden, and when he sought our help to sort this matter out we contacted the agency. The authorities explained that he had failed to submit records to prove that he was actively looking for a job, and so they had stopped his payment. We wrote to them explaining that the client had been searching for a job very genuinely all along and provided proofs to substantiate our statement. Following this, his benefit was reinstated. However, there was a break in the payment which led to a severe disruption in the claimant's day-to-day life.

Case Study 2

Mrs AM is a widowed single mother with a school-going daughter. Already unemployed, she was unable to find a job due to her low education status and background. She also had health complications that limited the number of jobs that she could take up. She applied for a Jobseekers allowance when she was searching for a job. The authorities at the job centre, without looking into her condition fully, had advised her to apply for Employment and support allowance instead. She took their advice seriously and made an application for ESA; she had also pointed out her health complications in the application. After a few months, her application for ESA was rejected as she didn't fulfil the eligibility requirements. She had been counting on the ESA for a long time. Already poor,

she slipped further into deep dejection and poverty, a large part of which could be attributed to the wrong advice given to her.

INCOME SUPPORT

An individual becomes eligible for income support under certain specific circumstances: if they have no income or a very low income; if they work for less than 16 hours a week; and if they haven't signed as unemployed. There could also be some other special circumstances: pregnancy, a single parent with a child below 5 years, and in some cases inability to work due to illness or disability. The claimant should be between 16 years and pensionable age to qualify. Those who are aged between 16 and 24 years and single parents less than 18 years can claim £56.80 weekly. Those who are aged above 25 years and lone parents above 18 years can get £71.10. A couple in which both of them are aged above 18 years are eligible for an amount of £112.55. If the claimant is a pensioner, disabled or a lone parent with a disabled child then they will be eligible for an extra amount.

A claimant is not expected to have paid national insurance contributions to qualify. Neither the claimant nor the partner is expected to work full time, but neither should they be in full time education. Income support is sanctioned to those who satisfy the habitual residence test and who are not subject to immigration control. An individual who claims Jobseekers allowance or ESA is not eligible for this benefit. Those who have more than £16,000 in savings, who require permission to enter into UK and young persons who are looked after by the local authority will not be eligible for claiming income support.

Case Study 3

Mrs KN is a single parent who came from Sri Lanka in 2008. She is separated from her spouse and lives with her three daughters. She had an EEA family permit but wasn't working or looking for work. She claimed income support on the grounds that she was a single parent. However, the authorities rejected her claim stating that she didn't have the right to reside and hence did not fulfil the habitual residence test. They also pointed out that she had never worked and there weren't any proof of her children being in education. We submitted an appeal on her behalf in which the right to reside in this country without any restrictions as a dependent of a European national makes her eligible for support was stressed upon.

Case Study 4

Mrs LK applied for income support as she was living with her dependent children. She was not supported by her husband who is an asylum seeker. Her claim

was stopped stating that she no longer fulfils the criteria for the eligibility. Unfortunately, the client's partner was staying with her at the time; he was not supporting her in any way as he is not permitted to work. She was also not in a position to work as she was nursing and taking care of her 6-months-old child. We appealed against the decision of the benefit agency. We argued that although her partner stayed along with the client he was not in a position to actively support the family.

CHILD BENEFIT

Child benefit is a monetary support paid to those who are responsible for a child or a young person. The qualifying age for children is under the age of 16 years or 20 years if they are in full-time education. The person who is responsible for the child, and only a single person, is eligible for this payment. The benefit helps those who are living in poverty and have difficulty in taking care of their children. The benefit is paid to each child that the person is caring for and a higher amount is payable to the eldest child. The claimant is not expected to have made adequate national insurance contributions to be eligible. Again a person is eligible for this benefit irrespective of whether they are in or out of work. As far as this benefit is concerned, a child is anyone below the age of 16 years and a qualifying person is someone who is above 16 years but who fulfils certain other criteria. One of the main circumstances in which a person above 16 years is eligible is if they are in full-time education or training.

To be eligible for child support, the concerned person should be either living with the applicant or the applicant must be contributing towards the cost of supporting the child. The claimant as well as the child should satisfy the presence and residence conditions. They are not supposed to be subject to immigration control but there are some exceptions to this clause.

A responsible person will be paid an amount of £20.50 for the eldest child and an amount of £13.55 each for all other children. If the family is split then the eldest person in each of the families gets £20.50.

Child benefit will stop when a child starts working for 24 hours or more in a week and if they start claiming income support, employment allowance or tax credits on their own rights.

Case Study 5

Mrs TP came to this country with her two children in on a student visa and claimed asylum. Her husband had been granted refugee status and had been working in the country for more than 3 years; he was paying

NI contributions and filing tax returns. She applied for child benefit and it was refused in December 2013 on the grounds that she was subject to immigration control and hence not eligible for child benefit. There weren't any restrictions on the claiming of funds in the client's passport and there weren't any restrictions as per husband's immigration status as well. Hence we lodged an appeal against this decision pointing out the error that has been committed while taking a decision on her child benefit. The fact that such wrong decisions lead to a high degree of child poverty was also explained in the appeal. We requested them to review the decision based on the facts that we had submitted and to grant the client with the entitlement which they are rightfully entitled to.

GUARDIAN'S ALLOWANCE

An individual who is responsible for bringing up a child whose parents have expired can claim a Guardian allowance. The claimant has the right to claim even if only one parent is dead and if due to various reasons the surviving parent is not taking care of the child. Guardians will be eligible for an amount of £15.90 per week and this benefit will be paid over and above child benefit. The benefit ceases when the child completes full time education/training and if the surviving parent is present to take care of the child.

CHILD CARE GRANT

Individuals in full time higher education can apply for child care cost and will get around £148.75 for a single child and £255 for 2 children. They can apply for children below 15 years and for those who are below 17 years with special education needs. The amount that a person is eligible for can be calculated using the household income, the number of children they are responsible for and their child care costs. A person is eligible for getting around 85% of their child care costs.

EMPLOYMENT AND SUPPORT ALLOWANCE

Employment and support allowance (ESA) is a benefit for those who have a limited capacity to work and those who are not entitled to statutory sick pay. The eligibility for this is determined based on a test called work capability assessment. Those who are above 16 years of age and under pension age are eligible to apply. This is a benefit which aims at supporting financially those who are ill and disabled, or require personalised support to work. A claimant can be employed, self employed or unemployed to apply for this benefit. There are two types of ESA; namely contributory-based and income-based, depending

upon the national insurance contributions made by the concerned applicant and their income.

Usually after 13 weeks of submitting the application, the claimant will be placed in one of the two groups: namely work-related activity group or support group. Those who are placed in the work-related activity group are expected to attend interviews with the adviser regularly and can get information related to job goals and search skills and they will be getting up to £101.15 a week. Those who are placed in support group needn't attend any interviews and can get paid up to £108.15 a week.

Case Study 6

Mr IS came as a refugee to one of the European nations from Sri Lanka and is a Diabetes Mellitus, Hypertension patient with a history of cardiac problems. He came to UK in 2004 as an EEA national and was trying to exercise his treaty rights by looking for a suitable job. He fell ill and after treatment claimed Jobseekers allowance in 2006. He tried to work intermittently in various settings but he wasn't successful as his health condition worsened. As he was very sick and couldn't leave the country, in order to support himself he applied for employment and support allowance. This was rejected for reasons that he was a European national and hence not eligible for incapacity benefit. He couldn't work and as his benefit was also stopped, he has been struggling very much to make both ends meet. His account is overdrawn and he is dependent on his friends and family members' for financial support; he has also fallen into serious debt. We appealed against the decision to refuse his employment and support allowance with adequate justification, following which the benefit was reinstated.

Case Study 7

Mr MS is a 59-year-old man who came to this country in 2001 as an asylum seeker and currently lives along with his ailing wife. The client was a torture victim and had sustained a lot of injuries and fractures back in his home country, Sri Lanka. He started having severe backache in the aftermath of the torture. He developed various medical complications and associated side effects in the course of the treatment. He gets exhausted easily after doing simple work. He couldn't seek the help of his wife any more as she has cancer. Friends and relatives have come forward to help. In the meanwhile, he applied for ESA. However this was stopped following a medical assessment stating that he was fit to work. We lodged an appeal against this decision and explained his problems in detail. Subsequently his appeal was allowed and he was granted ESA.

HOUSING BENEFIT

Housing benefit helps an eligible individual to pay the rent if they have a low income. The benefit can either pay a part or whole of the rent amount. An individual can claim housing benefit irrespective of their employment status. Housing benefit cannot be claimed for heating, hot water, food or energy. The amount that a claimant might be eligible may depend upon whether a house has been rented from a council or from a private landlord. The unoccupied rooms in a property, the amount of household income and savings all determine the amount that is being paid as housing benefit.

Changes to Housing benefit

The benefit cap that has been introduced in 2012 initially reduces the housing benefit and when universal credit is in place it will be applied to it. This cap is not applicable for a person who has reached the qualifying age for state pension and neither the claimant nor their partner is on income support, income-based job seekers allowance or ESA.

A benefit cap will be applied if the total amount of welfare benefits to which a claimant or any partner are entitled in a benefit week exceeds the relevant amount. If the amount is high then it will be reduced from the housing benefit. The relevant amount is £350 for a single claimant who is not responsible for a child or young person and £500 for all others.

Bedroom Tax

This mainly concerns the introduction of size criterion into the assessment of housing benefit for working age claimants in the social rented sector. Under this new rule, one bedroom is allowed for each of the following: a couple, a person aged 16 or over, two children of the same sex, two children under 10 and a child. An additional bedroom is allowed if the claimant or partner is in need of overnight care. It's allowed in some other special circumstances as well. If a claimant is found to be under occupying then there will be a reduction in eligible rent by 14% for one extra bedroom, 25% for 2 or more extra bedrooms. Bedroom tax is not applied to shared ownership, mooring charges for houseboats, payments for the site on which a caravan or mobile home stands, certain excluded tenancies, temporary accommodation and if the claimant has reached the qualifying age for pension credit.

Case Study 8

Mrs CS came to this country in 2008 as an asylum seeker and was soon granted refugee status. She had

applied for housing benefit and it was refused in October 2013 on the grounds she is a person from abroad. However, as a person with refugee status she was eligible for housing benefit but her application was denied due to misinterpretation of the law. When she approached the council and wanted to clarify the fact the authorities asked her to give her statement in writing in order to get her matter sorted out. The client approached us and we wrote to the respective council explaining the facts and submitted her refugee status documents along with the explanation. Following this she was awarded with housing benefits.

Case Study 9

Mr MV, an elderly man with medical conditions, could not work and has been receiving employment and support allowance. His wife was terminally ill and life was a struggle. The couple were staying in a rented accommodation and the rent for the premises was £750 per month. He was on receipt of housing benefit for an amount of just £600 every month and in order to pay the additional amount he was borrowing money from friends and relatives and as months went by the amount he owed started accumulating and a stage was reached when he couldn't rely on his friends anymore. The steps he took to negotiate with the landlord and reduce the rent were a failure and he was in a desperate situation when he approached us for advice. We explained the concept of discretionary housing payment option and helped him get some additional amount to meet the remaining rent costs.

COUNCIL TAX BENEFIT

Council tax benefit is paid to those who are entitled to pay council tax and fall in the low income group. This is a means tested and one is not expected to have made enough NI contributions to be eligible for this benefit. The claimant qualifies for council tax benefit irrespective of their employment status. An individual will be responsible for the council tax of the home where they are resident and they are expected to have satisfied the right to reside and the habitual residence test and should not be subject to any immigration control. To be eligible the claimant and their partner should not have more than £16,000 in savings and they shouldn't be full-time students.

Second adult rebate is an alternative type of council tax benefit designed to help an individual who shares their home with anyone who is on low-income and who neither shares the council tax nor pays rent to the claimant. Capital and monthly income are not considered for the calculation of the second adult rebate. Being a student also doesn't matter for those who are claiming second adult rebate.

If the claimant is absent for more than a set temporary period then they will not be eligible for council tax benefit. A person is eligible to claim council tax benefit for only one property even if they are live in two properties due to their big family size.

Case Study 10

Mrs VV is a single elderly lady who has been claiming housing and council tax benefit as she was living on disability living allowance. She was getting disability allowance for three years as a result of her condition. In this situation she received a letter from the council stating that they were suspending her benefit as she was overpaid with her housing benefit and council tax benefit as per their calculations. It was very shocking to the client as she was disabled and wouldn't be able to manage her monthly rent without the benefit. Further the council wanted to clarify if she would pass the habitually residency test which actually was not applicable to her circumstances. We contacted the council and explained her situation and entitlements and the error in their understanding of her situation. Her benefit was reinstated.

WINTER FUEL PAYMENT AND COLD WEATHER PAYMENT

An amount of £100 to £300 is paid to bear the heating charges for those who are born before 1952. The payment is automatically paid into their account if they claim state pension or any other social security benefit.

A cold weather payment is made if the temperature drops to 0 degree for more than 7 days consecutively. An amount of £25 is paid for every 7 days of low temperature between 1st November and 31st March.

PERSONAL INDEPENDENCE PAYMENT

This benefit has replaced the disability living allowance since April 2013. Any individual with long term disability or health condition can get an allowance to meet the costs incurred by their condition. The condition should, however, also affect their mobility and disability component. They can get paid between £21.55 and £138.05 a week and how much an individual will be eligible for is determined not by their condition but by how the condition affects them. The allowance is paid following an assessment, which is carried out intermittently to ensure that the right level of support is offered.

The personal independent payment has two components: mobility component and daily living

component, both of which are decided by assessment. An enhanced mobility component is paid to those who are terminally ill and not expected to live for more than 6 months. Those who are in the age group of 16 to 64 years are eligible to apply for this payment. These should have a long-term illness or disability for at least 3 months and the condition is expected to be prevalent for another 9 months at least. The claimant should be in need of help to take care of themselves and have walking difficulties.

Only individuals who are in Great Britain at the time of the application and those who are habitually resident here and not subject to immigration control are eligible for this payment.

Disability Living Allowance: This benefit is currently available to applicants who are under the age of 16 years and for those who have claimed it before June 2013.

Case Study 11

Mrs S P came to UK as a dependent of a person who was settled in this country. She was alone and struggling to take care of her daughter who was affected with Down's syndrome. After coming to this country, however, she fell ill and was hospitalised. She was suffering from physical and mental illness and as her condition affected her day-to-day activities considerably, she applied for disability benefit. Her benefit was denied stating that her she has no recourse to public funds. An appeal was launched against this decision explaining the poor status of the family but, unfortunately, she passed away before the hearing. Now her husband plays the role of a caregiver to his daughter.

CARER'S ALLOWANCE

Carers allowance is an amount paid to a person who cares for a severely disabled person. One can claim carer's allowance even if they haven't paid enough national insurance contributions. The claimant can be either in or out of work but should not earn more than £100 a week.

The carer will be eligible for an amount of £61.35 every week for the work they do. The carer needs to be aged 16 and over and should be at least spending 35 hours in a week caring. The carer is not expected to be either a relative or expected to stay with that person for this allowance purposes. This is a taxable benefit and can affect other benefits. An individual can get carer's allowance only if the person they are caring for gets a disability living allowance, personal independent payment, attendance allowance and constant attendance allowance. Carer allowance counts as income for means test. Those who are placed in a

support group are not required to attend any interviews but they can seek the help of the support officer if necessary.

ATTENDANCE ALLOWANCE

An individual who is aged 65 and in need of support owing to their physical or mental health condition can claim for the expense incurred. To be eligible for this benefit the claimant should have a disability that needs someone to care for them or someone to supervise them for the sake of their own or someone else's safety. They are eligible to claim an amount of £54.45 or £81.30 to get help with their needs. They get a lower rate if there is a need for supervision in day or during night. A higher rate is paid if supervision is required throughout the day and they are terminally ill.

UNIVERSAL CREDIT

Universal credit (UC) is the modern way to provide benefits and it incorporates many benefits under a single tier. In an ideal world it could be a good approach; however, Her Majesty Revenue and customs (HMRC) and benefit agencies and local authorities' inability to handle benefits issues over the years makes us believe that changes are not going to be implemented smoothly for many years. The current complex benefit system could be simplified through this change but we strongly believe that this simplified system is going to reduce the amount claimed by those who are in need significantly. Moreover, the coalition government's intention to cut funding in every sector could probably be achieved through this initiative. This pilot scheme initiated in 2013 in Southwark makes it clear that the amount of benefit an individual is entitled for has been significantly reduced through this system. This system has come into force in many parts of the country from October 2013 and a severe increase in work load in this area in the coming years can be expected, because most clients are dependent on benefits and the community as such is not well equipped to deal with these changes.

Universal credit is a big reform in the means tested benefit system for people below pension age, whether employed or not. Universal credit is going to replace income support, Jobseekers allowance, ESA, Housing benefit, Child Tax credit, Working tax credit and social fund budget loan. Anyone who has a low income, whether they are employed or not and regardless of the number of hours worked, can apply for Universal Credit. To be eligible the claimant should not be studying or be subject to immigration control. They are also expected to be in Great Britain and have savings less than £16,000.

WORKING and CHILD TAX CREDIT

An individual is eligible for a tax credit if they are above 16 years of age, work certain number of hours a week and have a low income. The basic amount of working tax credit a claimant may be eligible for is up to £1920 a year; however, an extra amount is paid on top of this if the concerned person is disabled, uses child care etc. An individual can apply for working tax credit if they don't have children, and if they are on leave or about to start a new job. Generally it depends on the age and the number of their working hours. A single parent with one child, a disabled person, and a person over 60 years are all expected to work 16 hours a week. An individual between 25 and 59 years is expected to work for 30 hours. A couple with 1 or more children should be working for 24 hours with one among them working for at least 16 hours.

Child tax credit is paid to families with children or qualifying young people. It is not mandatory for the claimant to have made national insurance contributions in order to be eligible for child tax credit. This benefit is paid whether or not a claimant is at work. This benefit can be claimed by those who have at least one dependent child for whom they are responsible. The claimant should have a low income and must be present and ordinarily resident in the UK. Couples are expected to make a joint claim and the partners' joint income will be considered while calculating this benefit. However, child tax credit is paid to the main carer.

Case Study 12

Mrs KV is a 36-year-old single mother with two children and had indefinite leave to remain in this country. She worked in various places and paid the NI contributions accordingly. However, she had to stop working from the end of November 2012 as she could not take care of her child or pay for a child minder. As she did not get any monetary or other support from her ex-husband, she claimed income support; she also received housing benefit and tax credits. However, her child tax credit was stopped stating that she was not eligible as she did not have the right to stay in this country and did not fulfil other conditions either. Our efforts to solve it with the benefit agency were unsuccessful and hence we launched an appeal against this decision and made all the preparations to face the case at the county court. We have submitted the documents in relation to her current status including the right to stay in the country and her current living circumstances.

BEREAVEMENT BENEFITS

Bereavement benefits are paid to widows, widowers or surviving civil partners. To qualify for a

bereavement benefit their late spouse must satisfy the national insurance contribution conditions or must have died as a result of an industrial accident. There are three main bereavement benefits: One, it can be a lump-sum funeral payment; two, it could be a widowed parents' allowance for people with children; or three, it could be a bereavement allowance for those who are at least 45 when their partner died. An individual can claim bereavement benefits irrespective of whether they are at work or not.

Funeral Payment

Funeral payment is made to those who are in the low-income bracket and require financial support to organise a funeral for their deceased family member. In order to qualify for this payment the application should be made within the stipulated period of 3 months of the funeral. The claimant should also be in receipt of one of the following benefits: income support, income-based Jobseekers allowance and ESA, pension credit, housing benefit or universal credit. A partner of the deceased, a parent of the still-born child or a deceased child below 16 years, or a close relative or close friend of the deceased person is eligible to apply for this benefit. The money paid through this can be used for burial fees, exclusive rights to burial in a particular plot, cremation fees including the cost of the doctor's certificate, funeral expenses like funeral director's fees, flowers, coffin and the part of the cost involved in travelling more than 50 miles within the UK.

If the deceased person had a pre-funeral plan then the claimant will get only those expenses that are not covered by the funeral payment.

Bereavement Payment

If an individual's husband, wife or partner passes away then the surviving partner may be eligible for a one-off tax free payment of £2000. This payment is possible if the spouse or partner had made adequate national insurance contributions. Apart from this, to be eligible the surviving partner or spouse needs to be under the state pension age and the deceased partner shouldn't have been eligible for the Category A state retirement pension.

Bereavement payment will not be paid if the partner has been divorced, lives with another person as a civil partner or spouse or if the claimant is in prison.

This is paid in addition to widowed parent's allowance and bereavement allowance. The application to obtain bereavement payment should be made within 12 months of the death of the spouse or

partner; however, there are some exceptions. There is no lower age limit to obtain this benefit and anyone who is legally old enough to marry or form a civil partnership may apply.

Bereavement Allowance

A widow, widower or a surviving civil partner between 45 and state pension age can apply for bereavement allowance. It is paid for up to 52 weeks from the death of the partner. It is also essential that the late wife/husband/civil partner has paid any NI contributions or has died as a result of an industrial accident. The surviving partner should not have any children, should not have remarried, be living with any other person like a civil partner or not in prison.

If the claimant happens to be above state pension age then they will be paid extra, based on the national insurance contributions made by the deceased partner. The rate which is paid varies with the age of the claimant at the time of the death of their civil partner. It actually increases with the increase in age.

A widow below state pension age with a child can apply for widowed parent's allowance.

Widowed Parent's Allowance

An individual who has been widowed and has one or more dependent children and are below state pension age are eligible to apply for a widowed parent's allowance. They will be awarded this benefit until they are eligible to receive child benefit. The amount paid is dependent on the NI contributions made by the deceased partner/spouse. The maximum allowance one is eligible to get is £108.30 a week. An individual has the right to claim this allowance only if their partner has made enough NI Contributions or if they have died in an accident or due to disease. This benefit will be paid only if the claimant has been receiving child benefit and at least the deceased partner is the parent of one of their children. This is a weekly allowance and one cannot receive this and bereavement allowance at the same time. However, an individual may qualify for bereavement allowance once their entitlement to widowed parent's allowance ends.

PENSION CREDIT

This is a benefit for people on a low income and who are at least the qualifying age. Women can claim pension credit when they reach pension age and men can claim it when they reach what would be the pension age for women with the same date of birth. There are two types of pension credits and they are guarantee credit and savings credit. Guarantee credit

ensures that a minimum level of income is available and savings credit rewards the claimant for making provisions for saving or occupational pensions. A claimant will be eligible for either one of these credits or both. Pension credit is a means tested benefit and the claimant must be in Great Britain and should satisfy the right to reside and habitual residence test. It is also expected that those who claim guarantee credit have either no income or be on a very low income. Although there are some exceptions the claimant is expected not to be subject to immigration control for both the type of credits.

The qualifying age depends on the date of birth of the candidate. One is eligible for guarantee credit on reaching qualifying age, while to be eligible for savings credit the claimant or their partner should be aged 65 or over. For single applicant the guarantee credit will be top up to £148.35 while for couples it is £226.50 for a week. A savings credit for an amount of up to £16.80 for single claimant and up to £20.70 is paid for a couple.

Case study 13

Mr. A.N had applied for pension credit. He was a Sri Lankan national who went to Germany as an asylum seeker. He was granted German nationality in 2008 and came to UK in 2011. He was initially working in a store and later stopped working as he was suffering from a lot of health complications. He was living under the care of his daughter. He applied for pension credit as he didn't want to be a burden to his daughter any more. His claim was refused stating that he was not eligible for pension credit as he failed to fulfil the habitual residence and right to reside test in the UK. We appealed against this decision and made it clear that he was a sick person who had initially been working and stopped working due to poor health. Further it was made clear that he had stayed in the country for around 2 years and this should be considered as a considerable period because the habitual residence test does not state the exact number of years required to satisfy this test. However, the case was heard after some delay and before a decision could be taken the client passed away.

Case study 14

Mr. J A came to this country in 2010 as a visitor, and later, based on his past experiences, was granted indefinite leave-to-remain status in this country. He lived with his daughter and he applied for pension credit in February 2013 as he was eligible according to his age and immigration status. Besides, he didn't want to be a burden to his daughter who was already facing severe financial problems of her own. He couldn't return to Sri Lanka as it was a risk to life. However his application was refused stating that he

needed to complete 5 years in order to be eligible for this benefit. They also argued that as he had been sponsored initially by his daughter she was the one responsible for meeting his requirements. We filed an appeal against this, contesting that the client did not need to fulfil Rule 317(iv), being a person who has got permanent residence in the UK.

HOMELESSNESS AND HOUSING

We cater to around 100 persons a year on homelessness-related issues and help around 10 to 12 rough sleepers to find suitable accommodation. More than 200 visits were made by our users in the year 2013 seeking help with these matters. Earlier, this work was carried out with the funding support of the London Council, but as already mentioned earlier, this funding aid has no longer been available since April 2013. We are now no longer able to take referrals or deal with this homelessness issue in depth. The London Council has preferred another provider called *Shelter* instead of the 42-group consortium of which we are a part.

In practice, the caseload is similar to that of the previous year and we are unable to cope with the demand without adequate funding. For various reasons rough sleepers and disadvantaged members in the community are unable to obtain required service from the other service providers. Most of the specialised advisory agencies look at these issues solely from the point of view of homelessness, but the problem lies with ongoing benefits denial and eviction by local authorities and private landlords.

Organisations that work in this field often concentrate only on matters of housing, but fail to identify the root cause, especially as immigration can be a major issue for this crisis. In such situations, steps need to be taken to address the other maintaining factors and to deal with them in a solution-focussed manner. This may involve communicating with the local council or negotiating with the landlord to help the client sort out the matter. Organisations like us are very keen in following up a matter and are highly result-oriented. We don't get stuck with rules and regulations but think of alternatives to help the client to the extent possible. Being a community organisation that is both approachable and dependable, clients feel safe when seeking services from us. The personal touch and committed service we provide in an integrated manner is the major factor that keeps our users tied to us.

General studies and statistics reports show that Newham is one of the most deprived boroughs with a high number of poor children. Among this disadvan-

tagged group, migrant and refugee communities are hard hit by unemployment and poverty. We are aware of the demand for this project and are expecting a further increase in homelessness among the community in the next two years as a result of the new universal credit system. We believe that the universal credit is going to ultimately leave clients as debtors and result in homelessness. We are considering this matter seriously and trying to acquire funds to run this project successfully.

Legislation

Some of the important concepts related to homelessness that are defined by legislation are as given below

Homelessness: According to the Homelessness Act a person is homeless if they have no accommodation available for their occupation, in the United Kingdom or elsewhere, which they are entitled to occupy by virtue of an interest in it or by virtue of an order of a court, has an express or limited license to occupy or occupies a residence by virtue of an enactment or rule of law giving them the right to reside.

Threatened with homelessness: An individual is stated to be threatened with homelessness if it is likely that they will become homeless within 28 days.

Local connection: An individual is said to have local connection with the district of a local housing if they are currently resident there, in the past were normally resident there, that residence was of their own choice or if they are employed there. One can also deem to have local connection because of family associations and because of special circumstances.

Common reasons for homelessness

There are some characteristics that can predispose homelessness: these include migration, asylum-seeking, mental illness and release from prison. Some of the factors that may lead to homelessness include shortage of accommodation, unemployment, low income, debt and changing trends in benefit system, and lack of care. In most cases domestic violence, rent arrears, recent release from confinement, death of a partner, addiction and getting into debts lead to homelessness.

It has come to our attention that the local Council is going to bring up a law exhorting landlords to rent out property only to those who have appropriate immigration status; That is, landlords will be required to check the immigration status of their prospective tenants. This will impose a lot of restrictions on those with permission to limited-leave-to-remain in the country in securing a property for rent. First of all, the landlords will be scared to let their property to

such people out of a misunderstanding regarding the immigration status restriction. Most landlords cannot be expected to be fully aware of immigration status issues and will therefore refuse to let properties to those who are non-citizens, to be on the safer side. On the other hand, some landlords may threaten their tenants and impose a higher rent if they sense that the tenant does not hold a permanent residence in this country. Even family members or friends who try to help out will be penalised based on the procedures here and hence those who try to solve issues will also get into trouble based on the current legal proceedings. If this law comes into force, it is going to affect immigrants and their community members very seriously and homelessness numbers will rise. We therefore don't see any benefit in such a legislation getting approved.

