

TWAN

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

**தமிழர்
நலன்புரி
சங்கம்**

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

**நியூஹாம்-ஐ.ரா.
Report - 2003**

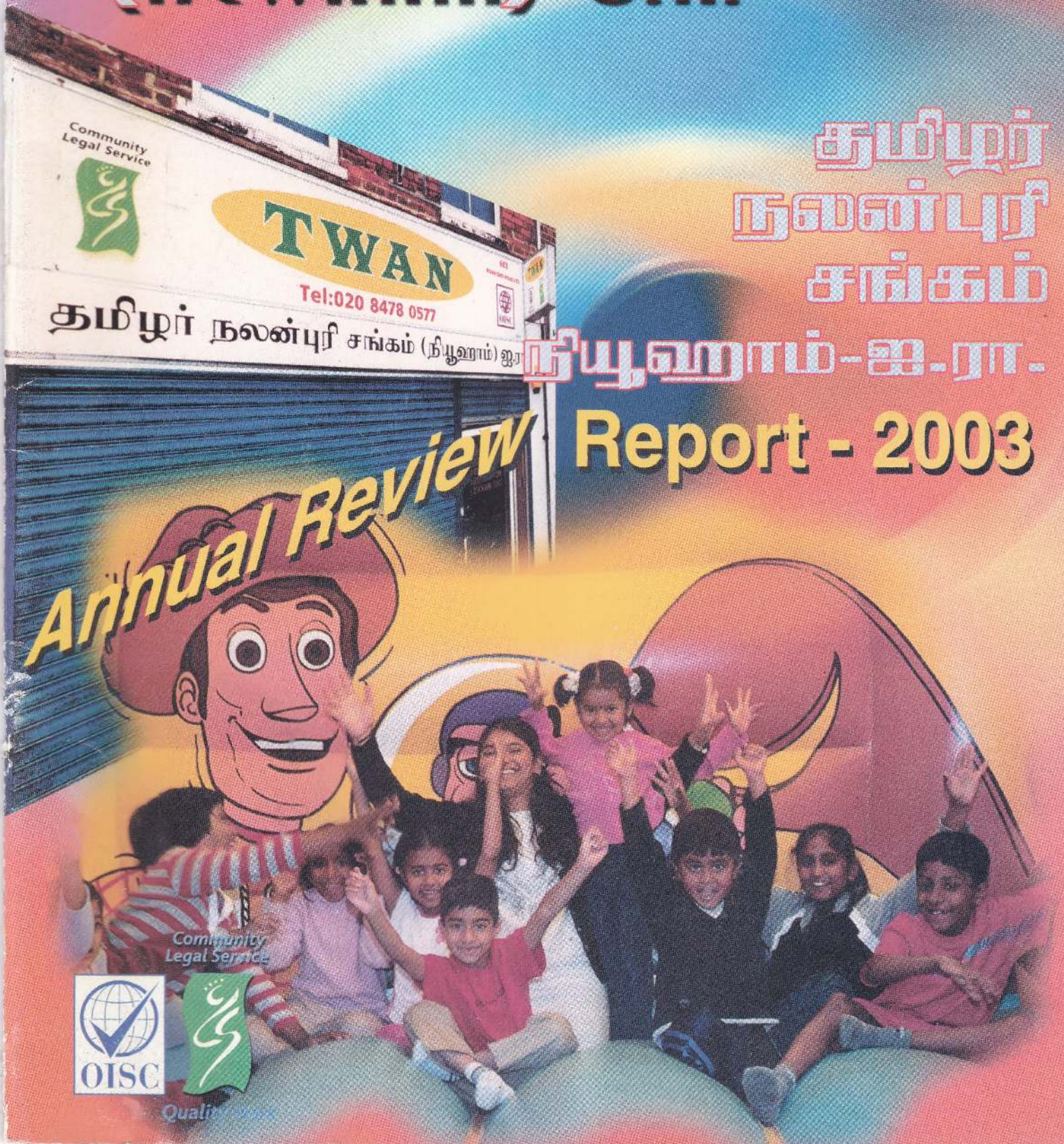
Annual Review



Community
Legal Service



Quality Standard



YAAL RESTAURANT

யாழ் உணவகம்



Fully Licensed
Sri Lankan & South Indian Cuisine



ஓறுசுவை குன்றாத
இலங்கை, தென் இந்திய
உணவுவகைகள்.
வாருங்கள், வந்து
சுவையுடன் உண்டு மகிழ
யாழ் உணவகம்

உங்கள் திருமண வைபவங்கள்
பிறந்தநாள் விழா கொண்டாட்டங்கள், மற்றும்
மங்களகரமான வைபவங்களுக்கும்

சுவைமிக்க தரமான உணவுவகைகள்
குறித்த நேரத்தில் செய்து தரப்படும்.

10 பவுண்டுகளுக்குமேல் உணவு வாங்குபவர்களுக்கு
2 மைல் தூரத்திற்கு இலவச விநியோகம்.

Opening Hours:

Sun - Thurs - 12 noon to midnight

Fri - sat: 12 noon to 1.00am

40 இருக்கைகள் கொண்ட தமிழ் உணவகம்

404 Barking Road, East Ham, London E6 2SA

020 - 8471 6744 / 020 - 8471 7319

Tamil Welfare Association (Newham) UK

தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

தாரணத்துத் தமிழ் வருடப் பிறப்பிதனை~ இத்
தரணியிலே வரவேற்று நம் சமூகத்தின்~ நல்
வாழ்வுக்காய் நலன் பல புரிந்து நாம்
வழமாய் வாழ உதவிடும்
தமிழர் நலன்புரி சங்கம் வாழியவே

சீருடன் சிறப்புப் பெற்று புகலிடத் தமிழர் நாம்
இம் மண்ணில் வேருன்ற
நற்பல திட்டங்களை சிரத்துடன் அமுலாக்கி
நம் சமூகத்தின் மேம்பாட்டிற்காய்
நற் பல சேவையாற்றும் தமிழர் நலன் புரி சங்கம்
வாழிய! வாழிய! வாழியவே



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

Message from
Councillor Unmesh Desai
Deputy Executive Mayor



Tamil Welfare Association

It gives me much pleasure to extend my congratulations and greetings to everyone involved with the Tamil Welfare Association of Newham and to be asked to contribute my thoughts to your Annual Report.

I have known the Association for many years now and its key individuals in a personal capacity as well. Both as a local councillor for six years now and a community activist for the last 22 years in the borough.

I can vouch for the solid respect that the Association has. In particular for the service that it gives to Tamil origin people in welfare, immigration and asylum and general housing advice. The efforts of the workers and volunteers and their dedication is commendable as well as the support the association has locally.

The council has been involved in working with the association and my council colleagues will join me in expressing the view that we can continue to work together for the mutual benefit of the borough in the months and years to come. Newham is a place where many things are happening and in particular it is the council's vision that people should choose to live and work in the borough by the year 2010. The Tamil community is an important part of this vision and the contribution that it makes to the borough is noticeable in many fields already.

I personally have benefitted from being able to ask for advice and help from the association when dealing with individual cases or information regarding the Tamil community and its needs.

I look forward to attending the Tamil New Year function on May 2 and to continue to work with the Association.

Councillor Unmesh Desai
Deputy Executive Mayor

Newham

WORKING FOR YOU



Chair's Preface

I would like to take this opportunity to wish all of you a Happy "Dharana" Tamil New year. It has been my pleasure to be the Chairman for Tamil Welfare Association (Newham) UK, which has a leading role in helping our community to achieve its potential.

I am particularly proud of the way our organisation overcame its previous setbacks and is now proving itself to be even more dynamic than before. None of this would have been possible without the hard work and support of the Tamil community, to whom we are indebted.

Our plans were successful and the organisation secured the resources for the upcoming years to continue its current services. Further actions are in place to expand our services to the community. The needs of the community have yet to be completely fulfilled and, in addition, new legislation is imposing more challenges and pressures. However, I am certain that the organisation will be able to quickly adapt to these new challenges.

This year, we were able to achieve Full Quality Mark Status from the Legal Services Commission and strengthened our capacity to continue the legal casework, which is now our main priority. The quality of and demand for this service is high, and in conjunction with our other projects, such as the Advisory Project, Elder's Project, the Children's Project, Cultural Project and the Education Project, TWAN is helping all sectors of the Tamil community.

The organisation's achievements are the result of the combined efforts of the volunteers, staff, and directors, as well as the community's ongoing contribution. For the past 17 years, we have been presenting the Annual Report to you at the Cultural Night. I encourage you to pick up one, in which you will find details of our progress and developments.

As a community organisation, your support and participation is invaluable to us. I appreciate your encouragement of TWAN in attending this event. Thank you for making our work possible.

Mr. S. Muthucumarasamy
Chairman

Secretary's Report

Overview of 2003

We finished the year 2003 in an encouraging manner with number of promises laid down in the path to the future of TWAN. Even though we ran the organisation with a tight budget, the organisation successfully completed another year of its services according to our mandate. Most particularly our revised strategy plan worked very well and our fundraising efforts paid off, which resulted in the organisation finance starting to produce surplus of operational income. We intend to build next year where we left. In relation to delivery, service of the asylum and the detention related matters is the most challenging area, which we dealt with. As directors our duty is to ensure that our work is relevant to the community needs and capable of helping them to overcome their difficulties. This way we are generating added value to the Tamil Community. We strongly believe we have to take a leading role to settle successfully, and organise and build the community to achieve their potential and be able to contribute to the UK wider population positively. Our staff and volunteers are working hard to achieve our organisation's mission.

Organisational Structure

Over the years of service delivery resulted growth in demand for TWAN's services which did not match with expected resources which

resulted to review and prioritise our strategy with available resources. This action lead us to review our business plan in year 2003 for next 3 years with potential source of income. We made a series of consultations with our users and professionals, with an intention to review our strategy plan and prioritise our actions and service plan. This all put together as a business plan which highlighted that the organisation needs to take pro-active approach for raising funds and to adapt contingency plan to avoid financial crisis in future. This plan completed with risk assessment and possible solutions. This review completed in the beginning of the year 2003. In the year end our evaluation and assessment shows we hit the targets and safely moved the organisation to the forthcoming year.

Resources and Office-Based Services

With years of existence in the community and the success of the Advisory Project this year we structured our casework as a legal casework service. This project is aided by the Association of London Governments from August 2003 onwards for 3 years. A Casework Manager was appointed to take over this key project. The Information and Advisory Project is funded by the City Parochial Foundation to continue with our advisory work. These two Grants are the main backbone of the office-based services with

number of other small Grants. We cater to our users in the field of Immigration, Housing, Benefits, Health care, and Employment related advice and casework. Around 20 persons per day are visiting our office to obtain our services. We are steadily improving our services. Our nature of work enabled us to be awarded Full Quality Mark Status by the Community Legal Service Commission in August 2003. We hope this award facilitates our organisation to achieve more success and resources. Further, we intend to purchase our office premises in the next year and are also working to increase the office space by extending the rear portion of the building. Our IT system was partly modernised with network system end of this year with the support of an additional short-term grant by the Association of London Governments. We are in the process to build a software package to bring our clients' casework database online. This action may improve our office file system to meet Community Legal Service Commission and the office of the Immigration Service Commission's requirements.

Management

The Organisation is governed by the Board of Directors who meet regularly once in a month to ensure their responsibility and review the progress of the Organisation. The Directors are elected by the members of the Organisation at the Annual General Meeting and the current Board of Directors come from various backgrounds, with four female and six male aged between 23 and 70. The users are encouraged to become members of TWAN. Around 204 members submitted their affiliation form this year. Members and users are consulted in various ways throughout the year to take forward the Organisation to match the Community needs. There are sub-committees and working groups to be formed to manage specific tasks or projects.

At the Board of Directors' Meeting, the Casework Manager attends as an Executive Director to liaise staff and volunteer team with management and also to ensure the implementation of Board of Directors' decision. The Executive Director produces the memo at the monthly meeting to furnish detailed information about the office and organisation's monthly update to Board of Directors. It is scrutinised at the meeting. Each month in the meeting one of our Organisation's policies is reviewed. This year's decision-making and management seems to be successful. We hope to continue next year.

Other Services

We support the Tamil refugee children by providing services like Supplementary classes, After School Club and Summer Holiday Scheme, which help them to build confidence and facilitate their process of integration with children of other cultures. Our Elderly Project provides an opportunity for the Tamil refugee Elders to socialise with each other, and spend their time in various outdoor and indoor activities. We also organise various Social and Cultural Events, which bring together all the members of the Tamil community.

Developments

The forthcoming year TWAN should acquire the current office premises and plans to be drawn to increase the office space. Further, additional funding around 50,000 is to be found to meet the need of the ongoing development plan. Some of the actions are already taken to achieve these goals. Also our Quality Mark Status and Community Legal Service Commission and Office of the Immigration Service Commissioner's Practising level need to be upgraded to Level 3. Also number of staff levels needs to be improved.

FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2003

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

Company N°: 2962857

Charity N°: 1047487

DIRECTORS

M Balasingham (Mrs)
P Chandradas Esq
S Gajendrakumaran Esq
T Janaka (Mrs)
S Kirubaharan Esq
S Kanthasamy (Miss)
S Paneerchelvan Esq
R Rajanavanathan Esq
S Muthucumarasamy Esq
K Shanmugavadivel (Mrs)

SECRETARY

P Chandradas Esq

REGISTERED OFFICE & BUSINESS ADDRESS

602 Romford Road
Manor Park
London
E12 5AF

AUDITORS

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

SOLICITORS

Jeya & Co
322 High Street North
Manor Park
London
E12 6SA

PRINCIPAL BANKERS

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS

The directors present their report and audited financial statements for the ended 31st December 2003

PRINCIPAL ACTIVITIES AND BUSINESS REVIEW

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

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

DIVIDENDS

The directors do not recommend payment of a dividend.

DIRECTORS AND THEIR INTERESTS

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

	<u>Class of share</u>	<u>Number of shares</u>	
		<u>2003</u>	<u>2002</u>
M Balasingham (Mrs)	Ordinary shares class 1	-	-
K Shanmugavadivel (Mrs)	Ordinary shares class 1	-	-
P Chandradas Esq	Ordinary shares class 1	-	-
S Gajendrakumaran Esq	Ordinary shares class 1	-	-
T Janaka (Mrs)	Ordinary shares class 1	-	-
S Kirubaharan Esq	Ordinary shares class 1	-	-
S Kanthasamy (Miss)	Ordinary shares class 1	-	-
S Paneerchelvan Esq	Ordinary shares class 1	-	-
R Rajanavanathan Esq	Ordinary shares class 1	-	-
S Muthucumarasamy Esq	Ordinary shares class 1	-	-

DIRECTORS' RESPONSIBILITIES

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

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

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

REPORT OF THE DIRECTORS (Continued)

CLOSE COMPANY

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

AUDITORS

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

Date: 31st March 2004

By Order of the Board

P Chandradas
P Chandradas Esq
Secretary

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

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

We have audited the financial statements of the company for the year ended 31st December 2003 which comprise the Statement of Financial Activities, the Balance Sheet and the related notes set out on pages 6 to 9. These financial statements have been prepared under the historical cost convention, and the accounting policies on page 6.

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

Respective responsibilities of the directors and auditors

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

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

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

Basis of opinion

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

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

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

Opinion

In our opinion the financial statements give a true and fair view of the state of affairs of the company as at 31st December 2003 and of its incoming resources and application of resources, including its income and expenditure for the year then ended and have been properly prepared in accordance with the Companies Act 1985.

[Signature]
ADVANCED ACCOUNTING PRACTICE
Certified Accountants
Registered Auditors

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

Date: 31st March 2004

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31ST DECEMBER 2003

		Restricted Funds	Unrestricted Funds	Total 2003	2002
INCOMING RESOURCES					
Grants	2	71,179	1,025	72,204	61,874
Membership subscriptions		-	759	759	771
Other receipts		-	10,912	10,912	1,500
Interest receivable	4	-	207	207	83
Total Incoming Resources		<u>71,179</u>	<u>12,903</u>	<u>84,082</u>	<u>64,228</u>
RESOURCES USED					
Direct Charitable Expenditure		70,152	-	70,152	51,549
Management and Administration		<u>9,347</u>	<u>3,680</u>	<u>13,027</u>	<u>14,916</u>
		<u>79,499</u>	<u>3,680</u>	<u>83,179</u>	<u>66,465</u>
NET INCOMING RESOURCES BEFORE TRANSFERS		(8,320)	9,223	903	(2,237)
Transfer between funds		<u>9,223</u>	<u>(9,223)</u>	<u>-</u>	<u>-</u>
Net Movement in funds		903	-	903	(2,237)
Balance brought forward	1	<u>1,209</u>	<u>15,320</u>	<u>16,529</u>	<u>18,766</u>
Balances carried forward		<u>2,112</u>	<u>15,320</u>	<u>17,432</u>	<u>16,529</u>

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K**BALANCE SHEET AT 31ST DECEMBER 2003**

	Notes	2003 £	2002 £
FIXED ASSETS			
Tangible assets	6	10,550	8,420
CURRENT ASSETS			
Debtors	7	2,003	1,058
Cash at bank and in hand		15,320	21,805
		<u>17,323</u>	<u>22,863</u>
CREDITORS: Amounts falling due within one year	8	<u>(10,441)</u>	<u>(14,754)</u>
NET CURRENT ASSETS		<u>6,882</u>	<u>8,109</u>
TOTAL ASSETS LESS CURRENT LIABILITIES		<u>17,432</u>	<u>16,529</u>
CAPITAL AND RESERVES			
Designated Funds		15,320	35,063
Profit and loss account	9	2,112	(18,534)
SHAREHOLDERS FUNDS		<u>17,432</u>	<u>16,529</u>

The financial statements were approved
by the board on 31st March 2004
and signed on its behalf by

S Gajendrakumaran
S Gajendrakumaran Esq

Director

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

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2003

1. ACCOUNTING POLICIES

1.1 BASIS OF ACCOUNTING

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

1.2 INCOMING RESOURCES

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

1.3 DEPRECIATION

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

Fixtures and fittings 15% Reducing balance

1.4 DEFERRED TAXATION

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

1.5 LEASING AND HIRE PURCHASE

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

2. GRANTS RECEIVED

	2003 £	2002 £
<u>Analysis by:-</u>		
CPF Grant	15,000	15,000
ALG Grant	21,251	-
Organisation and Development Grant	11,852	11,635
Technical Aid Fund (L.B.N)	-	1,544
Employment and training Project	-	8,340
Education Project	7,431	6,038
Childrens' Project	7,970	9,774
Age Concern Project	7,675	7,500
Other grants	1,025	2,043
	<u>72,204</u>	<u>61,874</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2003

3. NET INCOMING RESOURCES	2003	2002
	£	£
The net incoming resources is stated after charging:		
Depreciation	1,863	1,485
Operating lease rentals:		
Land and buildings	16,358	3,714
	<u> </u>	<u> </u>
4. INTEREST RECEIVABLE	2003	2002
	£	£
Bank and other interest receivable	207	83
	<u> </u>	<u> </u>
	207	83
	<u> </u>	<u> </u>
5. DIRECTORS AND EMPLOYEES	2003	2002
	£	£
Staff costs:		
Wages and salaries	22,177	23,880
Social security costs	1,055	1,119
	<u> </u>	<u> </u>
	23,232	24,999
	<u> </u>	<u> </u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2003

6. TANGIBLE ASSETS

	Fixtures & fittings £
<u>Cost</u>	
At 1st January 2003	29,666
Additions	3,993
At 31st December 2003	<u>33,659</u>
<u>Depreciation</u>	
At 1st January 2003	21,246
Charge for	1,863
At 31st December 2003	<u>23,109</u>
<u>Net book value at 31st December 2003</u>	<u>10,550</u>
<u>Net book value at 31st December 2003</u>	<u>8,420</u>

7. DEBTORS

	2003 £	2002 £
Other debtors	2,003	-
Prepayments and accrued income	-	1,058
	<u>2,003</u>	<u>1,058</u>

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

	2003 £	2002 £
Other creditors	3,353	4,805
Accruals and grants recieved in advance	7,088	9,949
	<u>10,441</u>	<u>14,754</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST DECEMBER 2003

9. PROFIT AND LOSS ACCOUNT

	2003 £	2002 £
Retained profits at 1st January 2003	(18,534)	(16,297)
Released from Designated funds	19,743	-
Retained profits at 1st January 2003 as restated	1,209	(16,297)
Profit for the financial	903	(2,237)
Retained profits at 31st December 2003	2,112	(18,534)

Designated Funds represent the surplus income that the Association generated from it's internal fund raising events and other income generated through its own ability. During the year the Directors decided to release to Profit and Loss Account the above sum in order to leave a balance in the Designated Funds an amount equal to the Cash at Bank and in Hand of £15,320.

