

Relocation, Relocation

The impact of internal relocation on women asylum seekers

Claire Bennett • November 2008

"[Immigration judges and the UK Border Agency] bring ... British images about ... 'relocation, relocation.' 'I've decided I would like to move to Bristol, so...I shall buy a nice house in Bristol', that is how they see it I think...But in reality, we're talking about single women in refugee producing societies. The opportunities presented in a TV programme aren't quite the same."
[Legal representative]

Key Findings:

Issues raised by Legal Representatives:

- Internal relocation is being simplistically applied without sufficient evidence based analysis and scrutiny of risks. This can result in single, separated, divorced or lesbian women being returned to circumstances of abuse, exploitation and further persecution.

- Significant assumptions are being placed on the existence of entities of protection (eg refuges, shelters, NGOs) and the apparent 'resourcefulness' of some women asylum seekers.
- The removal of the IAA Gender Guidelines (2000) has had a detrimental impact for women asylum seekers
- The asylum system has become increasingly politicised since the 1980s. Legal representatives believed the application of internal relocation was firmly placed within this political context and was frequently applied to restrict numbers of people being granted refugee status in the UK.
- The application of internal relocation within the UK courts has moved significantly away from the intention and basis of the UNHCR guidelines.
- Funding restrictions and time constraints create difficulties for legal representatives and consequently, women who have experienced gender related persecution may find it difficult to access good legal advice.
- Some women who need international protection may in practice be unable to access it and may be returned to further persecution under the premise of internal relocation



Issues raised by women asylum seekers:

*“If I went back, even to new city, they would know, everybody talk. Yes, within two or three days they would find me, they would know I am back.... They would finish my life.”
[woman asylum seeker]*

- Women felt internal relocation placed them at direct risk of further abuse, exploitation and attacks. A lack of protection mechanisms in place, an increased social exposure and an inability to hide were identified. This questioned whether internal relocation was a viable alternative to international protection.
- Analysing the cultural context and social position of women when assessing the appropriateness of internal relocation is essential. This should include assessing the difficulties, suspicion and the practical and logistical problems single, separated, divorced or lesbian women may face in a new relocation area.
- The lack of any monitoring and assurances of safety and protection instilled a genuine fear of being internally relocated.

Background

In circumstances where non-state agent(s) persecute an applicant and their ‘well founded fear of persecution’ is perceived to be located in one area of the country, internal relocation will be considered in assessing whether the applicant is entitled to refugee status. Internal relocation is usually relevant to non-state persecution cases based on the assumption that non-state actors do not have the resources of the state to find a person and continue their persecution.

Internal relocation is not explicitly articulated within the 1951 Refugee Convention and only emerged and started to be applied from the 1980s. At this time, alongside the legal debates regarding its scope within international refugee law, there was also a notable international political shift regarding the accessibility of international protection. From the 1980s onwards ‘asylum’ and mechanisms to ‘restrict asylum’ became a key political issue in many western states.

The prominence of internal relocation within UK caselaw is hugely significant to women asylum seekers as women’s asylum claims are more likely to be based on persecution committed by non-state agents.

The Research Project

‘Relocation, Relocation – the impact of internal relocation on women asylum seekers’ is a qualitative research project looking at how internal relocation is being applied to women’s asylum and human rights claims. The project provides an insight into legal representative’s views and practical experiences of representing women asylum seekers where internal relocation is applied to their case. Alongside this, the research explores the perspectives of women asylum seekers and considers the impact internal relocation has had upon their claims, emotional well-being and futures.

Project Rationale

As women’s asylum and human rights claims are more likely than men’s to be based on non-state persecution women are disproportionately affected by this principle.

RWRP’s experience of representing women illustrated that many women were being refused refugee protection on the basis of internal relocation arguments.