Preventing homelessness

Homeless can be prevented by identifying the root causes of homelessness and addressing them appropriately. The organisation

1. Actively provides legal advice and practical support to our users to prevent homelessness. We tackle rent arrears, negotiate with the housing benefit sections, landlords and courts to reach an agreement and take maximum effort to help individuals continue at their current residence.
2. Finds alternative affordable accommodation for individuals or families in the community and works closely with estate agents and landlords.
3. Deals with possession orders and makes representation to help individuals continue to stay in their current residences. The organisation also makes referrals if there is an on-going legal challenge by signposting them to specialist quality service providers with a legal aid contract.

Advices home owners who are struggling to pay their mortgage. Through appropriate debt management strategy we help them prioritise their debts and make payments in an organised manner, on the basis of their income. We prevent them from falling into severe debt and into situations in which banks or building societies take possession of the property due to arrears.

Eviction

This is the procedure a landlord can use to end a tenancy depends on the tenant's occupational status. There are strict procedures a landlord must follow if they want someone to leave their property. An

eviction can take place only in the presence of a court order. Some of the mandatory grounds under which a landlord can seek possession are owner occupation, repossession by lender, out of season holiday let, lets to students by educational institutions, minister of religion, redevelopment, death of periodic assured tenant and serious rent arrears.

The discretionary grounds on which the landlord can apply include suitable alternative accommodation, rent arrears, persistent delay in rent payments, breach of tenancy obligation, deterioration in the condition of the property or common parts, nuisance, annoyance, illegal or immoral use of the property, domestic violence, deterioration of furniture, and recovery of possession where grant is induced by false statement.

This process follows the below mentioned steps

1. Serving of notice

A landlord wishing to begin proceedings for possession whilst an assured short hold tenant is still in the fixed term must serve a notice under Section 8 of the Housing Act, 1988. The notice must be in the prescribed form; it must specify the particulars of the grounds on which the landlord is issuing a notice and it must specify a date before which possession proceedings will not be commenced. This time frame should normally be a period of a minimum of 2 weeks after serving notice. However, in some cases, a two-month notice is required. The notice must also inform the tenant that the proceedings will not be begun later than 12 months from the date of serving of the notice. The court has the power to waive the requirement for the notice unless a landlord is seeking possession on account of serious rent arrears. A notice is valid for 12 months from the date it is served, and will expire if proceedings are not commenced in the county court within that period. According to the clauses the notice must be served to the client, and it should be either to the premises or to the last known address of the tenant. It is the responsibility of the landlord to ensure that the notice has been served.

2. Issuing a claim form, defending a claim and obtaining a possession order

Once any notice period has expired, and assuming the occupier remains in the property, the landlord may apply to the court for an order granting possession. In order to begin possession proceedings the landlord must issue a claim form in the county court where the property is located. The landlord must complete a claim form and provide the particulars of claim on court form N119 and pay the prescribed fee. It is up the responsibility of the landlord to substantiate the

claim, whether it is made on statutory grounds or as a result of rent arrears. Once the landlord issues the claim form, the court will fix a date for possession hearing and put this date on the claim form. The date will be between four and eight weeks from the date the claim was issued. The claim form and the particulars of the claim will then be served on the tenant not less than 21 days before the hearing date.

If the tenant plans to defend the claim for possession then they must file a defence within 14 days of receiving the claim documents; however, if relevant the defence when put forward at the time of the hearing will also be considered. If the defence form was not put forward due to minor reasons then the tenant will have to contribute towards the legal costs of the landlord.

If a client wishes to bring a counterclaim against the landlord then it should be included in the response. The most common reasons for counterclaim is disrepair, but other issues like harassment and personal injury may also be listed when necessary.

Section 21 notice procedure

According to the Housing Act, 1988, a landlord can regain possession without having a specific reason or ground. The landlord must give notice and obtain a court order using a Section 21 notice procedure. In all the cases the application to the court for the possession order cannot be made until the relevant notice period has expired.

3. Possession order

Warrant of possession is the last stage in the possession process. This can be done if the tenant fails to comply with an outright possession order requiring them to leave the property on the date set by the court. The court then sets a date of possession after the tenant breaches a postponed order, the date for possession expires and the tenant breaches a term of a suspended possession order. This has to be informed to the court by the landlord in the prescribed form, N325, certifying that the land has not been vacated in accordance with the possession order. When a warrant is issued, the landlord is entitled to ask that the tenant's goods are taken to satisfy any outstanding money judgement given with the order of the possession. This warrant is valid for a period of 12 months but may be renewed at the court. This warrant of possession is executed by the court bailiffs. The bailiff is instructed to deliver a notice, N45, addressed to all named defendants in the possession action and any other occupations. The bailiff can evict anyone found on the premises, even if they are not a party in

these proceedings. However it is possible to request the bailiff to suspend this warrant or make an application to be joined as a party for an application to be made.

Case study 15

Mr SS has been living as a short hold license tenant in a property for nearly 15 years. All of a sudden a notice was delivered by hand to the client asking him to vacate the property within a 2-month period. We acted on behalf of the client and explained to the instructed solicitors about the long-standing nature of the tenure and that there weren't any reasons for possession like rent arrears or so. However, the solicitors wanted the copy of the tenancy agreement which the client wasn't able to produce unfortunately, as it was actually given to the client 15 years earlier. The client wanted some time to secure an alternative accommodation. However, the landlord was keen on possessing the property and took court action. The client is waiting for the decision and is also looking for an alternative property to move into. However, as the law holds for the short hold licensees, the landlords have greater right over the property and hence the client may have to leave the property as per the request made by the landlord. This is an example that showcases how short hold tenancy is an insecure status with respect to housing.

Case study 16

Mr TT had been a tenant of a property since 2007 under a short-term tenancy and was paying the rent to the landlord by cash. He didn't maintain any receipts as he trusted his landlord. He had initially rented the property through an agent, but later as there was a problem between the landlord and the agent the rent payment was made to the landlord directly. The client was however a bit disappointed with the landlord from the beginning as certain essential repair work was not carried out even after making repeated requests. In this situation, the landlord wanted the property back from the client and asked them to leave the property. The client was, however, not willing to leave the property without any proper reason. The landlord filed a case in court, seeking eviction. When the client refused to pay him the concerned court fees, the landlord stated rent arrears as a reason for eviction in the court, which was a false claim.

However, the court was in favour of the landlord as the client was not in a position to prove that there weren't any rent arrears. When evicted, the client had approached the homelessness department but they also turned down the client stating that his was a case of intentional homelessness. As per the rules, those who are intentionally homeless are not eligible for emergency housing or any other support available for

homeless people. We asked the client to write to the council explaining his situation and review the decision taken. We advised him to negotiate to extend current accommodation and insist on providing alternative accommodation if he is being housed for 28 days only. We also advised him about approaching the duty social worker or the police in emergency situations and getting proper housing.

Case study 17

Mr VG was from a low-income 3-member family and as a step to reduce their expenses he bought an apartment under leasehold from a private company. He was paying the mortgage and certain amount as service charge on a regular basis. Suddenly they received a letter from the management company stating that their service charge was being increased in order to meet the charges for tending the communal garden and fencing. This work was however neither reported to the clients nor was they consulted about the payment plan. However, as the property was bought under leasehold the law permits the management to charge any rate of service. This decision cannot be legally challenged.

Implementation of homelessness law

Although there is a homelessness law and there are also a number of policies to solve the housing and accommodation problems in the community, the high prevalence of homelessness, mainly hidden homelessness, says otherwise. It is the duty of the local housing authority to prevent homelessness. The government expects local authorities to frame strategies to prevent homelessness. The categories of people who are at risk of becoming homeless are also expected to be taken into consideration and not just collective at-risk groups. In actuality, only rough sleeping is highly visible but there are many forms of hidden homelessness. Individuals sleeping in derelict buildings, people who couch surf, others who live in hostels, temporary accommodations and at night shelters – none of these individuals come into the picture. Hence the government statistics cannot give a true picture of the actual numbers of homeless people. The authorities also tend to intervene only when a person has nowhere to go and is facing a possession order and eviction.

The actual focus of the Councils and authorities should be to prevent homelessness but in reality this is not being implemented by the Council and this is very apparent to us through our services. Problems that arise now and then escalate to serious levels are addressed at the tertiary level while the root of these problems is spread deeply underground in the community.

Local authority responsibility and their approach

Many authorities have developed a housing-options approach to homelessness, which involves the applicant being taken into a series of options, sometimes even before an actual homelessness investigation is started. The government has made it clear to authorities that prevention of homelessness is not similar to gate keeping and that it should not take place. As far as housing support is concerned, only those who are eligible are considered to be an applicant; any other person who is ineligible does not count towards homeless services. According to this rule, a person who is subject to immigration control and their family members are not eligible for housing support. However, the family members of those who are not subject to immigration control are not given a priority need but the case is considered a restricted one.

Private rented property licensing scheme

The Newham Council has introduced a private rented property licensing home scheme to which every landlord who rents out their property should compulsorily abide. The scheme was made compulsory and a fee was collected from the landlords to grant this license. The landlords had to fill up a form providing full details of the property being rented out. The Newham Council stated that this was being done for the mutual benefit of landlords and tenants. The Council claims that the scheme will deal with rogue landlords appropriately and reduce antisocial activities on the part of the tenant. The scheme also boasts that this will help reduce friction between landlords and tenants and create a non-partisan atmosphere to obtain justice for both the parties should any issue arise.

This scheme though does not seem to address the objectives that it boasts off in a straightforward manner. Actually, it is the role of the Council and the relevant authority to provide appropriate housing arrangements for those in their concerned borough. However, the council is trying to increase the burden on private landlords to address these issues. This licensing scheme appears to be a purely revenue-generating activity as there is no actual need for any extra legislation to cater to the safety and security of tenants or landlords. A landlord who pays a significant amount to resister under this compulsory scheme will transfer this expense by increasing the rent charged. In the long run, this will actually reduce the number of people investing in properties in this borough, which will in turn reduce the interest of builders in building new properties. We strongly believe that this scheme is not a helpful one for either the landlord or the tenant and should be withdrawn as soon as possible by the Council. Otherwise it is

going to indirectly increase the homeless population in the borough, apart from curbing developments in the construction sector.

Duty under the Children Act

Children who are living with a violent parent, who don't have enough money for food, who don't have a place to go, whose home is uninhabitable and face problems that affect their health and education are considered to be children in need. Those who are 16 or 17 and are homeless will be provided with services by the children's services of the Council. The Council also takes steps to reunite them back with their family or help them find other suitable accommodation. The local authority shall provide accommodation to any child in need within the area who appears to them to require accommodation as a result of no parental responsibility for that person, the child is abandoned or lost and the person who had been caring for the child is prevented from providing suitable accommodation or care.

Council homes have a big waiting list and one can apply for it if they are above 18 years and even if not from that area. The applicants will be allotted with house based on bands and points. Those who are homeless, living in cramped conditions and with a medical condition may be allocated a house with high priority. A choice-based lettings scheme is available in some council. The interested candidate may apply for housing which they can view in Council websites. Applying for a house is known as bidding. Once the applicant is high in the order, they will receive an offer. The offer should be accepted as soon as possible, for if not it will be declined and the applicant will move under the ladder of the waiting list.

Although Council and housing departments say that they give priority to families with children, there is no guarantee that such a family would get support in reality. In most cases the concerned departments propose to just give care and support for the children only or they try to place parents and children separately. In our experience, the cases that are referred to the social workers are not dealt with in a straightforward manner and are in most occasions handed over to the police for further investigations. We have seen many housing cases resolved by the police department rather than by the social workers concerned.

Emergency housing for homeless

The local Council will provide services starting from advice to arranging for accommodation to those who are homeless. The help provided will also depend upon factors like the priority of the need, reasons for homelessness and the immigration status of the

person who seeks support. Generally, housing support is provided to people with the right to stay in this country permanently and those who have not become homeless on a voluntary basis. In general, adults with children to care for and those who are aged and in need of care are given preference for emergency housing. Those who live with a person who is pregnant and someone who has become homeless as a result of a natural disaster are also given priority.

Case study 18

Mr P A had rented a house from Mr. M M in 2012 and had paid an advance amount of £650 for the house. After a year he moved and his advance was not repaid by MM. The landlord kept postponing the payment and gave excuses every time the client tried to bring this matter up. He wouldn't respond to letters. Hence, we wrote a letter to the landlord explaining to him in detail the consequences that he would have to face if he failed to pay the advance amount. Following this, the landlord emailed to us stating that he had been in a lot of financial difficulties and hence requested us for more time to pay back the amount. The landlord however failed to keep up his promise and didn't make the payment in instalments as he had promised. We lodged a complaint against him in the county court. The court had sent him a notice and following this the landlord contacted us again stating that he would pay the amount as soon as possible.

Case study 19

Mr KS had been in receipt of ESA since 2005. He was also in receipt of housing benefit and other related benefits. Some benefits were stopped at the end of September 2012 and in January 2013 his housing benefit got suspended. He failed to appeal against this decision and reapplied for the benefit. When he was waiting for the decision he suffered a lot and became homeless as the main benefit and all other monetary benefits had been stopped subsequently and he did not have any other income. Later he was supported by a housing association with accommodation. Subsequently, he was awarded with the benefit but the housing benefit was not provided for a backdated period. As a result he was served with a possession order. We first of all wrote to the housing association to find out what the actual arrears were; the client was not aware of this as the payment was being made to the landlord directly. Following that we communicated with the housing association and they agreed upon the facts and gave the housing benefit for a backdated period of three months.

Case study 20

Mr. P N is a physically disabled person who came to this country as an asylum seeker. He also suffers from various other medical conditions including that of paranoid schizophrenia. He was on receipt of disability

allowance and ESA. His benefit was stopped on the grounds that he was in prison, which was a false accusation and factually not true. He had been convicted but not actually imprisoned. He had appealed against the decision to the court and had also proved his innocence in this matter. Following that his benefit was reinstated but he had to struggle for a few months without any support. In that period in the absence of benefit he also became homeless as he could neither support himself nor pay for the rent of the house. He had approached a homeless unit and after some struggle was placed in a unit, where he could also have breakfast. Later this was also stopped stating that there were arrears in the payment of this amount. We wrote a letter to authorities describing condition of the client and asked for an explanation for stopping his benefit in spite of him being eligible for housing benefit as a result of his disability.

Case study 21

Mr SS has been working as a chef and has indefinite leave to remain. He lost his job all of a sudden and hence started claiming Jobseekers allowance. He had to apply for housing benefit in order to pay the landlord in the absence of a regular income. However, a decision was taken more than three months after he had made an application and his landlord decided to give the house to another tenant after waiting impatiently for the rent benefit. The client was not in a situation to find suitable accommodation immediately and hence started sleeping in Valentine's park. He would go to a Hindu Temple often to have food that was being distributed there. The priest in the temple had noticed his condition and had inquired about his situation further. After hearing his story the priest referred him to our organisation and after assessing his situation we contacted the Tamil housing association for further support. They accepted our referral and he is being provided with an accommodation. They also assured him that they would wait until the rent benefit is paid by the Council. This is a fine example of what happens to those whose rent benefit is delayed beyond a considerable amount of time. Often the landlords get tired of waiting for their rent and decided to go to other tenants who are ready to pay immediately. Among landlords, this has created an aversion towards individuals who are on rent benefit.

Case study 22

Mr MT was arrested for domestic violence and released on bail with restrictions. He was arrested in the evening and was released at midnight with the condition that he can't go back to his house. He tried to phone and find some help from his relatives but no one answered his call in the night. He spent around 2 hours hanging around in the road and due to cold

weather he decided to go to his home and wife also opened the door and accommodated him being unaware of the bail condition. The next day the police visited his home and found that he was staying in his home. He was taken into custody again and two days later was produced at the magistrate court for breach of bail condition. His wife's action of accommodating him was referred to social service, who threatened to take their two children in their custody. Her explanation was not accepted and finally social services agreed to allow the children to stay in their grandmother's house. Two days later Mr. MT was released by the court with a suspended sentence and an injunction order that he could not contact his wife or children or try to get close to them within the 6-month period. This resulted in his again becoming homeless when he was released by the court. Fortunately it was day time and he came to our office. We phoned up his friends and relatives and finally we negotiated with one of his relatives, who is running a business in Newcastle, to accommodate him. We also communicated with his wife and obtained his belongings for him so he didn't breach the court orders. Furthermore, we communicated with social workers and produced proof of the probation officer's letter from Newcastle confirming that Mr. MT was in Newcastle, which allowed his wife and children to return to their family house and continue their routine life.

Case study 23

Mrs PT came to this country as a dependent spouse of her husband. After coming to UK she realised that her husband was no longer interested in living with her and had an extra-marital relationship. Further he was not ready to accept her in his house when she became pregnant. She approached us and after discussing with her we understood that she was not willing to take any action against her husband in the form of reporting domestic violence to the police. It was also clear from her visa status that she was not eligible for any government support. So we negotiated with her husband and helped her get accommodation for the time being. This was agreed upon but the husband was not ready to accommodate her and her child after the delivery. Hence she approached the women's refugee centre and got temporary accommodation arrangement from them. We are working on the other options and the only way to stabilise her visa is to get it extended on the basis of domestic violence which the client is not willing to make.

FAMILY LEGAL ADVICE

A number of users are approaching us seeking advice to sort out their family issues, and mostly they complain of issues like difference of opinion between the couple, dispute between the parents and offspring, friction between the grandparents and grand children, domestic violence and divorce-related settlement issues. This service which was carried out in a full-fledged manner earlier got severely interrupted in the year 2013 as a result of financial difficulties in the organisation and lack of funding for such services. On many occasions, therefore, we were forced to turn down clients or offer only limited service to those who were looking for family advice. In the year 2013 more than 75 visits were made by our users in getting help related to their family matters.

As a community organisation, we have an obligation to tackle family disputes through various measures acceptable by the community. We consider it as our ethical responsibility to keep family units intact, maintain the value of a family system and further build our society in a culturally appropriate manner. When a migrant community is trying to settle in a cosmopolitan city, it would need some time to adjust to the new environment before starting to play an active role in the civic society. Providing advice, counselling, working with professionals like social service, police, schools, mental health unit and other de-addiction organisations are an essential part of our work. We also provide one-on-one on-going guidance and monitoring work in this area when necessary. We are clear about the prevailing unmet needs and are continuously seek appropriate funding assistance to meet those needs.

The need for our services

There are other agencies offering family-related services but none of them are able to handle matters in the manner we do. This is due to the extensive knowledge we possess about the community and the existence of an established network within the community to tackle such issues. Being a highly reputed organisation which has won the trust of the community members the expectation from us is high. This is the reason why many families approach us rather than seeking help from other generic organisations or other statutory bodies like police, social service, etc. Our approach and problem-solving techniques are different from the official approach, which is vital to the delivery of this service. Culturally relevant services and services in their native language has attracted a number of our clients and also makes them reluctant to obtain the services of other sources to which they feel very unfamiliar. In the absence of

services from organisations like ours, the affected families are less likely to avail services from other providers. Such a situation is very harmful to society on the whole as it is more likely to lead to broken families and thereby to other social problems.

Legal aid contract

Successful delivery of service in the area of family advice over the years has led us to obtain a civil and legal aid contract from Legal Aid Agency to provide legal advice and representation on family issues. We started this project in April 2013; however, we were forced to terminate this contract as the eligibility criteria for the funding was significantly narrowed down. The requirements to be met to sustain the contract were high and we were not in a position to identify enough clients fulfilling the required criteria, which were mainly domestic violence-related issues. It was also not possible for people those who had a low income, were on receipt of Jobseekers allowance or ESA or similar benefit to get legal aid to sort out their family problems. Clients were eligible for legal aid based only on circumstances of proven domestic violence, which was a very difficult and narrow criterion. Further, the rigidity of the criterion was such that it did not allow us to take up any other family work under the contract and hence the board of Directors decided to wind up the project as it was not meeting the community needs.

Current trend and community needs

Our user statistics show that at least three users in a week approach us to get family issues sorted, which may include minor family disputes, ongoing substance abuse and mental health-related issues that cause disruption in the family. Often cases do not get solved on a one-off advice or meeting and we have to follow up the cases regularly until it gets resolved. Occasionally, we have to work in collaboration with schools, parents and social services for better results. We often have to make our users, especially those who are new to the country, understand the legal system and life in the UK and educate them on the norms of the wider society. Sometimes minor family problems can get taken seriously by neighbours or by professionals from the statutory body, and can lead to unwanted legal action. Such action taken by outsiders in a hasty manner can lead to permanent damage to relations among family members, resulting in families getting permanently split up and everyone suffering a lot of hardship and further problems in the near term. In our experience we have noted that the statutory body's approach does not help families; instead it penalises members of the family, punishes them harshly and spoils the future of the affected parties. In the end there aren't any winners in family matters and everyone involved are too much in

disarray to pick up the pieces after the statutory body's intervention.

Separation and pre-separation arrangement

In our native countries like Sri Lanka or India, when families get into trouble and are unable to solve conflicts on their own, they seek the help of other significant members of the extended family or society. Families and the social set up play a vital role in these sorts of matters and the community in turn strives to preserve the family set up as far as possible. To some extent religious institutions such as temples and churches also play a significant role in moderating family issues and keeping the family unit intact. However, that sort of family support or community support is lacking, or such people are unable to offer support and guidance in the UK for various reasons. As agencies such as families and religious institutions are highly institutionalised here, they are unable to continue their traditional role in offering support to families. A second aspect of this problem is that the family members lack the physical distance required for the problem to mellow down. In traditional settings it would be easy for the family members to be separated temporarily by living with other family members needn't meet one another in close proximity, as is often the case here. However, such useful pre-separation arrangements are not feasible in this country due to the various statutory requirements and infrastructure restrictedness. Furthermore the welfare benefit system does not allow the couple to be flexible when it comes to changes in the family unit. Officials' interruption during the pre-separation period often leads to permanent separation. Neither funders nor legislation is favourable towards work that doesn't lead to divorce. Programs aimed at dealing with other family matters are seldom supported and family members are forced to take up a divorce instead.

In some instances, the couple wish to go for an informal permanent separation rather than going for a legal divorce owing to social, cultural and other reasons. Many of our community members are comfortable with this arrangement but the system in place here is not favourable for this and the legal system pushes them towards divorce rather than a permanent separation. Also, custody of children, welfare and financial settlement issues, force the couple to opt for a divorce.

Divorce proceedings and problems

As most of us are aware, divorce proceedings are complex, painful and lengthy. The legal system often indirectly expects the couple involved to exaggerate the problems or issues in their partner to make it a strong case and move forward with the proceedings swiftly. For instance, if a couple apply for a divorce

without strong reasons then the case may drag on for a long time as the court often hesitates to move further in the absence of strong evidence. We expect the legal system to be amicable and take steps to bring a divorce case to a closure as soon as possible if both the parties involved have made a firm decision. In our experience, child custody and financial matters are often not settled along with the divorce, which leads to a lot of problems. We believe that these matters should be worked out simultaneously with the divorce proceedings in order to bring justice to the affected parties in a full-fledged manner. Any delay in settling these issues is very frustrating for the family members and especially for children, apart from it being a waste of money.

Domestic violence and injunction

When a family dispute results in domestic violence then an injunction may have to be taken against the violent partner to safeguard the other family members. In 2012 we took, with the help of legal aid solicitors, injunctions in three cases in order to protect the victims. However, proving that violence has occurred is difficult, and also, in some instances, the victimised partner may be reluctant to report the violence to the GP or other professionals. As such, the victims are scared to approach officials for various other reasons. In some cases, the victims are simply seeking a temporary refuge and not a permanent separation from their partner, but most often end up in court against their partners, and the end result of this is a divorce. Even after the injunction gets issued, the perpetrator fails to understand his situation and breaches the injunction or bail condition. This will result in penalising the accused individual again. Simply put, all the parties involved in this family dispute need the appropriate level of care and support to heal their differences to allow them some time to reunite in correct circumstances.

Case study 24

Mrs DU came to our office seeking assistance to be reunited with her children who had been taken away by the Barking Council children service section. Social services and police first came into the picture when her son talked to his friend saying that he had been smacked by the mother two days earlier. This matter was brought to the attention of their teacher; the teacher informed the social service department who took not only him away but the daughter too, who was taken away from school the very next day. Access to her children was denied by the social service and she was instead asked to report at the police station for an inquiry into suspected assault. After the police inquiry the parents were released and asked by the police to cooperate with the social service department. We tried to establish contact with the Council and

made arrangements through the family's lawyers to obtain a contact order so that the parents could visit their children, to which they are entitled.

Case study 25

Mrs TR came to our office in May 2013 and told us this. She came to this country in November 2012 as a sponsored spouse of person settled in the UK. After a few months of family life she was ill-treated by her husband and he failed to provide for her living. He confined her to a small room in their house and the rest of the rooms were rented out. When she came to our office she was 5-months pregnant. She didn't want to be separated and get a divorce but she needed assistance to survive in this country. Her immediate request was to negotiate with her husband to get financial assistance for her and to allow her to utilise the house fully and remove the tenants who were strangers to her. We negotiated with her husband, made some financial assistance possible and advised him on the consequences of domestic violence. He agreed to make her a monthly payment and to stay away from home. However, he could not keep the promise and did not make any arrangements for a regular monthly payment. He also started to harass her over the phone. Without much choice we advised her to seek services from the social services. According to her social services was not interested or helpful and after three or four visits there was not much progress. She had also been admitted earlier to hospital for three weeks. We then contacted the women refugee centre in south-east London and they did an assessment, but initially were reluctant to offer her a place because of her immigration status. After few weeks, they finally agreed and she moved from home to the women's refuge.

We were fully involved in liaising with the various agencies and in offering interpretational services to the client and the agencies that offered support. Following child birth she applied for child benefit and this was refused. Based on the intervention of the organisation that was supporting her appeal was allowed and she started receiving child benefit. However, her visa is going to expire in around 8-months' time and we have to deal with the matter then appropriately as we are expecting a lot of difficulties in this matter.

Case study 26

Mrs NT approached us in June 2013 seeking our help to sort out issues with her husband. The couple were living together for many years and had two children. Problems started arising in the family when the husband got addicted to alcohol. They were fierce arguments. One night the neighbours alerted the police who came and took him under custody. He was

released in the early hours of the morning the next day and he was cautioned not to go to the family home for he had been released on bail. Mr T hung around for few hours on the street and as he could go anywhere else or seek help at that time he decided to return home. As usual his wife opened the door to him and he continued to stay at the house. The morning around 10 o'clock the police visited their home to make an inquiry and found that the husband was at home. They arrested him again stating he had breached bail conditions. He was taken to the police station and later he was taken to the magistrate court. His wife approached us at this point.

We explained to her the situation, her husband's situation and the bail conditions. The next day she was visited by the social services and they threatened to take away her two children unless she cooperated with them. We intervened and negotiated with the social services and explained why the husband had returned home and that once he was released from the court on bail he would not return. We found an address in London where he could stay until the legal proceedings were completed. Also, this arrangement was submitted to the court and the magistrate released him with the conditions that he could neither enter the home where his wife and children were staying nor contact them.

He was not supposed to commit any offence and obstruct justice or witnesses as per the bail condition. Social services were not convinced with this arrangement. So we arranged for the children to stay with the grandparents instead of them being taken away by social services. Her husband was placed in de-addiction services and only after we got an order from the probation officer stating that he was staying away from the family were we able to make the social services lift the threat notice, that the children would be taken away. We are further monitoring their progress regularly to ensure that her husband is undergoing rehabilitation services and abiding by the probation rules. We are also supporting them in handling their financial matters.