10. REVENUE COMMITMENTS

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

	Land and buildings		Other	
	2003 £	2002 £	2003 £	2002 £
Expiry date:				
Within one year	14,450	14,450	-	-
Between one and five years	43,350	43,350	-	-

MANAGEMENT INFORMATION FOR THE YEAR ENDED 31ST DECEMBER 2003

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31ST DECEMBER 2003

	2003		2002
	£	£	£
<u>Income</u>			
<u>Restricted Funds</u>			
Grant received (Sch)	71,179		59,831
<u>Less: Expenditure</u>			
Childrens' project	7,536		8,843
Education project	3,412		448
Age Concern project	7,050		5,329
Salaries and wages (incl N.I)	23,232		24,999
Volunteers and sessional workers	1,163		600
Staff recruitment and training	1,668		2,000
Rent, rates and insurance (See note)	17,122		4,540
Light and heat	873		668
Telephone and fax	1,620		2,546
Printing, postage and stationery	3,587		3,504
Office maintenance	3,255		1,630
Organisation & Development	4,482		-
Computer costs	544		1,168
Accountancy	1,750		1,348
Security costs	338		508
Travelling	1,232		3,160
Bank charges	635		413
	<u>79,499</u>		<u>61,704</u>
Net deficiency	<u>(8,320)</u>		<u>(1,873)</u>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 31ST DECEMBER 2003

<u>Unrestricted Funds</u>		<u>2003</u>	<u>2002</u>
		<u>£</u>	<u>£</u>
<u>Income</u>			
Grants received	(Sch)	1,025	2,043
Membership fees received		759	771
Local Authority receipts		2,340	-
Rent receivable	(See note)	7,249	340
Donations and other income		1,323	1,160
		<hr/>	<hr/>
		12,696	4,314
<u>Less: Expenditure</u>			
Cultural activities	208	1,733	
Asylum seekers expense	-	385	
Meeting expenses	212	80	
Sundry expenses	324	505	
Membership and subscriptions	1,073	573	
Depreciation	1,863	1,485	
		<hr/>	<hr/>
		3,680	4,761
<u>Net Surplus/(Deficiency)</u>		<hr/>	<hr/>
		9,016	(447)
<u>Gross Incoming Resources before</u>		<hr/>	<hr/>
<u>Interest and other income</u>		696	(2,320)
 <u>OTHER INCOME AND EXPENSES</u>			
Interest receivable:			
Bank deposit interest	207	83	
		<hr/>	<hr/>
		207	83
<u>NET INCOMING RESOURCES</u>		<hr/>	<hr/>
		903	(2,237)
		<hr/>	<hr/>

TAMIL WELFARE ASSOCIATION (NEWHAM) U.K

DETAILED INCOME & EXPENDITURE ACCOUNT

FOR THE YEAR ENDED 31ST DECEMBER 2003

Schedule - Grants received

	<u>2003</u>	<u>2002</u>
	<u>£</u>	<u>£</u>
CPF Grant	15,000	15,000
ALG Grant	21,251	-
Organisation and Development Grant	11,852	11,635
Technical Aid Fund (L.B.N)	-	1,544
Employment and training project	-	8,340
Education Project	7,431	6,038
Childrens' Project	7,970	9,774
Age Concern Project	7,675	7,500
Other Grants	1,025	2,043
	<hr/>	<hr/>
	72,204	61,874
	<hr/>	<hr/>

Note - Rent, rates and insurance

Part of the rent paid for the year ending 31st December 2002 were set off against rent receivable.

Project Progress Report 2003

Introduction

Throughout the past year the Tamil Welfare Association has overcome difficulties created by a decrease in funding. Our revised strategic plan worked well to take us out of a financial crisis, and addressed the uncertainties facing the project 2002. Our new revised budget reshuffled our service plan, enabling a better development plan while minimising disturbance to our users. The City Parochial Foundation funded the Information and Advisory project, and the Association of London Government (ALG) aided us to run legal casework projects. With the help of other small funding we will restart the legal casework from August onwards this year. Around 14% of our visitors each day came to our office seeking advice while an additional 2 to 3 cases each week took up other legal casework.

After being provisionally awarded the Quality Mark Status Level 2 by the Community Legal Service Commission last year, this year we were granted the full Quality Mark Status Level Two and are now in the process of upgrading to Level 3. We reviewed our business plan in April this year and revised it for the next three years, implementing a funding strategy in order to prevent further financial setbacks in the future. We moved from our Station Road premises two years ago, and the new office is now settled and well equipped to provide continuous services in an effective manner. Projects like the Elder's Project, the Children's Project, and the educational and cultural projects successfully found funding. However, we were not awarded the funding needed to continue the Employment Project this year. Issues such as the inclusion of Sri Lanka on the designated countries list (White List countries) by the government and the escalating violence of the Tamil youths in some parts of London are raising concern in our community.

Information and Advisory Service

The aim of this project is to provide information and advice to our callers to solve their problems. If necessary the matter is taken up by our caseworkers, or referred to other legal representatives by means of sign posting. The majority of our callers approach us with questions pertaining to immigration, while still many others seek advice and support related to benefits. Our advice and support services in the areas of housing, employment, and health care, are also facilitating a considerable number of users each day. In some cases we work with a firm of solicitors, the local authorities, or other voluntary sector providers to tackle our clients' difficulties in their best interest. The advisory work, which is funded by the City Parochial Foundation, includes giving advice, providing practical support, dealing with ongoing difficulties, and helping the clients to overcome their language and cultural barriers. This fund covers one post holder's salary and project related running costs. The advisory service is available on Mondays and Wednesdays 9:30 a.m. to 3:00 p.m. and other working days from 9:30 a.m. to 1:00 p.m. A client in need of our service can drop in anytime during these hours and get our help. If necessary we give follow up appointments depending on the nature of the advice. We also advise through different Tamil media like Thee Pam TV, Sunrise and IBC radio, and the Tamil newspapers.

Asylum Advice

Asylum advice is the service most demanded by our community. Our past success rate with giving appropriate and accurate advice has built a reputation and raised expectations in our community for us to work out their asylum cases. Some asylum seekers come to us during the initial stages to take up their cases, some clients approach us to get second opinions, while others are referred to us by other voluntary sectors to provide advice and support. The current system and asylum law put Tamil asylum seekers in a difficult position to access services. The reduction of legal aid payments and further funding cuts forced many asylum advice agencies to close their doors. These agencies are the intermediaries that find lawyers specialising in native country asylum cases. The lack in the governmental dispersal of these areas prevents the Tamil asylum seekers from obtaining quality advice; the end result then is that clients approach us to fulfil their needs. Moreover, the inclusion of Sri Lanka in the designated country list from July 2003 onwards puts many newly arrived asylum seekers in the fast-track process of asylum application. During the consideration time by the Home Office detainees are kept in detention centres such as Oakington, Yarwood, and the Dover Removal Centre while they await decisions to be made on their cases. Unless the Home Office accepts their asylum claim and they

are granted permission to live in the United Kingdom, they will face deportation without the right to an in-country appeal. Throughout this process, relatives and friends approach us on the detainee's behalf, while other detainees call us directly from the detention centres to obtain advice. The telephone advice line is in operation Tuesdays and Thursdays from 2:00-4:00pm. Approximately 12 calls are recorded each day using this service.

Non-Asylum Immigration Advice

On a regular basis we provide extension of Leave to Enter or Leave to Remain related advice and other common immigration assistance required by our clients. Other assistance includes Marriage of Application on Human Rights Grounds, Student and Work Permit Visa extension, and Naturalisation and British Citizenship application related questions. Two new areas we have started providing advice for this year include Residency Permits for European Economical Area (EEA) Nationals and Migrant Program and Work Permit Applications.

Benefit advice

Due to the success of our appeals with the National Asylum Support Service (NASS), other firms of solicitors have started referring more clients to us. The nature of work in this area is to support and guide asylum seekers through the process of receiving their entitlements. We assist them and make representation, and help to present appeals against unsuccessful decisions. Government regulations under the ambiguous Section 55 Nationality, Immigration and Asylum 2002 states that most of the in-country asylum applicants are not entitled for NASS support. However, exemptions from this rule, as well as outcomes of the court ruling on this matter, create uncertainty about the in-country asylum applicants related to NASS entitlement. This uncertainty has increased the demand for advice and representation work.

Welfare Benefits

The most common family advice we give with is in helping low-income families to improve their financial situation through the working families tax credit and the child tax credit. Due to the government's introduction of the new tax credit system, many low-income families come to us seeking assistance on obtaining their entitlements. We have helped approximately 63 families. Our clients also seek help with filling out job seekers allowance applications and housing benefits applications. Filling these out for the first time can prove quite challenging for someone not used to them. Lack of understanding and language problems prevent our clients from

acting on their own, and therefore they rely heavily on our assistance.

Advice on Employment

Last year, we actively provided job-searching services for the unemployed in our community. With the services' success, the number of clients on employment problems greatly increased. They approached us seeking assistance in solving disputes with their employers or exploring better employment opportunities. However, apart from giving advice, we are now unable to provide continuous job searching services for those who are actively seeking employment. Our grant application to continue this project was unsuccessful this year and consequently we are seeking alternative funds.

Other advice

In the past year, we have also advised in the fields of crime, family matters, school admission, education, and consumer issues. If the client's situation is too complicated for us to handle, we refer the client to someone more capable, or work with solicitors to handle the client's problem. An area raising concern is the escalation of violence in recent years within the Tamil youth community. To give support for victims and witnesses we are providing the necessary counselling service. Professional counsellors also provide counselling to help them.

Housing and Accommodation

The number of people approaching us for accommodation or night shelter is ever increasing. The new benefit system and the changes in the asylum immigration laws in recent years have increased poverty and caused some of our clients to become homeless. Finding accommodation or night shelter for those most needing it is a challenge in our day-to-day work. Most night shelters operate only in winter months and other charity-run hostels rarely have vacancies. Other housing and housing benefit related issues are easily handled by our staff, but this situation does add considerable stress to our work.

Health Care

At present, we cannot fully handle the community's needs in this area, but we are providing a very basic level of health care advice. Many of our callers are recent arrivals who need to register themselves with a GP. Registration is not an easy task locally because most GP surgeries are unable to take new patients on their list. This means that our clients often do not register, leading to an unnecessary burden on hospitals and other health care staff. A person affected by torture or civil war upon arrival here needs an urgent assessment of his or her

physical and mental health state. In some cases treatment requires ongoing care and supervision, which we currently cannot provide. We are seeking to improve this area in the near future.

Legal Casework

The funding cuts in 2002 severely interrupted this service and led us to stop taking on new legal casework for our callers. However, since August 2003 this project found funding from the Association of London Governments (ALG), which has enabled us to take up new casework since September. The reduction of legal aid and controlled legal representation has made immigration and asylum casework less attractive to firms of solicitors. Furthermore, the closure of law centres and citizen advisory bureaux created a high demand for our service. With only limited resources we provide invaluable services in legal casework. Most callers seek legal casework in asylum-related matters. The requirements of the Office of the Immigration Service Commissioners (OISC) and the Community Legal Service Commission (CLS) prevent many grass root community organisations from providing legal casework, hence further increasing the demand for our services. We are seeking to increase our resources in this area, as our current level of funding is not sufficient to meet the demand.

Casework on Asylum Claims

From the end of 2002, many newly arrived Tamil asylum seekers are being kept at the Oakington Detention Centre while their asylum claims are reviewed. These applicants' claims lacked appropriate legal advice, which facilitated the generation of statistical data to include Sri Lanka in the government's designated country list. In July 2003, the Government took action to include Sri Lanka in the designated country list (the 'White List' of countries assumed to be safe), which shocked the Tamil community and raised concern among the general public. The new law is preventing Tamil asylum seekers from claiming asylum after 23 July 2003. They are kept at the Oakington Detention Centre while their claims are assessed in a fast-track procedure. If the Secretary of State certifies their claims, the asylum seekers are removed without any opportunity for in-country appeal. This new system put many of our callers under the risk of persecution upon their return to Sri Lanka. With the ever-changing political situation, Tamils are being subjected to human rights abuses in government-controlled areas. The poverty conditions and draconian legal system in Sri Lanka put Tamil asylum seekers under continuous danger on their return. Despite the

cease-fire agreement and peace process, it is far from safe for failed asylum seekers to return at the present. However, the British Immigration Service's approach on Tamil asylum seekers creates more demand for our service. We represented approximately 80 cases this year to the Immigration Appellate Authority and five usual review applications to the administrative court on the asylum matters.

Asylum claims after 23 July 2003

Following the Government's announcement of including Sri Lanka on the designated countries list, Tamil asylum seekers claiming asylum after 23 July 2003 are moved to the Oakington Detention Centre while their claim is processed under the fast track system. Due to this new development, Tamil asylum seekers and the Tamil community expect us to provide appropriate legal advice for their relatives and friends detained at the Oakington Detention Centre. Those detained do not have access to suitable legal representation apart from the Immigration Advice Service (IAS) or Refugee Legal Centre (RLC). The RLS and IAS are providing initial legal advice within their limitations. However, asylum seekers should be given more choice for their representation, to include solicitors and other non-profit immigration advisory organisations such as us. The main concern regarding the RLC and IAS legal advice is that they are unable to take any action or challenge the Secretary of State's decision to certify asylum claims without in-country appeal. This aspect of the current system worries us and prompts us to provide maximum legal support within the limits of our resources.

Case Study 1

Mr SS arrived in this country on 10 October 2003, and claimed asylum at the airport. He was held there until the following day, when he faced a 43-page screening interview by the immigration officers with the help of an interpreter, without any legal advice or representation. After the interview, he was moved to Oakington Detention Centre and IAS was drafted as his legal representative for his asylum case. On the next day an IAS advisory worker saw him and initial advice was given on the asylum procedure. On the 13th October he was interviewed by an officer at the Oakington Detention Centre. On the 17th, further representation was made by the IAS to the Immigration Officers in support of the applicant's asylum claim. However, despite his past persecution and a number of arrests by the Sri Lankan security forces and other Tamil militant groups, including LTTE, his claim was refused on 22 October and certified under section 94 (4) of the Nationality, Immigration and Asylum Act 2002 without in-coun-

try appeal. At this time, IAS advised him that they were unable to help any further. While he faced removal, one of his relatives living in Hounslow contacted us to take up the matter. After the initial decision, he strongly felt that the Secretary of State's decision was wrong, and in particular thought that attaching the certificate which prevents in-country appeal with his refusal letter should be challenged. Accordingly, we made further representation with some new evidence and instructed the Council to draft the grounds to proceed for the Judicial Review (JR) application, which is in progress at present.

Case Study 2

Mr AS arrived in this country as an in-country applicant and claimed asylum at the Home Office on 5 August 2003. He was represented by a firm of solicitors and interviewed on 18 August 2003 at Oakington. His claim for asylum was refused on 30 August 2003, and certified without in-country appeal rights. Despite his past persecution by the Sri Lankan security forces and continuous fear of the LTTE, he was issued removal directions on 14 October 2003. We were initially contacted by his brother and took over his case. We filed the judicial review application against the Secretary of State's decision and informed the immigration service of the outstanding JR application five days before the removal date. However, immigration and enforcement officers continued to proceed with his removal and he was taken to Heathrow airport. We continued to press the immigration officials over the phone and by fax about the outstanding JR application and finally got confirmation one hour before his removal. His removal was suspended. The proceedings are currently underway and this matter will be settled in a few months time.

Claiming Asylum

The process of claiming asylum has become more difficult and almost unwanted by Tamil asylum seekers. Members of our community have started to feel that claiming asylum in this country puts their life at a higher risk. There is no justice in the current asylum-determining process due to the inclusion of Sri Lanka on the designated countries list, and Tamil-speaking asylum seekers are reluctant to register at the Home Office. Only those who claimed asylum at the port of entry are processed through this new system without much choice. However, for the first time in 15 years, Sri Lanka is not among the top 10 listed asylum-seeking countries in the Home Office records. The current cease-fire agreement and peace process negotiations are the major factors behind the fall of this figure. However, individual claims well supported by objective evidence sug-

gest many Tamils are still at risk of persecution by the security forces and Tamil militant groups. This risk though is currently undermined by the refusal of Tamil asylum claims without in-country appeal rights.

Due to funding difficulties we had to suspend support for new asylum cases between June 2002 and July 2003. During this period we continued only with existing clients' asylum applications and other legal casework matters. Since August 2003, we have started taking up new legal casework, and have made thirteen new asylum claims this year. The demand for our services is on the increase due to the closure of local advisory agencies such as Newham Advice Centre and Asian Limited. Furthermore, the reduction of funding by local authorities to local Citizen Advisory Bureaux around East London and government cuts to the firm of solicitors who provide services through Legal Aid Civil Contract in the field of immigration and asylum work are the main reasons for the continued demand of these services.

Case Study 3

Mr YP arrived in this country on 13 August as an in-country applicant and went in person to the Home Office in Croydon to make his asylum claim. He was at the Home Office at 3:00 p.m. on that day, but the security officers did not allow him to claim asylum, but rather told him to come back the next day. The next day he was denied access into the building by the security staff who said they closed at 12:00 a.m. Again, when he tried on Monday, while waiting outside he was given an address in Croydon with the instructions to go and stay there and come back the next morning. On the fourth occasion he was allowed inside the building and after an initial screening by the Home Office staff he was moved to the detention centre in Oakington. Once again the officials informed IAS that they would be his legal representatives, but he informed the officers at Oakington that he already had his own representatives and was happy to retain their service. When we telephoned the immigration officer at Oakington we were told that he was represented by the IAS, but when we contacted the IAS they said they did not have any instruction from the client to act on his behalf. After a struggle, the Immigration Service accepted our request and permission was granted for us to continue as his legal representative.

Case Study 4

Mr TT arrived in this country in the middle of September 2003, and claimed asylum at the airport. Af-

ter the initial screening interview on that day, without any legal advice from a representative, he was moved to the Oakington Detention Centre. From the centre, he had the opportunity to talk with his relatives in the UK, and they approached us to take up this case. We visited Oakington and provided asylum claim advice. We represented Mr TT during a later interview. After the interview, we met immigration representatives and presented them with the statement bundle of objective evidences, an index of the essential reading of the bundle, and filed an argument. Due to our representation, two days later we managed to release him from Oakington Detention Centre. His case is not yet determined as we are waiting for further evidence.

Statement of Evidence Form (SEF)

Despite the inclusion of Sri Lanka as a designated country we are still helping clients to complete the Statement of Evidence Form for their asylum application. On some occasions Tamil-speaking asylum seekers are released by the immigration officers and asked to complete their asylum application and return it within 10 working days. Taking instruction from the client and completing the application form may take us five to six hours. Apart from the newly arrived asylum seekers, those who arrived before July 2003 are also asked to complete and resubmit their Statement of Evidence Form.

Case Study 5

Mr PK arrived in this country in September 2003. After the screening interview at the airport, which took place immediately after arrival, he was quite surprisingly released with Temporary Admission and also registered to complete and return the Statement of Evidence Form. Once again his relatives introduced him to our office and we took up the case. We completed his SEF and returned it within the prescribed time. His asylum claim is under consideration.

Asylum Interviews

In comparison to the last three years, this year fewer people have been interviewed by immigration officers or Home Office caseworkers in relation to asylum applications. This decline is the result of a decreased number of asylum seekers and the reduction of casework we took up in the second half of 2002. However, due to the backlog clearance, some of our old cases are scheduled for interviews, mainly in Croydon. We continuously provide advice and representation during an asylum interview. After the interview we may undertake further representation in support of an asylum interview. We have represented 18 cases this year.

Case Study 6

Miss SS arrived in this country in June 2000. After a brief screening interview, the Waterloo Immigration Services released her with temporary admission. In September she was asked to submit a Statement of Evidence Form (SEF) and after doing so her asylum claim went under consideration by the Secretary of State. After more than two years, in October 2003 she was asked to attend an asylum interview. She is a victim of torture by the security forces, so we produced evidence in support of her asylum claim including medical reports. Her asylum claim was refused by the Secretary of State but not certified as an unfounded claim since she claimed asylum before July 2003. Therefore, she is entitled to exercise her right of appeal and thus her appeal is outstanding.

