



“The Border Agency are playing a game to scare us”

A report and recommendations on Sudanese re-documentation interviews

A Waging Peace Report in collaboration with the Northern Refugee Centre and the South Yorkshire Migration and Asylum Action Group
September 2011

The Northern Refugee Centre is a registered charity which promotes the welfare of refugees, asylum seekers and vulnerable economic migrants across Yorkshire and Humberside, with services particularly in South Yorkshire & the Humber.

The South Yorkshire Migration and Asylum Action Group (SYMAAG) is a campaign group which unites refugee, asylum and migrant organisations with, trade unions, charities, political parties and supporting individuals. SYMAAG campaigns both for the rights of those seeking asylum and of those coming to work in this country.

Waging Peace is a non-governmental organisation that campaigns against genocide and systematic human rights abuses, with a particular focus on Sudan and the Republic of South Sudan. Waging Peace lobbies the government to focus on the lives of people affected by repressive regimes, and works on behalf of asylum seekers to help their cases.

On Saturday 16 April 2011, Sudanese Embassy officials carried out interviews with Sudanese asylum seekers at Vulcan House, Sheffield, the UK Border Agency's Sheffield Public Inquiry Office. These interviews were part of the process of re-documentation, verifying the identity and nationality of the asylum seekers in order to produce travel documents prior to removal from the UK to Sudan. Individuals are normally required to attend the Sudanese Embassy in London as part of this process however a local interview scheme was arranged as a consequence of the considerable travelling distance between London and the North East, Yorkshire and the Humber Region.

In advance of the interviews all three authors of this report communicated with the Home Office and UK Border Agency to voice their concerns over the safety of the asylum seekers attending. Assurances were made by the Home Office which were subsequently not adhered to.

Following the interviews we made our concerns known to the Home Office and UK Border Agency. However the response we received was far from adequate and therefore we have produced this comprehensive report which documents exactly what occurred at the interviews and contains testimonies from twelve Sudanese asylum seekers who were present on April 16. Their accounts confirm that the Home Office failed to adequately protect asylum seekers during the re-documentation procedure, placing them in an unnecessarily threatening and potentially very dangerous position. This was despite prior consultation with the UKBA to ensure best practice.

We urge the Home Office to take these accounts of malpractice seriously and follow our recommendations listed on page 7 of this document.

March 2011	Invitations to attend interviews at Vulcan House sent to asylum seekers
April 2011	Communication with the Home Office by Northern Refugee Centre, the South Yorkshire Migration and Asylum Action Group and Waging Peace over our concerns relating to the interviews
April 15 2011	Written assurances made by Home Office about interview procedures
April 16 2011	Interviews at Vulcan House, Sheffield
May 10 2011	Waging Peace letter to UKBA IG/Appeals and Removals Directorate
June 7 2011	Response by UKBA to Waging Peace

In October 2007 Waging Peace drew attention to the lack of procedural safeguards during interviews conducted by Sudanese Embassy officials with the support of the Home Office in its report *"I felt like I had been brought into a lion's den." How Darfuri asylum seekers are being illegally interviewed by Sudanese Embassy officials at Home Office facilities.*¹ In this report Waging Peace asked for assurances from the UK Border Agency (UKBA) that in future:

1. Asylum cases that were not appeal rights exhausted (ARE) would not be asked to interview for re-documentations purposes;
2. So as to avoid any confusion and misunderstanding by the asylum seekers the reasons for the interview would be disclosed on invitation;
3. UKBA staff would be present at re-documentation interviews by Sudanese Embassy officials;
AND
4. Complete confidentiality concerning the personal information they had provided to the UKBA would be maintained.

Since the publication of this report Waging Peace has been in frequent communication with the Home Office/UK Border Agency urging it to improve procedure. Despite our efforts to highlight the particular problems and concerns we have, there has been no publicly available or transparent policy change as per our recommendations. We remain very concerned by the various stages of the interview process for Sudanese asylum seekers.

Upon hearing that re-documentation interviews would be occurring in Vulcan House, Sheffield, the Northern Refugee Centre (NRC) wrote to Jeremy Oppenheim, Regional Director of the North East, Yorkshire and the Humber Region of UKBA, with concerns relating to the potential conduct and content of the interviews [Annexe 1].