Case study 27

Miss SJ married Mr JG, but after few months it fell apart. Mr JG took the initiative to file for divorce and as it was just after 6 months after marriage the court granted the divorce. Mrs SJ had suffered violence to a considerable level in this marriage. She signed an agreement as a part of her divorce, but the solicitors who were involved in the case were not very keen to help her get the financial settlement. Apart from the settlement, she was entitled to be paid back the entire dowry and other gifts that she had given her husband at the time of the marriage. This dowry too was not



Tamil welfare Association (Newham) UK Presents
'Jeya' Tamil new year
Cultural Night

04.05.2014, TOWN HALL, EASTHAM

Programme

1. Welcome Speech by Chairperson Mr. T. Kamalraj

2. Vocal: (Group 1) TWAN fine arts academy
Presented by Smt. Suganthi Srinesa

Miruthangam: Dinesh Srinesa, Sathurshan Thaneshwaran, Kajanth Baskarathashan
Janusha Kalatharan, Vinusha Kalatharan, Ashmitha Thayaparan, Saumiah Suntharamoorthy,
Charanee Paraneeharan, Sharuja Murugananda, Suraby Pushpaharan, Pretica Ganeshapalan, Pree
Sivakumar, Sahana Navaneethan, Jabitha Premathasan, Mirutha Saravanabavatheeswaran

3. Veena: (Group-1) TWAN fine arts academy presented by Smt. Seimani Sritharan
Apiramy Gnanavadivel, Apinaya Gnanavadivel, Preyantha Pasgarathasan, Venuga Raveendran, Shaiyini
Raveendran, Sahana Kannappan, Nilani Jeyakumar, Neaka Jeyakumar, Prasath Chandrasekaran.
Accompanying Vocal artists: Nithya Sree Ganesh, Abiraami Atputhanathan, Ayane Jayanthan,
Shivaabairavi Sritharan, Lathusana Sivarajah.
Miruthangam: Bharathineyan Sritharan, Sathursan Thaneshwaran, Kajanth Baskarathasan

4. **Miruthangam: TWAN Fine Arts academy presented by Sri. Somaskanda Sarma**
Janush Thayaparan, Anojan Sivasothinathan, Sajan Karunanithy, Mathuran Rasiah,
Sujay Baskaranathan, Swethan Balakulendran, Harish Thayaparan, Tharujan Sivarajah,
Nivethan Balakulendran, Matheepan Baskaranathan

5. **Bharathanatyam: TWAN Fine Arts academy Presented by Smt. Ratnalakshmi Somasundharam**
(1) Margaliththinghal: Thabaniya Sritharan, Vyshna Thaneshwaran,
Saranya Jeyaganerajah, Lakshana Nanthagiri
(2) Mannainambi Dance: Sruthi Selvan, Malaviga Gobalakrishnan, Ramiya Rajalingam,
Jathavi Thirukumaran, Jahavan Thirukumaran, Abisha Jeevarajan, Abicha Kasinathan,

6. **YOGA: by TWAN day centre**
Vijayalakshmi Kanakenthiran, Rajalakshmi Sabanayakam, Gani Nallathambi,
Thiripurasundhari Kanesharatnam, Sivaganavathi Kanthappu, Susila Kanagalingam,
Jesintha Sachchithanantham, Kamaladevi Sanmugalingam, Kanakambigai Rajakulasuriyar.

7. **Bollywood dance: by Little Lions dance Club- Choreographer Mrs. Marshida Usman**
Group LLDC -1 Swaroop Menon, Prathul Dileepkumar, Pranav Dileepkumar, Jagan Shibu Nair,
Sathakan Ganeshamoorthy, Ajay Aranraj, Yuktha Reddy Namala, Sruthy Morais, Sneha Maria Jeri,
Shreya Jeri, Kavya Srusti, Jharini Bathula Parnita Balanagu, Sapna Sanseevan,
Simran Riya Mihdi-Din, Ashritha Addagulla

8. **Cinematic Dance: by TWAN Seniors - Choreographer Mrs. Marshida Usman**
Pree Sivakumar, Kabilen Sivakumar, Abilazha Ravendratagore, Aranniya Ravendratagore,
Diantha Sivalingam, Naren Kamalraj, Krishnavi Rajeswaran, Satangini Pahalavan,
Bharghavi Damodharan, Oshin Binurudh, Munier Hussain, Araniya Soosapillai

★ Special Guest Speech and certificates distribution

9.Vocal: (Group II) TWAN fine arts academy presented by Smt. Suganthi Srinesa

Miruthangam by: Dinesh Srinesa , Kajanth Baskarathashan

Rajeevi Raguthas, Ramiya Rajalingam, Gowsica Pushpanathan, Shankeetha Shankar,
Preeyantha Paskarathasan, Malaviga Gopalakrishnan, Sruthi Selvan, Jathavi Thirukumaran

10. Orchestra: Kalajothy Diploma students TWAN fine arts academy

Presented by Smt. Smt.Seimani Sritharan

Harini Kesavan, Sowmyan Kesavan, Kalaivani Parameswaran,

Accompanying Vocal Artists: Keerthana Vigneshvarathasan,

Maithyrai Kuruparan, Thuvaragan Kuruparan

Miruthangam by TWAN fine arts academy Old Students

Kajanth Baskarathashan, Dinesh Srinesa

11. Kumiligalum Kuruvigalum: Solo Drama by Nadarasa Kannappu

12. Cinematic Dance: by TWAN Juniors - Choreographer Mrs. Marshida Usman

Juniors: Aksharaa Kuganathan, Ashvin Kuganathan, Vishalini Kantharupam, Gamilini Kantharupam,

Abinayan Piratheepan, Charan Kokulakumar, Athiree Sivakumar, Harrini Kulendran, Karinica

Ganeshabalan, Harry Kulendran, Adsaiya Sanganiathy, Sagithini Pahalavan,

Thashani Pahalavan, Mahisha Maniseharan, Nihisha Maniseharan,

Maitreyaa Ganesharupam, Thinojen Balakumaresan, Ahsaja Balakumaresan

13.Palamaiyin Puthumai: Presented by TWAN Day Centre.

Choreographer Mrs.Karuna Senathirajah

Mrs. Thirupurasunthari Kanesaratnam, Mrs. Saraswathy Murugesu,

Mrs. Kanagambihai Rajakulasooriar, Mrs. Kamaladevi Sanmuganathan,

Mrs. Sivagami Nadarajah, Mrs. Rajaluxsumi Sabanajagam

14. Bharathanatiam: (Group 2)

Thiyanaslogam - Sharanga Mathiyuganathan, Arjuni Anpalagan,

Dasika Thavayoganathan, Samiya sivasuthan

Mallary Dance: Jaanika Vasanthakumar, Lathursana Sivarajah, Sharanya Kilbert,

Ragavi Thavayoganathan,Luckmea Raxaparanan

15. Katchiyum Kanamum: (Group-1) by Bala Group - Miss. Priya

16. Cinematic Dance: by Dance Lab – Choreographer Mrs. Marshida Usman

Group 1: Pooranima Letchumanan, Munier Hussain, Zineerah Usman, Araniya Soosapillai,
Ahirtha Arunasalabavan, Priyatharcini Gopalaruban, Prithy Gopalaruban, Subanky Jeyakanthan,

Babida Sivasundaram, Mithuya Uthayakumar, Sernila Ganeshamoorthy.

Group 2: Aksharaa Kuganathan, Ashvin Kuganathan, Vishalini Kantharuban,

Abinayan Piratheepan, Charan Kokulakumar, Athiree Sivakumar,

Harry Kulendran, Adsaiya Sanganiathy

Group 3: Pree Sivakumar, Kabilen Sivakumar, Abilazha Raveendratagore,

Aranniya Raveendratagore, Diantha Sivalingam, Naren Kamalraj,

Satangini Pahalavan, Krishnavi Rajeswaran, Bharghavi Damodharan,

Oshin Binurudh, Abira Gnanachandran, Karoline Kulendran,

Vinika Varatharajah, Yasika Varatharajah

★ Chief Guest Address and distribution of certificate

17. Violin: by Sri Atharan Sevezi , Selvi. Ajanthika Karunakaran,

Gadam: Kajanth Baskarathasan,

Miruthangam: Dinesh Srinesha

18.Thaka Thimi Thaa by Srimathy Rathika Thayalakumar

19.Katchiyum Kanamum Group-2 by Bala Group

Mr. Siva and Mr Bala

★ Special Guest Speech and certificates distribution

20. Kuthu medley: by Dance lab choreographer by Mrs. Marshida Usman

Munier Hussain, Pooranima Letchumanan, Zineerah Usman, Araniya Soosaipillai,

Ahirtha Arunasalabavan, Archana Arunasalabavan, Subanky Jeyakanthan,

Kajaan Sivakularasan,Ashil Ahamed

paid back. When she approached us we immediately reopened her case and signposted solicitors to work in this matter further. We regularly followed up the case and offered other necessary support until there was a decision. She finally received a lump sum payment in full settlement as redressal for the torture and inconvenience that she had faced.

Case study 28

Mrs K J was a victim of domestic violence and on one occasion when she realised that she was not safe and her husband had crossed his limits she approached us for help. We asked her to launch a complaint against her husband and take an injunction. Following this a court order was launched by the county court. This order made it clear that her husband should restrain himself from communicating with her in any manner. It also restricted him from showing any sort of violent behaviour towards her or harassing her in any way.

It is the organisation's duty to assess the seriousness of the cases that come to us. In some cases the involvement of a third party could be harmful to the family unit and do permanent damage to those concerned. However, we are aware that there should be involvement of statutory bodies at a certain level in order to safeguard the weaker party involved – in this case, the wife.

CONSUMER AND DEBT ADVICE

Advice on consumer rights and money-related matters including debt has been always a highly sought after service as far as our organisation is concerned. Two major reasons can be stated as causative factors: one, the long-standing poverty prevailing in the community; and two, the lack of adequate capacity in our community members, especially refugees, to sort out issues pertaining to financial matters. We offer services for various sorts of problems that fall under this spectrum and the solutions we work out for our clients are often tailored to the needs of the members. Predominantly, we play the role of a mediator between the creditors and debtors.

We earlier held a group license from the Office of Fair Trading (OFT) to provide advice in these matters and as of March 2013 there are new changes coming to this license and we are in the process of registering with the Financial Conduct Authority (FCA), which is going to be the regulating authority for these sort of matters in the future. In 2012, we did not have adequate funding to carry out this sort of work extensively and hence we had to limit our services to

only critical matters. Apart from the services we offer, when necessary we also refer our clients to financial advisers for dealing with matters like re-mortgaging. More than 100 visits were made by our users in this year with regard to these matters.

Reason for the debt and need for advice

Various study reports clearly point out that poverty among the migrant community, especially, among refugees is very high. This can be attributed to the various adverse situations faced by the refugee community and it applies to the Tamil community as well. A large proportion of the community members suffer from severe poverty owing to various reasons and often fall into serious debts, from which a cycle of unwanted events are initialised. Due to their background and lack of education, many struggle to learn the essentials required to survive in a new country. They are ignorant about the implications of their impulsive financial decisions and hardly make an effort to understand the financial system of this country.

In addition, before getting a good idea they plunge deeper into problematic zones and land up in serious crises, especially with regard to loans and the credit card system of this country. Even before they have learnt about loans and credit cards, they have already reached the stage of being unable to repay the loans taken. This is mostly a result of not having any payment plan in mind before taking a loan. Community members also make the big mistake of not considering the legal implications of falling into financial trouble. They often fall prey to temptation and later realise the underlying problems in paying the interest and loan back with their poor income.

Another major reason for financial trouble in the migrant community is the wide prevalence of inadequate and irregular income in families. Most of the individuals in the migrant community are employed in casual or unstable jobs owing to their low education status and inability to understand the job market. A loss of the job, which happens very often in the unorganised employment sector, is a very critical setback for individuals in the community. This instability in employment status fuels the financial problems, which in turn often leads to further problems like homelessness, which prevents them from obtaining another job, in a kind of despairing cycle. Change in immigration status also has a big impact on the finances. However, even after falling into deep financial trouble many individuals fail to take advice from appropriate service providers and often land up taking a further loan at a high interest rate to settle the previous loan. This never acts a solution for this problem, and their financial burden has increased.

Most of our clients have problems in repaying their mortgages. Due to social pressure and ignorance migrant community members tend to take up mortgages at high interest rate. If they are unable to pay the mortgage they don't take steps to discuss with the bank and sort out the matter by opting for an interest only option or selling the house for a good price and settling the debt. Instead they fail to settle the matter and accumulate the loan and eventually get evicted. We offer practical services as per the consumer credit act for clients who have fallen prey to this cycle. We negotiate with the various creditors and enter into agreements with them to sort out these matters.

Our services

Financial problems have a lot of repercussions, leading to family conflicts and affecting the mental stability of the person in trouble. We very well understand the cumulative stress caused by family problems and take steps to reduce it as much as possible by bearing the burden on our shoulders. We, with our successful strategy, approach this problem in a very professional manner and take a step-by-step method to resolve the problem. We also deal with matters of fraudulence in purchase of goods.

Apart from this, a number of our clients approach us with the bailiff orders in hand, which have been incorrectly served on them. We write to the concerned authority and explain the case and the incorrect bailiff action. In certain cases, if we are unable to solve the matter by providing an explanation and if the other party persists on taking further action then we are forced to take court action and an injunction when necessary. We also regularly deal with complaints from the financial authority and other ombudsman service requisitions.

Other remedies

We strive hard to help our community members from falling prey to taking loans to clear accumulated debts. We discourage our members strongly from seeking this sort of problem-solving strategy as we know that this will not be a solution to the actual problem in the long run. We instead take the approach of negotiating with the financial companies or others involved and deal with matters in a more straightforward manner. We write to the concerned parties by giving a detailed account of the income and expenditure of the client along with a proposal to pay back the loan through small amounts for an elongated period of time which is possible for the client. This is by and far accepted by the lenders and works very effectively as well.

We always work towards dealing with the root causes of a problem and strive to deal with the deep-rooted factors that lead to it. By reaching out and dealing

appropriately, families are prevented from falling into debt in the future. The preventive measures we take are designed to increase the income of the family and also help them deal with the debt. We help an individual take up an additional job and promote the idea that other family members too can work to increase family income.

In our experience we have met many clients who have been suffering and remain poor due to ignorance about the welfare benefits that they are rightly entitled to. We identify those gaps and help the client's claim their rightful entitlements. The welfare benefits that are available helps reduce expenses and increase income thus reducing the chances of debts.

The Consumer Protection Act

The Consumer Protection Act (1987) helps to safeguard customers from products that do not meet the standards of safety as defined. This Act establishes a civil law right to redress death or injury caused by using defective consumer goods. This liability currently rests on the supplier and not just on the person from whom the goods were purchased. This Act goes on to establish safety requirements especially for goods in domestic use, which must be reasonably safe. This requirement has extended even further the Service's involvement with the safety of goods. Powers under the Act allow suspect goods to be 'suspended' from sale for up to six months, while checks on safety are conducted. If faulty, the goods may be destroyed. These safety provisions have been extended by the General Product Safety Regulations 1994 under which fall all domestic consumer goods. This Act also regulates price indications for goods, services, accommodation, or facilities. The Act makes it a criminal offence to give consumers a misleading price indication about goods, services, accommodation or facilities.

County court action

County courts can deal with civil matters (non-criminal cases) and, unlike criminal court cases, the matters dealt with by this court arise when the individual who makes a complaint believes that their right has been infringed upon. The majority of cases dealt with by these courts include complaints from individuals seeking compensation, businesses trying to recover money that they are owed and other such civil matters. Very serious cases are dealt with at the high court. In general a circuit judge and a district judge are present while dealing with the cases.

If the amount in question is below £10,000 then the case will be heard with written evidence, without an oral hearing; matters concerning a higher amount will be dealt with in a more formal manner. The appellant might have to go to a court if the other party denies

owing money. In cases where the fact is denied, or there is no response, the court may order the defendant to pay the money. If the concerned party fails to pay the owed money even then, other actions will be initiated.

Ombudsman

The ombudsman deals with complaints from various sectors; it is an alternative to the courts. It includes matter involving insurance companies, credit cards, debt collectors, payment services, building societies and other such. Before approaching an ombudsman, the complaint should be launched to the business and the business has eight weeks to investigate the matter concerned and respond with ombudsman referral rights. The ombudsman takes a decision taking into consideration the law and regulations, the regulators rules, guidance and standards, codes of practice and good industry practice. It also provides advice to workers and gives further support in matters related to complaints.

Case study 29

Ms J K came to this country as a student of Advanced English in a college in London. She had paid the fee amount of £3000 in instalments before starting to attend college. She travelled to the UK with the intention of starting to study on arrival. However, she was shocked when she found out that the college was closed when she went to attend college. She wasn't sure how to go about in this matter and approached us for advice. We looked into the matter and found that the college had a refund policy and advised the client about the actions that can be taken in order to deal with this matter. We wrote a letter explaining the matter to the college and expected that she will be refunded the amount that she had paid as we were aware that the college had a refund policy. If the college fails to respond or take any action then we have advised the client to take the next step which will be filing a case in the small claims section in the county court.

Case study 30

Mr ST came to this country as a refugee four years ago. He was granted refugee status and subsequently he started to work and he was offered credit cards and debit cards from various banks and financial institutions. Two years later, he went to India and married and brought his wife to UK. He had earlier started using the credit cards and had apparently applied for loans and started spending from them a bit extravagantly. There came a stage when he couldn't repay them with his income and with a family to support now. In order to pay his dues, he was forced to borrow money from other families and friends. When that was not sufficient he started utilising other modes as well like chit funds, etc. In the end he wasn't

successful in coming out of his crisis but fell into further serious financial trouble leading to threats from the lenders and other family disputes. He approached us in this situation and we immediately contacted the credit card companies and requested their permission to pay back the amount in small amounts over a period of time. He is now slowly recovering from his problems and has started to lead a normal life.

Case study 31

Mr.S G came to this country as a refugee in 1987 and once he obtained a visa he gradually settled in the country and started working. Later he decided to buy a house. However, he could not get a mortgage from the leading banks, but he managed to obtain an interest-only mortgage from the building society/bank at 11.3% interest rate. He had paid only the interest for around 20 years. Suddenly he passed away and the bank threatened to repossess the house for the non-payment of the interest-only mortgage. His wife and daughter managed to secure an insurance payment for the majority of the on-going monthly mortgage payment, but it was not enough to meet the required payment. We made an arrangement with the bank to make payment of the minimum amount with the insurance payment and to top up rest of the money from their pocket. Unfortunately, they struggled to meet the mortgage payments as both daughter and mother were not working. We advised them to remortgage the house and release some equity. Accordingly they remortgaged the house at 3.7% and they were able to pay a debt amount of £15,000 which was backlogged. Following this, they had to pay a lower amount on a monthly basis and this arrangement helped them from becoming debtors and finally homeless.

Case study 32

Mr GS works and lives with his family in the UK. The client took a loan from two banks and was paying the interest along with the principal regularly until he fell sick after an attack of stroke, and couldn't go back to work. He applied for disability allowance and managed to support his family with these allowances, although with some difficulty. But in this situation he was not in a position to pay back the loans. The banks and credit companies started threatening to take serious actions if the payments were further delayed. In this situation he approached us and after analysing his financial situation we wrote letters to the banks requesting for a repayment plan for a minimum amount. Most importantly, we also requested the banks to waive off the interest that had yet to be paid in view of his financial situation. Even after this, the client at times seeks our help when he receives a letter from the companies stating that payment has not been made.

HEALTH CARE

We provide primary health-care related advice regularly. We work with other health professionals and statutory bodies to bridge the gap between the relevant appropriate service providers and the vulnerable members of the community. This targeted group includes newly arrived asylum seekers and refugees, mentally ill, people with limited leave to remain in this country or those who are living in this country for many years with temporary admission. The refugees and newly arrived migrants including asylum seekers often don't know the system of this country and are unaware of the process required to acquire medical help. We educate them about the systems in place and also help them by giving a list of GPs available in their catchment area. Other problems tend to arise when they try to register with the GP, like a refusal to register their names by the GP, asking for various documents which the clients may not be able to produce. If emergency treatment is required we refer those clients to organisations like "Project London" which delivers services to clients who find it hard to get treatment through other means. In later stages we do extend our help to register with the GP. We refer our clients to organisations like "Freedom from Torture" and "Helen Bamber Foundation" in order to help them get the necessary treatment and a report on their condition. These reports act as very important evidences in their cases and help the parties involved get a good understanding of the health condition of the client.

One more important aspect of health care which is not available but most essential is mental health counselling. Most of the individuals who fled from the Sri Lanka happen to be war and torture victims. They are affected by these extreme conditions both mentally and physically. Somehow we are able to identify some support for their physical ailments but we often fail to provide adequate care for their mental health problems. They aren't any Tamil mental health counsellors in London and hence we are not able to refer clients who seek such advice from us. We are witnessing the detrimental effects of untreated mental health problems in the day-to-day to lives of many individuals. It often leads to various problems, including family conflicts, unemployment, substance abuse and other issues leading to a reduced quality of life. There is no funding as well to deal with this matter on our own.

There have been many problems repeatedly reported to us in relation to health care matters by those with limited leave to remain. There are many instances in which those with temporary admission in this country are supported by their relatives. If such individuals fall sick then the support that they have receiving

often fades off. The community member who was offering support in a compassionate manner is reluctant to readmit a hospitalised individual into their overcrowded home or bear medical expenses which are often very high. The high treatment costs and inefficient government policy have laid a heavy burden on statutory bodies and community members who are willing to lend a helping hand to the needy. This disrupts the whole situation and imposes suffering on all the parties. Earlier there were some measures taken by the government to provide medical care to failed asylum seekers and other population like the long-stayers. It's really very unfortunate that such services are no longer available.

The other sectors of people who are affected by unfair treatment options offered by the government are the family members of those who visit the country for a short term. Visitors are not eligible for free NHS treatment and neither are they instructed to apply for insurance before their travel to meet the cost of any unforeseen medical expenses. The visitors don't get admitted for treatment unless its unavoidable and had they been aware of the treatment costs beforehand then they would have opted for treatment in other countries like Sri Lanka or India where treatment costs are not that high. Hospitals often don't give an estimated value of the treatment procedure and later produce a bill with heavy charges which often are to be paid by the unfortunate family members of the visitors as often the visitors leave the country by the end of the visa period. We have seen many families which have fallen into debt due to these sorts of imposed bills. The very unfair part is that besides being taxpayers they can't get their family members treated free of cost. In the end, tax payers have to suffer due to this sort of lacunae in the policies; such policies which do not help people and instead impose an additional burden on individuals are to be highly condemned.

Apart from this, there is a set of individuals who stay hidden in the community, scared to come out and seek treatment owing to the fear of deportation. This includes individuals who refrain from signing fearing arrest, over-stayers, those whose appeal rights have been exhausted and other such people who are staying in this country without the right to do so. We as a community organisation are aware of their presence, but not in a position to do much as we know that those sort of people hesitate to seek help even in serious situations. We are able to do very little in this scenario but aware of the human rights being violated.

Case study 33

Mrs MP came to this country as an asylum seeker and her application was under consideration until the end of 2012. Her husband was also an asylum seeker who was granted indefinite leave to remain in November

2010. Mrs MP gave birth to a baby in February 2011 and the hospital charged her the maternity expenses, as according to them she was not eligible for free treatment. The client's husband had started to work only recently and was working part time. The only additional income that they received was from the child benefit. As the client's spouse had indefinite leave to remain in the country, the child was a British citizen automatically and there wasn't any need for them to pay for the medical expenses for the delivery of the child. But the hospital repeatedly communicated with us and the client, insisting that the payment be made. We submitted the necessary documents to explain to the hospital this situation but they took further action by instructing a solicitors firm to collect the sum of the charges involved.

Case study 34

Mr RT is a partially blind person who needs to attend the surgery every month. Due to his condition he was unable to use public transport and was utilising a taxi cab for transportation purposes. The surgery was paying for his transportation charges but it was not adequate enough to pay for the taxi services. We wrote to them explaining the situation and they responded saying that the GP should be writing to them in order for them to sanction that. Hence we wrote to the GP explaining the situation in detail and following this client's transport allowances were increased.

EMPLOYMENT

The services we provide in this area are to help members find suitable employment and in this year more than 150 visits were made by the users for sorting out their employment related matters. Motivating those who are unemployed for a long duration, offer office-based training to those who lack opportunity to become economically active, providing placement facilities for school and university students to get practical experience are some of the key functions we provide. Till around five years ago, for a number of years, this service was funded by the Home Office and others, which allowed us to successfully deliver the full range of services in this area. We help our clients register and get their NI number and help them start a small business or to become sole traders. However, in the last three to four years we have not got funding aid for this specific project and as a result we are unable to fulfil the demands. The financial setback in the year 2013 has further reduced our services in this area and around 150 visits were made by our users to avail services related to employment matters.

Employment sustainability

The main aim of this service is to prevent individual members in the community becoming economically

inactive and suffer from poverty. Negotiating with employees and solving disputes to keep them in their job, educating individuals about their rights in the legal issues concerning their employment, guiding them to overcome the obstacles that they face in disciplinary proceedings or suspension from their employment and where necessary representing them on their unemployment related legal issues are the key services we provide. In situations where employees face suspension or threat of suspension due to the immigration status we immediately intervene and take steps to sort them out or clarify to the employer the employment rights of the client.

Legal representation at the employment tribunal

When employees are sacked we assess the situation and the circumstances surrounding their termination of employment, offer legal advice and lodge an appeal to the employer or employment tribunal to challenge the employer's practice when they are in breach of employment rules. Finding a suitable counsel to represent the individual's case at the employment tribunal and making preparations for the hearing by drafting statements and preparing bundles of evidence are the other type of services we provide.

Employment initiative

Generally, a newly arrived migrant finds it very difficult to find a job. We help such clients get a job by breaking the barrier and developing in the individual qualities essential to survive in a job market in this country. We motivate those who stay unemployed for a long term and introduce them to prospective employers. Where necessary we refer clients for basic skills training and language development in order to increase their chances to get a job. Some of the groups are very much in need of service, which includes single mothers, homeless people and mentally ill individuals. Thus our work tries to make our community members more active and help build a community that is more contributing to the larger society and not a burdensome one. Thus apart from relieving members from poverty our work also intends to increase the face value of the community. Booking appointments for NI number registration, referring clients to accountants and preparing other basic documents are the other roles played by the organisation. In spite of the presence of the mainstream providers who work on CV writing and interview skills, we offer this sort of services as well to the clients who look for them. Most of the clients feel at home with us and are reluctant to approach mainstream providers to get such services.

Employment difficulties for individuals with limited leave to remain

In our experience we often encounter clients who come with problems in continuing their jobs when their application for a visa extension to stay in this country

is pending. Legally the applicant has the right to work and needs to stop working only when a negative decision is taken on his application. However, most of the employers whom we have come across are reluctant to allow the employees whose visa application is under progress to continue working. They also fail to give adequate importance to the acknowledgement letter received from the Home office. The employers are not very keen on writing to the Home office and finding out if the client has the right to work. Even on occasions when we wrote to Home office, asking for a written permission about the eligibility to work they have failed to give correct information about the status of employment. This has been very much misused by the employers and they tend to force the employees to leave the job. Some handle the situation with more tact, giving the employee the option of resignation and re-employment once the visa is issued.

Permission to work for asylum seeker

The law states that after 12 months of waiting for an asylum claim to be determined the main applicant has the right to work provided the delay in determination of the claim was not the applicant's fault and even if the case is at the appeal stage.

Failed asylum seekers who have made further submission on asylum grounds, but who have not yet received a decision can apply for permission to work. This permission will come to end when an asylum claim gets determined and when a negative decision is taken on the further submissions by the failed asylum seeker. The Home office does not take any responsibility for checking the veracity of the client's qualifications. It lies in the hands of the employee to prove his status properly to the concerned employer. The Home office also does not check whether an individual falls under the Shortage Occupation list.

The Shortage Occupation list is a list approved by the immigration department. Recent changes in the legislation allow the asylum seeker to take up only such work that falls under this list, which includes only very high profile technical jobs that are most unlikely to be held by an asylum seeker. An asylum seeker is also restricted from taking up self employment or starting a business. They are strictly restricted from taking work outside the shortage occupation list criteria and for no less than the minimum remuneration mentioned in these criteria.

