

TAMIL WELFARE ASSOCIATION (NEWHAM) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஈ.நா.

ANNUAL REVIEW REPORT 2012

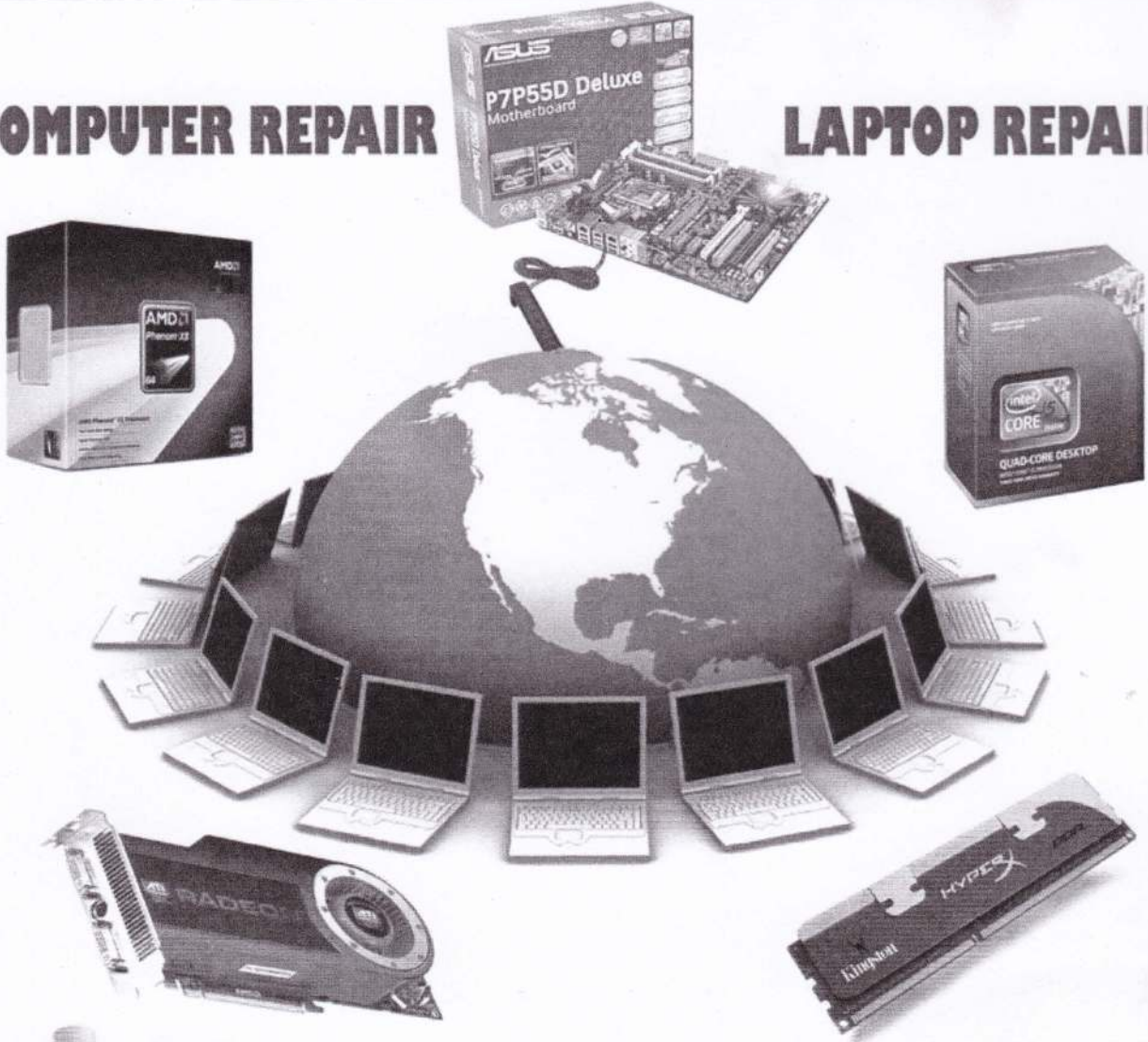
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வாழ்த்துப்பா

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கால அளவுகளுடன் பிரித்து
வருஷங்களை அறுபதாக வகுத்து
வரும் சுழற்சியில் வந்துதித்த இந்த
விஜய வருஷம் மானுடத்தின்
வெற்றிக்காய் அமையட்டும்

காலத்தின் தேவை அறிந்து
வருடம் பல முன்னதாக
தமிழ் இனத்தின் நல் வாழ்வுக்காய்
அகதிகள் நாம் கூடி அமைத்ததொரு
தமிழர் நலன்புரி சங்கம்,
இலங்கை, இந்தியா, ஐரோப்பா முதற்கொண்டு
புலம்பெயர்வோர்க்கு நற்சேவை ஆற்றும்
தமிழர் நலன்புரி சங்கம்
நிலைத்து நீடு வாழியவே!.

குடிபெயர்ந்து வாழும் தமிழரின் மேம்பாட்டுக்காய்
நம் தமிழர் கலாச்சாரத்தை போற்றி வளர்க்கவும்
தன்னிகரற்ற சேவை ஆற்றும்
தமிழர் நலன்புரி சங்கமே
நீ வாழி...! வாழி...! வாழியவே...!

Annual Review Report - 2012

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ. ரா.

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.

602 Romford Road, Manor Park, London E12 5AF

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

e-mail : twan@twan.org.uk Website: www.twan.org.uk

Charity Reg No: 1047487

Company No: 2962857



09 April 2013

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



Dear Mr Jana

I am really pleased to be given this opportunity on behalf of AdviceUK to make a contribution about TWAN for its annual report.

It is important that the work of TWAN, a long standing member of AdviceUK, is recognised not just by the community it serves but also by the wider advice and statutory sectors

TWAN have been active members of the BAN partnership providing advice to BAMER communities across London. Their attendance has been exemplary and their input at meetings, especially during the development of the recent funding bid to London Councils, has been invaluable.

In these current times of austerity facing advice centres it becomes ever more important for organisations such as TWAN to continue providing advice and support to their communities who are being hit even harder by the cuts. I was particularly impressed to see that TWAN, rather than make cuts in its services in response to reduced funding, is looking to consolidate its provision and actively seek alternative sources of income to expand and develop its services.

I would like to thank TWAN, and Mr Jana in particular, for making time earlier this year, to show me around their offices and introducing me to their staff so that I could see firsthand the range of good work that TWAN carries out.

AdviceUK is pleased to offer its support to TWAN.

Yours sincerely



Wesley Harcourt
Senior Development Consultant

Registered charity no. 299342. Company limited by guarantee registered in England no. 2023982. Registered office: 150 Aldersgate Street London EC1A 4AB. VAT registration no. 482 9364 11. AdviceUK is authorised and regulated by the Financial Services Authority in respect of insurance mediation activities.

Message from the Chairman



அன்புத் தமிழ் உள்ளங்களே! அனைவருக்கும் வணக்கம்.

நந்தன வருஷம் போய் விஜய வசந்தத்தில் வீரியமாய் கால் பதிக்கும் இந்நாளில் மீண்டும் ஒருமுறை உங்களுடன் சில தகவல்களைப் பகிர்வதில் மட்டற்ற மகிழ்ச்சியடைகிறேன்.

கடந்த சில வருடங்களை கணக்கிட்டுப் பார்க்கையில் சென்ற வருடம் ஒரு இறுக்கமான வருடம் என்றே சொல்ல வேண்டும். எமக்குப் பண உதவிகளை வழங்கும் பல தொண்டு நிறுவனங்கள் தம் உதவிகளை முற்றாகவோ அல்லது பகுதியாகவோ நிறுத்திக் கொண்டன. இருப்பினும் நிர்வாக சபை, நிறைவேற்று இயக்குனர், மற்றும் ஊழியர்களின் முறையான திட்டமிடலாலும், செயற்பாட்டாலும் எமது சங்கம் ஒரு கற்பகதருவாகவே நிலைத்து நின்று சேவை செய்கிறது. சங்கத்தில் பணிபுரியும் மற்றும் உதவி செய்யும் அனைவரையும் நிர்வாக சபை உறுப்பினர்கள் சார்பில் பாராட்டக் கடமைப்பட்டுள்ளேன்.

வரும் காலங்களிலும் எம் நிறுவனமானது இடரின்றி தடையின்றி வற்றாத நதிபோல் வளங்கொண்டு சேவை செய்ய எல்லோரும் பாடுபடுவோமாக.

தொ(ல்)லை தேச சாலையின் புகைவாசம் மறந்து என் முல்லை மண் சோலையின் சுகவாசத்தை என்றுணர்வேனோ? தேன் சிட்டுக்குருவியும் பூங்குயிலும் என் காதில் ரிங்காரமிடும் நாள் எந்நாளோ? என்போல் ஏங்கும் எண்ணற்ற ஜீவன்களை தன் சேய் போல் அணைத்து, தங்கிடம் தந்து, தகுதி தந்து, இதர பல வசதியும் தந்து வாழ வைக்கும் பிரித்தானியத் தாய்க்கு என்றும் நன்றியுடையவர்களாக இருப்போமாக.

“எந்நன்றி கொன்றார்க்கும் உய்வுண்டாம், உய்வில்லை செய்நன்றி கொன்ற மகற்கு”

நன்றி

Ragavan Nadarajah (ராகவன் நடராஜா)
Chairman
Tamil Welfare Association (Newham) UK

REPORT BY BOARD OF DIRECTORS

Charity's advancement towards meeting its aim

The charity had positively influenced the lives of a large number of Tamil speaking populations in the UK through its relentless services over the years. The organisation was formed with the aims of resettlement, relief from poverty and to act as a bridge between service providers and Tamil community. The organisation was able to achieve a part of these aims through its specific projects like legal representation and by delivering necessary services to individuals from low income families. It educates and offers necessary advisory services to Tamil community in order to enable their settlement and swift integration with the wider community. Running day centres, conducting workshop, seminars, after school extra curricular activities for migrant children and assisting refugee children to improve their academic achievement through supplementary education are the other major tasks. The organisation also acts as a forum /platform for discussing and addressing the issues of the Tamil community along with community, media and relevant key professionals. TWAN also plays a pioneer role in empowering the Tamil community.

Through its 27 years of service the organisation has served around 40,000 Tamil speaking people in various ways. These beneficiaries were helped by the charity in their employment, welfare benefits, immigration, housing, health care, consumer, crime and offence related matters. The statistical record shows that 389 individuals' casework was taken on the immigration related matter alone last year.

Most of those beneficiaries received support in other areas like employment, health care and welfare benefits and employment simultaneously. Generally, the users who approach us seldom get advice for one particular issue and tend to seek support for various issues. This reflects the comprehensive support we aim to provide for our users and in our experience it has been established that the problem of individual never gets solved unless this sort of care is provided. Despite our long standing achievement, the community needs remain the same although it appears to vary from individual to individual based on various factors. The services required by our users vary according to their stage of settlement, the number of years of their stay in this country and the stage of family cycle in which they are. A single client will visit us at multiple stages to acquire different set of services. On the whole the need of services never seems to end though the nature of the need keeps varying.

The Directors of this organisation should be very much understanding, focussed and aware of the community needs in order to run it in a successful manner. The Directors also need to be from various sectors and a represent the community fairly in order to provide a wholesome support to the charity. The current board of Directors seem to aptly reflect all these requirements. We have been successfully providing services to a huge number of people for the past 27 years and this is one of the evidences for the expertise of our board of Directors. Not only the current directors but those in the past were also were very resourceful and contributed to a great extent towards the development of this organisation. Identifying the

required resources and executing the projects in a desirable manner is another area in which we are successful and this too can be attributed to the effectiveness and dedication of our Directors.

Summary of services we provided last year

Our record shows that we were able to effectively deliver quality services to the required standards in the last year. In the last year 564 visits made by users in relation to their asylum related matters, 1028 visits were made in relation to benefits related matters and 951 visits have been made by users in relation to their immigration related matters. A significant number of visits were also 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 2063 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.

Out of the services offered the asylum and some of the immigration casework files were funded by the LSC through civil legal aid contract. Rest of the immigration matters and few asylum cases were funded by the London council and City Parochial Foundation. In the year 2012 on the whole we have opened 401 files and out of this we are allowed to claim only 36 asylum and 108 immigration cases from the Legal Services Commission. The remaining files were dealt with the help of the funding from the London council and City Parochial foundation. All the files other than asylum and immigration matters which include employment, consumer and money advice etc are also supported by these two funders.

Financial status of the organisation

According to our audited accounts, the year 2012 turned out to be a significantly bad year financially. In last 10 years for the 1st time our accounts ended up in loss with a significant deficit amount. We were forced to utilise the money kept aside as restricted fund for the first time in an 11 year time period in order to deal with the current financial crunch. Fortunately we had a reserve to meet this unexpected set back and we are determined to minimise this risk in the near future by implementing a number of corrective actions. This designated fund has been kept aside as a reserve for an income generating building project.

One of the main reasons for this is the Legal Service Commission's policies and practices in relation to claiming for files. LSC refused to make payments stating various reasons like files are claimed by mistake, files are not eligible as the necessary supportive documents are not submitted or as they fail to meet the means and merits criteria. They have starting finding faults in the submissions made in the last 5 years and had also taken measures to recoup the amount spent on those files. LSC's approach of dealing with claiming matters for such a back dated period has resulted in a lot of damage to the organisation. If they had notified the mistakes then and there or at least annually then we would have got a chance to rectify the changes or take alternative actions much earlier. If we were notified about this fact earlier then we would have taken measures to stop claiming for those matters or at least worked out other options like claiming the expenses from the clients and such. However we can understand the LSC's situation in the current scenario where the government is keen on cutting the legal aid cost. We believe that as a result LSC staffs are forced to review as much as files possible and recoup money where possible.

The other reason for our current situation was that we were not prepared for this sudden decision and we didn't have enough time to deal with this problem by identifying another suitable funding and solve this matter successfully. We are also not able to find out alternative funding to look into files that were cropped as a result of reduced matter starts of the LSC. As of now we have only 100 matter starts allocated by the LSC for immigration and asylum matters and this too is going to cover asylum matters predominately. London council funding which we were on receipt for the past 10 years is going to end by April 2013. In this critical situation we are struggling to continue serving the community to the pervious levels. As a result of this financial crunch we are also forced to carry out work in some areas through self funding. This sort of situation has forced us to rethink about our service delivery plan and the management of resoures. We would be able to survive only by reframing the service delivery, prioritising the need and by working with future in mind. The progress of the organisation has been very much affected as a result of this financial crisis.

Quality assurance and project evaluation

Fulfilling the thresholds of the quality assurance standards is part of the quality service delivery process and we undergo audits from the awarding agencies to gain the required standards. 'Advice

quality standard mark' was awarded by Assessment network following an audit in 2012. The auditing for this award took place in the month of March 2012. The auditor looked at the files, staffs and management, service delivery and all the other aspects involved in the project. The auditor gave a very positive remark regarding the aspects of file management, effectiveness of staff, representation of the community and service delivery. However there were few corrections suggested in the areas of carrying out follow-up and policies. Those were rectified and following this we were awarded with general quality mark status valid from 27/04/2012 until 27/04/2014 to offer advisory services in the areas of immigration and nationality, welfare benefits and refugees and asylum seekers.

Specialist quality mark auditing took place in the last week of October and the audit was carried out in our office premises for a whole day by an auditor from SQM delivery partnership. The auditor was happy with most of the aspects but suggested some changes in order to improve the standards. Some updates in the office manual, certain policies, file review and supervision procedures were put forth. All the concerns that had been raised and the remedial action were carried out within the stipulated time in a satisfactory manner and following that we were being awarded with "Specialist quality mark" in December 2012 for dealing with immigration matters.

The contract manger of LSC visited our office twice in the year 2012 and reviewed the files and subsequently issued a contract notice. He was particularly keen to identify the citizenship related files which we had submitted since November 2008 and tried to re-coup the money spent on them. A review of the submissions and claims made were also requested by the manager. TWAN underwent a 3 day auditing from the Legal service commission in the end of December in between the visits of the contract manager. The auditor had requested for some clarifications with regard to the accreditations, service delivery, insurance and had requested to see the various documents concerned. He reviewed files and raised certain issues in relation to the submissions and means assessment apart from some queries related to the service delivery. The clarifications regarding the queries were submitted. We are also in the process of addressing the issues raised and in negotiating with the concerned authorities to minimise the damage caused.

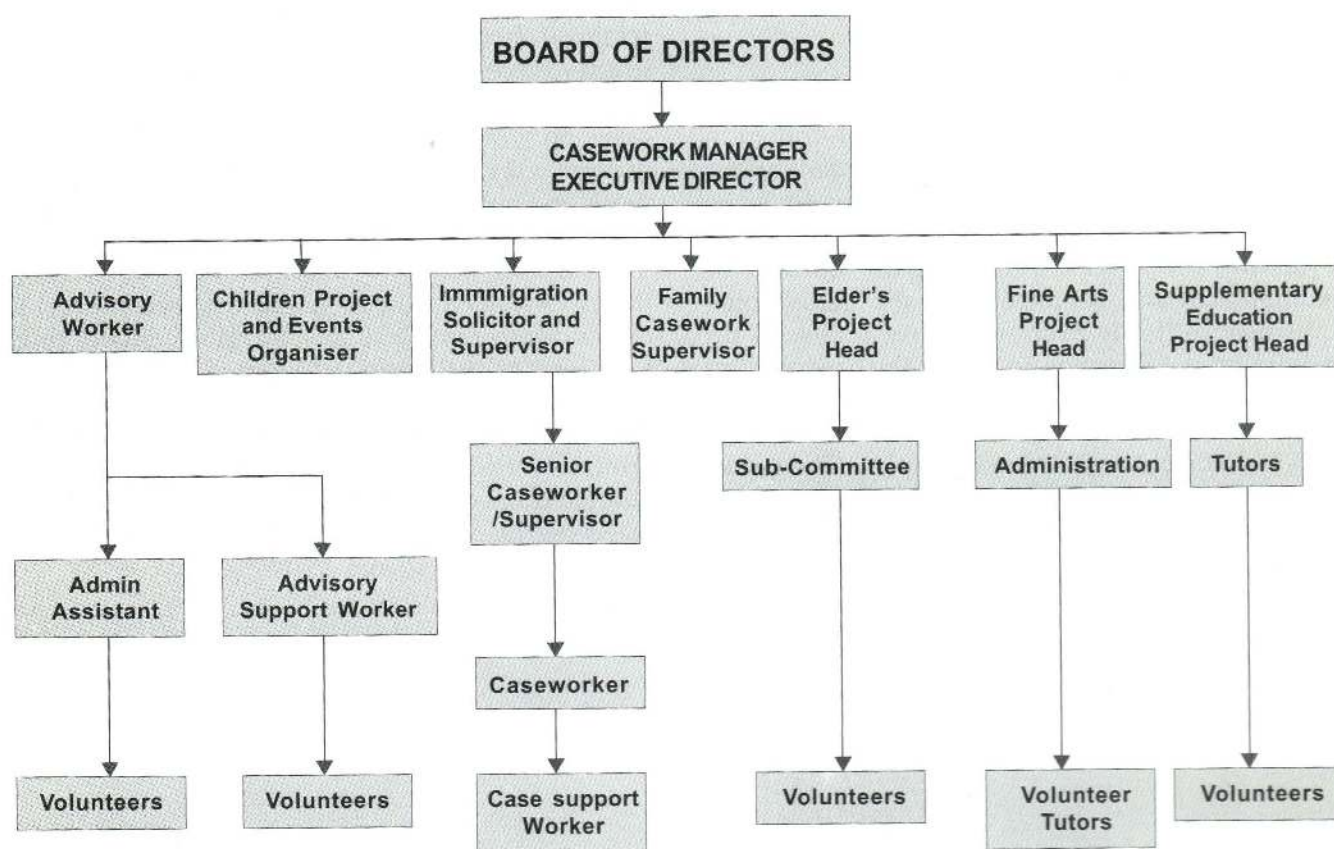
Management structure and service implementation

Responsibility of the Day to day running of the organisation belongs to the Executive Director, who will be supported by a designated Director. The Executive Director will liaise with staff, volunteers, members and users of the organisation while implementing the decision made by the board of Directors. The progress of the projects are scrutinised at the monthly meeting which is generally held on the last Wednesday of each month by the board of Directors. During this process the performance of staff and volunteers, financial dealings and the way in which difficulties or advancements in the organization are handled by the staff and volunteers are also discussed. Where corrective actions are required the board suggests appropriate action plan or solution to deal with them accordingly. Policies of the organisation are reviewed periodically and in the last year effective children safeguarding policy, effective behaviour management policy, file review policy, staff recruitment and management policy were all reviewed during the monthly meetings.

Apart from the regular monthly meetings an annual meeting is conducted with all the staff, members and Directors. The Annual General Meeting was held in the month of June 2012 and around 70 members participated in the meeting. The main intention of the meeting is to make the members aware of the organisation's activities, to review the processes and to discuss about the necessary changes. One of the main agenda of this meeting is election of Directors. In the AGM, the reports regarding the progress of the various projects were delivered by Mrs Mahesh, Mr.Jana and Mrs Sujitha. The treasurer also delivered his report and following this the accountants were appointed. Business plan review and question and answer session also formed as a major activity in the Annual general meeting.

According to our constitution the most senior members Mrs.M.Balasingam, Mrs. and T.Janaka stepped down and were re-elected as Directors. Mr.K.Nallathamby who was appointed as Director last year was re-elected as Director. The current Directors of the Organisation are Mrs.Balasingham, Mr.P.Chandradas, Mrs.T.Janaka, Mrs.S.Ramanan, Mr.P.Rajanavanathan, Mr.S.Muthucumarasamy, Mr.N.Rakavan, Mr.K.Nallathambi, Mr.V.Sajikumar and Mr.T.Kamalraj. After the last AGM, Mr.Pannerchelvam resigned from Directorship due to family commitments. He was one of the pioneer members of the organisation and his absence is badly felt. We wish him well.

ORGANISATIONAL STRUCTURE



Organisations which are working in a community for a long term need to review their key documents, manuals and policies once in a while in order to keep them up to date. In line with that we review our constitution once in every 3 years. Last year we reviewed the constitution to see if there are any amendments required and the sort of consultation they changes warranted. The review also made sure that the aims of the organisation are reflected in the constitution; its guiding the management and also ensuring its growth. The members of the organisation are required to be very well aware of the constitution and hence each year during the Annual General meeting a discussion about the constitution is carried out. When required we do frame one-off guidance's on a standing order basis to meet certain requirements for a short time period. As per our constitution we are supposed to serve Tamil speaking population irrespective of their age, sex, religion and other differences.

As a policy, since the formation of the organisation a beneficiary who obtains our services is motivated to become a member of the organisation. Users of the organisation can make suggestions but the

members can play a major role in decision making process. Our users are explained about this system and the need for their contribution as members. Last year we had around 265 members who either joined with us newly or renewed their membership.

Network and partnership

As a community organisation we work in partnership with various other agencies and professionals. As a result we are able to refer our clients to appropriate professionals and vice versa and this enables the clients to achieve a holistic care. Apart from this we are a partner of BAN (Black and ethnic minority Advice Network) which has around 42 partners who work under the management of Advice UK. We work closely with these groups in implementing the projects and in strengthening the service delivery. The organisation also works hand in hand with various sectors like the police, social services department, political leaders and other such organisations. We are also keen on working in association with the other Tamil organisations like the Tamil housing association etc. This networking and partnership enables us to enrich our services and utilise

multifaceted support from other sources when necessary. At the same time this helps many users from various other sectors to make use of our services.

Business plan/strategy plan

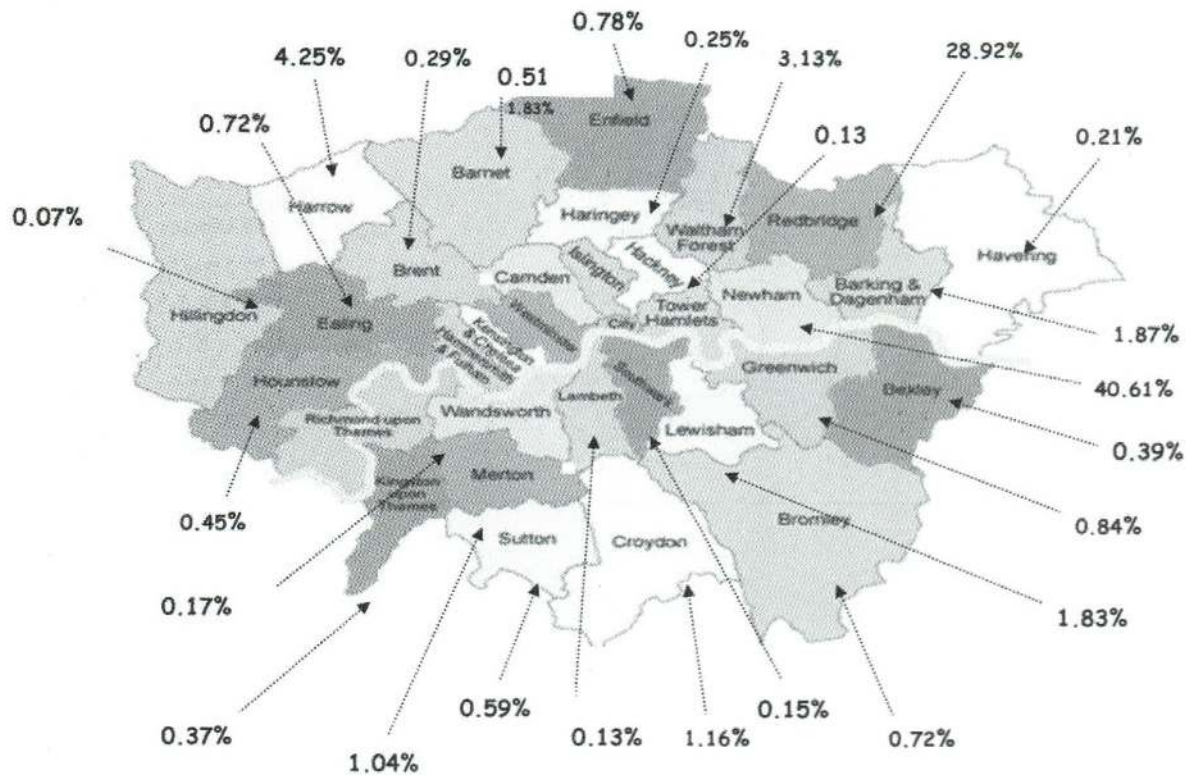
A new Strategic/Business plan has been drafted in November 2012 in order to ensure the continuous progress of the organisation and to evaluate its strengths and weaknesses. This plan also aimed to reviewing the service delivery plan, number of required staff and volunteers and the status of the funding grants. It predominantly focussed on identifying the direction in which the organisation has to travel further to meet the needs of the Tamil migrant community in the UK. This plan is in line with the November 2009 business plan. The recent business plan updated and reviewed the strategies that were framed and executed in previous 2009 Business plan.

Since the review of the strategic plan there have been a number of changes in the organisation. Some of these changes are not reflected the current business/strategic plan and hence we may have to review it shortly. In particular incomes through the grants have dropped and specialist casework related contract has placed restriction on taking up cases on wider scale with respect to immigration matters. Our new legal aid contract for legal case work on family issues and other potential funding resources have to be included in the Business plan. The running of the organisation and progress of the projects need to be reviewed with specific focus on strategies aiming at sustainability. Identifying sources for additional income, reducing the expenses and trying to generate income through sources other than the grants will be the other major grounds for this review. As Board of Directors we are determined to find solutions for the problems faced by the organisation and to proceed further earnestly to achieve our goals.

ANNUAL GENERAL MEETING - 2012

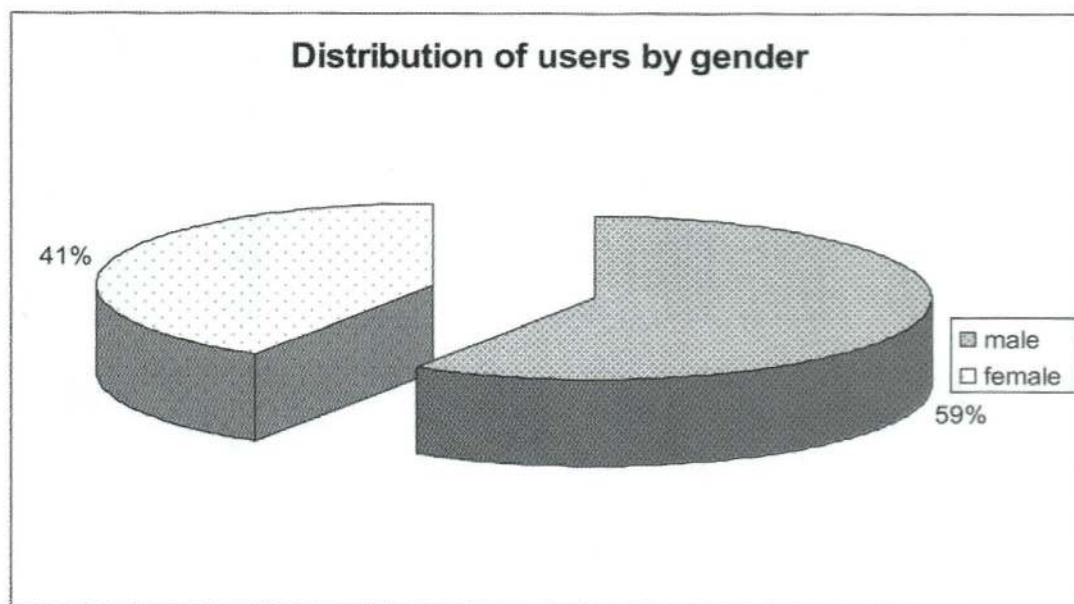


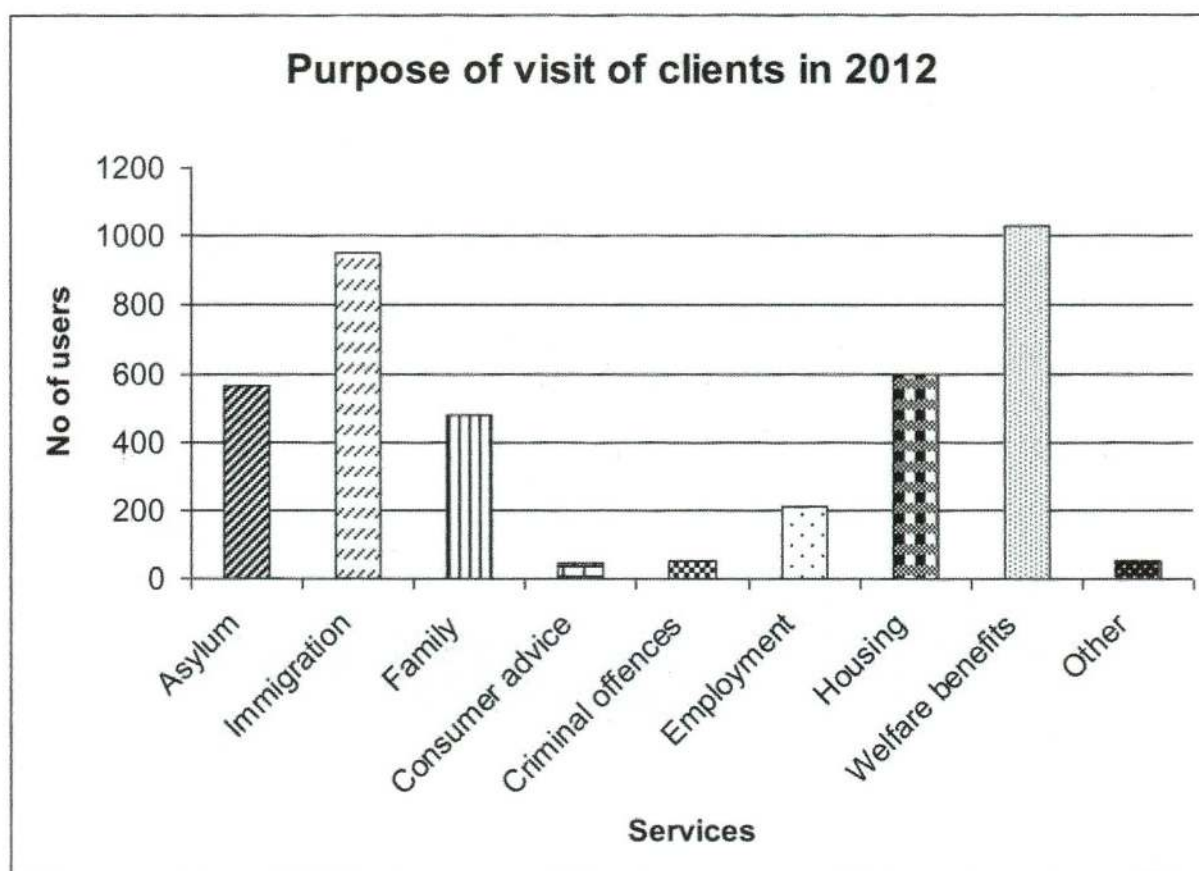
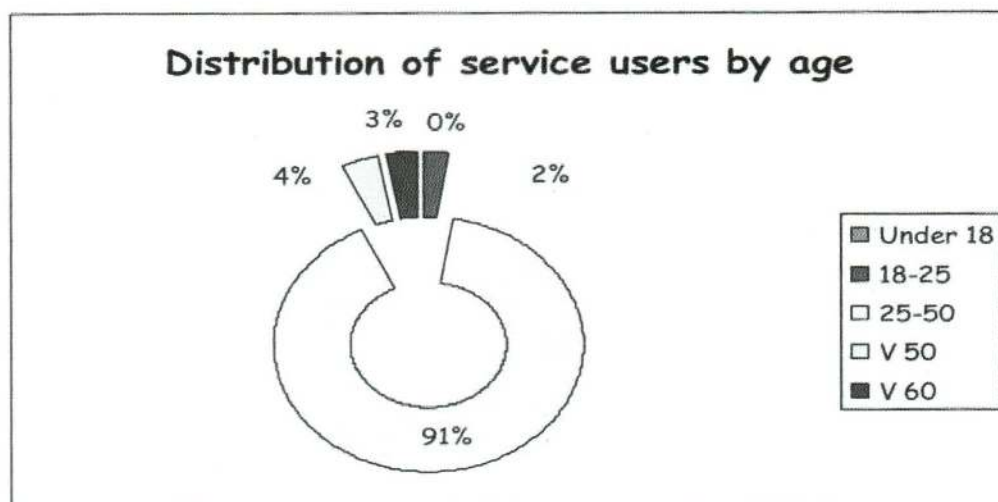
Borough wide distribution of our users



Outside of London- 5.0%,Homeless- 1.04%,Others-10.17%

Distribution of users by gender





FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2012

TAMIL WELFARE ASSOCIATION (NEWHAM) UK

COMPANY NO: 2962857

CHARITY NO: 1047487

FINANCIAL STATEMENTS

- For the year ended -

31ST DECEMBER 2012

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
M Kandiah Esq (Resigned 29.11.2012)
V.Sajikumar (Appointed 29.11.2012)

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 2012.

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: 27th March 2013

By Order of the Board

P Chandradas
P Chandradas Esq
Secretary



Quality Mark



Charity No 1047487

602 Romford Road, Manor Park London E12 5AF

Company No 2962857

Fine Arts Classes

Little Ilford School Browning Road, Manor Park, London E12

Every Sunday 9.30AM to 2.30 PM

- ☆ Miruthangam: Sri N. Somaskand tha Sharma - Room A5
- ☆ Tabla & Gitar: Sri Thayalakumar - Room B6
- ☆ Veena: Smt Seimani Sritharan - Room B2
- ☆ Bharatha Natiyam Smt R. Somasundaram - Room B5
- ☆ Violin: Miss. Divya Kumaramoorthy - Literacy Room
- ☆ Karnatic Vocal: Smt Suganthi Srinesa - Room A4
- ☆ Bollywood Dance & Yoga: Smt. U. Marsheda - Room B7

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

Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் [நியூஹாம்] ஐ.ரா

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

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 2011 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: 27th March 2013

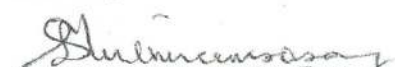
		2012		2011	
	Notes	£	£	£	£
FIXED ASSETS					
Intangible assets	7		176,832		163,628
CURRENT ASSETS					
Debtors	8	24,437		33,831	
Cash at bank and in hand		85,727		152,867	
		<u>110,164</u>		<u>186,698</u>	
CREDITORS: Amounts falling due within one year	9	<u>(18,978)</u>		<u>(19,662)</u>	
NET CURRENT ASSETS			<u>91,186</u>		<u>167,036</u>
TOTAL ASSETS LESS CURRENT LIABILITIES			268,018		330,664
CREDITORS: Amounts falling due after more than one year	10		<u>(29,337)</u>		<u>(34,226)</u>
			<u>238,681</u>		<u>296,438</u>
CAPITAL AND RESERVES					
Designated Funds	12		226,382		250,320
Unrestricted Funds	13		-		13,270
Restricted Funds	13		12,299		32,848
SHAREHOLDERS FUNDS			<u>238,681</u>		<u>296,438</u>

For the year ending 31st December 2012 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 27th March 2013 and signed on its behalf by


S Muthucumarasamy Esq

Director

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31ST DECEMBER 2012

		Restricted Funds	Unrestricted Funds	Total 2012	2011
	Notes	£	£	£	£
INCOMING RESOURCES FROM GENERATED FUNDS					
<u>Voluntary Income</u>					
Grants	2	101,879	-	101,879	193,929
Donations			2,100	2,100	1,149
Membership subscriptions		-	999	999	1,068
<u>Income from generating funds</u>		-	1,975	1,975	1,840
<u>Interest receivable</u>	4	-	84	84	113
Total Incoming Resources		<u>101,879</u>	<u>5,158</u>	<u>107,037</u>	<u>198,099</u>
RESOURCES USED					
Direct Charitable Expenditure		134,721	-	134,721	155,110
Governance costs		23,944	6,129	30,073	28,247
		<u>158,665</u>	<u>6,129</u>	<u>164,794</u>	<u>183,357</u>
NET INCOMING RESOURCES BEFORE TRANSFERS	3	(56,786)	(971)	(57,757)	14,742
Balance brought forward		<u>32,848</u>	<u>13,270</u>	<u>46,118</u>	<u>31,376</u>
Balances carried forward		(23,938)	12,299	(11,639)	46,118
Add: Designated Funds brought forward		-	250,320	250,320	250,320
Transfer to Building funds		<u>23,938</u>	<u>(23,938)</u>		
		<u>-</u>	<u>238,681</u>	<u>238,681</u>	<u>296,438</u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE Year ENDED 31ST DECEMBER 2012

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.

2. GRANTS RECEIVED

	2012	2011
	£	£
Analysis by:-		
City Parochial Fund	3,125	19,000
London Council/Advise UK Grant	30,000	40,000
Legal Services Commission re: Legal work	58,754	127,429
The City Bridge Trust re: Age Concern Project	-	7,500
Cloth Workers' Foundation re: Capital expenditure	10,000	-
	<u>101,879</u>	<u>193,929</u>

The grant recieved from London Council has been used for general advisory and legal representation. Grant received from Legal Services Commission and City Parochial Fund were used for specialist and general case work on immigration and asylum matters.

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE Year ENDED 31ST DECEMBER 2012

3.	NET INCOMING RESOURCES	2012	2011
		£	£
	The net incoming resources is stated after charging:		
	Depreciation	1,457	760
	Operating lease rentals:		
	Land and buildings	8,040	8,040
		<u> </u>	<u> </u>
4.	INTEREST RECEIVABLE	2012	2011
		£	£
	Bank and other interest receivable	84	113
		<u> </u>	<u> </u>
		84	113
		<u> </u>	<u> </u>
5.	INTEREST PAYABLE	2012	2011
		£	£
	On bank loans and overdrafts	1,238	1,149
		<u> </u>	<u> </u>
		1,238	1,149
		<u> </u>	<u> </u>
6.	DIRECTORS AND EMPLOYEES	2012	2011
		£	£
	Staff costs:		
	Wages and salaries	58,408	70,326
	Social security costs	5,552	5,814
		<u> </u>	<u> </u>
		63,960	76,140
		<u> </u>	<u> </u>

NOTES TO THE FINANCIAL STATEMENTS FOR THE Year ENDED 31ST DECEMBER 2012

7. TANGIBLE ASSETS

	Land & buildings £	Fixtures & fittings £	Total £
<u>Cost</u>			
At 1st January 2012	159,321	37,838	197,159
Additions	9,200	5,471	14,671
At 31st December 2012	168,521	43,309	211,830
<u>Depreciation</u>			
At 1st January 2012	-	33,531	33,531
Charge for year	-	1,467	1,467
At 31st December 2012	-	34,998	34,998
Net book value at 31st December 2012	168,521	8,311	176,832
Net book value at 31st December 2011	159,321	4,307	163,628
		2012 £	2011 £
Analysis of net book value of land and buildings:			
Freehold		168,521	159,321

8. DEBTORS

	2012 £	2011 £
Other debtors	200	200
Prepayments and accrued grant income	24,237	33,631
	24,437	33,831

9. CREDITORS: AMOUNTS FALLING DUE
WITHIN ONE YEAR

	2012 £	2011 £
Bank loans and overdrafts	5,891	5,891
Taxes and social security costs	1,479	5,052
Other creditors	1,197	3,477
Accruals and grants received in advance	10,411	5,242
	18,978	19,662

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE Year ENDED 31ST DECEMBER 2012

10.	CREDITORS: AMOUNTS FALLING DUE AFTER MORE THAN ONE YEAR	2012 £	2011 £
	Loans	29,337	34,226
		<u>29,337</u>	<u>34,226</u>

11.	BORROWINGS	2012 £	2011 £
	<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	17,554	22,443
		<u>35,228</u>	<u>40,117</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	2012 £	2011 £
	Balance at 1st January 2012	250,320	250,320
	Transfer deficit from Restricted funds	(23,938)	-
	Balance at 31st December 2012	<u>226,382</u>	<u>250,320</u>

13.	PROFIT AND LOSS ACCOUNT	Restricted Funds	Unrestricted Funds	
	Retained profits at 1st January 2012			
	as restated	32,848	13,270	46,118
	Net incoming resources before transfers	(56,786)	(971)	(57,757)
	Transfer to Designated funds	23,938	-	23,938
	Retained profits at 31st December 2012	<u>-</u>	<u>12,299</u>	<u>12,299</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.