Reasons for Refusal by the Secretary of State

In the past, most Tamil asylum seekers were refused by the Secretary of State due to adverse credibility findings. Since the inclusion of Sri Lanka on the designated country list, the decision-making officers are not so eager to find the adverse credibility of the applications. This finding is most regularly observed in Oakington where cases are refused on the grounds of out-of-date objective evidence and certified according to 94 (3) of the Nationality, Immigration and Asylum Act 2003, which denies their right to in-country appeal. They face earlier removal from the detention centres unless their case is challenged against the Secretary of State's decision by the judicial review process. In the Oakington cases, refusal letters state that asylum applications are considered under the terms of 1951 Geneva Convention relating to the Refugee Status and also considered under article 3 of the 1950 Human Rights Convention. Furthermore, the Secretary of State also considers cases under Discretionary Leave under the Home Office policy. However, in the light of all the evidence available it can be concluded that the claim has not established a well-founded fear of persecution and therefore does not qualify one for asylum. The claim has been refused and certified clearly unfounded.

Some other common reasons for refusal, followed by the factual contradictory objective evidence, include:

Myth: Under the terms of the 1951 United Nations Convention, the Tamils are not a persecuted group who have claim to refugee status simply by virtue of their race.

Facts:

- An article from a panel appointed by Sri Lanka's Human Rights Commission on 29 October 2003 headlined that 'Sri Lankan combatants are 'racist', saying the commission has faulted the police and armed forces for institutional racism.'
- The International Committee of the Red Cross stated in February 2003 that it had begun reopening files on approximately 11,000 people missing in Sri Lanka and was setting up a system to establish the fate of the victims. In a 1997 report Amnesty International stated that nearly 600 Tamils who had disappeared after being taken into military custody had been killed. Although the report went on to say there was no evidence to suggest this came from political leadership, the Sri Lankan government reacted much too slowly to well documented reports of a rise in disappearances.

Myth: On 22 February 2002, an announcement was made that the Sri Lankan Government and the LTTE had signed an agreement on the cessation of hostilities. The agreement committed the two parties to put an end to hostilities, restore normalcy for all Sri Lanka and to begin peace talks.

- Fact: In early November 2003, President Chandrika Kumaratunga undertook a series of measures endangering the 20-month ceasefire and negotiations aimed at ending a 20-year civil war by firing a key Minister while the Prime Minister was away.
- The President also declared a state of emergency, giving herself immediate control of media, and the power to make regulations, which had the effect of overriding, amending, or suspending any law, except the provisions of the constitution.
- On 10 November 2003, Constitutional Affairs minister GL Peiris announced that peace talks between the government and the LTTE had been indefinitely postponed.
- On 2 December 2003, the head of Sri Lanka's National Human Rights Commission (HRC), Dr Radhika Kumaraswamy, said that the process of restoring normalcy in the district was still hindered. She said that the Sri Lankan armed forces continue to occupy public buildings in the district and complaints to the Police were recorded in Sinhala. The HRC has received complaints in the district against the Sri Lankan armed forces and the Liberation Tigers.

Myth: In a press release dated 29 June 2002, Am-

nesty International, having just ended a two-week visit to Sri Lanka, stated that the ongoing cease-fire agreement had made a significant impact in reducing human rights abuses. It is believed that the Sri Lankan Government generally respects the human rights of its citizens and that there have been a number of improvements recently in the human rights situation in Sri Lanka.

Fact: :

- Regarding the suspension of Parliament, the Asian Human Rights Commission (AHRC) issued the following warning on 6 November 2003: 'By putting the police and military in charge of law and order without the control of the parliament the President has all but declared a state of emergency. This move will seriously disrupt efforts to demilitarise the police. It will set back all initiatives to restore normal policing and end abuses of power. It is very likely that lawless elements will take advantage of this situation. People will have less protection from the police against crime. Torture is likely to increase. The lives of many civilians are now in grave danger...'

Myth: On 23 February 2002, an agreement was made between the Sri Lankan government and the LTTE requiring both parties to abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion, and harassment. The parties also agreed that search operations and arrests under the Prevention of Terrorism Act (PTA) should not be made. The Emergency Regulations (ERs) had earlier lapsed in July 2001. Because of these agreements, one should not be at risk of arrest by Sri Lankan army.

Facts:

- President Kumaratunge's actions have increased international concern. News sources such as *Reuters* have observed that the President's moves have already created unease among the Tamils, who fear arbitrary arrests and a return to war.
- The Guardian (London, 5 November 2003) reported that Sri Lanka's minority Tamil population suffered most during the country's last state of emergency, often enduring brutal treatment by security forces.
- On 6 November 2003, military checkpoints on all roads in and around Colombo were re-established. According to reports, the military in Jaffna is strengthening checkpoints and bunkers.

Myth: It is believed that authorities would release a person from detention if they had any reason to be-

lieve that one were an active member of the LTTE or had been involved in activities against them. It is also believed that they would not allow a suspected LTTE activist to work for them given the obvious risks to the integrity of their operations. It is not accepted that the army is likely to seek one out upon return as a result of claimed past involvement with the LTTE or because one is a Tamil.

Fact:

- The Home Office Country Assessment states, 'Bribery and corruption are rife and may provide the motive for interest by both the police and security forces.'
 - Section 4.81, '...The SLMM said that during 2002 it investigated and upheld 556 cease-fire violations, 500 of which were perpetrated by the LTTE. According to monitors the most common violation by the LTTE was the recruitment of fighters under the age of 18. Most of these cases related to recruitment around the Batticaloa and Jaffna areas... On the Government side, the most common violations by the military were harassment, extortion and restriction of movement.'
 - Section 6.61, 'Thousands of Tamils [were] arrested [in the past], particularly in Colombo and the east, for suspected contact with the LTTE, as part of security operations to prevent LTTE terrorists from infiltrating the city. Cordon-and-search operations were often carried out in areas with high concentrations of Tamils, including Tamil lodges. These operations occurred at irregular intervals and were intended to catch those missed by normal security measures. UNHCR stated that visits to the lodges appeared to be planned, with the inherent belief that the security personnel may be able to benefit financially through the residents...'
- Supreme Court case 2003 EWCA Civ 121 for Mathiyalagan Selvaratnam, decided on 27 January 2003, states that 'the applicant's previous low-level of activities for the LTTE some years ago may not be the determinate fact, given that he had signed a form of confession and signed a blank piece of paper. What may have been written on that paper

one cannot of course know, but on the facts it seems plain that there is substantial risk that the applicant would be a person regarded by the Sri Lankan authorities as of interest through having confessed to have connections with the LTTE'.

Myth: Although claims are made that the army mistreated prisoners during periods of detention, it is known that no violations of human rights abuses by members of the security forces in Sri Lanka are condoned. Consequently, it is considered that such actions would arise from failures of discipline and supervision rather than from any concerted policy on the part of the Sri Lankan government. They are, therefore, not evidence of persecution within the terms of the United Nations Convention; as such violations are not knowingly tolerated by the Sri Lankan government.

Facts:

- The Bundle's Respect for Human Rights Section 1 c. states 'despite legal prohibitions, the security forces and police continued to torture and mistreat persons in police custody and prisons. The Convention Against Torture Act (CATA) made torture a punishable offence. Under the CATA, torture is defined as a specific crime. The High Court has jurisdiction over violations and criminal conviction carries a 7-year minimum sentence. However, according to a recent Amnesty International (AI) report and press release, the CATA does not implement several provisions of the UN Convention; this results in torture being prohibited under specific circumstances but allowed under others. Consequently, torture continues with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until they are brought to court. In some cases, the detention can extend for years.'
- Members of security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Methods of torture included electric shock, beatings, and suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims were made to remain in unnatural positions for extended periods or have bags laced with insecticide, chilli powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as

a result of their mistreatment. There were reports of rape in detention during the year. Medical examination of persons arrested since 2000 continues to reveal multiple cases of torture.

- The Human Rights Commission of Sri Lanka often violates principles of international and national law in dealing with torture cases by allowing perpetrators to escape criminal punishment through the payment of small sums in compensation. Under national law, torture is a crime punishable with a mandatory prison sentence of seven years and a fine, but the Human Rights Commission settles cases after the payment of sums of as little as 1,000 rupees. Victims are often pressurised into accepting settlements. According to one person who had been thrown into a river by a police officer and left for dead, officials at the Human Rights commission told him that he really did not have a case and that it would be better to accept a small payment and end the matter. Because most victims are poor, uninformed in legal matter and unrepresented by lawyers, they are easily confused and misled into accepting a financial settlement against their will.
- In December 2000, the bodies of eight Tamils tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities.
- During 2001 there were a number of reports of women being raped by security forces while in detention.
- In September 2003, three men in Bogawantalawa were severely assaulted by three people in civilian clothing. The three victims believed that their attackers were police officers, one being the officer in charge. The victims were taken to the police station where again they were beaten by the man identified as the OIC. The victims' effort to make a complaint to the superintendent of police met with no success.

Myth: To be within the scope of the United Nations Convention, one would have to show that his or her arrest and detention by the LTTE, and any future harassment, was a sustained pattern or campaign of persecution and was knowingly tolerated by the authorities, or that the authorities were unable, or unwilling to offer him effective protection. It is considered that a person could and should have approached the authorities in Sri Lanka for assistance rather than seeking international protection.

Facts:

- 5.22 in CIPU: 'Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney General's Office and the Criminal Investigation Unit have established units to focus on torture complaints. These units forwarded 14 cases for indictment during 2002. According to the Attorney General office, members of the security forces and police have been prosecuted under criminal statutes, but none of the cases had come to conclusion.
- The climate of impunity allows harassment, persecution, and torture to continue. Perpetrators, whether from the security forces or pro-government militias, are not brought to account. There have been few persecutions and even fewer convictions. Officers involved in torture have been re-instated. Many cases of torture and disappearances have limited briefs, and the government has ceased paying fines incurred by security force personnel found guilty of torture.
- Although the Supreme Court has regularly awarded compensation to victims of torture and directed the Inspector General of Police and Attorney General to 'take such action as deemed appropriate' against the perpetrators, nobody has yet been convicted for committing torture. While such a climate of immunity exists, the human rights and Tamil language training for the army and police will have limited value.
- SSHD V. Adan Imm.A.R.345 states that 'the fact that an individual had already been subject to persecution is a serious indication of the risk of persecution, unless a radical change of condition has taken place.'

Myth: A person has related alleged fears of returning only to certain areas within Sri Lanka. This is because there is a part of Sri Lanka where there is not a well-founded fear of persecution and to which it would be reasonable to expect one to go. One should be able to relocate within Sri Lanka.

Fact: If one fears persecution from the Sri Lankan authorities, internal flight to an area controlled by the Government, such as Colombo, is therefore not an option. It is relevant only in certain cases, particularly when the source of persecution emanates from a non-State actor. Even when it is relevant, its applicability will depend on a full consideration of all the circumstances of the case and the reasonableness of relocation to another area in the country of origin.

Myth: It has been concluded that a well-founded fear of persecution has not been established and that one does not qualify for asylum. In addition, the asylum claim applies to section 94(3) of the Nationality, Immigration and Asylum Act 2002. This requires the Secretary of State to certify that a claim is clearly unfounded unless he is satisfied that it is not clearly unfounded.

Fact: A 'very high threshold' has to be met before a claim can be determined clearly unfounded. 'The Secretary of State cannot lawfully issue such a certificate unless the claim is bound to fail before an adjudicator. It is not sufficient that he considers that the claim is likely to fail on appeal, or even that it is very likely to fail.'

In addition to these discrepancies, caseworkers also heavily rely on the Country Information and Policy Unit (CIPU) reports of the Immigration and Nationality Directory of the Home Office, which can mislead decision-making. The CIPU presents an overly optimistic picture of the human rights situation, and often makes sweeping generalizations about the country as a whole, which usually do not apply to the LTTE-held regions where conditions are reported to be much less favourable. The CIPU Assessment quotes the US Department of State inaccurately, quoting only the positive clause in a sentence rather than the whole sentence, and excessively neglecting a wide range of sources providing a more detailed and accurate picture of human rights abuses. There is a lack of balance between the documentation of human rights abuses and reports of government action to address them. The assessment is also confusing, unorganised, and difficult to read. It contains virtually no original writing and information that is several years old and is quoted in the present tense, which leads the reader to think that it is up to date. Following are only a few of the CIPU discrepancies:

- 5.2: It has not included vital information that the right to change government peacefully is not upheld in practice.
- 5.16: It states that any time during the process from arrest right through to a possible court case an accused can ask for the Tamil language to be used. However, most court proceedings in Colombo and the south (where serious cases are often heard) are conducted only in Sinhala or English and very few judges even speak fluent Tamil.
- 6.1: According to the U.S. Department of State Report issued in March 2003, 'the Sri Lankan Government generally respects the human rights of its citizens.' The Report actually reads: 'the Government generally re-

spects the human rights of its citizens; however, there were serious problems in some areas.'

- 6.122 states that during 2002 there was one report of security forces raping women. US Department of State (31 March 2003) refers to one case of rape *in custody* involving security personnel.
- 6.118: The Director of the Criminal Investigation Department stated that his department had a sufficient number of female officers to ensure that women who are detained can be questioned and guarded by female personnel. A true reading of the source says that there are a number of female offices in the security forces, but that women who are arrested would not always be questioned only by a female officer. Female officers would deal with 50 to 60 percent of the cases involving women.
- 6.14 states there were no reports of security forces harassing journalists during 2002. In reality, there were a number of cases in which security forces harassed journalists, some including physical attacks. There were also reports of a number of cases in which police or other people associated with the government restricted press freedom in 2002.
- 6.78 lists the methods of torture according to the U.S. Department of State. Many methods of torture have been excluded. These additional methods include punching, kicking, slapping, hitting with rifle butts and batons, cutting with knives and bayonets, forced giving of blood for transfusion, sexual abuse and rape.
- 5.25 states 'the LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary.' In addition, The U.S. Department of State (31 March 2003) also states that these courts 'reportedly impose severe punishments, including execution.' It also describes the expansion of the LTTE legal system during 2002, and reports that the LTTE forced civilians to use this system rather than governmental courts in the area.
- 5.18 outlines regulations and the sentencing of cases involving LTTE suspects under the PTA. The passage is rather unclear and implies that almost all Tamils detained under PTA legislation are released. This does

not tally with the large number of Tamils, some 1,700, who were detained under PTA and awaiting trial at the beginning of 2002.

In conclusion, considering all the reasons and evidence stated above there is clear indication that the Secretary of State's reasons for refusal are inaccurate and out of date. Relying on this misinformation results in poor decision-making and further imposes the certificate with refusal letter without in-country appeal. This puts many of Sri Lankan asylum seekers at risk of persecution on their return to Sri Lanka. **In the interest of justice this certification process should be stopped and left to the court to scrutinize asylum claims to an appropriate standard.**

2003 Quarter Decisions Refused	Initial Total	Percentage	
1	580	515	89%
2	480	450	94%
3	205	190	93%
Total	1265	1155	91%

In the first three quarters of 2003, over 90% of the initial decisions were refused. Given Sri Lanka's status on the White List, Sri Lankan nationals are no longer allowed to appeal in-country against negative decisions regarding their asylum applications. This is particularly damaging given the poor quality of initial decisions. As a result, some cases have been taken up to the High Court for judicial review. This obviously has considerable cost and time implications for all concerned.

Asylum Claims Accepted by the Secretary of State

In 2003, the Secretary of State accepted four of our clients' asylum claims and granted (indefinite) Leave to Remain or (discretionary) Leave to Enter. This is a sharp fall in accepted cases in comparison with previous years; in the previous year thirteen of our clients were granted acceptance. Cumulatively in the Sri Lankan Tamil community, the Secretary of State accepted approximately 25 asylum claims, again in sharp contrast to the 350 claims accepted in 2002. Sri Lanka's inclusion on the designated countries list has decreased the total number of initial claims, but in proportion the number of claims being accepted has also substantially lessened. The decreased acceptance of claims is a reflection of the country's political situation. Among the asylum claims not accepted, some may qualify for discretionary leave to remain because of personal circumstances.

Case Study 7

Mr SK arrived with his family in this country and claimed asylum in June 1993. He was interviewed about his asylum claim on 17 June, but it was refused in October 1994. An appeal was lodged and heard by the adjudicator in December 1995. The appeal was dismissed and appeal rights were exhausted. However, he was unable to return to Sri Lanka because of the country's political unrest. He made a fresh application in February 1997, and based on that application he was given the chance by the Home Office to raise his human rights claim. On November 2001, he made an application according to the Home Office request. Based on his human rights application, during the first week of January 2003, he and his dependents were granted indefinite leave to remain. He is now entitled to all the rights of a citizen of this country.

Case Study 8

Ms SH arrived in this country and claimed asylum in October 2000. She was interviewed about her claim in February 2001. A few months later she married a person who had been granted indefinite leave to remain in the UK. Based on their marriage we made a further application to regularize her status as a partner of person present and settled in the United Kingdom. In August 2001, the application was considered and in January 2003 she was granted a two-year Discretionary leave to enter.

Adjudicator's determination

In our experience 99% of our applicants appeal against the Secretary of State's negative decision. However, in general 96% to 97% of Sri Lankans appeal against their asylum refusal. The Adjudicators of the Immigration and Appellate Authority hear those who appeal against the decision. On average, the adjudicators allowed 15% of the Sri Lankan asylum appeals in 2003. However, 23 of our clients' cases succeeded at the appellate authority and were allowed by the adjudicators. This figure indicates that we are taking the correct approach to the hearings and are presenting the cases well. In some cases adjudicators have specifically acknowledged and commended us for 'a very well presented and argued appeal.' Experienced counsels from various chambers represent all of our asylum cases. Objective evidence plays a major role in the hearings to challenge the Home Office's refusal letters and arguments. If further evidence is necessary we produce medical or other expert evidence to support our clients' asylum claims. The Medical Foundation is continuously providing free services to our clients. These reports have a huge influence on the outcome of the appeal, especially to confirm the



nature of the applicant's scars and the method of torture. Sometimes although an applicant appears likely to be physically safe upon their return, a psychological assessment report may help the court to determine the applicant's state of mind. Past persecution in Sri Lanka may spur a range of mental illnesses, and upon their return the instability of a mental illness may prevent their safety. During hearings, we also provide quality translation and interpretation services to the community. The appellant privately pays any hearing related costs, but because of our non-profit work we are sometimes able to reduce the barrister's fee.

Findings and Determinations of the Adjudicators

Once the Secretary of State refuses an applicant's asylum claim, the applicant has an automatic right to lodge an appeal through his or her legal representative within ten working days. However, if the Secretary of State certifies the applicant's claim then he or she does not have any in-country appeal rights. This restriction came into force in July 2003 when Sri Lanka was included on the designated country list. This year, Sri Lankans have made around 6,210 appeals against the Secretary of State's decisions. The adjudicators have allowed about 14% of the appeals, which is only 1% less than 2002's figures. The similar allowance percentage indicates that the government's decision to restrict in-country appeals to Sri Lankans is unreasonable. However, the reason for the overall decrease in the success of appeals since 2000 is the result of cease-fire agreements in Sri Lanka at the end of that year. Before 2001 Sri Lankan appeals allowed around 45% by the adjudicators. This statistical information clearly shows all the Sri Lankan applications should be given the rights of appeal by the appellate authority if the Secretary of State refuses their asylum claims.

In 2003, TWAN represented around 104 cases to the appellate authority. We prepared the appeal and case for hearing and instructed the Council, from the number of chambers, to represent their case before adjudicators. All of our work was done free of charge. However the appellant must pay the counsel's fees privately. We have been able to establish a good working relationship with a number of barrister chambers because of the nature of our charity work. This working relationship allows special arrangements to be made for reduced fees for our clients. Our clients' cases are well represented by experienced counsel in a cost-effective manner. We normally hold a conference at our office a week before the hearing to provide translation and interpretation services for our clients in order to better sup-

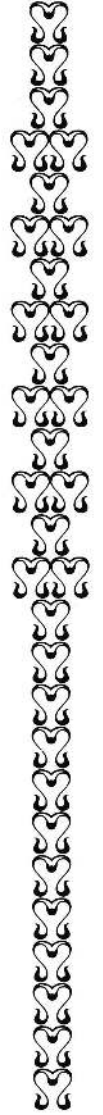
port their appeal. To complete this task we have been partially funded by the Association of London Governments for the salary for one full-time worker and legal casework project-related costs.