Case study 35

Mrs NK came to this country in March 2012 and claimed asylum at the airport. He was initially detained and attended a screening interview that was conducted a week later. He was released by the

immigration officials at Terminal 5 and later in July 2012 he was interviewed for his asylum claim. As we represent him we made a further submission in August 2012 with evidence to support his claim. While waiting for the decision to be made, he needed continuous support. The friend in UK who initially provided him food and shelter felt he was unable to continue supporting him. We made the Asylum Support Service (NASS) support application and it was approved in September 2013 and he has been supported by NASS since then. Also, in November the client approached us stating that he wished to work rather than obtaining NASS support with accommodation. We wrote to the Home office to grant him permission to work so that his NASS support could be stopped and he could become economically active. He was granted permission to work in January 2014 with the restriction that he could only work at jobs specified in the shortage occupation list. Due to this restriction he is unable to take up a job and he is forced to live continuously on NASS support. As a result, an individual who is ready to take any job is unable to do so and has to lead his life with NASS support.

Case study 35

Mr AD came to this country in May 2010 as a dependent son of his mother, who had been granted with 2 years of leave to enter as a spouse of settled person in UK. Mr AD's visa expired in July 2012 and he submitted a visa extension application (SET F) for settlement in time as he completed 2 years of his probation period. We made the settlement application as he was aged over 18 years and was working in Dominos Pizzas and earning 252.40 per week. While his application was under consideration he was asked to produce a passport with valid visa by his employer. When he explained that passport has been submitted along with the visa extension application and therefore he was unable to produce his passport he was suspended from his work by stating that he can't restart work unless he submits the passport with a valid visa. We tried negotiating with the employer by explaining that an application has been submitted and he has every right to work further until a decision is reached on that. However, the employer refused to accept our explanation or consider the home office acknowledgement letter. Also they were not interested in checking with the Home office about his eligibility to continue working. Instead they forced the employee to resign from his job by stating that only if he resigned would they be able to re-employ him once he gets his visa extended. We couldn't take any legal action, as he had resigned not sacked. The client too was also not willing to lose the opportunity of taking up the job after getting the visa by refraining from resigning now. As the client was reluctant to take any legal action we were left with very few choices in taking action further.

Case study 36

Mr MS was working for one of the high street shops and he was terminated from his job all of a sudden and was not paid the last month's salary. When the client couldn't sort out this matter on his own he came to us and we wrote to the employer and asked him to make the payment. The employer however blamed the employee and accused him of theft and made other allegations including that of blackmail. The employer in his letter further stated that he was not sure of the nationality and immigration status of the client and failed to give any commitment for the unpaid salary. We wrote back to the employer explaining that he should have checked the client's identity and status when he decided to employ him and keeping the documents submitted to him are his own concern and not the client's. We further asked him just to pay the salary pending as the other matters were baseless and not concerned in any way in the matter at hand.

ASYLUM SUPPORT SERVICE (NASS)

Asylum support service which was known as NASS support in the past is meant to help those asylum seekers who are in need of support from the government. Over the last 10 years this system has undergone many alterations but it still fails to serve the purpose. Mostly, this system appears to be very bureaucratic forcing the eligible candidates to undergo a number of steps including assessment, interview and keeping the administration at the top level itself. The power is not dispersed to the grass root levels making the system very unapproachable for the newcomers in the country. Inability to avail this service through phone or other means also acts as a severe drawback for those who are in need of these services. This forces the vulnerable population to continue relying on their friends and families who has given temporary accommodation.

Till now the subsistence-only option has been available only for port applicants, and not for in-country applicants. This forces in-country applicants to rely on other friends and community members who are not always capable or prepared enough to offer the required support. It's very pathetic that those who offered support on humanitarian grounds for a short time are being questioned about their inability to offer support for a longer term, and for the same reason denying such applicants from getting accommodation support. Policy makers should realise that newly arrived members seek comfort by being around their community members and if they decided to claim subsistence only support then it should be granted to them, instead of forcing them to move to the outskirts

of London to get such support. Areas far away from London offer less chance for the asylum seekers to mingle with their community members or seek legal advice from their representatives. Most of the legal representatives who are specialised in a particular country are available only in London and this is one of the main reasons why applicants are reluctant to go to places far away from London. When needy applicants are denied their rights based on reasons like this we are forced to think about asylum support as an entitlement.

Eligibility

Individuals whose asylum claim is under consideration can get support for accommodation if they are destitute and for subsistence support on fulfilling certain conditions. Failed asylum seekers are eligible for this support for a short term. This support is terminated once a decision on the asylum claim has been taken, and applicants are expected to make an application as soon as they enter the country. Those applicants who have sought asylum at the port are readily eligible for the support that they opt for; however, for in-country applicants, who made an application much later, after entering into the country, the chances are very less for getting subsistence-only support. They might get other support if they are able to prove that they are in such condition and would be otherwise destitute.

Section 95 support

Asylum seekers whose application is still under consideration can apply for housing and money support. Dependents can apply as well. Applicants can make use of the general medical help available through the NHS and the children can attend the state's free school. An application for short term support can also be sought in the event of the asylum application being refused. Housing support offered could be a house, flat, hostel or even a bread and breakfast. However, an applicant cannot expect to get accommodation in London and in the south-east of England and they are not given an option to choose.

The cash support that an applicant gets may vary according to their situation. The money can be collected in the post office. A couple will get £72.50; a lone parent with children will be paid £43.94; a single person aged over 18 will be paid £36.62; a child aged between 16 to 18 will be paid £39.80; and children under 16 years will be paid an amount of £52.96 for a week. There are extra payments available for women who are in need of healthy food and those who are pregnant.

Section 4

Under Section 4 failed asylum seekers are provided with temporary support for accommodation and other

basics. They should be able to prove that they would not be able to return to their home country immediately, that they have no other means to accommodation and would be a destitute otherwise. Reasons for not being able to return to their home country could be pregnancy, illness and other such reasons preventing their travel. Failed asylum seekers can only apply for short-term housing and basic medical card and payment cards. They are not provided with cash support.

Failed asylum seekers and destitution

Obtaining asylum support for a failed asylum seeker is more difficult in practice. Although they are entitled to Section 4 support, the inability to prove that there is an outstanding valid fresh application creates challenges in obtaining this support. Generally, the Home office does not issue an acknowledgment or provide any confirmation letters from time to time about the individual's outstanding fresh claim. Therefore, convincing the NASS and obtaining Section 4 support becomes difficult. Furthermore, proving destitution status is another issue wherein applicants failed to qualify for Section 4 support. Moreover, the demand to cooperate with their removal to the native country is another area of concern for the applicants. As they have made a fresh claim they are scared to return to their native country and their risk of future persecution remains immense. When the applicant refuses to cooperate with the officials in their travel arrangement to remove them to their native country the support they have been awarded ceases. In some cases, while the applicant's fresh claim is still under consideration, applicants were taken to detention centres without any prior notice either to the client or to his or her legal representative. Often a removal order is served on them just a few hours before the departure of the flight stating that their fresh application is refused, giving them no time to respond. This places failed asylum seekers at high risk as they do not get the opportunity to challenge the refusal or the removal direction.

Recent changes in NASS support

The services under NASS support were delivered by certain high profile agencies alone in the past. Since the 1st of April 2014, changes have been made to the service delivery. As per the new system, the current One Stop Service and Initial Accommodation wraparound does not exist. They are delivered under the umbrella name Asylum Help (part of the Migrant Help organisation) as Asylum Advice UK and Asylum Support Application UK, and will enable continuation of all statutory services to asylum seekers and refugees. Home Office specifications have been remodelled to provide for much less than before and specifically excludes advocacy and a withdrawal of

One Stop Services in dispersal cities as per the current contracts.

Case study 37

Mr RT came is a single male who came to this country in 2011 as an asylum seeker. He was suffering from mental illness and had problems in finding the means for suitable accommodation. He lived with his sister but the relationship was strained due to his violent outbursts and conflicts with other family members. They were not willing to continue supporting him and hence we advised him to apply for Section 95 support under NASS. In the application his condition was explained and the extra care he required, being a mentally ill person, was also clearly mentioned. Following this application he was allotted a secured accommodation and other costs.

Case study 38

Mr KN came to this country and sought asylum in the port on the same day itself. He had made some arrangements for his stay in this country through some of his Tamil community members living here. His legal representative was in London as well and he had no plans of moving outside London, which would severely affect his ability to acquire legal support. Again, being a newcomer in this country, he was reluctant to stay in a place where he would be alone and not get much chance to express himself and lead a comfortable life. He was able to get support for accommodation but he required further financial support to take care of his day-to-day expenditure. Hence we applied for subsistence-only support through NASS. As he had claimed asylum on the same day of his arrival and fulfilled all other requirements he was granted the subsistence-only support.

Case study 39

Mrs DB came to this country as a student from Malaysia and later claimed asylum. She had a daughter who was of her partner's religion and as the mother belonged to a different religion they were facing persecution on religious grounds on returning to their country. When her leave to remain in the country was over she was forced to seek asylum and when her asylum claim was under consideration she couldn't work although she had a 2-year daughter to support. We applied for accommodation and subsistence support and she was granted accommodation outside London. However, she was granted with this support based on her conditions.

Case study 40

Mr BY came to this country in August 2013 and claimed asylum at the port. He wanted to stay in London city so he could avail all sort of services required for his case, including legal advice in his own

language. He also felt it would be better to be around the members of his country until he is granted with asylum and the right to work. As he sorted out his accommodation matter, we made arrangements to apply for NASS Benefit subsistence-only option. As the client fulfilled all the relevant criteria to get this benefit, especially as he had claimed asylum as soon as he entered into this country, he was awarded with subsistence only support.

Case study 41

Mr SP came to this country as an asylum seeker and while his case was under consideration he applied for asylum support under Section 95 in July 2013. The support that he was offered was stopped in November 2013 by stating that this has been refused as he had failed to inform them about his change of address. As a matter of fact, the client had informed the caseworker about his change of address and the Home office had made a mistake by refusing his support. An appeal was launched against this decision and following this the case was withdrawn by the UKBA.

Case study 42

Ms RP had sought asylum in this country and while her case was under consideration she applied for Section 95 support. She did not have a place to stay and those who were supporting her couldn't bear the burden any longer. As she was likely to be a destitute, she applied for this support. However, her support was refused stating that as she had an amount of £809 at the time of the application, which would enough to sustain her for a period of 23 days, she did not fall under the category of a destitute or threatened to be so in 14 days time to avail this support.

VICTIM SUPPORT, ROAD TRAFFIC AND OTHER MINOR OFFENCES

Given their long-standing relationship with us, our clients approach us immediately on stumbling upon any legal matter that is beyond their ability to solve. Most often we would have been their legal representatives initially when they have entered the country and would also have offered them various other services through our one-stop service. Their satisfaction with the services we offered in their asylum or immigration matters brings them back to us when they come across other issues relating to their housing, welfare and any legal matters. We take up cases that we can handle and carry out the casework and refer those which require appropriate attention to an expert. Even after signposting the cases we continue our guidance, monitoring and support to those clients. We deal with the matters as and when clients approach us, but we don't have any specified funding to deal with these matters in a much more organised manner.

There are many minor matters that are ongoing in the community which needs to be changed in order to facilitate effective integration of the community members. Of late officials in uniform are looked upon with fear, especially by the ethnic minority members and they are hesitant to open their doors for such officials. They have developed it as a coping mechanism to keep away from any unnecessary hassle. This has started after witnessing many innocent community members falling prey to the penalty actions of the police and other officials. For example, a guest who was watching TV in a host's house got a penalty for watching TV without any TV License and furthermore it is recorded by the authorities as a criminal offence. Likewise, police use their authority to search houses and cause unnecessary panic in residents. Individuals often tend to be submissive with police when they ask to search a dwelling without any warrant and this is often quoted as voluntary acceptance of the inmate to search their house in further court proceedings.

Many face frequent visits from bailiffs in relation to matters of the previous residents of the concerned premises and even face penalties for no reason. Victims of such injustice fail to take any action against those false claims due to the cost involved in further action or are simply ignorant about what to do further. All this has caused the community to refrain from opening their doors when officials knock. It is a very unhealthy situation in the community as the fear of protective forces is higher than of even strangers.

We are also aware that sergeants who enforce traffic regulations are very particular about establishing a crime to justify their act of stopping a vehicle. The search tends to extend to passengers and their circumstances apart from checking that the car is in good condition and that the driver possesses the appropriate documents. There are lot of ways in which the penalties are imposed, which we believe is just revenue generating. On the other hand, when a community member approaches the police station to file a complaint seldom is the case recorded and investigated further. It is now common knowledge that the police stations are not open to the public throughout the day and is kept closed even during the day time. We are aware that the police force is being used by other departments in order to generate revenue and for political benefits. This has given the message to the general public that police are not for protection but to operate other activities framed by their own agenda. This has created a long gap between the public and the law enforcers and the relationship existing between them is very unhealthy.

There has been no case which our community members have got solved through the help of the police as far as theft and robbery are concerned. They don't take any action in such cases and nowadays the

public refrain from seeking police help as none is available. Even if a person goes with a complaint about an identity document theft the complaint is not recorded, for reasons that some details about the document were not provided by the person who lost it.

Parking charges and penalty charges collected using very unethical sources are seen as revenue-generating programs and burden on the residents. Local authorities often fail to place clear instructions about parking and impose a high charge on parking for non-residents. In our experience, this affects the local businesses very seriously and creates hatred among the local commuters. To our knowledge CCTV cameras placed for regulating bus lane discipline has been used to charge motorists with parking and other offences. Apart from this, smart cars with CCTV on wheels are being used extensively and this often takes pictures in haste and motorists are penalised for no fault on their part.

We are working with the local community and are taking part in various initiatives that are taken with a similar motive. We are striving to reduce the pressure on the community caused by unjust penalty by the local authority and exhorting them to take steps to force them to take action to reduce revenue-driven enforcement by the respective authorities. We educate our community members and advise them when they are faced with problems related to these issues. We play a major role in the enforcement of public friendly laws. Our work also extends to victim support and in working with witnesses. We liaise with probation officers and help victims released from prison to integrate with the community as soon as possible. The organisation also sorts out issues faced by individuals in accommodation and employment-related matters. We help and guide witnesses to do their duty without fear of the authorities and the legal system. Individuals tend to be guarded in doing their duty owing to fear. Our organisation also deals with criminal injury compensation claims as and when clients approach us with them.

These criminal records, which are acquired for some minor civil legal infraction, affect the nationality application and employment prospects of an individual. The ethnic minority is more prone to crime

and offences basically due to poverty and their lack of understanding of the system of the country. If the system starts labelling any deviation from law as a criminal offence then in the future there won't be any person without any crime record.

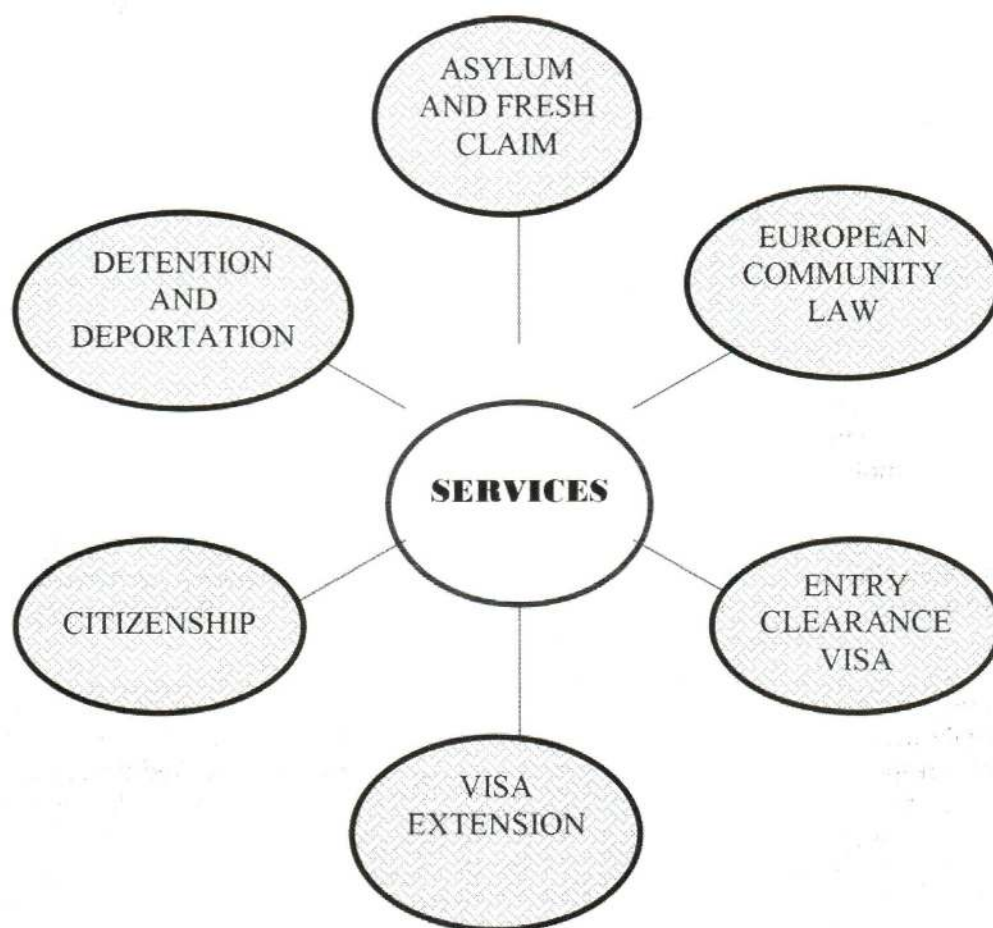
Case study 43

Mr IM received a penalty notice from the traffic control section of the Newham Council stating that he had committed an offence by parking his car in unallocated area. The client had actually parked his car in the disabled car parking area where he had the permit to park and not, as the penalty notice claimed, to be "partly or wholly in a suspended space or bay". The client approached us with the penalty notice, not knowing how to deal with it. We contacted the respective department in the Newham Council and after giving an explanation of the actual situation we also requested the Council to send the pictures taken at the place to prove their accusation. As we didn't receive any response within 56 days it was clear that Council had understood their mistake and had not taken any further action in this matter.

Case study 44

Mrs NN is a single mother of two children struggling with her duties. She was issued with a parking ticket stating that she had parked the car on single yellow line around 12 noon near her daughter's school. There was no notice or board placed in that road explaining the single-line restriction. According to her understanding the restrictions on single line are effectual only during the peak hours (between 7.00 a.m. and 10 a.m. and 4.00 p.m. and 7.00 p.m.). She normally never parks her car in the restricted area and this incident happened when she was waiting to pick up her daughter. As a matter of fact, her daughter fell down in front of the school and hence she was forced to leave the car in order to pick her up. She had no intention of parking the car but was just waiting to pick up her daughter. We also pointed out that according to the rules, the traffic warden should have waited for 3 minutes before issuing a penalty notice on this sort of contravention. But the car had been left unattended for just about two minutes and hence the timings mentioned in the notice were erroneous. After making this clear to the authorities, the penalty was revoked.

IMMIGRATION AND ASYLUM SPECIALIST SERVICE



Since the formation of the organisation by a group of refugees to meet certain crucial needs of the Tamil migrant community, the immigration and asylum support service has been among the most crucial and the most highly utilised. This is especially true of asylum claims.

A constant flow of Tamil migrants has resulted in the need for continuous immigration and welfare benefit advice service. Since 1989 the organisation has developed rapidly, but in a structured manner with the aid of a Trust fund. It has been supported by the National Lottery and the local authority. In 2003 the organisation was awarded with 'Specialist service provider with Specialist Quality Mark.' We have also been awarded with a legal aid civil contract in April 2013 by the Legal Aid Agency (LAA) as they recognised that the organisation is meeting the asylum and immigration needs in the community to the required standards. This project has also been supported by funding from City Parochial Foundation since 2010.

Since 2013 the Legal Aid Agency (LAA) has stopped funding aid for immigration specialist case work, and only asylum claims that meet their criteria are funded. This meant that we had to reduce our service delivery until we identified alternate funding resources. Moreover, the funding aid from City Parochial Foundation ended in October 2013. Due to shortage of funds, immigration-related casework has been severely disrupted and we are actively trying to find suitable funders to continue this service.

INTERNATIONAL PROTECTION UNDER THE REFUGEE CONVENTION

War crimes and adverse human rights abuse by the Sri Lankan Government have been well documented and published in various media over the years. They justify why many Sri Lankan nationals are seeking international protection in various countries around the world. As a community organisation and specialist service providers we are determined to help war victims, torture victims and those who are fleeing from

persecution in Sri Lanka. Very few people are able to escape from Sri Lanka and reach safer destination and seek international protection. Increasing border controls and penalising practices by countries that grant asylum prevent the victims of war from seeking asylum under the Refugee Convention. The main convictions include failure to submit a valid passport or visa, using someone else's passport to enter the UK, or overstaying.

Under the UN Convention a Claimant can apply for asylum only after they flee their country. The claimant will use any method possible to flee their country such as using fake documents, false passport or entering without visa. These methods are recognised by the UN Convention and widely accepted by UNHCR. The UNHCR handbook also provides guidance to tackle such cases. Also, under common law, the presiding cases can be used as a guide, and it offers quality advice to facilitate the decision making process. However, we see that the guidelines, more and more commonly, are not being considered adequately or are being interpreted narrowly to prevent asylum seekers from obtaining refugee status. In spite of being a signatory of the convention; however, in the past few years, UK has not been fulfilling its obligation under the Convention.

Case Study 45

Mr SS came to this country as a student in January 2011. In December 2011 he was arrested at the airport when he was on his way to Canada to claim asylum. He was convicted for using a false passport and sentenced with 12 months imprisonment. He intended to go to Canada as many of his family members were there but as he was arrested here, he had little option but to claim asylum in the UK in January 2012. His asylum claim interview was conducted in March 2012, where he explained his fear of persecution by the Sri Lankan security forces on his return to Sri Lanka due to his involvement with the Liberation Tigers of Tamil Eelam (LTTE). He also notified them about his previous arrest and torture faced in the hands of the Sri Lankan security forces. His claim was refused by the Home Office in June 2012; the hearing was held in August 2012, and the case was dismissed by a panel of immigration judges. Due to a previous record of criminal conviction, the documentary evidence submitted by him was not accepted. The inconsistency in his claim and his previous conviction meant adverse credibility findings which negatively influenced the claimant's case. Therefore the appeal was dismissed.

CLAIMING ASYLUM

An asylum seeker is a person who, because of a well-founded fear of being persecuted for reasons of race,

religion, nationality, membership of a particular social group, or political opinion, is unwilling to avail himself of the protection of his country or the country in which he or she resides.

An individual can seek asylum at the port of arrival or alternatively they can submit their claim at the Asylum Screening Unit (ASU) of Home office after they have secured their entry into a safe country. Those who seek asylum after entering a safe country that is a signatory to the UN Refugee Convention are referred to as in-country claimants. In our experience many asylum seekers make their claim as an in-country applicant at the ASU. Many asylum seekers fleeing from their own country by various modes of transport, without even knowing their destination, are often helped by any relatives or agents to flee from persecution and seek protection internationally. Some of the refugees are unaware that they are in a safe country or they haven't had an opportunity to claim asylum at the port of entry. Other reasons for not claiming asylum at the port and doing it later in-country may include strict border control and therefore asylum seekers are unable to reach safe countries which compel them to use other means of access to enter the UK and claim asylum; for example, they may enter with a student or visit visa and claim asylum after entry. In order for the claim to be successful it is deemed necessary for the claimant to be in fear of persecution or serious harm if returned to Sri Lanka. This in-country asylum claiming process is done by obtaining an appointment via phone with asylum screening units. Later the officers will phone and obtain more information from the applicant and then the applicant will receive an appointment letter from the asylum screening unit for their first visit. During this first visit the applicant will be finger printed and photographed then later he/she will be interviewed through an interpreter to obtain their personal details and reason for his/her asylum claim.

If an individual claims asylum at the port then the asylum seeker is subjected to an asylum screening interview. The Officer checks whether the asylum seeker's claim is a well-founded fear of persecution and if the claimant would suffer a real risk of serious harm if removed from the UK.

Claimants prefer to submit the claim after entering a safe country as opposed to submission at the port of entry as there are chances for their application to be rejected even before they are placed in a safe country. When an individual claims asylum at the port, he or she could be prosecuted by the UK Border officials for breaching of immigration rules by entering UK with forged documents or without a valid visa or committing any other border control crime while

entering the country. As a result they could be charged and tried at the Magistrates court. If their crime is proven, they will face a six-month prison sentence in UK prison. After completing three months' prison sentence, asylum seekers' asylum claim maybe considered by the United Kingdom Border Agency (UKBA). When the claimant has completed three months' sentence the particular person will not be released on parole. It is likely that they will be kept in prison or in detention while their asylum claim is considered. Sometimes it could be a fast track case. Immediately after their arrival the asylum seeker will most likely face an asylum screening interview. This brief interview records will be kept and considered with the particular persons' full asylum interview. During the rest of the three months period the particular asylum seeker will face the full asylum interview through an interpreter. Only at this stage will the asylum seeker be able to seek independent legal advice from the prison or detention centre. If the applicant states anything without valid reasons which contradicts with his previous screening records, then it could facilitate an adverse credibility finding by the officials later on.

Case Study 46

Mr. YB is a Sri Lankan citizen who claimed political asylum in UK fearing persecution on returning to Sri Lanka. Mr YB got involved with LTTE through his uncle. He did carpentry work for them and also attended training sessions of the LTTE. He got involved in their fight as a LTTE member and was sent by them to assist people displaced by building huts and providing first aid. In 2009, due to his active involvement with the LTTE he was arrested by the army and was detained. Mr YB was arrested again in December 2012 by the Sri Lankan police for terrorism and subjected to severe torture. He was released after one week. In May 2013 he was arrested again and released after severe torture and beating. Due to political unrest between LTTE and Sri Lanka and the fear of persecution by the army he decided to leave the country. He approached an agent who arranged for his passport and had made arrangements for him to come to the UK. The case worker decided not to grant him asylum and refused on the ground that he did not establish a well-founded fear of persecution and that he did not qualify for asylum.

Case Study 47

Mrs. PK is a Sri Lankan national who due to her tailoring work became associated with some of the members of LTTE and started helping them by sewing clothes and flags for them. She had also undertaken weapons training from LTTE and joined them in the fight for the freedom of Tamils. In 2006 Mrs PK and her husband were arrested on suspicion that they

worked for LTTE. Mrs PK was arrested and detained for four days and sexually abused by the army. She was later released upon her mother's intervention. In January 2012, her husband was arrested again and detained for four months and as fear compounded, she approached an agent who arranged for her to flee to the UK. She arrived in the UK on the 20th May 2012 and subsequently made a claim for asylum. The case worker decided not to grant asylum status and refused on the grounds that the client's medical condition has not reached critical stage, and that she did not establish a well-founded fear of persecution. Mrs PK later contacted TWAN and an appeal was made and subsequently her appeal was granted.

Case Study 48

Ms SHJ is a Sri Lankan national who is a child of Sinhala and Tamil parents. She was abandoned at a young age by her parents and was left to the care of her grandmother. She got into frequent troubles with both the Tamil and Sinhala armies and was once captured by the Sri Lankan army and abused sexually; the army accused her of assisting the Tamil tigers and detained her in a camp. With the assistance of a prison attendant she managed to escape to Colombo where a friend's father helped her consult an agent who assisted her arrival into the UK. She did not claim asylum at the airport because she was advised by her agent to refrain from doing so as she entered with a fake passport. She arrived at Heathrow airport on the 5th of September 2012 and subsequently claimed asylum on the 21st of September 2012 for fear of returning to Sri Lanka. Her full interview was held on the 10th of October 2012 where she was screened and fingerprinted. Unfortunately, her asylum claim was refused on 23rd October 2012 following which she appealed under the grounds of Article 8 of the European Convention on Human Rights (ECHR) as removal would breach her rights to a private life. A report from a physician and psychiatrist was commissioned in order to prove the impact of the torture she underwent on her physical and mental health. In the meantime, the Home office also withdrew the case. However the case is still on going on as Ms SHJ waits to hear the decision of her claim after she appealed.