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE Year ENDED 31ST DECEMBER 2012

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	
	2012	2011	2012	2011
	£	£	£	£
Expiry date:				
Within one year	8,040	8,040	-	-
Between one and five years	32,160	32,160	-	-

TAMIL WELFARE ASSOCIATION (NEWHAM) UK.



Quality Mark

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

602 Romford Road, Manor Park, London E12 5AF

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

e-mail: twan@twan.org.uk



Supplementary Classes

at

Room A6 - 2nd Floor

Little Ilford School Browning Road,

Manor Park, London E12

Every Sunday 9.30 AM to 2.30 PM

Maths, Science, English

(For School Age Children)

Further Details please contact 0208 478 0577 During Office Hours

Company Registration No:2962857

Char

ity Registration No: 1047487

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

**DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE Year ENDED 31ST DECEMBER 2012**

	2012	2011
£	£	£
Income		
Restricted Funds		
Grant received (Sch)	101,879	193,929
Less: Expenditure		
Client disbursements	24,876	41,160
Childrens' project	743	589
Education project	7,766	9,630
Age Concern project	6,719	5,320
Salaries and wages (incl N.I)	63,960	76,140
Professional fees	5,438	1,483
Volunteers and sessional workers	10,100	7,510
Staff recruitment and training	785	1,078
LSC grant assessment audit	2,160	-
Rent, rates and insurance	12,174	12,200
Light and heat	2,287	2,299
Telephone and fax	4,235	4,166
Printing, postage and stationery	6,772	5,306
Office maintenance	3,243	3,585
Organisation & Development	900	900
Accountancy	2,968	2,871
Security costs	423	507
Travelling	1,326	1,001
Bank charges	552	954
	157,427	176,699
Net surplus/deficiency	(55,548)	17,230

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



Quality
Mark

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



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

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE Year ENDED 31ST DECEMBER 2012

<u>Unrestricted Funds</u>	<u>2012</u>	<u>2011</u>
	<u>£</u>	<u>£</u>
<u>Income</u>		
Cultural activities collections	1,975	1,840
Membership fees received	999	1,068
Donations and other income	2,100	1,149
	<u>5,074</u>	<u>4,057</u>
<u>Less: Expenditure</u>		
Cultural activities	2,400	2,626
Meeting expenses	63	411
Sundry expenses	431	562
Membership and subscriptions	1,768	1,150
Depreciation	1,467	760
	<u>6,129</u>	<u>5,509</u>
Net Surplus/(Deficit)	<u>(1,055)</u>	<u>(1,452)</u>
<u>Gross Incoming Resources before</u>	<u>(56,603)</u>	<u>15,778</u>
<u>Interest and other income</u>		
 <u>OTHER INCOME AND EXPENSES</u>		
Interest receivable:		
Bank deposit interest	84	113
	<u>84</u>	<u>113</u>
Interest payable:		
Bank interest	1,238	1,149
	<u>(1,238)</u>	<u>(1,149)</u>
 <u>NET INCOMING RESOURCES</u>	<u><u>(57,757)</u></u>	<u><u>14,742</u></u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT

FOR THE Year ENDED 31ST DECEMBER 2012

Schedule - Grants received

	<u>2012</u>	<u>2011</u>
	<u>£</u>	<u>£</u>
City Parochial Fund re: Advisory work	3,125	19,000
ALG/Advice UK Grant	30,000	40,000
Legal Services Commission re: Legal work	58,753	127,429
The City Bridge Trust re: Age Concern Project	-	7,500
Cloth Workers' Foundation	10,000	-
Re: Capital Expenditure		
	<hr/>	<hr/>
	101,878	193,929
	<hr/>	<hr/>

TWAN - Day Trip



PROJECT PROGRESS REPORT 2012



INTRODUCTION

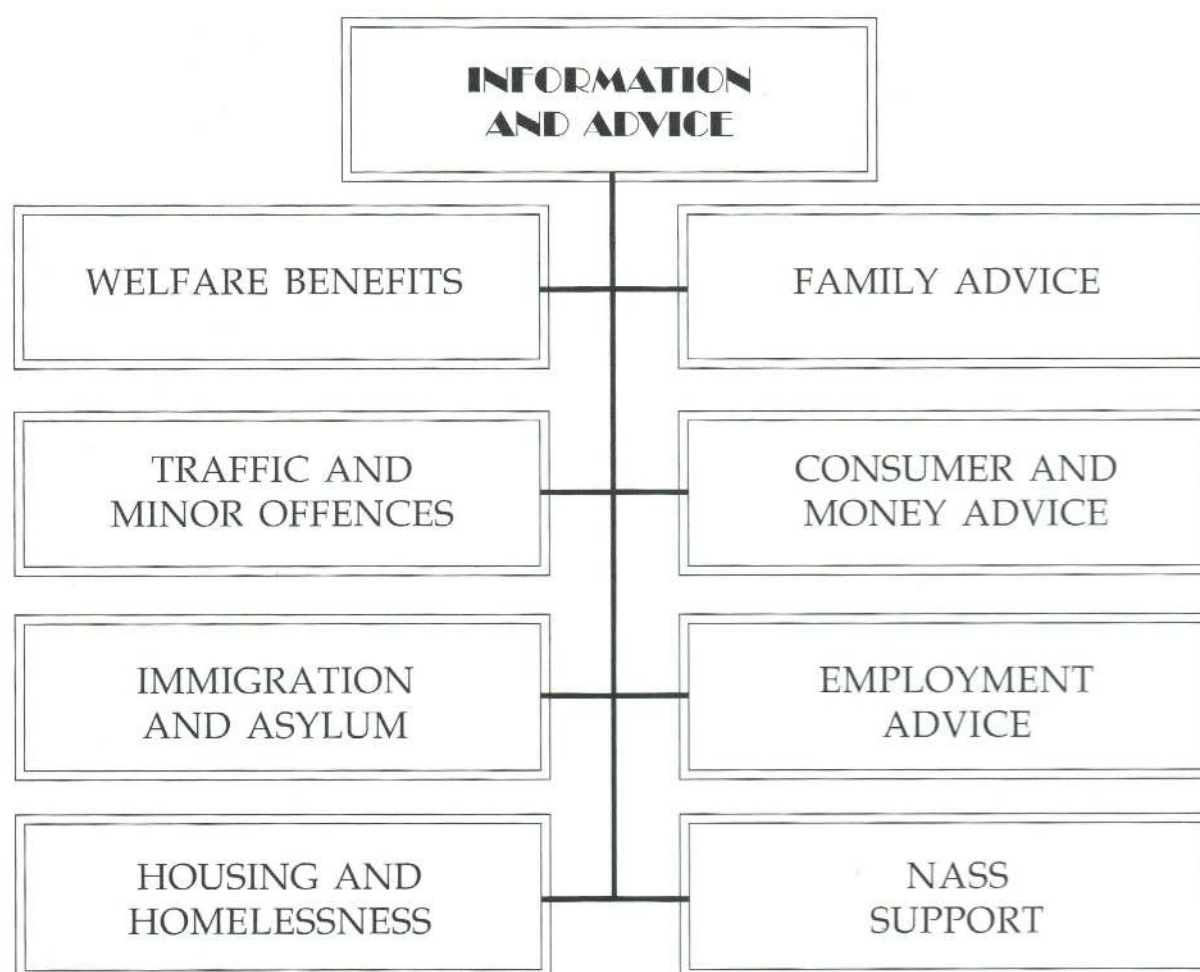
The organisation was formed in September 1986 as a self-help group by Tamil refugees who had arrived and claimed asylum in the UK a year before. The organisation is running with the same aims and objectives with which the organisation was formed 27 years ago. There are no significant changes in the requirements of the Tamil community and these are being continuously addressed through the comprehensive set of objectives framed initially.

The demand for our services in the community is very high owing to past successes which are being spread word of mouth to other people in the community by the individuals who utilised our services and gained benefits. The quality of our services has fetched a good name for the organisation and this reputation attracts more and more clients in the recent years. As shown in the above diagram the organisation carries out various activities to cater to the needs of the disadvantaged community members. The services are offered to meet the demands of various age groups especially those who are very much hard to reach.

LEGAL ADVICE

The organisation's tireless mission to offer advisory services to a most disadvantaged community is successfully accomplishing its 27th year of service. This service provision has faced a lot of twist and turns in the past but they were successfully surmounted. Initially this project was started as an information sharing process and only since 1991 we are providing it in a structured manner in the field of welfare benefits, housing, employment and career development. Later the services were extended to other areas like consumer and money advice, family issues, health care matters and motoring offences and crime prevention. This project was awarded with Quality Mark in 2001 and

since then it's been providing quality legal services. This project was mainly funded by the London council, while the funding from City parochial foundation supplemented it. The grant contributed to the salary cost of 2 full time staff and running cost of the project for the past 3 years. London council's funding is coming to an end in 2013 and we are in the process of gaining an extension. If we fail to secure the funding assistance then one of the organisation's key projects will face closure and this in turn will affect the other projects of the organisation. We are seriously exploring possibilities to secure funding from other sources as well.



WELFARE BENEFITS

As most of our users hail from disadvantaged and poverty stricken background, advice on matters related to welfare benefits has been our major service under the advisory work. However we do not limit ourselves to just offering advice, when necessary we take further steps to help those who deserve and eligible, to avail their entitlements.

This is one of the major differences between us and many other welfare organisations who just offer advice.

At present if a claimant approaches a benefit agency they are hastily given a telephone number or a website address and asked to furnish further details by contacting those. Most of the disadvantaged members of our community neither possess a

telephone nor a personal computer to do this work at home; often they also don't have enough money to pay for such services. They seek our support because of this and due to the language and communication difficulties they face while dealing with benefit agency. Hence in this current scenario our role has become more important and workload has increased significantly. We also follow up the work undertaken and if necessary take up cases for casework and when deserving cases fail we fight further by launching an appeal and by making further representations.

CLAIMING BENEFITS AND APPEALING

If an individual wishes to claim a benefit then they should fill in the appropriate application form and submitted it along with the relevant supportive documents. To continue receiving a benefit, they should comply with the benefit agency's terms and conditions. It's again the duty of the claimant to inform the benefit agency regarding any change in their circumstances. Often availing a particular benefit will lead to other related benefits and vice versa. If an eligible person was denied a benefit or if their benefit gets stopped abruptly then they can appeal against the decision. The form "G54" can be used for appealing against decisions made on welfare benefits while a written appeal form can be submitted for appealing against the decisions taken on other benefits.

SUBJECT TO IMMIGRATION CONTROL

The eligibility for welfare benefits is dependent upon various factors and a major one among that is whether the claimant is "subjected to immigration control". There are a number of groups of people who can be said to be subjected to immigration control and for various reasons. The list includes a person from outside the EEA state, one who requires leave to enter and remain in UK, but doesn't possess one, one has leave to enter and remain but with the condition that they don't have recourse to public funds, a person who has leave to enter or remain in this country as a result of maintenance undertaking and an individual who continues to have leave to enter or remain in the country as a result of an appeal against a decision to vary, or to refuse to vary any limited leave.

A person who is subject to immigration control is not entitled for income support, income-based JSA, Housing benefit, council tax benefit, social fund

payments, disability living allowance, attendance allowance, invalid care allowance, severe disablement allowance, non-contributory incapacity benefit, child benefit, working families and disabled person's Tax credit.

HABITUAL RESIDENCE

Some of the benefits will be granted only when the claimant successfully passes the habitual residence test. A person is said to be habitually resident if they have the right to reside in the country and habitually resident. Although there isn't any particular definition as per the law it is generally understood that the intended person is expected to have an intention to reside in the country at least during that time period and have close ties to substantiate that fact. The requirement for habitual residence applies to Income support, income based Job seekers allowance, income-related employment and support allowance, Pension credit, Housing benefit and Council tax benefit.

What is given below are the most commonly sought after benefits by the users who visit our organisation and we have elaborated on those and where necessary and have provided with case studies to reflect the real scenario and to give a better picture. On the whole 1028 visits have been made by our clients in the year 2012 to get advice related to welfare matters.

JOB SEEKERS ALLOWANCE

Jobseekers allowance related matters are mostly handled by the job centre plus and users approach us only when they need assistance in making an application over the phone/online or if they need help with interpretation. Our users also seek our support when their benefit payments are stopped or suspended, in order to find out the reason for the same and reinstate the benefit. We also assist our users in preparing their CV, in maintaining records of their job search and other such related activities. When a client's benefit is suspended then we will communicate with the benefit agency to find out the reason and would try to clarify the situation and help the users to avail the benefit continuously. If the intervention is not successful then we will help them by drafting grounds for the appeal and acting as their representative for the hearing.

Jobseekers Allowance is a benefit that offers financial support to those who are unemployed or

not working for adequate hours (less than 16 hours and if couple less than 24 hours). The claimants are however expected to be having adequate qualifications and seriously trying for a job. Those who are seeking Job seekers allowance should be aged 18 or over but below State pension age, but there are some exceptions for 16 to 17 year olds. The claimants shouldn't be in full-time education, should be fit for work and not claiming income support, be able and available to work for at least 40 hours a week and have no more than £16,000 as capital or savings. The individual who has applied for a claim needs to attend an interview at the job centre before their claim is finalised. During the interview they will be asked about the steps they are taking to obtain a job and measures that can be taken to increase the success of the job search like updating CV etc will be discussed. The claimant needs to attend the job centre once in every 2 weeks to sign and explain how their job search is progressing. There are 2 types of Job Seekers Allowances namely

CONTRIBUTION BASED JOBSEEKERS ALLOWANCE

For being eligible for contribution based job seekers allowance the claimant should have paid enough National insurance contributions and shouldn't have earnings above a prescribed amount. The maximum weekly amounts that can be claimed under this section for 16 - 24 year olds is £56.25 and for those who are 25 years old and over it is £71.00. A claimant is eligible for only 6 months of this benefit and after that, they may still be able to get income-based JSA. The amount that they receive will go down if they have earnings from part-time work or pension.

INCOME BASED JOB SEEKER ALLOWANCE

A claimant is eligible for this allowance if they have not made enough National Insurance contributions or have only paid contributions from self-employment, and is on a low income.. Additionally, to qualify for income-based JSA the claimant's partner, if they have one must work less than 24 hours a week on average. Partner shouldn't be receiving income support; income related ESA, Pension credit or income based JSA. The claimant shouldn't be getting ESA or Pension credit. Their partner must have less than £16,000 in savings and satisfy habitual residence test and not a person subject to immigration control.

The maximum weekly amounts a claimant gets may vary based on various factors like age, marital

status and by having children. The minimum amount that is being paid for single persons under 25 years and lone parents below 18 years is £56.25. While an amount of £75 is being paid to those aged 25 years and lone parents above 18 years. A couple (both aged above 18) is eligible to receive an amount of £111.75 on a weekly basis. The amount paid as allowance is composed of personal allowance, premiums and housing costs.

If the claimant is a member of a couple then they can make a joint claim of JSA as long as one of the partners satisfies the rules for claiming job seekers allowance. Yet the one who is not satisfying the condition must be below the pension age but needn't be present in this country. If neither of the couple is eligible to make a joint claim then one of them could make a claim for income based job seekers allowance for both.

Case study 1

Mr SS, a 44 year old individual who was working in a restaurant was dismissed all of a sudden. He started looking for a job and applied for job seekers allowance. He was searching for a job sincerely and was also submitting the ES40 records regularly. When this was the case his claim was stopped in the stating that there weren't enough records to prove that he was sincerely searching for a job. An appeal was launched against the decision in the end of May 2012. It was very much upsetting to see the benefit stopped even without clarifying the matter or trying to solve the matter by requesting for further required information/documents. All this was explained in the appeal form and a request was made to revise the decision and if not possible then forward the case to the court for a full hearing. Following this his appeal was heard in the court and the judge decided to reinstate his job seekers allowance.

INCOME SUPPORT

Until few years ago many of our clients were able to meet the eligibility criteria of this benefit but the recent changes and restrictions in the system allows only few people in the community to claim this benefit. Our work related to this benefit is mostly limited to finding a solution to the problem if a client's benefit is stopped without any notification. Mainly single mothers are approaching us with queries related to this benefit.

Income Support is a social security benefit to help people who do not have enough money to carry out their day to day activities. It is provided to a particular group of people and it includes sick and

disabled, individuals who are looking after children or have such responsibilities, pupils, students and people on training courses etc. Income Support is for people between age 16 and the age they can get Pension Credit and those who work less than 16 hours a week (or a partner working less than 24 hours a week) and not in full-time study.

For being eligible for this benefit one shouldn't be on receipt of Jobseeker's Allowance or Employment and Support Allowance and should live in Great Britain. Income Support is provided for the claimant, partner and some extra amount to pay for their expenses if they have special needs like disability etc. Savings of more than £6,000 will affect the amount of Income Support that one can get. A person will not be able to get Income Support if their savings are more than £16,000. Amount that can be claimed as income support on a weekly basis for various categories include

- Single person aged 16 to 24, lone parent aged 17 to 18, couple under 18, couple with one partner below 18 and the other between 18 and 24=£56.25
- Single person aged above 25, lone parent aged above 18, couple with one aged below 18 years and the other above 25 years= £71
- Couple both aged 18 or over= £111.45

Case study 2

Mrs N N approached our office to seek help following some serious family conflicts which we were able to resolve. When she decided to go on separation she faced financial problems as benefits were all paid to her husband's account. We made the necessary arrangements to transfer the benefits to her name. Later her husband became jobless and hence we advised her to make income support claim. She was eligible for income support however the local job centre insisted her to apply for job seekers allowance. We explained that she is entitled for income support as she is a single mother with a child care responsibility of a child less than 7 years old. As a result benefit agency changed their decision and asked her to submit an application for an income support claim. With our assistance she made an application and the claim was successful.

Case study 3

Mrs R E B is a single mother with 2 kids and she was facing a lot of financial problems. She had been recently separated from her husband and she was taking care of her children aged 5 and 2 respectively and as a result she couldn't work also. In this situation she approached us and we advised her to

apply for income support and helped her in making an application for the same. Unfortunately her application was refused without any reason. Hence we wrote to the benefit agency seeking an explanation and to appeal if they can't reinstate the decision.

EMPLOYMENT SUPPORT ALLOWANCE

In the recent years the threshold for the eligibility of this has been raised. This section of the benefit agency is slow to solve the problem and this creates unnecessary hardship for many of our users. In many occasions the officials in the department deny the receipt of documents while the clients keep on submitting and resubmitting the documents to the relevant section. Very often benefit agency refuses the client's entitlement and as a result many of our client's appeals are allowed by the benefit appeal tribunal.

Employment and support allowance is an integrated contributory and income based benefit for people incapable of work because of ill health/disability. Qualifications for claiming employment and support allowance include limited capability to work, aged 16 or over and under pension age, living in great Britain and not entitled for income support or job seekers allowance alone or as a couple and sick pay. A person can apply for ESA if they're employed, self-employed or unemployed.

A Claimant who has made enough NI contributions in the past is eligible for contributory employment and support allowance. This allowance can be paid on top of income based employment and support allowance. From May 2012 onwards this allowance is paid only for a year's time and the time spent in the support group will not be considered for this. After the end of the 1 year period the claimant can still claim income based employment and support allowance. A claimant who has low income and do not have enough NI contributions is eligible for Income based employment and support allowance.

PHASES

The first 13 weeks after the claim has been made is known as the assessment phase. In this assessment phase the necessary information to substantiate the claim will be collected by the benefit agency. Based on the assessment they may be eligible for work component or support component. After 13 weeks the claimant will be placed in either work related or support group. In the Work-Related Activity Group they'll be expected to attend regular interviews with an adviser. The adviser can help the client with formulating job goals, improving

skills and in enhancing work-related issues. If a claimant fails to attend this interview their ESA may stop. As far as support groups are concerned they don't have to go to interviews, they can ask to talk to a personal adviser if they want to. A claimant will be usually in this group if the illness or disability severely limits what they can do. The amount that a person will be paid is £56.25 if they are below 25 years and £71 if they are above 25 years during the first 13 weeks. From the 14th week those who are in work related activity group will get £99.15 and those in the support group will get £105.05. However the amount paid will vary based on the circumstances of the individual including their income.

Case study 4

Mr RS is a 43 old individual who was claiming incapacity benefit as he is suffering from mental illness. He started receiving employment and support allowance from February 2010. The claim was suddenly stopped in October 2011 stating that the client failed to attend the work assessment interview. As a matter of fact the client hadn't received this letter and this was explained to the benefit agency. He was then asked to produce his travel document to process this request and hence did as requested. But the benefit wasn't credited to his account and the benefit agency needed to be communicated few times to release the payment. In spite of making regular enquiry his benefit wasn't credited as there was communication problem between the local benefit agencies and the main agency. This has been a common scene in the recent days and it makes us think whether lack of communication is a deliberate attempt to drag on the issue.

Case study 5

Mrs MF is a 58 year old widowed single mother who had come to this country as a refugee along with her son. She was suffering from various health problems including severe pain in her neck and limbs, Hyperlipidaemia, incontinence and Depression and was undergoing treatment for those. She wasn't able to take care of herself, her child or the house hold activities and was helped by her sister. Based on her situation she was eligible for claiming employment and support allowance and hence applied for it. She attended the medical assessment and following the assessment her claim was refused stating that she hasn't fulfilled the requisites to receive employment and support allowance and her allowance. An appeal was made and her doctor also gave a report explaining her

physical condition and the difficulties she is facing. Her case was heard at the court and the decision taken earlier was set aside and she was awarded with her benefit from October 2012 onwards. In general the benefit agencies rely on a report given by an outside professional who is very much new to the client's case and who is in a situation to assess and give a report with a short duration of observation rather than accepting the report given by the client's treating doctor.

Case study 6

Mr.R K is a 44 year old single male from Sri Lanka. He had been working until 2009 and had lost his job due to poor health conditions. He applied for job seekers allowance and was claiming that for around 2 years and later based on the advice of the concerned authorities he claimed for employment and support allowance. He underwent a medical assessment and following that ESA was denied stating that he is fit enough to secure a job and should be claiming job seekers allowance or such. In spite of repeatedly submitting medical reports his claim wasn't restarted. He launched an appeal against this decision and his case was heard and the Judge had asked him to claim for job seekers allowance instead of ESA. Inconsistency in the part of the benefit agencies is common and because of this and swapping, benefit amount will get significantly reduced.

DISABILITY LIVING ALLOWANCE

Some members in the community those who are disabled feel they are entitled to obtain disability living allowance or continue to receive this benefit because they are less than 65 years old and suffering with disability. However in practice many clients are being denied disability living allowance because their physical or mental condition is not serious enough to obtain this benefit. As of now the threshold set by the authorities for claiming this benefit is very high while our clients who don't even have a condition to meet that threshold are under a belief that they are eligible for a disability living allowance by just being unwell. This disparity has to be clearly explained to our clients although most of them are not convinced with our explanation. At times we are forced to apply for the client's sake with a slight hope that they will be successful and often this process becomes a tedious and lengthy one without any fruitful result. Whenever we make applications we assess the users and explain them before hand the possibilities. The users are also advised on the required documents

and are made to produce as many documents as possible to prove their adverse health condition. We do our level best in helping the deserving clients receive their entitlements even by challenging the case further.

Disability allowance is paid to a claimant who has physical or mental illness. This is also paid to those who have disability and need help

- with personal care, supervision to avoid danger to themselves or others
- with getting outdoors
- in both of these

A claimant should be a resident of UK and not subject to immigration control to be eligible for disability allowance. That is the claimant should be present in the country for not less than 26 weeks in the last 52 weeks to prove their past presence and if a time period is spent in another European area then its given consideration. This benefit is awarded to those who are below 65 years old and as far as they qualify for the allowance. Disability living allowance is a non-contributory one and has 2 components namely care component and mobility component.

Care component

Care component is provided if a claimant needs lots of supervision due to a physical or mental disability. A lower component of £20.55 is provided if the claimant needs help in personal care for part of the day or if they are above 16 years old and cant prepare a meal on their own.

Middle and higher rate care components are provided if the following criteria are met

Both in day and night

- Need help throughout the day in carrying out the basic bodily functions
- Need to be supervised to avoid danger to themselves and others.

Weekly rates

£77.45- if care is needed both during the day and night or if the claimant is terminally ill
£51.85- if care is needed either during the day or night
£20.55- if help is needed during part of the day or if they couldn't prepare their own meal

The claimant should be having the condition for more than 3 months time and likely need support for the next 6 months in order to qualify for this benefit. Terminally ill person is exempted from this and those who are reasonably expected to die within 6 months period fall under the category of "terminally ill".

Mobility component

A person can claim this component if they have difficulty in getting around. Higher rate of this component is claimed from age 3 and lower rate from age 5 and the claim must be made before reaching 65 years.

The higher rate of £54.05 is paid if the claimant is Unable to walk because of physical disability, Virtually unable to walk because of physical disability, Exertion required to walk constituting danger to their health, Has no legs or feet, Severely visual impaired, Deaf and blind and need help to go outdoors and eligible for a high rate of disability component and are severely mentally impaired with severe behavioural problems. A claimant will receive a lower rate of £20.55 if they need supervision and guidance most of the time when walking outdoors on routes that they are not familiar with.

Case study 7

Mrs R S is a 44 year old married lady with 2 school-going children. She is a war and torture victim and developed Depression and post traumatic stress disorder following the loss of her father and brother in the war in 1991. She was treated for this and her condition improved with counselling in 2000 but there were relapses in between. Following her condition to ensure safety of her children the social services department intervened and supported the family. All the physical and mental difficulties gave rise to a lot of disruption in carrying on with day to day life and in carrying out other house hold tasks including child care. Her husband who was a serious heart patient apart from taking care of the family was not able to go to work regularly as he had to assist her in going out for medical checkups etc which led to a lot of financial problems in the family. Hence she made an application for disability living allowance in 2011 and 2012 but they were rejected in both the occasions. Hence she appealed against the decision and it was heard in the month of October and the earlier decisions were kept aside and she was granted with Disability Living Allowance.

ATTENDANCE ALLOWANCE

Attendance allowance is paid if the claimant is above 65 years old and needs help with personal care and needs to be watched over to avoid danger to themselves and others. There is no mobility support for those who are above 65 years old and it's paid to those who are terminally ill. To avail this benefit the claimant should meet any of the disability tests

which include requiring help throughout the day in carrying out the basic bodily functions or need to be supervised to avoid danger to themselves and others in day or night. The weekly rates are as given below

- £77.45- if care is needed both during the day and night or if the claimant is terminally ill
- £51.85- if care is needed either during the day or night

Case study 8

Mr.K S is a 68 year old man suffering from Parkinson's disease and other health problems including hypertension and Hyperlipidaemia. He has tremors due to Parkinson's disease and hence can't take care of himself. He needs help in all the daily living activities including bathing, dressing. He has a great difficulty in walking on his own and uses crutches and with the support of his wife is able to walk slowly. He also needs help in feeding and in serving food. On the whole he needed a constant supervision of someone from the time he gets up in the morning till the end of the day when he should be helped to go to bed. His condition is a degenerative one and there can't be much improvement expected with any treatment. Hence we suggested his wife to apply for attendance allowance and she was duly granted with the same on making the application.

CARERS ALLOWANCE

This allowance is paid to those who are caring for a person who is getting attendance allowance or disability allowance at a middle or higher rate for at least 35 hours a week regularly. The claimant must be a resident of this country and should not be a one subjected to immigration control, aged 16 and above and not studying for 21 hours or more a week. One can earn up to £100 a week and claim for carer allowance still. A weekly rate of £58.45 is paid and this is a non-contributory benefit. Carers allowance is not paid for breaks in caring until they have been caring for at least 22 out of 26 weeks. This may be reduced to 14 weeks if the person under care was hospitalised within the last 26 weeks. If attendance allowance or disability living allowance is stopped then the claimant will cease to receive carers allowance automatically. The claimant will be continued to be paid carers allowance for a period of 8 weeks once the person being cared for expires.

TAX CREDIT

Almost 98% of our users are entitled for tax credit benefit as their household income tends to be low. In the past this benefit is paid in a much straightforward manner without much complexity. The failure to update the records by HM Revenue and customs and their miscalculation often results in the withdrawal of the paid amount in the name of overpayment. If these are not calculated and dealt with then and there, the overpayments often get accumulated. In some cases they start to reduce the extra payment after a long time, resulting in a withdrawal of significant amount of money. Such actions create a lot of problems in the financial condition of our clients. The letters sent by the HMRC tend to follow a single format and this letters seldom bear any reasons for the decision taken. We tackle this issue by corresponding with the concerned department, explaining the situation of the client and requesting them in writing to clarify the reasons for the actions that they have taken. Some clients who are new to this country often fail to apply for this tax credits as they are not aware of their entitlements and in such occasions we advice them to apply for this.

Another issue related to this tax credit matter is that there was an increase in the minimum working hours in a week from 18 to 24 a week recently. This was not mentioned to the concerned families in advance clearly and there were a lot of confusions in relation to this matter as in many occasions the benefit was suddenly stopped. The issues faced by clients in relation to these changes have been dealt by the organisation to a large extent. We have to advice them, explain them about the changes and further help them tackle the issue successfully. This tax credit is going to undergo a lot of changes in the coming year and will be merged under the universal credit that is going to be introduced in 2013.

Tax credit is paid to those who are in low income status. Child tax credit helps those who are with children and in need of financial support while working tax credit helps those who are working and on low income. Those who are in paid work with child can claim both if they fall within the eligibility criteria. A person who is subject to immigration control can't claim tax credit unless in special cases. As a couple they should make a joint claim only and at least one of them should be free from immigration control.

CHILD TAX CREDIT

Child tax credit offers financial help to people who have children and young qualifying people. A person who is responsible for a child or young person who normally lives with them can claim child tax credit. For availing child tax credit the claimant must be at least 16 years old and the claimant is not expected to be working for claiming this benefit. The claimant's income should be sufficiently low and be present and ordinarily resident in the UK and not a person subjected to immigration control. There is no need to have paid NI contributions to qualify.

A child will be included in the claim until its 16 years old or if pursuing full time education then until 20 years old. This claim can be made as a joint claim if the claimant is part of a couple. The child tax credit is made up of several elements. Child tax credit is made up of family element, child element, disabled child element and severely disabled child element. The total amount is calculated by adding together the elements that applies for that particular family.

WORKING TAX CREDIT

Working tax credit is paid to low-paid workers. For claiming this benefit the claimant should be present and ordinarily resident in the UK and not subjected to immigration control. For claiming working tax credit the claimant should be working full time or starting to work within 7 days and above 16 years old. A couple should make a joint claim. There are various circumstances that can be considered as full-time work as listed below

- Lone parent with dependent children and working 16 hours or more.
- A member of a couple with dependent children. That member should work 24 hours or more between them and one partner should be working at least 16 hours a week.
- Presence of a physical or mental disability which puts an individual at a disadvantage of working at least 16 hours a week.
- Aged 60 or over and working 16 hours or more a week
- Aged 25 or over and working 30 hours or more a week

The working hours considered is the normal working hours and the payment will stop once the normal hours drop below the number required. Working tax credit is made up of elements like basic element, couple element, lone parent element, 30 – hour element, disability and severe disability element.

Case study 9

Mrs KR is a single mother of 3 children who was struggling with her 3 children and running the family with the help of child benefit and job seekers allowance. In that situation on July 2012 she received a letter from HMRC telling her child tax credit has been stopped and an overpayment for amount of £2792.25 has been made to her as she had not completed the annual declaration form for the year 2009-2010. Unfortunately she didn't receive that letter as she had moved to a new address. In that tax year 2009-2010 she was on receipt of Income support. She was already in a very poor state and not at all in a position to pay back an amount which she had every right to receive. As she was receiving income support in that period she had every right to claim child tax credit and asking her to pay a huge sum of money all of sudden was a very hard situation. We wrote to the benefit agency explaining her situation and further requesting to reassess the situation.

HOUSING BENEFIT

Housing benefit related work and queries are on increase in the last 2 years and particularly this year it has got worsen as local council Newham Borough closed its local offices and got centralised at the Dock land office. This office is not easily accessible as users can't drop in and get their problems solved. It is hard to speak to an officer over the phone and the security officers at the front of Docklands office are not allowing users to see the officers without appointment. Even letters sent to this office are not responded to in time. All this negligence by the Newham Housing office makes the life of those who claim housing benefit difficult and in the worst case scenario leads to homelessness. Suspending the housing benefit without prior notice and not having housing benefit forms readily available to make housing benefit claims are affecting the clients to a greater extent. The council often advises the clients to make the application through online and this poses great difficulty as not all of them own a computer and even those who own are not trained to handle one. This online form is not considered to be a user friendly and the users are finding it difficult to sit in a stretch and complete this form which often takes around 2 hours to complete.

Generally the council is taking 3 months time to approve housing benefit and because of this delay most of the landlords are not willing to give the houses to people on housing benefit. Withdrawing the housing benefit payment from Bank without prior notice is another problem. Simple reason

given for this is overpayment but after review or investigation in most of cases the benefit gets reinstated. This unnecessary practice makes the clients stressful and tends to cause more reluctance in landlords to accept tenants who are on housing benefit. The Newham council's landlord license scheme which was recently introduced is viewed by most of the public as a purely revenue generating practice. This kind of bureaucratic approach aggravates the difficulty in finding a suitable accommodation for those who are relying on housing benefit. The local authorities have to improve their practice and change their approach if they really want to help the people those who are below poverty level and if they genuinely intend to prevent homelessness and hardship.

Housing benefit is a financial support that helps an individual pay his rent if he/she is on low income. One can apply for this irrespective of the fact that they are working or unemployed. The amount paid may vary based on the circumstances. If the claimant has a partner then only one of them can get the benefit. If the claimant is above 35 years old then they can apply only for a bed-sit or single room in a shared accommodation.

For getting housing benefit the claimant must have £16,000 or less in savings or capital and they must be liable to payment of rent. The housing benefit amount paid and the actual rent may vary based on the source from which the house was rented and whether it was assessed under the Local housing allowance scheme. Local housing allowance uses as a flat rate allowance based on the geographical area and takes into account the number of bedrooms and household. The amount paid towards water rates, fuel, meals and service charges are not eligible under the housing benefit. If there are individuals living in the house apart from dependents then a non-dependent amount will be deducted from the housing benefit.

Generally if local housing allowance rules are used to decide the claim then the housing benefit will be directly paid to the claimant unless in certain occasions it is paid to landlord. It's paid to the landlord if the claimant has more than 8 weeks rent to be paid, if they are unable to handle finances and if that arrangement is most likely to increase the stability of tenancy. A person is excluded from getting housing benefit if they are a full time student, leasing with a lease of more than 21 years, paying rent to someone they stay with or the landlord is a close relative, the property was owned by them previously within 5 years time period and

in a contrived agreement to pay rent in order to take advantage of the scheme.

Reduction for under occupied rooms

From April 2013 onwards an amount will be reduced from the housing benefit if the claimant has rooms unoccupied in their property. If they have a single unoccupied room then a 14% will be reduced and a 25% will be reduced from the available rent if they have more than 2 rooms unoccupied.

Case study 10

Mr N R was recently moved into a new house and hence informed the benefit agency about this change by sending along the tenancy agreement in recorded delivery. There wasn't any response about the benefit and his tenancy agreement wasn't returned. We wrote a letter to the benefit agency on his behalf and inquired about the status of his benefit. When this was the case he received a letter from the benefit agency stating that an overpayment has been made to him and the reason stated for that was that he was no more staying in the old address and hence not eligible to claim housing benefit for that address. We wrote to the benefit agency explaining the situation along with proofs regarding the submission of documents. Following this benefit agency withdrew their false claim and client started getting his housing benefit payment.

Case study 11

Mr SS was on receipt of council tax and housing benefit as he was in search of a job and was on low income. As he was searching for a job he was claiming job seekers allowance and this was stopped in the month of April 2012 unreasonably. He appealed against that decision and his claim was reinstated. When this was the situation his housing benefit and council tax benefit were also stopped as a result of the suspension of job seekers allowance. We had to intervene and write to them about the status of the client with evidences. Following that he started getting the benefit that was due to him.

This is a very typical example of how a mistake in one area causes a cycle of events leading to complete financial burden in the clients. A small mistake of one benefit agency will lead to lot of problems and financial difficulties for a client and it would take some time to bring them back to normal life.

COUNCIL TAX BENEFIT

An individual is liable to get council tax benefit if they are supposed to pay council tax and have a low income that is £16,000 or less in savings or capital. Council tax benefit is paid irrespective of the NI contributions made and is paid whether or not the claimant is at work. A claimant should be a resident of the house they are claiming the benefit for and they should satisfy the right to reside and habitual residence test and shouldn't be a person subjected to immigration control. Council tax benefit is paid for those who are above 18 years and it can be paid for two houses unlike housing benefit if there are proper reasons.

There are 2 types of council tax benefit namely main council tax benefit and alternative maximum council tax benefit. For claiming main council tax benefit the claimant should be having a low income, capital or savings less than £16000 and not a full time student. Second adult rebate is paid to those who share their home with anyone on a low income and if they are not liable to pay the council tax and not responsible for paying the rent of the claimant. In this case those who share the house should be non-dependents. In general if a claimant is eligible for both then whichever is the higher amount will be paid. A person can claim council tax benefit for own house and if the house is locked and nobody is living at the moment then there is no need to pay council tax.

CHILD BENEFIT

Most of the parents are entitled to get child benefit due to their low income status. Only those who are subject to immigration control and who don't meet the residence requirements can't claim for this benefit. Despite this some parents are reluctant to claim child benefit when they have limited leave to remain as they are scared that it may affect their immigration status when they are extending their visa. We may have to guide them and advice them to obtain the child benefit. Applying for a child who is newborn is the duty of the parents. We also intervene and provide services in cases where there is a family issue which will have an effect on the benefit.

A person can claim child benefit if they are responsible for a child or qualifying young person. It's not mandatory that the claimant is the child's parent and that the child should live the parent. There is no need to have made prior NI contributions and child benefit is paid whether or not a person is in work. Child benefit is paid for

each child the claimant is responsible and the highest amount is paid to the eldest child. This is a non-contributory benefit and ignored as income for means-tested benefits and tax credits. The weekly rates that are given as child benefit is

- £20.30 a week for the eldest child for whom child benefit is payable
- £13.40 a week for each subsequent child

Child benefit can be claimed for a child and young person who is aged under 16, who is aged 16 and has left education or training, who is aged 16 or 17 and has recently left education or training or registered for work, education or training and is not in paid work for 24 hours or more a week and who is aged 16 or over but under 20 and in full-time education or approved training

In order to be eligible for child benefit the claimant should be a person responsible for the child because either the child lives with them or they are contributing towards the cost to support the child. The claimant should have priority over other potential claimants, and both the child and the claimant should satisfy the presence and residence conditions and shouldn't be subject to immigration control. A claimant will not be eligible for child benefit if the young person is married or in civil partnership, cohabiting, getting incapacity benefit, Income-related Employment and Support allowance, income support, income-based Job seekers allowance or Working tax credit.

Case study 12

Mr RS came to this country 15 years ago and got settled in UK and was working throughout the year. Recently his wife and children came to this country and got settled with him. He hasn't claimed for any benefit earlier and had no knowledge regarding the benefit entitlements available in this country. Even after our advice he was reluctant to claim child benefit as he was scared that it may affect his wife's visa status. After our advice he agreed to claim and on making the application he was granted with the benefit. We helped him starting from getting the application, filling up and in submitting appropriately with all the necessary documents.

GAURDIAN'S ALLOWANCE

A Person who is responsible for a child or young person who is not their birth or adopted child can claim guardian's allowance. The claimant is eligible for this allowance if both the child's parents are

dead or if one is dead and the whereabouts of the other parent is unknown, the other parent is in hospital or in prison and is divorced and not liable for either custody or maintenance of the child.

A weekly rate of £15.55 is paid for each qualifying child or young person. This is a non-contributory benefit and paid on top of child benefit.

MATERNITY PAYMENTS

There are various forms of monetary support available for women during their maternity period as given below

STATUTORY MATERNITY PAY

A woman is eligible to claim statutory maternity pay if she is pregnant and working. It is paid for a period of 39 weeks when they are off at work, by their respective employer. To be eligible for this the concerned person should have worked for the same employer for 26 weeks by the qualifying week which is the 15th week before the week in which their baby is due. To qualify for this benefit the claimant should be earning at least £107.00 per week in the 8 weeks ending in the qualifying week. 90% of the average is payable for 60 weeks and a lower rate of £134.45 or 90% of the earnings whichever is lower is paid for the remaining 33 weeks. The claimant can decide on the day from which they would get this pay starting from 11th week before the baby is due to the day following the birth.

MATERNITY ALLOWANCE

To be eligible for maternity allowance the claimant should be pregnant or recently given birth and not entitled to statutory maternity pay. Whether the claimant is employed or self-employed, they are expected to work for 26 weeks in the 66 weeks before which the baby is due. The average earnings must be £30 per week. This allowance is paid for 39 weeks and can begin in any week from the 11th week before the baby is due.