Appeal hearing

Generally, all the appellants who make the appeal within the time limit will be given the opportunity to present their claim in front of an adjudicator. Counsel is there to present the legal argument and official interpreters are available to translate. The first responsibility of the appellant is to convince the judge that he or she is a credible witness and that his or her claim is true. If the adjudicator starts to doubt their claim, they have very little chance of success. However, there are huge inconsistencies in the adjudicators' credibility findings. This area is a concern to many legal advisors in immigration appeals. If an adjudicator believes the claim of the appellant's past persecution, then the final question arises whether the appellant will face future persecution on his/her return. This is very difficult to prove, which is why many appeals fail on this ground. Each case must be decided whether it is 'Jeyachandran-exceptional'. In the determination of Jeyachandran [2002] UKIAT 1869, the tribunal did not purport to set rigid criteria for determining when it was still not safe to remove an Appellant to Sri Lanka, despite the cease-fire. The tribunal accepted that the appeal '*depends upon whether there is a reasonable likelihood of persecution by the authorities in the form of the army or other security forces were he to return initially to Colombo where he would be, it is said, interrogated at the airport or, if he were to return to his home area, which is now under army control, where the same fate would await him...it seems that it is clear that there is every likelihood that on return this appellant would, because he was on a wanted list, be investigated...we certainly are of the view that, in the present situation and having regard to the present trends, it is only the exceptional cases that will not be able to return in safety.*'

With this case law guidance of the Tribunal and current cease-fire developments, Sri Lankan Tamil cases are finding it extremely difficult to prove the risk of future persecution. The definition of refugees or the UN Refugee Convention are continuously being narrowed for interpretation causing many asylum seekers to fail to become refugees. The general public is unaware of the many regulations and laws of the asylum process and therefore are easily and negatively persuaded by harsh media coverage. Tabloid media and political parties refer to failed asylum seekers as 'bogus asylum seekers' or 'illegal immigrants.' In the current UK immigration law there is

Tamil Welfare Association (Newham) UK
Presents
"Tharana" Tamil New Year Cultural Night
2nd May 2004



Programmes

Veena: Students of TWAN Fine Arts Academy

Presented by Smt. Seimani Sritharan

Lavitha Vishnudevan, Kavitha Sivakumar, Vinoja Karunananthu, Sowmiyan Kesavan, Harini Kesavan, Aruthi Arumugam, Arathi Arumugam, Sunjega Kanagathevan, Nishanthini Sivananthan, Elana Kumarathas, Jayashree Naganathakurukkal, Tharshika Inparajah.

Miruthangam: Students of TWAN Fine Arts Academy

Presented by Sri. Somaskandha Sarma

Pratheeshan Viknesvarathasan, Harish Nagesvaran, Gunananthan Sayanthan, Kirusanth Sabapathy, Sritharan. Rajeevan, Srenisha Niresh, Gunaratnarajah Rathavan, Kesavan Sowmyan, Sivanantharaja Ratheesan, Vishnudevan Tharmaseelan, Gunaratharajah Raveethan, Gunaratharajah Rajinthan

Group Dance: Play sheme Students of TWAN

Garuni Vilventhiraraja, Tharani Vilventhiraraja, Subani Balasingam

Thirai Isai Dance: Performed by Destiny Group

Brathanatiyam Students of TWAN Fine Arts Academy

Presented by Smt R. Somasundram

Sumithra Chandran, Swarathmiha Janarthanan, Harini Kesavan, Keerthana Vigneshvarathasan, Ashwini Jehanmohan, Baradty Pushpakanthan Sangari Sivarajan, Neveetha Mathananchdran, Thusara Ravichandran, Kavitha Somasundram, Lavitha Vishnudevan, Kavitha Sivakumar, Chsuphangini Chandrakanthan.

Bollywood Dance:

Amandeep Bhamrah, Lucaya Goncalves, Sonam Nagrani, Sangam Nagrani, Dhanushika Rodrigo, Sara Santiago, Gine Lungenzi Warambulu, Seema Sheri, Diana Mancera, Sumithra Chandran.

Vocal: Students of TWAN Fine Arts Academy

Presented by Smt Suganthi Srinesa

Chamilie Chandrakumar, Niveetha Mathanachandran, Adshara Vimalanathan, Kavitha Somasundram, Lavitha Vishnudevan, Kavitha Sivakumar, Dhinesh Srinesa, Nithilan Arokiyanathar, Norman Arokiyanathar, Doreena Arokiyanathar, Baanusa Pavananthan, Kavitha Karthipanathan, Kannan Karthipanathan, Barathy Sivakumar, Sindhuya Ragupathy, Sabrina Gunanathan, Keerthana Vigneshvarathasan, Nesha Vivekananthan.

Mohini Attam: Performed by Miss Maathuri

Violin: Performed by Srimathy Shereena Thananchayan

Mohini Attam: Performed by Shylini Komalathan

**Comedy Play: "Yazi Mimmal" Nadhaka Puhai Bala Presents
"Ippadiyum Chilaper".**



மலர்ந்துள்ள 'தாரண' சித்திரை புகுவருடத்தை முன்னிட்டு
தமிழர் நலன்புரி சங்கம் (நியூஹாம்) ஐ.ரா.

வழங்கும்

பஸ்கலை இரவு

East Ham Town Hall, 02.05.2004

நிகழ்ச்சிகள்:

வீணை இசை: TWAN நுண்கலைக்கூட மாணவர்கள்.

தொகுத்து வழங்குபவர் ஸ்ரீமதி சேய்மணி ஸ்ரீதரன்
 லலிதா விஷ்ணுதேவன், கவிதா சிவக்குமார், விநோஜா கருணாநந்தி, ஸௌமியன் கேசவன்,
 ஸ்ரீரிணி கேசவன், அருதி ஆறுமுகம், ஆரதி ஆறுமுகம், சஞ்சிகா கனகதேவன்,
 நிஷாந்தினி சிவானந்தன், இலக்சுனா குமாரதஸ், ஜெயசிறி நாகநாதகுருக்கள்,
 தர்ஷிகா இன்பராஜா.

மிருதங்கம்: TWAN நுண்கலைக்கூட மாணவர்கள்.

தொகுத்து வழங்குபவர் ஸ்ரீ சோமாஸ்கந்த சர்மா
 பிரதீஷன் விக்னேஸ்வரதாசன், ஸ்ரீஷ் நாகேஸ்வரன், கிருஷ்நா சபாபதி, சயந்தன் குணநாதன்,
 ரஜீவன் ஸ்ரீதரன், நிரேஷ் ஸ்ரீநேசா, ராதவன் குணரட்ணராஜா, ஸௌமியன் கேசவன்,
 ரதீசன் சிவானந்தராஜா, தர்மசீலன் விஷ்ணுதேவன், ரவீதன் குணநந்தராஜா,
 ரஜிந்தன் குணநந்தராஜா.

குழு நடனம்: TWAN சிறுவர்கள் விடுமுறைத்திட்டம்.

காருணி வில்வேந்திரராஜா, தாரணி வில்வேந்திரராஜா, சுபானி பாலசிங்கம்.

திரையிசை நடனம் டிஸ்ரினி குழுவினர்

பரதநாட்டியம்: TWAN நுண்கலைக்கூட மாணவர்கள்.

தொகுத்து வழங்குபவர் ஸ்ரீமதி இ சோமசுந்தரம்
 சுமித்ரா சந்திரன், ஸ்வராத்மிகா ஜனார்த்தனன், ஸ்ரீரிணி கேசவன், கீர்த்தனா விக்னேஸ்வரதாசன்,
 கவிதா சிவகுமார், லலிதா விஷ்ணுதேவன், அஷ்வினி ஜெகன்மோகன்,
 பாரதி புஸ்பகாந்தன், ஷங்கரி சிவராஜன், நிவேதா மதனசுந்திரன்,
 துஷாரா ரவிச்சந்திரன், கவிதா சோமசுந்தரம், சுஷ்பாஞ்ஜினி சந்திரகாந்தன்.

போலிவூட் நடனம்: அமன்டிப் பம்ரா, லுக்காயா கொன்கல்வஸ், சோனம் நஹ்ராணி,

சங்கம் நஹ்ராணி, டனுசிகா ஹாட்றிகோ, சரா சந்தியாகோ,
 ஐனி லுன்ஜென்ஸி வரம்புலு, சீமா செரீ, டயானா மன்சேரா, சுமித்ரா சந்திரன்.

வாய்ப்பாட்டு: கர்நாடக சங்கீதம் TWAN நுண்கலைக்கூட மாணவர்கள்.

தொகுத்து வழங்குபவர் ஸ்ரீமதி சுகந்தி ஸ்ரீநேசா
 சாமிலி சந்ரகுமாரா, நிவேதா மதனசுந்தரன், அட்சரா விமலநாதன்,
 கவிதா சோமசுந்தரம், பாரதி சிவக்குமார், லலிதா விஷ்ணுதேவன்,
 கவிதா சிவகுமார், டிநேஷ் ஸ்ரீநேசா, நித்திலன் ஆரோக்கியநாதர்,
 நோமன் ஆரோக்கியநாதர், டொரினா ஆரோக்கியநாதர்,
 பானுசா பவானந்தன், கவிதா கார்த்திபநாதன்,
 கண்ணன் கார்த்திபநாதன், சிந்துஜா ரகுபதி, சப்றினா குணநாதன்,
 நிஷா விவேகானந்தன், கீர்த்தனா விக்னேஸ்வரதாசன்.

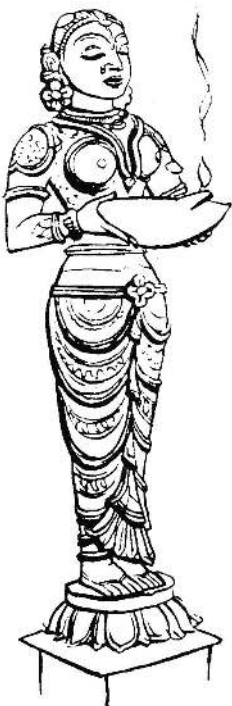
மோகினி ஆட்டம்: செல்வி மாதூரி

வயலின் இசை: ஸ்ரீமதி ஷீனா தனஞ்சயன்

மோகினி ஆட்டம்: ஸ்ரீமதி ஷய்லினி கோமலதன்

நகைச்சுவை நாடகம்: யாழ் 'மின்னல்' புகழ் பாலா குழுவினர்

"இப்படியும் சிலபேர்"



no prohibition. A prospective asylum seeker can claim asylum while they are in his/her own country, but alternatively the UN refugee convention itself is applicable only to a person outside of his/her own native country and it is only then that he/she can make a valid asylum claim.

Following the 14% of Sri Lankans' appeals allowed by adjudicators, the Home Office, in return, challenges most of the approved cases. The Home Office appeals against the adjudicator's decision by lodging immigration appeal to the Tribunal. This appeal is another desperate and disappointing approach by the Home Office to cancel out the adjudicator's decision. Appeals by the Home Office are also on the increase. In particular, there are a few adjudicators specifically targeted by the Home Office to make challenges against their decisions.

Case Study 9

Ms VB arrived in this country in February 2002 and claimed asylum on arrival. She claimed asylum for fear of persecution by the Sri Lankan security forces and LTTE. After the asylum interview, the Secretary of State refused her claim in March 2002. She appealed against the decision. Her appeal was heard in May 2003 and her case was allowed. The Adjudicator found her to be a credible witness. Her brother had joined the LTTE in 1995. The authorities came to her seeking information about him, but when she stated that she did not know his whereabouts she was arrested and taken to San Pedro Army camp where she was questioned and tortured. She was detained for two months and subjected to degrading treatment and forced to sign a confession in Sinhala. After being released she was to report back to camp every Monday. If her claim was denied there was a real risk of persecution on her return. Her detention was likely to remain on record in Sri Lanka and she could not return to the north of the country for fear of reprisals by the LTTE for her refusal to fight for them in 2001. Her appeal was accepted.

Case Study 10

Mr PN arrived in this country in December 2002 and claimed asylum at the port of entry. He was interviewed immediately after his arrival and released with Temporary Admission. He was also asked to complete a Statement of Evidence Form and attend an interview in January 2003. In February, the Secretary of State refused his asylum claim. He appealed against the decision and was heard in June 2003 by the adjudicator. He was able to provide evidence of a well-founded fear of persecution on his return to Sri Lanka. Previously Mr PN had been

detained for five years by the LTTE. During this time he was ill-treated and his brother killed. It was unsafe for him to relocate within Sri Lanka, as he was a person who was likely to be of interest to the authorities and the LTTE. Despite current cease-fire agreements the LTTE continues with impunity and many cases of misconduct have been reported throughout the country. His appeal was allowed and refugee status was granted in October.

Decision by the Immigration Appeal Tribunal

As mentioned above, this year the Home Office has appealed against most of the allowed appeals to the Tribunal, including appeals against several of our clients. The result is that three cases were refused in favour of Secretary of State's appeal. A full hearing remitted another two cases and the Tribunal allowed two cases. Similarly, when the adjudicators refuse the appellant's cases, we make an appeal to the Tribunal with the grounds of appeal. If we are granted leave to appeal, a full hearing takes place at the Tribunal. Most of our cases appealed to the Tribunal were not successful due to merits of the grounds. However, for four of our cases leave was granted by the Tribunal and determined by the Tribunal. Three of them were successful and one was lost at the Tribunal.

Case Study 11

Ms SK arrived in the UK and claimed asylum in December of 1995 at the port. In January 1997, the Secretary of State refused her asylum claim. Her appeal to the adjudicator was refused in November 1998. Leave to Tribunal was also refused in January 1999. In June 1999 we made a fresh application for asylum on behalf of the appellant. The Secretary of State refused it in June 2001. We cited Section 65 of the Immigration and Asylum Act 1999 appeal rights because the removal would breach her human rights upon her return to Sri Lanka. Appeal rights were granted and an appeal was lodged in August 2001. Her appeal was heard in January 2003 and was allowed on human rights grounds by the adjudicator. However, the Home Office appealed against the decision and leave was granted in March 2003 by stating: 'The grounds themselves are clear'. The Tribunal hearing took place in November. It dismissed the Secretary of State's appeal by saying that the returning of the appellant to Sri Lanka would cause significant hardship. All of her family is in England. She has been in England for more than seven years and has successfully found employment and is studying to expand her career. The Secretary of State's appeal was dismissed. The Tribunal endorsed the Adjudicator's decision.

Case Study 12

Mr ST arrived in the UK and claimed asylum in December 1999. After the asylum interview his asylum claim was refused in April 2001. The appeal was made and the adjudicator heard his case in January 2003. The adjudicator dismissed the appeal by stating that he would not be of any interest to the authorities on his return to Sri Lanka. He had sustained persecution by the State in the past, but had never been charged for offences. Therefore there would not be a record of offences or outstanding warrants for his arrest. He was unable to prove a well-founded fear of persecution upon his return and his removal would not breach the UK's obligations under the 1951 Convention. His appeal was dismissed. As his legal representative, we appealed against the decision to the Tribunal and leave was granted by stating that 'the adjudicator accepted the claimant's credibility which includes his claim to have escaped from detention. In such circumstances arguably more careful risk assessment is required than is evident in the determination which essentially purports to follow Jeyachandran but does not identify the additional risk factor attaching to an escape from custody'. The Tribunal heard his case in October 2003 and allowed the appeal in favour of our client. But after considering all of the evidence the officials were unable to know positively that the appellant would not be persecuted. This uncertainty fell to the appellant's favour. On this narrow basis, the appeal was allowed.

Statutory Review of the Immigration Appeal Tribunal

Since June 2003 a new appeal procedure has been introduced in the immigration appeal system. The appellants respond if they are not happy with the immigration appeal Tribunal's decision, and then they can challenge that decision through Statutory Review procedure instead of Judicial Review procedure. This new procedure allows the court to impose penalties on legal practitioners who bring cases with no merits. Some features of the Statutory Review include a tighter time limit for applicants- two weeks to apply as opposed to three months for Judicial Review; carrying out only on papers by a single High Court Judge in the Administrative Court instead of the two or three stage process for Judicial Review; and having no onward appeal to the Court of Appeal unlike Judicial Review. A fee of £180 needs to be paid or exemption certificate (for those who are entitled) to be disclosed with Statutory Review application. Other documents such as completed Statutory Review application form, reasons for decision, grounds of appeal to adjudicator, adjudicator's determination, grounds of appeal to Tri-

bunal, and all other documents before the adjudicator should be submitted as a paginated bundle to the Administrative Court. If the Judge certifies the case as being without merit, then it is likely there is no avenue for this appeal further to the Administrative Court or Court of Appeal. Where the Tribunal has refused permission to appeal, the Statutory Review Judge reviews whether the Tribunal may have made an error of law, whether the appeal would have a real prospect of success or whether there is some other compelling reasons why the appeal should be heard. The drafting skills for applications for Statutory Review are the same as those for the Tribunal, but they should be clearer, as there is no opportunity to elaborate at an oral hearing. They need to refer to important evidence, and fresh evidence should be highlighted. Any other compelling reason for the appeal to be heard must be clearly set out. As a legal representative, we also lodge the appeals for Statutory Review for our clients' cases if the cases merited appeal. Accordingly we lodged two Statutory Review applications. One is determined and the other is outstanding.

Case Study 13

Mr VY arrived in this country and claimed asylum because he was wanted by the Sri Lankan security forces for his political activity. He was interviewed immediately after the arrival at the airport in May 2003. His claim for asylum was refused in June 2003. The adjudicator heard his appeal and his claim was accepted as a credible claim. However the adjudicator also refused to accept some of his evidence. Accordingly, the adjudicator dismissed the appeal by stating that the Appellant had not satisfied to the requisite degree that his fears of persecution on return to Sri Lanka were well founded. He appealed to Tribunal, but permission to appeal was also refused. It was stated that the adjudicator's refusal to consider the case was not an error of law, and that there were restrictions concerning points of law to give permission to appeal. He made the Statutory Review application. The appeal was heard in December 2003, and on papers the Administrative Court reversed the decision of Tribunal by stating that the Tribunal should have considered the applicant's new evidence and its significance.

Judicial Review

The inclusion of Sri Lanka on the designated country list led to an accumulation of Judicial Review applications by the Sri Lankan Tamil clients on their immigration matters. The certification imposed by the Secretary of State as a clearly unfounded claim (which meant that the applicant did not have any in-country appeal rights against the Secretary of

State's decision) resulted in an accumulation of Judicial Review applications by the immigration practitioners. Furthermore, other ongoing Judicial Review applications on asylum appeals also continued. Tamil asylum seekers may have faced delays in settling their immigration matters for a considerable period. While they were taking this action, they may have needed to spend their time in unnecessary detention. We also lodged four Judicial Review applications this year. One was withdrawn at a later stage for funding reasons. One was dismissed, one granted permission and the other is outstanding.

Case Study 14

Mr SK arrived in this country and claimed asylum in July 2003. He was asked to attend an interview at the Home Office at Croydon. Then, he was detained at the Oakington Reception Centre. He was interviewed few days later in August 2003 and his claim was refused and certified under section 94(3) of Asylum Act 2002 without in-country appeal rights. Despite this decision, the applicant feared for his life on return to Sri Lanka, and his brother approached us to take up this case. Based on the merits of his case, we accepted his case and lodged a Judicial Review application to the Administrative Court in October 2003. Initially permission was refused on papers. Then we renewed the application for oral hearing. The hearing took place in December 2003 and permission was granted against the Secretary of State's decision.

Influencing Positive Policy Making

As a user-led community organisation we always maintain information sharing and networking with other community organisations and voluntary sectors to influence policy makers to make positive policies in relation to the community. With this effect we participated and made representation in the following:

(a) Removal Enquiries on Asylum and Immigration conducted by the Home Affairs Committee

Our comments were recorded and published in the Fourth Report of Session 2002-03. In our report we requested that the Secretary of State allow asylum seekers who had exhausted all appeals and were facing removal to appeal under Section 65 of Immigration and Asylum Act Appeal Rights. We urged the committee to review this matter. It was seen that in many cases the enforcement unit practised unlawful removal, and several times it has not informed the respective legal representatives. This has been done even in cases where there were sufficient grounds for a Judicial Review. In April 2001, we suc-

cessfully contested the removal of one of our clients. Some of our clients were unaccompanied children and young people whose asylum claims were refused. Some of them exhausted their appeal rights. We argued that the failed asylum seekers should be allowed to have a trial visit to their native countries to gain confidence about their safety. It was observed that many Sri Lankan Tamil returnees were deported to Colombo where they did not have any connections. We insisted that this practice should be stopped and removal should be to the subject's original hometown.