THIRD SAFE COUNTRY

When asylum seekers' personal details have been collected, these details will be crosschecked against a computerised network with other European countries. If an asylum seeker came through a European state then the particular asylum seeker will seek removal to that particular safe country as under the Dublin convention agreement, the first European member state is most likely to be responsible for that particular

asylum seeker's claim. The ECHR concluded that it was a duty of the member state to maintain and accommodate individuals. Therefore under Article 13 of the Reception Directives 2003/9 it was required that a member state should 'ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence.' The Court of Justice of the EU stated that 'it must be assumed that the treatment of asylum seekers in all Member States complies with the requirements of the charter, the Geneva Convention and the ECHR.' There are usually two countries that are involved: first being the country where the asylum claim has been lodged (present country) and the country said to be responsible by the authorities of the present country (removal country).

There is a process by which removal occurs; the asylum seeker is identified as claiming asylum in a third country and the country is notified to take responsibility for the asylum claim. After they take responsibility the asylum seeker is notified of the third country transfer by which then representations can be made as to why they should not be returned (applicants rely mostly on fundamental rights and charter). However, if the decision is to proceed with the transfer then any legal remedy is pursued domestically and an application is made to the ECHR with a request for a Rule 39 indication.

Case Study 49

Mr AP of Sri Lankan nationality had previously claimed asylum in France in the year 2009; however, the application was refused in 2011 and his fingerprints were obtained in France. He was an active member of the LTTE and his role included organising meetings and inviting prospects to join. He was later arrested by the Sri Lankan army in 2008 and detained for 52 days. Whilst being detained, he was beaten regularly, hung upside down and made to inhale petrol and chilli. Mr AP arrived in the UK on the 15th of April 2013 and currently stays with his elder sister. Mr AP's case was being considered under Article 3.4 of the Dublin II Regulation. The French authorities were requested to examine his asylum claim under Art. 16(1) of the Dublin II regulation; this request was rejected by French authorities. The French authorities were challenged and now Mr AP awaits a reply.

FAST TRACK PROCEDURE

A fast track procedure is one where the appellant is detained in a specific removal centre and served with the immigration decision they are appealing against. Many of the cases that are refused are certified as 'clearly unfounded' so there is no in-country right of appeal at all and they are likely to be removed shortly

after the refusal. The time-limit for appealing or challenging a decision, as well as the timetable according to which appeals are determined, are much stricter through a fast track process. Due to the fast pace, there is plenty of scope for unfairness and breach of important rights. Advisers dealing with fast track cases will often apply for adjournments or for an order to transfer their clients out of the fast track, in order to enable time for preparation of the appeal. A fast track appeal can only be adjourned if there isn't sufficient time to hear it, or if a party has not been properly served with the notice of hearing or if the Tribunal is satisfied by evidence given by an appellant that the appeal cannot be justly determined on the date on which it is listed and there is a date not more than 10 days after the original date of hearing by which it can be justly determined.

Alternatively, appellants can apply for an order to be transferred out of the fast track, by which a case will also be adjourned. An application can be made at both the stage of first appeal and in reconsideration proceedings. The case can be transferred out of fast track if any of the following apply:

1. All the parties, namely the appellant's representative (or appellant if unrepresented) and the Home Office give consent;
2. The First tier tribunal (FTT) is satisfied that there are exceptional circumstances; meaning that the appeal cannot be justly determined while in fast track;
3. The Home Office has failed to comply with a provision of the Fast Track Rules or a direction of the FTT, and the appellant would be prejudiced by that failure if the appeal remained in the fast track.

If an appellant has been removed from the fast track appeal system, they are likely to be removed from the fast track detention centre. However, appellants within the fast track are also entitled to apply for bail.

Some of the drawbacks that clients face as a result of their cases getting fast tracked are as follows:

a. Very Narrow Time Limit

Usually most of the departments of the Home office, especially the asylum units take a long time to decide on the claims. However, when it comes to fast track cases they will not even give the representative adequate time to respond or allow them to make appropriate representation. Usually there tends to be a five-day limit but the authorities rush and take decisions, obviously not giving much importance to the further representations made. This restricted time limit hampers the opportunity for dealing a claim to the required standards by the legal representatives.

b. Medical Report and Home Office Policy

Most asylum seekers happen to have a history of torture and often are required to submit a medical report to substantiate their claim. However, this happens to be a time-consuming procedure as the initial assessment itself takes a long time. We have requested the concerned departments to give adequate time for the assessment and report preparation; however, this is seldom given due consideration. The request for extension of time limit for submission of further information is most often denied and the judges make hasty decisions based on the information available. This often provides a gateway for a fresh claim and the success of it as well.

c. Request to Delay the Decision Making

The asylum seekers may not be in a position to submit all evidences at once and sometimes they need extra time. This delay in time may not be comprehensible for an authority in a developed country. A war-torn country like Sri Lanka with its poor administrative set up may not be of help to the clients those who are in need of certain documents. When we know that a client's case is genuine and they are trying hard to gather evidence then we request the judges for extra time. However, in our experience, these sorts of requests are refused by the decision makers without any consideration for the genuine needs of a vulnerable claimant. Furthermore, after refusing the request for extra time a hasty decision is also taken and the client is forcibly deported. We don't know the requirement for such a hasty decision, as there are many cases that are waiting for a decision for more than two years, the reasons stated being that of "heavy work load".

Overall in our experience if a case is strong then the decision makers tend to delay the decision on the case and if the case is felt to be weak then a rush decision is made.

Case Study 52

Mr VT is a male citizen of Sri Lanka of Tamil ethnicity who claimed to be at risk owing to his involvement with the LTTE. He was formerly a driver who assisted the LTTE transport various materials between 2006 and 2009. He was detained for more than two years and was shifted to various camps during this time. At these camps he was tortured, burnt and beaten for assisting the LTTE and for failing to answer the questions the officials asked. His claim of the events was supported by subjective and objective evidence and his claim was sought to be considered consistent and thus plausible. Further medical examination by a medical expert was required to examine the scars after the interview, as Mr VT provided images to support his claim and these needed to be assessed.

Case Study 50

Miss KSN is a young Sri Lankan Tamil who claimed asylum in the UK as she feared for her own safety and her father's safety back in Sri Lanka. She arrived in the UK on the 10th of August 2011 with a help of an agent. In Sri Lanka she was arrested by the Sri Lankan force in Amparai alongside her father. She was later transferred to a camp where she was beaten, tortured and raped by army officials. Miss KSN still fears persecution by the army as her family back home are receiving calls and threats to her life as she refused to marry a youth from the Karuna group. Miss KSN was detained at Yarlswood detention centre and was granted bail further. On submitting necessary documents to show the genuineness of her claim she was released from fast track.

Case Study 51

Mr UKS is appealing his removal under asylum and human rights. Prior to his arrival into the UK, he was a student who on various occasions attended tuition in a vehicle with a friend. In his spare time he would wait in an internet café researching Tamil affairs, where he bumped into alleged LTTE members. After this he began to help LTTE members commute to various locations such as the airport. Mr UKS was arrested twice and tortured in confinement under false allegations of assisting the LTTE with a bombing. In October 2013 he was arrested and detained as an overstayed person in the UK and was transferred to the fast track procedure in November 2013. His claim to have assisted LTTE, being imprisoned and tortured and his attendance to a protest in the UK were all rejected by the Home Office. His request to be removed from the fast track detention was also rejected.

FURTHER REPRESENTATIONS AFTER THE ASYLUM INTERVIEW

An asylum seeker can make a further representation if they have made an initial claim and / or the human rights claim is refused, or have withdrawn such a claim, and have exhausted all appeal rights in relation to that claim. If the applicant gets hold of any new or additional information after the final decision then, based on the new information, they can ask the Home Office to treat those as a fresh claim for asylum. This claim will then be considered under Paragraph 353 of the Immigration Rules which states that when a human rights or asylum claim has been refused or withdrawn or treated as withdrawn under Paragraph 333C of these Rules and 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 submissions will amount to a fresh claim if they

are significantly different from the material that has previously been considered.

The submissions will only be significantly different if the content has not already been considered, and taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection.

In all cases where further submissions are received, the first stage for the Home Office is to decide whether or not to grant the applicant leave to remain. The Home Office case owner will consider all available evidence when deciding whether an applicant qualifies for leave. This will include all information that has been put forward but also information such as new country information or a new policy. The Home Office case owner will also act upon the findings of the final appeal determination. If the Home Office case owner decides that it would not be appropriate to grant the applicant leave to remain, the second stage is to determine whether the further representations constitute a fresh claim for asylum. If the material that has been put forward in the further submissions has not previously been considered, the Home Office will decide whether the new information, taken together with the material previously considered, raises a realistic prospect of success.

INITIAL DECISION MAKING BY NAM CASEOWNER

From an analysis of the refusal letters, there seems to be some form of inconsistency in each one regarding the screening interview. Many discrepancies have been highlighted with regard to the client's involvement with the LTTE. These undermine the level of standing the case has overall and casts a doubt over the alleged incidents. Failed asylum seekers are subject to notorious delays as their cases are being resolved and the decision making when it happens tends to be unreasoned and inconsistent also.

Other cases have been refused on the basis that they still maintain strong ties with Sri Lanka in comparison with the UK and their return will not be in breach of Article 8 of the ECHR. The UK authorities also claim that none of the deported Tamils are at further risk after their asylum requests are rejected in spite of the unanimous consensus that genocide is continuing even after the end of the military operations against the LTTE.

The Home Office on occasion has failed to control the risk factor when dealing with such claims. In the case of VG, the British High Commission in Colombo failed to take action in transporting, via an exchange programme, a prisoner who was later murdered inside

a Sri Lankan prison. Despite this, the secretaries of state conclude that removal from the UK will not be contrary to their obligations under the ECHR.

Many asylum seekers have been sent back to continue with their lives in Sri Lanka. Some organisations have reported that the rehabilitation programme that has been set up in Sri Lanka fails to meet international standards, as mentioned by the findings of the BBC. This means that the asylum seekers are returned even though the country is unable to cater for their returning needs.

Many asylum seekers are refused on the basis that the authorities would have no significant interest in them if were to return. This poses a risk because they chose in the first place to flee because the authorities wanted them and after many failed attempts the authorities have located them. Under the Geneva Convention 1951 it is necessary to prove that the person could not find protection in another part of their country. This means that some refusals contradict the convention.

A delay in claiming asylum can be viewed in light of reason for refusal as it undermines the appellants overall credibility. However, when deciding the credibility of an appellant's case, the tribunal should not assume that the society of the country in question operates in the same way as the democratic society in which we live as stated in the case of *Mendes v Immigration Officer Harmondsworth*. It is crucial to understand the fear of retuning which resides with the appellant, which may constitute a reason for not claiming asylum in an earlier situation. The UNHCR handbook explains that 'A person who, because of his fear of the authorities in his own country, may still feel apprehensive vis-à-vis any authority'.

Apart from the above-listed aspects there are some other reasons, as below, that the authorities say have a bearing on decisions taken in a person's case.

1. How can a wanted person leave the country using their own passport?

Just because an asylum seeker left his home country using his own passport it cannot be concluded that he is not on the wanted persons list or being searched for. The reasons being, in a country like Sri Lanka, the database of the citizens are not centralised and the authorities at the airport don't have the means to check the records of an individual even if they wanted to. Usually, asylum seekers rely on an agent who has well-established contacts to help them clear immigration smoothly. These agents are known to have good rapport with the immigration officers and tend to work as a team. It is a well-established fact that in the year 2005 many well-known, high-profile

LTTE members left the country with an original or fake identity without any issue. Immigration authorities do have records of those who have breached bail conditions, but those who are on the wanted list and of concern to the police and armed forces were seldom arrested. The current strict border system has enforced new restrictions and only after this, of late, are asylum seekers forced to take the high risk of leaving their country using their own passport. Current regulations are such that an individual must have a visa to travel to any country in order to seek asylum, as there is no other means for getting it through certain authorities like the high commission or refugee council. Hence, asylum seekers are forced to leave the country with whatever visa can be obtained at that time in order to leave the country. Some easier modes of travel, namely as a student or a visitor, compulsorily require a passport and a visa.

2. Why is it that a person who was arrested and tortured fails to leave the country early?

Although a person who was arrested and tortured will want to leave the country early it may not be possible. If the individuals who are planning to leave the country want the expedition to be successful, then they need to plan for it and make a lot of arrangements to achieve it. For instance, they need to book an agent and inform the agent of their requirements. Once the matter is handed over to an agent, the duration becomes unpredictable and depends on the agent. Most often individuals don't tend to take a decision of leaving the country immediately after an arrest, but decide only when the risk involved fully dawns on them. Apart from all this, the financial situation of the client is even more crucial in making arrangements at a fast pace. Sometimes, the affected individual depends on others for financial support and cannot control the delaying factors. As travelling as a refugee is very different from making travel arrangements for a holiday, officials cannot and should not compare it with normal travel. Until May 1985 it was easy to travel to a country which will grant asylum with just a ticket. However after this period, due to entry clearance requirements, it is almost impossible to book a ticket without a valid entry visa; as a result, it takes a long time to get a ticket booked.

3. Why is it that the family members of a targeted individual are not under threat?

Generally, family members of the LTTE are at risk of persecution by the authorities, but much depends on how much information security forces have about the involvement of family members with the LTTE and the approach of the specific area military personnel who handle the matter. Martyr families are always under great risk, but for various reasons continue to stay in the country. They may not want to leave the

country unless they are personally targeted and in severe danger. Some families relocate and live in a different place within the same country. In reality, for practical reasons, it is not easy or feasible for all of them to leave the country as and when they want to. Some who leave the country early are lucky enough to have survived, while doom awaits the other members of the family. Some family members escape becoming targets as the officials tend to tackle other members who are actually troublesome and bother less about martyr families. Again, until 2009, family members did have the option of settling and staying safely in the LTTE-controlled area, but which has since become unavailable. However, the absence of a centralised database of records prevents officials from identifying the correct locations of targeted members' families.

4. There is no evidence of arrest and torture

It is very hard for asylum seekers to get proofs for the torture they undergo; nevertheless they are expected to submit them. Officials who inflict torture are very well aware of the various convention and human rights violation issue surrounding this matter and therefore countries have been developing alternative techniques of torture in the past twenty years. In our experience, some officials are continuously put in charge of inflicting torture, and in the long run they start to enjoy their duty and tend to become psychopaths. This is very evident from the documentary with video clips that was transmitted by Channel 4. The video clippings were collected through some modes which may not be possible for each and every asylum seeker.

The new methods of torture, which include making the victims suffocate, hanging them upside down and other sexual and mental abuse, are not easy to document. Again detentions happen both officially and unofficially and a report cannot be expected in all the situations; again, there aren't any relief workers allowed to document these happenings and even the medical professionals who are working in this areas are scared and never give a report stating that the scars or wounds in the body of a victim are caused by torture. However some organisations like the Medical foundation and Helen Bamber Foundation are doing a great job in these aspects documenting the problems faced. However, the minimum waiting time for getting their services tends to be approximately eight months, and this long duration of waiting has not been accepted by some caseworkers who take hasty decisions with the information that is available. This happens to be one of the reasons why fresh applications are stronger for many clients, which will include all the documents that they could acquire.

5. There is a lack of clear information about release

Often detainees get released by Sri Lankan officials in two ways: one, it could be the influence of a politician or a senior person; or two, it could be the result of a bribe. When a suspect or detainee is held in jail, some officials negotiate with the detainee's friends or relatives and demand a considerable amount to release the detainee. However, if a detainee is released by one officer then she or he can be rearrested in few weeks time by another official; this cannot be prevented due to lack of records. There are usually no documents pertaining to arrest or subsequent release, and only when a court is involved is documentation of matters initiated. When detainees are released through the influence of political officials who can persuade the government to secure the release, the family members often pay back in the form of donation or through other contributions. In particular, if the arrest occurred in the north of Sri Lanka, a political party called the EPDP (Eelam People's Democratic Party) who work closely with the military and government is used for the release of the detainee. If it is in the east then TMVP (Tamil Makkal Viduthalai Pulikal), Karuna or Pillayan, is approached and the detainees get released. The political parties get monetary benefit and the support from the public for activities like this. In Sri Lanka, in general, if there is no adequate proof to penalise an individual then the officials are not very keen on retaining them in the camps. In some instances detainees are released so as to monitor their movement and on establishing involvement, those individuals are re-kidnapped in white vans. There are no ways in which these matters can be proved and much information is erased to avoid conflicts. The officials are very reluctant to give away any information due to danger involved in such information dissemination process.

6. Why do prison authorities help so much?

Support offered by prison officials to help inmates escape prison is often considered a very unnatural thing to do. What the decision makers fail to note is that the officials in prison are at no risk while helping such prisoners as the legal system is the country itself is in such a state of disrepair that no action is taken against even individuals who are involved in severe war crime. Hence, the tendency of officials to help in such unnatural situations when they are not at any loss is nothing to be surprised about.

7. Claimants are unable to furnish details about the LTTE

Most of the individuals who are members of the LTTE didn't get all information and also never felt the pressing need to digest all the information that was available; their concern at the time was only to support and work for the LTTE instead. Again the arms

training given by the LTTE was not very structured as a formal training should be and was less intense and methodological in the later stages when the war was in full swing. The members were not given a full-fledged training and even those who used arms hadn't bothered much to notice the details of those that they were handling. It is necessary for the decision makers in the UK to understand that training sessions were conducted at various levels in different places at different levels of intensity.

8. Claimants are unable to give correct dates during the interview

There are various reasons behind why the affected individual fails to give correct dates when questioned. It can be due to cultural influences: people are not very keen on using the English calendar, and are familiar with only the significant dates and functions of the Tamil calendar. In the Tamil tradition, they follow various culture-specific indicators and not the exact date of birth and other such dates according to the Gregorian calendar. Again the individuals who are affected by trauma may have problems in remembering details and in recalling them as their memory will be distorted due to their mental state. Just because the date was wrong it can't be deemed as wrong information; the authorities must give due consideration for the cultural background of the clients.

9. Claimants are not on the warrant or alert list

Those who seek political asylum often flee from countries where there is no strict law and order and they might or might not be issued with a notice on arrest or release. Various reports point out human rights violations and why asylum seekers should not be forced to submit certain documents which, for practical reasons, are hard to produce. Even if asylum seekers possess such documents, it may not be easy for them to gain access to it while they are fleeing the country. Besides, trying to gather such evidences may lead to risk for family members. In a majority of situations, it is not possible at all to produce a certain document as it might never have been issued; many authorities in Sri Lanka do not bother to follow rules and regulations and tend to just give an oral notice on release. Often the court in the UK doesn't actually give adequate time for the clients to submit the necessary documents; it rushes to take a hasty decision which is of use to neither party as often those individuals make a fresh claim with new evidence.

10. Claimants do not have signed confessions

In many instances signed confessions are not valid as they are signed just to avoid torture and are not true accounts. Many are reluctant to sign a confession as those who signed a confession are made to serve in

prison for a long time. There are more chances of release if a confession has not been made by the individual who is being detained. Hence, it is very rare that a confession is made and even if made it cannot be produced. The authorities in the UK should also note that it's not a matter of significance in a country like Sri Lanka where human rights are violated to a very high level. It's very ironical to note that a person will land up in problems whether they sign a confession or not.

DECISION MAKING BY THE IMMIGRATION JUDGE

There are a number of factors that influence the decision-making process, and some of those are:

a. The approach taken by the individual judge

There is no consistency among judges in taking a decision and hence there is a lack of uniformity in the decision-making process. A case is approached differently by each and every judge, which affects the outcome of the case. Often it becomes hard to predict the result of the case.

b. Standard of Proof

As far as taking a decision is concerned a lower standard of proof should be enough, but judges expect a high level of proof, which often is not possible. The onus of proof lies on the appellant and this acts as a big disadvantage for the applicants. Courts expect a high level of proof and demand a number of documents and records.

c. Credibility Findings

Even in the presence of established law it depends on judges to follow the case law or act upon it with their own judgement. Often, the asylum seekers are blamed for not revealing all the information in the first instance itself. An asylum seeker has undergone so much in the past and is very uncertain about what will affect their case. Some judges never consider that and on identifying a minor inconsistency or lack of credibility they tend to blame the clients. At best they are called inconsistent; at worst the judges reject their whole story and the claim. We expect the decision-making authorities to consider the core of the claim and discount minor errors and avoid a long legal battle.

Case Study 53

Mr SS after leaving the country in 2010 under a false name worked in Jordan for three months and then came to UK in the end of January 2011. He claimed asylum in February 2011, which was rejected, and further appeals were also dismissed by the upper courts. His asylum application was refused and removal directions were served for reasons that he

was an illegal entrant. His claim was that he was arrested by the armed forces and was detained by them for almost a year in 2009 owing to his past involvement with the LTTE. He was tortured while in the camp and was released with the help from family members. He left the country with the help of forged documents that were prepared by the agent who was commissioned to help him enter a safe country. As his appeal rights were exhausted we took this matter by making application to the court of appeal.

His appeal was heard in March 2013 and the judge allowed the appeal and ordered that reasonable costs involved in the matter be paid. The judge mainly relied upon the medical and psychological evidence which clearly showed that the appellant, owing to various conditions, was unable to provide the required details in a coherent manner. The judge gave weight to the fact that an inability to give correct details as a result of trauma should not be dismissed on the fact that some information hasn't been provided correctly.

Case Study 54

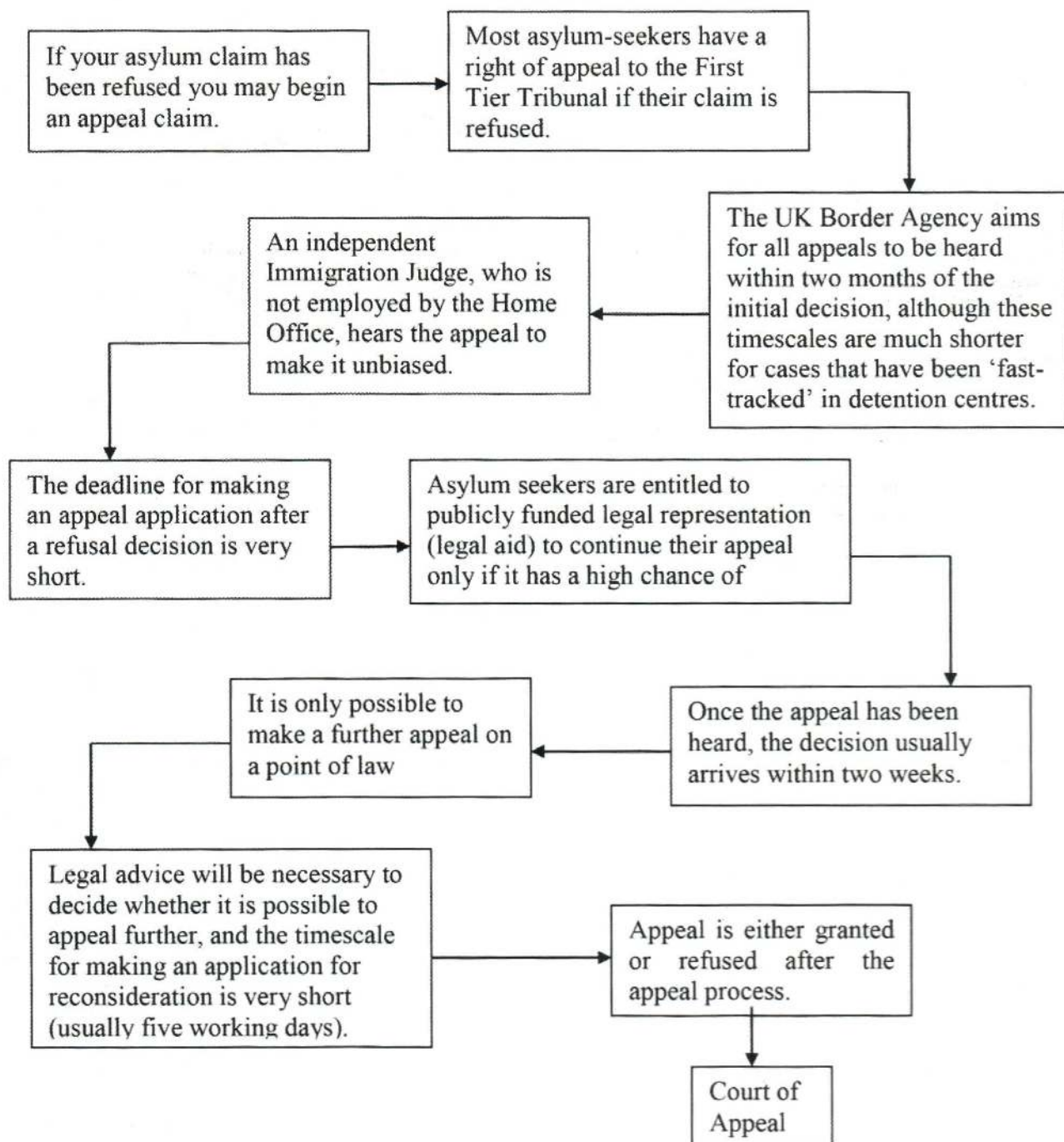
Mr RT came to this country as a student and claimed asylum based on the fear of persecution on returning to Sri Lanka owing to his past involvement with the LTTE. He was arrested in 2004 once on suspicion of helping the LTTE. He was involved with the LTTE from 2006 to 2008 and was arrested as his involvement with one of the LTTE members got established. He was tortured in detention and was released with the involvement of local leaders, after strenuous efforts from his family members. He was released on condition that he should report to the authorities regularly and not to leave the country. He left the country as he feared a subsequent arrest and he knew that in such a situation the chances of release were very bleak. He also believed that he could go back to his country once the situation changed for the better, while he improves his career prospects in the mean time by studying. However, when the client was away from the country the army searched for him at his house in Sri Lanka and inquired from his family members about his whereabouts. His asylum claim was refused stating that the arrests and connection with the LTTE are not reliable and well established. We advised the client to get supportive documents to prove his claim and when all these were submitted his claim was accepted and he was granted asylum.

APPEAL PROCEDURES

When the outcome of the immigration tribunal is not satisfactory, then the matter can be taken to the court of appeal if there is enough merit in the case for a challenge at a higher level.

An appeal is a process whereby a claim that has been refused can be restated to the authorities. The asylum seeker is given another opportunity to appeal the

decision. The format of the procedure is outlined below from when a claim is refused until the appeal is complete:



Case Study 55

Mr SM had witnessed the killing of five students in Trincomalee beach, a killing spree which he claims was instigated by government politics. This essentially made him the subject of a heated debate from which he became of interest to the authorities. Initially, this caused him to fear persecution if he returned to Sri Lanka from the UK. Due to his delay in claiming

asylum in 2009, on his first entry to the UK, his credibility became undermined. Thus his claim was rejected; however, he decided to appeal the decision. On appeal, the judge encouraged a skilful cross examination which suggested that he was telling the truth. Also his sister's account of the incident and her recent experience strengthened his case and thus the appeal was allowed on asylum grounds.

JUDICIAL REVIEW AND CART PRINCIPLE

In asylum or immigration appeals when the appeal rights are exhausted and if the appellant fails to reverse the decision then it may be possible to challenge all decisions by filing a case at the administration court to judicially review the case. Only if case merits can this appeal be challenged further. To secure a legal aid certificate from the legal aid agency and get funding there should be a more-than-60 percent chance of success. Generally this type of Judicial Review (JR) can be launched within three months from the last decision. Before launching this application there is a procedural requirement to send pre action protocol letter to the Home Office to notify the claimant's intention to launch a JR application.

This rule applies when an application is made following refusal by the Upper Tribunal of permission to appeal against a decision of the First Tier Tribunal. The asylum claimant can request a JR of the decision of the Upper Tribunal. Where this rule applies the application cannot include any other claim whether against the Upper Tribunal or not and any such other claim must be the subject of a separate application. There is a 16-day limit to send this application from the date of receipt of the notice from the Upper Tribunal. The court will give permission to hear the case only if it finds that there is an arguable case and that the claim raises a point of principle and there is a compelling reason to hear it. In *Cart* and *MR (Pakistan)* the Supreme Court unanimously departed from the approach of the Divisional Court and the Court of Appeal below and held that a JR of the Upper Tribunal's decision should be available whenever the intended challenge raises an important point of principle or practice or where there is some other compelling reason for the High Court to hear the claim. In so doing, the Supreme Court assimilated the test for bringing JR proceedings against the Upper Tribunal with the circumstances in which the Court of Appeal will hear a second appeal (i.e. an appeal against a decision which was itself a decision on appeal). This is an important decision with significant practical consequences for judges, practitioners and users of the new tribunal system.