SURE START MATERNITY GRANT

This is a scheme through which an amount of £500 is paid for a newborn in the household if it's the only child. The claim can be made for a baby less than one year by a parent, a person responsible for the child, the adopted parent, those who care for the child under a residence order or parental order and a guardian. To qualify for this payment the claimant must receive income support, income-based job seekers allowance, income-related Employment and support allowance or Pension credit, child tax credit at more than family element rate and work tax credit which includes a disabled

adult in the assessment. The application for this grant can be made by contacting the concerned midwife or Job centre plus.

Case study 17

Mr SS was blessed with a baby and that point of time he was on job seekers allowance and for the sake of some extra support he applied for a sure start maternity grant. The grant was refused stating that neither he nor his partner were claiming income support, income-based job seekers allowance, income based Employment and support allowance and tax credits to the required level.

STATE PENSION

Any eligible elderly person can claim for pension credit if they reach pension age. The pension age for men is 65. The pension age of women is increasing from 60 to 65 between April 2010 and November 2018. To qualify for state pension any one of the below mentioned criteria should have been fulfilled

- The concerned person was working and was paying national Insurance
- The concerned person has a spouse or partner whose National insurance covers them
- The claimant was getting some benefits for disability, unemployment etc.
- The claimant was a parent and was making getting some benefits
- The claimant made voluntary national insurance contributions

In order to get full state pension an individual should have made 30 years of contributions or credits. In order to get the whole amount voluntary national insurance contributions can be made.

The weekly rate of this pension is £107.45 for those who have paid National Insurance contributions and for widows /widowers and surviving civil partners. The weekly rate for spouse or civil partner and those aged 80 and over is £64.40.

PENSION CREDIT

The elder members in the community those who are approaching us to find out their about their pension credit entitlements need our support as most of them are recently migrated to UK and do not know about the process. We are facilitating them to obtain their pension credit benefit by communicating with HM RC pension credit section and by assisting them in completing the form, liaising with the NI agency to issue them with NI

number. The other type of work is dealing with the cases in which the benefit has been stopped unreasonably. In such occasions we intervene and try to help them to get the benefits that they are entitled to continuously. In most of the occasions we are also made to guide the elders in receiving various other benefits that they are entitled to like that of housing benefit.

Pension credit is the benefit given to those who are with low income and of the qualifying age. Pension credit is a means tested benefit and a claimant is eligible for one whether they are in work or not. The pension age for men is 65 and for women it is rising from 60-65 and the age of the Pension credit eligibility is set as the minimum qualifying age at which women will receive their state pension. The pension credit age is slowly rising towards 66 years owing to the raise in the state pension age. Pension credit has 2 parts namely

Guarantee credit

The claimant should have reached the qualifying age and should be in Great Britain satisfying the habitual residence and right to reside test. Their income should be low and they shouldn't be subjected to immigration control. This is the minimum amount that is set for a person for his living and this is £142.70 per week for a single person and £217.90 for a couple. An extra amount is paid if the claimant has severe disability, a carer or has relevant housing costs.

Savings credit

This is paid to those who are aged 65 or over with modest savings and an extra income above the savings credit threshold. The claimant is again expected to be in Great Britain fulfilling the habitual residence and right to reside test and shouldn't be subjected to immigration control. The maximum amount of savings credit is £18.54 per week for a single person and £23.73 for a couple.

Case study 13

Mr N S is a 63 year old gentleman recently diagnosed with cancer. He had been working for the past 11 years and because of his current condition he was under treatment and couldn't continue to work. Hence he applied for his pension credit but the claim was refused stating that he is not eligible as he doesn't satisfy the age related criteria. He approached us in order to deal with the situation. His wife's earnings were less and with his health condition he was finding it very difficult to run his day to day life. We explained about his current situation, his work history and health

condition in the appeal that we made against the decision taken by the benefit agency. Following the appeal, the decision was reinstated and he was granted with pension credit.

Case study 14

Mrs P K is a 66 year old elderly widow who had come to this country before 6 years. She lives with her son and has been naturalised as a British citizen. Based on her age and other criteria she applied for pension credit with our support. Unfortunately she had lost her birth certificate and the benefit agency was keen over a proof of the date of Birth. She did not possess any documents that they wanted. We advised her on the documents that can be submitted in order to prove that and later she started getting her pension credit.

BEREAVEMENT BENEFITS

Bereavement benefit is an amount paid to eligible widows, widowers and surviving civil partners to support them after the demise of their spouse/partner. Bereavement benefits are paid if the deceased had paid enough NI contributions or if the death was due to an industrial accident or disease. There are 3 types of bereavement benefits are given below

BEREAVEMENT PAYMENT

Bereavement payment is a lump sum of one-off amount paid along with widowed parents allowance or bereavement allowance to the grieving partner/spouse of the deceased. To qualify for bereavement payment the claimant should be a widow/widower whose spouse died on or after April 2001. The surviving civil partner should be aged below pension age and they should claim within 12 months of the death of the partner/spouse. There is no effect on the Bereavement payment once the claimant marries or enters into a relationship with another person after the death of the spouse/partner. The claim cannot be made if the partner or spouse was not in this country at the time of their death. An amount of £2000 will be paid to the bereaving partner and again this depends on the NI contributions made by the partner unless their death is due to some accident or injury.

WIDOWED PARENTS ALLOWANCE

Widowed parents allowance is a weekly benefit paid to the bereaving partner/spouse of a deceased individual. Those who have at least one dependent

child or expecting their late spouse/partner child and under pensionable age can claim this. An amount of £105.95 is paid on a weekly basis as a widowed parents allowance for those who are eligible. Widowed parents allowance will cease once the claimant re-marries or cohabits. Again entitlement to widowed parents allowance will end when the claimant no longer has a dependent child. A claimant cannot claim both widowed parents allowance and bereavement allowance at the same time but they can claim bereavement payment. However one qualifies for bereavement allowance once their widowed parents allowance ends.

BEREAVEMENT ALLOWANCE

This is a weekly benefit that is payable for 52 weeks after the death of the claimants spouse/partner. This benefit can be claimed if the claimant has no dependent children and is aged at least 45 years and under pension age at the time of their spouse/partners death. The claimant can't claim bereavement allowance and widowed parents allowance at the same time but they are eligible for bereavement payment and bereavement allowance at the same time. One will cease to receive this benefit if they are married, in civil partnership or cohabiting. The benefit should be claimed within 12 months of the death of the partner/spouse. An amount of £105.95 is paid on a weekly basis as a bereavement allowance if a claimant is eligible and this amount decreases if the claimant is under 55 years old and the deceased partner hasn't made complete NI contributions.

FUNERAL PAYMENT

This payment is made to cover the cost of the basic funeral, certain fees and travel expenses but rarely the full cost of the funeral for a grieving family struggling with low income. To qualify for this payment the claimant must be considered responsible for the cost and they must be on receipt of some of the benefits including income support, housing benefit, tax credits. The funeral payment will be made only if the application is made with necessary documents and before 3 months time of the death of the concerned person. The Funeral Payment can help pay for the burial fees, cremation fees, including the cost of the doctor's certificate, up to £700 for funeral expenses, funeral director's fees, flowers, coffin, travel to arrange or go to the funeral and the costs for moving the body within the UK - but only for the part of the journey that's over 50 miles. If the person who died had a pre-paid funeral plan, then they will only get help for items not covered by the plan.

Case study 15

Mrs S T passed away in April 2012 and her daughter made the funeral claim to meet the cost of the funeral expenses as the family is living with low income. Initially funeral benefit payment was approved and the letter was sent to the daughter to release the funeral payment to their bank. However the funeral payment was cancelled later stating that the funeral was held in her brother's house instead of her address. Despite her spending the whole amount in relation to the funeral she was denied the payment for the reason that it took place in her brother's place. The funeral was conducted in her brother's place as the basic rituals needed to be carried out by the son only as per the Hindu tradition. The benefit agency was very much strict with this part and much to her disappointment they refused to pay her the funeral payment finally. It was really astonishing to see that the benefit agency could deny funeral payment for such reasons to those who actually deserve.

Case study 16

Mrs TS is an elderly widow and she is living with the help of her pension credit. Her husband passed away due to myocardial infarction when he was in Sri Lanka for a short holiday. Arrangements were made for his body to be transported to UK and his funeral took place after a month. An amount of £3000 was spent on his funeral. Mrs TS started claiming only Pension credit recently and hence this was a huge financial burden for her. Once she overcame the grief, in order to meet the financial expenses of the funeral she sought our advice and we advised her to apply for funeral payment. Her claim was refused stating that the application was made after 3 months time. We made an appeal against the decision and tried to explain the situation and the poor state of Mrs T S. In spite of that her claim was refused. It's very sad that deserving clients are denied of the payments that are eligible for. The appeal process seems to have no value as there can't be anything done with that opportunity to prove the true state of the client. This is not the state in other European countries where on producing the necessary documents the due payment will be granted without any unnecessary restrictions or delays.

UNIVERSAL CREDIT

Universal Credit is a new single payment for people who are looking for work or on a low income. It will simplify the benefits system by bringing together a range of working-age benefits into a single streamlined payment. It will be launched in

2013 and will replace income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Income Support, Child Tax Credits, Working Tax Credits and Housing Benefit. Council Tax Benefit will be replaced by a system of localised support and disability living allowance will be replaced by personal independence payment. Pension Credit will be amended from October 2014 to include help with eligible rent and dependent children. Social Fund is also being reformed to introduce new local assistance. Universal Credit is made up of a standard allowance and potentially five elements, as any award is based on a claimant's personal circumstance including Child Element / Disabled Child Additions, Childcare Element, Carer Element, Limited Capability for Work Element and Housing Element. The monthly Universal Credit payment covers everyone in a family who qualifies for support.

Under the existing system, people over the qualifying age for Pension Credit can also receive Housing Benefit and Tax Credits but from around a year after the launch of Universal Credit, they will no longer be able to apply for these benefits. At this point, Pension Credit will be changed to include a new element called Housing Credit, for pensioners who are eligible for support with rent and an additional amount for dependent children in the Guarantee Credit element.

CONSUMER AND MONEY ADVICE

Like many other migrant communities in UK, the Tamil community is also struggling to understand the consumer rights and handle their finances in appropriate manner. Families and individuals with low income are tending to obtain loans and credit cards extensively and end up in financial difficulties. Particularly obtaining mortgages for the sake of social status for very huge amounts despite knowing that they will not be able to pay them back is on the rise. As a matter of fact banks that charge a low interest rate are not very much interested in granting loans to those with low income. Hence many of the individuals in that category land up with banks that are ready to grant huge amounts of loan for a higher interest rate. Most of the individuals fail to seek the advice of a financial advisor before purchasing a property and sometimes even the financial advisers fail to provide appropriate guidance.

The results of mishandled finances often lead to multifaceted problems like family conflict, mental distress and other such issues. Inappropriate problem solving methods, like taking up a fresh personal loan to deal with the existing debt results only in further complications. Often it becomes very difficult to handle the situation in the later stages. It is usually then they seek our advice without knowing what else to do. There are a number of issues that need to be considered before taking up a loan or when applying for mortgage.

In the year 2012 a total of 46 visits have been made by our clients to get advice related to consumer matters.

Eligibility

Any member of an organisation registered with Office of fair trading (OFT) is legally eligible to provide debt advice and counselling. TWAN is a registered with Advice UK which is one of the 15 organisations that hold a group license from the OFT.

Case study 18

Mr MS lives in this country with his family and children and was enjoying a good family life until he fell into alcoholism. Few years back he became an alcoholic and due to his problem he started to suffer from financial problems, subsequently leading to severe family conflicts. The family fell into a crisis and they became homeless when they sought our help. We sorted out their accommodation problem immediately and then we referred him to the De-addiction services. He was also unemployed and hence we helped them in gaining the relevant welfare benefits. We collected the information about the debts and after prioritising them, spoke with the concerned parties and made arrangements for the debt to be paid back in small instalments within a reasonable period of time. He has currently cleared his debts and with our help has been enrolled in a job as well. Following this and due to his sobriety he was able to rejoin with his family members and as of now is leading a normal family life.

CONSUMER CREDIT ACT 2006

The Consumer Credit Act of 2006 was passed by the Parliament in the United Kingdom and was basically designed to protect consumers when borrowing money. It governs the licensing of, and other controls, on traders who supply credit, or goods and services on credit. The Act and its amendments affect all those who use credit to buy

goods and or services. The Act improved protections offered by the Consumer Credit Act of 1974 by allowing for a Financial Ombudsman to settle disputes between consumers and UK financial businesses, such as banks, insurance companies and investment firms. The Act also gives authority to the Office of Fair Trading to impose civil penalties on financial companies that do not comply with its conditions. The CCA applies to Individuals entering into any consumer credit agreement in the UK.

The act clearly defines the variation between three types of agreements and the formal requirements essential to enter into agreements. Businesses engaged in consumer credit/hire, debt administration and the supply of credit information services, must apply to the Office of Fair Trading ("OFT") for a licence. The act introduces a centralised licensing under the control of the Director General of Fair trading (DGFT) with the responsibility for enforcing them shared with local authorities' trading standard requirements. This act states that appeals in respect of decisions made by the OFT will be heard by the Consumer Credit Appeals Tribunal. Appeals regarding decisions of the Tribunal must then be made to the Court of Appeal.

Other important acts

The companies' act 2006 which superseded the earlier act came into force in 2009 and regulates the companies in UK. The act lists out and governs various aspects that are part of forming a company and running one. It includes guidelines about roles and duties of the various people running the company, shares, meetings and other essential aspects involved in a company.

Fraud act 2006 defines a fraud and deals with three types of frauds namely those committed by false representation, by failing to disclose information and those by abuse of position. The act also clearly lists out activities that are liable to be classified as frauds.

DEBT

Falling into huge debts and struggling to come out of the debts has been an ongoing problem in our community. This is mainly due to poor money management and problem solving skills. There are 2 types of debts namely priority debts and non-priority debts. Priority debts are those which may result in losing of roof or involving legal troubles. Some priority debts include those related to rent or mortgage, secured loans, business rent, business

rates, council tax, electricity and gas, magistrates' court fines, child support or maintenance, hire purchase or conditional sale rented and hired goods, income Tax/VAT and TV licence. Debts that do not affect an individual's home or have the immediate threat of fines or legal action are considered non-priority. Although preference should be given to pay priority debts first if the other type is not paid before the stipulated time then that also might result in a legal action. Default on loans that are not secured against their home, credit card or store card debts, overdrafts, benefit and tax credit overpayments, student loans, money borrowed from family and friends and water charge arrears can be classified under the non-priority debts.

Managing debts

Debt can be managed either by the initiative of the individuals themselves or by seeking advice from other external agencies. Apart from this debt can be handled by taking an administration order, individual voluntary arrangement and by taking up a consolidated loan. If there is no money at all left to pay the debts then the concerned individual can ask the creditors to write off their debts, apply for a debt relief order or bankruptcy. Mediation services, involuntary arrangements are other modes that are normally used in dealing with debts. We often prepare a financial statement in detail and write about the client's status to the concerned party. This helps them to reach an agreement for repayment of the debt through a monthly instalment. We discourage clients from taking further loans to repay the current loans. As we also support them in dealing with other issues in relation to debts like housing, family matters, unemployment and alcoholism they tend to recover fast from the crisis and start leading a normal life at the earliest.

Case study 19

We are being instructed by Mr.S C to act in a matter concerning the fraud committed by an air ticket booking agency which has been registered with company house. The client had booked an air ticket through that company and on the day of Journey found that the tickets were not booked actually and lost a sum of £2450. The efforts taken to contact the travel agency staff have been fruitless and it seemed that the company was not running in their earlier address. There weren't any positive outcome as a result of contacting the company house, IATA or the insolvency department with respect to this matter. A complaint was lodged in the police station as well and they were investigating this matter. We contacted the company

house with documentary evidence, objecting the striking out process. We are also planning to take legal action through private prosecution if at all we get the correspondence address of the concerned people and if the police fail to take a legal action in this matter.

Case study 20

Mr. R.N. had moved into a new address in February 2005 and was running a shop in that address and was making use of the service of one particular electric supplier. The charges according to the bill payments were made duly every quarter without any issues until 2011 and he also had all the receipts of the payments made. In 2011 the Gas supplier found out that there was a mistake in the meter digits and charged him with an amount of £35,590.00 which according to them was the actually meter reading for the past 5 year period and the payments that has been made so far were that of a different meter. The client approached the citizen bureau and they had in turn sought the services of the ombudsman. The ombudsman authorities too were not successful in helping him. Following this the client approached us and we sought the assistance from a solicitors firm to deal with his matter. Unfortunately in the end he was advised to pay the money as no other way out could be suggested by any of the concerned authorities.

Case study 21

Mrs SC's family had been running a restaurant and due to an unexpected problem had to close it down in October 2011. When they had contacted the council after this an officer had told them that there wasn't any need to pay domestic rates further. In the end of 2012 they had also given back the property to the Landlord. However after few months time they received an order from the council asking them to pay the domestic charges for the last few months for their previous business premises. They disagreed with the claim and this case was dealt by the county court and following that the client was advised to pay the amount in instalments. In spite of this the council had sent a notice of debt for liquated sum payable and demanded immediate action. When the client approached us we wrote and asked the concerned authority to set aside the decision and review the case based on the further information provided.

PPI claims

Payment Protection Insurance is a policy designed to cover a person's monthly loan or credit card payments (or a percentage of them) if they cannot

meet the payments due to being unable to work. PPI applies to those who cannot work due to illness, injury caused by an accident, or those who have been made redundant. As a matter of fact loan and credit card providers have routinely miss-sold PPI to those for whom the insurance policy is inappropriate. As a result, lenders have been fined millions of pounds and thousands are now claiming PPI back with the help of agents.

The banks who had lent the money have lost a legal case and must now settle payment protection claims. PPI claims have been very popular over the past 10 years. Millions of people who have been affected by miss-sold PPI policies are now making PPI claims and we at our office have been helping our clients who are facing this issue.

HOUSING AND HOMELESSNESS

As a cosmopolitan city, London is in a position to feed and accommodate an alarmingly rising number of populations. Whether the concerned authorities are realising this and taking appropriate measures to deal with this rising need for housing is doubtful, seeing the sufferers. There aren't any plans to tackle, let alone preventing this problem from the concerned authorities. The authorities are hesitant to grant permission to those who wish to extend their property. The procedure is very much bureaucratic and discourages those who are coming up with plans of extending their properties. Government and local authorities need to be very much aware of the needs for developing commercial activities in areas where population is high and vice versa.

Problems arise when the social housing sector tends to provide a client with housing accommodation in a very deprived area. That causes additional burden to the needy and they find it even more difficult to raise their financial status as opportunities for a good employment is very scarce in such areas. Often they land up with lifelong dependency on social funds. These act as factors for communal violence in such areas when there is a high disparity between communities. Government should not only plan and invest accordingly but also see to that housing is provided to the disadvantaged in areas where there are options available for employment.

In the recent times both the tenant and Landlord are made to feel insecure as a result of the local authorities' dealings. The schemes and support that are voluntarily offered by councils to tenants and

landlords are often those which were not requested or necessary and often act as a burden and a purely revenue generating activity for the government. One example for this is the recently introduced private rented property license scheme. We believe that all this is going to decline the interest in decreased investments in houses and as a result decline in the number of properties available in the upcoming days. High mortgage rates and the complicated procedures that are created by the Local authorities are to be blamed.

Most of users are seeking help from us in relation to social housing through local authority or seeking accommodation through private landlords. Sheltered housing for elders also forms the main type of housing query we receive. We solve disputes with landlords and help the tenants retain their houses and prevent homelessness. We also deal with the housing benefit arrears to prevent them from becoming debtors. Further we explain to them the shortage of council housing in London area which in turn means the difficulties and competition among the residents to obtain council housing and temporary accommodation from the local authorities when they become homeless. We assist the clients to complete council housing application forms and arrange other alternative accommodation through housing associations or sheltered home if it is suitable to them. In the year 2012 there were 596 visits made by our users to get support and advice related to housing matters.

HOUSING TYPES

There are various types of housing alternatives that are available for those in need. Based on the criteria that is fulfilled, their need and the availability, a housing type can be chosen from the below given types.

SOCIAL HOUSING

Although this social housing is working relatively to meet the purpose, large scale improvements are necessary to meet the demands. The demand of the social housing is high while local authorities and voluntary sector are trying to minimise the shortage of the property but the reality is that it is not successful to the extent expected. Development of properties and planning for the execution of the project successfully needs to be enhanced in order to meet the requirements in the society.

Social housing is a system to let houses in a more secure basis to people in need of housing due to their inability or low income in a more secure basis.

The salient features of social housing are that it provides affordable housing, tightly regulated by the government and run by social landlords. Social housing is a scheme to benefit the vulnerable especially the elderly, unemployed, ethnic minorities, single parents and those who are economically inactive. Social housing is allocated on the basis of availability and eligibility. In general social housing is being provided by councils and non-profit organisations like housing associations. Commercial organizations are also allowed to build and manage social housing.

Case study 22

Mr. RM a 68 year old man who was living all alone in a room in a property was asked to leave the property within a month by his private landlord and he was helpless as he had nowhere to go. He is a sick person suffering from heart disease and diabetes. He was on pension credit and looking for a suitable accommodation preferably a single room. When he approached us with this problem we understood the seriousness of his case and contacted the housing association to get further help. They assessed his situation and provided with an accommodation to suit his condition within the stipulated time.

HOUSING ASSOCIATIONS

These are independent, not-for-profit organizations that use any surpluses they generate to maintain existing homes and to help finance new ones. To get a housing association accommodation a person can directly apply to them or through the council. Following this based on the availability and suitability a client will be allocated with a house that suits them. Most housing associations provide a range of options that are suitable to single people, couples and families. Some also provide housing catering to people with certain specific needs, for example for the older or less mobile, those who need a shelter due to an emergency situation, disabled, those who are recovering from drug or alcohol problems and others with a mental health problem.

COUNCIL HOUSES

Council homes are being utilized by those who can't buy a house, who find it difficult to get a mortgage, those with low income, long term tenants who suffer from landlord torture. It's mainly preferred as it offers a secure tenancy for a long term to those who can't afford a house on their own due to various reasons. There are also problems in taking

up council homes and the major one is the lack of enough number of houses to meet the demand. There doesn't seem to be any major step taken by the councils to reduce this shortage. One of the reasons for this we believe is not investing the money which was got through the selling of council homes to the tenants. There is a dire need for the central government and local authorities to work hand in hand to solve this matter.

In certain cases the tenants suffer due to the high service charges. They have to pay these charges from their pocket and often land up being homeless as a result of this burden. There should be an upper limit set to these charges as they are on the rise constantly. If the flaws are not dealt with in due time then the whole concept of council housing can be a failure in the long run. Even enrolling for council housing has become a tedious process and the authorities demand for a number of documents, only to finally say that there is no house available. This forces the needy to submit a large number of documents including possession orders and also forced to stay in hostels.

Council houses are those which are managed by the council and are available to individuals on the basis of their eligibility criteria among other factors. In general there is big waiting list and the priority will be decided based on the points system and band in which a client falls. Points for points system is awarded based on the current living condition and need of extra bedrooms, working in the local area, having a medical condition that's made worse because of where they currently live and homeless who are living in temporary accommodation provided by the council. Individuals are banded into different ranges based on their housing needs. There are normally between three and five bands.

Case study 23

Our client GK has been living in a particular borough continuously for a period of 5 years. He had applied for a council house and his name was on the waiting list. All of a sudden he receives a letter from the council stating that his name will be struck from the register as their records shows that he wasn't staying in the particular council continuously for more than 2 years. Our client was baffled and approached us to resolve this issue. We wrote to the council and submitted the proofs regarding his stay in the council for more than 2 years and later the decision was reinstated.

Case study 24

Our client SP has been a tenant in a borough continuously for more than 25 years. Due to his situation he decided to apply for a council home

and we assisted him in the process. Following the registration to the council home we received a letter from the council stating that the client was not resident in that particular council long enough to be eligible for council housing namely 2 years. We weren't sure how the council came with such a conclusion and hence we wrote to the council with adequate proof to show that he was living in the Borough for long enough, before the time that was given to appeal against the decision. As we were able to give the necessary information before the given time the decision was reinstated. If a person fails to respond to such a letter in time then they may even lose their right to appeal against such a decision even if they are eligible for one.

PRIVATE SECTOR HOUSING

The majority of clients who visit our office with housing related problems come under this category. One common problem with which clients approach us is when they are served with an eviction notice. This often results when Landlords fail to pay the mortgage and the housing being seized and locked by the concerned lenders. We negotiate with the lenders and help the client to clear their belongings from the locked house and deal with other required matters. These sorts of clients are also helped in securing another house or guided in the process. That part is not that easy as there is a need to pay for the advance again and face the reluctance of landlords in offering house to those who are on housing benefit.

Negotiating between the landlords and tenants is yet another area of our work. Often the misunderstandings between them result in the eviction of the client. We play the role of mediators and try to reach a solution that is acceptable by both the parties. The issues between the both also arise as a result of the failure to repair or provide other basic facilities in the property. Here we intervene by providing an estimate and dealing with the landlord to spare the cost through reasonable arrangements.

In general housing benefit is less than the rent that is actually being charged on the clients. This discrepancy leads to lot of financial problems in the long run for those who are entirely depended on social benefits. Inability to pay this amount regularly and in worst accumulation of a large amount often leads to homelessness when not dealt with accordingly. Problems are also faced due to agents who are not genuine in a number of ways starting with failure to repay deposit and collecting amount by giving false promises.

This is the most common type of accommodation in demand among most of the people who are seeking a short term accommodation as a landlord-tenant agreement. The house owners who wish to rent out their rooms or houses to the suitable tenants are contributing a greater deal in fulfilling the housing shortage in the south east of England. This arrangement can be made by verbal or written agreement through tenancy agreement which is stating the tenants and landlords rights. Normally this is more than 6 month to any period up to 2 years or more. By the end of the tenancy period the tenancy can be renewable and the rental arrangements can be paid directly by the tenant to landlord or it can be made through the housing benefit. A tenancy is a contract between a landlord and a tenant that allows the tenant to live in a property as long as they pay rent and follow the rules. A tenancy agreement is the document agreed between a landlord and tenant which sets out the legal terms and conditions of the rent contract and is prepared before anyone rents the property. Whether or not a tenancy agreement is in place, landlords and tenants will have certain rights and obligations under the law. On the other hand a license is just a personal permission to occupy accommodation. In general tenants have more rights than licensees in the areas of having a greater security to tenure and greater rights to enforce repairs, and to a certain degree the rent control. A licensee generally only has a basic protection against eviction. Apart from this there are two other types of occupancies namely trespasser and a freeholder.

SHELTERED HOUSING

A significant number of elders in the community are benefited through this scheme. The local authorities made available a suitable sheltered accommodation to the black and ethnic minority people. More than 30 elder members have been accommodated through this scheme in the last 5 years. Those who don't own a house on their own find it very suitable as it's more secure and helpful when considering their deteriorating health condition. The second category of people who came over here in through sponsorship arrangement in the long run found the arrangement problematic due to disagreement with the other family members often due to over crowdedness or tend to find it lonely. In certain cases the accommodation may not suit their special needs. Elders in low income families suffer from lack of services like adequate heating etc. Sheltered housing provides them with a chance to enjoy their old age, an opportunity to get appropriate care to meet their needs and to maintain a good relationship with the family members. There has been an increase in the need

for these services in our community in the recent years but the availability of the services is not adequate to meet the demands.

Sheltered housing is mostly catered by the local councils especially for the elderly and disabled. The sheltered housing scheme offers a chance to lead an independent life for those who have needs and in addition offers services to cater to the emergency needs of the inmates. This scheme has a manger or a warden living close by to answer the emergency calls of the inmates of a sheltered housing. In general these houses are modified to suit the needs of the disabled people. Extra care housing is a scheme that will be of help to those who are less capable of caring for them. An individual in need of extra care can also continue living in their current home and get the facilities that they are due to.

CARE HOME

This is one of the most needed and at the same time less utilised service by our community members owing to various reasons. The reasons behind this include lack of English Language knowledge, expensive, availability of only Western style cuisine and not localised. This can be solved by the authorities by considering the needs of the community and providing localised units in affordable price. By recruiting multi staff from multi ethnic groups and encouraging group admissions to enable social support group among elders from same community can make it more desirable. Utilising community led partnership to achieve all this can make this system a popular among our community members also.

Care home becomes an option when an individual is in a stage in which they are not able to take care of themselves. An individual can go to a care home temporarily, as a day care and if required permanently. The services that are provided in a care home also vary. Care homes may provide care to a particular condition or a particular type of care. There will be changes in the award of benefits based on their stay in the care home. To establish the suitability an individual needs to undergo a financial and medical assessment before getting placed in a care home.

HOUSING POSESSION

Possession is the name given to the legal process that must be followed to evict an occupier. Possession process varies according to the occupier's housing status. The possession process involves four stages

1. Notice
2. Court decision
3. Warrant of Possession
4. Eviction

The first stage of the possession process involves giving a notice and it's expected to be in writing and include set information. In most of the occasions the possession process cannot be started unless a notice is issued. The second stage is a court hearing which is unavoidable in a number of cases. At this stage the court can decide to issue a possession order to the occupier. On the court producing an order the right to occupy the premises will end for an occupier. If the occupier has not left by the date of possession then the landlord can ask a court to issue a warrant of possession. The warrant will also give the details about the date and time during which the bailiffs will come to the property and change the locks through the notice of eviction. The last stage is eviction when the party will have to leave the property or else they would be forced to leave by the bailiffs.

HOMELESSNESS

The extent of the homelessness problem is not recognized by the concerned authorities. The statutory bodies like local authorities are no longer helping the homeless people or the voluntary sector that are supporting homeless people. The government and local authorities are reluctant in including the homeless people in their register by trying to keep them away from homeless persons unit and other similar services. There are many cases reported to us whose homelessness state is created by the approach of local authorities by not paying their rent benefit in time or by withdrawing the money from landlord without giving enough details or time about the withdrawal of the housing benefit.

The voluntary sectors who wish to work for homeless are also not supported by Local councils and other statutory bodies. The authorities fail to help these organisations by offering necessary funds and planning permission and other relevant support. Local authorities and most of the other statutory bodies are very often found to neglect the homeless individuals and not even provide them services under humanitarian basis. Many of the community members who offer temporary support to the needy often fall into serious trouble when they no longer in a position to support the homeless. The local authorities or any responsible person finds fault with the community member who was helping the homeless for withdrawing the support let alone acknowledging the support they had offered so far. This often discourages other community members to come forward and offer temporary support in emergency situations.

Individual addicted to drugs and those who suffer from mental health problems often lands up in the streets as a result of family conflicts and collapse of family units. Apart from this due to an insecure immigration status many individuals become homeless and a majority of the population include those who have permission to limited stay, overstayers and failed asylum seekers. They often would have submitted their application seeking support on humanitarian basis and such but often will be considered as illegal immigrants due to lack of appropriate documents. Due to this situation they will be not be entitled for many of the benefits and often benefit agencies and other organisations also will not be in a state to support them.

Our organisation is addressing the homelessness problem with limited resources and able to help few homeless people this year through finding suitable accommodation in temporary basis and later help them to find long term accommodation. Also we manage to communicate with the home office in number of cases and try to obtain the copy of relevant immigration documents from the home office file to establish their entitlements in UK.

Homeless

The housing act defines individuals as homeless owing to various criterions. It defines a person to be homeless "if he/she has no accommodation available for his/her occupation in the united Kingdom or elsewhere which he/she

- Entitled to occupy by virtue of an interest in it or by virtue of an order of a court.
- Has an express or implied licence to occupy, or
- Occupies as a residence by virtue of an enactment or rule of law by giving him the right to remain in occupation or restricting the right of another person to recover possession.

A person is threatened with homelessness if it's likely that he/she will become homeless within 28 days.

Statutory framework

A local authority will help someone in housing related work only when they satisfy certain criterion which includes eligibility for assistance, being homelessness, having a need that is of high priority and on satisfying the local connection factor. They will also ensure if the individual applying for housing related issues is homeless intentionally or unintentionally. Apart from the individuals who are homeless and fit into statutory framework there are others who suffer from homelessness but don't fall under this framework.

The local authorities will decide if it is reasonable for a person to continue occupy a residence based on their affordability, physical conditions, overcrowding, type of Accommodation, Valid s21 Notice and presence of domestic Violence.

Rough sleepers

Rough sleeping is the most visible form and hard form of homelessness. Rough sleepers can be seen in shop or office doorways, in bus shelters or other public places. But often rough sleepers are out of sight, bedding down at different times of day or night, moving from place to place. People who sleep rough often fall outside of the definitions of statutory homelessness and tend to move in and out of temporary accommodation. We used to receive calls from other voluntary agencies those who are working with rough sleepers. When the rough sleeper is found to be a Tamil speaker we are the first organisation to be contacted. This is not only for charities or voluntary sectors other officials like park attendants probation officer, Police and hospitals workers also used to call us to establish the basic fact with the particular rough sleeper/homeless. This communication is mostly ends up in us taking over them and providing them long term support including shelter, establish his immigration status and securing his entitlements and to help the particular person to reintegrate into the society.

Case study 25

Mr KP who was caught by the airport police at the Heathrow airport. After a night spent at the police station he was handed over to Heathrow travel care, a charity that use to help the people in the Airport area. We were contacted by the Heathrow travel officers and our intervention started with providing interpretation and subsequently we found out that he is an EEA national and exercised his treaty rights by working in UK some time ago. Later he lost his work and became homeless because he was unable to pay the rent and later he lost his documents including his passport as he was as a rough sleeper. We established his identity and contacted home office and were successful in getting his identify documents and secured a place for his living by identifying some local links from his native country. Having made arrangements for his basic needs we helped him in securing a suitable employment.

Hidden homeless

People who are homeless but do not show up in official figures are categorised under hidden homeless. These include individuals and families

who become homeless but find a temporary solution by staying with family members or friends, or squatters. These are often referred to as 'sofa surfers' or 'concealed households'.

Homelessness prevention and gate -keeping

There has been pressure on local authorities due to reductions in housing stock and in restrictions that are imposed by law in use of B&B for temporary accommodation. Apart from dealing with the homeless they are also forced to take measures to prevent homelessness. Shelter, Citizen Advice bureau and other agencies undertaking social policy work on homelessness work locally and at the government level.

In order to prevent homelessness of Tamil speaking people of all age groups our organisation finds suitable accommodation for homeless people and rough sleepers. We facilitate homeless people to exercise their rights and to obtain their entitlements through advice and representation. TWAN also plays a major role in challenging eviction order through legal casework and defending eviction order on behalf of the client at the county court or through judicial review proceedings. Working closely with housing associations, housing co-ops and private estate agents enables to find rooms or houses for people in dire need. We take a number of steps to prevent individuals from becoming homeless as a result of debt, by offering them guidance on their entitlements and by liaising with the respective staff. We take necessary action to prevent asylum seekers, failed asylum seekers and overstayers from becoming homeless by sorting out their immigration related issues and helping them get the benefits that they are entitled to.

Case study 26

Mr RP, a 43 old man came to this country as an asylum seeker in 1999. He was granted with indefinite leave to remain on human rights grounds in 2010. As he could sustain a job owing to his health condition he started claiming job seekers allowance. Due to his change in circumstances there was a delay in the approval of the housing benefit and this resulted in him becoming homeless as he was not financially sound. As a result of this he was moving from place to place sleeping roughly and when possible getting support from friends and religious institutions. As his location kept changing and he didn't have a proper contact address he had problems in even claiming benefits and in the end he lost all the documents regarding his identity and visa to stay in this country. He was identified by certain organisations like "night out" that are

working with Homeless and even they couldn't do much as he had lost all his documents. They contacted us and we wrote to the home office and tried to get the duplicate documents of the client. We also assisted in helping the client in claiming the benefits he is entitled to.

NASS SUPPORT (ASYLUM SUPPORT)

National Asylum Support Service (NASS) has been introduced by the Home office to offer the necessary support to asylum seekers, while they are awaiting the decision of their asylum case. NASS was created in 2002 to replace social security benefit with a Home Office funded benefit support and supports the eligible asylum seekers. In the year 2006 this system came into full effect with the main aim of protecting the vulnerable asylum seekers by offering them with housing and monetary support.

Current scenario

However, recently this system is observed to be functioning inadequately and as a result many deserving asylum seekers are denied crucial support. Many asylum seekers are denied this support for reasons that they haven't made an asylum claim at the port of entry or at the first available opportunity. As a matter of fact due to increased border control and other stringent practices individuals are forced to claim asylum after entering into the country. This practice has left few numbers that is mainly in-country applicants alone to be entitled for NASS support under the section 95. Those individuals who are left out may be eligible for section 4 support under special circumstances like being homeless, suffering from mental health issues and accompanied by children. Many failed asylum seekers those who had made fresh claim or human rights claim and complying with UKBA'S reporting condition find it hard to obtain financial or accommodation support from NASS. National asylum support service is functioning in such a way that it looks out for ways to deny support to the asylum seekers instead of supporting them. The section is very poorly administrated and it's neither possible to communicate with them over phone nor get a response in writing. This sort of support if it's really framed for the vulnerable then it should function actively to meet those demands. When most of those who require services from this section are constantly denied with support the role or the meaning for existence of such a service becomes a big question mark.

Asylum support

A separate system in the UK that offers support to asylum seekers, which includes housing and support is termed as asylum support. Although the term NASS doesn't exist anymore it is being widely used to mean asylum support. Before 2008 it was NASS which was responsible for handling the applications for support while the Immigration and Nationality Directorate was responsible for making decisions on asylum claims. Currently both the claims and support applications are being handled by the UKBA.

TYPES

There are 2 types of support available depending on whether a person is an asylum seeker or a refused asylum seeker. Section 95 support is available for asylum seekers and section 4 support is sought by the failed asylum seekers. However the common features that encompasses both these supports are as given below

1. The applicant must be a destitute
2. Support will be offered to both the main applicant and the dependents
3. Housing is provided in the outskirts of London and in the South east of England.

Dependents those who will be taken into consideration under this support include children under 18, spouses and civil partners, cohabiting partners and other dependent relatives.

Section 55

Section 55 of the Nationality, Immigration and Asylum Act 2002 states that a person who has not claimed asylum as 'soon as reasonable practicable' can be refused support. This often means that they have applied for asylum more than 3 days after arriving in the UK. In these cases Home office is obliged to offer support only if there is a breach of Human rights established. After a judgement in 2004, currently this section is only applied to people who make a late claim for asylum and who apply for subsistence only support.

Individuals outside the Asylum support system

There are 2 categories of children who are not eligible for asylum support namely unaccompanied children and people who are in need of special care and attention. Unaccompanied children are dealt with social services until they are 21 years or 24 years if they are in full-time education. Elderly, disabled, individuals with health difficulties, those in the later stages of pregnancy or early breast feeding are the main groups who fall under people who need special support.

SECTION 95 SUPPORT

Those who have sought asylum in this country are eligible for section 95 support if they are aged 18 or over, claimed asylum under the 1951 Refugee convention or under Article 3 of the European convention on Human rights which is recorded at the home office and yet to be determined.

The claim is considered to be not determined if the decision still has to be made by the Home office, or if there is an outstanding in time appeal. Judicial Reviews do not count as outstanding appeals and if a person misses the deadline for an appeal and puts it late then they are also not eligible for section 95 support. A person can apply for support from the day they claim asylum and the application is made using NASS1 form. As soon as an application is made the concerned person will be provided with an emergency accommodation.

There are 2 ways of receiving section 95 support namely housing and benefits, or benefits only. The asylum seeker has a choice to make, based on the support that is available to them through other means. As housing is provided only outside of London, asylum seekers who have the support of relatives in and around London area often omit housing support. If at all they are housed by the government then there is no need for them to pay council tax or amenity bills. The benefit that is offered through this section is provided as cash. The section 95 support will come to an end in 28 days if the concerned person is granted leave to remain or, if the asylum seeker has been refused asylum and exhausted all their appeal rights, then their support will end after 21 days.

Section 95 rates

The below mentioned are the rates that are paid for asylum seekers under various categories namely qualifying couple (married or in a civil partnership): £72.52, lone parent aged 18 or over: £43.94, single person aged 18 or over, excluding lone parent: £36.62, Person aged at least 16, but under 18 (except a member of a qualifying couple): £39.80 and person aged under 16: £52.96.

SECTION 4

This is a short-term support available for a person whose application for asylum was unsuccessful, at the same time temporarily cannot return to the country they came from and will otherwise be homeless or unable to afford food. The section 4 support is available until the person makes arrangements to return to their country of origin. This support is known as 'section 4 support',

because it is given under the terms of section 4 of the Immigration and Asylum Act 1999. The applicant must meet certain requirements in order to qualify for section 4 support. First of all they must be destitute taking all reasonable steps to leave the UK or cannot leave the UK because of a physical impediment to travel or for some other medical reason or lack of viable route to return or have applied for a judicial review of an individual's asylum application and have been given permission to proceed with it or accommodation is necessary to prevent a breach of one's rights within the meaning of the Human Rights Act 1998.

Under section 4 no cash support will be provided but the applicants will be provided with suitable accommodation and will receive a section 4 Azure payment card that they can use to buy food and essential toiletries to the value of £35.39 per person per week. In some cases they may be allocated full board accommodation where all their meals will be provided.

Case study 27

K M a 41 year old individual had claimed asylum in Belfast after fleeing Sri Lanka as his life was at risk there in the year 2002. Following his asylum claim he was provided with support in Belfast. However he couldn't stay there for long as there weren't any individuals from his community and he started feeling very lonely and isolated. As a result of this he left the place and came to Walthamstow in London and was managing to carry out his day to day life with some support from people from his community. Although he had problems financially he was feeling better amidst a known community. In the mean time his case too didn't reach a verdict and his human rights application is still appending. He started struggling to accommodate himself and finally become homeless. Hence we applied for NASS Benefit but his application was rejected considering his history. They didn't approve of the fact of him moving to London leaving behind the benefit which he was being provided back then. Unfortunately the client was ignorant and wasn't aware of all this complications and had left Belfast back then as he was finding it very lonely.