Nonetheless, Jeremy Oppenheim's office provided clear assurances that procedural conditions would be met during the interview process [Annexe 2]. Yet the testimonies of those present at Vulcan House on 16 April prove that a great many irregularities did occur [Annexes 6 and 7].

Furthermore, the UKBA's response neglected to address why those asylum seekers who already had Sudanese travel documents were requested to attend the interviews, given that the purpose of the interview was to confirm nationality to produce travel documents ahead of their removal.

Three Sudanese Embassy officials were present at each interview. Despite the fact that we were assured by the Home Office that there would be two UKBA staff present at the interviews, none of the asylum seekers we interviewed could confirm that even one UKBA staff member was present. We suspect none were there.

When asked whether third parties would be allowed into the interviewing chambers, we were told that: "We have no objection to friends accompanying interviewees to Vulcan House, however due to limited space they will not be able to be present during the interview." In reality, the interviews took place on a Saturday in a large office building which was virtually empty.

¹ "I felt like I had been brought into a lion's den.' How Darfuri asylum seekers are being illegally interviewed by Sudanese Embassy officials at Home Office facilities". Waging Peace. Oct.2007.
<http://www.wagingpeace.info/files/200710_WagingPeaceReportHomeOfficeOctober2007.pdf>

According to the asylum seekers' testimony the Sudanese Embassy interviewers appeared to possess confidential information about the interviewees. If this is the case, it would constitute a serious breach of confidentiality by the UKBA and may amount to a breach of Section 13(3) of the Immigration and Asylum Act 1999 whereby the Secretary of State must not disclose whether the person concerned has made a claim for asylum in providing identification data.²

At least one of the interviewees claimed he was offered a financial bribe by the Embassy officials to encourage him to answer their questions.

The conduct of the interviews placed the attending asylum seekers in an excessively intimidating position, putting them in front of the very people from whom they are seeking political asylum with no third party witnesses or protection.

In light of the accounts from the asylum seekers it is clear that the assurances given by Mr. Oppenheim's office were misleading.

Point 4, paragraph 2 of Mr. Oppenheim's response promised that: *"The Sudanese officials will ask basic questions relating to the individuals background to verify their identity and nationality, enabling travel documents to be provided. All information is confidential and kept on file by the UK Border Agency only. This information will not be used to trace or contact family members in Sudan by either the Embassy or the UK Border Agency"*.

However, interviewees were asked for information clearly in excess of that required to obtain travel documentation and verify nationality, including previous jobs held in Sudan and the whereabouts of family members in Sudan.³ Such information is extremely sensitive and potentially dangerous. Answering such questions not only potentially endangers the interviewees, but their families back in Sudan and indeed entire areas in Sudan where these people live.

The Sudanese National Intelligence and Security Service (NISS) is perhaps the most powerful wing of the Government of Sudan⁴, with no checks on its authority to arrest and detain anyone perceived to be at odds with the incumbent regime.⁵ Their brutal targeting of individuals who are in opposition to the state is well documented.⁶

The NISS has powerful international information-gathering organs. A special governmental desk on Darfur monitors the international press for the activities of rebel affiliates abroad and supplements this with intelligence from Sudanese embassies and work conducted by its own information agents outside Sudan.⁷ Those detained upon returning to Sudan later report being

² Immigration and Asylum Act 1999.

<http://www.legislation.gov.uk/ukpga/1999/33/pdfs/ukpga_19990033_en.pdf >

³ Home Office Guidance on Documentation Information "Documents for Enforced Removals". Home Office. V2.0 Valid from 26 August 2011.

<<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/returns/docs-enforced-removals.pdf?view=Binary> >

⁴ "Safe as Ghost Houses: Prospects for Darfur African Survivors Removed to Khartoum". Aegis Trust. Jun.2006.

<http://www.aegistrust.org/images//khartoum_report_june_2006.pdf>

⁵ "Agents of Fear: The National Security Services in Sudan". Amnesty International. Jul.2010.