Case Study 56

Mr. SS came to UK with his student visa and was complying with the visa requirements. He used to go to Sri Lanka to visit his ailing mother and during one such journey he was detained at the airport and questioned. Following this he refrained from visiting Sri Lanka owing to fear of persecution. Meanwhile his student visa got expired and he couldn't extend his visa and the appeal rights also got exhausted in April 2013. Subsequently, he faced removal from the UK to Sri Lanka but he was scared to go back due to his

previous experience at the Colombo airport in 2006. In this situation without much choice he decided to claim asylum and after the screening interview he was detained and taken to Harmondsworth detention centre where his asylum claim was fast tracked. Despite his claim about his arrest and torture in Sri Lanka the officials ignored the Home office procedure rule and dealt with his asylum claim as a fast track case. A Rule 35 report from the Harmondsworth removal centre medical examiner's report also confirmed the possibility of past physical and mental torture. Chapter 55 of the enforcement and instructions was taken as a guide, which pointed out that there was no chance of him being removed imminently, as there hadn't been any previous incidents of absconding. Not only had he been complying with the regulations, he had sought asylum as he wasn't able to return to his country. Further, he was a person of good character who had been subjected to torture in the past and had been suffering from physical and mental illness as a result of this. Based on all these facts as per the guidance, we explained that his case shouldn't be under fast track. His asylum claim was refused by the Secretary of State and a few days later in succession, in a hearing held in November 2013, the immigration judge dismissed the appeal and permission to appeal to the tribunal also refused. His appeal rights were exhausted and the detainee was issued with a removal order in the middle of December.

The appellant changed his representative and through them made fresh claim and injunction against the removal, both of which failed. For some reason, he was not removed on his first removal date and three or four days later his family approached us and reinstructed us and the appellant also gave consent and instructions accordingly. We obtained advice from counsel to launch an application for a JR and we made a bail application as well. Opinion from counsels indicated that there was a possibility to challenge the previous decision by making a JR application. While we were working on this JR application and funding, we also made a bail application. At the bail hearing, our counsel successfully persuaded the Judge to release him on bail and to obtain a medical report from the Helen Bamber Foundation. The advice given by the counsel further helped the judge to release the detainee on bail. The judge's error in determining the standard of proof was pointed out and it was made clear that the standard of proof was long established him to have a real risk and reasonable likelihood of an event reoccurring. His case is still under process.

Case Study 57

Miss TB is a Malaysian citizen of Hindu religion who came to this country as a student in December 2006. Her visa expired in October 2008 while she was in UK. She had established a family life with a person who

was a Muslim from India and who had apparently taken the responsibility to extend her student visa in line with his immigration status, but didn't do it for some reason. She was blessed with a daughter in November 2010, but by the end of 2010 the marriage broke up and her husband returned to India deserting the mother and child. A few months later she found that her visa had not been renewed by her partner and there was no outstanding application at the Home Office for extension of her stay in the UK. She feared to return to Malaysia because the child was legally Muslim with a Muslim name, and if she returned to Malaysia she would be arrested at the airport and separated from her child on religious grounds, as she had committed an offence according to the Malaysian law. She therefore claimed asylum at the asylum screening unit in July 2013 and the interview took place in September 2013. Her asylum claim was refused in October 2013. After the appeal, the hearing took place in the end of 2013 where we submitted a country expert report along with other court decision by the Malaysian courts in relation to her asylum claim. The judge dismissed her appeal and refused to accept the expert opinion.

The expert pointed out that in Malaysia a Hindu is not permitted to bring up a Muslim child and quoted various examples of similar cases where the child was taken into custody of the religious bodies and the mother imprisoned for her crime. Her asylum claim was made on the basis of persecution that she would face on religious grounds on returning to her home country. We lodged the appeal against the immigration judge in the First Tier Tribunal and later the Upper Tribunal also refused the appeal. Without any choice we sought opinion from counsel and when this was positive we secured funding and lodged an appeal. The judge had erred in stating that the child would be a Malaysian citizen and also not a Muslim. In the appeal it was clarified that a child born abroad out of wedlock would not be considered a Malaysian citizen, and the name of the child itself would be a factor to prove that the child is a Muslim. Fear of custody was also clarified, explaining how there have been issues even when there has been no custody battle between the parents. Due to appellant's fear of persecution on religious grounds on her return to Malaysia, her fear also being well supported by other court rulings in Malaysia, and our counsel's opinion we secured funding from the Legal Aid Agency and filed a JR to challenge previous decisions. We are waiting for the outcome of this application.

FRESH/HUMAN RIGHTS CLAIM

In our experience, we have seen that a majority of cases that did not result in a favourable decision for the applicant end up as Fresh claims. There are many reasons for this outcome and we explain below the most common reasons.

As we said earlier, many asylum seekers tend to claim asylum without much evidence to support their claim in the initial stages. Even when they indicate the availability of evidence or their willingness to obtain further evidence, decision makers refuse to grant them adequate time to obtain these documents. Often this leads to the perusal of documents only in the later stages after the initial claim gets refused. Even when the appeal is under consideration, the arguments are mostly based on points of law rather than permitting the appellant to submit new evidence. Furthermore, the decision-making officials choose the weaker cases to make a quick decision or to prevent them from submitting further evidence. Constantly changing human rights situations in the native countries of the asylum seekers, in particular in Sri Lanka, facilitates the need for the fresh claim option. Moreover, changes in case law, particularly in country guidance cases, augment the need to make a fresh claim.

There have been problems in decision making which lie on the either side of the time-duration spectrum: for instance, taking hasty decisions without giving the client adequate time to submit evidences, even after frequent requests, under the name of fast track cases. Fast track cases might be applicable for applicants from a wide list of countries but not to citizens of countries where there are well documented human right abuses. A second is the reluctance to take decision on cases which have been submitted before three years or more. Our clients are affected by both approaches and such extremes in the approach raises queries on whether the relevant authorities are really working towards the welfare of the needy.

One more reason for a rise in fresh claims is the delay in removal of failed asylum seekers owing to conditions like administrative difficulties, lack of cooperation from the native country, difficulties in relocating the failed asylum seeker to their native place and the future risk of human rights abuse for being a failed asylum seeker. In such situations, when the problems in sending a failed asylum seeker and illegal immigrant is sensed, the best option would be to exercise the discretionary leave condition, but unfortunately this is not practiced as widely as is necessary. Apart from this, due to the delay in determining an asylum claim there are a number of

changes that occurs in the lives of individuals and in the status of the native country as well and this adds to the reasons for making a fresh claim. A fresh claim should be made out of new evidence and the reasons why they are being submitted at a later stage also needs to be clarified to the decision makers.

Making a Submission for Fresh Claims

If an application for a fresh claim was made after March 2007 then it will be dealt by the New Asylum Model (NAM). In this case the asylum seekers will be asked to submit their new evidence at the reporting centre where they have been reporting periodically. The officials at the reporting centre will forward it to the concerned NAM case owner or the NAM team who will be responsible for taking a decision in this matter. If the asylum seeker had claimed asylum before March 2007 then they should make an appointment with the Liverpool Further Submissions unit and attend there in person and submit the evidences they have during their interview.

Legal Frame Work for Fresh Claim

Paragraphs 353 and 353 A of the immigration rules state that when a human rights or asylum claim has been refused or withdrawn or treated as withdrawn under Paragraph 333C of these rules and 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 submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will be considered only significantly different if the content has not been considered earlier and taken together with the previously considered material, creates a realistic prospect of success, notwithstanding the earlier rejection.

As established through the case of *Ladd v Marshal* the material submitted for a fresh claim will be accepted only if they could not, with reasonable diligence, have been put before the judge in the earlier appeal.

The key question as to what constitutes a fresh claim were summarised by *Buxton, LJ of WM(DRC)2006 EWCA Civ 1495* as follows: First, whether there is a realistic prospect of success in an application before an adjudicator, but not more than that. Second, the adjudicator himself does not have to achieve certainty, but only to think that there is a real risk of the applicant being persecuted on return. Third and importantly, since asylum is in issue the consideration of all decision makers, the secretary of the state, the adjudicator and the court, must be informed by the anxious scrutiny of the material that is axiomatic in decisions that if made incorrectly may lead to the applicant's exposure to persecution.

Case Study 58

Ms AM came to this country on 15th September 2005 and sought asylum the next day. Her asylum interview was conducted the next month and in November 2005 she was given removal directions stating that she was an illegal entrant. She had been working for the LTTE as a spy under their compulsion and had been forced to flee the country when she couldn't carry out the duties imposed on her any longer. She feared persecution by the Sri Lankan authorities as well due to her involvement with the LTTE. Her claim was based on human rights violation as well, as her return to Sri Lanka would also be a breach of Articles 2 and 3 under the Human Rights Convention. She had also been suffering from various mental health problems as a result of the exposure to trauma. However the judge who looked into the case didn't give due importance to the mental health condition of the client and decided that there was no basis for allowing her claim under Article 3 or Article 8 as it was felt that there will be treatment available for her on return to Sri Lanka and that the applicant has failed to provide any standard of proof amounting to breach of her rights. Her involvement with the LTTE was also not given due weight and it was concluded by the Judge that a low level involvement is not likely to bring in any persecution. Further appeal to the Upper Tribunal was not successful and the appellant's appeal rights got exhausted. We obtained an updated report from a psychiatrist explaining her current mental status. The doctor's report pointed out the adverse effects of termination of treatment in this country; it also stated that return to her home country would only aggravate her problems. The expert's report which we got for the case also clarified that no matter whether a person has a low or a high level of involvement, but if the person is suspected then there is a risk of them getting detained for an unlimited period. Current objective evidence also reflected the views of the expert and pointed out the problems she most likely would face at the airport or in Colombo.

Based on this a fresh claim was launched in 2006 and it was refused in June 2007 by the UK immigration service without appeal rights. In November we gathered new evidence and without much choice we submitted a second fresh claim in 2008. In November 2008 human rights violations in Sri Lanka had intensified further: LTTE suspects were vanishing. The claim was based on these changes in Sri Lanka. The applicant also got married when her application was under consideration and established a family life. We included the new change in circumstances in the fresh claim and we were notified in July 2010 that her case was to be considered by the case resolution directorate. The applicant's second fresh claim was also refused and she was asked to leave the country as she did not

have any rights to stay here. In the meantime we informed the Home Office about the client's marriage and made a request to include her name in her husband's claim. However, in 2012 the client's husband was granted with Indefinite leave to remain in and unfortunately the client was left out in the decision. We wrote to the authorities and asked them to consider the case in line with her husband's case or else we would be asking for a judicial review. Following this she was granted with indefinite leave to remain in this country in line with her husband.

Case Study 59

The client came to this country in July 2010 with a student visa which was valid until 2011. His application to extend the visa was not successful. His asylum claim which was made in November 2012 was refused in December of that year and removal directions were served. Appeal was launched against this decision in January 2013 without any proper legal representative. His claim of asylum on the basis of his involvement with the LTTE was refused stating that he was not a member of LTTE and that he was not involved in fund-raising programs. The refusal further stated that although the applicant was suspected to have a low-level involvement he had not been charged with any crime. Further grounds of refusal included that the client was not a principal focus for authorities; that he had travelled to Sri Lanka while he had a student visa and that there weren't any outstanding arrest charges on the applicant. Subsequently his appeal rights also got exhausted by April 2013. Further evidences were submitted by the client and this included evidences of activities that he was involved along with medical evidence to prove that he was a torture victim, a lawyer's statement explaining the current threat for the client on his return, mother's medical records, and evidence for releasing on bail. The further submission included all the evidences mentioned and the latest country guidance to emphasise the threat the client would face on return to the country. While this fresh claim was under consideration the applicant was detained in the beginning of 2014 for removal. We challenged the removal direction and after three weeks he was released with temporary admission.

Case Study 60

Mr TB came to this country in 2008 and sought asylum after he was detained in Sri Lanka on three occasions in 2000, 2006 and 2008 respectively. The applicant gave some records related to his arrest and torture and also based his claim on the fact that his wife and children were living in UK. The decision makers were not convinced about his arrest and the fact that he was the father of the children who had apparently left Sri Lanka before him and were living here in the UK.

The claim was refused and the appeals that were launched further were also dismissed. Then we launched the fresh claim in February 2011 along with the DNA report to confirm that he was the biological father of his children along with other documentary evidence to support his previous arrest and detention. This evidence included a list of names of arrested people as listed by the magistrate court in Sri Lanka, a paper cutting about the incident related to his arrest, confirmation letter from the Red Cross who had visited the prison during his detention in Sri Lanka. This fresh claim was refused in February 2012 stating that some of the evidences which were submitted had been given due consideration earlier itself and that despite the evidences of the involvement of the relatives the client was not found to be of any interest to the authorities. They also disregarded the claim based on the presence of his family here by stating that he could lead a life in Sri Lanka with his ailing daughter as there wasn't any specific requirement for her to be in this country. Following this we made a further submission which was based on his established family life in the UK. His wife and children who were British citizens had been resident in this country for more than 10 years. Following this the client was granted with residence permit in the UK.

This case is a good example of the sad fact that justice will be granted only by constantly striving for it and after wasting time and money of both the parties.

DETENTION AND DEPORTATION

An individual entering the UK can be detained only if there is a statutory power to detain. The statutory powers of detention for those subject to immigration control are set out in the immigration act 1971. The nationality, immigration and Asylum act 2002 extends these powers, in particular, by giving the Secretary of State the same power as immigration officers to detain people. If someone is detained in circumstances where there is no a statutory power to detain then the detention is unlawful.

Asylums seekers are vulnerable to detention as the current UK domestic law gives power to an immigration officer to detain an asylum seeker on various grounds. The detention can base on the fact that a person was travelling without passport or visa, or had forged documents, or had entered the country illegally. There is a possibility for the asylum seeker to be prosecuted for their immigration offences. Following this they may be detained and deported quickly. Some asylums seekers also get detained when they do not have friends or relatives who can give

their address to release them on temporary admission in detention. If the detainee feels his or her detention is unlawful there is a possibility to challenge the official's by instructing a legal representative to scrutinise the purpose of the detention and procedure. It is also established that unnecessary detention could become a breach of human rights under the European Human Rights Convention.

Apart from asylum seekers other immigrants can also be detained in certain circumstances. When they become overstayers, they could be detained for removal. When a person comes to the UK with limited leave and their visa was not extended then the person may be caught and sent to detention for removal. When a person is breaching an immigration rule then also there is a possibility for detention. Most of the detention cases in our experience are fast tracked in order to consider the asylum claim while the asylum seeker is in detention. When a person travels through another asylum-giving country, particularly a European country, or if a person had previously claimed asylum at a European safe country, then that particular person can be detained in the UK to consider his or her case under the Dublin Convention Agreement to hand him or her over to the European counterpart. When a person has committed a serious offence, they can face deportation even after serving a sentence. While a person of British nationality is allowed to come out in parole while in detention, others are generally not granted parole and there are chances for their visas to be cancelled or not extend it further and they have to continue their stay in detention. A failed asylum seeker complying with their reporting condition can be detained and can be deported immediately. In such cases, the outcome of the fresh claim may be served to the deportee and to his or her legal representative a few days or even a few hours before their deportation flight. This will limit further challenge by his or her legal representative and the officials' action of removal.

When a person is detained their chances to obtain legal representative for their work is limited because if they are seeking legal representation under the Legal Aid Agency's funding then the legal representative or whoever holds the legal aid contract can only take up the matter if their legal representative has done substantive work on their asylum/immigration matter. We have received calls from detention centres with the request to take their cases but we are unable to take up their matter because we do not have a contract to take up the legal case of that detention centre.

When a person is detained then arrangements are made for their removal or deportation as soon as

possible. In most circumstances, the removal order will be served at the very last moment without giving much chance for their representatives to take further action. This will reduce the legal challenges against the particular person's removal. The only way a person can stop the removal order is by making an application to take an injunction to stop the removal order. If the person is successful with their injunction application at the court then their deportation order will be withheld until the matter is fully resolved. There are occasions when the applicant's removal order may not be executed due to administrative reasons.

Some cases are considered unsuitable for detention fast-track cases and this includes unaccompanied minors and individuals with vulnerable physical and mental condition in need of care and support. A case can be removed from the fast-track procedure when time is required to submit further evidence. There are a number of issues faced by third country cases as well. For third-country applications there is no need for travel documentation but acceptance from the third country is required, and these cases are handled by third country unit.

Some of the important rules and articles concerning this matter include

Detention centre rule 34: The detention centre rule 34 requires that every individual who has been detained be reviewed by a medical officer for mental and physical problems within 24 hours of detention.

Detention Centre Rule 35: According to Rule 35 of the detention centre, medical practitioners should report to the manager if any detained person's health is likely to be injuriously affected by continued detention or any of the conditions of detention. The medical practitioner shall report to the manager if any detained person is suspected of having suicidal intentions, and the detained person shall be placed under special observation for so long as those suspicions remain, and a record of his treatment and condition shall be kept throughout that time in a manner to be determined by the Secretary of State. The medical practitioner is also expected to report if they find that the detainee is a victim of torture.

Article 31 of the Refugee Convention: This article prohibits state parties from imposing penalties on refugees who, when coming directly from a territory where their life or freedom was threatened, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and can show good cause for their illegal entry or presence. The article recognises that refugees

have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents. As such what would otherwise be considered illegal actions should not be treated as such if person is seeking asylum. This means that it is incorrect to refer to asylum seekers who arrive without authorisation as "illegal", as they in fact have a lawful right to do so if they are seeking asylum. This article also prohibits state parties from restricting the freedom of movement of refugees who arrive without authorisation, with the exception of restrictions necessary for regularising their status. Furthermore, such restrictions should be applied only until their status in the country is regularised or they obtain admission into another country.

Bail Hearing

The most appropriate time to apply for bail is when the claimant is waiting for a decision and before a removal order is served. If the client has applied for leave to appeal to the immigration appeals tribunal or has been granted leave and is waiting for a hearing date, or is waiting for a determination from the IAT, the IAT has similar powers to adjudicators to hear applications for bail. The immigration service has the power to request sureties and is obliged to take a recognizance from the detainee. A surety is one means of exerting control over the actions of an individual on bail. A surety is at the risk of losing their recognizance if the individual on bail absconds. The court assesses the relationship between the surety and the applicant, how close they live geographically, if they have adequate amount for recognizance and if they will play their role properly.

The bail is termed as Chief immigration officer bail if it was granted by the chief immigration officer rather than by an adjudicator. The power is also now exercisable by the Home Office. This bail is an option in all cases except for those detained pending examination and who have been in the UK for less than seven days.

After the hearing the detainees may be released on one of the two options

Temporary admission: temporary admission is granted to someone who has not yet had a decision on whether she should be granted leave to enter.

Temporary release: temporary release is granted to someone who has been refused leave to enter or who has overstayed her permission to stay.

Case Study 61

Mr US came to this country as a student in May 2011 and claimed asylum in October 2013 at the ASU in

Croydon. The application he made to extend his student visa in 2012 was refused for reasons that he scored 0 points on attributes as the course he had chosen wasn't progressive in nature. After the screening interview he was taken to Colnbrook Removal centre and detained to consider his case under the fast-track procedure. The reasons given for detention were that the client's case could be decided quickly through the asylum fast-track procedure. After the arrival at Colnbrook centre he was examined by the doctor and the Rule 35 report confirmed the torture he had undergone in the past with the evidences of the scars in the body. Despite this finding the officials continued to detain him and his asylum claim interview took place three days later. At the beginning of November his asylum claim was refused and our client exercised the appeal rights by launching the appeal within the two-day time limit and his hearing was scheduled in the middle of November 2013. At the hearing we made a representation to the court and presenting officers unit stating why this case should be taken out of the fast-track procedure. We had submitted the appointment letter from the Helen Bamber Foundation, country expert report, some more evidence from Sri Lanka in order to substantiate the claim. The case was adjourned before the hearing and subsequently he was released on temporary admission.

Case Study 62

Mr VJ came to this country in May 2013 from Sri Lanka and he went to the screening unit in Croydon where his finger prints and other biometric details were routinely taken. A search of the computer records highlighted his previous asylum claim in France and during the screening interview he explained that the claim made in France was rejected and that he faced deportation. He returned to Sri Lanka with the help of an agent after his effort to claim asylum in France was a failure. During his stay in Sri Lanka since middle of 2011 he was arrested by the police in the north of Sri Lanka due to his connection with the LTTE and released in August 2012 on bail. Then he decided to leave the country because he knew he would be re-arrested when he went for reporting and once the security forces have obtained the evidence he could be kidnapped and killed by the plain clothes officers. Due to this fear he came to UK and claimed asylum. He was taken to the Dover immigration removal centre and arrangements were made to deport him under the Dublin Convention to France. His detention notice pointed out that he was being detained as they believed that he would abscond and that he had not produced any documents to prove his identity, nationality or lawful basis to be in the UK. He was kept in detention for a few weeks and third country unit of the Home office failed to remove him to France.

We lodged the bail application and it was considered and following that he was released on temporary admission. Henceforth he will not be subject to removal anymore and his asylum claim will be considered here itself.

Case Study 63

Mr SS left Sri Lanka as a student to safeguard his life. His student visa expired in 2011, and the steps he took to extend his visa were unsuccessful. He wasn't successful with his appeal either to extend his student visa and subsequently claimed asylum in 2012. A few days later the respondent received a notice of removal which stated that he was an illegal entrant or a person subjected to administrative removal. Mr. SS exercised his appeal rights against the refusal of his asylum claim and he represented himself without any professional. The appeal was dismissed by the immigration judge. At this juncture the appellant approached us with a request to lodge an appeal against the decision in the First Tier Tribunal. Our grounds of appeal weren't successful and subsequently the appellant's appeal rights were exhausted. However, his case merited a fresh claim and we advised him to obtain the relevant documentary evidence to lodge a fresh claim. While he was gathering new evidence he was detained when complying with his routine reporting condition. Immediately we lodged the fresh claim with the available documentary evidence and based on this fresh claim he was released on temporary admission.

EUROPEAN COMMUNITY LAW

In our observation the domestic immigration law of the individual European member state restricts the freedom of movement for migrant people through various measures like border control and by penalising. However, European community law has been a huge relief to the migrant community as those who have settled in a European member state and obtained nationality can be reunited with other family members in various other member nations by exercising treaty rights.

In our community, many of these European nationals fled Sri Lanka during the civil war because of human rights violation by the Sri Lankan security forces many years ago. These individuals have ended up in different European member states. They started their journey as refugee without knowing their destination. The European Community Law regulation will allow them to continue their family life by moving around and finding employment.

The European Council was founded in 1949 and the European Convention on Human Rights is in force between contracting member states. European countries came together and signed treaties to facilitate freedom of movement among the member states of the European Union. In 1968 the freedom of movement for workers within the European member state was created. Council regulation 1612/68 abolished the restriction on movement and residence within Europe for workers of states and Council regulation 68/360/EEA of 15 October 1968 for their families. (EEA is an acronym for European Economic Area.) Then Council regulation 73/148/EEC of 21st May 1973 abolished the restriction on movement and residence within the community for nationals of member states. Finally Council regulation 2004/38 replaced and abolished most of previous European free movement legal laws and the European Economic Area Regulation 2006 came in to force on 30th April 2006. Now European Union citizens and their family members exercise free movement under this Act. People who are employed in another EU country are entitled to live there along with family members even if they are non-EEA citizens and all of them enjoy the benefits as do all other citizens of that country which is a part of the European Union. Jobseekers are also allowed to stay in another country while they are looking for a job.

Family Members

As per the European community law a family member is called a dependent if material support is being provided by the EU citizen for their spouse or partner. Spouse, registered partners, descendants who are under the age of 21 are recognised as dependents and dependent relatives in the ascending line have the right to reside in the same country, irrespective of their nationality. EU countries must also by law facilitate the entry and residence of other family members who are dependants or members of the worker's household, other family members who require personal care due to serious health grounds and a partner demonstrated to have a durable relationship with the worker. In the case of divorce, annulment of marriage, termination of registered partnership, death or departure of the worker, family members may retain the right of residence under certain specific conditions, insofar as they maintain the family relation and do not become a risk to public order or an economic burden for the State. Family members do not need a work permit to work, even if they are non-EU nationals.

Retained Rights of Residence

A non-EEA citizen who is married to an EEA citizen may be allowed to stay in the UK in case of divorce. Under the current regulations if a non-EEA citizen has been married to an EEA citizen for at least three years

and they have resided in the UK for at least 12 months and both of them were economically active in the UK during the divorce proceedings, then a non-EEA citizen may be granted further leave in the UK under the Retained Right of Residence. If a Retained Right of Residence application is approved, a non-EEA citizen may be granted with an EEA Residence Document, valid for five years. Such a non-EEA citizen will be able to remain and work in the UK and apply for Permanent Residence having completed totally five years under EEA law on a combination of the "old" and "current" EEA Residence Documents.

In case a non-EEA citizen's EEA spouse dies from an accident at work or because of an occupational disease, or a non-EEA citizen's EEA spouse dies having lived in the UK for at least two years, that non-EEA citizen may be granted Permanent Residence in the UK.

Continued Right of Residence

A non-EEA national who is the spouse / civil partner of an EEA national does not cease to be a family member in the event of marital breakdown / separation as long as the EEA national continues to exercise Treaty rights in the United Kingdom. The non-EEA national continues to have a right of residence until such time as a divorce is finalized, (a Decree Absolute is obtained) / the civil partnership is dissolved.

However, a non-EEA national spouse / civil partner will lose their right of residence if the EEA national leaves the United Kingdom, unless the non-EEA qualifies for a retentive right of residence.

Welfare Benefits

Social security legislation regulates access to welfare benefits in a different way from homelessness and housing legislation. The right to reside test is useful in determining whether an individual is eligible to benefits. If an EEA national is in work during the first three months in the UK, he will be treated as an EEA worker and he will be able to apply for benefits, just like UK citizens. Such individuals are classified as workers if they are currently employed, temporarily unable to work due to accident or injury, registered as a jobseeker after having worked for one year at least or in vocational training following a period of work. If they worked for less than a year before losing their position they are still classified as a worker for a further six months and therefore eligible to apply for benefits, as long as they are registered as jobseekers. EEA nationals who are responsible for children under the age of 18, who are still in education, are eligible to apply for help if they become homeless. They also have access to social housing and social security benefits.

New migrants from the European Union who are seeking a job are not eligible for housing benefits from January 2014. From April onwards those who are claiming an income-based job seekers allowance will not be able to access housing benefit. The newly arrived migrants are also not eligible for claiming income-based job seekers allowance until they have been in the country for three months. They are also expected to complete a more stronger and robust habitual residence test if they want to claim this allowance after the three-month period. Even if the claim was sanctioned it will not be continued after six months unless compelling evidence is given that they have a genuine chance of finding work or have a job offer. There are various applications forms that are available for perusal by the European nationals and their dependents for registering themselves and for getting permanent residence in the UK as given below

EEA 1- REGISTRATION CERTIFICATE

An EEA national who wants to confirm their rights of residence in this country can apply for a registration certificate using the EEA 1 form, although this card is not compulsory to enter, live or work in the United Kingdom. The application should accompany documents of identity of the applicant along with proofs that they are exercising treaty rights in UK in one of the prescribed forms. Although the application was processed free of charge earlier now a processing fee of £55 is charged. The registration card is valid for a period of five years.

EEA2 RESIDENCE CARD

The non-EEA family members who arrive in this country to live along with their EEA family member can make an EEA 2 application to get a residence card to prove their rights to reside in this country. They should prove that their family member is exercising treaty rights in the UK and that they have a subsisting relationship with their EEA national. The processing fee for the application is £55 for each of the applicant. The registration card is valid for five years. Although the residence card is not compulsory, it can help the applicants in various ways: it can help them travel quickly when they are travelling from abroad, it helps their employer get a clear understanding of their status of stay in this country and helps them access benefits and services more easily.