Case study 28

Mr. RT is a 36 year old unmarried male who claimed asylum in this country due to the problems he was having in Sri Lanka owing to his involvement with the LTTE. He had been tortured while he was detained by Sri Lankan army there and had slowly

started losing his sanity. Realising his situation he decided to leave the country and somehow he managed to reach UK and had submitted his asylum claim. His application was denied initially and an appeal was launched further. In the mean time as he was very much stressed about the outcome of his asylum case his mental stability was lost and he had a severe episode of mental illness and was admitted in hospital. There were problems in getting him accommodated in his friends or relatives place as he had a bad relation with all of them as a result of his illness. Hence he was homeless and as his asylum claim was still under consideration we applied for support and housing under the section 95 of NASS. His application was approved based on the facts and especially due to his vulnerable condition caused by his illness and destitute state as there was no one to take care of him.

Case study 29

G T came to this country with the help of an agent in student visa with a primary intention of claiming asylum owing to issues that she had back in Sri Lanka. On the other hand the agent who helped her in entering into the UK had not guided her in getting asylum but had made arrangement for her to be in a place where she was treated like a maid. She was unaware of the proceedings here and continued to be in the same place not knowing that she has been a victim of trafficking. In the place where she was staying she wasn't treated properly and when the maltreatment became intolerable she called the police. The Police failed to support her and tried to blame her instead. Hence without any other way to escape she claimed asylum. When her case was under consideration we had applied for NASS support in order to provide her with the necessary support. She has been dispersed to Barsey in east London but had requested us to be her representatives as there weren't any Tamil Solicitors who could provide this sort of services to her free of cost in that locality.

ISSUES FACED BY ASYLUM SEEKERS

The current system actually makes those who are in need suffer more and more because of unnecessary stringent rules. Most of the clients wish to just apply for subsistence only but the success of this sort of applications is very scarce. Only those who are homeless and destitute tend to be successful in acquiring both housing and subsistence support. Many are not interested in applying for housing support as the dispersal leads them to places which are remote and where they would feel very lonely, far away from their community members. Being

away from London also creates difficulties in approaching, utilising and reaching out legal representative and other experts. Absence of this opportunity often results in the clients being fearful about the failure of the cases. Often the accommodation provided are not friendly and not managed properly leading to a lot of issues including racism and violence. It also happens that if a client applies and fails once, then the chances of their re-application being successful becomes very low which are often made during crucial situations later. Often maintaining proper correspondence especially in receiving essential evidence from the native country becomes very risky during their stay in dispersal areas.

EMPLOYMENT

Our organisation is offering a number of services to help our users deal with the issues they face related to both taking up and retaining an employment. Our services include introducing the selected prospective employers to the members of the community, increase employability skills, negotiating with employers and help clients in retaining their job, educating the members of the community about their rights related to employment and taking up legal casework and representing the clients at the employment tribunal. We also support recently arrived migrants to compete in the employment market by helping them refresh their skills, finding suitable training placement or courses to help them find a suitable job, increasing household income by securing a second or additional job and removing any obstacles that come in the way of achieving any of those.

Statistics for the year 2012 shows that a total of 212 visits have been made in the year 2012 by our users seeking advice on employment related issues. On an average we serve around 15 members in a month with the help of the limited resources we possess now. From 2007 to 2010 we had secured funding separately for this project and were in a position to appoint a worker exclusively for dealing with cases related to employment matters and as a result were able to serve more number of clients. After the closure of that funding there weren't enough resources to meet the demands of all those who knocked our doors but we are in a position to serve a limited number of individuals whose issues are of utmost importance. As of now we are trying to secure a funding grant of at least £30,000 per year which will enable us to reach out to more number of users than what we are catering to now.

The predominant numbers of users who seek our support face issues pertaining to suspension or termination of their employment due to delay in the approval of their visa extension by the Home Office. The rules set out by Home Office policy is such that, if an individual whose visa is about to expire makes an in-time application for its extension then they have all rights to employment until a decision is taken by the home office about their visa extension. In practice this is not being followed in the Home office and they are being miss-used by the employers for their benefit. Employers tend to use this factor for their convenience and tend to dismiss employees whom they are not very keen about. Ultimately the sufferers are the employees. Often giving written request to confirm the visa status is not answered properly by the home office. The second type of help that is expected from users is to act as negotiators with their employers and solve the disputes that they are into.

Community needs

A database consisting of casual jobs available in the community would be of great use to our users who are in search of a job. Most of them who seek our employment support services often lack clear vision about job search procedures, lack facilities to search jobs and don't follow proper tactics to settle in a job in a foreign country. Although creating such a database will mean spending extra time and effort, it will prove very much useful to our users. Creating a list of prospective employers will also be very much helpful in making appropriate referrals to our users. We can make arrangements to train eligible clients in the respective sector at our office as we used to do earlier. The employers will also benefit out of this as they can be supplied with workers who are trained and can start working immediately. Our services also extend to helping clients gain health reports and other prerequisites for taking up a job.

We also help users in preparing CV's and in searching for suitable jobs. Although there are a number of organisations available specifically for this sort of support our users seemed to be reluctant to seek those services due to language difficulty and unfamiliarity. In general if a year has passed since submission of an asylum application then the applicant can start working irrespective of the outcome of their application. This actually has become impossible in real life as the Home Office fails to confirm the eligibility of an individual to work when we write to them requesting such information.

Failed asylum seekers are not allowed to work and a lot of their time gets wasted often leading to other undesirable issues. If we happen to be successful in securing funds then we can run a special program to resolve this matter by implementing programs to keep them active and in utilising their time fruitfully. This venture will help such users to preserve and refresh their job related skills and this also paves way to get other support that they require including registration with the GP etc through our other projects.

Immigration status and employment issues

It was noticed this year that dismissal of employees by the employers in relation to confirmation of the visa status or eligibility to work related issues is on rise. We came across a number of clients who have received written notices from their employers suspending or threatening to suspend them from their jobs. In most occasions we give a letter to the employer confirming our representation at Home office about the particular employees visa extension related work and his/her eligibility to work continuously while their visa application is under consideration. Few employers accept the explanation given by us and allow the employees to continue working with them. Some employers write to Home Office directly and tend to receive very inconclusive response from them in most occasions. In such occasion we may have to write to Home Office directly and if the issue persists then the employee is advised to approach their Local MP to get confirmation from UKBA about their eligibility to work.

DISMISSAL

Dismissal is when an employer ends the employment of an employee without even giving a notice. But the employer is liable to give valid reason for the dismissal and should act reasonably in the circumstances. They should be consistent in this decision and should have investigated the matter fully before disclosing the matter to the employee. Other than certain circumstances like showing violent behaviour the employer should give notice for a period mentioned in the contract or as per the statutory requirements whichever is longer.

An employee has rights to request for a dismissal letter in writing along with the reasons for such an action provided; however it's applicable to an employee who was working for more than a year and had a fixed contract which wasn't extended. An employer is liable to produce these details within 14 days period of the request.

Reasons for dismissal

An employee can be dismissed for various reasons including inability to do the job properly, continuous illness preventing them to work properly, redundancy, misconduct, and statutory restriction, its no longer possible to employ them and for any other substantial reason. There are different types of dismissals and it includes

- Unfair dismissal -if there is no good reason behind the dismissal and if the statutory requirements are not followed by the employer.
- Constructive dismissal -a Dismissal as a result of misconduct of an employer

Challenging dismissal and legal proceedings

On dismissal an employee can try and talk to the employer and solve the matter. The other measures like mediation, conciliation and arbitration can be used to solve the matter. If they aren't successful in any of this means then they can take the matter to the Employment Tribunal. We often meet clients who come to us seeking our assistance to lodge appeal against the dismissal but in some occasion the time limit may be expired to lodge an appeal against the decision. In some cases the client tends to waste his time by trying to fruitlessly negotiate with the employer. The clients are supposed to get a written statement of their dismissal as soon as they came to know orally about their dismissal. Although there are unions available they are not functioning to the required level. Hence it is left up to the individual to judge the situation and seek help as soon as possible. There are also occasions in which the individuals are harassed by their employers and made to leave their job on their own.

EMPLOYMENT TRIBUNAL

The Employment Tribunals are independent judicial bodies who determine disputes between employers and employees over employment rights. If the efforts taken to solve the matter smoothly between the parties are not successful then the employee can take the matter to the employment tribunal. Employment tribunal takes up claims regarding employment matters which include unfair dismissal, redundancy payments and discrimination. The candidate should have worked for more than 2 years from April 2012 onwards to take the case to the Employment tribunal. As far as unfair dismissal is concerned the case should be taken to the Employment tribunal within 3 months time following the dismissal.

Case study 30

Mr PT is a 35 year old married man with children and was working in a company as a sales assistant. He had some personal issues ongoing with 2 of his colleagues in the work place. Those two colleagues launched a false complaint against him stating that he had behaved badly with them. There wasn't any way he could prove his innocence as the complaint was lodged by the two of them who had issues with him and there weren't anybody else present at that time. Following the complaint he was immediately dismissed from his job in the month of October 2012. He came to us and as he had the eligibility to claim at the employment tribunal an appeal was launched on his behalf. Following that a conciliator contacted and as it wasn't successful preparations for the hearing at the tribunal was made. The compensation amount that he could claim was drafted and all the necessary documents including the witness statements were prepared for the appeal. Following this he was granted with compensation successfully.

Case study 31

Mr K P came along with his wife to this country and sought asylum in October 2011. His asylum application is still under consideration by the Home office. He and his wife were blessed with a child in the month of November 2012 and as a result his responsibilities and family commitments increased. As a year had passed since he submitted his asylum application, he started looking for a job. Legally he was eligible to work but he had hard time convincing the prospective employers. None of them were ready to give him a job without any written proof about his eligibility to work. Considering his situation we wrote to the Home Office asking them to give a written statement about his eligibility to work in this country. Two months passed by and there was no response from the Home office regarding this request and the client is struggling to secure a job.

Case study 32

Mr D A, a 20 year old male came to this country as a dependent of his father in April 2012. After entering into the country he started working, as there weren't any restrictions imposed on him to work. In the mean time he applied for his settlement in the month of July before the existing visa expired. While he was waiting for the approval of his visa he got dismissed from job, stating that he doesn't have a valid visa to continue working. When we wrote to the home office requesting them

to confirm this fact they wrote back to us saying that, they haven't received any application and hence they are not sure of the employment rights and the employer has no legal liability in this matter. It was very unusual as we received an acknowledgment from the home office for the receipt of the application and the tracking of the postal delivery of the application also confirmed it. Five months after the submission of the application the client was sent biometric request and we wrote to home office following this. We believed that the records were updated and requested them to reconsider their opinion on the client's eligibility to work.

ROAD TRAFFIC, MINOR OFFENCES AND CRIMINAL INJURY COMPENSATION

Most of the offences or minor crimes are committed by the community members due to their inability to comprehend and adjust to the legal system in this country. We help and educate our community members when possible in these matters even though we haven't got any separate funding to deal with such matters. There has been 49 visits made by the clients in this year to get their issues related to minor offences and such sorted out.

A high proportion of users approach us to solve the problems related to motoring offences, especially to challenge the inappropriate tickets or fines charged on them by the local authorities. Most of the local authorities are exercising this as an income generating tactic to issue parking tickets through Traffic warden, smart car with camera or CCTV footages. In most of the cases those who receive a parking ticket tend to pay the amount even if it's not their fault due to ignorance and fear. Only the remaining few seek our help our services to handle those issues. In most of the occasions they are sent a bailiff orders all of sudden and they are completely shocked as they wouldn't have received any letters or notices earlier regarding this matter. We play a main role in launching appeals against the decisions taken by the concerned party and help our clients in filling up the appropriate forms including summons. If necessary we would make a written representation on behalf of the client. If the issues are serious then we will make referrals to other criminal lawyers to deal with those matters.

As far as victims or witnesses of criminal offences are concerned necessary guidance and support will be offered on seeking help. We would offer them advice and act as a liaison officer and deal with

other professionals like the police, probation officers etc. In some occasions we also are required to render our helping hand to the convicts who are recently released and in need of reintegration with the community. Such ex-offenders are provided with practical support or accommodation when requests are made.

CRIMINAL INJURIES COMPENSATION

This scheme is made by the secretary of state under the Criminal injuries and compensations act. Those who are claiming for compensation for criminal injury after 2001 will be considered by this scheme. According to this scheme personal injury includes physical injury (including fatal injury), mental injury (that's temporary mental anxiety, medically verified or a disabling mental illness confirmed by psychiatric diagnosis). Mental injury or disease may either result directly from the physical injury or from a sexual offence or may occur without any physical injury. Compensation will be paid however on satisfying the criteria. There are 25 levels of compensation amount set and will be awarded according to the damage incurred. In cases of victims of injury we communicate with the criminal injuries panel and help the client claim for their injury.

Case study 33

Mas J is a 9 year old boy and he suffers from severe learning disability and autism and is unable to safeguard himself from dangers or follow safety precautions. Once when his father took him for a walk they were waiting to cross at a pedestrian crossing and at that time the boy suddenly tried to run across the crossing and was hit by a car passing by. He sustained a fracture in the leg and was immediately admitted in the hospital. Police arrived at the scene as a civilian had called them and a case was recorded. Following this the boy's father approached us to claim injuries compensation and we wrote to the person injury panel on his behalf and helped him in getting the benefit he was entitled for.

Case study 34

Mrs NS was given a parking charge notice stating that she had committed an offence by parking contravention code 16. Apparently she had parked her in the appropriate parking space that was allotted and she had also had laid the ticket in the car for a display. We wrote to the authorities and enclosed the parking ticket as a proof which was on display in the car when the notice was

wrongfully issued. We had explained in detail how the notice was given by mistake and had urged them to cancel the notice or forward the matter to appeal section if they are not ready to cancel the ticket. As there wasn't any further notice or communication within the given 56 days time it was assured that the issue was resolved.

Case study 35

Mr I T was issued with a penalty notice for driving above the speed limit on a road where 30 miles/hr was the minimum. There was a fault in his speedometer and this was the reason why he wasn't aware of the fact that he was driving above the speed limit. That too he came to know that such a problem existed only when a penalty notice was issued. All this facts were communicated to the concerned officials and along with the letter we had also included the bills and other invoices to support this statement. A plea to excuse was made stating the reason of ignorance of the issue.

FAMILY ADVICE

Migrants and refugee community generally lead a highly disrupted family life due to their poor level of understanding and adaptation to the general society. The lack of knowledge about the legal system, family disputes, poverty, overcrowding and addictions are the main factors contributing to family conflicts in our observation. Those who were leading a life of high standard in their native land often find it very difficult to adapt to the new country and struggle to meet the demands that they are confronted with.

We were successful in reuniting a number of families who approached us in early stages itself. Often families face problems due to addiction in family members and in those cases we refer those to appropriate de-addiction centres for treatment. Family problems arising out of drug abuse problems are easily recovered by seeking support from de-addiction services. We also involve ourselves in cases where social services and police department are involved in order to ease the situation and act as a mediator.

It has now become a common scene that families get broken in order to gain some benefits. This often results in divorce due to the involvement of other legal representatives and most often the reasons given will be very trivial. We in our experience have realised that if external agents like school or social services get involved without

background knowledge about the community then they end up in spoiling the integrity of the family. We as a community organisation are aware of the community members and are well suited to handle this matter appropriately. Apart from offering mediation and advice services we also refer clients to relevant professionals if they are in need of counselling, divorce and so forth.

In our experience we have also noted the inadequacy of the family mediation services in the community. According to our clients they are more interested in closing the case than dealing the matter with genuine concern or involvement. Hence when necessary we act as mediators and try to solve the matters in a mutually satisfactory level.

Our services in family related matters are most wanted due to our balanced approach. In the year 2012 a total of 476 visits have been made by our clients to avail some form of family service. Keeping the extent of need for family services in mind we applied for LSC grant and have been granted with 15 matter starts for this year.

Family Mediation

Family mediation involves going to court to resolve dispute between two parties, usually with a mediator. During this they have the opportunity to talk to family members regarding a family dispute in a safe and secure environment. The mediation team will try and help them solve the dispute and come to an agreement regarding the family matter. Mediation promotes family communication and can also help members to make any decisions. If these issues are going to be dealt by the family lawyer or court it could be an expensive means and the couple have not had a chance to negotiate or review the entitlement or what they wanted. To avoid delay, expenses and disappointment it may be worth while to solve this settlement if they have decided to separate legally from their partners. If mediation fails then the only way to deal with those matters is by taking the matter to the court.

Family Counselling

Family counselling is an option when a family is involved in a crisis with complex issues involved, but do not want to proceed with a separation or a divorce proceeding. If complex issues are not resolved, the problem could worsened and they could end up in an unwanted separation or divorce by the involvement of the police, courts, social services and other statutory bodies. Family counselling can benefit every member of the family because it helps the family members to talk about

Tamil Welfare Association (Newham) U.K. Presents
'Vijaya' Tamil New Year
Cultural Night

05.05.2013
Programme

1. Welcome Speech by Chairperson Mr. N. Rakavan

2. Violin Recital: TWAN Fine Arts Academy presented by Ms. Divya Kumaramurthy
Ashmitha Thayabaran, Suraby Pushpaharan, Sujay Baskaranathan, Janusha Kalatharan,
Pree Sivakumar, Matheeben Baskaranathan, HarishThayabaran, Vinusha Kalatharan,
Jallaney Ravy, Mayoori Ravy, Kala Ravy

3. Veena Recital: Group 1- TWAN Fine Arts Academy presented by Smt. Seimani Sritharan
Sahana Kannappan, Apiramy Gnanavadivel, Apinaya Gnanavadivel,
Preyantha Pasgarathan, Mrs.S.Ambika

4. Miruthangam Recital: TWAN Fine Arts Academy presented by Sri. Somaskanda Sarma
Harish Thayaparan, Sujay Baskaranathan, Matheeben Baskaranathan, Mathuran Rasiah,
Kannan Krishnabhavan, Tharujan Sivarajan, Thanushan Sivathaas, Ashvin Koneru,
Thishan Sabeshan, Bhraman Sabeshan

5. Sinnansiru Kannan (Bharathanatiam): TWAN F. A. A. presented by Smt. R. Somasundram
Sahana Subendran, Harrini Kulendran, Gamalini Kantharuban,
Kajintha Koneswaran, Thamira Srinaguleswaran

6. Kollywood Dance: TWAN seniors- Choreographer- Mrs. Marshida Usman
Pree Sivakumar, Kabilen Sivakumar, Revika Vickeneswaran, Abilazha Ravendratagore,
Aranniya Ravendratagore, Lukshan Sharvaswaran, Sathursan Sharvaswaran, Seetharam Seethamohan,
Hannah Koneru, Bharathieneyan Sritharan, Diantha Sivalingam, Thagshaneen Thillairajah,
Naren Kamalraj, Mathangi Elango, Jathusa Selvarajan, Sinoshtan Sriharan.

7. Vocal Recital:: Group 1 TWAN Fine Arts Academy presented by Smt. Suganthy Srinesa
Pretica Ganeshabalan, Haripran Raguthas, Sharuja Murugananda, Pree Sivakumar
Ashmitha Thayaparan, Simsan Letchumikanthan, Minusa Letchumikanthan,
Saumiah Suntharamoorthy, Matheeben Baskaranathan, Janusha Kalatharan,
Vinusha Kalatharan, Selvatharshini Thiruchelvam, Suraby Puspaharan, Charanee Paraneeharan

8. Flute Recital: Miss. Preyaanthana Ragu
Violin - Miss. Priyanka Pranaveeswaran, Mirudangam - Mas. Janarthan Sivarupan

9. Chief Guest Address and distribution of certificates

10. Veena Recital:: Group 2- TWAN Fine Arts Academy presented by Smt. Seimani Sritharan
Bhanusha Kandasamy, Bhatusha Kandasamy, Prasath Chandrasekaran, Mrs.Gopika Venkatesan

11. Deepa Nadanam: TWAN Fine Arts Academy- presented by Smt. R. Somasundram
Harsha Vadivalagan, Pooja Udayakumar, Saveetha Kirubakaran, Sajitha Kirubakaran,
Krishanthi Sivaloganathan, Abera Srinaguleswaran

12. Bollywood Dance: by Little Dance Lions Club- choreographer Mrs. Marshida Usman
Thushanth Ragunathan, Zaheen Usman, Akshay Asok Kumar, Abinaya Kandasamy,
Roshan Kandasamy, Maithri Krishnan, Subanath Jeyakanthan, Prithy Gopalaruban,
Archana Arunasalabavan, Schion Saliv,
Schantal Saliv, Babida Sivasundaram, Sernila Ganeshamoorthy

13. Vocal Recital: Group 2-Twan fine arts academy presented by Smt. Suganthy Srinesa

Rajeevi Raguthas, Preyantha Pasgarathan, Gowsica Puspanathan,
Preeyenha Elango, Raagavi Mohan, Harish Thayaparan, Shankeetha Shankar,
Ramiya Rajalingam, Malaviga Gopalakrishnan, Sruthi Selvan, Jathavi Thirukumaran

14. Innovation with Tradition(Dance): presented by Mrs. Karuneswari Senathirajah

Performers: Mrs. Thiripurasunthari Kanesaratnam, Mrs. Saraswathy Murugesu,
Mrs. Rajaletchumy Sabanayagam, Mrs. Sivahamy Nadarajah, Mrs. Kanagambihai Rajakulasooriar
Miss Revika Vickeneswaran, Mas. Lukshan Sarvaswaran

15. Mahaganapathy(Bharathanatiam): TWAN fine arts academy presented by Smt. R. Somasundaram

Dasika Thavayoganathan, Sharanga Mathiyuganathan, Samiya Sivasuthan,
Arauni Anbalagan, Dushyanka Manisegaran

16. Semmozhi (Dance): by Dance Lab- choreographer Mrs Marshida Usman

Luxika Rajanayagam, Ahirtha Arunasalabavan, Archana Arunasalabavan, Abhinaya Kandasamy,
Munier Hussain, Romain Murali, Pooranima Letchumanan, Zineerah Usman, Araniya Soosapillai,
Marshida Usman, Priyatharcini Gopalaruban

17. Cinematic Dance: by TWAN fine arts academy Choreographer Mrs. Marshida Usman

Aksharaa Kuganathan, Ashvin Kuganathan, Vishalini Kantharupan, Lathisan Mahadevan,
Jathursan Thavayoganathan, Awinesh Vigneshwaramoorthy, Praveen Nimalraj, Abinayan Piratheepan,
Charan Kokulakumar, Shannel Sooriyakumar, Karene Sivaganeshan, Shanath Suthakaran,
Athiree Sivakumar, Gamilini Kantharupan, Ajai Kandeepan, Dinosan Selvarajan,
Karinica Ganeshabalan, Harry Kulendran

18. Isai Aruvi by Krishnalaya Music Academy

Vocal: Banuja Balakrishnan - **Violin:** Jalleney Sivarupan - **Flute:** Preyaanthana Raghu, Sinthuja Niranjan,
Gawseliya Niranjan, Jayaram Sivarupan, Krishna Sethuraman, Piraveenan Kirupakaran

Miruthangam: Janarthan Sivaruban - **Gadam:** Senduran Sivarajah, Ghobihan Ananth

Ganjara: Senduran Sivarajah - **Morsing:** Senthana Nadarajah

19. Siva Nadanam: presented by Smt. R. Somasundaram

Veena Dhulipala, Anjali Dhulipala, Anjanee Seerungam, Abisha Jeevarajah

20. Cinematic dance: by Lab Dance Club Choreographer Mrs. Marshida Usman

Pooranima Letchumanan, Zineerah Usman, Ahirtha Arunasalabavan, Gawsaliya Kathirgamathamby,
Priyatharcini Gopalaruban, Janani Vijayaratham, Nayani Vijayaratham.

21. Special guest speech and certificate distribution.

22. Thagathimitha: by Mrs. Rathika Thayalakumar

23. Keerthanai (Bharathanatiam): by TWAN Fine arts students presented by Smt. R. Somasundaram

Damiya Rajalingam, Malaviga Gopalakrishnan, Sruthi Selvan, Kasika Kasinathan, Jathavi Thirukumaran

24. Nitpathuvo...Nadappathuvo...(Dance): Presented by Mrs. Thiripurasunthari Kanesaratnam,

25. Thodaimankalam(Bharathanatiam): By TWAN F. A. students Presented by Smt. R. Somasundaram

Damiya Rajalingam, Malaviga Gopalakrishnan, Sruthi Selvan, Kasika Kasinathan, Jathavi Thirukumaran

26. Cinematic dance by TWAN juniors & Dance Lab - Choreographer Mrs. Marshida Usman

Ashvin Kuganathan, Vishalini Kantharupan, Lathisan Mahadevan, Awinesh Vigneswaramoorthy,
Praveen Nimalraj, Abhinayan Piratheepan, Shannel Sooriyakumar, Karene Sivaganeshan,
Shanath Suthakaran, Athiree Sivakumar, Romain Murali, Navein Vijayaratham, Munier Hussain,
Shangeerthan Justheenappar, Pooranima Letchumanan, Zineerah Usman, Mithuya Uthayakumar
& Mrs. Marshida Usman

27. Tamil Kuthu Melody: by Dance Lab and Little Lion Dance Club

Choreographer Mrs. Marshida Usman

Munier Hussain, Pooranima Letchumanan, Zineerah Usman, Marshida Usman.

மலர்ந்துள்ள 'வீஜய' புதுவருடத்தை முன்னிட்டு
தமிழர் நலன்புரி சங்கம் (நியுஹாம்) ஐ.ரா.
பெருமையுடன் வழங்கும்

பல்கலை இரவு

05.05.2013

-: நிகழ்ச்சிகள் :-

1. வரவேற்புரை: தலைவர் திரு ந. ராகவன்

2. வயலின்: TWAN நுண்கலைக்கூட கீழ்பிரிவு மாணவர்கள் - தயாரித்து வழங்குபவர்: செல்வீ திவ்யா குமரமுர்த்தி
அஸ்மிதா தயாபரன், சுரபி புஷ்பாகரன், சுஜய் பாஸ்கரநாதன், ஜனுசா கலாதரன், ப்ரீ சிவகுமார்,
மதிபன் பாஸ்கரநாதன், ஹரீஷ் தயாபரன், வினுஷா கலாதரன், ஜாலனி ரவி, மபூரி ரவி, கலா ரவி.

3. வீணை: பிரிவு 1- TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி செய்மணி ஸ்ரீதரன்

சகானா கண்ணப்பன், அபிராமி ஞானவடிவேல், அபிநயா ஞானவடிவேல், பிரியந்தா பாஸ்கரதாசன். திருமதி எஸ். அம்பிகா

4. மிருதங்கம் - தாளவாத்திய இசை: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீ அ. ந. சோமாஸ்கந்த சர்மா

ஹரிஸ் தயாபரன், மதிபன் பாஸ்கரநாதன், சுஜய் பாஸ்கரநாதன், மதுரன் இராசையா, கண்ணன் கிருஷ்ணபவன்,
தாருஜன் சிவராஜன், தனுஷன் சிவதாஸ், அஸ்வின் கோனேறு, திஷன் சபேஷன், ப்ரமன் சபேஷன்

5. சின்ன சிறு கண்ணன்: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலக்ஷ்மி சோமசுந்தரம்

சகானா சுபேந்திரன், ஹரினி குலேந்திரன், காமிலினி கந்தருபன், கஜிந்தா கோனேஸ்வரன், தாமிரா ஸ்ரீநகுலேஸ்வரன்,

6. திரையிசை நடனம்: TWAN நுண்கலைக்கூட மேற்பிரிவு மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷீடா உஸ்மான்

ப்ரீ சிவகுமார், கபிலன் சிவகுமார், ரேவிகா விக்னேஷ்வரன், அபிலாஷா ரவிந்திரதாசுர், ஆரண்யா ரவிந்திரதாசுர்,
லக்ஷன் சர்வேஸ்வரன், சதூர்ஷன் சர்வேஸ்வரன், சீதாராம் சீதாமோகன், ஹன்னா கோனேறு,
பாரதிநேயன் ஸ்ரீதரன், தியந்தா சிவலிங்கம், தக்ஷன் தில்லைராஜா, நரேன் கமலராஜ்,
மாதங்கி இளங்கோ, ஜதுஷா செல்வராஜன், சினோஷ்தன் ஸ்ரீஹரன்

7 வாய்ப்பாட்டு: பிரிவு 1: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி சுகந்தி ஸ்ரீநேசா

பிரதிகா கணேசபாலன், ஹரிபரன் ரகுதாஸ், சாருஜா முருகானந்தா, ப்ரீ சிவ குமார், அஸ்மிதா தயாபரன்,
சிம்சன் லட்சுமிகாந்தன், மினுஷா லட்சுமிகாந்தன், சௌமியா சுந்தரமூர்த்தி, மதிபன் பாஸ்கரநாதன்,
ஜனுசா கலாதரன், வினுஷா கலாதரன், செல்வதர்ஷினி திருச்செல்வம், சுரபி புஷ்பகரன் சாரணி பரணிதரன்.

8. புல்லாங்குழல்: வழங்குபவர் - செல்வீ பிரியந்தனா ரகு

பக்கவாத்தியம்- வயலின் - பிரியங்கா ப்ரனவேஸ்வரன், மிருதங்கம் - ஜனார்தனன் சிவரூபன்

9. பிரதம விருந்தினர் உரையாற்றுதல் மற்றும் சான்றிதழ் வழங்குதல்

10. வீணை: பிரிவு 2: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி செய்மணி ஸ்ரீதரன்

பானுஷா கந்தசாமி, பதுஷா கந்தசாமி, பிரசாத் சந்திரசேகரன், கோபிகா வெங்கடேசன்.

11. தீப நடனம்: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலக்ஷ்மி சோமசுந்தரம்

ஹர்ஷா வடிவழகன், பூஜா உதயகுமார், சவிதா கிருபாகரன், சஜிதா கிருபாகரன்,
கிருஷ்நாந்தி சிவலோகநாதன், அபிரா ஸ்ரீநகுலேஸ்வரன்

12. பாலிவூட் நடனம்: லிட்டில் லயன்ஸ் டான்ஸ் கிளப் மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷீடா உஸ்மான்

துஷாந்த் ரகுநாதன், ஸகின் உஸ்மான், அக்ஷய் அசோக்குமார், அபிநயா கந்தசாமி, ரோஷன் கந்தசாமி,
மைத்ரி கிருஷ்ணன், சுபானாந்த் ஜெயகாந்தன், பிரீதி கோபாலரூபன், அர்ச்சனா அருணாசலபவன்,
சாகின் சாலீவ், ஷாண்டால் சாலீவ், பபிதா சிவசுந்தரம், சேர்நிலா கணேசமூர்த்தி

13. வாய்ப்பாட்டு: பிரிவு 2: TWAN நுண்கலைக்கூட மாணவர்கள்

தயாரித்து வழங்குபவர்: ஸ்ரீமதி சுகந்தி ஸ்ரீநேசா

ராஜீவி ரகுதாஸ், பிரியந்தா பாஸ்கரதாசன், கௌசிகா புஷ்பநாதன், பிரியந்தா இளங்கோ, ராகவி மோகன்,
ஹரிஸ் தயாபரன், சங்கீதா சங்கர், ரம்யா ராஜலிங்கம், மாளவிகா கோபாலகிருஷ்ணன்,
சுருதி செல்வன், ஜாதவி திருகுமாரன்.

14. பழமையுடன் புதுமை: தமிழர் நலன்புரி சங்கம் - நியூஹாம் - மூத்தோர் நிலையத்தின் நிகழ்ச்சி
தயாரித்து வழங்குபவர்: ஸ்ரீமதி கருணேஸ்வரி சேனாதிராஜா
திருமதி. திரிபுர சுந்தரி கணேசரட்னம், திருமதி. சரஸ்வதி முருகேசு, திருமதி. ராஜலட்சுமி சபாநாயகம்,
திருமதி. சிவகாமி நடராஜா, திருமதி.கனகாம்பிகை ராஜகுலசூரியர்,
செல்வி.ரேவிகா விக்னேஷ்வரன், செல்வன். லக்ஷன் சர்வேஸ்வரன்.

15. மஹா கணபதி (பரத நாட்டியம்): TWAN நுண்கலைக்கூட மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலட்சுமி சோமசுந்தரம்
தசிகா தவயோகநாதன், சாரங்கா மதியுகநாதன், சாமியா சிவசுதன், ஆரணி அன்பழகன், துஷ்யங்கா மணிசேகரன்.

16. செம்மொழி: லிட்டில் லயன்ஸ் டான்ஸ் கிளப் மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷ்டா உஸ்மான்
லக்ஷிகா ராஜநாயகம், அகிர்தா அருணாசலபவன், அர்ச்சனா அருணாசலபவன், அபினயா கந்தசாமி,
முனீர் ஹுசைன், ரோமன் முரளி, பூர்ணிமா லெட்சுமணன், ஜினிரா உஸ்மான்,
ஆரண்யா சூசபிள்ளை, மர்ஷ்டா உஸ்மான், பிரியதர்ஷினி கோபாலரூபன்

17. திரை இசை நடனம்: TWAN நுண்கலைக்கூட கீழ்ப்பிரிவு மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷ்டா உஸ்மான்
அக்ஷரா குகநாதன், அஸ்வின் குகநாதன், விசாலினி கந்தரூபன், லதிசன் மகாதேவன்,
ஜதாரசன் தவயோகநாதன், அினேஷ் விக்னேஸ்வரமூர்த்தி, பிரவின் நிமல்ராஜ், அபினயன் பிரதீபன்,
சரண் கோகுலகுமார், ஷான்னெல் சூரியகுமார், ஹரிணி சிவகணேஷன், சாநாத் சுதாகரன்,
அதிரி சிவகுமார், காமிலினி கந்தரூபன், அஜய் காண்மபன், ஹரிணி குலேந்திரன்,
தினோஷன் செல்வராஜன், ஹரிணிகா கணேசபாலன், ஹரி குலேந்திரன்

18. இசையருவி: வழங்குபவர்கள் - கிருஷ்ணாலயா குருவீனர்
பாட்டு: பானுஜா பாலகிருஷ்ணன் - வயலின்: யாழினி சிவரூபன் - புல்லாங்குழல்: ப்ரியந்தனா ரகு,
சிந்துஜா நிரஞ்சன், கௌசல்யா நிரஞ்சன், ஜெயராம் சிவரூபன், கிருஷ்ணா சேதுராமன், பிரவின் கிருபாகரன்
மிருதங்கம்: ஜனார்த்தனன் சிவரூபன் கடம்: செந்தூரன் சிவராஜா, கோபிகன்
கேஞ்சிரா: கோபிகன் ஆனந்த் - மோர்சிங்: சேந்தன் நடராஜா

19. சிவ நடனம் (பரத நாட்டியம்): TWAN நுண்கலைக்கூட மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலட்சுமி சோமசுந்தரம்
வீணா துளிபாலா, அஞ்சலி துளிபாலா, அஞ்சனி ஸ்ரீரங்கம், அபிஷா ஜீவராஜா

20. கோலிவூட் நடனம்: லிட்டில் லயன்ஸ் டான்ஸ் கிளப் மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷ்டா உஸ்மான்
பூர்ணிமா லெட்சுமணன், ஜினிரா உஸ்மான், கௌசல்யா கதர்காமதம்பி, பிரியதர்ஷினி கோபாலரூபன்,
அகிர்தா அருணாசலபவன். ஜனானி விஜயரட்டணம், நயானி விஜயரட்டணம்

21. சிறப்பு விருந்தினர் உரையாற்றல், மற்றும் பரிசு வழங்குதல்

22. தகதிமிதா: வழங்குபவர் - ஸ்ரீமதி ராதிகா தயாளகுமார்

23. கீர்த்தனை (பரத நாட்டியம்): TWAN நுண்கலைக்கூட மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலட்சுமி சோமசுந்தரம்
டாமியா ராஜலிங்கம், மாளவிகா கோபாலகிருஷ்ணன், சுருதி செல்வன், காசிகா காசிநாதன், ஜாதவி திருகுமரன்

24. நிற்பதுவோ நடப்பதுவோ... (நடனம்) - வழங்குபவர்: திருமதி. திரிபுர சுந்தரி கணேசரட்னம்

25. தோடய மங்களம் (பரத நாட்டியம்) : TWAN நுண்கலைக்கூட மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி ரட்ணலட்சுமி சோமசுந்தரம்
டாமியா ராஜலிங்கம், மாளவிகா கோபாலகிருஷ்ணன், சுருதி செல்வன், காசிகா காசிநாதன், ஜாதவி திருகுமரன்

26. திரை இசை நடனம்: டான்ஸ் லாப் & TWAN நுண்கலைக்கூட மாணவர்கள்
தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷ்டா உஸ்மான்
அஸ்வின் குகநாதன், விசாலினி கந்தரூபன், லதிசன் மகாதேவன், அவினாஷ் விக்னேஸ்வரமூர்த்தி, பிரவின் நிமல்ராஜ்,
அபினயன் பிரதீபன், ஷான்னல் சூரியகுமார், ஹரிணி சிவகணேசன், சாநாத் சுதாகரன், அதிரி சிவகுமார், ரொமைன் முரளி,
நவின் விஜயரட்டணம், முனீர் ஹுசைன், சங்கீர்த்தன் ஜீஸ்தினப்பர், பூர்ணிமா லெட்சுமணன், ஜினிரா உஸ்மான்,
ஸ்ரீமதி மர்ஷ்டா உஸ்மான், மிதுயா உதயகுமார்.

27. தமிழ் குத்து மெலடி: டான்ஸ் லாப் & லிட்டில் லயன்ஸ் டான்ஸ் கிளப்,
தயாரித்து வழங்குபவர்: ஸ்ரீமதி மர்ஷ்டா உஸ்மான்
முனீர் ஹுசைன், பூர்ணிமா லட்சுமணன், ஜினிரா உஸ்மான்,
ஸ்ரீமதி மர்ஷ்டா உஸ்மான்

problems they are facing and what everyone is feeling.

Reconciliation

A couple heading toward divorce may have second thoughts. These couples may have second thoughts once divorce is becoming a reality and want to work toward saving their marriage. By taking part in this program, the couples benefit from mentoring and opportunities to meet with support groups. The couple does the problem solving, working on the issues that led to the divorce proceedings. The coach is present to facilitate the process, and to advise the couple as to their options in how to approach these often thorny issues. Some couples use this as an opportunity to not only work on the issues that led them to this point, but also to focus on the future. Couples may obtain referrals to long-term services and support groups if they feel it is necessary.

DIVORCE PROCEEDINGS

An applicant is eligible to get a divorce if they are married for a year and their marriage has been damaged to an irrecoverable stage. Those who are applying for a divorce should have their marriage legally recognised in the UK. There are 3 steps in applying for a divorce namely

1. **Filing a divorce petition** – the concerned party have to apply to the court for permission to divorce, and show reasons why they want the marriage to end.
2. **Applying for a decree nisi** - if their spouse agrees to the petition, then they will get a document saying that there's no reason that they can't divorce.
3. **Applying for a decree absolute** - this legally ends the marriage – the concerned person needs to wait for 6 weeks after they get the decree nisi to apply for decree absolute.

There is also an option for the couples to arrange for a divorce on their own if the concerned parties are able to agree upon the reasons for divorce, arrangements for looking after children and regarding splitting of the property and possessions. In that case the divorce can be got without going to the court.

Case study 36

Mrs SC came to this country as a dependent spouse of a person who had a settled status in this country. Her marriage with Mr.GS was arranged by the

family members and she had no idea about her spouse until she arrived in this country. Once she came to this country she realised that he was addicted to drugs and was into an extramarital relationship. He wasn't interested in living with our client and the marriage wasn't consummated. She didn't want to continue the relationship in this manner and hence applied for a divorce. Her husband wasn't willing to give consent to the divorce and instead his lawyers started blaming her for their separation. The solicitors appointed by her husband argued that she is applying for divorce by stating violence as a reason only to get a permanent residence in this country. The case was heard but due to lack of cooperation from her husband it was getting adjourned often. We liaised with a firm of Solicitors and when the case was to be heard finally her husband declared his acceptance for the divorce. Decree of nisi was issued and a decree absolute was to be filed at the earliest. As her husband had accepted for the divorce they will be granted with divorce shortly.

ASSETS AND FINANCIAL SETTLEMENT

If a couple can reach to an agreement of assets and financial settlement then they solve matters among themselves instead of going to the court and paying a huge sum for the legal proceedings. If they want to make the arrangements of the financial matters legal then they can apply for a consent order. This consent order is a legal document and can include details on how the assets are going to be divided including money, property, savings and investments. It can also include arrangements for maintenance payments, including child maintenance. In cases of inability to reach to an agreement a financial order can be drawn. For this the concerned family member is expected to attend the "mediation information and assessment meeting" with the family mediator. The financial order can be applied for if the partner demands a lump sum payment, ownership of a property, regular maintenance payments to help with children or living expenses and a share of their partner's pension payments.

This should be applied for separately and it can take 6- 12 months to get a decision. The judge will decide on the division of assets based on how long the couple have been married or in a civil partnership, their ages, ability to earn, property and money, living expenses, standard of living and their role in the marriage or civil partnership .If there are enough assets to meet everyone's needs, the judge will decide on the fairest way to divide the

assets. If there isn't enough, the judge will make arrangements for any children first - especially their housing arrangements and child maintenance. The judge will usually try to arrange a 'clean break', so everything is shared out, and the couple no longer have any financial ties to one another.