Research Aims

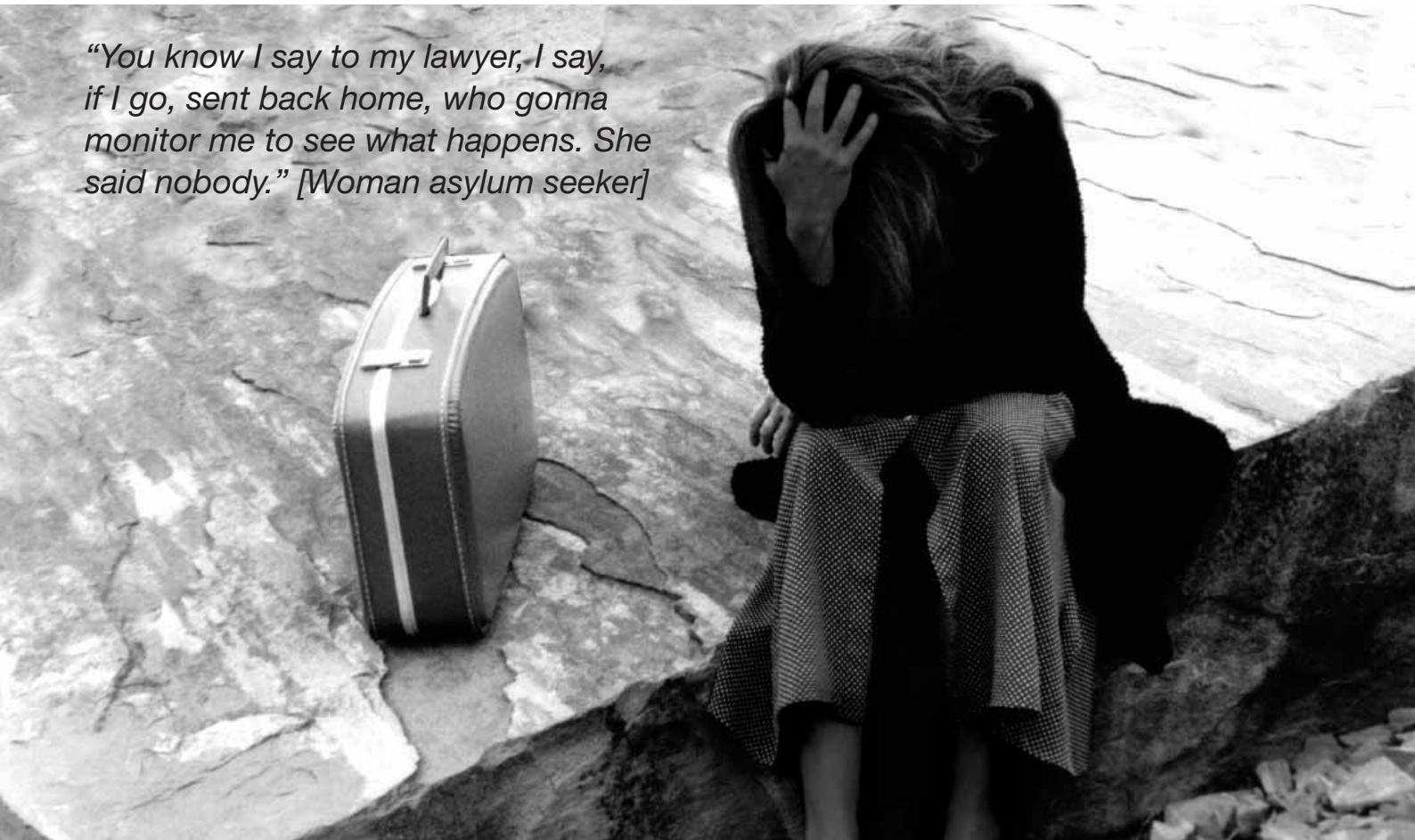
- To analyse the interpretation and application of the legal principle of internal relocation
- To explore the impact internal relocation has on women asylum seekers whose asylum and human rights claims are based on a form of gender related persecution
- To generate further discussions and considerations regarding the interpretations and use of internal relocation as applicable to women's asylum and human rights claims

Methodology

Interviews were conducted with ten legal representatives

Five case studies were completed with women whose asylum claims have been refused on the basis of internal relocation. The case studies included:

- A lesbian from Uganda who was raped by police officers
- Lesbians from Jamaica
- A woman who experienced sexual violence from the Democratic Republic of Congo
- A woman who experienced domestic violence (with children) from Yemen
- A woman who experienced domestic violence from Pakistan



“You know I say to my lawyer, I say, if I go, sent back home, who gonna monitor me to see what happens. She said nobody.” [Woman asylum seeker]

This research report recommends the following:

For the Judicial Studies Board:

- Incorporate the IAA gender guidelines (2000) or their equivalent into the Equal Treatment Bench Book
- Incorporate training on issues affecting women asylum seekers into Equal Treatment Training

For the Asylum and Immigration Tribunal (AIT):

- All immigration judges should follow the UNHCR guidelines on internal relocation
- The AIT should have particular regard to country of origin information which describes the position of women in the area of proposed internal relocation

For the UK Border Agency (UKBA):

- Engage with the *Charter of rights of women seeking asylum*
- Ensure adherence to and monitoring of gender Asylum Policy Instructions (API)
- The Gender API should include issues affecting lesbians or separate guidelines on sexual and gender identity should be adopted
- Receive expanded training on gender issues
- Provide and use greater evidence based country information

For Legal Representatives:

- Attend training on the gender dimensions of internal relocation, including legal arguments and up to date gender cases.

The full report, *Relocation, Relocation – The Impact of internal relocation on women asylum seekers* by Claire Bennett is available free to download at: www.asylumaid.org.uk

For further information or to request a hardcopy of the full research report please contact:
Tel: 020 7354 9631 ex 221
Email: claireb@asylumaid.org.uk

Club Union House,
253-254 Upper Street,
London N1 1RY
Charity number 328729
Company Number 2513874

Tel: 020 7354 9631, Fax: 020 7354 5620
www.asylumaid.org.uk