Case Study 64

Mr ACF is a German citizen who came to the UK in 2013 and has been working since then and exercising his treaty rights as an EEA national. His wife is a non-European national and he instructed us to make an application for a registration certificate card for him and a residence card for his wife. On verifying we confirmed that the client was fulfilling the main

condition to make an application while working continuously. We listed out the necessary documents to the client and when he produced them an EEA (1) and EEA (2) application were submitted. Following this both of them were granted with necessary IDs.

EEA3 and EEA 4 PERMANENT RESIDENCE CARD

After five years of stay in UK European nationals can apply for a residence permit which will allow them to stay in UK permanently without any restrictions. The applicant will need to use EEA 3 form for themselves and dependents and they have to substantiate the fact that they are exercising treaty rights in this country continuously for the past 5 years. The family members who are non-European nationals should make the application for residence permit using an EEA 4 form. The processing fee for the applications is £55 for each for the applicant. They should submit supportive documents to prove that they have lived continuously for a period of five years with their EEA national family member in this country and the EEA national should have exercised their treaty rights continuously by being a worker, student, self sufficient or self employed throughout the five year period.

Case Study 65

Mr. ST is a 56-year-old man who was married to a French national and was living in the UK for more than five years with his spouse as she was exercising her treaty rights by working in this country. He applied for his permanent residence with an expired travel document as proof of identity. He didn't have a Sri Lankan passport of his own and had a French travel document which he had acquired in France by claiming asylum there. He couldn't renew it in the UK and had to travel to France with his wife and stay for some time and get the matter sorted. There weren't any family members there and his French wife was not in a position to leave her work for a predictably long period and go to France with him for this purpose. His application was, however, denied stating that his identity was in question and thus the actual relation was also in question. As a matter of fact his initial extension of stay in this country was carried out with the same travel document which was valid at that point of time. The authorities sent his travel document and other documents and demanded a Sri Lankan passport. We appealed against the decision and are arguing that the refusal on the basis of questionable identity was not correct and the clients unique and genuine circumstances should be given due consideration in taking a decision.

Case Study 66

Mr MM came to this country as an asylum seeker in 2000 and he got married to a French national in 2002. His wife VM was working and exercising her treaty rights as a member of a European national. His human

rights application was refused and he applied to extend his stay in this country by getting a residence card as a family member of an EEA national. This application was however refused stating that he hadn't submitted any valid passport with his application. He didn't possess a passport as he entered the country as an asylum seeker and further appeal was made along with other documents to prove his identity. The team had asked for some time to consider the documents and take a decision.

Case Study 67

Ms J was previously granted leave to enter the UK on 20th December 2006 as the spouse of an EEA national, along with her daughter who is a Dutch citizen. They were issued with a residence card in 2007, valid until 27th March 2012. Prior to entering the UK, Ms J had experienced domestic violence, both physical and mental, at the hands of Mr E. Her husband began to drink and the violence escalated when he drank. In 2007, Ms J spoke to her GP about the violence in her marriage, although unable to speak English. There was very little that the GP could do other than to advise her to call the police. Ms J's daughter's school became aware of the situation at home and advised her that if she did not leave her husband, her child could be taken away from her. Ms J and her husband got separated in 2009. Mr E remains in the UK. When Ms J and her husband were together, he was diagnosed with a mental illness and spent time in a psychiatric unit. It was during this time that Ms J and her daughter left Mr E. Ms J fled to Sri Lanka in January 2009 and remained there until March 2009. She returned to the UK in March 2009 and tried to find employment and to support her daughter but was unable to. In June 2009, unable to support herself and her daughter, in fear of Mr E and with her mother ill, Ms J remained in Sri Lanka until December 2010. On this occasion the application made by her to extend her stay in this country was refused. Later based on our effort in putting forward the case and explaining the compassionate circumstances involved she and her daughter were granted with the extension of visa following the hearing of the appeal on the refusal of the visa.

NATIONALITY

Obtaining nationality after settling down in the new country is a very natural desire for the Diaspora community members. When they begin to feel that they are a part of the host country then they will choose to become the citizen of the country. As far as the refugee community is concerned most of the refugees wish to renounce their native citizenship as quickly as possible in order to get rid of the memories of the past sufferings in their native country. They are found to be less attached to their native countries owing to their past experiences and are very keen on

becoming a citizen of a country which ensures them a safe haven.

However, as much as the refugee community wishes to become citizens, there are as many hindrances enforced in this process by the concerned authorities. In practice it is not easy for the refugee community because a number of obstacles prevent their quick integration. The refugees' nationality application is often scrutinised by the UKBA to check their eligibility to become a citizen of this country. The refugees past political involvement and their experience count against them to establish a good character test as required by the nationality law. In the application, all applicants need to confirm they are of good character by checking the relevant boxes in the applications. Even if a refugee claims that he is of good character the authorities tend to pull out their refugee claim, which obviously will have political involvement, to disprove the claim. If the authorities establish that the applicant had given a dishonest answer then they may be restricted from making an application of citizenship for the next 10 years. Alternatively, if they establish that the applicant was not of good character then the application will be rejected and the client will lose the fee paid. Such a decision on the citizen's application doesn't come with appeal rights and there is no clarity regarding when the applicant becomes eligible for making a new citizenship application. We in our office have to consider all these issues when we submit an application for nationality and because of the above-mentioned aspects the nationality application submission work cannot be disregarded as clerical work involving just form filling. As a majority of our clients come from the refugee population we have to be very cautious and spend extra time and effort in their nationality applications.

Even minor offences are considered criminal offences as far as citizenship applications are considered. Offences like road traffic offences, TV license payment-related offences are considered criminal and can create a check on the good character requirement test. The offenders are not allowed to apply for a long time after conviction, the period of which often remains unclear. The ban can be for 5 or 7 years and at times there is no clear indication when the eligibility restarts.

The threshold for the good character requirement should be high and more sensible and only prohibit serious offenders from getting nationality.

We are also a bit sceptical about the necessity of the Life in UK test as one has to learn British history in detail which may not really be necessary. We agree with the need for an English language test as it really facilitates a smooth life for an individual in this

country. In our view the exemption from English language test is also not executed properly and often clients have to lose the fee amount, which is quite huge, and are not given appeal rights to contest against a decision. As the process is devoid of an appeal system, organisations like us struggle to investigate matters and bring in necessary changes. There are no appeal rights for both the nationality and child registration applications.

Earlier the family application fee was much less; however, from this year each and every applicant will have to pay separately the whole charge for the application even if they are applying together as a family.

The decision taken by the Legal Aid Agency to recoup the money that was paid for nationality applications is not correct as far as we are concerned. The Legal Aid Agency contests its decision by stressing that there are no legal issues in citizenship cases, but in reality we do see the necessity for advising clients who have legal issues while applying for their citizenship applications.

BRITISH CITIZENSHIP

A British citizen can live and work in the UK freely without any immigration control. There are a number of ways to become a British citizen and the most common path is through naturalisation which can be done using the AN application form. The applicant must be above 18 years old, have a sound mind, of good character, have the intention to continue to live in the UK, have met the English language requirements and passed the Life in UK test. The English language requirement can be fulfilled either by submitting any of the approved tests and submitting documents like B1 certificate in English or by proving that their degree course was taught in English. Those who are above 65 years of age and suffering from long term physical or mental condition are exempted from this requirement. The applicant is also expected to have stayed for a period of 5 years in this country not spending more than 450 days outside the UK and not away from this country for more than 90 days continuously in the last year in which they are applying for their nationality. The applicant should also have indefinite leave to stay in this country and a year should have passed since they were awarded with such status.

A spouse or a partner of a British person applying for naturalisation should have spent three years in this country and shouldn't have spent more than 270 days outside this country and not more than 90 days in the last 12 months. All the other criteria apply to this

category of applicants as well. The fee for applying for naturalisation as a British citizen is £906.

Case Study 68

Mrs MD along with her daughter came to UK from Sri Lanka seeking asylum in 2003. They both were granted with indefinite leave to remain in this country in 2009. The client approached us with instruction to make citizenship application for both her and her daughter. On verifying we found that apart from having completed 1 year after getting indefinite leave to remain the client had also had in her possession the relevant English language requirement certificates and Life in UK certificates. She also didn't have any criminal convictions under her name. Hence we listed out to her the relevant documents and fees in order to make an application and when she produced them we helped her in submitting a citizenship application form with relevant supportive documents. Their applications were approved shortly and they were invited to attend the citizenship ceremony.

CHILD REGISTRATION

Children who have automatically acquired British citizenship needn't apply for their registration. Children who are born to parents in UK who are British citizens or settled in this country or in armed forces are automatically recognised as British citizens. British Citizenship also descends to one generation born abroad. That is, a child who is born to parents who are British citizens otherwise than by descent are eligible for British citizenship.

The children under the age of 18 years applying for citizenship need to complete the MN1 form. A child who was born in the UK to parents who were not British citizens and not settled in the country will be eligible to apply for citizenship when his or her parents settle in the country or become British citizens. Apart from this there are various other categories under which a child can be registered for citizenship. The fee for processing the child registration application is £669.

Case Study 69

Ms PP is the daughter of Mr.MP who came to this country in 2000 as an asylum seeker. He was granted with indefinite leave to remain in 2010 and later got naturalised as a British citizen. He approached us and instructed us to apply for the citizenship of his daughter. We checked the eligibility and decided that she was eligible for making a child registration application. We asked her father to submit the necessary proof to make an application including letters from school and proof that at least one parent was a British citizen. She was granted with child registration on making a successful application with relevant documents.

VISA EXTENSION

Individuals who enter in this country through entry clearance and other routes need to make an application to extend their stay in this country. The leave to remain can be for few years or for indefinite period. There are various applications to suit the needs of the individuals based on the category they fall into. For making these applications the applicants are expected to fulfil various requirements which include the financial requirements, number of years of stay, English language requirements and various others.

This is one of the areas in which we involve ourselves regularly. We help extend the stay of our users through various applications depending on their circumstances. There are a number of vulnerable groups concerned with these applications including elders, single parents and victims of domestic violence. However, legal aid has been stopped from April 2014 for immigration matters and as this was most unexpected, we were unable to identify alternate funders and are struggling to meet the demand of the clients.

Some of the problems that we face in these matters include frequent updating of forms without any time frame and enforcing English language requirements. There are many cases in which the human rights of individuals are breached by refusing an extension to stay in this country. The worst part is that for most of the cases the refusal is given along with no further appeal rights.

FLR (M) - FURTHER LEAVE TO REMAIN FOR PARTNERS

A person who is a dependent of a British national or a person settled in the UK and needs permission to extend their stay in this country should use this form. The applicants and the dependent children who are under the age of 18 years must be in the UK to make this application. The family members of refugees and those who are granted with humanitarian protection also can extend the permission to stay in this country with the help of this form.

For the application to be successful it should be proved that they have a genuine relationship with the settled person and the intention to continue living together. To be eligible to apply under this category the applicant must be able to prove that their character and conduct has no flaws. The successful applicant must be able to fulfil the required financial requirements. The individuals who are applying under this category should not have been in this country on a visitor visa or with a permission to stay for less than

6 months unless they are in this country as a fiancé or a proposed civil partner. The current stay of the candidate should be a legal one and the candidate should not have overstayed in this country. However, a 28-day period is overseen for those whose visa has expired. The candidates must also fulfil the required English Language requirement criteria which should be met either by an A1 level approved English Language certificate or a proof that their degree course was taught in English. The fee for processing a limited leave to remain application is £601 for both the main applicant and their dependents.

Case Study 70

The client Mrs RA got married to Mr AA in 1988 and they have a son and a daughter. Her husband had to leave Sri Lanka and claim asylum in the UK in 1996. After long years of separation Mrs RA came to live with her husband, and she has currently settled in the UK in 2010 along with her two children. An application for her extension of stay in this country was made along with that of her daughter as a dependent towards the end of 2012. This application was refused stating that she hasn't fulfilled the English Language requirements. Unfortunately the applicant has a very little formal education and doesn't possess the required qualities to get a qualification. She tried her best in learning the new language but she wasn't successful. Her age, intelligence and very low literacy level all were hindering her from learning the new language to the level required. Her appeal rights were exercised and we consulted a clinical psychologist for assessing her status. Her report clarified the difficulties the client might face in learning and attaining an English language certificate. The client has been separated from her husband for more than 15 years and it would be a violation on human rights to separate them by deporting her to Sri Lanka for reasons that she could not pass the English Language test.

Case Study 71

Ms KK came to this country in 2008 with a family visa that was valid for three and half years. She established a family life in this country marrying Mr PK and after her marriage she extended her visa as a dependent in line with her husband who was settled in this country. When her visa was about to expire she approached us and instructed us to make an application for getting indefinite-leave-to-remain status in this country. We assessed her condition and found that she should submit certain documents to get her settlement status and was actually not in a position to produce them. As there wasn't adequate time left for her to submit the relevant documents we instructed her that it would be better if she could apply for extension of leave and apply for settlement after acquiring all the

relevant documents. Following this we submitted the FLR (M) application and she was granted with leave to remain based on the success of that application.

FLR (O) – FURTHER LEAVE TO REMAIN FOR OTHER CATEGORIES

This form must be used by various categories of applicants who want to extend their stay in this country. A general visitor, a domestic worker in a private household, an academic visitor, a visitor for private medical treatment, and dependent of person who has limited leave to stay other than the points-based system; those who have been granted with discretionary leave and not been refused asylum. This form can be used for reasons that are not covered under other applications. The fee for processing a limited leave to remain application is £601 for both the main applicant and their dependents.

Case Study 72

Mr. JBA came to this country with a student visa which was granted in 2010 for a period of six months. Actually the course duration was one year but he was granted visa for a period of six months only by mistake. He applied for an extension of his visa before it expired but it was refused for reasons that the CAS number has expired and the maintenance grounds had not been fulfilled. We applied against this decision and later the Home Office granted the client with Discretionary leave to remain for a further six months. We made an FLR (O) application by the end of the leave period and it was refused and the client was given instructions to be removed. We appealed against the decision on the ECHR grounds and the case is ongoing. The grounds mainly stressed on the fact that the relevant authorities failed to give due consideration to Article 8 of the ECHR.

Case Study 73

Mrs SC came to this country in 2008 along with her two children to visit her mother and sister. She and her children were domestically abused by her spouse and hence came to UK as a respite from his torture and to seek comfort for some time from her mother and sister. There were also potential threats for her and the children's life on return to her native country. She was scared to return and face her husband who had been threatening her personally and through others. The client and the family were also devastated by the suicide of her brother and the need for them to remain supportive of one another increased. In UK she was very well supported by her mother and sister who were both settled in this country and were capable of taking care of her and her children adequately. As she was scared to go back and all the support she needed was available in UK she decided to continue living here as a dependent of her mother and sister and hence

applied for a limited leave to remain in this country with the FLR (O) application. However this application was refused as the authorities felt that her condition did not fall into the criteria. They failed to consider the human rights grounds in granting her limited leave to remain. The appeal launched against this decision was also a failure and she ultimately had to seek asylum to safeguard herself and her family members from her abusive husband.

Case Study 74

Mr SS came to this country in 2001 when he was 17 years old to join his parents in the UK. His father is a priest and spends most of his time in this country. The client after coming to UK went on to complete his education and even secured a job. One of his sisters live in this country and when she fell sick he was there to support her family for about two years. In this situation the application made by the client to extend his visa was refused. His instructed us to appeal against this decision and we asked him to collect further relevant details to contest the appeal. The appeal was mainly on human rights grounds which we substantiated by his established private life in this country for more than 13 years and the mutual need for him and his father to be present and support each other in this country. The judge granted the appeal; however, the Home office appealed against this decision which was dismissed by the judge in First Tier Tribunal.

FLR (P) - FURTHER LEAVE TO REMAIN FOR RELATIVES OF REFUGEES

This application is used to extend their leave to remain in this country by those who are relatives of a person who has been granted with a refugee status or with humanitarian protection. It can be a child who is under 18 years and has been earlier granted with entry into the country as a relative of the above-mentioned individuals and as far as this application is concerned the relative should not be the parent of the child. This application also applies to parents, grandparents and dependent relatives aged above 18 years who want to extend their limited leave to remain in this country as a refugee or a beneficiary of humanitarian protection. For the sake of this application the word relative of the child includes nephews, nieces, step-sisters and step brothers. The application cannot, however, be used for step-children. The fee for processing this application is £601 for a single applicant.

SET (M) - SETTLEMENT OF PARTNERS

This application is used to get indefinite leave to remain status in the country by the partners of individuals who are settled in this country. It can be a civil partner or a spouse as well as unmarried and single-sex partners. In order to be eligible to apply

under this category, the applicant must have completed two years of limited leave to remain in this country as a spouse or partner of the person settled in the country. Apart from this, there are two other requirements that need to be fulfilled by the applicants: this includes successful completion of Life in UK test and fulfilment of the English language requirements. The English language requirement should be fulfilled by producing either a B1 certificate in English Language or by holding a degree taught in English which is approved by the UKBA. This can be fulfilled automatically if the applicant hails from a majority English-speaking country.

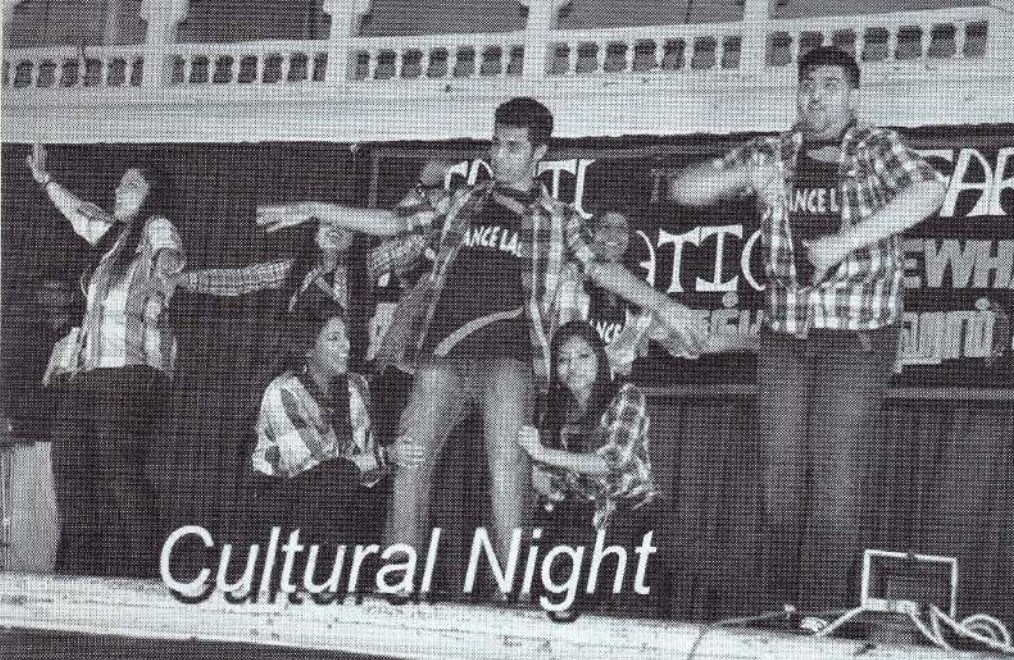
The application can be made for the children along with the main applicants while they are in the UK. Applications should be submitted before the present leave to remain expires but not before 28 days of the end of this visa. The processing fee for this application is £1093 for a single applicant.

Case Study 75

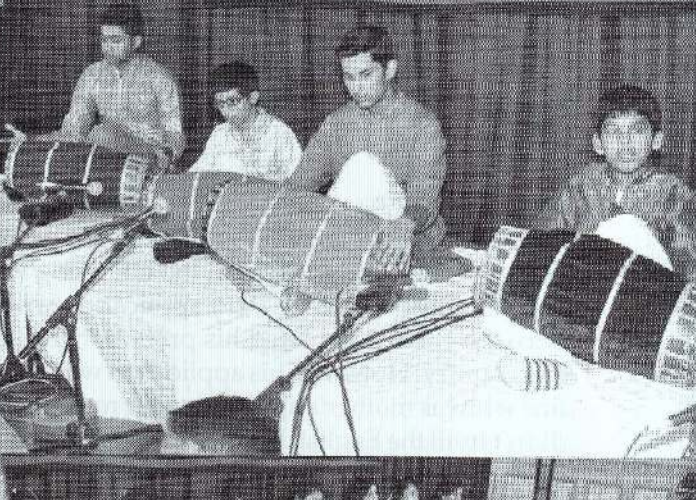
Mrs SK entered UK in 2011 as a spouse of a person settled in the UK. Her visa was valid until the end of 2013 and she approached us before its expiry to take relevant steps for extension of this visa. We took her instructions and checked her eligibility for making this application and found she could make a successful application. We also confirmed that her relationship with her husband was extant and they were living together and leading a family life. When we found that she was satisfying the relevant conditions we made a SET (M) application in order to get her indefinite leave to remain in this country in line with her spouse.

SET (O) - SETTLEMENT FOR OTHER CATEGORIES

Various individuals use this application to get an indefinite leave to remain status in this country and that includes work permit holders and certain categories of Tier 2 migrants. Dependents of PBS (Point based system) candidates and work permit holders can also apply using this application. Others include self-employed lawyers, business persons who don't need a work permit for employment, innovators, investors, bereaved partners, highly skilled migrants and all other categories which are not covered under by other applications. Apart from this there are two other requirements that need to be fulfilled by the applicants: successful completion of the Life in UK test and fulfilment of the English Language requirements. The English language requirement should be fulfilled by producing either a B1 certificate in English Language or by holding a degree taught in English which is approved by the UKBA. This can be fulfilled automatically if the applicant hails from a majority English-speaking country. The processing fee for this application is £1093 for a single applicant.



Cultural Night



Case Study 76

Mr KK came to this country in 2002 with a Tier 2 visa that was valid until 2003 and as he was continuously pursuing his education he kept on extending his student visa until 2011. His further applications to extend his visa by extending his Tier 4 visa and PSW were not successful and he was not given any appeal rights. Following this, and taking into account his length of stay in this country a SET (O) application was made. This application was refused stating that he was not eligible and there weren't any issues that seem to be of any significance in raising a human rights issue as well. We appealed against this decision and submitted a judicial review application. We highlighted that the student application had been refused by the Home Office after an inordinate delay and in that duration the college he was studying in had been removed from the approved institutions list; this could hardly be the fault of the client. The fact that the client had spent more than 10 years of lawful residence in this country was also given adequate importance. The client has fear of returning to Sri Lanka as there is a fear of persecution and his family was already under surveillance. We have advised him that if the case fails then in order to safeguard his life he may need to seek asylum.

SET (F) - SETTLEMENT OF CHILDREN

This application is used for settlement by children under 18 years of parents or adoptive parents who are present and settled in the UK and of children above 18 years of persons settled and present in the UK. This application should be made before the end of the ongoing leave-to-remain in the country expires. The applicants however cannot apply for any dependents along with them. All the applicants who are applying for indefinite leave to remain are charged with a fee of £1093.

Case Study 77

Mr. AD came to this country as a dependent child of a person settled and present in the UK along with his mother and sister. A SET (F) application was made once the client completed his probationary leave in this country. However, his application was refused in line with his mother's application for reasons that she didn't fulfil the English language requirements. There were adequate reasons why the applicant's mother couldn't submit the English language certificate. The applicant had only recently reunited with his father after long years of separation and the whole family was living as a family unit. He was also working and contributing financially to his family. We appealed against the decision. We contested the decision on grounds that the mother will be submitting the certificate soon and sending the client back to Sri Lanka will be a breach of his human rights. The

applicant didn't have any family members in Sri Lanka and he had been away from his father for a long time and his separation from father and other family members would be a breach of human rights as there aren't any strong reasons to refuse his application.

SET (PR) - SETTLEMENT UNDER PROTECTION ROUTE

An individual with a residence card as a refugee or a person under humanitarian protection wishing to apply for an indefinite leave to remain in the UK needs to use this form after spending a period of five years in this country. They are expected to be devoid of any criminal records and any prison term. The authorities also want to make sure that the applicant wasn't involved in war crimes, genocide and any other terrorist activity. Any partner or children already living with the applicant in the UK can apply along with the main applicant. There are no charges and there are no other special requirements that need to be fulfilled to be eligible to apply.

The application should be made during their last month of stay with the previous permission to stay and if applied before the stipulated time period the application might be refused. The relevant biometric details information should also be provided in the application.

Case Study 78

Mr KR came to this country in 2008 as an asylum seeker and on getting refugee status he was given leave to remain for a period of five years from 2008 valid until 2013. In the meantime his wife and daughter joined with him in the UK through the family reunion visa and they were also granted leave to remain in line with the main applicant in 2010. They were also blessed with a baby girl in UK and were living together as a family since their arrival. As their leave to remain in this country was about to expire they applied for indefinite leave to remain in this country using the SET (PR) and were granted with the same as they had fulfilled all the requirements appropriately.

OTHER IMMIGRATION APPLICATIONS

VISA ENDORSEMENT

The existing visas of applicants cannot be transferred to a new passport from an old one; instead they will be transferred to a new biometric card. The application varies based on the visa restrictions. The applications can be submitted through post and also through premium service in person; however, the latter will be charged more than the postal applications.

NTL (NO TIME LIMIT)

Individuals who have to transfer their indefinite leave-to-remain document to a new biometric card should make use of this application. The application may be made any time and can be made along with the applications of their family members and dependents while they are inside the country. The applicants are charged with £104 for a single application and an equal additional amount is charged for each and every extra dependent for postal applications.

TOC (TRANSFER OF CONDITIONS)

Individuals who have a limited leave to remain in this country may use this form to make an application to transfer their visa to a biometric residence card, or if they want any of their personal details to be changed. The applicants and their dependents must be present in the country at the time of making an application. The applicants are charged with £107 for a single application and an equal additional amount is charged for each and every extra dependent.

Case Study 79

Mr FMM came to this country as an asylum seeker in 1998, and he was granted with discretionary leave to remain for three years in 2011. The client has got a new Sri Lankan passport and approached us with instructions to transfer his visa to the new passport. We checked his visa and the passport and other necessary details and explained to him the necessity for making a TOC application. When the client came back to us with the relevant documents we made an application with the relevant fees. His visa was transferred to his new passport and delivered to us in a month's time following the application.

TRAVEL DOCUMENTS

An individual who wants to travel outside the UK has to apply for a travel document if they are not British and cannot get or apply for a passport from their native country. Those who have refugee status or permission to stay on humanitarian basis are eligible to apply for a travel document. Apart from this those who have indefinite leave to remain in this country and those with discretionary leave to remain in this country after the failure of their asylum application can also apply.

The applicant needs to apply for a biometric residence permit as well if they don't have an updated one. This is not necessary, however, for applications made for a one-way travel document. All types of travel documents can be applied for using form TD112BRP. The charges for an adult for a convention travel document, stateless person's document and one way document are £69 for adults and £46 for children.

Types of Travel Documents

There are four types of travel documents and the applicant should apply under the category that suits them. They are as follows:

- Conventional travel document: This is a type of document that can be used by refugees to travel to all countries except the country from which they have sought asylum.
- Stateless person's document: This type of travel document should be used by stateless persons who can use this to travel to all the countries.
- One-way document: Those who are travelling out of a country and will not return back to that country can use this one-way document.
- Certificate of travel: Individuals who have been refused a passport by the authorities of their country of origin can apply under this type.

Case Study 80

Mr AJ came to this country from Sri Lanka and claimed asylum in 2012, based on fear of persecution owing to his previous political attachments. Following that, his claim was accepted and he was issued with refugee status and a corresponding biometric document. The client approached us asking us to help him get a travel document. We assessed his situation and after confirming that he was eligible, we explained him about the fees and the other documents that are essential to make a successful travel document application. When he submitted all the relevant supportive documents we made an application for travel document and six months later he was issued with a travel document.