Maintenance payments

The court sometimes tells the person with the higher income to make regular maintenance payments to help with the other person's living costs. This is called a 'maintenance order'. A maintenance payment can be set for a limited period of time or until one of the partner dies, marries or enters into a new civil partnership. This payment can also be changed if one of them loses their job or gets much better paid work. The court can also decide on child maintenance, but this is often arranged by the Child Support Agency.

SEPERATION AND ENTITLEMENTS

Those who are separated and have only limited leave to remain in this country will face problems in extending their visa and in getting benefits to run their life further. If the concerned couple own a house then appropriate arrangements should be made for further payment of mortgages. If the couple were living in a rented house then those who are moving out of the house as a result of the conflict need to be supported in getting a suitable accommodation and in changing their names in the benefits sections. If they are eligible, then the partner, especially mothers living alone with their children can be helped in claiming income support and job seekers allowance. If the parent is finding it difficult to bear with the charges of child rearing then they can apply for child maintenance through the child support agency.

However being just "separated" is not a solution and may lead to a lot of problems in the later stages, especially in claiming benefits continuously. Hence before its too late steps should be taken to help the family reconcile or go for a divorce in order to have a concrete solution followed by necessary arrangements.

Case study 37

Mr and Mrs S R are married for the past few years and have children. They both weren't getting along due to some differences of opinion between them and hence there were a lot of arguments and misunderstandings ongoing in the family. There came a stage when they decided that they cant live

together any more and approached us. We tried to counsel them and reunite the family but this wasn't successful. Following that we referred them to family mediation services. The mediation services were also not successful in reuniting the couple as they found it very difficult to discuss with officers who are from a different culture and background. As there weren't any improvement with mediation services the mother came back to us requesting us to help her in settlement of financial matters at least. We managed to speak with her husband and made an arrangement for a maintenance payment to the mother in an informal manner.

HEALTH CARE

Our organisation is actively providing health care advice and support to various sectors of people especially to victims of war and torture, newly arrived people who have trouble in registering with GP and in need of emergency treatment and mentally ill individuals. We work with a number of health professionals and statutory bodies to provide adequate health care to the needy members of the community. We are also closely working with Project London which offers medical treatment and support to enrol with a GP. **Project London's** volunteer doctors, nurses and support workers provide information, advice and practical assistance on how to access mainstream health services. The clinic also provides basic healthcare in the interim period until their service users are fully integrated into NHS and other support services. We also work with other organisations like Me'decins Du Monde and refer our clients who would benefit out of their services. We often work with organisations like medico legal foundation and Helen Bamber foundation to get medical reports for the victims of war and torture.

We often face clients who come to us with the issue of being charged with a huge bill for utilising NHS services when they were in the process of getting their visa. In most of the occasions they are not liable to pay such huge amounts as their visa status would have changed by then, making them eligible for such services. We work on behalf of these clients and negotiate with the NHS officials in arranging for the clearing of payment by submitting the documents related to their current visa status.

Apart from this the organisation takes initiative to offer services like yoga classes, mild physical training and various workshops and seminars to promote healthy living among various sectors of the community. Opportunities for health check ups

on a regular basis for conditions like diabetes, hypertension are also offered. Through the workshops and seminars the awareness about various lifestyle diseases and the need for leading a healthy life style are stressed upon to members in the community who are at risk.

Case study 38

Mrs S M is a 30 year old female and she had been recently recognised as a refugee. She received two invoices from NHS demanding a sum of £6369 which was the charges incurred during her admission in the hospital for her delivery. They had charged her for such a huge sum as she was a failed asylum seeker at that point of time. By the time she received the invoice she had been granted with refugee status and apart from that she was a spouse of a British citizen. As her settlement issue had been sorted she was no longer obliged to pay the amount demanded. When she approached us with this issue we wrote to NHS on her behalf and explained them about her current visa status. The proofs for her visa status were also attached for their reference. Following this the medical charges were dismissed completely.

Case study 39

Mrs Z S had fled from Sri Lanka along with her son fearing her life and to escape the torture she was undergoing there. Although she fled the country she was getting nightmares and the memories of her past experience were haunting her. Her problems were aggravated by her unstable situation in the host country. She wasn't feeling secure enough to deal a normal life. She was referred to a GP and was diagnosed to have post traumatic depression with suicidal thoughts. She was prescribed with medication by her GP and was also referred to counselling services. They were both supposed to help her sleep and feel better. As there were lot of issues that were ongoing regarding her settlement she didn't recover significantly from her problems. On the other hand the severities of problems definitely were reduced and her suicidal thoughts had reduced. We regularly monitored her and helped her in getting the medical report and other essential support for her safe settlement in this country.

Case study 40

Ms SJ was subjected to torture when she was detained in a camp in Sri Lanka on suspicion that she was a member of LTTE. Unfortunately she hadn't any immediate family members in the

country to get her bail or help her in any other way. She was severely tortured and was sexually abused while in detention. She somehow managed to flee the country and sought asylum in UK. She was not mentally fit following her detention and she was experiencing high distress. She was suffering from sleeplessness, anxiety and was tormented by the thoughts of her past suffering. Unfortunately the sexual abuse she underwent during detention had resulted in pregnancy. She underwent a medical termination of pregnancy and following that her distress got aggravated. We apart from dealing with her case requested for a medical report from experts for both her physical and mental status. The doctor's report proved that she was tortured physically to a greater extent. The psychiatrist who examined declared that she was suffering from post traumatic disorder and moderate depression. She was prescribed with medication and was referred to counselling services.

Case study 41

Mr RT was actively involved in the LTTE and was being detained by the army for a number of times when he was in Sri Lanka. The torture that he underwent during the detentions made him very fragile mentally and slowly he started losing his mental balance. He was treated for his condition to a certain extent and there wasn't any significant improvement. On the other hand he was being searched for and was frequently detained and tortured by the army. He decided to leave the country as he couldn't withstand anymore of the torture. After coming to this country he sought our services for further help. When his case was ongoing we could sense that he wasn't mentally healthy. We came to know the need for treatment and referred him to a mental health specialist and he was diagnosed to be suffering from an episodic mental illness namely bipolar disorder. He was prescribed with necessary medication and following that his problems subsided. He was regularly monitored by us and we offered him other necessary support when necessary. The other entitlements and support that were required by him were arranged by us.

SPECIALIST CASEWORK



INTRODUCTION

The Organisation always strives to meet the demands of the community. We offer specialist casework and the representation services as a part of that objective. We have a civil legal aid contract from the legal services commission (LSC) to fund appropriate cases in the immigration and asylum criteria. Until November 2011 we were able to open asylum and immigration files without any ceiling under this funding. However since November 2011, the number is restricted by the LSC to 108 files or less per year for immigration and 36 files or less

for asylum respectively. This funding is well short of our demands and requirements, we are capable of dealing with up to and around 60 asylum cases and 400 immigration cases per year. The LSC funding is only applicable for those cases which satisfy the means, merits and sufficient benefit criteria of the LSC's Immigration specification. If the client failed under the means and merits test, we can still manage to continue the services for such users with the help of other funding i.e. through the London Council and City Parochial funds. These

funding also assist us to provide case work and representation on welfare benefits, employment, consumer and housing matters.

We have been allotted with 100 new matter starts per year for asylum and immigration matters by the LSC for the contract that is to start from the 1st of April 2013. In addition to this, we are in the process of making an application to work in partnership through Advice UK led community group consultant called "Black & minority ethnic Advice Network" in employment and housing related matters.

ASYLUM

Despite the end of war between LTTE and Sri Lankan Government forces in May 2009, human rights violations are still continuing against the Tamils, by the Sri Lankan Government. In effect of these, Tamils, particularly the younger members from North and East are subject to persecution and torture irrespective of their involvement with the LTTE. If anyone is suspected as a LTTE member, then they are most likely to be detained under the Prevention of Terrorism Act and tortured without a court hearing for a long period, if not killed. In addition to that, abductions and disappearances are other common forms whereby the security forces are getting rid of the LTTE supporters and those who are suspected to be supporters. This risky situation in Sri Lanka has been the reason behind many vulnerable individuals claiming asylum in various countries including the UK.

REFUGEE CONVENTION

The Geneva Convention was drafted in the aftermath of the Second World War and the concerned signatories are expected to provide protection to individuals who have been forced to flee their country of origin when their local Governments have abused, or failed to protect them and/or their human rights.

Under the UNHCR, a "refugee" is defined as a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual resident, is unable, or owing to such a fear, is unwilling to

return to it and who is not excluded from the protection of the Convention.

The Convention does not however apply to persons who might even though satisfy the definition of a refugee, but have serious reasons for being considered to have committed war crimes or crimes against humanity, serious non-political crimes, or are guilty of acts contrary to the purposes and principles of the United Nations.

Article 32 of the Convention prevents the United Kingdom to expel a refugee from their territory save on grounds of national security or public order. Article 33 of the Convention prohibits a contracting state to expel or return "refouler" a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The failure of UK Government's obligation under the Refugee Convention and torture Convention and human Rights Convention

The UK is one of the signatories in the 1951 Refugee Convention and they have obligations and responsibilities towards the protection of the people who are facing persecutions in their native countries. However since 1951 many signatories' western countries are not fulfilling their obligations and instead are creating new immigration domestic rules to prevent such form of migration. Due to these changes the refugees or torture victims who flee from their countries are unable to seek protection in other safe territories.

Furthermore the signatories' countries are narrowing down or are interpreting the refugee convention according to their convenience. Time to time this attempt is challenged by the legal representative on behalf of their clients through judicial review procedure and other such measures. In addition to this, the Governments are taking numerous other steps to prevent migration by claiming that it's affecting border control. These actions in the end penalise the refugees and torture victims instead of providing protection; for e.g. refugee convention clearly says it is natural refugees are unable to flee with their own passport therefore they may need to use someone else passport for leaving the country illegally. In reality, using forged documents is a criminal offence in the UK and consequently the asylum seekers are sent to prison for such activities.

According to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 if at a leave or asylum interview one does not have with them an immigration document or if they have used forged immigration documents to flee their country then they will be persecuted. Therefore, in reality, such asylum seekers are imprisoned for up to twelve months and as a result, their credibility is affected reducing the success of their asylum claim.

Current asylum seeking trends

Unlike in the past, most Tamil asylum seekers are submitting their asylum claims as an in-country applicant at the Home Office instead of at ports. There are many reasons in the background for such a decision. People are unable to flee from Sri Lanka with their own passport because those who are using someone else's passport or forged documents are facing prosecution on their arrival into the UK. Moreover the restrictions by the airlines and stricter border control are preventing the people to make claims at the ports. Lack of legal help at ports, immediate deportation risks and inability to communicate and seek legal advice are among the other reasons for this new trend.

In the past Tamil refugees fled their country without knowing their destination and claimed asylum wherever they think it was safe for them or as they were advised by their travel agents. But according to our 2012 record, it shows that the majority of our clients claimed asylum after securing their entry to UK with some form of entry visa or smuggled into the country by the agents. Most of the clients do as they are instructed by the agents and in some cases they genuinely believe that they can return to their native if the situation changes for the good later on.

Case study 42

Mr NK is a citizen of Sri Lanka. He left Sri Lanka for Bahrain and lived there for 16 years with a work permit visa. As there were political problems in Bahrain, he couldn't continue to stay there. He had in fear of returning to Sri Lanka as well due to his prior LTTE connections. He was aware that like his brother, many others who had returned to Sri Lanka had eventually disappeared. Due to fear that he will be tracked down, he moved to France with a 2 year work permit visa. After 6 months, he was arrested in France Airport for possession of a false passport. He was released on the same day with a condition that he will leave France within 1 month. Mr NK then travelled to the UK on a transit to Canada from France with a view to claim asylum in Canada. However he was detained in the UK

airport for 2 days where he claimed asylum and his case is being dealt by the immigration officers.

Case study 43

Ms SM is a citizen of Sri Lanka and in the past she had helped the LTTE in their meetings and participated in their functions. When she moved to another area in Sri Lanka she was given self defence training by the LTTE and also was trained how to use weapons. She left the country for a while owing to her poor health condition and came back after some time. Since her arrival in Sri Lanka, she was helping the LTTE secretly and one day on her way back from a meeting with a LTTE member, she was followed by the Sri Lankan armed forces and abducted. She was beaten, tortured, during the 27 days detention. Her father arranged for a lawyer and bailed her out and following that she was sent to another village to live with her aunt. The lawyer arranged an agent who helped the client to apply for a student visa on behalf of her. Ms SM then came to UK with the student visa which was valid for 11 months. On the 10th month, before the expiry of her visa, she sought legal help for claiming asylum as she is in fear of persecution if she is returned to Sri Lanka and the case is on progress.

SCREENING AND ASYLUM INTERVIEWS

In order to make a claim for asylum in the UK, the asylum seeker should book an appointment to attend an interview at the asylum screening unit in Croydon. The asylum screening unit operates an appointment system and will also accept applicants on a walk-in-service, however there will be no guarantee that the person will be seen. The applicant will usually be taken through an initial telephone interview which does not affect the applicant's claim. This interview is usually for the purpose of making an appointment only. Once the telephone interview is complete, the applicant will be given an appointment to attend the asylum screening unit. The asylum interview generally will take place around 3-4 hours through an interpreter then applicant will be given five days time limit to make further representation or notified any others in the asylum interview.

Since 5th March 2007, the Home Office has put all new applications for asylum into the New Asylum Model (NAM). Each asylum seeker will have a Case Owner, who is a Home Office official responsible for an asylum seeker's case and dealing with all aspects of their case from initial interview to final integration or removal.

Dublin convention

Once the asylum seeker claims asylum in person at the first occasion, the UKBA officials will take the applicant fingerprints, photos and other biometric details as there is a system in place which establishes a Europe-wide fingerprinting database for unauthorized entrants to the EU to find out his previous immigration history including his previous attempt to come to the UK or EU or whether he has claimed for asylum on his en route to UK. If the officials can be able to get his previous asylum claim or previous attempt to seek entry to UK through his fingerprints, then it will be used by the officials during the asylum claim. If anyone passes through safer countries, then the person will be expected to claim asylum at the first opportunity in that country during their entry to UK. If anyone claimed asylum through another European member state, then the person may seek deportation and get transferred to that state through which the asylum seeker first entered the EU, under the Dublin convention.

The Dublin Regulation (Regulation 2003/343/CE) is a European Union law that determines the EU Member State responsible to examine an application for asylum seekers seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union. This Regulation establishes the principle that only one Member State is responsible for examining an asylum application. The objective is to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person. Upon transfer to the first country the person entered into, even if the asylum claim is refused by that particular European country, that person must deal with the legal matter in that particular country.

Hasty decisions

The amount of time generally expected for processing a case depends on the type of case and on whether or not the applicant is detained. However the assessment process currently is subject to tighter timescales and has been accelerated. As a result many cases are being fast tracked with decisions being taken in a time scale of 11 days. We are witnessing a lot of short comings that arise as a result of this short timescale. It leaves the asylum seeker less prepared mentally for the case apart from denying them and their representative with adequate time to collect evidences and prepare for the case. Often the past trauma and on-going pressures take a severe toll on the clients contributions. Lawyers often apply

for an extension of time in order to gather more evidence, however they are always rejected. Consequently, asylum seekers' claims are rejected and these decisions are either due to lack of evidence or lack of time to gather evidence. New evidences are hence only submitted via fresh claims and extensions are only granted if the asylum seeker has been referred to the medical foundation whereby they need medical attention.

Case study 44

Mr RT was forcefully in the LTTE and was trained by them. After his studies he voluntarily joined the LTTE intelligence unit and he was once arrested while travelling in a bus and detained by the armed forces. He was severely tortured and starved. He was later admitted to a mental hospital and was treated for a month. He was diagnosed with PTSD with severe depression. Later he took up teaching as employment and continued his spying task as an LTTE. He was arrested on numerous occasions after the hospitalisation and released on bribe within 2 days. He made arrangements to leave the country and the police came to know about this. He was arrested, detained and tortured for planning to leave the country. He was later released and admitted in a psychiatric hospital and ultimately he absconded from there. He met a lawyer who advised him to go abroad on a student visa and once the political problems come to an end in Sri Lanka, he may come back. He hence travelled to UK. After 6 months, he decided to go back to Sri Lanka for a short period as he was feeling unwell. On the 3rd day of arrival, he was arrested at home, detained and tortured. He later realised that he has been in the hospital and was discharged in a week. After 4 months, he returned to the UK and sought asylum after 2 days. While an application for asylum was made to the Home Office, the medical expert conducted a medical and psychiatric assessment on him. The case worker decided not to grant the time required to prepare such a report and refused the asylum claim.

GENERAL REASONS FOR THE REFUSAL OF THE UKBA

Asylum claims are refused by the UK authorities for various reasons. Most of the reasons are not valid and it's very clear that the reasons are given just to deny refuge somehow. The intention behind seems to be reducing the official figures of those provided with asylum than offering protection to those who are in danger. Some of the reasons that are stated while refusing asylum for a case are as given below

DELAY IN APPLYING FOR ASYLUM

In *HS (returning asylum seekers) Zimbabwe [2007] UKAIT CG*, it is considered that a person who has been forced to flee their home country due to a risk of serious harm and persecution would seek help or protection at the first available opportunity. According to the UK legal system those who don't claim asylum at the earliest possible time are considered to be not subjected to genuine fear of persecution on return to their native country. There are many factors contributing for a delayed asylum claim. First of all tight immigration border control and criminalising practice and fear of instant deportation prevents many from claiming asylum at the port. On the other hand some use a valid visa to enter such as student visa to enter the country. Because of a valid visa, immigration officers do not ask them about any claim for asylum or such and even otherwise agents usually advise them not to claim asylum at the port. Asylum seekers are advised by their agents that once they enter the UK legally, they should seek proper legal advice in the UK and then apply for asylum as there are no legal representatives in the airports. They are also advised that their visa will entitle them to stay in the UK for 3-4 years based on a student visa and therefore, things may change in Sri Lanka and they can return to their country. However when they seek asylum after entering into the country owing to one of the above mentioned reasons their claims is rejected for reason that there was a delay in the claim.

FAILURE TO ESTABLISH CREDIBILITY

Immigration officers who are the decision makers have developed cultures of disbelief regarding asylum seekers issues. The asylum seekers are in a disadvantaged position, due to the atrocities that they have faced earlier and due to their past life style in their country; they are brought up or survived so far by not telling the whole truth to the officials or police. Because of their painful or fearful past, they do not have full faith in officials. During an asylum interview, an officer cannot always expect the applicant to give a 100% true account of what has happened in the 3 to 4 hours of interview.

Instead of finding adverse credibility, they should try and find the reason behind their lies and the reason why they fled their country in the first place. Further to the asylum seekers lifestyle, other issues may be involved behind their lies. Mostly agents are involved in helping people to flee their country. During this process, they heavily trust their agents and follow the agents' advice. Agents often advise them not to tell the whole truth and out of fear

many clients follow it. They are also warned otherwise, they will not be able to leave the country and stay in a safe country. They have to lie and get forged documents. An asylum seeker who managed to flee their country with their Government issued passport and a student visa with the help of an agent to enter the UK was denied asylum as the court stated that it seems to be an unlikely means to be considered among various other safer and easier options to escape from their native country. This contradictory stand of legal system affects all the asylum seekers uniformly, irrespective of the path they have chosen.

Case study 45

Mr KK is a 25 year old Sri Lankan male of Tamil ethnicity. He was a student and was involved with the LTTE in 2004 when he was attending school. He was involved in writing posters and driving trucks for the LTTE. Mr KK's father was also involved in similar activities. Mr KK was arrested twice in 2007 when he was visiting a friend in another village. Upon checking his ID card, the Army found that he was from an LTTE area and based on that, he was suspected of involving with the LTTE. He was detained for over a month. He was tortured, beaten with cricket stumps etc. Those substances would leave internal injuries and swelling but no obvious long-lasting scars. Mr KK's parents managed to get him released on bail. In 2009, Mr KK was asked to help once a week to enter records on a computer by one of the members who travelled in his truck. When the two of them related to that activity were arrested, he too was arrested. He was detained for 6 days and was asked to sign a document. He appeared in court and his father paid 1 lakh as surety for bail. Before getting arrested, he made an application for studying in the UK. Mr KK was asked to appear in court again shortly after but he fled the country with a student visa. In UK, Mr KK has conducted 2 interviews in relation to his asylum claim. His asylum claim was rejected and he was given 10 days to make appeal.

FORGED DOCUMENTS

When an applicant flee their country with forged documents or documents under a different name in order to seek protection of the UK, then under section 5 of the Forgery and Counterfeiting Act 1981, they are penalised and imprisoned for using forged documents. At the end of their sentence or after paying a penalty and upon applying for asylum, their application is refused on the ground that they have criminal conviction and hence they state that your "credibility has been damaged as a result of your actions". In addition, failure to show

an expired passport has been interpreted as an attempt to conceal immigration history by the Home Office which further incriminates them. There are situations where applicants are not able to bring all the documentary evidences regarding their detention. This may be a result of frequent shifting between multiple secret hiding locations and inability to safeguard personal belongings, inability to access their previous dwellings and permanent loss of documents as a result of houses getting destroyed in the war. However failure to show documentary evidence altogether will heavily weigh down their asylum claims in a safe country.

LEVEL OF INVOLVEMENT WITH THE LTTE

In Sri Lanka, the government officials are detaining and torturing individuals purely on suspicion of involvement with the LTTE, irrespective of their level of involvement. Young males from North of East of Sri Lanka are already targets just because of the place they hail from. In the UK, even if an involvement with LTTE is accepted, the Home Office will counteract this ground by stating that an applicant's claim that he was arrested by the Sri Lankan police is inconsistent with the case law of *TK (Tamils- LP updated) Sri Lanka CG [2009] UKAIT 0049*. In para 75 of the judgment, it states that "we are not persuaded that the Sri Lanka authorities would have as much interest as before in persons in some way linked to the LTTE unless they were LTTE members or persons with an active role or profile in that organisation." Hence the UK system completely ignores those who state that their level of involvement with the LTTE were only minimal. In other words, the UK judiciary system believes that only those who are in high level of involvement with the LTTE face persecution and all other applicants are not. However this is also counteracted as the Home Office will penalise those with high level of involvement in the LTTE by stating they were participating in a terrorist activity and hence should be deported. They often overlook the fact that any person who is involved with the LTTE, let it of any level is targeted and seldom face a fair trial in Sri Lanka.

NON-EXISTING EVIDENCE

Even if an applicant has multiple scars on their body and claim that they were caused while they were in detention or abducted in white vans, this will be rejected unless there are evidences to show that these scars were caused by the police or other officials. In most of the cases, such documentary evidences are non-existent. No such records are made in the first place when they are abducted in white vans by police men in plain clothes, even when they are released they are just left in a field

or just asked to the leave the van without any record. However there are many instances where police officers dressed in plain clothes abduct people from streets, home or at work in white vans and torture them. When such claims are made by applicants, no documentary evidence can be shown other than scars if any. Paragraph 339L of the Immigration rules 1999 places the onus firmly upon the applicant to substantiate their asylum claims. Where aspects of the asylum seeker's statements are not supported by documentary or other evidence, those aspects are either ignored by the case worker or treated as levity.

EFFECT OF BRIBERY

An applicant who was arrested but released on a bribe in Sri Lanka claimed asylum in the UK. His application was refused on the following grounds: "it was accepted that you were arrested by the police and released on a bribe, it is not accepted that you will be at risk on return to Sri Lanka". The case of *NA [2208] ECHR NA v UK* was applied whereby the European Court Judge stated that "generally release on the payment of a bribe without more instruction would not indicate that there was an ongoing risk because the release would be likely to be recorded as a release because there was nothing further to be held against the individual". Therefore, it is believed by the UK judiciary system that once an asylum seeker has bribed his way out from prison in his country, he is now safe and does not need to fear future persecution. This is however not the case as the bribe just helps the individual to get released from a detention but doesn't guarantee any future safety.

ETHNICITY

The significant majority of reported cases of human rights violations in Sri Lanka involve persons of Tamil ethnicity who originate from the North and East which have been under LTTE control. These individuals are at risk within these regions, and in other parts of Sri Lanka, by Government officials because of their ethnicity and/or imputed political opinion. Tamils have been persecuted because of their ethnicity and political belief over 30 years in Sri Lanka. However it is very difficult to prove within the UK domestic law as to why Tamils are a persecuted race in Sri Lanka

Out of this those who are young, females, those who were trained by the LTTE, Tamils who are not in possession of proper civil documentation, and Tamils who have had contacts with the political members of the LTTE are at high risk.

INCONSISTENT AND CONFLICTING EVIDENCE

Inconsistent and conflicting evidence can cast doubt over one's asylum claim. The asylum seekers have fear and this can affect their answers to numerous questions during screening interviews and upon seeking independent legal advice. Applicants who are victims of torture especially may find it very difficult to describe their experiences and may require some time to recover from such inhuman or degrading treatments. However, the Home Office does not take into consideration such situations and refuses applications for providing conflicting evidences or discrepancies.

Moreover, in finding against the applicant on the basis of inconsistencies between their screening and asylum interviews and/or witness statements, the home Office and/or immigration judge often fail to take into account the stated purpose of a screening interview and *YL (Rely on SEF) China [2004] UKAIT 00145*. This states that the purpose for screening interview is to find out about the identity, background and travel route used mainly for administrative purposes. However at this stage, substantive details on an applicant's asylum claim are also sought when these questions should have been asked in a later interview.

FORGETFULNESS

It is not astounding for Sri Lankan nationals to forget dates. Due to the culture and upbringings, for e.g. they celebrate dates depending on birth stars instead of their birth date and remember their religious wedding day rather than the day on which they had their marriage registered. The Sri Lankan nationals follow a different calendar which is very much different from other parts of the world. Because of low IQ and lack of education, some Sri Lankan may have difficulties in responding to questions in a straightforward manner. They may remember the day when they were arrested and detained if they were arrested once but when this has happened numerous times, they may not remember the dates or may report dates which might be overlapping. Such discrepancies or overlapping are bound to happen but the decision makers seldom take into consideration the underlying reasons for those. Inconsistencies do not necessarily mean that the concerned client is lying. There are many reasons for why the evidence of a perfectly honest witness might be inconsistent. These will include the witness's age at the time of the events spoken of, psychiatric conditions, and the length of time that has elapsed or quite simply

the fact that the witness may typically have an imperfect recollection of events.

OTHER REASONS

On some occasions asylum is refused for reasons like the name of the family members is different or by refusing to accept the fact that other family members are at risk of getting arrested due to a single family member. For example an immigration judge might accept that an applicant's step-father was a member of the LTTE but then offset this part of the claim by stating that "the applicant bears an entirely different name and there was nothing to connect the two of them". The Judge completely ignored the fact that the applicant, his mother, step siblings and step-father have been together in the same house for years and the family was known as LTTE and their house was well-known in the area. The Judge also ignored the fact that the applicant was adopted by the step-father and the applicant was arrested by the Sri Lankan government when they came to their house to arrest the step-father.

Many more impractical reasons are given by the UK home office and the judges when rejecting asylum claims. Once, the immigration judge failed to reach clear and unambiguous findings. She accepted that the applicant was arrested and detained 3 times however she further concluded that "apart, therefore, from his first arrest... I do not find the appellant's evidence credible..." Immigration judges often state that they do not find an account of the claim not credible but fail to give adequate or any reasons for their findings.

Such occasions are examples of some of the innumerable reasons based on which asylum claims get refused.

STATE OF RETURNING AND DEPORTED FAILED ASYLUM SEEKERS

The UK government is deviating itself year after year from the basic article 3 requirements in the ECHR. The Home Office, even after being aware of the risks of torture of those returned to Sri Lanka is not taking any actions to curb this. The UK authorities are under an impression that the Sri Lankan government is implementing a coalition scheme, following the inquiries commission and other international pressures. However, evidences as of 2012, shows that some failed asylum seekers who are returned to Sri Lanka are still facing torture and persecution and have serious fear for the safety of their lives. Some of the news articles mentioned below justifies the above mentioned facts

In a January 2011 article, the daily "*Sri Lanka Guardian*", reported that Colombo's Katunayake International Airport has a "heavy presence of the intelligence officers" that "systematically targeted" Tamils coming back from overseas, putting them through "extensive interrogative processes for several hours". According to the news site's sources Tamil passengers on all incoming and outgoing flights are the focus of the TID. These sources reports that TID officials take individuals into custody, either interrogating them for hours or taking them away "in unmarked white vans to unknown destinations".

Similarly, the "*Joint law and Society Trust submissions*" noted that Tamil returnees are detained and questioned about their connections with the LTTE in Sri Lanka, proper reasons to their leaving the country, about the circumstances of their departures and about their links while they were outside the country. This can be a long process and under the Prevention of Terrorism Act, persons can be detained for prolonged periods. In many instances it has been notices that the returned asylum seekers are targeted specifically and tortured. One victim told the *Guardian News* that he was tortured over the space of 17 days after being deported from the UK in 2011. His torturers accused him of passing on to British Officials information about previous beatings and other human rights abuses, and ruining diplomatic relations between the two countries. The *Human Rights Watch* in May 29, 2012 published a report that stated that the UK should immediately suspend deportations of ethnic Tamil asylum seekers to Sri Lanka and reviews its policies in assessing these claims.

APPEAL PROCEDURES

After the asylum interview, within 2-3 weeks time the asylum claim will be determined by the NAM case-owner and in most occasion, claim will not have been accepted by Home Office. Where an asylum claim is refused and the consequent immigration decision attracts a right of appeal, the appellant is required to lodge an appeal with the Immigration and Asylum Tribunal (AIT) within 10 working days of service of decision or 5 working days of service of decision if applicant is detained. The appeal should be lodged in the specified appeal form with refusal letter and notice of removal with grounds. The AIT must notify the respondent as soon as an appeal has been lodged under rule 12 of the Procedure Rules. Under Rule 45 of the Asylum and Immigration Tribunal (Procedure) Rules 2005, when an appeal has been lodged, AIT will decide

on the date and location of the appeal hearing, and also arrange a case management review. The date will usually be within 3-4 weeks and the appellant will be duly notified.

CASE MANAGEMENT REVIEW AND PRE-HEARING

Case management review (CMR) is a short hearing usually used to ensure that all documents are in order and the case is ready to proceed to a full hearing. A CMR hearing is held in respect of every asylum appeal other than an appeal in respect of a detained fast track claim whereby the asylum seeker will be given automatic appeal rights. The CMR is regarded as a hearing of the appeal and is held before an Immigration Judge. Both the appellant and respondent or their representatives are directed to attend. Wherever practicable, the Case Owner who is responsible for the management of an asylum claim should present the Home Office case at both the CMR and the substantive appeal hearing.

The main purpose of the CMR is to confirm the points in issue prior to the substantive hearing. The judge conducting the hearing should be seeking to confirm the issues that will be raised by either side. Both parties are required to serve any documents and witness statements they intend to rely on, or confirm that these will be served. If the appellant and respondent or their representatives fail to attend the CMR, the Immigration Judge may determine the appeal (in exceptional circumstances) under Rule 15(2) (c) and (d) of the Procedure Rules. In these cases, the Immigration Judge would have to consider the appellant's case extremely carefully in order to ensure that a reconsideration order is not requested.

At the end of the CMR, the Tribunal will give the Case owner any further written submissions relating to the conduct of the appeal. Both parties will usually be ready to proceed to the substantive hearing. A request for adjournment may be made to the AIT by the appellant or the respondent or their representatives at any time after the hearing date is set. The Judge will only allow an adjournment of not more than 28 days from the original date of hearing and he is satisfied that the appeal cannot otherwise be justly determined. A decision on the appeal will not be taken at this hearing without the applicant's consent so long as he/she or his/her representative attend, or he/she has permission from the tribunal not to attend. Similar to CMR hearings, pre-hearing with directions are used to check on the progress of a case whilst it is waiting to be listed for a full hearing.

In practice, CMR is not operating as it was designed to be. Recent case studies have shown that the CMR is reluctant to grant adjournment where an applicant is still in the process of finding a legal representative or where the representatives are still waiting for medical reports to help the applicant's case. Without such adjournment, the applicants are very likely to fail in their claims.

PREPARATION FOR HEARING

If an application for asylum is refused, the applicant may be entitled to appeal against the case owner's decision at the Immigration and Asylum Tribunal (IAT) within 10 working days with grounds of appeal. Once the IAT receive the application for appeal with the grounds, they may decide that this appeal will proceed to a hearing. Directions will be sent to the representative as to how to proceed further. Witness statements of evidence are required with a paginated and indexed bundle of all documents to be relied on at the hearing with a schedule identifying the essential passages to be sent to IAT 5 days before the full hearing. Copies of the above must be sent to the Respondent Home Office presenting officers and they should send copies of all documents to the representative as well. A notice of hearing, CMR will be sent to representative and the Respondent.

In order to have a paginated bundle of all documents for the Tribunal, the evidences need to be collated. Country of information is hence required with objective evidences to support the applicant's claim for asylum. The Applicant will be invited to the office so that all the grounds for refusal in the Home Office letter can be explained to him. A detailed and tailored witness statement will be prepared based on his experience, evidences and response to the refusal letter. Evidences from experts will be obtained if necessary in support of their claim. Conference takes place before the hearing at the TWAN office between the Counsel, the Client, the Case-worker and the interpreter in order to brief the Counsel about the client's case and to have a face-to-face discussion about how to achieve the best outcome for the Client. The witness statement will be amended accordingly if necessary after the conference, taking into account the Counsel's advice.

HEARING

The immigration and asylum judge will start by looking at the determination and reasons. In other words, the judge will examine and analyse each of the evidence that was submitted to the case-worker in order to make sure that the appellant's removal

would not breach the UK's obligation under the 1951 Refugee Convention. The Judge will also consider whether Humanitarian protection in accordance with paragraph 339C of the immigration rules can be granted. In addition to these, the judge will also take into consideration leading cases namely *LP (LTTE area – Tamils – Colombo – risk? Sri Lanka CG) [2007] UKIAT*, *TK v SSHD* and *NA v UK*.

The *LP* leading case is a principal case in determining the reasons behind asylum claim rejections. The Judge in the *LP* case set out 12 different factors, which were said, may increase the risk of a person returning to Sri Lanka. They are bail jumping and/or escaping from custody, having signed a confession or similar document, having been asked by the security forces to become an informer, having made an asylum claim abroad, having relatives in the LTTE, Illegal departure from Sri Lanka, lack of ID card or other documentation, previous record as a suspected or actual LTTE member or supporter, previous criminal record and/or outstanding arrest warrant, Returned from London or other centre of LTTE activity or fund raising, Tamil ethnicity and the presence of scarring. The Tribunal found that in every case, those factors and the weight to be ascribed to them, individually and cumulatively, must be considered in the light of the facts of each case. However they are not intended to be a checklist therefore, judges do not have to apply all of the above to an individual case.

An immigration and asylum Judge will consider past and future persecution in making his decision. Past persecution will have to be demonstrated by oral statements, physical evidence such as scars or photographs whereas future persecution is based on past persecution and how the appellant fears due to past persecution that he will face it again, if he goes back to his country. Another issue is whether the appellant facing persecution in one part of their country may be able to relocate to another part of the country without facing similar treatment. There are known as 'internal flight' option or 'internal relocation' option. These options, if existed, may preclude them from an entitlement to refugee status. However if the fear of persecution extends across the whole of the territory, then no question of 'internal flight' from potential harm can arise.

The burden of proof lies on the Appellant asylum seeker to prove their case in respect of the issues raised in the grounds of appeal. The onus however is on the Respondent State to dismiss any doubts that there will be no risk of persecution to the Appellant when returned to his country from where

he is fleeing. The Respondent will have to show that the Appellant who claimed to have been tortured in the past will not be tortured again when their application will be refused and sent back to their country.

Case study 46

Ms KP was a citizen of Sri Lanka. For 4 years, she has helped them as she was forced to do so and also take part in the LTTE arms training. During the war in 2006, her house was surrounded by the army and she was detained and questioned for 12 hours. The forces continuously visited her house and on one such she was raped in the presence of her son. Ms KP was left in a depressive state and she later even tried to commit suicide. She was hospitalised for 3 days and her son has been mentally affected since then. She moved to different villages however the security forces once caught her and she was detained and tortured for 4 days. She was released on bail and asked to report and sign at the police station every month. She was scared and she moved to another village to hide for 3 months. Her husband was arrested in the meantime and was told to surrender his wife. Her husband's family forced Ms KP to surrender herself so that her husband could be released. She fled from there and with the help of a family friend; she was able to obtain a visa to travel to UK leaving her son and her husband behind. On arrival, she was allowed to enter through the ports however after 3 months with the advice of those who accommodated her in the UK, she claimed asylum.

A screening interview took place along with biometrics. A medical expert was used to assess Ms KP and according to the law, the UKBA must wait until a medical report is received in order to make a decision. However the case worker ignored this and based on Ms KP's available evidence refused to grant asylum status to Ms KP. Upon receiving the refusal letter, another letter was sent to the case worker to point out the law and to request for the decision to be withdrawn however; the UKBA case worker ignored the letter. As a result, an appeal was lodged against his decision. Based on existing evidence, the Court is likely to make similar decision and even though the medical report is available at the time of hearing, the court still decided to ignore the report. In this instance, an asylum seeker shall have exhausted all rights of appeal and hence, he/she will have to make a fresh claim for asylum as the medical report will be considered as new evidence.

Case study 47

Mr KP was a student and a Sri Lankan national. He was once asked by an LTTE member to transfer letters during his studies and then later proposed to work for the LTTE. He was trained as to how to use weapons and other basic trainings. He later joined a university and got married. Once he was arrested by the Sri Lankan CID and released. He lodged a complaint at the Human Rights Commission. The police came to know about his complaint and on one night, 8 unidentifiable people came to his place; blind folded him and took him away to a camp. He was imprisoned and detained for 21 days as allegedly, someone has identified him as a LTTE member. He was very severely tortured with barbed wires inserted in his body. With the help of MPs and paying a bribe of 7 lakhs, he was released. He was released with a doubt of being an LTTE and he realised that he was still unsafe. He met an agent and with the help of a few people, he managed to receive a student visa while he was arrested and detained again by the armed forces. Upon release from the government forces, he fled the country to UK with the help of the agent who bribed the immigration officers at the Sri Lankan airport. He claimed asylum after a few months and a medical report was being prepared. A request was sent to the Home Office to await the medical reports before reaching any decision. The NAM case owner did not make any decision and waited for the medical report.

The Home Office and the UK Courts are inconsistent in following the rule of law. As illustrated above, such inconsistencies lead to appeals and/or application for fresh claim and/or deportation. This is unfair to asylum seekers and is a waste of resources. If they would simply wait for the medical reports and then after considering all the evidences, make a decision, then there would be no need for fresh claims on new evidence. Applicants have already been through torture and/or inhuman treatment and they are nervous and anxious. They fear for their life and the lives of their close ones. Therefore their claims should be dealt with expeditiously but effectively.

Case Study 48

Mr RA is a Sri Lankan national who earned his living by fishing with the boats he owned. In 2005 he was forced to transport goods by the LTTE and obliged out of fear. The next year he came to know that the particular LTTE members who approached him in 2005 were abducted by unidentified armed group. Out of fear he hid for safety for some time

and was arrested when he visited his house once. He was severely assaulted, tortured and detained for 6 months and was later released with the help of bribe and political influence. He immediately went into hiding and within two months, he made arrangements and fled the country. His asylum claim was refused for reasons that there wasn't enough proof for rendering forcible support to LTTE, discrepancy in information provided and real fear of persecution. The appellant then appealed. At the first-tier tribunal, the appellant bear the burden of proof. The appropriate evidential standard for him to achieve was that of the real risk. Most evidential issues were stroke off by the Tribunal judge as he mentioned that he "seriously doubt the credibility of the appellant in this key area relating to the core of his claim to internal and surrogate protection". Following more criticisms on the appellant's statement, the Judge of the First-Tier Tribunal dismissed his appeal and he sent liable to be deported.

Case study 49

Mr CV, a Sri Lankan national had voluntarily joined the LTTE and was working in the intelligence division. The applicant, upon taking the advice from his mother, applied for a student visa to study in the UK and in order to flee the country however it was refused. In October 2008, when his supervisor in the LTTE supervisor was arrested he was also detained for 28 days and tortured. His father bribed an agent 3 million rupees to secure the appellant's release. Upon his release, he went into hiding and did not report to Sri Lankan authorities as he stayed with the agent and they were moving around. The authorities came looking for the applicant at home 4-5 times when he was in the UK and the appellant's father and girl friend were arrested and imprisoned. His asylum application was refused as it was not accepted that he, his father and his girl friend have ever come to the adverse attention of the Sri Lankan authorities as a result of his LTTE involvement. He was granted a right of appeal to the first tier tribunal. In the hearing the Judge accepted the reasons produced through the oral evidence for a lack of detailed knowledge of the LTTE, the medical reports substantiating the presence of scars and the reasons for delay in applying for visa namely the need for extension of passport. In the end, the Court judge was convinced and his appeal on asylum grounds was allowed.

APPEAL FROM FIRST TIER TRIBUNAL TO UPPER TIER TRIBUNAL

An appellant may appeal to have his/her case heard in the Upper Tier tribunal on a point of law arising from a First Tier Tribunal decision. The Upper Tribunal (Immigration and Asylum Chamber) (UTIAC) is a superior court of record dealing with appeals against decisions made by the First-tier Tribunal (Immigration and Asylum Chamber). Its purpose is to hear and decide appeals against decisions made by the First-tier Tribunal in matters of immigration, asylum and nationality. In order for the case to heard in the Upper Tier Tribunal, a permission is needed from the First tier tribunal. An application must be made within 5 days of the receipt of the determination letter, and within 28 days if the appellant is outside the UK.

