



Executive Summary

Christel Querton • January 2012

“I feel like as a woman I’m not welcome”:

A gender analysis of UK asylum
law, policy and practice

The Women's Project at Asylum Aid has campaigned for over a decade to secure better treatment of women seeking asylum.

“Who am I? I don't have anything”

Yemi, who was placed in the Detained Fast Track after claiming asylum in 2009.

Women have constituted one in three of all main asylum applicants in the UK since 2003. There are considerable implications, therefore, when gender issues are not taken into account as part of the asylum process. After lobbying by Asylum Aid and others, the Government used the publication of its *Call to End Violence Against Women and Girls Action Plan* in 2011 to promise fair treatment of all asylum-seeking women. This was followed by welcome public commitments to gender-sensitive asylum reform made by the Immigration Minister and the Deputy Prime Minister.

Asylum Aid's new report combines original qualitative and legal research in a detailed gender analysis of UK asylum law and policy, to test the Government against these promises. It looks at the experiences of women in the four main stages of the asylum process:

- the quality of asylum decisions;
- the asylum procedure;
- reception conditions;
- detention conditions

Asylum Aid conducted interviews with women asylum seekers and refugees in four cities across the UK. Interviewees ranged from women who had been recognised as refugees to women who had been living in uncertainty for many years. We also spoke with legal representatives who work with women asylum seekers, and with those advocates campaigning on their behalf.

These first-hand experiences are set next to exhaustive legal analysis. This analysis measures the extent to which current law and policy recognises the needs of women seeking asylum and asylum seekers with gender-related claims, and the effectiveness of this law and policy in safeguarding the rights of all women asylum seekers to a fair asylum decision and decent and dignified treatment. All the asylum policies and jurisprudence most relevant to women are considered together in a single document for the first time.

Emiola claimed asylum after being trafficked into Europe to work in the sex trade.

She was immediately detained at Yarl's Wood when she claimed asylum, and interviewed by a male screening officer despite the intimate details of her case. Emiola described her distress at the inappropriate and irrelevant questions put to her during her asylum interview, including questions about how many men she had slept with while in Italy and whether she enjoyed working as a prostitute. Emiola told her interviewer that she would rather die than continue in prostitution.

She was taken ill several times at her appeal hearing, but the Home Office official requested that her cross-examination proceed regardless. Emiola's solicitor refused to make any further representations after the appeal was refused.

“If not because of the problems I have back home, I don't think that I would go through this,” she told Asylum Aid. “But I don't have a choice”.

Findings

- The women asylum seekers and refugees interviewed for this research and the legal representatives who work with them expressed little confidence in the asylum system. Current legislation includes only limited consideration of gender issues
- Although gender-sensitive guidance is included in some UK Border Agency (UKBA) documents, major gaps remain, including interpretation of the Particular Social Group ground of the Refugee Convention
- The lack of gender-specific guidance for the Tribunals of the Immigration and Asylum Chamber is of particular concern
- The Tribunal's failure to follow the House of Lords' judgment in *Fornah* has resulted in a discriminatory approach to the determination of asylum claims based on gender-based particular social groups
- Gender-sensitive policies are not always implemented on the ground, undermining the safeguards that should be in place to ensure fair treatment of women seeking asylum
- A lack of privacy and the absence of appropriate information at the Asylum Screening Unit affect women asylum seekers' ability to put their claim forward in a fair manner
- There continues to be inappropriate questioning at UKBA interviews and asylum appeal hearings
- Difficulty in accessing legal aid damages the rights of women seeking asylum
- A lack of gender-specific policies affects women's privacy and safety in UKBA accommodation, and their health and well-being in immigration detention

This extensive analysis will assist policy-makers to ensure that gender issues are taken into account strategically in all aspects of the asylum process. Women asylum seekers must be provided with a fair opportunity to have their asylum claim determined, and must be assured a safe and dignified standard of living.

*The full report can be downloaded
from www.asylumaid.org.uk*

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Asylum Aid is an independent, national charity working to secure protection for people seeking refuge in the UK from persecution and human rights abuses abroad.

www.asylumaid.org.uk



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