DISCRETIONARY LEAVE (DL)

This application along with humanitarian protection was introduced in April 2013 to replace the exceptional-leave-to-remain category. Discretionary Leave is granted outside the immigration rules and it is not granted to individuals who are eligible for asylum, human protection or any another category of the immigration rules. From July 2012, candidates are not granted with DL for article 8 or other family reasons. Discretionary leave is not normally granted to EEA nationals and if any other EU country has taken the responsibility of the asylum claim of the applicant or if the candidate is removable on a third-country basis. Discretionary Leave is granted on fulfilling certain extraordinary circumstances and there are possible justifications. There are various criteria under which the discretionary leave is allowed and it includes medical reasons and other cases where return of the applicant would breach ECHR which applies to both asylum and non-asylum cases. Discretionary leave is also granted in exceptional circumstances

when the applicant is to make further submissions and even where not making further submissions if a review is to be held of the case. Apart from the above-mentioned cases, those involving trafficking matters, unaccompanied minor children and in other relevant cases DL will be granted. The leave period that is granted will vary according to the circumstances and the applicant will be expected to pay for further extension of their stay. Individuals who have DL to stay in this country have access to public funds and are entitled to work. There is no fee for applying for further leave to remain under this discretionary leave to remain category.

Case Study 81

Mrs GV came to this country as an asylum seeker from Sri Lanka with her three children in 2008. After she was recognised as a refugee she and her children were granted with limited leave to remain, valid until October 2013. She approached us and instructed us to take suitable action to extend her stay in this country. We assessed the merits and found that she and her husband who is a British citizen are living together and he is working. We instructed her to bring the necessary documents in order to submit a DL application for either extension of stay or settlement in accordance with the Home Office Policy.

DERIVATIVE RESIDENCE CARD -DRF1

A Person who doesn't qualify under the free movement directive may qualify for another right of residence under EU law. These are called derivative rights as they do not come under the directive and derived from the EU Law. Those with derivative rights have the right to live and work in the UK. However they can stay in the country only until they qualify for those.

An individual can use DRF1 application to establish that they have a right to live in the UK under certain circumstances, such as being a primary carer of a British citizen or an EEA child in the UK who is financially independent or a British dependent adult and a child of a primary carer of the above-mentioned categories. The child of an EEA worker and a former worker can apply for their right to live in the UK using this form. A European national who is the primary carer of a child and has no other basis to live in this country can also apply under this category. Only a person who is already in the UK should apply using this form; those who are outside the UK should apply for an EEA family permit.

A parent can apply if the child they are caring for is an EEA national who is financially independent and has personal insurance and needs to leave the UK if the applicant has to. The application can also be used to extend the stay of a carer without whom a child

who is in UK couldn't continue his education which was initiated when their parent was a worker. One can also apply to extend their stay in this country if the person who is being cared for is a British citizen and should leave their country otherwise. Children below 18 years of those who have derivative residence are also eligible. All the documents to substantiate the above-mentioned aspects need to be submitted to get the application approved.

A DRF1 card holder can easily re-enter this country, and live and work without any inhibitions. The length of the stay can depend upon the nature of the stay and can go on so long as the person they are caring is living in the UK. However the number of years of stay is not counted for the permanent residence application.

REPLACEMENT BIOMETRIC RESIDENCE PERMIT (BRP RC)

The Biometric Residence Permit (BRP) is a residence permit which holds an individual's biographic details and biometric information, and shows their immigration details and entitlements while they remain in the UK. An immigration status document (ISD) is given to an applicant following the grant of leave where no passport is held, or where it would not be appropriate to endorse on a national passport. The document provides the details of the applicant and also indicates the status that has been granted to the applicant which will include Refugee, Humanitarian protection or Discretionary leave.

BRP RC application can be used by those who held biometric residence card and Immigration status document to reapply for a new one if the old one was stolen, lost or damaged. The application is also used to renew the card if the original card expires. Even for those who have been granted with an indefinite leave to remain in this country, the card is not indefinitely valid. The application can be made only if the applicant is in the UK and the dependents cannot be included in the application. There is a charge of £40 for processing this application.

ENTRY CLEARANCE VISAS

Developing countries are growing rapidly and the current market situation has made it necessary for them to have close ties with other developing countries. As a result a necessity to travel to and from has arisen between the developed and developing countries. However, there aren't many restrictions imposed by developing countries in the movement of professionals for economic or sports reasons. Their embassy officials are approachable and travel

documents – visas, for instance – to carry on with trade or business are easily given. However this is not the case with the developed countries and they tend to follow strict immigration rules and hard and fast entry clearance requirements. According to us this acts as a stumbling block for the development of such growing nations. It also shows the prevalence of inequality among nations and UK tends to impose very strict restrictions in this matter, thus preventing the movement of even family members to reunite with their families.

This system is very unfair and we often see family visit visa applications rejected even after they meet all the requirements. The worst thing is that the applicants are not refunded and as there aren't any appeal rights they are forced to pay again and reapply. The application fee is as such high as far as an individual from a third world country is concerned. The recent changes in requirements make it compulsory for the family member to earn £18600 annually and more if they have additional children to be sponsored. Although we understand the need for imposing the English language requirement when families are kept separated, we find the rule very dogmatic. This is human rights violation and we expect the decision makers to have a certain amount of flexibility while taking decisions in these sort of matters. In *MM & Ors V Secretary of State* which challenged the minimum income requirement rules under appendix FM of the immigration rules, the Judge JB declined to strike down the requirement entirely, but stated that the current level amounted to an "unjustified and disproportionate" interference into the right of family life of British citizens and refugees.

In our organisation we deal mainly with matters related to VAF1 and VAF4 applications and occasionally VAF5 Applications.

Entry clearance is the procedure used by the entry clearance officers at the British High Commission overseas to check, before a person arrives in the UK, if that person qualifies under the immigration rules. Any individual belonging to the category of visa nationals, non-visa nationals and deportees need to apply for entry clearance before entering the UK. There is a specified list of nationals who can qualify under visa nationals.

VAF1- VISITORS ON HOLIDAY

Any eligible individual interested in visiting the UK as a tourist or on holiday must apply for this visa. The visa can be applied three months prior to the journey and the stay cannot be for more than six months. Those who need to visit the UK repeatedly over a long period of time need to apply for a long-term visa and this

can be for one, two, five and ten years respectively. A visitor is not allowed to take paid or unpaid work, live in UK through frequent visits, marry or register a civil partnership, get private medical treatment and get public funds.

To be eligible to apply under this section the concerned applicant should be above 18 years, the visit should be intended for leisure purposes only, and the visitor should be able to bear the expenses for their return or onward journey. Those who are applying for a long-term visa should be able to prove that they have a need for such a visit and that the need will persist so long as the visa validity remains.

VAF1 B – FAMILY VISIT

If an individual wants to travel to the UK to make a family visit then they should apply using this form. They can apply for a stay lasting no more than six months. The conditions that apply for general visitors apply to family visitors as well.

The fee for short term for up to 6 months is £83 and for those who are applying for more than 2 years period is £300. For applications of stay longer than 5 years the cost is £544 and for applications seeking permission up to 10 years it is £737.

Case Study 82

Mr KV wanted to sponsor his mother-in-law Mrs ST to visit UK in order for her to spend some time with her daughter's family, and at the same time help her daughter who was expecting her third child then. Her application was refused stating that there was no adequate proof that she would be going back to Sri Lanka after the visit. The refusal letter also stated that there is inadequate proof to show that the sponsor had adequate means for supporting his mother-in-law during her stay. We appealed against this decision. We pointed out that the sponsor was working and was earning an amount that would be adequate to support the applicant during the visit. Clarifications on the property that was owned by the mother-in-law and the support that she receives from her children living there were explained. The main thrust of our arguments was that she had a number of obligations to meet back in Sri Lanka. She was only coming to support her daughter during delivery and would go back by the end of her visa expiry to be with other family members. The explanations were accepted by the judge as they were genuine and well supported with proofs and as a result her visa was granted.

VAF4 – FAMILY REUNION

The family members of refugees in the UK can make use of this application to reunite with their family. For applying under this category, the other family

members must have been separated from the person granted with refugee status when he left his home country. The family member of the applicants in the UK should have been granted asylum, but should not possess British citizenship. However while the asylum claim application is under consideration this application cannot be made. The partners must be able to prove that they have a sustained relationship and have been legally married and possess a marriage certificate. If they have happened to be unmarried it should be proved that they were in a relationship for two years and that the other partner has been granted with a refugee status on or after 9th October 2006. The child applying to join with their parent must be below 18 and must prove that they are going to live with their parents. The applicants have to pay a fee of £378 in order to process this visa.

Case Study 83

Mrs TS was a Sri Lankan citizen who was married to SM, a British citizen settled in the UK. Her entry clearance application to join her partner was refused. The reasons stated included that the sponsor didn't meet the financial and the English language requirements. Although it was clearly mentioned in the application at several places that the sponsor would accommodate and provide for the applicant, the application was refused stating that the sponsor hadn't provided any separate undertaking form confirming this. As a matter of fact, the sponsor held two jobs and had an adequate income to fulfil the financial criterion. The applicant also had an English language certificate at A1 level. An appeal was made at the tribunal and the ground of appeal was drafted with information required to reinstate the decision made. At the court the judge allowed the appeal and acknowledged that the entry clearance has erred in making a judgement. This is one of the examples where even eligible applicants who had submitted all the required evidences are denied straightforward entry clearance, and have to be separated from their loved ones for no fault of theirs.

Case Study 84

Mrs KP came to this country as an asylum seeker and was granted with refugee status in 2013. She had been married to Mr JP in 2004 and a son was born in 2005. After getting her refugee status, she wanted to be reunited with her husband and child and approached us with instructions to submit the required application. Our assessment showed that she was in regular contact with her family and she was eligible to sponsor her husband and son. Following this we submitted a VAF4A application along with the required documents and her application is still under consideration.

VAF5- FAMILY MEMBERS OF EEA NATIONAL

Family members of an EEA national in UK can apply to visit here using this visa. Partners, children, grandparents and grandchildren are eligible to apply under this visa as family members. Other dependents like siblings and other extended family members may also use this form to make an application to visit a European national. Those who are carers of a British citizen, of a child who is financially self-sufficient and of a child of a European national who was a worker in the country are also eligible. Individuals those who have a valid residence card needn't apply for this visa. The family permit visa can be used only once and for frequent visits the family member should apply for every visit. It is also essential that the candidate applies for this visa before entering this country.

Case Study 85

Mrs and Mr.PR applied for an EEA permit to join their son's family who was in the UK. The couple are old and were in need of care and support and there weren't any close family members in Sri Lanka; their daughters were in Australia. Their son and daughter-in-law were European nationals and the son had gone on to get his British nationality as well. However, their EEA family permit application was refused. We appealed against the decision and tried to stress upon the crucial factors that they had only one son who was culturally responsible for their care in their old age, at a time when they were in need of physical and mental support. The problems they encountered in living with their daughters was emphasised and the fact that the son had been providing monetary support for the past eight years was also stressed upon and documented with proof. Further, the fact that the son was financially capable of taking care of them and was in a situation to provide for their needs was also submitted. When all the preparations were in process the entry clearance officers withdrew the refusal to grant visa.

Case Study 86

Mr.SJ came to this country in 2007 as an asylum seeker and later, on recognition of his refugee status, he was granted with leave to remain valid until 2012. Hence he made an application to get indefinite leave to remain in this country by the end of his leave period. The application for indefinite leave to remain was refused and the applicant and his family members were granted with leave to remain for a further three years with instruction to extend it when it expires, instead of a permanent settlement. The applicant wasn't granted indefinite leave to remain as he had been convicted and had been sentenced for a period of 36 months which disqualified him from getting permanent settlement.

POINTS-BASED SYSTEM

The points-based immigration system is a means of regulating immigration to the United Kingdom from outside the EEA. It is composed of five tiers which has replaced all the previous work permits and entry schemes.

TIER 1

Tier 1 category is for high-value migrants and currently contains five categories. Under this, the high-skilled migrant programme and Tier 1 (post study work) permit are closed as of now. The other sub-categories of Tier 1 are as listed below.

Tier 1 (General)

This category allows highly skilled people to look for work or self-employment opportunities in the UK. Tier 1 (General) migrants can seek employment in the UK without a sponsor, and can take up self-employment and business opportunities in the UK. However, this category is now closed to applicants who are outside the UK, and to migrants who are already here in most other immigration categories. Age, qualifications, previous earnings, UK experience, English language ability and maintenance funds contribute to points for acquiring eligibility.

Tier 1 (Investor)

This is for enabling the entry of high-net-worth individuals who are from outside the Europe Economic Union in the UK. Applicants are expected to make an investment of £1,000,000 to be considered for this category. Tier 1 investor applicants are exempted from the requirement for English language and maintenance funds. This is mainly because they are not expected to work elsewhere and supposed to have enough funds to sustain themselves. They are not allowed to apply for public funds.

Tier 1 (Exceptional talent)

Tier 1 (Exceptional talent) is for people who are internationally recognised as world leaders or potential world-leading talent in the fields of science and the arts, and who wish to work in the UK.

Tier 1 (Entrepreneur)

Tier 1 (Entrepreneur) is for non-European migrants who want to invest in the UK by setting up or taking over, and being actively involved in the running of, a business or businesses here. Individuals can apply for this category from both inside and outside the UK. The applicants outside the UK must apply for an entry clearance and those in the country should apply for a visa extension. Apart from these, funds that are held in a UK institution, funds that are disposable and maintenance funds all act as qualifying factors for this category. For extension of this visa further proof to

confirm their involvement in a business and employing at least two other people, being a Director of a company and taking over as a Director of a company are essential. The applicant is expected to score points based the amount they have access to (they must have access to a minimum of £50,000), the maintenance funds they possess, their English language ability and the amount that is held in a financial institution for the initial period.

Tier 1 (Graduate entrepreneur)

The Tier 1 (Graduate Entrepreneur) category allows the UK to retain (non-European) graduates identified by UK higher education institutions as having developed world class innovative ideas or entrepreneurial skills, to extend their stay in the UK after graduation to establish businesses in the UK. This visa cannot be applied for from outside the UK.

Tier 1 (Post-study work permit)

This category has been closed from 6th April 2012 onwards for all applicants, but the dependents of those who have obtained a visa prior to this period can apply to join their family members.

For Tier 1 Entrepreneur, investor and exceptional talent the charges for post applications for applicants and their dependents is £874 each.

TIER 2

Tier 2 visa allows migration of skilled workers from various sectors to work in UK for the sponsors under various categories. They are expected to score out of 70 points to be eligible under this category. The points are scored through certificate of sponsorship, salary, English language requirements and maintenance funds. Candidates from various other visa categories can switch to Tier 2 (general) category.

Certificate of sponsorship: A certificate of sponsorship is not a document but a unique reference number which holds information about the job and their personal details. The sponsorship certificate must show the same details as that given in the passport and should not be more than three months old. All employers who want to act as a sponsor need a licence. Once they are registered they will be listed in the register of sponsors. The register contains the name, place and rating of the organisation. A sponsor should undergo a residence labour market test before sponsoring anyone. They should be able to confirm the fact that there are no suitable members' available in the country to take up the job for which a person is being sponsored. A sponsor should enter this detail in the certificate.

Tier 2 (General)

This category is for foreign nationals who have been offered a skilled job to fill a gap in the workforce that cannot be filled by a settled worker. There is no limit on the number of workers coming to the UK to do jobs with a set annual salary. An applicant must score 50 points for having a certificate of sponsorship, English language requirements and for being paid an appropriate salary.

Tier 2 (Intra Company Transfer)

This category is for employees of multinational companies who are being transferred by their overseas employer to a UK branch of the organisation, either on a long-term basis or for frequent short visits. There are four sub-categories; namely, long-term staff, short-term staff, graduate trainee and skills transfer.

Tier 2 (Minister of Religion)

Individuals who are taking up roles as ministers of religion undertaking pastoral work, missionaries, and members of a religious order can apply for leave to remain in the UK. Those entering under this category will be offered with leave to remain permission for a period of three years initially and later on they will be able to extend for a period of another three years. However, they can't extend their stay after a period of six years of stay. Those who are entering under this category also need a 12-month gap before they apply for a re-entry into the country. An applicant will need to score at least 70 points which is constituted by a certificate of sponsorship (50 points), English language ability (10) and maintenance funds (10).

TIER 4

This application is used to enter as a student; it can be either an adult or a child. The applicant needs to have acquired the relevant points under the points-based system in order to get the visa.

Tier 4 (General)

This category is for adult students who want to come to or remain in the UK for their post-16 education. If an applicant is 16 or 17 years old and he wants to study a course at or above National Qualification Framework level 3, he can apply under this category or under Tier 4 (Child). As a Tier 4 (General) student, the applicant must have 40 points in the points' assessment. Before they can apply for permission to enter or remain in the UK, their education provider must assign a confirmation of acceptance (CAS) for studies. This confirms that they have been given an unconditional offer of a place on a course of study with a licensed Tier 4 sponsor. An applicant can score 30 points for having a valid confirmation of acceptance for studies and 10 points for having enough money or maintenance or funds to cover his course fees and living costs.

For individuals and dependents separately applying for this visa through post the application charge is £310 if the application is made outside UK and £422 each for both applicants and their dependents for applications made inside the UK.

Case Study 87

Mrs KN came to this country as a student in 2010 and was duly attending her college and taking exams. She got married to Mr. VK who was a dependent of an EEA national during her stay in the country. In 2012 she applied for visa extension as her student visa was about to expire and she had to finish her course which had only been partly completed. She had already spent a lot of money on her course and had to attend another semester to complete her course successfully. However, her visa was refused stating that she had not fulfilled the English language requirements and there was a question about whether her college had retained its approval. Our client was very upset with the rejection of visa as she had submitted the relevant documents with some time delay and variation purely due to administrative errors from her college. An appeal was launched against this decision and later her appeal was allowed as her case was genuine; it was held that refusal to extend her visa would disrupt the initial motive for which she was granted a visa, namely to pursue her studies here.

Tier 4 (Child)

This is a category set aside in the points-based system for children in the age group of 4 and 17 years who wish to study in UK schools. Children between four and fifteen years old must be educated at independent fee-paying schools. Tier 4 (Child) students cannot study at publicly funded schools. The only publicly funded education providers that can teach Tier 4 (Child) students are publicly funded further education colleges which are able to charge for international students. Those who have children or those are financially responsible for their children will not be eligible to apply under this category.

Tier 4 (Dependent)

Family members who are from a non-EU country should apply for a visa to join a Tier 4 applicant. The dependent can be husband, wife or civil partner. Unmarried and same-sex partners and a child under 18 are also eligible to apply as a dependent under this category. The main applicant can apply to bring a dependent only if they are sponsored by a higher education institution on a course at NQF Level 7 or that lasts one year or more. Those who are a new government-sponsored student on a course that lasts six months or longer and those who are a doctorate extension scheme student are also eligible to bring their dependents. Proof that there is adequate amount

to support the family member and themselves is necessary. This should be shown through having adequate balance in their account for at least 28 days before submitting the application. Applications that are made either in country or outside the country should be made online.

TIER 5

Under this route workers who need to come to UK for doing temporary work for a Tier 5 sponsor can apply. For applying a visa under this section the concerned applicant needs to have a job offer from a licensed sponsor and fulfil the required number of points under the points-based system. The points mentioned must be acquired through the certificate of sponsorship and maintenance funds. An applicant will need to score at least 40 points to be able to apply, which includes 30 for certificate of sponsorship and 10 for maintenance funds. The fee for making a Tier 5 application is £208.00 each for individuals and dependents.

Tier 5(Temporary Worker – creative and sporting)

Internationally recognised sports and creative workers who are coming to UK to perform or take part in sport events for less than 12-month period need to use this route.

Tier5 (Temporary worker – Charity Workers)

A worker who wants to travel to UK to do unpaid work needs to apply under this category, generally for a 12-month period. There are some restrictions in place in relation to the work that they can carry out during their stay in UK.

Tier5 (Temporary workers – Religious Workers)

Temporary workers who want to come to UK and carry out pastoral duties, preaching and non-pastoral work should apply under this category. The concerned person is expected to work in an institution that has a religious order. The religious worker can also take up a job of the same nature as that of his overseas job during a break from his normal job. Individuals sponsored under this category will be allowed to stay for 24 months. They need to have a sponsor and a certificate of sponsorship in order to gain leave to remain in this category.

Tier 5 (Temporary Worker – Government Authorized Exchange)

The government authorised exchange category is for people coming to the UK through approved schemes that aim to share knowledge, experience and best practice and to experience the social and cultural life of the UK.

Tier 5 (Temporary Worker – International Agreement)

The international agreement category is for people intending to enter the UK under contract to do work that is covered under international law, including the General Agreement on Trade in Services (GATS), similar agreements between the UK or the EU and another country or countries, employees of overseas governments and international organisations and private servants in diplomatic households.

Tier 5 (Youth Mobility Scheme)

The youth mobility scheme is for young people who are sponsored by the participating countries. Every year young people are chosen to visit the UK, to come and experience life in the UK and return by the end of the scheme.

OTHER ACTIVITIES OF THE ORGANISATION

Despite the fact that the primary services of the organisation are related to the legal work and the centre is functioning like a law centre for Tamil speaking people, it never fails to show adequate concern over other issues in the community. In particular the organisation plays a major role in guiding the members of the community and functions as a platform for making their voices heard. Due to its reputation the media approaches it often to get its view as a representative of the Tamil community. Our independent and practical approach has made us a sought after expert in the issues concerning the Tamil community. In 2013 when the Commonwealth conference was held in Sri Lanka various media approached us and we gave our unbiased view in this matter with an emphasis on the welfare of the Tamil population. In November 2013 when the Prime Minister David Cameron visited Sri Lanka and brought to light some of the human rights abuse that are ongoing we were asked to give our opinion on the visit. Similarly we never miss a chance to represent the community whenever something of significance happens in relation to the Tamil community either in the UK or in Sri Lanka.

Apart from this the below mentioned are some of the other activities that are being run by the organisation

SUPPLEMENTARY EDUCATION

This project was started in the year 1992 with the help of local schools and by the initiative of local area educational coordinators to provide additional support to the refugee children who came recently and needed additional support in their school work. We ran this project until June 2013 at the Little Ilford

School by teaching English, Maths and science for the school age refugee children bilingually with the help of qualified volunteer teachers. Due to many years of war in Sri Lanka many children were displaced constantly and some of them haven't even started their education at the schools. We were also informed by the local schools that they need some support to fill the gap on the school work of refugee children. We successfully served this purpose for many years but in the past few years we struggled to run this project due to financial problems and finally we stopped this project in June 2013 due to a serious financial crisis in the organisation. This program was run on Sundays in the Little Ilford School from 9.30 a.m. to 2.30 p.m.

and around 45 children were benefiting out of this program.

5 opportunity for community members to celebrate the Tamil New Year and enjoy the spectacular display of the traditional arts. The younger generation get benefited a lot out of this program by getting to know various new members from their community and witnessing programs related to their native tradition. This program is a most awaited program in the community and the program of the year 2013 was also very much appreciated by the community members. The program was organised by the staff and Directors and was executed with the support of the volunteers in an organised manner. ●



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

Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) இ-ரா

Acknowledgment

We express our heart felt gratitude to our funders **LEGAL AID AGENCY, TRUST FOR LONDON, LONDON LEGAL SUPPORT TRUST AND LONDON COUNCIL** who granted the financial support required for delivering the services which are crucial to the welfare and empowerment of our community members.

Various key persons in the community offer their support to us incessantly and *Honourable MP Stephen Timms* is one such important personality. We are obliged to thank the Councillors *Mr. Gurdial Bumra* and *Mr. Jeyaranjan* of Redbridge for being the chief guests of the cultural night. We would like to extend our heartfelt gratitude to *Mr. S. Selvaraja* of Sri Selva Vinayagar temple for motivating the participants of the cultural night by distributing the certificates. We thank *Mr. Mark Gowrikaran* for contributing to the success of the cultural program.

Mr. Wesley Harcourt of Advice UK is one person who we rely on when we need advice in our initiatives and has been always there to lend a helping hand. We are proud partners of various consortiums like *Tamil community partnership, BAN network, RAMFEL (Refugee and Migrant Forum of Essex and London)*. We work hand in hand with various Organisations like *Immigration law practioners association (ILPA), Joint council for the welfare of the immigrants (JCWI), National council for voluntary organisations (NCVO)* and *LASA* and learn from them often.

We appreciate the members and users of the organisation for being strong and for taking tough decisions during the difficult times and in helping the organisation cope during a crisis. We are grateful to our Staff, Directors and volunteers for their tireless services to the needy community.

The services that we get from our Accountants "*Advanced auditing practice*", "*Glory community accountancy project*" and *Manor park community centre* helps in the smooth running of the organisation.

We also appreciate the efforts taken by our fine arts academy students, *Mrs. Rathika Thayalan, Isaiaruvi group, Ms. Preyaanthana Ragu, Mr. Dinesh Srinasa* for their spectacular performances.



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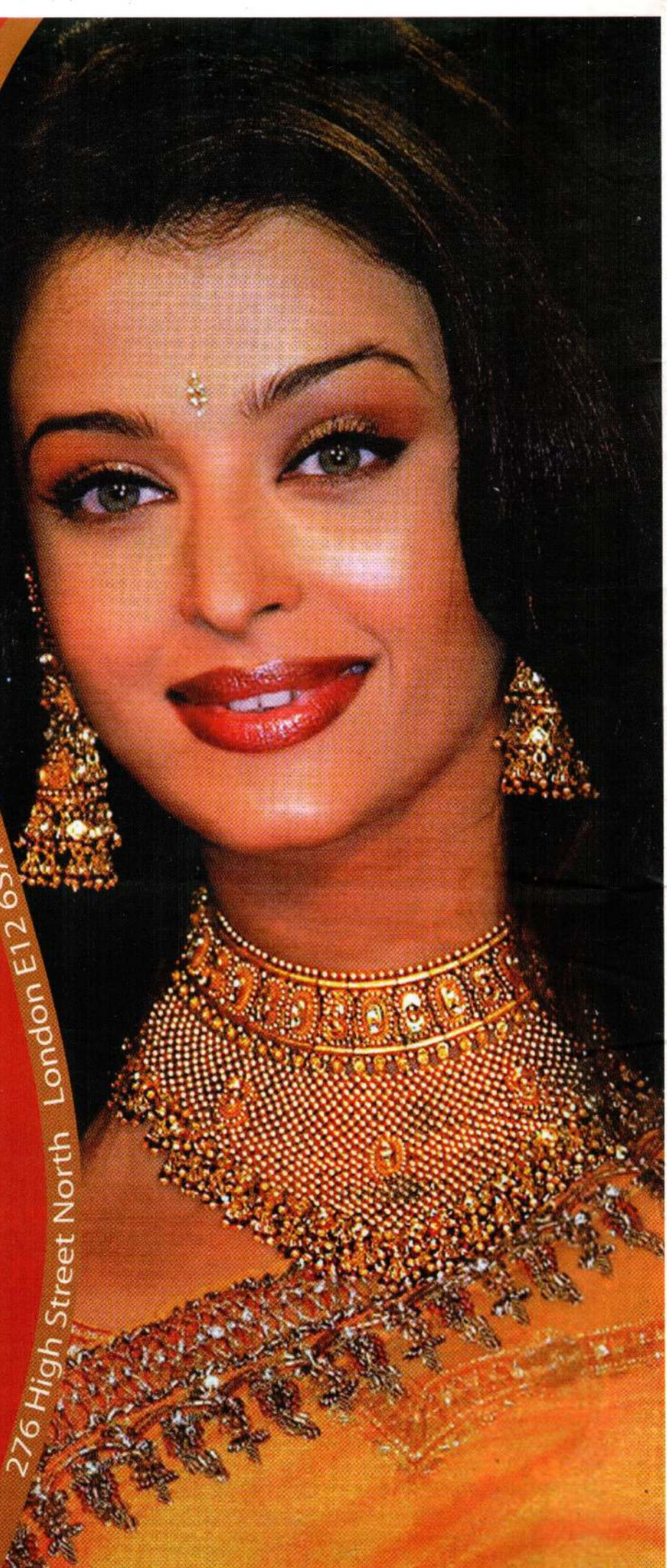
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