In these circumstances, permission can be granted while it may be refused as well. If granted, the Upper Tribunal will decide whether the decision of the First-tier Tribunal was correct in law. If the Upper Tribunal deems that an error of law has been made in the decision of the First-tier Tribunal, it can substitute its own decision in place of it, or order the First-tier Tribunal to rehear the initial appeal possibly in 2 parts. If however, permission is refused, TWAN can then apply directly to the Court of Appeal for the case to be heard at the Upper Tribunal. If the permission is granted, the case will be heard at the Upper Tier Tribunal. If the permission at the Court of Appeal is however refused, then an appeal can be lodged at the Court of Appeal for permission to appeal at the Court of Appeal itself. In certain circumstances, either party to the appeal may challenge the decision of the Upper Tribunal by way of appeal to the appropriate court. A Decision of the Upper tribunal may be appealed to the Court of Appeal. The grounds of appeal must always relate to a point of law.

Case study 50

Mr SS, the appellant, was a national of Sri Lanka. His asylum application was refused by the First Tier Tribunal and the appellant sought permission to appeal to the Upper Tribunal against the determination of the judge of the First Tier Tribunal. Mr SS applied for a student visa and upon receipt, he travelled to the UK and later claimed asylum. The First-Tier Tribunal judge stated in his determination that "when the appellant completed his student visa application form, he was not a genuine student..." and later in his determination contradicts himself by stating that he accepts the appellant has been studying in the UK. The judge's

reasoning was said to be irrational. It was also argued that if the appellant used the student application as a vehicle to leave Sri Lanka, this did not mean that his studies were not genuine and/or that he has practised deceit. It was alleged that the judge fell into material error of law in dismissing the appeal. The application to the First Tier Tribunal for permission to appeal to the Upper Tribunal was refused by the Judge in the First Tier Tribunal by stating that the grounds mentioned fail to identify any arguably material error of law. Hence there was no basis upon which to interfere with the decisions of the First Tier Tribunal.

Case study 51

Ms SI, the appellant was a Sri Lankan national and arrived in the UK in 2010. She claimed asylum after 2 weeks. She was accompanied by her husband who was dependent on her asylum claim. She claimed to be a refugee and qualified for international and humanitarian protection. The Secretary of State refused her application and an order was made to remove her from the UK. She made an appeal and the case was heard at the First Tier Tribunal. Unfortunately her claim was dismissed on asylum grounds as well as human rights grounds. The appellant made an a successful application for permission to appeal to the Upper Tier Tribunal with respect to the First Tier Tribunal Judge making an error of law in his decision. In September 2011, the senior judge at the Upper Tier Tribunal reconsidered the decision on the alleged error of law and refused to accept that the First Tier Tribunal judge has made an error in law and hence dismissed her appeal on all grounds.

Case study 52

Mr SW, a Sri Lankan national of Sinhalese ethnicity. He claimed that his family assisted members of the LTTE who wished to escape Sri Lanka. His asylum application was refused by the Secretary of State and he made an appeal to the FTT. The immigration judge concluded that the conflict in Sri Lanka was between the Tamils or the LTTE and the Sri Lankan Government, and not with Sinhalese people of Sri Lanka. The judge went further to state that this seriously damages his credibility and at the end, dismissed the appeal. An application was made to the FTT for permission to appeal to the UTT. The immigration judge's assumption of the appellant's credibility, failure to give due consideration to the medical reports and actual practices in immigration at Sri Lanka were considered to be flawed. In spite of the grounds, permission to appeal to the UPP was refused by the FTT. TWAN therefore made

an application to the UPP to appeal against the FTT's judge decision at the UTT. The UTT judge decided that the grounds were arguable and the permission to appeal was granted. On appeal, the judge reconsidered the 3 grounds and found that the FTT did err in law. Finally, the UTT judge decided that the judge's findings were made in error and that those findings could not stand. Therefore the judge's decision was set aside and an order was to be remade. This case is in still in progress.

Case study 53

Mr KU, a Tamil Sri Lankan was kidnapped and forcefully recruited by LTTE when he was in year 10 at school. The appellant was trained to be a spy and also how to deactivate mines. On one occasion, he was sent to Dubai to follow another LTTE member and based on his father's advice he stayed back there itself. However the UAE authorities arrested the appellant for overstaying in the country and he was deported to Sri Lanka. Upon arrival, he was questioned by the immigration officials and as he left the airport, the CID arrested and detained him at their camp. He was released after 13 months with the help of an LTTE bribing a Minister. Once released, the LTTE recruited him forcefully and he was punished for not killing the other LTTE member in Dubai. Two years later, he was arrested by the authorities again and tortured. His uncle managed to bribe someone in the camp and he was released. He also arranged an agent for the appellant to leave for UK with a student visa. The Secretary of State refused his application to be recognised as a refugee under the Convention. The appellant made an appeal against their decision to the FTT. The Judge dismissed the appeal stating that discrepancies and inconsistencies have damaged the appellant's credibility. An application was made to the FTT for permission to appeal to the UTT. The permission was granted. The UTT judge found that there was a real risk that on return to Sri Lanka, the appellant will be identified and the records of his past arrest and detention will be discovered. Therefore the appellant's appeal Refugee Convention and Article 3 human rights grounds were allowed.

Case Study 54

Ms GS, an individual of Malay ethnicity sought asylum in this country along with her son. She worked as a ticketing executive in Colombo and at that time had helped the LTTE members in getting visas illegally. She came to the UK with a student visa after resigning from her job in Colombo. While she was in Sri Lanka, she was arrested by the police

on suspicion of having links with the LTE and she was detained for 2 days. On another occasion she was detained and tortured for a period of 3 months. Later she was bailed with the help of her father and a lawyer. She was placed on reporting conditions and had attempted for suicide. The appellant and her son left Sri Lanka for Dubai and after 5 weeks, she arrived to UK. She claimed asylum however her application was refused. She appealed to the FTT whereby the appeal was dismissed. The appellant made a further application for permission to appeal to the UTT. Permission was granted and at the initial hearing, the UTT judge found that the immigration judge at the FTT erred in failing to diagnose the attempted suicide. Because evidence on past persecution was valid, the judge was satisfied that there was a risk that she could be tortured again if she return to Sri Lanka. Based on other grounds in addition, the UTT judge allowed the appeal on all grounds.

Case study 55

Ms SR, a citizen of Sri Lanka, entered the UK in 2010 and claimed asylum after 2 weeks. Her husband accompanied her and was dependent on her asylum claim. The Secretary of State refused her application and she appealed to the FTT. Her appeal was dismissed however permission was obtained to appeal to the UTT. The UTT set aside the determination of the FTT and decided that a decision on the appeal was to be remade by the UTT. Upon hearing the counsel on behalf of the appellant and looking at all evidence, the UTT concluded that he cannot see that the appellant and her husband would be at risk at the airport upon return. The Judge stated that the appellant and her husband could relocate internally to Colombo if they thought of facing any persecutory treatment in their home area. The UTT therefore dismissed the appeal on all grounds. An application was made in UTT to appeal to the Court of Appeal however this was refused. Therefore, permission to appeal was sought directly from the Court of Appeal. At the Court of Appeal, the appeal was dismissed. TWAN advised the appellant to make a fresh application given the new evidences were available and also claim that she has established a right to family life in the UK under Article 8. At that stage, the appellant change legal representatives.

Case study 56

Mr SS, the appellant is a citizen of Sri Lanka and he fled from there in 2010 with the help of a passport bearing a false name. He claimed asylum in the UK after 2 weeks of arrival. He claimed to have

experienced air attacks and in 2002, he was detained and asked about LTTE training camps. He was hit and ill-treated for 3 days. His home area was shelled and he sought the protection of the LTTE to move his family to another area where they lived in a tent for 7-8 months. The army asked all the people in that area to move because of shelled area and when they were moved, around 200 people were detained by the army. They were ill treated. After 4 months he was moved again and eventually released on bail with reporting conditions. His uncle arranged an agent to help the appellant to flee the country and meanwhile he was asked to move to another area. During that time, the appellant was told that the police are looking for his uncle. The appellant's wife and family have been kept in the camp and once released, they went into hiding. The appellant consumed excessive alcohol for about 5-6 years and experienced dependency symptoms. His application was refused by the Secretary of State and his appeal to the FTT was also dismissed. Permission was sought to appeal to the UTT however, this was refused. An application was therefore sought directly to the UTT and it was granted. At the UTT, it was found that there was no error with respect to the immigration judge's approach to the findings of facts. The FTT was found to have erred in respect of Article 3 and that decision was set aside. However the appeal was dismissed on Article 3 grounds in the UTT as well. An application for permission to appeal to the Court of Appeal was made to the UTT which was refused. Consequently an application for permission to appeal in Court of Appeal was made in the Court of Appeal directly. Permission to appeal was granted and the matter is still in progress.

JUDICIAL REVIEW (JR)

On some occasions it may be possible to challenge a decision through J R (Judicial review) when the automatic appeal rights have been exhausted. JR is a form of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body for e.g. the Secretary of State, the entry clearance officers and the Asylum and Immigration Tribunal.

In general terms JR may be appropriate where the challenge is based on an allegation that the public body has taken an unlawful decision or action, and there is no adequate alternative remedy. Judicial review does not involve the court in deciding whether the public body has made the 'right' or 'correct' decision, but whether the correct legal basis has been used in reaching it. In other words, if a decision was reached in contrary to immigration

rules, immigration laws, a person's human rights, and/or relevant matters was not taken into consideration before reaching a decision and or the applicant was not given a chance to make representations.

When a claimant's appeal process have exhausted and if there are enough merits to overturn a previous decision, then it may be possible to file a JR application at the administrative office of the Royal Court of Justice (RCJ). However in a recent case law of *R (on the application of Cart) (Appellant) v The Upper Tribunal (Respondent)*, the Supreme Court held that un-appealable decisions of the Upper Tribunal were subject to judicial review by the High Court only where there was an important point of principle or practice or some other compelling reason for the case to be reviewed which is equivalent to the test for second appeals before the Court of Appeal. These decisions do suggest that there is a deviation from the main purpose of the JR in respect of decisions, when a decision should be considered for appeal by the Upper Tribunal.

In order to get an authority's decision to be judicially reviewed, an application on a claim form N461 must be filed no later than 3 months after the grounds to make the claim form arose. The grounds of the application, relevant documents including the decision which is being challenged should be indexed and paginated and sent as a bundle to the administrative office in the RCJ. The Court has a wide range of remedies to award such as a mandatory order, a prohibiting order or a quashing order and these may be sought in addition to damages.

The Court can either grant or refuse permission or adjourn the matter to be decided at an oral hearing. If granted, a fee needs to be paid within 7 days. If refused, the application has to be renewed within 7 days and the matter will be listed for an oral hearing within 2 months. In the meantime, if a client is due to be deported, an agreement needs to be reached with the Secretary of State to prevent them from deporting the client. The latter may refuse to come to an agreement and hence, an urgent oral hearing may be requested to the Court by completing N463 form. In this instance, if the Judge thinks that the case is without merit, then this would be the end of the proceedings. If permission is granted however, the Defendant Secretary of State has 35 days to file their grounds of defence. If hearing has been refused both on papers and at an oral, an appeal for judicial review can be made to the Court of Appeal.

Case study 57

Mr JA arrived in the UK in 2009 using his own passport and a student visa. He claimed asylum after a year and his application was refused with a right of appeal. His appeal rights was further refused at the FTT and subsequently dismissed at the UTT in 2011. Mr JA's appeal rights were therefore exhausted. Upon securing legal funding from the Legal Services Commission in July 2011, an application for a fresh claim was sent to the UK Border Agency together with new evidences which was sent to him from his Attorney in Sri Lanka. Despite the above, his application for fresh claim was rejected. In February 2012, upon securing further legal funding for JR and preparing an application for JR at the RCJ.

HUMAN RIGHTS & FRESH CLAIMS

The European Convention on Human Rights (ECHR) (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) is an international treaty to protect human rights and fundamental freedoms in Europe. The Human Rights Act 1998 came into force in 2000 which converted the rights and freedom from ECHR into a detailed domestic law. In any event, an act of parliament must be read and given effect in a way in which is compatible with the Convention rights. The relevant articles under the Convention in relation to immigration are as follows:

Article 2: Everyone's right to life shall be protected by law.

Article 3: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5: Everyone has the right to liberty and security of person.

Article 6: In the determination of his civil rights and obligations or of any criminal charge against him everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8: Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

As asylum cases are being rejected, TWAN has continuously tried their best for their clients by making fresh claims and also on human rights grounds based on Article 3 and Article 8 in particular. No one shall be subjected to torture or inhuman or degrading treatment or punishment in Sri Lanka. According to the Home Office statistics, in 2011 alone, out of 1,604 initial applications, 1,281 were refused. All these applicants claimed asylum status as they were subject to degrading or inhuman treatment or punishment and feared future persecution.

In addition to the above, a client may have entered the UK clandestinely or with a valid visa and overstayed in the UK because they fear persecution if returned to Sri Lanka. They may have lived in the UK for many months or years and hence established a family life in the UK. In an aim to regularise their immigration status, they may apply to the Home Office to claim asylum. If their applications are refused, which is very likely, given the length of time they resided in the UK without claiming asylum, then they can rely on an application based on Article 8. That is, they have lived in the UK for a long period and they have established a private and family life. The UK and local authorities will be in breach of Article 8 if such applicant is returned to Sri Lanka.

Part 12 paragraph 353 of the Immigration rules states that when a human rights or asylum claim has been refused or withdrawn 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.

FRESH CLAIMS

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:

- (i) had not already been considered; and
- (ii) taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection.

If new evidence is presented to us by a client and this is evidence which we could not receive or retrieve earlier, for e.g. an arrest warrant in Sri

Lanka, then clearly it can be used to make a fresh application. However if an application had possession of that fresh evidence before his appeal, then the Home Office is likely to raise objections. The case of *Ladd v Marshall* 1954 set out a requirement whereby a material would only be admitted where it could not, with reasonable diligence, have been put before the Judge in the earlier appeal. In order to make a fresh claim, the asylum seeker's representatives must send the Home Office refusal letter, Asylum interview records, asylum statements, appeal witness statements and Immigration judge's reasons for decision and determination.

Upon receiving the application for asylum based on fresh claims and the documents, there are two ways in which the Home Office can proceed. If the applicant made an asylum claim before 5th March 2007, then further submissions must be made in person at the Liverpool Further Submissions Unit (FSU). If the person claimed asylum on or after 5th March 2007, then their asylum claim will be dealt by one of the NAM case owner located throughout the country. The NAM caseworker will be responsible to making the decision. Once a person has made a fresh claim, they will be entitled to NASS support. If the fresh claim application fails, then the only way to challenge this decision will be by applying to the RCJ for a judicial review. In order to make a JR, legal funding must be secured from the LSC. Three bundles with an application form and covering letter must be sent to the RCJ.

Since the new asylum model came into effect, NAM case owners are making decisions expeditiously without giving enough time to submit relevant documentary evidence to support the individuals' asylum claims. Furthermore obtaining medical reports from the medical foundation will take at least 6 months to support the asylum seekers' trauma, psychological effect and scarring while refugees or asylum seekers are unable to bring their evidence with them for various reasons which includes the high risk of arrest at the Colombo airport while they are carrying doc evidence in relation to their asylum claim. Moreover after their arrival the asylum claiming process is expecting the asylum seekers to claim asylum immediately after their arrival or as soon as after the arrival. Once they claimed asylum then all of their claim are determined by the UKB and official and tribunal so quickly.

As a result of this recent scenario we are witnessing the fact that many clients are forced to submit lodge fresh claim and we are submitting the fresh human

rights claim accordingly. If the fresh claim is refused with a permission to appeal, then an appeal will be made to the FTT as usual. However if a fresh claim application is refused with no permission to appeal, then an appellant's rights will be exhausted and the only way to challenge that decision will be through judicial review.

Paragraph 353 of the Immigration rules can only be applied where the further submissions raise issues under the ECHR and/or the Refugee convention relating to removal. However there are situations where it would be inappropriate to apply paragraph 353. Where an applicant lodged an asylum claim and this was refused by way of an appealable decision made before 2 October 2000 and no further decision has been made since that date which gave him the opportunity to appeal on human rights grounds, paragraph 353 should not be applied to any human rights submissions he then goes onto make. This only applies to human rights submissions and applies even where the appeal itself took place after 2 October 2000.

If however the human rights issue was considered and rejected at the asylum appeal against the pre 2 October 2000 decision and/or there was a basic finding of fact made at that appeal which means that any claim based on those facts is likely to fail, then paragraph 353 should always be applied. In other words, when further submissions are submitted and considered, if rejected, the submissions will amount to a fresh claim provided they meet the requirements. On the other hand, this will not be the case where an asylum claim was refused before 2 October 2000 and no further representation was made at that time. If that person goes on to make an application for fresh claim today, paragraph 353 will not apply and the further submissions will not give rise to a fresh claim.

Case Study 58

Mr MS was a Sri Lankan national who fled from Sri Lanka in 2009. He claimed asylum in the UK and his application was refused. He appealed to the tribunal however his appeal was dismissed in the Upper Tribunal as well. Since the hearing, Mr MS has been able to obtain further evidence such as passport copies, a letter from his attorney in Sri Lanka regarding evidence of his arrest and his medical records and reports. Furthermore, the country objective evidence could now confirm that the applicant would be at risk of arrest if returned to Sri Lanka. A claim for judicial review of a previous decision by the Secretary of State was made as the latter refused to accept evidence and

representations submitted as amounting to a fresh claim. Permission to apply for judicial review was refused by the Upper Tribunal at a hearing. Since that hearing, Mr MS has had the opportunity to obtain further evidence in support of a further fresh asylum claim. Hence, the Secretary of State was further invited to allow the applicant's fresh asylum claim. However, before the Secretary of State could reach a decision, Mr MS decided to return to Sri Lanka voluntarily.

Case Study 59

Mr NA was a Sri Lankan national who came to UK in 1999. On his arrival, he claimed asylum however his asylum application was refused by the notice of decision in March 2001 and his appeal was dismissed in 2008. NA's review and reconsideration application was refused by the Senior Immigration Judge Nicholas in July 2008. Further representation on a fresh claim based on Para. 353 of the Immigration rules were submitted to the Immigration and Nationality Directorate in July 2009. The UKBA stated that the Case Resolution Directorate (CRD) would be responsible for the backlog of asylum case and Mr NA's case file has been added to the backlog. The UKBA made numerous requests for photographs, utility bills throughout 2010 and 2011 which was submitted to them. In March 2012, the application was still pending and a letter before claim was sent to the UKBA with threats of JR if nothing was heard from the UKBA within 14 days. In April 2012, the UKBA wrote back to say that NA's case file was transferred from CRD to Case Assurance and Audit Unit (CAAU). In the meantime a JR application was sent to the RCJ for advice on funding as the LSC has refused to fund Mr NA's application.

Case study 60

Mr PS, a Sri Lankan national, arrived in the UK in 1996 and claimed asylum after 2 days. His application was refused. The immigration adjudicator dismissed his appeal in 1999. A further appeal with leave, to the IAT was also dismissed in March 2000. PS submitted an application in June 2006 for permission to work. In July 2010, a fresh claim application under para. 353 was made. He was however not given temporary permission to work in the UK. As all his appeal rights were exhausted, in December 2011, he made a JR application to the RCJ against a failure of the Secretary of State to grant him permission to engage in paid employment whilst awaiting the outcome of a fresh application for leave to remain on asylum/human rights grounds. In February

2012, the UKBA granted Mr PS permission to take employment. A consent order was drafted between TWAN and the representatives for SSHD, it was agreed that TWAN will withdraw their JR application in return for SSHD to consider Mr PS application within 3 months without further delay. In July 2012, the UKBA granted limited leave to remain to the application for period of 3 years. However, a consent order was drafted with a view to UKBA granting indefinite leave to remain under para 276B as per the legacy concession and hence, an appeal was lodged to the FTT. The legacy concession was set up to clear the asylum application backlog at the UKBA and indefinite leave to remain to be granted upon being successful. At the FTT, the judge stated that despite the SSHD was alleged to be in breach of the legacy concession and that the claimant has resided in the UK for more than 14 years, the judge had no jurisdiction to deal with this matter. Therefore, no order was made. Mr PS decided to withdraw instructions as he could no longer fund his application and also to deal with such mayhem on behalf of the UKBA.

DEPORTATION AND REMOVAL

Administrative removal refers to individuals who are liable to removal under section 10 of the Immigration & Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 because they have overstayed, breached a condition of leave to enter or remain, sought or obtained leave to remain by deception, indefinite leave revoked because they have ceased to be a refugee, family members of the above and had a decision to refuse to vary or to curtail leave, and a decision is being made to administratively remove during statutorily extended leave. Before concluding that a person must be removed under s10, the SSHD must consider the age, Length of residence and strength of connections in the UK, Personal history, including character conduct, and employment, Criminal record and the nature of the offence committed, compassionate circumstances and any representations on the person's behalf.

WHO CAN BE REMOVED

Where a person ceases to be a refugee, his indefinite leave to remain can be revoked under s76 (3) of Nationality, Immigration and Asylum Act 2002 and he can then be returned to his country unless there is some other basis on which he can remain here. Non-EEA citizens those subject to automatic deportation under s32 (1) UKBA 2007, those whose presence in the UK is considered not to be conducive to the public good under (s3 (5) (a)

Immigration Act 1971) (IA 1971) and those are recommended for deportation by a court as part of a criminal sentence (s3 (6) IA 1971) can be removed.

An illegal entrant is liable to removal and is a person who is unlawfully entering or seeking to enter in breach of a deportation order or of immigration laws, including deception by another person and those who have already entered by any of these unlawful means. If the Secretary of State deems the person's deportation to be conducive to the public good, the person is the spouse or civil partner or child under 18 of a person ordered to be deported and if a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment then they are liable to be deported under Para 363.

Certain individuals have immunity from deportation i.e. British Citizens and certain Commonwealth citizens and Irish Citizens. EEA citizens cannot be administratively removed but can be removed in a limited set of circumstances, that is, on grounds of public policy, public health and public security. (Reg 21 EEA 2006: Art 27 Directive 24/38 EC).

The main difference between administrative removal and deportation are in the process and impact. Deportation can only take effect once a Court order has been signed. Other than in the case of automatic deportations, the decision to deport attracts a right of appeal. Administrative removal does not generally attract a right of in-country appeal unless there are asylum or ECHR grounds.

RE-ENTRY

Once deported an individual cannot seek to re-enter the UK until the deportation order has been revoked. Those who are administratively removed can apply for re-entry immediately, but the rules relating to the re-entry of those deported are far more restrictive. Thus, a person subject to a deportation order cannot enter the UK, unless a deportation order has first been formally revoked by the Secretary of State.

A deportation order requires the subject to leave the United Kingdom and authorises his detention until he is removed. It also prohibits him from re-entering the country for as long as it is in force and invalidates any leave to enter or remain in the United Kingdom given him before the Order is made or while it is in force. Deportation orders made following a criminal conviction will not be

considered for revocation until after 10 years. Where there was no criminal conviction then the revocation will not be authorised unless the situation has been materially altered by a change in circumstances since the order was made or by fresh information.

CHALLENGING DECISION

It should be noted that once a person has been notified of a decision to make a deportation order he may appeal. However, in the case of a decision to administratively remove a person or to remove a person who is an illegal entrant, the right of appeal will not usually be available until after the removal has taken place. The exception is where the person due to be removed has made an asylum or human rights claim whilst in the UK.

Many decisions made by the Secretary of State are challengeable. The common reason behind this is because the decision makers are not making their decisions according to the existing legislation and case laws or in some cases, their interpretation may be different. In cases of deportation, since the new asylum model came into practice, the decision makers are making their decisions expeditiously and without much consideration on the evidence and the applicant's claims. The basic human rights and articles under the ECHR are being ignored and despite the application medical report as evidence for the scars obtained in unlawful detention in Sri Lanka or factual reasons, the case owners are still rejecting application for asylum and making them liable for detention.

ISSUES IN PRACTICE

In practice, the UKBA are not giving the applicant and their legal representative enough time to challenge their decisions. In some occasions, a few minutes or hours before an applicant is likely to be removed, a fax is sent through to their representatives to mention the same. This normally happens when the applicant is in detention centre. No automatic right of appeal is given therefore the only way to challenge their decision is through JR. In order to have their decisions judicially reviewed, much preparation work is involved and time is limited. Means and merits tests need to be carried out and proper funding is required in order to carry out the preparation work for the JR. For these reasons, many deportations are more difficult to challenge. Due to this practice most people are deported and on return to Sri Lanka, they are detained and tortured. There is evidence to prove the fact that failed asylum seekers are persecuted on their return. After they are deported, TWAN is determined to follow up their appeal against the decision for their removal from the UK with an aim to bring them back to a safer country.

Freedom from Torture briefing published on 13th September 2012 relates to 24 victims of torture who fled to UK however, they were voluntarily returned to Sri Lanka. They stated that "the UK recommenced forcible removals to Sri Lanka shortly after the civil war ended. This policy has been high controversial in light of the culture of repression and impunity which continues to prevail in Sri Lanka". *The Human Rights Watch*, on 25 February 2012 published "UK: Halt deportation of Tamils to Sri Lanka" whereby they urged UK to stop forcible return of tortured Tamils to Sri Lanka in the post-conflict period. The *Freedom from Torture* also mentioned that they "consider that the UK's removal policy for Sri Lanka is based on a flawed assessment of risk... the cases examined in this briefing reveal that Sri Lankan Tamils who in the past has actual or perceived association at any level with the LTTE but were able to leave Sri Lanka safely now face risk of torture on return. It is a combination of both residence in the UK and an actual or perceived association at any level with the LTTE which places individuals at risk of torture and inhuman and degrading treatment in Sri Lanka..."

In a view to tackle these issues, the para 395C of the Immigration Rules was called for abolition. Administrative removals were requested to be completely removed. However, in February 2012, para 395C was amended to better reflect the current situation regarding returned failed asylum seekers to Sri Lanka. Immigration rules faced changes on 9th July 2012 and TWAN together with counsels were concerned about them. The focus of their conference concerned the potentially serious detrimental effect these changes would have on those seeking to raise their rights protected by the ECHR, as incorporated in the UK as the HRA 1998. In particular, concern was raised by the authors of this note with respect to the government's apparent aim of abrogating the ambit of the article 8 of the ECHR that is the right to respect for family and private life by limiting the way article 8 and the rights protected by it are applied under the immigration rules.

The 9 July changes gave cause for grave concern. First, the immigration rules regarding deportation had been amended so as to ostensibly seriously restrict a claimant/appellant's ability to rely upon family and private life. Second, the requirements of those relying upon family life as a basis for an application were made much more onerous in comparison to the iteration of the rules in effect before 9 July. Thirdly is the procedural and substantive restriction on reliance on family life

applicable when an applicant seeks to cancel removal directions. Furthermore, in many deportation cases an appellant will be required to show "exceptional" circumstances before they are able to rely upon their ECHR article 8 rights. This approach totally ignores the well settled principles regarding the correct test for unlawful interference with article 8 ECHR rights and the relatively low threshold that must be passed before article 8 is engaged. The problem was how the legality of the 9th July changes can be challenged. This can only be done via JR in the Administrative Court.

Case Study 61

Mr SS a Sri Lankan national fled from his country to the UK in January 2011. He was issued with a multiple entry Tier 4 Student visa which was valid until May 2012 and his wife was granted a dependant visa. In December 2011, the appellant was arrested at Gatwick Airport trying to check in for flights to Calgary in Canada with a false passport. He was convicted and imprisoned for 12 months and after a week from being sentenced; he applied for asylum in the UK and had a screening interview. He claimed to have been arrested and tortured as a member of LTTE and he and his family has been subjected to non-stop harassment by the army. His application for asylum was refused in UK in July 2012 as the NAM case worker found some discrepancies in his historical background. Shortly after, a notice of appeal was completed and filed. The Immigration Judge however dismissed the appeal against the deportation Order and dismissed the asylum appeal as well. Due to new evidences, a fresh claim was made for the authorities to consider however this was refused on the basis that the application and evidences did not constitute to fresh claim. A notice of removal was made accordingly from the UKBA. As all the appeal rights were exhausted, an application for a judicial review was filed to the High Court to make an order compelling the Secretary of State for the Home Department to treat the appellant's representations as fresh claim and to refrain them from deporting the appellant pending this application. In the meantime, permission to appeal to the UTT was refused by the FTT. Permission to apply for JR was refused and the client was deported in October 2012. In November 2012, after applying for a renewal, JR was secured to an oral hearing and it is now listed for February 2013.

Case study 62

Mr MK was a national of Sri Lanka and he was granted entry clearance in Chennai in February 2011

entitling him to enter the UK as a Tier 4 student until June 2012. He had been forcefully recruited by the LTTE and had underwent arrest and torture by the army as a result of that in the past. Mr MK went to college as per his student visa but unfortunately the college closed down in October 2011. In March 2012, the case owner refused the asylum application. An appeal was made and heard in the FTT. The Immigration judge however refused the appeal. Permission to appeal to the UTT was refused. The appellant was in detention and liable to be deported. As new evidences were available, a fresh claim was made in September 2012 with a request that the appellant not be deported pending the outcome of the fresh claim. The fresh claim application was refused and UKBA decided to deport the appellant in October 2012. In order to stop the removal, UKBA was notified that an immediate application for JR would be made and this was filed within 2 days for the Court to consider urgently. However the application was returned as they claimed that the removal direction date has passed 2 days ago. An application for JR can only be made on a new decision and grounds. Another application for leave to move for JR was made based on the fresh claim that was refused by the UKBA. This is still pending.

Case study 63

Mr RS was a Sri Lankan national who had been working for the LTTE due to their compulsion and had later faced arrest and detention due to this by the Sri Lankan army. In January 2011, he fled to UK claimed asylum in May 2011. His application was refused and his appeal was heard but refused as well. During that time, new evidences were obtained and a fresh claim was submitted on 9th February 2012. The next day, a fax was received stating that Mr RS was served with a removal notice for 14th February 2012. An application for JR was made immediately to stop the removal with detailed statement of grounds. As the outcome of the fresh claim application was still pending, a request was sent to the UKBA to defer the removal directions to allow time for the medical evidence to be presented and considered in the fresh claim. Permission to apply for JR has been refused on papers on 13th February and an immediate application was made to renew the appellant application as he was liable to be removed on the same day. The appellant was removed to Sri Lanka pending the outcome from the JR. Later in February 2012, another firm of solicitors was instructed and the files were transferred to them. The JR's application was successful and it was held that the UKBA acted unlawfully by removing the appellant

from the UK while the decision from the High Court was still pending and the appellant was brought back to the UK.

Case study 64

Mr KU is a Sri Lankan national and has lived in the UK for 32 years. He first arrived in the UK when he was a minor and overstayed. He has 2 children and his wife passed away. His passport and all original documents were burnt down 10 years ago when the solicitors firm he instructed to work for him, met with a fire accident. In April 2012, he was convicted for 2 counts and the SSHD had therefore made an order for deportation. TWAN filed an appeal against the deportation order with a request to grant him temporary admission with any form of condition to the FTT. At the hearing, the Immigration judge dismissed the deportation order and found that Mr KU had an established family life in the UK and his removal would result in interference with his family life. His appeal was allowed and he was therefore released from the detention centre.

EEA

The Immigration (European Economic Area) Regulations Act 2006 came into force on 30th April 2006. The UK has signed a treaty, known as of Treaty of Rome which provides free movement of worker, goods, capital and establishment and provision of services. As a member state, the UK is required to give effect to the rights enshrined in the Treaties, Regulations and Directives of the European Union (EU). In the UK, the doctrine of primacy of EU law over national law is implemented by s2 (1) of European Communities Act 1972. The Act made EU law directly effective and required courts to take into account EU law when interpreting the law.

TREATY RIGHTS

The rights of free movement contained in the Treaty enables a European Economic Area (EEA) national to be admitted to the UK if they produce, on their arrival, a valid national identity card or a passport issued by the EEA state. Exercising of treaty rights include working either as an employed or self-employed person and studying in this country. Under European law, an EEA national who is exercising EU Treaty rights is entitled to the same tax, housing and social advantages available to nationals of the member state, without discrimination. A dependant or family member of such an EEA national, as defined, of whatever

nationality, do not need leave to enter and remain in the UK. They are not subject to immigration control and they have the same rights to benefits as the EEA national.

RESIDENCE AND FAMILY MEMBERS

As per the 2006 Regulations, there are 3 different types of right to reside granted for the EEA nationals. An initial right to reside is awarded for up to three months for any EEA national and his/her family member regardless of whether s/he is exercising EU rights. An extended right of residence for more than 3 months is applicable to a qualified person and their family members. A qualified person is someone who is a jobseeker, a worker, a self-employed person or a self-sufficient person who has sufficient resources not to become a burden on the social assistance system of the UK and with a comprehensive sickness insurance cover. Finally a permanent right of residence after 5 years of being a qualified person or family member of a qualified person, or, in certain circumstances, a former worker or relative of a former or deceased, qualified person can be applied.

During this 5 years period, if the EEA qualified person ceases to be a worker, then there is a high risk of non EEA family members' visa extension application being refused. Also if the family relationship breaks down with the non-EEA family member then this may affect their immigration status and their benefit entitlements. Social security legislation regulates access to welfare benefits.

Workers and the self-employed have a complete and unfettered right to have their family members with them when they move around the EU. The rights of family members extend to non-EEA nationals who are known in EU law as third country nationals. Family members include Spouse or civil partner, Direct descendants of his/her or his/her spouse/civil partner (under 21), Dependants of his/her or his/her spouse/civil partner, Dependant direct relatives in his/her ascending lines, or that of his spouse/civil partner. Except for those qualifying as students where family members are only considered to be spouse/civil partner and dependent children.

Regulation 8 of the EEA Regulations also introduces the concept of 'extended family member' and they not fall under the ordinary "family member" definition. In the Directive, Article 3, the member state shall facilitate entry and residence for a non-married partner in a durable relationship, and a dependant relative if the EU national or their spouse/registered civil partner who was living as

part of their household before coming to the EU host country, or a family member with a serious health problem needing care from the EU national under the extended family member category.

A family member retains the right to reside in some circumstances after death, divorce or departure of the qualified person. This applies to a family member who was living with the EEA national in the UK for a year before their death. If the family member was a child of the EEA national who died or left the UK attending an education course. The parent with custody also qualifies. The former family member after divorce/termination of a civil partnership keeps the right to reside as a family member if the marriage/partnership has lasted at least 3 years, of which at least the last year was spent in the UK, or the former spouse/civil partner has rights to custody of or access to a child in the UK, or the family member needs to stay in the UK due to particularly difficult circumstances, e.g. domestic violence.

During this 5 years period, if the EEA qualified person ceases to be a worker, then there is a high risk of non EEA family members' visa extension application being refused. Also if the family relationship breaks down with the non-EEA family member then this may affect their immigration status and their benefit entitlements. Social security legislation regulates access to welfare benefits.

EEA Family Members – Metock v Ireland [2008] and others

The case of Metock concerned with refusal of visa for spouses of EEA nationals on basis of their previous visa status. However European Court of Justice (ECJ) ruled against the Irish Government and it found that national legislation cannot require the third-country-national spouse of an EEA citizen who is exercising his or her free movement rights in a host Member State to have been previously lawfully resident in another Member State. But in Metock the ECJ ruled that the *Akrich* case must be reconsidered.

EEA Family Members – Yunying Jia v Migrationsverket – judgement made in 2007

A Chinese national, who applied for a residence permit on the grounds of relationship with an EEA national and of financial dependence was rejected on the ground that inadequate evidence of financial dependence had been supplied. The Court concluded from this that the grant of a residence permit in the present case must not be subject to the prior condition that the national of the third

country has legally resided in another Member State.

RESIDENCE DOCUMENTS

Under the 2006 EEA Regulations, EEA nationals and their EEA family members are issued Registration Certificates and non-EEA family members are issued with Residence Cards as evidence of the right to reside on an in-country basis. Similarly, an EEA national with a permanent right of residence is entitled to apply for a documents certifying permanent residence and a non-EEA national is entitled to a permanent residence card. Where a non-EEA national seek to travel to the UK with a qualified person or to join a qualified person in the UK as a family member who is exercising his treaty rights, then he/she must seek an EEA family permit.

Case Study 65

Ms KT was a Sri Lankan national and her husband Mr TT and their children were French citizens. Mr TT, upon whose application all the others rely, claimed that he first entered the UK with his family in September 2003. Within 2-3 months, he was able to secure a job; he was a Worker exercising his treaty rights in the UK. In September 2006 he left his job as one of his children was severely ill and his wife, who also had a medical problem, could not cope on her own. Immediately after leaving his job, Mr TT signed on at the Job Centre and obtained Job seekers' allowance. In April 2009, Mr TT resumed to work. In July 2011, all Appellants made an application for permanent residence however their applications were refused as he was unemployed for more than 6 months. TWAN appealed their decision and on appeal, the Immigration judge analysed the facts and evidence and he was satisfied that Mr TT had actually employed before becoming unemployed and thereafter was genuinely searching a job. The Immigration Judge found that the UKBA has failed to interpret the law correctly and hence the appeal was allowed for all appellants.

Case study 66

Mr MK was a Sri Lankan national married to a Danish national in 2000. The Appellant entered the UK in November 2009 as the spouse of an EEA national and he was initially given leave to remain for 6 months. In February 2010, he applied for a residence card which was granted in August 2010 and it was valid until August 2015. This was issued on his old Sri Lankan passport which was due to expire August 2010 itself. In July 2011, Mr MK made

an application for a new passport as his old passport has expired and wanted his residence card to be transferred to his new passport. Despite the evidence of pay slips and HMRC letters, the UKBA refused his application for a residence card on the grounds that the appellant's EEA family member had failed to provide evidence that they are a qualified person and that the appellant did not have a basis to remain in the UK under the 2006 Regulations. TWAN appealed that decision and on appeal, the Immigration Judge reconsidered the evidence and considered the case of *Nkrumah 2011* whereby it was held that "once residence card has been issued it retains its validity as authority to remain unless or until it expires, lapses by reason of prolonged absence or is revoked under reg 20". On the facts of this case, the immigration judge concluded that the appellant's residence had not been revoked and it had not expired and that it still remained valid. The UKBA erred in applying the correct law and they were mistaken in refusing to grant the residence card. His appeal was therefore allowed.

Case study 67

Mr SU, the Appellant, was a national of Sri Lanka and he came to UK in 2007. He claimed asylum however his application was refused and his appeal rights were exhausted. He remained in the country and in December 2009, he married a French national who was exercising her treaty rights in the UK as a worker. In April 2010, the Appellant applied for and was granted a residence card valid until October 2015. In December 2011, the Appellant obtained a new passport and he applied for a residence card again to be endorsed on his new passport. His application was refused on the grounds that the qualified person has been unemployed for more than 6 months after being employed that no evidence was shown regarding her intention to seek employment in the UK shortly. The appellant sent evidence of medical history and the reason behind this unemployment however the UKBA was not satisfied. Upon TWAN making an appeal, the immigration Judge considered the evidences again and allowed the appeal on the grounds that the EEA member was now in employment and that previously, she was involuntarily unemployed because of her medical condition. The appellant was found to have a right of residence as the EEA national's family member.

Case study 68

Ms YJ was a national of Sri Lanka and the appellant in this case. The Respondent UKBA refused to grant

her a permanent residence card as the spouse of an EEA national under Reg 15. The grounds were that only 7 wage slips and 3 P60 certificates were produced as evidence of her husband's employment for a continuous period of employment of 5 years. The Appellant's husband claimed that he was in employment for a continuous period of 5 years in the UK and unfortunately one of his P60 went missing. However he provided a letter from the HMRC to show that he was actually in employment for that particular year. Whilst the UKBA refused to grant the appellant a permanent residence card, the immigration judge on the other hand was satisfied that the letter from HMRC was sufficient evidence for the missing P60 and that he was satisfied on the balance of probabilities that the Appellant had proven her case.

Case Study 69

Ms RB was a national of Sri Lanka and a widow. She escaped Sri Lanka and claimed asylum in the UK. She has 4 children who fled for the same reason out of which 2 daughters reside in UK, 1 daughter and 1 son reside in France and they were all recognised as refugees. Ms RB was living with her daughter in the UK as a dependent. Her application was refused in October 2012 on the grounds that the UKBA was not convinced that if returned, she will be subject to unlawful killing or that she was at real risk of torture or that she was of any interest to the Sri Lankan authorities. TWAN appealed against the case owner's decision and raised the issues on the dependency on EEA. The Case was heard in December 2012 and the outcome of the hearing is still being considered. Simultaneously an application for a residence card was made in the UK as a non-EEA family member of an EEA national residing in the UK. The application is still pending and no decision has been received yet.

Case study 70

Ms SS entered the UK in 2001 claiming asylum after she fled from Sri Lanka. Later in 2006 she was granted a residency card as a dependent of a family member of an EEA national. The EEA member was her sister and she was a French national exercising her treaty rights in the UK. An application was made by TWAN for permanent residence in the UK. The UKBA refused the application on the grounds that evidence of 5 years continuous employment was not sufficient. An application was made again with further evidences of employment for the period of 5 years and it was refused again on the grounds that evidence that the EEA national resided in the UK was not sufficient. A right to

appeal was given and TWAN appealed accordingly. At the hearing the judge found that the EEA national, whilst being unemployed, failed to register with the Job Centre therefore as she was unemployed for more than 6 months with no evidence from the Job Centre, the judge allowed the appellant's case to be heard again. Written submissions were made to the immigration judge whereby the judge was asked to consider the *case of RP Italy 2006* whereby it was held that Reg 6(2) only defined 4 circumstances whereby a person ceased to be a worker and was not intended to define exhaustively the circumstances which can mean that a person has ceased to be a worker. Therefore given that the EEA member failed to register with the Job Centre, she was still actively looking for employment and she was in employment at the time of the hearing. Unfortunately the Immigration judge agreed with the Respondent UKBA letter of refusal whereby the Appellant still failed to show a continuous period of employment for 5 years and therefore she was not a Worker for the continuous period of 5 years. Accordingly a permanent residence card would not be appropriate and the appeal was dismissed. An application for permission to appeal to the UTT was made by TWAN however the FTT refused to grant the permission. Subsequently an application was made in the UTT. Permission to appeal was refused and all appeal rights were therefore exhausted. As Ms SS was married to a British citizen, an application for further leave to remain in the UK was made in December 2012.