(b) Inquiry into Asylum Applications by the Home Affairs Committee.

Asylum applications in the UK by Tamils from Sri Lanka have risen continuously since 1983. The reasons for this are the civil conflict occurring in Sri Lanka since 1983, the lack of broader international participation in refugee protection, the sale of arms to warring parties such as LTTE by European asylum-providing countries, and the inability for a visitor to the UK to change his status by obtaining a student or employment visa. Thus he is forced to seek asylum in order to avoid returning to an area of political unrest. There are many indications that the Home Office is not treating the initial applications of asylum seekers fairly. In some cases, our clients were denied access to legal representation and in some cases the Home Office failed to provide us or the client with the proper documents. From 1993, there has been a huge reduction in the number of our clients receiving Exceptional Leave to Remain (ELR). This has led to more of our clients appealing against failed asylum applications, in turn causing a backlog of asylum applications. It was noted that there was inadequacy in the support provided to asylum seekers by the National Asylum Support Service (NASS). NASS was uncooperative in several instances. Inappropriate detention of some of our clients has also been observed. They had not been given a clear reason for this and were also not given access to legal advice. It was also observed that since the Prime Minister made his pledge to halve the numbers of asylum seekers by September 2003, there was no change in the management of asylum applications.

(c) Proposals for Changes to the Publicly Funded Immigration and Asylum Work

We also made a representation about the Government Publicly Funded Immigration and Asylum work in August 2003. The number of asylum applicants had risen, but the excessive bureaucracy of government bodies and the inability of private legal firms to take on asylum applicants had led to an

overall decrease in the quality of processing applications. It was also observed that there are fewer legal advisors dealing with immigration in areas where there is a large population of immigrants and refugees. We also noticed apprehension amongst private legal firms in taking on asylum seeking applications due to several factors including complexity of the cases, unavailability of immigration specialists, time restrictions set by the Department for Constitutional Affairs and the bureaucracy of Whitehall and the Home Office in dealing with asylum applicants. We proposed greater investment in the public and voluntary sectors such as our own, which dealt specifically with asylum seekers, providing a personalised form of counselling, and who had expertise and time to properly process the applicant's appeal. There was also a need for even distribution of funds, setting up qualified legal services in deprived areas where asylum seekers were dispersed and detained. There was also a need for more public funding, which would in turn lead to good quality work. It was also seen that complex and extensive procedures in form filling causes a great burden on solicitors and caseworkers by increasing their paper work. With the above in mind, we requested fair laws and policies by the government for the benefit of society.

(d) Sri Lanka's inclusion on UK asylum 'Safe list'.

Sri Lanka has been included in the safe list by the UK government since June 2003. Immediately in June 2003, we communicated our concerns with this regard to Mr Steven Timms MP, House of Commons. We asked for a justification of the above decision and sought an explanation as to what implications this decision would have on Sri Lankan asylum seekers. We received a reply in August stating that inclusion on the list reflected a general level of safety, and not a total absence of mistreatment. It was added that all claims were considered on their individual merits, and existing claimants would not be affected by the new measures.

We responded by writing with further queries. We wanted to know why the Secretary of State did not set up an advisory panel to look at the countries that were not at risk. We urged the Secretary of State to suspend the White List until the advisory committee was set up and consulted regarding this matter. We also sought clarification on the Column 1202 of the Asylum (Designated States) Order 2003 dated 4 July 2003, which stated that if Sri Lanka was to be included in the White List, that inclusion should extend only to those parts of the South, Centre and the West of the island which were effectively under

government control and should not extend to those parts under the control of the Tamil Tigers who are the minority and facing persecution in government-controlled areas. Based on the analysis of the current human rights situation of the Sri Lanka Project at the Refugee Council, we opined that it was unreasonable to conclude that persecution and human rights breaches were rare in Sri Lanka. We received a reply in October 2003, informing us of the establishment of an Advisory Panel on Country Information, whose first meeting was held on 2 September 2003. It was also stated that Sri Lanka could be considered generally safe and free from persecution. However, every Sri Lankan asylum or human rights claim would be considered on its individual merits.

In response to this letter, we wrote to Ms Fiona Mactaggart MP, Parliamentary Under Secretary of State, with a copy addressed to Professor Stephen Castles, Chairman, Advisory Panel on Country Information. We expressed our doubts about the accuracy of Country Information on Sri Lanka. We requested that the Sri Lanka Country assessment be referred immediately to the Advisory Panel, and further asylum decisions postponed until the accuracy of this information has been verified. We also put forward three queries as to any obligation on the part of the Home Office to act upon the advice of the Advisory Panel, the panel responding to the concerns of community organisations like ours, and the other persons representing the Panel. We received a letter from Professor Stephen Castles in November 2003 stating that the Panel would seek the comments of our organization on the upgrading of the Country Reports in the next few months. We also received a reply from the Parliamentary Under Secretary of State, which stated that the Panel would focus its attention on the Country Reports for Sri Lanka and Somalia and discuss these at its next meeting in March 2004. The Home Office was not obliged to accept the Panel's advice and the Panel in turn did not take directions from the Home Office. All claims from the designated countries were considered carefully before arriving at any decision. Individuals who considered their claim to have been incorrectly certified did have the opportunity to seek Judicial Review of the certification. With regard to the time involved in the fast-track process at Oakington, it was stated that the average time was fifteen days, but some claims, which required closer examination, took more time. The letter concluded that conditions in Sri Lanka would be closely monitored. We are currently making representation to Advisory Panel and asking them to recommend that the Secretary of State withdraw Sri Lanka from the Designated Country list. We are also working

closely with other Tamil refugee community organisations to make further submission jointly on this matter.

Justification for excluding Sri Lanka from the Designated Country list

The United Nations High Commissioner for Refugees (UNHCR) has recorded the latest situation in Sri Lanka. According to a letter from them in December 2003, the human rights situation is still far from being satisfactory despite an improvement since the signing of the Agreement between the LTTE and the Government in February 2002. An emergency was declared on 6 November 2003, which provoked the security forces at certain crossing points to impose arbitrary and random restrictions on the freedom of movement of persons and goods. Political killings continue in the country. The present political situation is very unstable and there is widespread impunity for human rights violations. The UNHCR maintains that it is premature to advocate that the situation has reached a satisfactory level of safety to warrant the return of all unsuccessful asylum applicants to Sri Lanka. The Refugee Council also published a briefing on Sri Lanka on 12 December 2003 (Sri Lanka Project Briefing). According to this report, political chaos and confusion remain in the country. Human right violations are continuing.

The UN Human Rights Committee expressed concern on 6 November 2003 about persistent reports of torture of detainees by police and armed forces. The Committee noted that victims have been subjected to intimidation and threats, thereby stopping them from seeking justice. The Committee is also worried that provisions such as arrest without warrant, detention for 18 months without court approval, lack of provision to challenge lawfulness of such detention and lack of legal obligation on the State to inform detainees of the reasons of arrest are still legally enforceable in the country. The Committee also notes that persistent violations of the freedom of expression have been ignored or rejected by the competent authorities. There are also numerous complaints from civilians regarding harassment, child abduction and extortion by the LTTE. Tension between Tamil and Muslim communities continues in the Eastern Province, with many violent incidents taking place.

The Asian Human Rights Commission (AHRC) and the World Organisation Against Torture (OMCT) list many incidents of illegal detention, torture and death in custody. There are reports of rape and assault on women in Jaffna. More than 40 Tamils work-

ing with the government intelligence services have been killed by the LTTE. Many weapons issued to soldiers who have subsequently deserted are at large, deserters themselves becoming part of crime groups. There are several organized crime networks used by the business community, which are, according to a report, protected by politicians and senior police officers. The Sri Lanka Project maintains that, without proper political leadership, problems of Sri Lanka such as human rights violations and increasing crime cannot be addressed adequately and the situation may deteriorate. On 27 January 2003 the Royal Courts of Justice, in the 'Determination of Selvaratnam (2003 EWCA civ 121)', judged the position of returning persons who have claimed asylum in this country. Lord Justice Gibson said that the applicant, on returning to Sri Lanka, might be of interest to the Sri Lankan authorities, so that he would be likely to be detained and, in consequence, tortured. The appeal was consequently allowed.

New Objective Evidence

- A report from BBC news (11 November 2003) states that Sri Lankan President Chandrika Kumaratunga last week suspended parliament and fired key ministers. She also said the truce her Prime Minister signed with the rebels is illegal.
- A report from BBC news (10 November 2003) states that the Sri Lankan Government said it has postponed peace talks with Tamil Tiger rebels indefinitely.
- A report from BBC news (6 November 2003) states: 'President Chandrika Kumaratunga has suspended parliament, sacked the ministers and declared a state of emergency'.
- A report from BBC news (4 November 2003) states: 'Sri Lanka thrown into political crisis'.
- A report from Tamil Net news (6 November 2003) states: 'LTTE cadre strangled to death in Trincomalee. The body of a youth found at the Trincomalee beach Tuesday morning close to Fort Frederick had been identified as that of an LTTE cadre'.
- A report from BBC news (7 November 2003) states: 'Sri Lankan officials said emergency rule would be replaced by less draconian security regulations'. And the state of emergency gives broad powers to the military, bans public gatherings, gives the president lawmaking powers and allows media censorship.

Mr. A. Vinayagamoorthy, L.L.B., M.P. for Jaffna District, has given his statement on 5 August 2003

pertaining to the current situation in Sri Lanka, based on his knowledge and experience. According to him, there are several instances of ill treatment of Tamils by the security forces in the North since the date of the Memorandum of Understanding (22 February 2002), in which he has been involved as an Attorney-At-Law. There are cases where the people were assaulted by the security forces and police without any reason. He asserts that torture is a part of the statement-taking process for the Sri Lankan police. According to him the crime rate in Sri Lanka is going up, mainly because of the presence of 50,000 often lawless Army deserters, and the pampering of underworld thugs by the politicians. Inhuman or degrading treatment by the police even in 24-48 hour detentions is common. He also mentions that in criminal cases it is a practice to record everything in Sinhalese. They are not recorded in Tamil, even in Jaffna. This places defendants at a serious disadvantage. After the Emergency Regulations (ERs) lapsed on 20 July 2000 other regulations called the Restricted Areas Regulations 2002 have been promulgated under section 27 of the PTA. People going to restricted areas can be arrested under the PTA, and because of the location of these areas, the people most vulnerable to be arrested under these regulations are Tamils. Both the police and the army have the power to arrest under these regulations.

The situation in the North and the East is far from normal, with no safety and security for the residents. The situation in Colombo is also far from safe for Tamils. The round-ups of Tamils have started again, with 600 Tamils being rounded up from lodges, etc. in one recent case. The practice of the police torturing those whom they detain still prevails. Those arrested by the police under the ERs or PTA are often able to get released in return for a bribe. The police have not changed. Now that security awareness has started again in Colombo, scars and marks on Tamils' bodies will again have their say. The availability of only one psychiatric doctor for the entire population of Jaffna also puts those who have undergone trauma at a disadvantage.

Detention and Removal

Since the Immigration and Asylum Act 2002 came into force, immigration officials are allowed to use their powers more freely to detain asylum seekers as 'illegal immigrants', with the explanation that this detention system is essential to maintain effective immigration control in the UK. The number of detained Tamil asylum seekers began rising at the end of 2002, with a sharp rise in August 2003 because of the inclusion of Sri Lanka on the designated country list. In the end of 2003 approximately 120 Tamils

were held in UK detention and removal centres. Statistics also reveal that Tamils are the second largest group among the UK detention population. The highest number of Tamil detainees in one centre is approximately 20 at the Oakington centre and 15 at the Haslar Detention Centre in Gosport. In addition Tamils are commonly held in Harmondsworth, Dover, Kent and Yarl's Wood Detention Centres. Isolated Tamil detainees are held in other UK's detention centres. On average a person spends three months in detention before they are removed or released. However in some cases Tamil detainees are held for more than six months. This detention includes dependent children who are seeking asylum with their parents, female Tamil asylum seekers, and disabled persons. The official reasons given for detention are:

- a) Likelihood of absconding if given Temporary Admission or release
- b) Lack of enough close ties to make it likely for him to stay in one place
- c) Failure to give satisfactory or reliable answers to an Immigration Officer's enquiries
- d) Failure to produce satisfactory evidence of identity, nationality or lawful basis to be in the UK.

Another common reason given in Tamil detainees' cases is their refusal to speak to the High Commission, due to which little reliance is placed on them complying with restrictions set by the Immigration authorities in the event of their release. However, this practice is unlawful. In the case of Mr. Edward Kennedy Amirhanathan (2003 EWCA Civ 1768) the Court Of Appeal rejected the appeal of the Secretary of State. In the latter case, Mr A arrived in the UK and claimed asylum in August 1999. His asylum claim was refused in May 2000. His appeal was also dismissed in October 2000. On 31 October 2000 the Immigration Appeal Tribunal refused him permission to appeal. In March 2001, a fresh claim for asylum was forwarded by his solicitors. In November 2001, his fresh asylum claim was rejected by the Secretary of State, stating that the new claim was not sufficiently different from the original one. Following this refusal Mr A was detained. His solicitors exercised his right of appeal under Section 65 of the 1999 Act. His release from detention was also refused by the Immigration Officers by stating 'I am not satisfied in the current circumstances that Mr A would voluntarily attend the Sri Lankan High Commission for his Travel Document interview. Therefore Mr A will remain in detention to obtain his Travel Document from Sri Lankan High Commission'. In order to facilitate an interview between Mr A and an officer of the Sri Lankan High Commission, Mr A remained in detention. Mr A's solicitors

lodged a Judicial Review application and permission was granted. At the hearing the Hon. Mr Justice Stanley Burton dismissed the Secretary of State's appeal by stating: 'It is clear, on the evidence, that the reason why Mr A was detained was in the hope that, by ensuring that he had an interview with the Sri Lanka High Commission, the documentation would be obtained that would enable his prompt removal to Sri Lanka if and when his appeal failed'. He added that the detention was unlawful and it was at odds with the Secretary of State's policy, as made public, and consequently rejected the appeal of the Secretary of State.

Case Study 15

Mrs PS arrived in this country and claimed asylum at the Home Office in December 2003 with two dependent children, aged 5 and 2, as an in-country applicant. After the screening interview at the Home Office she was detained at the Oakington Detention Centre because her claim could be decided quickly through fast track procedure. A few days later she was interviewed and one week later her claim was refused by the Secretary of State and certified under the Immigration and Asylum Act 2002 as a clearly unfounded claim. However, we challenged the Secretary of State's decision with further representation, which included new evidence. One week later, in late December, she was released on Temporary Admission with her two children.

Case Study 16

Mr SS arrived in this country in October 2003 and claimed asylum at Dover on his arrival. After the screening interview he was detained at the Oakington Detention Centre. A few days later he was interviewed. Without much choice he accepted Immigration Advisory Service (IAS) as his legal representative. They represented him at his asylum interview and made further representation on his asylum claim. A few days later his asylum claim was refused and certified by the Secretary of State under the Section 94 of the Immigration and Asylum Act 2002. Following this decision IAS confirmed that they were unable to act on this matter any further. After a few weeks he managed to contact us and sought our assistance in his immigration case. We made a fresh asylum claim with new evidence and also asked the officials to release him from detention because he is a disabled person. The Oakington Detention Centre is not suitable for him according to the detention guidelines. Despite our request the officials decided to keep him in detention while his fresh asylum was under consideration. He remained in detention until the end of 2003.

Voluntary Return by Tamil asylum seekers

Since the ceasefire agreement and peace talk developments in Sri Lanka, for the first time in more than 18 years, some Tamil asylum seekers (some of them failed asylum seekers) felt they are safe in the present political situation from their persecutors and decided to return to Sri Lanka. Between January and October we assisted 17 Tamil failed asylum seekers to return to Sri Lanka with the help of the International Organisation for Migration (IOM) under the UK Voluntary Assisted Return and Reintegration Programme. Most of these people returned to Sri Lanka between three and five weeks from the time they approached us. We applied to IOM on behalf of our clients, helped them to obtain Sri Lankan Travel Documents and provided assistance regarding their safety while returning at the Colombo airport. However this progress was put on hold when the peace talks were suspended in October and security process put on alert with state of emergency declared by the Sri Lankan President.

Case Study 17

Mr SK arrived in this country in October 1999 and claimed asylum at Heathrow airport on arrival. He was given the Statement of Evidence Form (SEF) to make his asylum claim. He was interviewed in September 2001. His asylum claim was refused by the Secretary of State and he appealed to the adjudicator. While waiting for his hearing by the Appellate Authority in May 2003 he felt he was safe from his persecutor due to a cease-fire agreement and political development in peace process, which prompted him to consider returning to Sri Lanka. He discussed this matter with us. After our initial advice he decided to return to Sri Lanka. We facilitated his voluntary return through our ongoing working relationship with International Organisation for Migration (IOM). A few weeks later his voluntary assisted return application was accepted and he returned to Sri Lanka in first week of July. In September the Appellate Authority scheduled the hearing date for his asylum claim for October 2003. As his representative we wrote to the court service to withdraw the appeal as this client had returned to Sri Lanka. This year we have similarly withdrawn eight of our clients' asylum appeals because of their voluntary return to Sri Lanka.

Case Study 18

Mr AS arrived in this country in December 2002 and claimed asylum as an in-country applicant at the Home Office in Croydon. He was given the Statement of Evidence Form to make his claim for asylum and was interviewed in January 2003. His asylum claim was refused in the first week of February. He appealed to the adjudicator, and his appeal was heard in August 2003. His appeal was refused

by the adjudicator who stated that, with the present situation in Sri Lanka, the appellant did not have grounds to fear persecution on his return. Following this decision the applicant discussed with us about his return to Sri Lanka in September. After our advice he decided to return to Sri Lanka voluntarily because he was agreeable with the adjudicator's finding. We assisted him on his return with IOM. While his voluntary assisted return application was in progress, the Sri Lankan country situation dramatically changed in November. The applicant expressed his fear of return to Sri Lanka due to the political unrest and state of emergency declaration. According to his request we withdrew the voluntary assisted return programme application and made a fresh political asylum application on behalf of him.

Immigration Work (Non-Asylum)

This is another area in which many of our services are in demand, mainly by those who are settling in this country and becoming citizens. Users benefit from assistance with extension of visas and bring their family members in family reunion arrangements. Those whose relatives or friends want to visit the United Kingdom as visitors, students, for working holidays, to start a business and for work permit visa extensions approach us for initial advice. When necessary we take up their cases on their behalf. On average we undertake two cases per day of assistance in non-asylum immigration work.

Extension of Visas

Persons settling in this country with limited visa restrictions need to extend their visas within six weeks of expiry date. There is new guidance on this, which came into force from 1 August 2003. There are two services for visa extension. One is the Postal Service, where the application is sent by post. The fee for this is £155, and it takes up to 13 weeks for processing. The other is Premium Service, which requires the applicant to appear in person. The fee for this is £250, and the applications are dealt with on the same day, but it may take up to 13 weeks if there is any query. There is no refund of fee in case of refusal or withdrawal. There is no charge for those applying for Leave to Remain where the basis of their claim is asylum or Article 3 of the European Convention on Human Rights. Others, who are exempt from charges, are those applying for Indefinite Leave to Remain on the grounds of domestic violence, where, at the time of making the application, the applicant appears to be destitute, and European Economic Area Nationals and their family members. Most of our users approach us to extend their extension of Leave to Remain visas or applications for Indefinite Leave to Remain.

Case Study 19

Mr VR applied for refugee status in the UK. This was refused by the Secretary of State, but in November 1999 he was granted exceptional leave to remain in the UK until November 2003. This enabled him to take up employment or start any business, use the National Health Service and other social services and pursue higher education as a home student. This, however, did not entitle his spouse or children under 18 to join him. This leave would also lapse if he travelled abroad. He approached us as his leave to remain was due to expire. We made an application for Indefinite Leave to Remain in UK (ILR) in October 2003.