Case Study 71

Mr US was a Sri Lankan national who married Mrs MR, an EEA national. She moved from France to UK and has been exercising her treaty rights since 2008 as an employed person. She married Mr US in 2009 and applied for a residence card in May 2010. The Residence Card was issued in October 2010. In early 2012, Mr US made another application to the Home Office to endorse the residence card on his new passport however his application was refused and his current residence card was revoked under Reg 20 as Mrs MR was unemployed for over 6 months and she was not a qualified person anymore. TWAN appealed against their decision on the grounds that the EEA national was involuntarily unemployed as she underwent medical treatments and had to travel long distances daily. Her husband lost his job too as he accompanied his wife to the hospital. The EEA national was due back to work in June 2012. The FTT allowed the appeal and TWAN urged the Home Office to endorse the EEA Residency card onto Mr US's Sri Lankan passport.

Case Study 72

Mr KM arrived in the UK in November 2009 with his spouse who is an EEA national. He was a dependent family member and he was granted a residence card on August 2010 valid until August 2015. In October 2010, Mr KM received a new Sri Lankan passport and he made an application for the residency card to be transferred to his new passport. In November 2011, the Home Office refused the application and revoked the Residence Card stating that the EEA national failed to show sufficient evidence that their business registration and business activity were active and hence she did not qualify as a self-employed person under Reg 6. TWAN appealed their decision on the grounds that the evidences submitted with the application to the Home Office was sufficient to show that the business was active and the wage slips also showed that the EEA national was in receipt of a salary. The Immigration Judge at FTT analysed the facts and allowed the appeal. The Residency Card was endorsed on Mr KM's passport successfully.

Case Study 73

Mrs YJ is a Sri Lankan national and she was married to an EEA national who was exercising his treaty rights in the UK since 2006. Mrs YJ made an application for permanent residence as a third country national, who was living with an EEA national as family. The Home Office was not fully satisfied with the documents and returned the documents to us stating that it was not a formal determination of Mrs YJ's status. They allowed a complete dossier to be prepared and to be sent again to the Home Office.

Case Study 74

Mrs SS was a Sri Lankan national and she was a family member of an EEA national exercising her treaty rights in the UK. When she applied for an extension her documents were returned as the Home Office stated that there were insufficient documents to prove that she was in the UK for 5 years as a family member of an EEA national who was a qualified person. TWAN re-submitted further documents for their attention however the application was refused with a right to appeal. In September 2012, the Immigration Judge dismissed the appeal. TWAN made an application to appeal this decision to the UTT however it was refused.

IMPACT OF EUROPEAN COMMUNITY LAW

Since the implementation of European Community Law, citizens of member states are benefiting in many ways which includes those who are migrating and those who obtained citizenship in their respective member states in other ways. Freedom to move freely to other member states and taking up employment is amongst a few benefits.

This freedom of movement is vastly facilitating the refugee communities including the Tamil community. Because of the human rights abuses by the Sri Lankan government and persecution on many, members of Sri Lanka flee the country and they usually end up in different member states in Europe or other part of the world. Initially they were granted protection under the refugee convention and later they would obtain nationality in that particular country. However in this fleeing process, most families are isolated and separated. Some arrive in member states and are not granted refugee status or any other immigration status for many years. Those who are refused a refugee status or where their human rights or fresh claims are under consideration or are unable to return to their families or join their other family members who fled to other parts of the world. However those family members who are in a Member state can move freely in the member states to support the applicant family member.

In UK, many Tamils failed asylum seekers rely on their European family members for their day to day living by getting financial assistance and moral support to reside in the UK as failed asylum seekers are not entitled to work or receive any benefits from the Government. In these circumstances EEA nationals travel to other member states and rejoin with their family members in order to establish their family life once again. Reg 9 allows such EEA nationals or asylum seekers who are a family member of an EEA national to enter the UK and receive a residency card from the UKBA as a dependent family member of EEA national or a join with the qualified person.

Some of these applications are refused by the UKBA despite the case laws in favour of the non-EEA dependant national (*Metock* and *Atrich*). TWAN is taking these matters seriously and to higher court of law in order to bring the UKBA and UK court decisions in line with European Court of Justice's decisions.

EUROPE UNION LAW AND BENEFITS

If an EEA national is in work during the first three months of their stay 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. However, the training must be related to the last job if that was given up to take the course. 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.

For Housing Benefit purposes, a person who is entitled to income support, employment and support allowance or Pension Credit is not a "person from abroad". For Council Tax benefit, Income Support/Employment and Support Allowance and Pension Credit provisions similar to Housing Benefit Regulations exist in relation to other benefits. Similar provisions apply for income based job seekers allowance except that, in addition, a right to reside as a person seeking work as a jobseeker can confer eligibility for that benefit where a person is habitually resident. No child benefit shall be payable in respect of a child or qualifying young person for a week unless he is present in Great Britain in that week. The Claimant parent must be ordinarily resident in the UK and a right to reside in the UK. For Child Benefit purposes, a qualifying right to reside includes the initial right of residence and residence as a work seeker.

In respect of Working Tax Credit, a person shall be treated as being ordinarily resident if he is exercising his rights as a worker or s/he has a right to reside to reside in the UK under the Directive. In respect of Child Tax Credit, a person shall be treated as not being in the UK where s/he makes a claim for Child Tax Credit on or after 1st May 2004 and does not have a right to reside in the UK. There is no necessity to fulfil the right to reside test as far as Contribution-based jobseeker's allowance, Incapacity benefit, Retirement pensions, bereavement benefits and maternity allowances in concerned. However a claimant is expected to be present in UK at the period of application and where necessary to fulfil the other basic requirements of the benefit concerned which include NI contributions or being employed.

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. If the EEA worker is no longer residing in the UK, should they have children in the UK who are aged under 18 and still going to school, they are eligible for housing benefit, social housing and homelessness help. This also applies to former and current partners of the EEA national who are responsible for supporting those children.

SCHENGEN VISAS

Travelling in Europe has been simplified with the introduction of the Schengen visa in 1995. As a visitor to the Schengen area, a non-EEA national will enjoy many advantages of this unified visa system. UK nationals or EEA nationals do not require visas to travel to any part of the EEA member states. The name "Schengen" originates from a small town in Luxembourg where in March 1995, seven European Union countries signed a treaty to end internal border checkpoints and controls. More countries have joined the treaty over the past years.

Schengen countries / territories

Schengen States are a group of European countries which have signed an agreement to allow free circulation of people within the territory of the member countries. UK and Ireland are not a part of the Schengen agreement. At present, there are 26 Schengen countries, all in Europe. These countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Italy, Luxembourg, The Netherlands, Norway, Spain, Sweden and Switzerland. The Schengen zone was expanded to include nine new countries namely Czech Republic, Hungary, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

A Schengen Visa is applied at the Embassy or Consulate of the Schengen country in which an applicant will be spending the most nights on their trip to the Schengen Space. If they are only visiting one country on their trip then they apply for visa at the Consulate of that Schengen country. A person in need of schengen visa should apply before travelling.

There are three types of Schengen visa as given below

1. *The short stay or travel visa* allows a visit of up to three months in any six-month period. This is the visa that most students wanting to travel within the Schengen space as tourists or to attend

conferences will require. The short stay visa may either be for a single or multiple entries. A multiple entry Schengen visa will allow the holder several entries into the Schengen area, allowing them to return to the UK and then re-enter the Schengen area at a later date. Not all embassies issue multiple entry visas some prefer to only issue a single entry visa to cover the applicant for the specific trip that they are going on.

2. *The airport transit visa* allows the traveller to transit through the international transit zone/area of an airport of a Schengen member state, but not to exit this zone/area before they fly on to their next destination.

3. *The transit visa* enables a traveller to pass through the territory of one or more Schengen countries on their way to another country outside the Schengen space and can be issued for a maximum of 5 days.

A completed application form, original passport or official travel document, recent photograph(s), proof of purpose of the visit, evidence of sufficient funds to complete the trip, visa fee and medical insurance to cover the period are the supportive documents that are required for this visa.

ENTRY CLEARANCE VISAS

Due to civilisation and technical advancement, individuals travelling around the world are on the rise and the globe has shrunk as a result. However this development is not reflected in the immigration policies or practices of most of the countries. In particular, the European countries are tightening up the border control to the extent possible through various justifications and sham reasons in such a way that the people's right of movement is affected. Politicians often speak about free movement but in practice they do not implement what they say. Under the European community law, freedom of movement has been agreed by the European member states and is being implemented by this law. However the interpretation of free movement and restrictions vary between European member states. The leaders of these countries do not seek alternatives to make this freedom of movement smoother; instead they concentrate on stricter border control. Due to strict restrictions people are not allowed to reunite with their family members from whom they got separated during war and/or just visit a family member in the UK as a result of these restrictions. Unlike European communities non-EEA members have to get an entry clearance to travel in the European member states.

Entry clearance is the procedure used by Entry Clearance Officers (ECOs) at British high commissions overseas to check, before a person arrives in the UK, if that person qualifies under the Immigration Rules for entry into the UK. There are different types of 'entry clearance', including visas, and some need to apply for entry clearance before travelling to the UK. A visa is required by the visa national, an entry certificate is required for 'non-visa' nationals, while EEA nationals are issued an EEA family permit and an exempt vignette is issued to people who are exempt from the requirements of the Immigration Act 1971, such as diplomats.

A visa national is a national of a country listed on the visa and transit visa nationals page, a stateless person, a holder of a non-national travel document unless issued by the UK and a holder of a passport issued by an authority that is not recognised in the UK. Visa nationals must obtain entry clearance before travelling to the UK unless they are returning residents those who have been given permission to stay in the UK and, after temporarily leaving the UK, return within the duration of that permission to stay. School children who are resident in an EU member state and are on an organised school trip from a general education school and accompanied by a teacher must also obtain entry clearance.

Non-visa nationals do not require an entry clearance before travelling to the UK unless they are coming to the UK for more than six months or coming to the UK in certain categories, such as a fiancé (e). A non-visa national is a national of a country which is not listed in UK visas and entry clearance page, British Overseas Territories citizen, British Overseas citizens, British National (Overseas), British Protected Persons and a British Subject.

An applicant who has previously been deported from the UK at any time must apply in writing for a revocation of the Deportation Order and wait for the outcome of the revocation request before they can travel to the UK (if a non-visa national) or before applying for an entry clearance (if a visa national). An application for entry clearance from a person with an extant Deportation Order will be refused automatically. Entry in breach of a Deportation Order is a criminal offence under section 24 (1) (a) of the 1971 Act. Any leave acquired prior to the Deportation Order is invalid. This also applies to any European Economic Area (EEA) national.

It is important for an applicant to complete the appropriate and an up to date application form

before they submit the same to the UKBA or the Embassy, High Commission or Consulate.

There are various types of application forms that are available to suit the needs of the people who are intending to visit the UK.

VAF1A - General Visitor

This form is submitted if an individual wishes to travel to the UK as a tourist or to visit friends. He will have to prove that he does not intend to stay in the UK no longer than the allowed period of 6 months and he intends to leave the UK at the end of his visit to the UK. The applicant also needs to show that they have sufficient funds to support themselves and their dependants travelling with them and that they do not intend to take up employment in the UK and not seek public funds. In order to substantiate that the applicant must show that they are currently employed in their home country and is on temporary leave or has a settled family and therefore he does not intend to live or work in the UK.

VAF1B - Family Visitor

This form is submitted if an individual wishes to visit his family members in the UK. Definition of an applicant's "family member" under the Immigration Rules is any of the following persons:

- a) the applicant's spouse, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, nephew, niece or first cousin; ("first cousin" means, in relation to a person, the son or daughter of his uncle or aunt);
- b) the father, mother, brother or sister of the applicant's spouse;
- c) the spouse of the applicant's son or daughter;
- d) the applicant's stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister; or
- e) a person with whom the applicant has lived as a member of an unmarried couple for at least two of the three years before the day on which his application for entry clearance was made.

In addition the children adopted under an adoption order recognised in UK law are treated as if they are the natural children of the adoptive parents.

Case study 75

Mr AA is a British Citizen residing in the UK. He wanted to sponsor his parents to visit the UK for not more than 3 months to attend his daughter's

birthday. VAF1B application was prepared and necessary documents were collated and sent to the UK Visa Application Centre in Sri Lanka in April 2012. The applications were refused on the basis that "there was no independent evidence of accommodation available". The entry clearance officers did not mention anything about the applicants' intention or paid attention to their age or to the fact that they have been to the UK in the past. TWAN prepared grounds of appeal including the details of the property search on the sponsor's property to show that it is a 3 bedroom house as claimed and that there were enough funds in the sponsor's account to maintain and accommodate the applicants. In August 2012, the Visa officer withdrew his original decision and therefore, the applicants were able to make their travel arrangements to visit the UK.

Case Study 76

Mr ER was a Dutch national and entered the UK in October 1999 as a worker under the Immigration (EEA) regulations 2000 and 2003. His wife TR was a Sri Lankan national who was given a residency permit. In June 2012, Mrs TR was pregnant and she wanted her mother Mrs KS to come to the UK and help her during the delivery time. VAF1B from along with the supportive documents was sent to the UK visa application centre in Sri Lanka together with a sponsorship declaration from Mr ER. Mr ER owned a freehold property in the UK and was in employment. In September 2012, Mrs KS was successful with her application and was granted an entry clearance visa.

VAF1C - Business Visitor/ Prospective Entrepreneur/ Permitted paid Engagements

To come to the UK as a visitor undertaking a permitted paid engagement, an individual must be able to show that they are over 18, intend to visit the UK for no more than 1 month and leave the UK at the end of their visit. They must also be able to show that they have enough money to support and accommodate themselves without working or help from public funds, or they and any dependants will be supported and accommodated by relatives or friends. They should be able to meet the cost of the return or onward journey and should not be in transit to a country outside the 'common travel area'. The applicant is also expected to have a formal invitation to carry out a permitted paid engagement that has been arranged in advance and the engagement relates to their expertise and/or qualifications and to their full-time occupation in their home country.

They must also be able to show that, during the visit, they do not intend to take paid or unpaid employment, produce goods or provide services including the selling of goods or services directly to members of the public other than as permitted for by the permitted paid engagement, do a course of study, marry or register a civil partnership, or give notice of marriage or civil partnership or receive private medical treatment.

VAF1D - Student Visitor

To come to the UK as a student visitor, the applicant must have been accepted on a course of study in the UK. The institution that provides the course must be a licensed sponsor and should have appropriate accreditations. Those who come through this category should not intend to work, marry, stay after the visit period and carry out any activity permitted for other visitors.

VAF1E - Academic Visitor

An individual who is on sabbatical leave from an overseas academic institution, and wanting to use his leave to carry out research in the UK, to take part in formal exchange arrangements with UK counterparts, research, teaching or clinical practice can apply using this form. The visitor shouldn't be receiving any additional funding, undertake work or fill a vacancy in UK.

VAF1F - Marriage Visitor

A person who is aged 18 or over and intending to get married during the 6 month visit period and leave UK at the end of the visit should use this application. They must be able to show that they have enough money to support their travel and stay. They may be asked for the evidence of the arrangements for their wedding or civil partnership ceremony in the UK.

VAF1G - Medical Visitor

This application may be used by applicants to come to the UK as a visitor for private medical treatment for a maximum period of 6 months. They must be able to provide satisfactory evidence of their medical condition and the consultation or treatment that they are in need of. They must also be prepared to provide the estimated costs of the consultation or treatment and the likely duration of the visit. They are expected to leave the country after the treatment and have adequate finances for their stay, travel and treatment. Additionally they need to prove that their condition will not be a danger to public health.

VAF1H – Visitor in transit

To come to the UK as a visitor in transit, the applicant must be able to show that he is in transit to a final destination outside the Common Travel Area and is able to proceed at once to another country. The applicant should assure that they will enter there and intends and is able to leave the UK within 48 hours (or 24 hours).

VAF1J – Sports visitor

This application is used by individuals to come to the UK as a sports visitor for a maximum period of 6 months. They must be a sports person who wants to take part in a specific event, tournament, or series of events as an individual competitor or a member of an overseas team. The visa can be also used by the applicant to enrol as an amateur sports person, make a personal appearance or take part in a promotion such as a book signing or television interview, negotiate a contract or discuss a sponsorship deal, take part in a trial and do a short period of training as an individual or as part of a team.

VAF1K – Entertainer Visitor

To come to UK as an Entertainer Visitor not exceeding 6 months this application can be used. To be able to use this form the applicant should be a professional entertainer and an internationally famous person. An individual willing to take part in an audition and an amateur entertainer coming for a specific engagement as an individual performer can also make use of this form. Those who are part of a group of amateur entertainers, a professional entertainer taking part in a charity concert or show, an amateur or professional entertainer taking part in a cultural event sponsored by a government or a member of the technical or support staff, officials of amateur or professional entertainers attending for the same event should also use this form.

VAF2 – Employment

This type of visa is used when an individual seeks to enter the UK to look for employment. This application refers to employment which falls outside the points based system.

VAF3A – Prospective student

This visa allows a prospective student who intends to undertake studies in the UK by being in the country for up to 6 months. This visa is usually granted to those who have engaged in some

communications with the prospective educational institution already but failed to make all arrangements to secure an entry clearance. An unclear intention to study in the UK or an unclear intention to join an unidentified University is insufficient. Applicants under this type of visa must be able to show that the course they intend to study will start within the 6 months of their arrival to the UK.

VAF3B – Student dependants

Applicants of the above category of visa may bring their dependants with them and VAF3B should be used for such dependants. Dependants are husband or wife or civil partner and/or any of their children under 18.

VAF4A – Settlement

Applicants who wish to join their spouse who is present and settled in the UK should apply using this form. In order to be successful, the applicant will need to show that they are both aged 18 or over at the date of application, not related to them in a way that means they could not marry in UK law, they and their partner have met in person, their relationship with their partner is subsisting. If they are married or in a civil partnership then they should be able to show that their marriage or civil partnership is valid in UK law. They must be able to prove that they meet the requirements, and any previous relationship if they had has permanently broken down. They and their partner should intend to live together permanently in the UK and they should further meet the financial and English language requirement.

Case study 77

Mrs JS a Sri Lankan national wished to join her son, GS a British citizen living in the UK. The sponsor, GS must show that he is settled in the UK, has adequate maintenance and accommodation without recourse to public funds. The application was however refused by the Entry clearance officer in Chennai as they were not satisfied that the son and daughter in the UK provided any financial support and secondly the evidence regarding the land owned by the applicant wasn't sufficient. The Officers were also not satisfied that the applicant failed to show any financial documents of her own i.e. her bank statements or payslips. TWAN appealed against the decision on the grounds that the applicant lived alone in Sri Lanka and was living off on the monies that GS send to her via money transfers. The ECO failed to consider the money

transfers receipts. The immigration judge also dismissed the appeal. Permission was sought to appeal to the UTT on the grounds that the Immigration judge was irrational given that he accepted that the appellant was 64 but still failed to consider that the appellant was alone with no other family members around in the Sri Lanka, and suffers from multiple joint problems and problems with hearing difficulties. Illness, incapacity and isolation were all compassionate circumstances which should have been considered. Permission was however refused. An application was therefore made to the UTT to appeal in the UTT. The UTT refused permission to appeal as well stating that the Immigration judge was right in the decision that "there was no exceptional compassionate circumstance" based on which the applicant is entitled for a visa.

Case study 78

Mr AV was a Sri Lankan national who came to the UK and was granted refugee status in 2002. He was naturalised as a British citizen in 2004. In 2006 and 2008, he made applications to be reunited with his wife and 2 children however the applications were refused. Upon seeking representation at TWAN, an application for family re-union was made using the form VAF4A for settlement. The applications were refused on the basis that the English language certificate was not made in a college which was approved by the Secretary of State. The decision was appealed and the Immigration allowed the appeal on the grounds that he was satisfied that the qualification from the College which was awarded to the Applicant wife was sufficient to demonstrate that she could "understand and use familiar everyday expressions and very basic phrases" and therefore she had the necessary level A1 and therefore satisfied the requirements under paragraph 281 of the immigration rules.

Case study 79

Mr KP is a Sri Lankan national residing in the UK. He was granted with indefinite leave to remain in November 2010. He has a son who resides with his wife in Sri Lanka. Mr KP wanted to sponsor his son to join him and settle in the UK. VAF4A was completed and submitted. The ECO refused to grant the visa and stated that they were not satisfied that there were any serious and compelling family issues or other consideration which showed that the appellant should be granted the settlement visa. Moreover they stated that there was no evidence that KP had stayed in regular contact with the applicant since he left to the UK. The ECO stated

that the applicant was 16 and they believed that the applicant may be going to the UK as there were potential economic benefits in the UK and held that the Article 8 do not permit this. An appeal was lodged on the grounds that there were circumstances as to why the mother cannot join her husband in the UK as well as the elder brother. The appeal was dismissed as they were of the view that the sponsor had to demonstrate that the he had the sole responsibility of the appellant however as this was not the case and that it is believed that the appellant may be living happily with his mother in Sri Lanka, the judge refused to allow the appeal. Counsel was of the opinion that there were no merits to succeed in the case and TWAN advised KP to make a fresh application instead for his wife and son to join him in the UK and he will have to be employed and earn enough to support his family.

Case study 80

Mrs PS is a citizen of India. Mrs PS's husband VM lives in the UK and is employed full time. Mr VM was previously married but separated. He married Mrs PS in a religious wedding before his divorce certificate decree nisi was announced in the UK. Once he received his decree nisi, he travelled back to India to marry Mrs PS legally. Mrs PS applied for an entry clearance in Chennai to join her husband in the UK but it was refused on the grounds that Mr VM was legally a married person when he underwent a religious wedding ceremony with Mrs PS. Mr VM stated that he wanted to make a fresh application for his wife in order for her to join him in the UK. In the meantime, an appeal was made against the decision of the entry clearance in Chennai. The entry clearance visa appeal was dismissed by the Immigration Judge. Permission to appeal to the Upper Tribunal was later granted.

VAF4B – Returning Resident

A resident is someone who has been given permission to stay in the UK without any time limit. A returning resident is a resident who left the UK and wants to come back to live here again. An applicant may return to the UK as a resident if they were settled in the UK when they last left and if they have been away for 2 years or less. They are also expected to live here permanently and they were not given public funds to pay the costs of leaving the UK.

VAF5 – EEA Family Permit

An EEA family permit is a form of 'entry clearance' to the UK (similar to a visa). This form is for

nationals of countries outside the European Economic Area (EEA) who are family members of EEA nationals and wish to join their EEA family member who is living in the UK. This form can be used if they wish to visit or come to the UK and live permanently with their EEA family members.

Case study 81

Mr KP was an EEA national who was exercising his treaty rights in the UK as a worker. He wanted to sponsor his mother, who was in Sri Lanka to join him in the UK as a dependent of an EEA national family member. Mr KP was working as a sales person and earning about £1450 net monthly. VAF5 was submitted to the visa application centre in Sri Lanka. The application was refused in May 2012 based on the fact that the monies was transferred from KV Money Transfer between May 2011 to November 2011 and the receipts showed the address of "lompit hill" instead of "loampit hill". Moreover there was no evidence to show that the monies were actually received by the applicant in the form of bank statements, etc. Secondly there was no evidence of financial support since November 2011 therefore they stated that the applicant failed to demonstrate financial dependence on his son, KP. The decision was appealed on the grounds that the monies were transferred since 2004 and that there was evidence to show that KV Money Transfer confirmed that they had a spelling error on their receipts. The appeal was allowed in FTT as the judge was satisfied that the grounds were credible as he had the opportunity of hearing and observing the sponsor and his evidence.

VAF6 - Direct Airside Transit

A person needs to transit the UK airside if he arrives to the UK on a flight, remain in the arrival lounge of the airport without passing through UK immigration control, and then depart on another flight from the same airport. An individual must apply for a VAF6 visa if he is in transit in the UK airside unless he is a national of a country that is not in the list of countries who requires such visa, he is recognised as stateless under the 1954 UN Convention relating to the Status of Stateless Persons, he holds a valid travel document issued by the UK government, he is a DATV national or recognised as stateless under the 1951 UN Refugee Convention and qualify for the DATV exemption under the 'transit without visa' concession.

An individual cannot transit the UK airside if he is on his way to or from the Republic of Ireland, the

Channel Islands or the Isle of Man. VAF6 is required on transit if a Sri Lankan intends to pass through UK immigration control on transit.

VAF7 - Right of Abode & VAF8b - Commonwealth Territories

All British citizens have the right of abode in the UK. Some Commonwealth citizens also have the right of abode, but some others cannot claim the right of abode. Those who have right of abode do not need to get permission from an Immigration Officer to enter the UK. They can live and work in the UK without restriction. The VAF8B is used by Commonwealth territories citizens who wish to gain entry to the UK.

The applicants are charged with £80 for short visit visa, £278 for visit visa up to 2 years, £511 for visit visa up to 5 years, £737 for visit visa up to 10 years, £144 for extension of student visa, £851 for settlement visa, £407 for settlement of a dependent of refugee, £1096 for a dependent relative, £54 for transit visas and £278 for other types of visa.

CITIZENSHIP

When migrant communities are forced to settle in host country, it is natural for most of the migrant people to associate themselves with that country than their native country. Migrants change and adapt to the foreign lifestyle and this is accelerated if they have family or friends in the foreign country. As a part of settling down in a foreign country, migrants wish to become citizens of that country. However this is not always encouraged by the nationality law in the UK. When the law is made, members of parliament should encourage the migrant people to become a citizen of that particular country instead of forbidding them by making stricter laws and controls, in particular introducing language requirement or good character requirement as part of the naturalisation application. Even minor traffic offences can seriously affect a migrant's good character test and hence forbid them to be naturalised.

English language requirement has deterred so many migrants from becoming British citizens. For example those who are 50 years of age would either have to wait until they are 65 to exercise the automatic exemption to language and life in the UK test or tend to take the test or attend the course, which is very unlikely for a 50 year old to be successful. Secondly if an application for naturalisation is refused, there are no automatic

appeal rights. Therefore the decision of the UKBA is final and the applicant will lose their fee.

Legal framework

People who are closely connected with the United Kingdom including the Channel Islands and the Isle of Man and, in most cases, the British overseas territories are British citizens. British citizens have the right to live here permanently and are free to leave and re-enter the United Kingdom at any time. The British Nationality Act 1981 came into force on 1 January 1983. It replaced all previous nationality laws. The 1981 Act governs the way by which naturalisation can be acquired.

There are two ways of becoming a British citizen namely through registration and naturalisation

Registration

British nationals which includes British overseas territories citizens, British Overseas citizens, British subjects under the 1981 Act, British Nationals (Overseas) and British protected persons may apply to be registered as British citizens if they have lived in the United Kingdom for 5 years or been employed in Crown service under the government of a British overseas territory.

NATURALISATION

Foreign nationals including Commonwealth citizens and Irish citizens who are over 18 may apply for certificates of naturalisation after continuous stay in this country for a 5 year period. For this they are required to be of good character, have sufficient knowledge of the English language and life in UK and intentions of making his principal home in the UK. The application can be made using the AN form. The requirements for acquiring a successful British citizenship include

Residence requirements

The applicants are expected to reside in this country continuously for a period of 5 years under the appropriate categories to be eligible for British citizenship. However the applicants are expected to have spent not more than 450 days outside UK in those 5 years and not more than 90 days in the last 12 months. An applicant must satisfy a collection of residence requirements. In practice, the day of departure and day of arrival are counted as days in the UK.

Good character requirement

This requirement is not defined in the 1981 Act; however the policy as to its meaning and application is given in the Nationality instructions. The latter indicates that an applicant should normally be

accepted as being of good character if enquiries of government departments and agencies do not show that he has perpetrated fraud or deception in his dealings with them, there are no unspent convictions, there is no information to cast serious doubts on his character and where is a business person, self employed, a person of independent means, HMRC have provided confirmation that his business affairs are in order. Guidance is available on the UKBA website and it explains that:

"Applicants should be refused nationality if their activities cast 'serious doubts' on their character. Serious doubts will be cast if applicants have been involved in or associated with war crimes, crimes against humanity or genocide. Serious doubts will also be cast if applicants have supported the commission of war crimes, crimes against humanity or genocide or have supported groups whose main purpose or mode of operation consisted of the committing of these crimes even if that support did not make any direct contribution to the groups' war crimes against humanity and genocide."

The good character requirement is not waivable. An applicant may seek to persuade the Secretary of State he is of good character, but cannot seek a waiver of the requirement.

Case study 82

Mr MM was a Sri Lankan national who fled his country due to the political war. Being a part of the LTTE, he feared persecution and he was granted indefinite leave to enter the UK as a refugee in October 2001. In 2009, Mr MM made an application for naturalisation as a British Citizen and in October 2009, his application was refused by the UKBA. The reason for refusal was that the applicant failed to meet the "good character" requirement. The Secretary of State set out Mr MM involvement with the LTTE in his asylum application whereby he stated that he was involved with the LTTE's Transport Division and achieved a position of responsibility. Therefore as his account was then found to be credible, the caseworker stated that he was satisfied that Mr MM played a significant role in supporting the LTTE when there is evidence that it carried out War Crimes and Crimes against Humanity. Accordingly the Secretary of State was not satisfied that Mr MM was of "good character" and refused his application for a certificate of naturalisation as a British Citizen.

The language and knowledge of life in the UK requirements

For applications made on and after 7 April 2010 in the UK, there is a requirement for applicants to have sufficient knowledge of life in the UK. An applicant will satisfy this requirement if he has attended a course at an accredited college and the course used teaching materials derived from the 'Citizenship materials for ESOL Learners' or he has passed the 'Life in the UK Test'. The discretion of the Secretary of State, if he thinks fit, to waive the language requirement and/or the knowledge about life in the UK requirement may be exercised in the special circumstances of any particular case 'if he considers that because of the applicant's age or physical or mental condition it would be unreasonable to expect him to fulfil that requirement or those requirements.'

Language and knowledge of life in the UK waiver or exemption

In respect of age, the nationality instructions indicate that

- where an applicant is 65 or over, the requirements should be waived without further reference to the applicant;
- where the applicant is 65 or over, the person making the decision should normally be prepared to waive either or both of the requirements if the time needed to reach the required standard means that the applicant would then be aged 65 or over; and
- where the applicant is aged under 60, the requirements should not normally be expected to be waived for those under 60 on the basis of age alone.

In respect of physical condition, the policy is that the discretion should normally be exercised favourably where the applicant suffers from a long term illness or disability like deaf, mute or suffers from any speech impediment which limits ability to converse in the relevant language.

Sound mind requirement

People who can make their own decisions can be termed to be of sound mind. This requirement is also known as full capacity requirement. If due to some mental conditions an applicant is not of sound mind then application can be made based on discretionary basis by significant others omitting sections in the applications that are not applicable.

A certificate of naturalisation shall not be granted unless any required oath of allegiance to the Queen and pledge of loyalty to the UK has been made at the citizenship ceremony within the prescribed time and in the appropriate form.

The application charges for processing the citizenship application of a single applicant are £874 and for a couple it will be £1550.

Case study 83

Mr RS, his wife and son made applications to the UKBA for naturalisation as a British citizen in April 2009. The application was however returned due to wrong fees. The correct fee and application forms were returned to the UKBA by end of April 2009. On 15th May 2009, the UKBA returned all the documents again stating the fees were wrong when the fees were actually correct. TWAN drafted a letter to the UKBA to state that they erred in returning the documents and that they should consider the application without any further delay. After 1 year, in June 2010, TWAN wrote to the UKBA requesting an update of the application and in July 2010, UKBA wrote back to say that the "extent and length of time taken varies" and they were unable to give any specific reasons why. In February 2011, TWAN wrote another letter to the UKBA and in reply, they said that they are "unable to give a definitive answer as to when it will be completed". In May 2012, TWAN wrote to a member of parliament to seek their intervention as it was already 3 years since the UKBA has been considering the applicants' application. The UKBA response to the MP was unhelpful and they were still considering the application. In January 2013, the UKBA wrote to the applicants for an interview in Liverpool on February 2013. The applications are still pending to date.

Case study 84

Mr VK arrived in the UK in October 2000 as a refugee and was granted indefinite leave to remain in 2010. TWAN made his application for naturalisation as he has completed over 5 years residence in the UK without any criminal offence. All supporting documents were sent and the applicant was successfully invited for naturalisation ceremony.

Case study 85

Mr VK was a Sri Lankan national and was granted indefinite leave to remain in the UK under the Refugee status in 2010 after having lived in the UK for 13 years. The reason for fleeing was because of the political war between the Sri Lankan government and the LTTE. In August 2011, TWAN made an application for naturalisation on his behalf with supported documents. In this case, Mr VK was granted a citizenship certificate without any

mention about the "good character" requirement and whether the applicant was involved with the LTTE. The application was successful and accordingly, Mr VK was invited to the citizenship ceremony.

CHILD REGISTRATION

A child will be a British citizen when he or she is born if one of his or her parents is a British citizen or settled in the United Kingdom. If either of the parents subsequently becomes a British citizen or settled in the UK while the child is under 18, registration by entitlement is available. If the child has remained in the UK for ten years since the date of birth, without being absent for more than 90 days in any one year, he is entitled to be registered as a British Citizen. A child born outside the UK whose father or mother is a British citizen by descent, will in certain circumstances be entitled to be registered as a British Citizen. The child is expected to be of good character if they are above 10 years old at the time of the application to be eligible for citizenship.

A child will automatically become a British citizen from the date the court makes the adoption order if either of his parents are British Citizens as long as he is still under the age of 18 on that date and the adoption.

The charge for processing a single child's child registration application is £673 and for two children it is £1178.

Case study 86

MR VK came to this country from European member state as a dependent member of EEA national. His wife is a Danish citizen and exercising her treaty rights in UK. In 2006 he has been granted residence card for 5 years while her daughters granted residency certificate because they are EEA national. In 2011 his residency card was extended for an unlimited period. In April 2012 he approached us stating that he wished to apply for citizenship for his 2 daughters and we advised him on child registration procedure and requirement as none of the children's parents are British citizens. In April 2012 we made the child registration application to switch the Danish citizenship to British citizenship and the application was accepted. And in August both of his daughters were granted British citizenship.

Automatic loss of British Nationality

Section 35 of the British Nationality Act 1981 explains that British subjects other than under s.31 cease to be British subjects if they acquire, by

whatever means, any other citizenship or nationality. This includes the other forms of British nationality in respect of which provision is made by the 1981 Act itself.

Loss of British Nationality

Unless it is required for other reasons, British citizens need not renounce their citizenship upon obtaining a foreign citizenship. Those who have voluntarily renounced British citizenship are entitled to reacquire it once. Otherwise, the resumption of British citizenship is at the discretion of the Secretary of State.

Dual Nationality

There are currently no restrictions in UK law on dual or multiple nationalities. A British citizen who acquires citizenship of another country is not required under UK law to renounce British nationality. Neither is a foreign national required under UK law to relinquish his original nationality on becoming a British citizen. However, people who enquire about the effect of their naturalisation or registration upon their previous citizenship should be referred to the Embassy or High Commission of the country concerned, since a number of Commonwealth and foreign countries do not permit dual citizenship.

VISA EXTENSION

Those who are entering into this country with a limited leave to remain are expected to extend their stay or apply for a permanent residence in order to continue staying in this country legally. Based on the initial visa and fulfilment of other criteria the appropriate visa would be granted. In case of those who entered the country under the point based system they are required to fulfil the requirements set aside for the extension also. In case of dependents the application might be refused if the main applicant fails to fulfil the requirements.

INDEFINITE LEAVE TO REMAIN (ILR)

After a person has lived legally in the UK for a certain length of time, he may be able to apply for permission to settle here. This is known as 'indefinite leave to remain'. Most applicants for settlement must show that they have knowledge of language and life in the UK. They also need to prove their continuous residence in the country. After one year of acquiring this visa the applicant will be eligible for British nationality. The number of years of stay should be acquired by law residence but in some cases it's also acquired through unlawful residence.

Lawful residence

The rules on long residence recognise the ties a person may form with the UK over a lengthy period of residence in the UK. Settlement can be granted under paragraphs 276A-D of the Immigration Rules after a period of 10 year's continuous lawful residence. This rule is, however, subject to the new criminality criteria. The applicant must have at least 10 years lawful residence in the UK, there must be no reason why granting leave is against the public good, the applicant must meet the knowledge of language and life requirement and they do not fall for refusal under the general grounds for refusal to eligible under this category.

Paragraph 276B (i) (b) of the Immigration Rules, which allows settlement in the UK after 14 years of lawful and/or unlawful residence, is no longer applicable from 9 July 2012. The new criminality criteria will apply to all applications on which a decision is made on or after 9 July 2012 irrespective of when the application was made. The 14 year rule under paragraph 276B (i) (b) is now replaced and subsumed within paragraph 276ADE. There are four sub-sections consisting of 20 year long residence, 7 year rule for children, those with half their lives devoted in the UK and those with no ties in the country he would be returned to. To satisfy the suitability requirements of paragraph 276ADE, an applicant is required to show that he would not be refused under the suitability grounds.

Consideration under the rules allows for some discretion to be applied. If the applicant succeeds on the grounds of suitability, the following must be considered as to whether the applicant meets one of the requirements namely has lived continuously in the UK for at least 20 years, is under the age of 18 years and has lived continuously in the UK for at least seven years, is aged 18 years or above and under 25 years and has spent at least half of their life residing continuously in the UK, is aged 18 years and above, has lived continuously in the UK for less than 20 years but has no ties (including social, cultural or family) with the country to which they would have to go if required to leave the UK. When counting the number of years the years that they were imprisoned needs to be discounted. In order to determine whether the applicant has ties (including social, cultural or family) with the country he would be returned to, factors such as language, cultural background, length of time spent in the country of origin and family friends and social network, are considered. If the applicant does not meet the requirements of the rules, there may be exceptional circumstances

which would make refusal and the requirement for the applicant to leave the UK a breach of Article 8. Cumulative factors are relevant for consideration. For instance, where the applicant has family members in the UK but their family life does not provide a basis to remain, and they also have a significant private life in the UK (for example, sibling relationships or an adult child and parent relationship which does not normally qualify as family life under Article 8). Although, under the rules family life and private life are considered separately and are not cumulative, when considering whether there are exceptional circumstances which would make removal from the UK a breach of Article 8, both family and private life should be taken into account.

SET (M)

Form SET (M) is used to apply for settlement in the UK as the husband, wife, civil partner or unmarried/same-sex partner of a British citizen or someone who is settled here. This form is used when the 2 year qualifying period is coming to an end and the applicant wishes to settle permanently in the UK. This application should be made before the 2 years period ends, at least 28 days before the date of expiry.

The charges for making this application is £1051 for an adult or child separately through postal service while for a premium service the charge is £1426. For a child who is applying along with the main applicant its £788 and £1163 for postal and premium services respectively.

Case study 87

Mrs M J came to this country as a spouse of settled person in UK with 2 year probationary period visa. He approached us in September 2012 to extend her visa and we advised and guided her to make a SET (M) application. Accordingly she submitted SET (M) application with required documentary evidence. In October 2012 she was asked to produce biometric data at the relevant post office. In first week of January 2013 she was granted settlement visa with her daughter thorough biometric residence permit.

Case study 88

Mrs TV came to this country in a dependent spouse visa with 2 year probationary period in May 2010. When her visa was due to expire she approached us to make application to extend her visa. We advised on the requirements to make a successful application accordingly we submitted SET (M) application before her visa expired. In September

2012 she was asked to produce biometric data at the post office in the end of November she was given indefinite leave to remain on her biometric residence permit.

SET (O)

Form SET (O) is used for various other types of settlement applications. An applicant can currently use this form if he is in one of the following immigration categories and they have been living in the UK in a relevant category for 5 years which includes Tier 1 or Tier 2 of the points-based system (excluding the Post-study work category of Tier 1), work permit holder, businessperson, innovator, investor, representative of an overseas newspaper, news agency or broadcasting organisation, private servant in a diplomatic household, domestic worker in a private household, overseas government employee, minister of religion, missionary or member of a religious order, airport-based operational staff of an overseas-owned airline, self-employed lawyer, writer, composer or artist, UK ancestry, highly skilled migrant under the Highly Skilled Migrant Programme (HSMP) - but if an applicant applied to the HSMP before 3 April 2006 and came to the UK on the basis of that application, he can apply after he has been in the UK for only 4 years.

The charges for making this application is £1051 for an adult or child separately through postal service while for a premium service the charge is £1426. For a child who is applying along with the main applicant its £788 and £1163 for postal and premium services respectively.

Case study 89

Mr JM a New Zealand national came to this country in 2007 in the highly skilled migrant program along with his family members namely wife and 2 children. In 2009 his visa was extended under the tier 1 (general) category for further 2 years with validity until 2012. He was working as an accountant and was earning around £3000 per month. He approached us before his visa got expired to extend his stay for an indefinite period of time. The client and his family members had spent 5 years in the UK continuously and didn't go out of the country for more than the number of days permitted. The couple had also completed the life in UK test apart from meeting the other requirements for this application. We submitted the application along with the supportive documents and following that they were invited to give the biometric details.

SET (F)

This form is for settlement applications by children of British citizens or people who are settled in the UK. An applicant can apply using form SET (F) if he is a child (either by birth or through adoption) under 18 of a parent, parents or a relative who is a permanent resident of the UK and currently living here. The fee for making this application is £1051 for postal applications and £1426 for in person applications.

Case study 90

Mr PS came to this country in 1990 and claimed asylum. He has been granted indefinite leave to remain in 2009. He made the entry visa application for his wife and children and the application was accepted and granted 2 year probationary visa from July 2010 to July 2012. In July 2012 we made the SET (M) application for his wife to extend her visa and SET (F) application for his son because he was over 18. His wife's application was accepted and he was granted settlement thorough biometric id without much problem but his son's SET (F) application was returned by the UKBA stating that it was an invalid application despite the application being valid. We challenged this decision with home office and a Senior officer asked us to resubmit the application and the client received biometric request letter in March 2013. During this process our clients son's employer threatened to dismiss his son from work as he hasn't got the valid visa and the employer advised our client's son to resign from the job until he sort out his immigration status. Home office action by returning his SET (F) application inappropriately made him to be an out of time applicant and we are challenging this action through pre-action letter to the judicial review section of the Home office with a view to file JR.

SET (DV)

This form is for settlement applications for the victims of domestic violence. An applicant should use this form if he has been given temporary permission to remain in the UK as the partner of a permanent resident, and the relationship has broken down because he has suffered domestic violence.

The charges for making this application are £1051 for an adult or child separately through postal service. For a child who is applying along with the main applicant its £788 in postal service.

SET (Protection Route)

This form is used to apply for permission to settle in the UK as a refugee or someone granted

humanitarian protection on or after 30 August 2005. An applicant must send his completed application form during the month before his current permission to stay is due to expire.

There are no charges for making this application.

Case study 91

Mr KB came to this country with his family in January 2001 and claimed asylum in a European member state and was granted with refugee status by the concerned European member state. In the end of 2007 he migrated to UK and made the application to Home office to transfer his refugee status in UK. This request was accepted and he has been refugee status in 2008 for 5 years along with his dependent family members. He made the SET (protection route) application in December 2012 before his 5 years expires and he was asked to provide biometric identity data's at the appropriate post office in January 2013 and 2 months later he has been granted with settlement visa through biometric residence permit with his dependent family members.

Case study 92

Mr AV came to this country in November 2005 and he was granted with refugee status until September 2012. Subsequently he made the family reunion application through us and got reunited with his wife and children in UK in 2009. On their arrival his family members were also given leave to remain until September 2012 in line with his visa. We made the set (protection route) application to extend his leave in August 2012. In middle of November he has been asked to provide biometric data at the appropriate post office and in February 2013 he has been issued settlement residency permit with his dependent family members.

EXTENSION OF STAY FOR A LIMITED PERIOD OF TIME

FLR (M)

This form is for those who applied for, or are applying for, leave to enter or leave to remain as a partner of a British citizen or a person who is settled in the UK. An applicant cannot apply in a partner category if he is the spouse or partner of a person who is settled in the UK or has British citizenship if their most recent permission to stay was under tiers 1, 2, or 5 of the points-based system and he does not qualify for settlement yet.

The applicant must show that he and his partner is both aged 18 or over at the date of application, his partner is not related to him in a way that means he could not marry in UK law, he and his partner have met in person, his relationship with his partner is subsisting, if he is married or in a civil partnership, his marriage or civil partnership is valid in UK law, he meets the requirements, any previous relationship has permanently broken down, he and his partner intends to live together permanently in the UK, he meets the financial requirement and English language requirement and if he is in the UK and wants to extend his leave or apply for settlement in the UK he will need to meet the suitability requirement.

If the applicant meets all these requirements then they may be given permission to live in the UK for 2 and half years. After that time they can apply to stay for a further 2 and half years on meeting the requirements. After successful completion of 5 years of stay in the country they are eligible to apply for permanent settlement in this country.

An applicant may be allowed to switch into the category of partner if he is currently in the UK in a different immigration category. He will not be allowed to switch if he is in the UK as a visitor, with permission to stay that was given for a period of less than 6 months on temporary admission; or in breach of the Immigration Rules (a period of overstaying of less than 28 days will not be taken into account)

Case study 93

Mrs U D came to this country in Feb 2005 as a student. While she was studying she got married to a settled person in 2011. When her student visa was due to expire in April 2012 the couple approached us to seek advice to extend her visa as a spouse of a settled person in UK as she had some difficulty in extending her student visa. We advised on the legal issues relating to her extension of stay through switching student visa to dependent spouse visa and we made the FLR (M) application as she hasn't completed 2 year probationary period / she wasn't given a visa to enter this country in order to live with a settled person initially. In January 2013 she was asked to provide biometric data at the post office and a month later she has been granted with leave to remain for 2 years.

Case study 94

Mrs SN came to this country in March 2005 and claimed asylum but it wasn't successful then and

her appeal rights were exhausted. She made a fresh/human rights claim in June 2008 and while this application is under consideration her husband was granted with ILR through legacy casework unit of Home office in relation to his human rights claim. After our advice she made FLR (M) application in January. She was asked to withdraw either her fresh claim or FLR (M) application by the UKBA in order to make a decision. Based on the Merits of her case we advised her to withdraw her fresh claim in February and she has been granted with 2 year leave to remain with biometric residence permit.

FLR (O)

Form FLR (O) must be used if an applicant is applying for an extension of stay as a General visitor, based on long residence in the UK, as dependants of exempt members of HM Forces, a Domestic worker in a private household, individuals who hold UK ancestry, visitor for private medical treatment, those who have a family life as a parent of a child in the UK, private life in the UK and other purposes/reasons not covered by other application forms. Other purposes/reasons include serious medical reasons where the treatment is not private. The charge for applying for an adult or child is £578 through postal service and £953 in premium service respectively. An additional charge of £433 and £808 is applicable for each dependent who is applying with the main applicant through postal and premium service respectively. These charges are same for FLR (O) and FLR (M) forms.

Case study 95

Mr. J S came to this country in June 2003 as a family member of settled person in UK. He was granted leave to remain until April 2004. In June 2004 he submitted an application for indefinite leave to remain as a dependent relative. In July 2004 his application was rejected as an incorrect application. In October 2004 he submitted further leave to remain application as a spouse of a settled person. This application was also rejected in November 2004 and faced removal directions but he remained in the country as an overstayer. Later his previous legal representative challenged the Home office decision to refuse his leave to remain extension application as an invalid application. As a result of this challenge in January 2005 the home office accepted their error and acknowledged that it's a valid application. In January 2009 he has been granted with leave to remain until January 2012 and he approached us to extend his visa for further period. After assessing the merits of the case we advised to extend his visa and made the FLR (O) application as any other purpose not covered by

other application forms and long residence in UK. Based on this application his discretionary leave has been extended for further 3 years until November 2015.

Case study 96

Mr JBA came to this country with a student visa. However by mistake he was initially offered with a 6 month visa instead of a one year visa. Hence he applied for a visa extension in order to complete the course that he had joined. However he couldn't submit a new CAS along with the application as the college refused to give one for the 2nd time. His application was however refused for the above stated reasons and an appeal was made against this decision. After the hearing the immigration judge allowed the appeal under the article 8 of ECHR. Following that he successfully completed his Level 4 course and approached again to extend his visa in order to pursue Level 5 course. Based on his length of stay in this country we applied for an extension of stay by making use of the FLR (O) application.

HPDL

The UK adheres to the European Convention on Human Rights, which prevents the UKBA from sending anyone to a country where there is a real risk that they will be exposed to torture, or inhuman or degrading treatment or punishment. If an asylum seeker does not qualify for recognition as a refugee but the UKBA thinks there are humanitarian reasons why they should let him stay in the UK, they may give him temporary permission to stay here such as visa under humanitarian protection or Discretionary Leave to remain in the UK. Form HPDL is used to apply for an extension or indefinite leave to remain under those categories aforementioned.

If an applicant is recognised as a refugee or granted stay under humanitarian protection, he will be permitted to stay in the United Kingdom for an initial period of five years. If he has any dependants, they will be given the same permission.

If the UKBA does not recognise the applicant as a refugee or a person who qualifies for humanitarian protection, they may give him another type of temporary permission to stay in the United Kingdom. This is called 'discretionary leave to remain'. The length of time he is allowed to stay will depend on his circumstances, but it is unlikely to be more than three years initially. Discretionary leave to remain is given only in limited circumstances.

During the period when he has temporary permission to stay, the UKBA may review his status because of something he has done or significant changes in the country he came from. The UKBA may also review his status when his temporary permission to stay is about to end, or if he applies for further permission to stay (either temporarily or permanently).

Case study 97

Mr MR, a 19 year old Srilankan national came to this country as an unaccompanied minor and claimed asylum at his age of 13. He and few family members were involved with the LTTE and in order to secure his life he fled the country. He was provided with shelter and care by relatives who are living in east London. Initially he was given self completion questionnaire and after the assessment of this form he was called for an interview and he was interviewed by the Home office officials on his asylum claim. His asylum claim was however refused and he was granted with leave to remain on compassionate grounds until the age of 18. In September 2011 his leave to remain was about to expire and an extension application was made through HPDL form. His HPDL application was refused in December 2012 by stating that he does not have any fear of persecution on his return to Sri Lanka by the officials in relation to his involvement with LTTE. His article 8 of ECHR claim was also refused. We lodged the appeal against the decision stating that the applicant's removal is in breach of UN Refugee convention and article 3 and 8 of 1950 Human rights convention. Due to the involvement of him and his family members' he is most likely going to be arrested at the airport and face persecution. He has also established a private and family life in UK. His other siblings who came to UK recently and claimed asylum were granted with refugee status. The appeal was initially heard by the immigration judge in December 2012 and judge accepted our representation and asked the Home Office to reconsider their decision and interview the client in relation to his HPDL application. Home Office refused to offer him an opportunity to explain his claim and the case went back to month later in front of immigration judge and the judge asked the Home Office to consider his father's detention, sister's reporting, brother's asylum grant, age at first interview and lack of hearing. Following this home office has admitted to consider the application after taking into consideration the above mentioned facts.

Case study 98

Mr TS came to this country in November 2008 as an unaccompanied minor and claimed asylum, as

an in country applicant at the Home office. He was supported by his relatives and we represented his asylum matter. After ASU visit he was asked to complete the statement of evidence form about his asylum claim and later he was interviewed and his claim was refused. His asylum and human rights claim was refused by the home office. But he has been granted 6 month discretionary leave to remain on compassionate grounds. In November 2011 he made HPDL application to extend his visa and it was refused. We lodged an appeal against the decision and the appeal was heard and it was dismissed. Subsequent appeal to upper tribunal and first tier tribunal also wasn't successful. Due to legal service commissions funding restrictions in relation to risk assessment on the merits we decided not to lodge further appeal to court of appeal and advised the client to obtain the required evidence to make fresh or human rights claim.

Case study 99

Mrs. PV came to this country in 2001 and claimed asylum. After her appeal rights were exhausted she made fresh/Human rights claim. Based on this application she was granted with discretionary leave to remain in December 2009. She approached us to extend her discretionary leave before its expiry date. After taking instructions we advised her to make an HPDL application. The application was made in November 2009. While this application was under consideration she was asked to produce further documentary evidence by case resolution directorate of UKBA. In March 2012 she was granted with further discretionary leave outside the immigration rules instead of granting indefinite leave to remain because of her long stay in the country. Due to change in the policies granting indefinite leave to remain on their long term residence in the country was abolished and has been replaced instead with a short term leave.

VISA ENDORSEMENT

There are occasions where individuals require transferring their multiple entry visa or residence permit from an old passport or a travel document to a Biometric residence document or a new passport. The below mentioned applications help the applicants to carry out those tasks. To make an application the concerned applicant should be present in the UK at the time of submission of application. However it is not mandatory for a person to get their visa details transferred. At the same time such candidates need to produce both their old and new passports confirming their visa status while requested by an immigration officer

on entering into this country. The old passports, travel documents of the applicants and dependents who are applying along with, should be submitted along with other relevant documents. Basically 2 different forms are used to suit those with limited leave to remain and indefinite leave to remain respectively

NO TIME LIMIT (NTL)

A No Time Limit application is used to transfer the indefinite leave to remain visa to a new passport. Applicants and any dependents applying under this category need to produce proofs that they have been continually residing in this country following the grant of indefinite leave to remain to apply under this category.

Case study 100

Mrs CF came to this country in 2002 and sought asylum here. She has been granted with indefinite leave to remain thorough the legacy case directorate in 2011. Following that she has acquired a Sri Lankan passport and approached us to transfer the visa details into the new passport in May 2012. Following this we submitted a NTL application along with all the necessary documents to the concerned authorities. As a result her indefinite leave to remain status was endorsed in the new passport in October 2012.

TRANSFER OF CONDICTIONS (TOC)

This form can be used by individuals to transfer their limited visa status to a new passport. Along with the other necessary documents the applicants who were asked to produce a report from the police initially should be submitting their police registration certificate too along with their application.

For both the applications the charges for a postal service is £147 and for a premium service the charge is £522. The same amounts are charged for any additional family member who can be a partner or a child below 18 years.

Case study 101

Mr CS a Srilankan Tamil came to this country as an asylum seeker in 2001. Later he was granted with discretionary leave to remain in this country in 2011 which was valid until 2014. In the mean time he had acquired a new Sri Lankan Passport. He approached us to transfer his visa into the new passport. We made an application by enclosing the

relevant documents including the immigration status document, new passport and other documents supporting his employment and stay in this country.

TRAVEL DOCUMENT

A travel document is one with authorises an individual without a passport to travel to abroad apart from their native country. Children can't be included in an adults travel document and they need to apply for one separately if at all they wish to travel. Children under 15 years must apply for a children's travel document and those above 16 years need to apply for an adults travel document. Travel document will not be issued if the person's permission to stay is to end within a period of 6 months. They need to extend their stay and then apply for a travel document in those cases. Unless in exceptional circumstances the travel document cannot be used by the applicant to travel to the country of their origin. The travel document application can be made using a TD112 application form which is a common form for all the 4 types of travel documents. As a part of this application the applicant should give their facial image and finger prints in order to obtain a biometric card if they don't have one. There are 4 different types of travel documents based on the visa status of the individual namely

Conventional travel document

A Person with a refugee status in the UK can apply for a conventional travel document. While making an application the person is expected to be residing in the UK with a refugee status. The travel document is valid for 10 years for adults and 5 years of children who have indefinite leave to remain status. However for those with limited leave to remain status, be it an adult or child, their travel document is valid only until their leave period.

Case study 102

Mr AD is a Sri Lankan national who came along with his wife to this country as an asylum seeker in 2011. They were granted with asylum in 2012 with validity up to 2017. The client wanted to get a travel document as a refugee and instructed us to act on their behalf. Hence we submitted an application along with the relevant documents which included the immigration status documents, residence related documents and appropriate fee. Following this they were asked to provide biometric details to proceed with their application in October 2012.

Stateless persons travel document

A Person who has been recognised as a stateless person under the terms of the 1954 United Nations

Convention Relating to the Status of Stateless Persons is eligible to apply for this type of travel document.

One way travel document

A person who wishes to travel outside the United Kingdom for a single outward journey alone can make use of this travel document. This can be made if the person is a national of any other country and is at present in the UK. This travel document will be not valid for a return journey to the United Kingdom.

For all the above 3 types of travel documents an adult is charged with £72.50, while a child is charged with £46 for processing the postal applications.

Certificate of travel

The Certificate of Travel can be applied by those who haven't been recognised as a refugee or a stateless person status. They can use this travel abroad and return to UK. The applicant must also prove that their country of origin has refused them to offer a passport before making this application. However a list of countries does not accept this certificate of travel for entering into their country. The certificate of travel document is valid for a 5 year period for those who have indefinite leave to remain.

For making this application an adult should submit a fee of £257 while a child is charged with £164.

POINTS BASED SYSTEM (PBS)

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

TIER1

Tier 1 category is for high value migrants and currently contains 5 categories. Under this the high skilled migrant program and tier 1(post study work) permit are closed as of now. The other sub categories of Tier1 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.

For making postal applications the charge is £1545 for a main applicant and £1159 for a dependent.

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. The applicants are expected to make an investment of £1,000,000 for being considered for this category. The individuals can apply for this visa from both inside and outside UK. A successful application allows a person to stay here for a period of 3 years and 4 months if they have applied from outside the UK. On the other hand a person switching to this category from other visa types can get permission to stay for a period of 3 years. If required the concerned person can extend their stay here.

An individual is expected to score 75 points to be eligible for this visa and the points are scored mainly from the funds that are disposed for investment purposes. Those who are already in the Tier 1 (General), Tier 1 (Entrepreneur), Tier 1 (Post-study work), any Tier 2 category, any Tier 4 category, Highly Skilled Migrant Programme, businessperson, innovator, student (under the Immigration Rules that were in force until March 2009, student nurse, student re-sitting an examination, student writing up a thesis, work permit holder, writer, composer or artist and investor can switch to this visa by making an in UK itself. Those who are in other categories need to go back to their native country and apply from there.

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. The UK government has limited the number of applications that can be made under this category.

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 be applying for an entry clearance and those in the country should be applying for a visa extension. Apart from these, the funds that are held in a UK institution, the funds that are disposable and the maintenance funds all act as qualifying factors for this category. For extension of this visa further proof to confirm the involvement in a business and for employing at least 2 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 (£50,000 minimum), the maintenance funds they possess, their English language and the amount that is held in a financial institution for the initial period.

The charges for a postal application for a main applicant under Tier1 Entrepreneur, investor and exceptional talent is £1051 and for dependents applying along with them an amount of £788 is charged additionally. The applicants and their dependents are charged an amount of £840 each if they are applying from outside the UK.

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 or more businesses in the UK. This visa cannot be applied from outside the UK.

For making a postal application the main person is charged with £406 while the dependent is charged with an amount of £305.

Tier 1 (post study work permit)

This category enables the international students to stay in this country after the expiry of their student visa and to look for a suitable employment without a sponsor. Those who came under the categories of student, student nurse, Tier 4 migrant, post graduate doctor of dentist, student re-sitting their exams, student writing their thesis can all switch to this category. The applicants can only stay for a maximum of 2 years period and are expected to switch to a skilled worker category as soon as possible. This visa cannot be extended after the 2 year time duration. However this category has been closed from 6th April 2012 onwards for all applicants but the dependents of those who had obtained visa prior to this period can apply to join their family members.

Case study 103

Miss MS was a Sri Lankan national who came to UK on 20th January 2010 as a student to study BA (Hons) in International Finance. Her visa was due to expire on 16th April 2012 and in February 2012 she completed her studies and wanted to make an application for Tier 1 (post study work). In March 2012, an application was sent to the UKBA with all the necessary documents. Following that she received her residence permit card for post study work leave to remain.

Case study 104

Mr RT came to the UK in September 2009 from Sri Lanka. Upon completion of his Masters in Science in October 2010, he applied for and was granted leave to remain under Tier 1 post study work migrant category until 1st March 2013. Mr RT then made an application for Tier 1(Entrepreneur). He had access to £50,000 and was a shareholder and appointed director in a private limited company. In order to be successful in this application, RT must show that he has gained the 95 points. Mr RT application is still pending with the UKBA and is awaiting decision.

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 3 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 a sponsor. 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. For the year from 6 April 2012 to 5 April 2013, a maximum of 20,700 skilled workers can come to the UK under Tier 2 (General) to do jobs with an annual salary below £150,000. There is no limit on the number of workers coming to the UK to do jobs with an annual salary of £150,000 or above. 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 multi-national 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 4 sub-categories:

Long-term staff - for established, skilled employees to be transferred to the UK branch of their organisation for more than 12 months to fill a post that cannot be filled by a new recruit from the resident workforce

Short-term staff - for established, skilled employees to be transferred to the UK branch of their organisation for 12 months or less to fill a post that cannot be filled by a new recruit from the resident workforce

Graduate trainee - this route allows the transfer of recent graduate employees to a UK branch of the same organisation, as part of a structured graduate training programme which clearly defines progression towards a managerial or specialist role
Skills transfer - this route allows the transfer of new graduate employees to a UK branch of the same organisation to learn the skills and knowledge required to perform their job overseas, or to impart their specialist skills or knowledge to the UK workforce.

An applicant must score 50 points for having a Tier 2 (Intra company transfer) certificate of sponsorship, and for being paid an appropriate salary and allowances.

Tier 2 (minister of religion)

Individuals who are undertaking pastoral work, missionaries, and members of a religious order can apply for leave to remain in the UK can apply under this visa. Those entering under this category will be offered with leave to remain permission for a period of 3 years initially and later on they will be

able to extend for a period of another 3 years. However they can't extend their stay after a period of 6 years of stay. Those who are entering under this category also need a 12 month break before they apply for re-entering into the country. An applicant will need to score at least 70 points which is constituted by certificate of sponsorship (50 points), English language ability (10) and maintenance funds (10).

The main applicant under the Tier 2 General, intra company transfer- sports; long term and minister of religion category are charged £578 while their dependents are charged with £434. For tier 2 short term staff, skills transfer and graduate trainee the charges for a postal application is £412 and their dependents are charged with an amount of £309.

TIER 4

This application is used to enter into this country as a student; either as an adult or a child. The applicant needs to have acquired the relevant points under the point based system in order to get the visa.

The 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 scored 40 points in the UKBA's points' assessment. Before they can apply for permission to enter or remain in the UK, their education provider must assign a confirmation of acceptance for studies (CAS). 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 then the application charge is £406 and for premium service it is £781. For dependents applying along with the main applicant the charges are £305, £680 for postal and premium services respectively. For making applications outside the country the charge is £298 for all sorts of applications.

Tier 4 (child)

This is a category set aside in the points based system for children who are coming to the UK to

be educated between the ages 4 and 17. 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.

The applications that are submitted inside the country are charged with £406 and £781 for availing this visa through postal and premium service respectively.

Case Study 105

Ms SP a Sri Lankan national was granted a Tier 4 Student visa on the 18th January 2010 which was valid until 2nd April 2012. On 2nd April 2012, SP made an application for Tier 1(Post Study Work) on the basis that she completed her degree, however her application was refused. The UKBA maintained that at the date of application, SP did not qualify for the award of points and hence would also be losing the 10 points that would have been granted for English language automatically otherwise. An appeal was made to the First tier tribunal against the decision of the UKBA by TWAN. The grounds of appeal were that although SP's award certificate was not issued until 6th June 2012, she has completed her degree and had the award certificate issued by the date of decision. The FTT judge dismissed her appeal by stating that the UKBA has exercised fairness in the context of the decision and hence TWAN made an application to the FTT for permission to appeal to the Upper Tribunal. Permission was granted and upon considering the facts and judgement by FTT judge, the UTT judge ruled that it did not matter that the appellant did not provide a copy of her award certificate to UKBA prior to the date of decision as the email confirmation from the University was sufficient. Also most importantly, the UT judge looked at the case of Khatel and other 2013 whereby it was held that the application should be treated as continuing up to the date of decision, with the consequence that it could be "supplemented" by additional evidence in the interim. The appeal was therefore allowed.

Case study 106

Mr KK was a Sri Lankan national who was granted leave to enter the UK in September 2002. Mr KK applied for an extension of leave to remain as a student from 2002 to 2010. On 12th May 2010, Mr KK was granted further leave to remain in the UK

as a Tier 4 General Student Migrant until 7th July 2011. On 26th September 2011, Mr KK made a Tier 4 application which was refused stating that he had overstayed and failed to acquire 50 points. The UKBA maintained that they are not satisfied that he has a valid CAS because when the Tier 4 sponsor register was checked, the concerned educational institution was not listed. It was also maintained that since the applicant did not have a valid CAS, they were not able to assess the amount of funds required and therefore, KK has not met the rules to be granted leave to remain as a Tier 4 (General) Student Migrant. The refusal letter stated that KK had no right of appeal. In November 2012 TWAN wrote to the UKBA explaining that the UKBA considered the application over 1 year and strongly maintained that at the time of the application, the institution was listed as a sponsor and that KK had the required funds. Therefore, they should withdraw their decision and reconsider KK's application. In March 2013, no reply was received from the UK and subsequently, a letter was sent to the UKBA, Judicial review Unit to remind them that no response was received since November 2012 and if they do not reply within 14 days, TWAN will file judicial review against their decision.

TIER 5

These offer routes to temporary workers who need to come to UK for doing temporary work for a tier 5 sponsor. For applying a visa under this section the concerned worker needs to have a job offer and should acquire the required number of points under the points based system.

The tier 5 applications and dependents need to pay fees of £200 each for processing their visa through postal applications and this applies for both in-country and overseas applications. If the dependent is making an application along with the main applicant then they are charged with £150. For applying in person for a premium service an amount of £575 is charged for each applicant.

Tier 5(Temporary worker- creative and sporting)
This visa applies to people those who are those who are coming to UK to perform or take part in sport events for less than 12 months period. They should be internationally recognised in their respective sectors. They should be able to contribute to the running and development of the respective sector in the UK. Generally with a sponsor and a certificate of sponsorship one can enter the country only for a 12 month period initially. A sports person can extend their stay for up to 12 months while an artist can extend it for up to 24 months.

Tier5 (Temporary worker – charity workers)

A worker who is willing to do unpaid work in a charity in UK can be sponsored by a certificate of sponsorship. Generally the visa is offered for a 12 month period and if necessary the sponsor can apply for multiple visas. Those who are applying under this category don't have access to public funds and should register with the police and are allowed only to undertake private work. The individuals who have entered the country under this visa are not allowed to take up a second job but can take a supplementary job provided its out of the hours of the 1st job they are sponsored for, less than 20 hours a week and most likely in the same sector or a job in the shortage occupation list.

Tier 5(Temporary worker-religious workers)

Those who wish to carry out temporary religious work in the UK can apply for this visa. The visa under the point based system is a requirement for the non-European nationals. The activities that can be carried out under this visa include pastoral duties, preaching and non-pastoral work. 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. The individuals to be sponsored under this category will be allowed to stay for a period of 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 exchange program)

The government authorised exchange category is for people coming to the UK through approved schemes that aim to share knowledge, experience best practice and to experience the social and cultural life of the UK. This category must not be used to fill job vacancies or to bring unskilled labour to the UK. The sponsor will be an overarching body who manages the government authorised exchange scheme and they must have the support of a UK government department. 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.

Tier 5(Temporary worker- international agreement category)

The international agreement category is for people coming to the UK under contract to do work that is covered under international law, including the General Agreement on Trade in Services (GATS) and similar agreements between the UK or the European Union and another country or countries. Employees of overseas governments and international organisations and private servants in diplomatic households can also apply under this

visa. 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.

Tier 5 (Youth mobility scheme)

The youth mobility scheme is for young people from participating countries and territories who want to come and experience life in the UK. Every year, the UK government allocates a number of places on the scheme for each country and territory. The countries and territories participating in the scheme are Australia, Canada, Japan, Monaco, New Zealand, Republic of Korea and Taiwan. The number of places or certificates of sponsorship allocated to them for the year 2013 are limited.

OTHER PROJECTS

DAY CENTRE FOR ELDERS

The organisation is running a Day centre for the elderly in the Tamil migrant community at the Manor Park Community centre on Thursdays. City Bridge Trust has been funding this project for the past 2 years and their grant is about to end. Enhancing the mental health and promotion of the overall wellbeing of the elders who suffer from poverty and loneliness are the major objectives of this project. More than 200 elder members' in the age group of 60-80 are being benefited out of this project in a year.

In the Day centre the elderly are indulged in purposeful age and culture specific activities which include yoga classes and mild physical training programs. Various seminars, workshops and demonstrations on health and safety related matters are conducted by appropriate professionals in the field bilingually. Health check-ups are conducted regularly for the benefit of the elderly and when necessary various outreach activities are also carried out. The elders also get a chance to take part in the Luncheon club in which a healthy and traditional meal is served. They relish this by socializing with other Tamil elders. Through this project the elders are also ensured support for settling down in this country in a smooth manner. Through various activities we help them overcome the obstacles that they face in the settlement process and we also help them in gaining access to their rights and entitlements through our other projects. Thus through this project comprehensive care is offered to the elderly. The project is implemented by volunteers along with considerable support from the elderly members.

SUPPLEMENTARY EDUCATION CLASSES

TWAN provides tutoring in English, Mathematics and Science subjects for students from disadvantaged families through this supplementary education program. This is a most sought after program as most of the Tamil migrant community children face academic difficulties. Most of such students hail from disadvantaged families, where parents are unable to support their children due to illiteracy, lack of fluency in English and various other reasons. The parents of most of the children too are victims of war and tend to be suffering from post-traumatic experiences and other mental health problems. Apart from this they also tend to suffer from poverty and unemployment. Some of the refugee children have not been able to attend schools for 1-2 years before they arrived in UK and find it difficult to cope with the new education system taught through a new Language. The traumatic experiences they faced in the past and the ongoing issues at home often have a severe impact on their mental health and academic achievement. Apart from difficulties in learning some children also exhibit behavioural and adjustment problems.

This class helps the children to understand their subjects better with the help of the bi-lingual tutoring and enables them to function in par with their classmates at school. When these children tend to perform better at school then their self esteem is enhanced. When necessary children are offered with required guidance and if required are referred to appropriate specialists. The parents who accompany the students also gain an insight into the civil norms of UK and get to know the needs and rights of the child. It also brings them in touch with our organisation and helps us in meeting with our main objective of helping Tamil refugees settle in UK.

The classes are conducted at The Little Ilford School in Manor Park, London-E12 from 9:30 am to 2:30 pm on Sundays. Around 60 children benefit out of this project with the effective coaching of 2 trained volunteer tutors and dedicated service of 3 volunteers. This project is run by TWAN without the support of any external funds with a lot of difficulty.

FINE-ART CLASSES

Fine arts classes offer a chance for children from disadvantaged families to involve in a meaningful extra curricular activity and to learn various art forms of the Tamil culture. These classes effectively channelise the energy of the younger members in the refugee community into more enjoyable and beneficial activities. This sort of activity keeps the children occupied and reduces the chances of them

getting involving in gangs and spending time idly in their overcrowded accommodation. Music also has a therapeutic value and tends to heal the wounds of children who are affected mentally as a result of war, trauma and migration. Children are able to develop their skills and their self-esteem is enhanced as a result of this classes.

With the support of seven experienced volunteer teachers, classes are being conducted for Vocal, Violin, Bharatnatyam, Veena, Miruthangam, Guitar and Tabela. The teachers are all professionally qualified, and experienced. Children who are adequately trained are made to appear for exams to get professional qualification certificates in their respective fields.

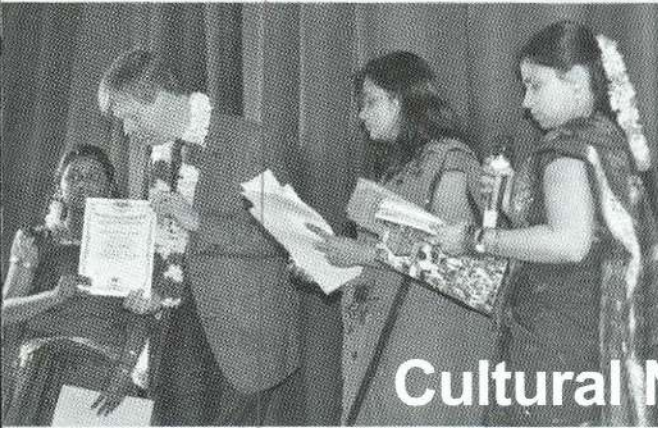
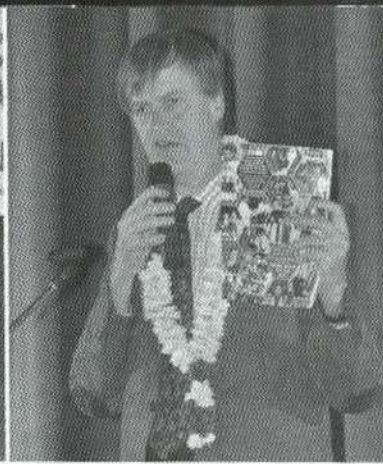
The classes are conducted at The Little Ilford School in Manor Park, London-E12 from 9:30 am to 2:30 pm on Sundays with the help of volunteers and experienced tutors. This project is self funded by TWAN currently and we are struggling to continue this project without other funding.

CULTURAL PROGRAMME 2012

The organisation hosts a cultural fest annually as a part of celebrating the dawn of the Tamil New year. Similarly last year a cultural night was conducted at the Newham Town Hall on the 13th of May 2012. The event commenced at 5.00 p.m. in the evening and was concluded by 12.00 a.m. The highlight of the program was the attendance of Honourable MP Stephen Timms. Another distinguished guest of the program was Ms Rita Chada of Ramfel. The program was also attended by various other key members and religious leaders in the Tamil community. The chief guests addressed the gathering and distributed the certificates to the participants of the cultural programs.

The major attraction of the event was the cultural programs that were staged by the students of our fine arts classes. Children who are trained in the fine arts classes use it as an opportunity to exhibit their talents. The events were a magnificent display of the traditional art forms by the younger members of the Tamil community. More than 160 children and adults participated in various events and the program was witnessed by around 700 members from the Tamil community. This program acted as an opportunity for Tamil community members to preserve their traditions and pass it on to the younger generation. Through this program the information about our services also is reached out to a large population. The staffs, Directors and a large number of volunteers contributed their time and effort for running this event in a successful manner.

♦ ♦ ♦



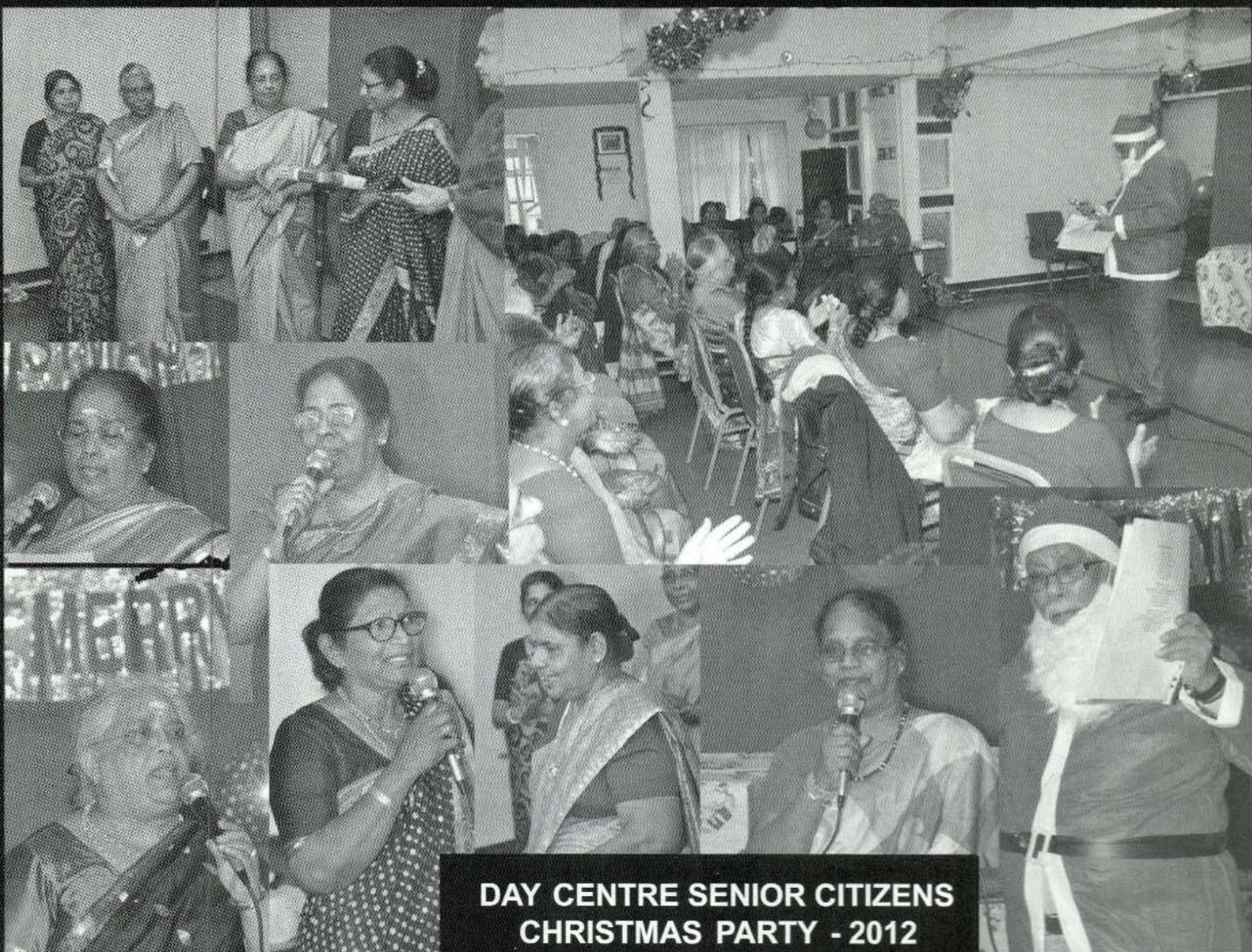
Cultural Night 2012





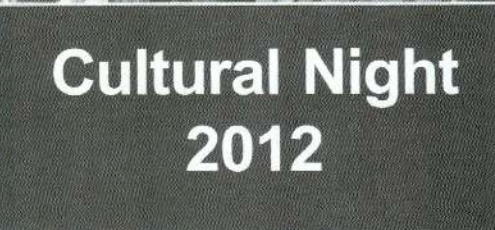
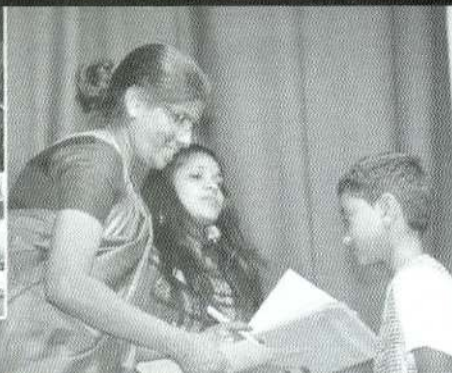
Cultural Night 2012





**DAY CENTRE SENIOR CITIZENS
CHRISTMAS PARTY - 2012**





TWAN FINE ARTS ACADEMY TEACHERS



Sri.A.N.Somaskanda Sarma
(Miruthangam)



Smt.R.Somasundaram
(Bharatnatyam)



Smt. Seimani Sritharan
(Veena)



Smt.Suganthy Srinesa
(Vocal)



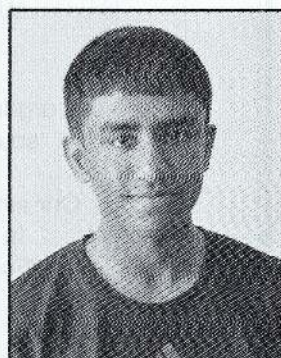
Miss Dhivya Kumaramoorthy
(Violin)



Ms.Marshida Usman
(Kollywood Dance and Yoga Lesson)



Mr.Dhayalakumar
(Tabla and Guitar)

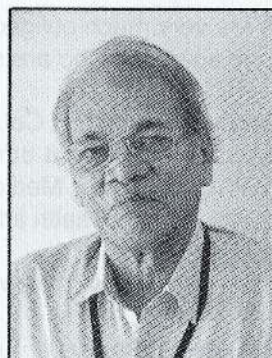


Master K. Sowmyan
(Tutor - Miruthangam)

SUPPLEMENTARY CLASSES (MATHS, SCIENCE, ENGLISH)



Mrs .S. Shanthidevi



Mr. S. Chandradas

ADMINISTRATOR



Miss. B. Benshy



Acknowledgment

We are expressing our sincere gratitude first and foremost to the dignitaries who took part in our last year Cultural Night celebrations -whose esteemed presence and address motivated the participants and the community members immensely. We are very happy in expressing our heartfelt gratitude to Honourable MP Stephen Timms for his prized presence and everlasting support. A Special note of appreciation to Ms. Rita Chada of RAMFEL for being a chief guest and spending time with us until late night to acknowledge the talent of participants.

We will not be what and where we are now without our deserving users, resourceful members, enthusiastic volunteers and the dedicated committee members. We are very much grateful to the invaluable contribution that was made by each of them in a unique manner.

The organisation is very much happy about the good will that it has acquired from various sources and considers the support of these well-wishers as a valuable asset.

Our aims to serve the community will be just a dream without our thoughtful funders. In the absence of their funds our objectives would have been hard to attain. For helping us reach out to the goals we had set up we would like to extend our heartfelt gratitude to Legal Service Commission, London Council, City Parochial Foundation, City Bridge Trust and the Clothworker's Foundation.

All the children and young members are appreciated for their colour performances in the cultural night and the teachers who trained them thoroughly are deeply congratulated. Without their extensive joint effort the cultural night will be not have been an enjoyable one. We also thank the community members for attending the program and appreciating the participants.

We are very much obliged to sincerely thank various professionals and agencies who are supporting and working with us namely

Mr. Stephen Timms MP, Councilor Mr. Umesh Desai, Mr. Clive Furness
& other local councillors.

OISC, counsels, Medical Foundation, Professional Doctors,
Health advocacy services & GP'S

Network Organisations:

Advice UK, BAN Consortium, RAMFEL, NCVO, Redbridge CVS, Newham Work Experience Team, University of Westminster, Redbridge Business Education Partnership, Newham Voluntary Sector Consortium, North east London Network, Refugee Council, JCWI, LASA, ILPA, BID & CLT

Glory Community Accountancy Project

Little Ilford School & Manor Park Community Centre Advanced Accounting Practice

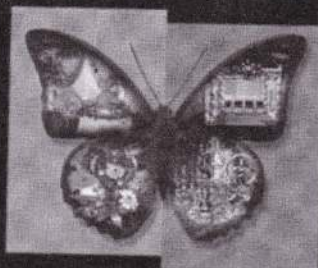
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