Case Study 20

Mrs SK married a British citizen outside the UK in March 1998, and they had a son who is also a British citizen. She was granted leave to enter in UK as a spouse of UK citizen. However, she failed to renew her status in time and she became an overstayer in UK. However she was given Temporary Admission under the Immigration Act of 1971 to stay in this country and regularise her status. At this stage they approached us, and we took up their case. We made representation with a payment of £155 in November 2003, and we received the acknowledgement that it was a valid application, which was under consideration by the Home Office for Indefinite Leave to Remain.

Residency Permit for EEA (European Economic Area) National

The European Rights of Free Movement are applicable to the nationals of EEA, which includes the states of the European Union (EU) and Norway, Iceland and Liechtenstein. EEA nationals can enter the UK without leave to do so. Having entered, they are free to take up employment or set up a business. Spouses and other close family members of EEA nationals can also benefit from these free movement rights even if they are not themselves EEA nationals. As a result of Association Agreements between the EU and other Eastern European countries, which are not part of EU, the nationals of these countries are also permitted to migrate for employment or self-employment. As there is no passport control between Britain and Ireland, Irish nationals are permitted to come to the UK and work freely.

An EEA national who is a resident of Britain needs to apply for a 'Residence Permit', which is a document to demonstrate their status. Family members, who are themselves not EEA nationals, are required to apply for a 'Residence Document' instead. However, even in the absence of a Residence Permit, the EEA national is still entitled to all the rights guaranteed by EU law. Residence Permits are obtained

from the Home Office, and are issued on producing a valid identity document and proof of employment, self-employment or being engaged in business activity. The EU law requires the Residence Permits to be issued within six months of application, but the Home Office often delays considerably, more so when the applicant is not working at the time of application. Family members, who are non-EEA nationals, are issued a 'Family Permit' for the purpose of travelling, which is normally valid for a period of 12 months, and can be used for unlimited number of entries. The family members can apply for a Family Permit only if the concerned EEA national is in the UK, or is travelling to the UK, and the family member is travelling along with him/her within one year of issue. Applications for Residence Permits and Residence Documents are made on form EEC1, which can be obtained from the Home Office. The applicant needs to provide a proof of study or employment or evidence of financial state of business if self-employed, a valid passport and two passport-size photos. Family members need to produce a proof of relationship. Residence Permits are usually valid for a period of five years. They may be renewed on application. This year we made around fifteen residency applications. Most of them obtained the Residence Permit, while other applications are under consideration.

Family Reunion

Persons who are settled in UK and are granted refugee status are entitled to bring their family members to enjoy their family life. Accordingly, most of our users who have been granted refugee status approach us to help them to be reunited with their family members. In such circumstances, we provide advice and make other arrangements to obtain entry visas for their families. We make representation to the High Commission in their native countries and to the Home Office about their intention to rejoin with their family members. We have made several successful applications for Family Union entry visa for persons who had been granted the refugee status. Normally, indefinite leave is granted to family members of those who are granted refugee status. Those who are applying overseas need to obtain an entry clearance, and a one-way identity document called GV3. There is no fee for entry clearance if the sponsor is a refugee or has exceptional leave. Entry clearance is not granted to family members of asylum seekers, children leading an independent life, and for spouses who were married after the granting of refugee status. 33 persons used our services this year to bring their family members under this scheme. However, we are facing some difficulties regarding those whose asylum applications are refused but who were granted exceptional leave to

remain in UK, as they have no automatic right to bring their families within their limited visa period. This Home Office practice could be a breach of Article 8 of the Human Rights Convention. Therefore we made appeals on some of our clients' applications of this nature. However, entry clearance appeals are outstanding for more than 18 months.

Case Study 21

Mr PK arrived in this country, leaving his wife in Sri Lanka, and claimed asylum in February 1999. After consideration of his asylum claim the Secretary of State refused it, and his appeal was heard in January 2001 by the adjudicator. It was also rejected. However, in August 2001 the Tribunal overturned the adjudicator's decision and he was granted refugee status in November 2001. Following this decision he wanted to bring his wife in the UK, and his wife made the entry clearance visa at the High Commission in Colombo with necessary documents. This was refused in April 2002 by stating that the High Commission is not satisfied that she is married to a person present and settled in the UK, that the marriage is subsisting, that she intends to live permanently with him as his wife, and that adequate accommodation will be available to her without recourse to public funds. Mr PK approached us for help. We advised him and also found that the decision was wrong, and accordingly made an appeal against the decision under the Section 13(2) of the Immigration Act 71. We stated that as it was not possible for Mr PK to return to Sri Lanka, his wife should be allowed to join him in order to respect their family life. There ought to be no doubt as regards to their marriage, as their marriage certificate was submitted, and in case of any doubt of permanency of their marriage, the appellant can be given a limited visa. The applicant being denied to rejoin her partner is clearly in breach of Article 8 of ECHR. This appeal is outstanding for the hearing.

Case Study 22

Mr K, unmarried, arrived in this country as a refugee and was granted refugee status in June 2001. He had settled in the UK since then. However he wanted to marry a girl who was living in Sri Lanka and bring her into this country. He could not return to Sri Lanka because of his fear of persecution by the Sri Lankan authority. Following our advice he married his fiancée in India in March 2003. After the marriage he approached the High Commission with the necessary documents. After the interview his wife was granted an entry visa to the UK and she travelled with Mr K to UK and they are now enjoying their life together.

Case Study 23

Mr KS arrived in this country as a refugee and was granted Indefinite Leave to Remain in December 1999. Following this decision he wanted to bring his wife and two sons to the UK. His wife and children approached the High Commission in Sri Lanka in 2002. After the long delay his wife and second son were granted entry visa to reunite with him but his elder son's entry visa was rejected in February 2003, stating that he, being over 18, was not eligible for family reunion as only spouse and minor children were eligible. He also did not have any proof of any mental disability. Mr KS approached us to take up the matter. We appealed against the decision in February 2003 by stating that, according to the Home Office 'Family Reunion Policy', all the family members of a refugee are recognised as refugees, and the applicant, being part of the sponsor's pre-existing family, is entitled to benefit from this policy. In spite of the lack of requirement of compelling and compassionate circumstances under this policy, the case clearly presented the existence of such circumstances. Moreover, the applicant may also prove to be a valuable person to society. We received an acknowledgement from the British High Commission in Colombo one month later. In December 2003 we again wrote to them to provide information on the progress of the application. We are yet to receive a reply.

Nationality Applications

Since the Secretary of State's announcement in the Immigration and Asylum Act 2002 on the nationality application to become a British citizen there are new procedures coming into effect from 2004. These changes include ceremonial certification and English language test with other procedures amendments. The main requirements are that the applicant must be 18 or over, be of sound mind and good character, should have sufficient knowledge of English, Welsh or Scottish Gaelic, be residing in the UK for a minimum period of five years and intend to have the UK as his main home, and should not have been in breach of immigration laws during the five year period. This required period of stay is only three years for those applying as the husband or wife of a British citizen, the other requirements being the same, except having no language requirement and intention of staying in the UK. Minor children are not included in certificates of naturalisation, and can be registered directly as British citizens. The possibility of dual nationality exists, depending on the country concerned. An EEA national with an unconditional right of residence is free from immigration restrictions, while an EEA national with a conditional right of residence needs to obtain indefi-

nite leave to remain in the UK before applying for naturalisation. The fee for a couple applying together is £150, and £120 for minor children, whereas it is free for the spouse of a British citizen. The essential documents expected with the application are a valid passport or travel document, proof of residence for last five years in UK, proof of income or receipt of benefit during the five-year period, and other necessary documents. This year we assisted 63 people to obtain citizenship.

Human Rights Claim/Application

In October 2000 the Human Rights Convention came into effect for those living in UK. As part of our legal advice and casework, we provide valuable advice and take up cases of our clients whose human rights are breached in any circumstances. We intervene on behalf of our users when officials such as Immigration or Home Office, police, local authority and health authority breach their human rights. Our influence protects our clients' human rights and encourages moving towards best practices in human rights issues by the officials. However, most of our established cases are related to immigration matters.

Case Study 24

Mr PS, recognised as a refugee in France in November 1990, married, in April 1995, a person granted indefinite leave to remain in UK. He was given limited leave to remain in UK in August 2000, and it was renewed in January 2001 based on his marriage application for one year, until January 2002. In January 2002 he made an application for indefinite leave to remain with their two children. His application, with both dependents, was refused in February 2003 by the Home Office by stating that he has not submitted any supporting documentary evidence of cohabitation of both parties, despite his submitting all the necessary documents. He sought our help and we advised him to make an appeal because he submitted all the necessary documents. Moreover, his wife is settled in this country and splitting the family is breach of Article 8 of the Human Rights Convention. According to his instruction we took up the case and made an appeal. His appeal was heard in December 2003 and it was allowed by the adjudicator by stating that the submitted evidence of their marriage was genuine, and that the appellant has met the requirements of paragraph 287 of the Rules at the date the decision was taken.

Case Study 25

Mr KS arrived in this country in April 1997. His asylum claim was refused by the Secretary of State and his appeal also failed before an adjudicator in May 1999. At this stage we took up his case and made a

request to the Secretary of State to grant him exceptional Leave to Remain because of the risk of human rights abuse on his return to Sri Lanka. In April 2002 the Home Office refused our request. Then we raised the human rights issues and Section 65 appeal rights of the applicant. According to our human rights allegations, applications were forwarded by the Home Office to make a proper human rights claim. In August 2002 the application was forwarded and it was considered by the Home Office and rejected in September. The applicant exercised his right of appeal under the Section 65 and the adjudicator heard the appeal in November 2003. It was allowed by stating that the decision of the Secretary of State is not in accordance with the law and constitutes a breach of Article 8 of the ECHR.

Travel Documents or Passport Application

To those who are granted refugee status or Exceptional Leave to Remain, on most occasions the status is given in papers, because most refugees leave their native countries without their own passports to protect their identity from their persecutors. Therefore once they are granted this status they need assistance to obtain passports or the travel document needed to benefit from their status. We assist our users to obtain such documents. We dealt with 173 applications this year on this matter. However, a new procedure coming to effect in the middle of this year will prevent many refugees from obtaining UK travel documentation. Those who are granted Limited Leave to Enter cannot obtain this travel document. In order to qualify for the UK travel document with limited visa, one needs a letter from their native country High Commission in the UK stating that they are unable or unwilling to give native country passport to that particular applicant. In such circumstances only a refugee may be entitled for UK travel document. However, those who are granted refugee status can obtain a UK travel document for a fee of £28. The applicant must have met one of the following criteria: travel for essential employment/business-related reasons, travel on compassionate grounds, study reasons, or religious reasons and other compelling reasons of conscience. Travel documents are normally valid for a period of one year, unless there is an exceptional reason to increase the duration of its validity.

Case Study 26

Mr SK was granted refugee status in the UK and obtained a travel document in December 2002. With his travel document he visited India where his travel document was stolen. He reported to the High Commission in Chennai, south India. Upon the advice of the officer in the High Commission he reported this to the police and obtained the police entry to issue a new travel document. The British High Com-

mission in Chennai then issued him an emergency travel document. With that document he went to the airport, but the airport officials in Chennai refused to allow him to board the plane with that emergency document. He informed this matter to the High Commission. They were unable to assist him anymore in this matter and advised him to seek assistance from ICRC or UNHCR. But these NGOs also were unable to help this person on this matter. He communicated to us and according to our advice he forwarded the police entry report and a signed new travel document application as a replacement of the stolen travel document. We forwarded the application with relevant documents to the travel document section in UK and made further representation to explain his circumstances. Finally a new travel document was issued with a valid visa to us. This new document was forwarded to the applicant and he returned in December 2003 after five months in south India.

Case Study 27

Mrs SS was granted indefinite leave to remain in the UK in February 2003. She made a travel document application in April 2003 with the required fee of £28. In May 2003 she received a letter from the Home Office Travel Document section stating that £28 was applicable only to those who were accepted as refugees. Even though she was granted indefinite leave to remain, she did not fall into that category. Therefore her fee for the travel document was, in total £67. Accordingly she was asked to pay an additional amount of £39, which she did. In June we received another letter stating that she has not submitted new travel document form with the additional fee and asked her to forward the application. According to the advice of the Home Office she made the application with our help. In July 2003 we again received a letter from the travel document section of Home Office stating that they were unable or unwilling to issue a travel document, and that she had to approach her native High Commission for that. On the advice of the Home Office, she approached the Sri Lankan High Commission in London, but they refused to give such a letter. In these circumstances we wrote a letter to the travel document section of the Home Office and explained to them what had happened at the Sri Lankan High Commission. However, they refused to accept our request. Then again we wrote a letter to the Home Office travel document section to withdraw her travel document application and requested to refund the amount of £67. This was also refused, stating that our client's travel document application had not yet been rejected, and further documentation was awaited. However, they were unable to refund the payment she made with her application. Accordingly she lost her money without receiving anything.

Work Permit Applications

The Work Permit arrangements enable employers based in the UK to recruit or train people who are not nationals of an EEA country. An individual on his/her own behalf cannot apply for a Work Permit. The UK-based employer must make applications. Employers can apply up to three months in advance of when they want the overseas worker to start in the UK. Overseas companies, other than those who do not have a presence in the UK, cannot apply for work permits. The work permit application forms and guidance notes can be obtained for free. Work permits are issued for a specific period beginning on the date the person is given leave to enter the UK. If the person does not enter the UK within six months of issue, it will no longer be valid. People who need a visa can obtain one within six months of issue. There is no maximum period for someone admitted to the UK on work permit to be allowed to stay here in that capacity. It depends on the length of time approved for the work by the Work Permits (UK). Students who have completed a recognised degree course in this country can switch to employment by applying for an "Immigration Employment Document" from the Home Office. Student nurses, postgraduate doctors and dentists can take up employment straightaway after the completion of their course. A domestic worker may be granted indefinite leave after four years of continuous employment, not necessarily with the same employer. A "Multiple Entry" work permit is issued to a person who is coming to the UK to take up employment or to seek employment that he does not yet have. He will be allowed to stay for a maximum period of 2 years, during which he can have multiple entries. The charge for a work permit application is £95, which has to be paid by the prospective employer.

The Highly Skilled Migrant Programme, in operation from January 2003, enables highly skilled individuals to migrate to the UK. An asylum seeker, whose asylum application is refused, is usually not allowed to switch to work permit employment unless there are exceptional grounds to do so, and there is no adverse immigration history. A further condition for the issue of a work permit is the non-availability of a suitable resident worker to fill the vacancy in question. An arrangement, called the working holidaymaker scheme, enables commonwealth citizens aged between 17 and 30 to come to the UK for an extended holiday of up to 2 years, during which period they are allowed to do any type of work. A person in this category is permitted to switch into work permit employment after one year in the UK. Certain categories of people do not need a work permit for employment, for example priests, writers, composers, artists, postgraduate doctors

and dentists. We commenced work permit advice and casework one year ago and so far 22 applicants have been assisted.

Case Study 28

Mr AN was granted Leave to Enter in May 2002 for six months to visit the UK. While he was in the UK he was recruited for employment in UK and his employers made the work permit application in October 2002 before the expiry of his leave to enter. The Secretary of State refused his work permit application in May 2003 by stating that there was no evidence he had Leave to Enter or remain in the UK when the application was made. He was also refused the right of appeal against this decision. However, on submission of evidence, he could have the right to appeal against this decision, in which case his stay was extended until the expiry of ten working days from the date of receiving this notice. We appealed against this decision in June 2003 on the grounds that he had the leave to enter UK during the time of application and he produced the evidence that established employers in UK recruited him. Therefore Secretary of State's refusal did not comply with the rules under Section 61 and 62(1) of the Immigration and Asylum Act 1999. The case is pending for hearing.

Case Study 29

Mrs MA arrived in this country in October 2003 with six-month visit visas. She was offered employment as a domestic carer, and the employer applied for a work permit in November 2003, with us as their representative. However it was refused by the Home Office on the grounds that the job was not of sufficient skill and responsibility to meet the criteria of the work permit arrangements, the person concerned had no sufficient qualifications or experience, the salary quoted was not equivalent to the normal wage for this occupation, and there was no proof that the employer is a UK based employer for the last 5 years. But, due to the nature of the post on offer, the Home Office advised that she might be allowed to work under the permit-free category. The matter is taken up by us to proceed further.

Benefits and Welfare Rights

This is the second highest category of people approaching us for advice and legal casework on their benefits matters, in order to secure or increase their appropriate entitlements while they are in this country. With the aim of relieving persons from poverty and transforming our community's life for the better we are determined to improve the quality of life among the Tamil community. A study conducted by the GLA social statistics group revealed that black and some other minority ethnic groups in London face double the average unemployment rates and

that 25% of children in London are living in poverty. Another study by "Save the Children" shows that Newham has the third worst rate of child poverty of any local authority in Britain. This statistical information reveals the need for our service to the community.

Everyday, we help three people to increase their entitlements or improve their household income in order to relieve them from poverty. This includes National Asylum Support Service (NASS) or local authority support for asylum seekers, working families tax credit benefit, jobseekers allowances, housing benefits and disability attendant allowance. With a successful service delivery of immigration and asylum related work most of our clients seek help from us to obtain other services including housing benefits, health care and other related issues. Further, we have clients referred to us by a number of firms of solicitors, voluntary sector organisations and local authorities for the services.

National Asylum Support Service (NASS)

As we mentioned earlier, clients whose immigration matters are dealt with by us also use our benefit-related services as a one-stop service. Furthermore, users who are referred by other service providers are keeping us very busy in this field. Most NASS benefit-related advice is on the type of entitlement, with us assisting clients to seek appropriate NASS support. When the Home Office wrongly stops the support, we negotiate with the Home Office to reinstate their NASS entitlement, dealing with their additional payments and change of circumstances-related issues. In our experience many of our users' entitlements were wrongly stopped, which we successfully reinstated through negotiation with representation to NASS. However, when we have been unable to resolve disputes we have made appeals to the NASS adjudicator. Claimants who are provided accommodation by NASS are face severe hardships when their NASS support is withdrawn or stopped, because with two weeks notice accommodation provision is terminated and hostel management move the claimants onto the street. Without any other information this practice threatens people with starvation and homelessness. Some of these people return to London and approach us for help. We are unable to provide food and shelter and also it is hard to reinstate their NASS support or to refer them to any other shelter. However, we secured 217 people's NASS entitlements in this year.

Case Study 30

Miss RV claimed support from NASS as an asylum seeker. She was interviewed on March 2003. While she was waiting for her decision by the Secretary of State stopped her benefits stating that her asylum claim was refused and there was no outstanding ap-

peal, and therefore she was no longer entitled for it. At this stage her solicitor referred her case to us and confirmed that the decision over her asylum claim was outstanding. This information proved that she was entitled for her NASS support. Based on this we made an appeal against the NASS decision to the NASS adjudicator. The hearing was scheduled and our legal casework section represented this matter at the hearing. Based on our representation the adjudicator remitted the case back to the NASS for reconsideration. Subsequently the benefit was reinstated by NASS.

Case Study 31

Mr PB was an asylum seeker and had been receiving NASS subsistence only support from August 2000. In May 2003 his benefit was stopped by stating that his application for asylum had been refused and fully determined, and therefore he did not qualify for support under section 95 of the Immigration and Asylum Act 1999. However, his solicitors confirmed that his asylum claim was outstanding and no decision was received by either the client or the solicitors on his asylum interview, which had taken place in January 2001. Based on this information our legal casework section took up the matter and made the appeal. At the hearing, after a lengthy argument, it could not be proved that the Secretary of State sent a decision letter to either the appellant or the solicitors, and therefore there was no requirement on the appellant to prove non-receipt. Subsequently the Chief Asylum Support Adjudicator allowed the appeal.

Social Security Benefit

Over the past year approximately 540 callers used our services to resolve their social security benefit matters and to secure their entitlements and to improve their household income. In general we provide support for all areas of social security benefit advice and support. However, this year most people approached us regarding working tax credit benefit and housing benefit matters. Another notable change is that Tamil-speaking European citizens who are settled in UK are approaching us for assistance. Apart from social security advice, our other routine services include assisting our users to complete their application forms, negotiating with benefit agencies to obtain our clients' entitlements, interpretation at our users' social security appointments, and where necessary making appeals and challenging decisions.

Case Study 32

Mrs SY had been receiving housing benefit and council tax benefit since July 1999. Her benefit was stopped in January 2003 because she did not make a new housing benefit claim with her change of cir-

cumstances. As a result of this her rent started to accumulate and she, with her two children, faced imminent eviction if they did not settle their arrears. Mrs SY got married in January 2003 and she informed this change of circumstances to her benefit agency and housing benefits section in the local authority with her marriage certificate. Further to her notice her housing benefit was stopped immediately. She approached us to negotiate with the council as to why she was not given a new housing benefit application when she had informed them of her change of circumstances. We also helped her to complete her working families tax credit form and new housing benefit application. She started receiving housing benefits from May. However the benefit section refused to pay her arrears for her rent. We challenged this decision through appeal by stating that when she informed her change of circumstances she also produced her husband's wages slip on that occasion. But the officers failed to release a new housing benefit application and asked her to resubmit the housing benefit application for further assessment according to her current circumstances. If this happened then she should not be faced with eviction for her rent arrears. Our argument was accepted and she was awarded four and a half months backdated rent arrears payment.

Case Study 33

Mr KR was granted leave to remain by the Home Office following his appeal determined by the adjudicator. Thereafter his NASS support was discontinued in July 2002. He was asked to claim social security benefit, as he was eligible for that. However, when he approached the benefit agency they refused to accept his claim and asked him to produce his NASS discontinuation certificate in order to qualify for social security benefit. He approached us and we took up the matter. On three occasions we asked NASS to release his NASS discontinuation certificate. However, it was not released until November 2003, and therefore the applicant was unable to receive his entitlement from social security benefit. After our continuous effort finally he was issued the discontinuation certificate in December and we also helped him to make the social security benefit claim, but he is unlikely to get his six months backdated payment from the benefits agency. He was unnecessarily subjected to extreme hardships and financial crisis, without due consideration to his age of 64.

Housing and Homelessness

Our day-to-day work faces two types of homelessness and housing needs. The first comprises of the asylum seekers who approach us for help to find a shelter and other urgent needs, and the other consists of people who are settled in this country but

have become homeless for various reasons. In our experience we find it hard to help the first category of people because their entitlements are restricted or in some cases they do not have any entitlements according to the law. For example, in circumstances where a single failed asylum seeker whose appeal rights are exhausted and subsequently his NASS support is withdrawn and he is requested to vacate the NASS support accommodation approaches us, we may not be able to find him shelter for a long period. However, this kind of failed asylum seekers' further representation to Home Office could be under consideration. Therefore their removal is not imminent. There are situations where the asylum seekers do not wish to take up NASS support accommodation or are running away from NASS support accommodation for various reasons. We receive calls and referrals from other voluntary sectors and officials to help a particular homeless person seeking assistance from them. We also receive calls from parks' attendants to help the homeless persons who are sleeping in their parks, preventing them from locking the park.

The second category of homeless people are those who migrated and settled in this country and are seeking our help to find better accommodation from overcrowding or unlawful eviction or facing homelessness for other reasons. As a community organisation we are expected by the community to find some form of solution for this crisis, but in reality, as for other charities or voluntary sector organisations, finding shelter for homeless persons is extremely hard in London. We are doing our best to support our callers. In reality, building a shelter to accommodate our callers is the only solution, which very much depends on securing the resources. However, as an advisory agency we provide advice and practical support with legal casework on housing and homeless issues. Around eight to ten cases per month are recorded in this field.

Case Study 34

Mr RT was unlawfully evicted from his house by his landlord by replacing the lock during his absence. He approached the Homeless Persons Unit, which provided him with emergency accommodation at a hotel for two nights. Meanwhile, he could not find any accommodation, nor could take any action against his landlord. On the fourth day he approached us. We contacted the Homeless Persons Unit again and asked them to provide accommodation. They advised us to send the person to the local police station, where the reception officer would be able to deal with the matter. Accordingly we sent the person with an interpreter. He was initially provided emergency accommodation and we followed it up to secure accommodation for him for a long term.

Case Study 35

Mr KT and his wife arrived in this country and claimed asylum in February 1997. At the age of 59 he claimed social security benefit and other entitlements. In October 2002 his claim for asylum was refused and in year 2003 his appeal was dismissed by the adjudicator. Following this decision their social security benefit was withdrawn and they became homeless. We approached NASS for support but NASS indicated they arrived in this country in 1997 and therefore NASS does not have responsibility to provide support and advised us to refer this matter to the local authority. Accordingly this matter was referred to asylum team in Walthamstow, but they also refused to assess their requirement because the clients' appeal rights are exhausted. Therefore the responsibility does not belong to them. Finally this matter was referred to Refugee Council for assistance under the Hard Cases, but they were unable to take up this matter because of the recent changes taken place within the administration to provide NASS support service. Therefore we were unable to solve the matter, and at the age of 64 they are relying on the support of the community.

Employment

In 2003 we were unable to secure funding to this project, which was previously funded by the ESF Fast Forward grant. This resulted in our inability to take up employment-related cases and we also stopped finding employment for unemployed people in our community. However we provided training for volunteers in our office premises and placement for students and legal casework on their disputes with employers. This year we solved twelve cases of disputes with employers.

Case Study 36

Mr AG was recruited as a casual employee by an employment agency, but he was not fully paid his salary. He approached us to solve this dispute and we took up this matter and negotiated with his employers. They released his wages without any legal interference.

Case Study 37

Mr S was an employee in a supermarket for over three years. However, a new store manager demanded more work from him for more hours. They got into disagreement, which resulted in his suspension by the employer. He approached us for advice. We negotiated with his manager, which was not successful. Then we wrote a letter to the area manager, and he agreed to conduct an enquiry. We represented him at the enquiry, and finally he was offered a same kind of job in a neighbouring branch of the supermarket.

Other Services

Increased violence among Tamil youths

Due to our long-term presence in the community and reasonably successful delivery of our services the community's expectations of us have also remained high. Despite our funding restrictions we have tackled most of the community's needs well. However, one particular concern has remained high in our organisation, which is the increased violence among a tiny percentage of Tamil youth, which is making the headlines in the newspapers, and is isolating our community from other ethnic communities. Our community has suffered from these actions for over three years. But the police are acting very slowly and unable to deal with the matter in its initial stages. This leads to victims taking retributive action and hence the police actions interpreting the Tamil community as a violent community. Regional newspapers have stated that the police have set up a task force for Tamils to curb this violence. This, not being of much help, is further alienating the communities and breeding hostility between Tamils and other members of society. This is a result of the inability of the police to offer adequate protection to the victims, leading them to take the law into their own hands.

We attended a number of meetings organised by the police Deputy Assistant Commissioner, and are working on other issues to protect the victims and witnesses, to bring this crisis to an end sooner rather than later. However, Tamil community organisations do not have enough resources and mechanisms to handle this matter at present. This year we have helped seven persons who were directly affected by this violence. We have also encouraged members of the community who have witnessed any crime-related incidents to report to the police. If for any circumstantial reason they ask us for help to approach the police we help them in various ways to record their witnesses.

Further, through our ongoing representation we are putting forward our suggestions and conveying the community's expectations to the police to reduce the violence. However, the police are not paying heed to our requests and their actions are not reflecting the community needs. But the police are collecting information and taking the opinions of the Tamil community. This suggests that they are undertaking a learning process and the community may need to wait for some time. TWAN is taking initiative to secure resources to set up a project to help the victims, witnesses and offenders, most particularly Tamil youths who are convicted for offence and released after the sentence. They need to be encouraged to settle back in the community without re-

peating any offence. Further, the project can also monitor the actions taken by the police on Tamil youth-related crime, help the police to make successful prosecutions against the suspects, and where necessary put pressure on the police to allocate more resources and take more corrective measures to solve crime investigations. Owing to the unsatisfactory relationship between the police and the Tamil community, the community does not trust the police for better protection. This is reflected in some cases where victims are seen taking revenge because of the failure of the police.

Translation and Interpretation Service

This is one of our ongoing services to provide free translation to our community of appropriate official documents to be used as evidence or support in their day-to-day life. Mainly we provide translation and certified material of marriage certificates, birth certificates, death certificates and other similar documents issued in Tamil language by the Sri Lankan officials. They need to be translated and authorised by a recognised body, which we undertake free of charge. This year we completed 152 translations to support our users. Further, we are regularly asked to attend as interpreters at the GP surgery, hospitals, benefit agencies, local authorities' community service sections, for our counsels and at the court. At present our existing staff are capable of providing translation and interpreting services to meet the demand.

Holiday Projects for Children

Over ten years we have provided a holiday play scheme for Tamil school children. Most of the children come from a disadvantaged background. This project particularly targets refugee children who lacking resources or spaces in which to play or spend their time in a safe environment. Our project provides a safer play environment for refugee children who are living in overcrowded housing. All the families are living below the poverty line. More than 70 children participated in our holiday play scheme. The play scheme includes indoor and outdoor games, craft and handiwork, drawing, painting, model making, traditional cooking, culturally appropriate singing, dancing and various other activities. This activity also includes a visit to Thorpe Park in Windsor. The project was held at the Kensington Primary School, which helped us to run this project more smoothly and in an effective manner. Also this year we have been awarded Certificate of Registra-

tion by the Ofsted to care for five to eight year old children as Sessional Day Care Service providers. The BBC Children in Need funded this project.

Day Centre

This year we have been granted funds for two years to run a Day Centre for elders by the Bridge House Trust, which eased our financial burdens in continuing this service in a successful manner. Approximately 40 to 45 people regularly attend the Day Centre, which is held every Thursday between 10 and 3pm at the Manor Park Community Centre. Around 100 elders participate in this Day Centre. The activities include routine health check-ups, regular discussion and advice on issues concerning health like physical training, reading, creative, and cultural activities. We also provide free meals and organise trips to various places.

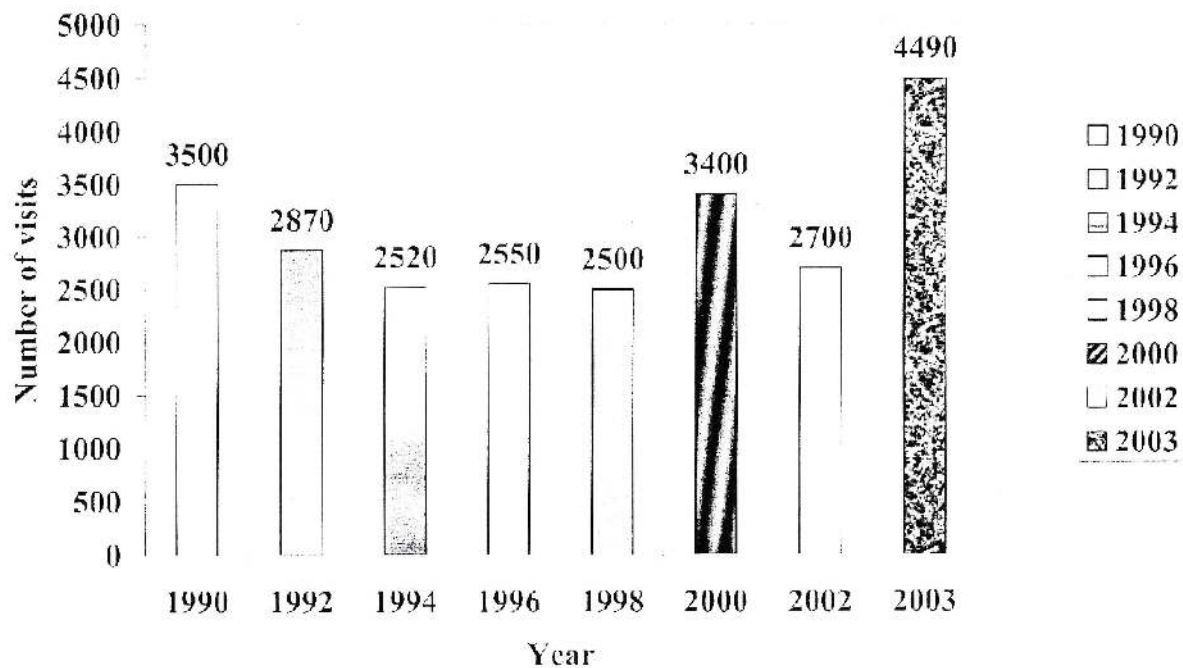
Fine Arts Academy

This is our new initiative aimed at providing after-school activities for Tamil children to improve their skills and keep them away from anti-social behaviour. As part of this project, experienced tutors at the Little Ilford School conduct Mridangam, Bharatanatyam, Classical vocal and Veena classes. The children are given an opportunity to perform in front of an audience at cultural events organised by us. We also help them to achieve certificates of merit by sitting exams conducted by the Oriental Fine Arts Academy Ltd (OFAAL), London. We intend to secure funds to develop this project further.

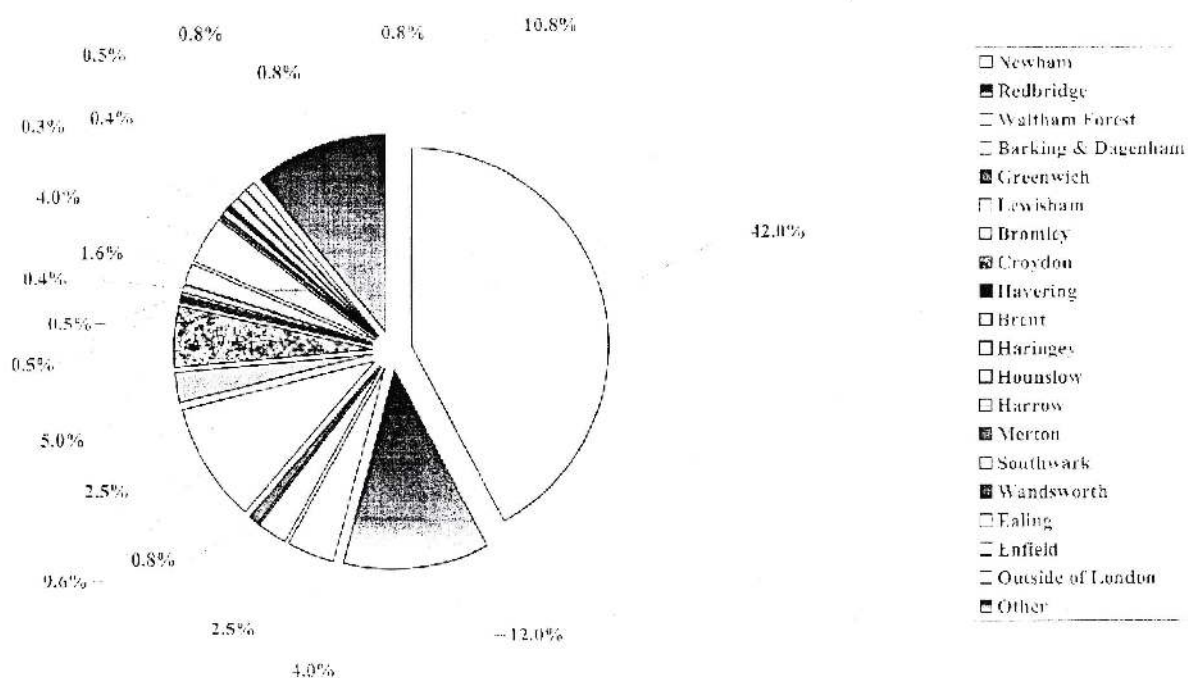
Supplementary Education

Over the past ten years we have run this project to support Tamil children with their schoolwork. Because most of the children migrated to this country as refugees with their education interrupted by the civil war in Sri Lanka, once they are admitted at the school in this country they struggle to cope with their schoolwork on day-to-day basis due to language difficulties and new education system. Parents are also unable to help them with their schoolwork because of their lack of knowledge. Furthermore, lack of confidence, and other social and behavioural problems can also be tackled through this project. Experienced teachers volunteer to support the children. The classes are conducted at the Little Ilford School premises on Sundays. Around 83 children benefit from this project, which is funded through grant aid from the local Children's Network. □

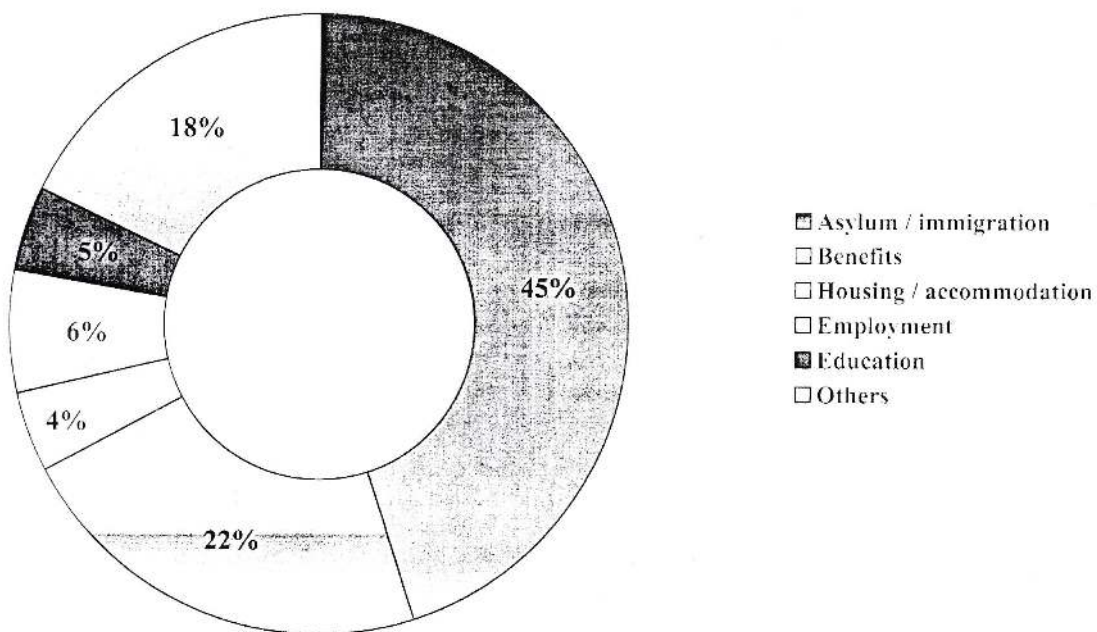
Number of visits to TWAN by it's clients



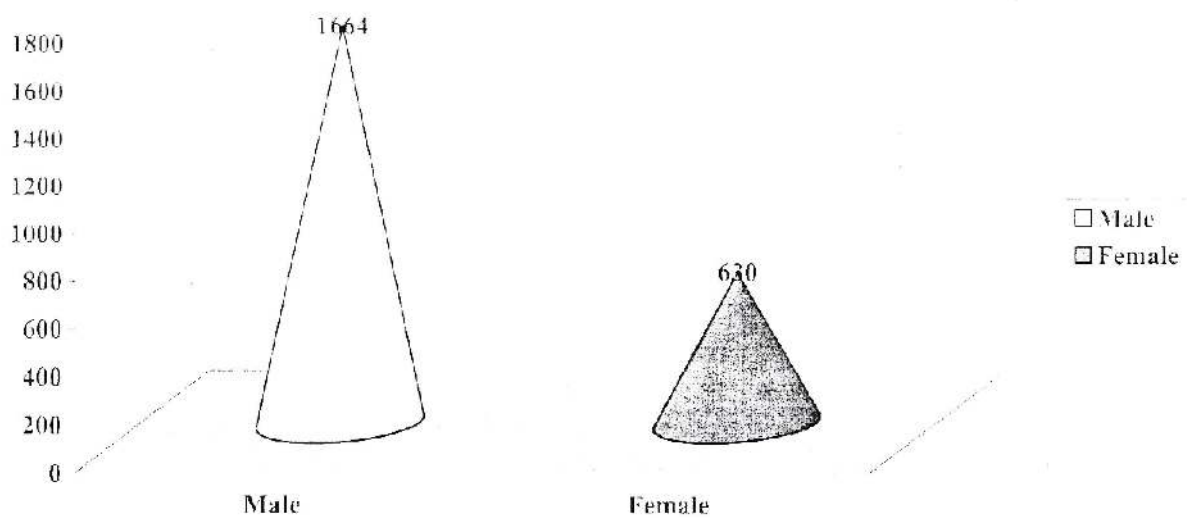
Borough breakdown of service users



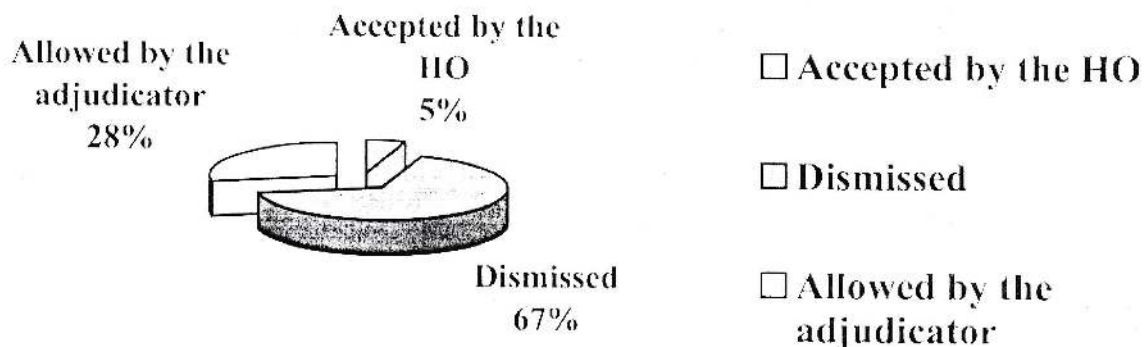
Purpose of visits



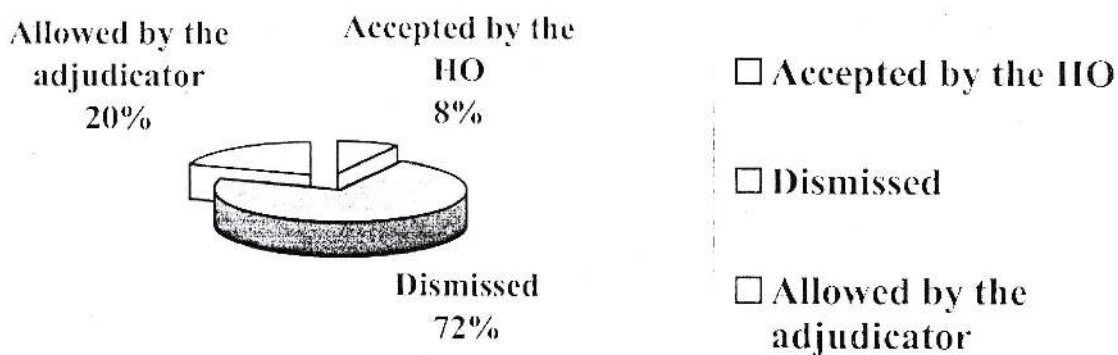
Number of male and female visits to TWAN



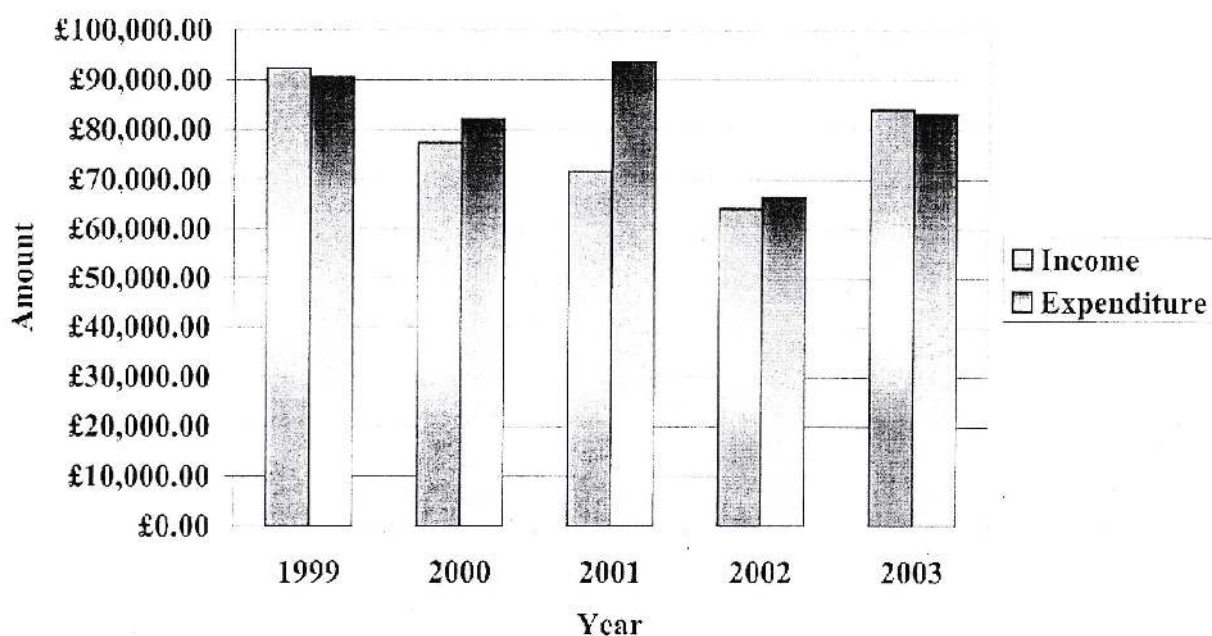
2003 Sri Lankan Asylum decision statistics



2003 All nationalities Asylum decision statistics



TWAN's five years income & expenditure

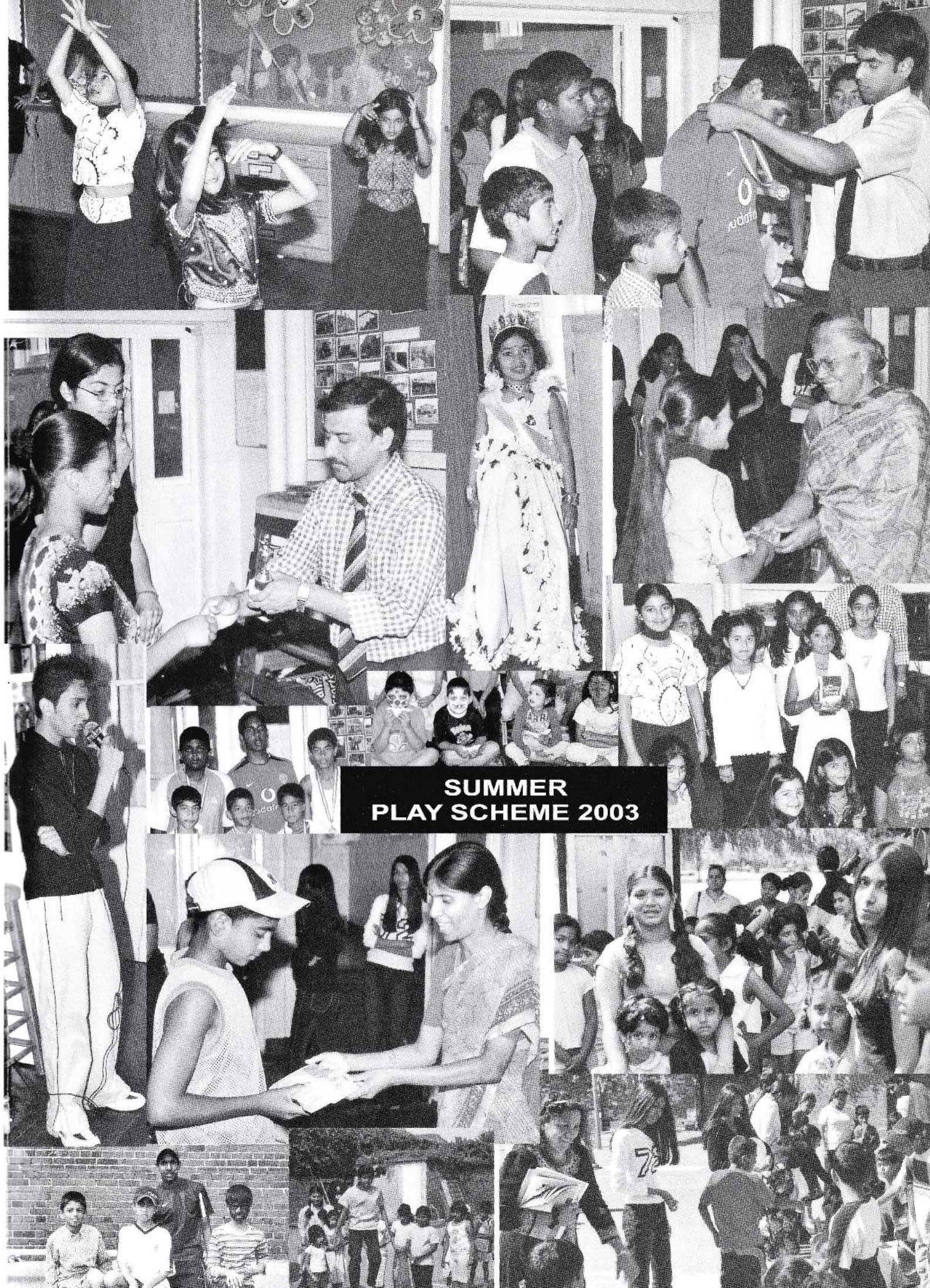


SUMMER PLAY SCHEME 2003





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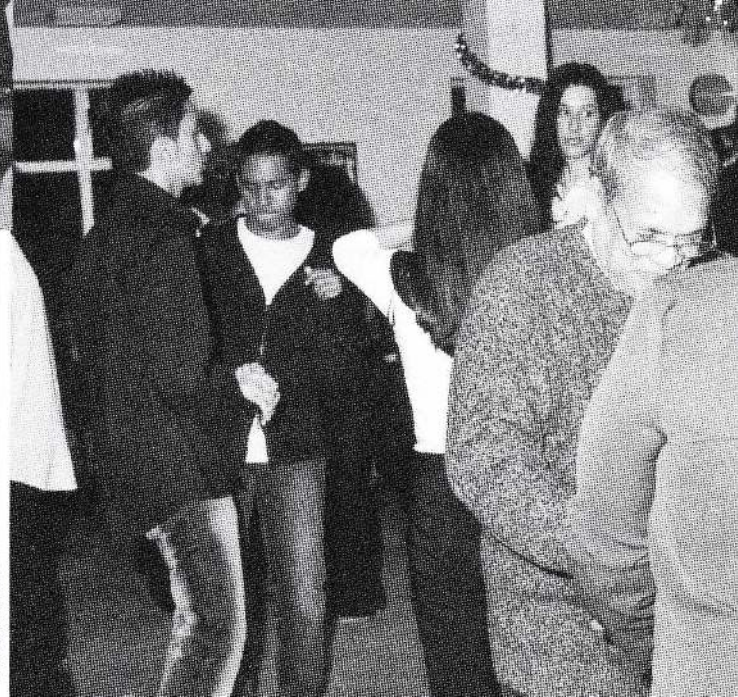


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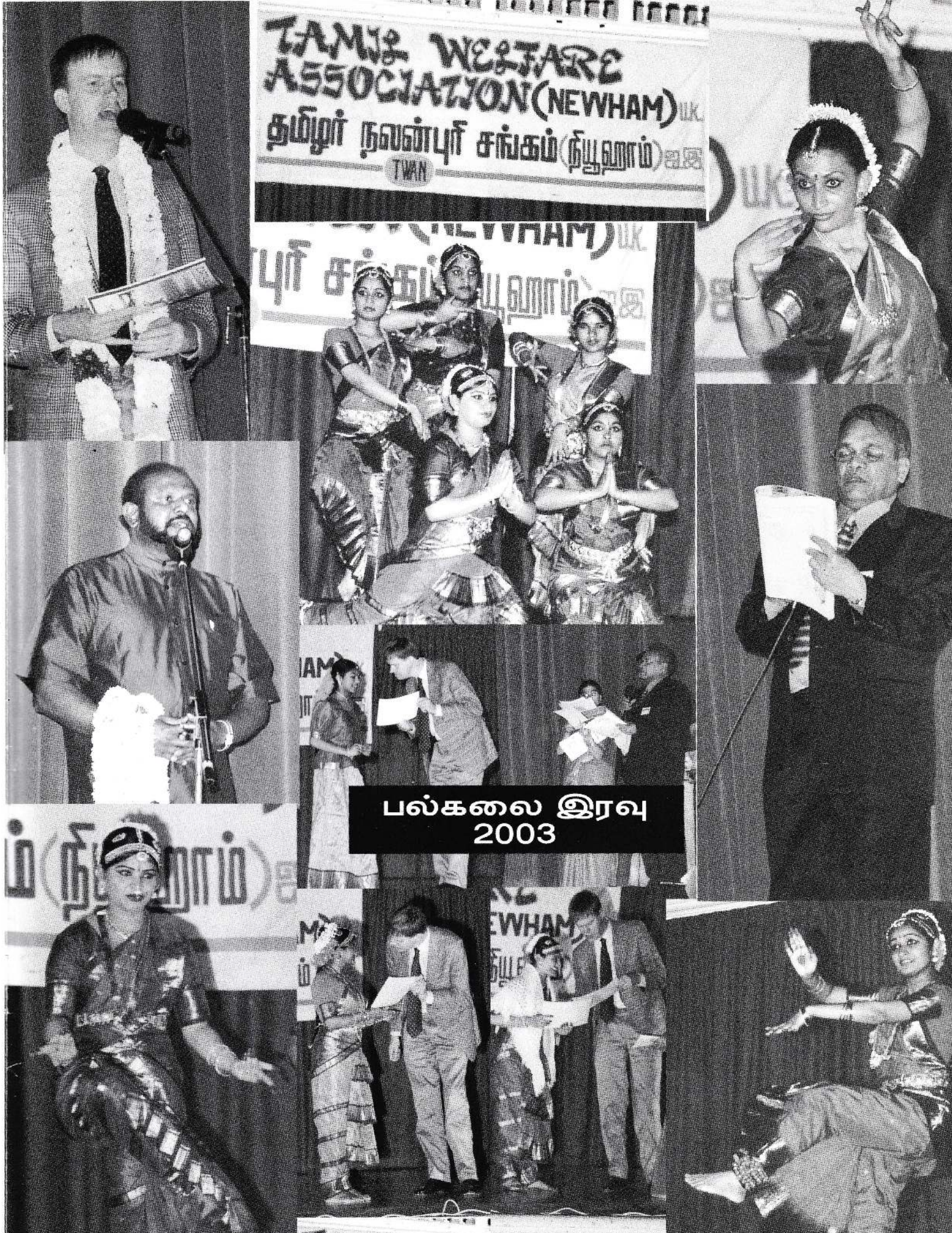
நத்தார், புதுவருட
ஒன்றுகூடல் - 2003





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2003





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பல்கலை இரவு
2003

Community
Legal Service**TWAN****Tamil Welfare Association (Newham) UK****தமிழர் நலன்புரி சங்கம் (நியுஹாம்)ஐ.கி****602 Romford Road, Manor Park London E12 5AF**

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3. தடுப்புக்காவல் விடயங்கள் (Detention Matters.)
4. தஞ்சம் கோருவோருக்கான மானியங்கள் (NASS Application & Appeals)
5. சமூக நலமானியம் (Social Welfare Benefits)
6. தங்குமிட/வீட்டுவசதிகள் (Accommodation, Housing)
7. உடல்/ மன/ நலவிடயங்கள் (Healthcare)
8. வேலை/கல்வி வாய்ப்புக்கள் (Employment, Education)

கிதுபோன்று நமது சமூகம் எதிர்நோக்கும் மேலும் பல விடயங்களில் உதவி வழங்கும் எமது தமிழர் நலன்புரி சங்கம் (TWAN) வார நாட்களில் திங்கள், புதன் கிழமைகளில் காலை 9:30 - 3:00 வரையிலும் செவ்வாய், வியாழன், வெள்ளிக்கிழமைகளில் காலை 9:00-1.00 மணிவரையும் நேரில் வருவோருக்கான சேவையினையும் மற்றும் தொலைபேசி ஆலோசனைகள் செவ்வாய், வியாழன் ஆகிய நாட்களில் பிற்பகல் 2:00-4:00 வரை நடைபெறும் என்பதையும் அறியத்தருக்கிறோம்.

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Acknowledgements

We Thank

All of our guest of honorable invitees
For having graced the occasion
By your presence this evening

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

Mr. Stephen Timms MP
Deputy Mayor Mr. Unmesh Desai
Local Councilors

Association of London Government, City Parochial Foundation,
BBC Children's in need, Local Children's Network,
Local Regeneration Access fund SRB 6, Newham Training Network,
Voluntary Sector Network, Bridge House Trust Grant,
The Baring Foundation.

Legal Services Commission, OISC, Counsels, Medical Foundation,
Professional Doctors, Health Advocacy Service and G. Ps.

Affiliated Organisation: Advice UK, MODA, Refugee Working Party,
NCVO, Newham Voluntary Sector Consortium, North East London Network,
British Refugee Council, JCWI, LASA, ILPA , Red Bridge Refugee Forum
and Community Accountancy Project.

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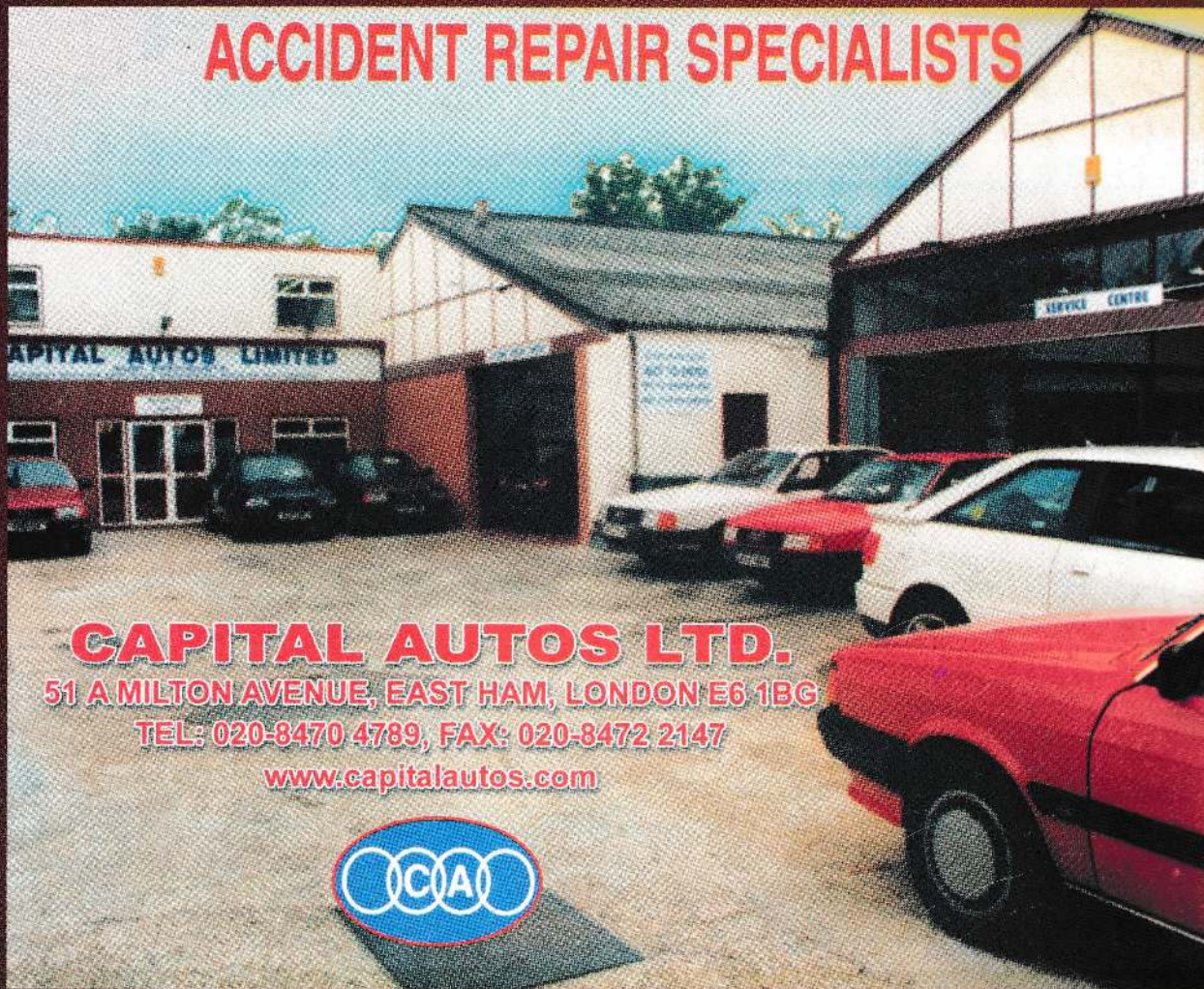
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