<<http://www.amnesty.org/en/library/asset/AFR54/010/2010/en/7b11e50c-3a0b-4699-8b6f-08a27f751c6c/afr540102010en.pdf>>

⁶ "Agents of Fear". *Op. cit.*

⁷ "Safe as Ghost Houses". *Op. cit.*

presented with images of demonstrations held in locations across the UK by the NISS, revealing the presence of such information agents in the country.⁸

The Guardian newspaper reported in March 2007 that it had documented embassy officials filming Darfuri protestors in London.⁹ A UNHCR report released in 2008 states: "Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organizations abroad."¹⁰ The Darfuri Diaspora in the UK frequently report that their calls to friends and family in Sudan are tapped by the NISS.

In June 2011, Waging Peace conducted interviews with some of these asylum seekers and refugees and documented their experiences of phone tapping when they call their friends and relatives in Darfur. They reported that there are often time delays during their conversations, indicating that the calls are being recorded, and sometimes a third party will come on to the line and start speaking. Several said that the phone line was cut if they spoke in a language that could not be understood by the security official listening in. The effects of talking about politics to the Diaspora outside Sudan can be severe. Those Darfuris interviewed by Waging Peace were afraid that those in Sudan would be arrested and detained merely for telling them what was taking place there.¹¹ Not only are individuals targeted by the security services but entire areas of Darfur continue to be attacked by government forces and their proxies and indeed Darfur has seen an escalation in the bombing over the last 18 months.¹²

In light of this, it is highly unlikely that information from such interviews by Sudanese Embassy officials would not be relayed to the NISS in Sudan and that this would have potentially severe consequences. Indeed, in April 2009 Waging Peace helped bring the case of Adam Osman Mohammed to the attention of the Asylum and Immigration Tribunal. Following Mr. Mohammed's return to Khartoum he was killed by the NISS on arrival at his family home in Darfur.¹³ In 2007, *The Guardian* reported that Sadiq Adam Osman had suffered severe torture following his immediate detention at Khartoum International Airport resulting from the rejection of his claim for asylum in the UK. His legs were pinned down using metal hooks, and he was threatened with the use of electrical cables.¹⁴

Following the interviews on 16 April Waging Peace wrote to Phil Douglas, UKBA's Director of Appeals and Removals, [Annexe 3] stressing the compromised nature of the proceedings at Vulcan House. The reply was less than satisfactory [Annexe 4]:

Phil Douglas states in paragraph 2 of his response that "*All interviews scheduled for Saturday 16 April were on a voluntary basis*". However, our interviews and from the letters sent to the

⁸ Gilmore, Inigo. "I was expecting to die". *The Guardian*. Mar.2007.
<<http://www.guardian.co.uk/world/2007/mar/28/sudan>>

⁹ *Ibid.*

¹⁰ "Tenth periodic report of the UNHCR on the situation of human rights in the Sudan: Arbitrary arrest and detention committed by national security, military and police". United Nations High Commissioner for Human Rights. Nov.2008.
<<http://www.ohchr.org/Documents/Countries/10thOHCHR28nov08.pdf>>

¹¹ "The Sudanese National Intelligence and Security Service". Waging Peace. Aug.2011.

¹² Reeves, Eric. "'They Bombed Everything that Moved' Aerial Military attacks on civilians and humanitarians in Sudan 1999-2011". May.2011.
< <http://www.sudanbombing.org/>>

¹³ Verkaik, Robert. "Sent back by Britain. Executed in Darfur". *The Independent*. 17.Mar.2009.

<<http://www.independent.co.uk/news/uk/home-news/sent-back-by-britain-executed-in-darfur-1646507.html>>

¹⁴ "I was expecting to die". *Op. cit.*

interviewees [Annexe 5] reveal that the voluntary nature of the interviews was not made clear to the asylum seekers. The letter of invitation states that *“If you are unable to attend the appointment for any reason such as sickness, you should contact this office immediately, as failure to do so **may affect any outstanding claim you may have with the Home Office.**”* This is at odds with Mr. Douglas’ statement that it was purely voluntary.

The potential consequences of non-attendance of redocumentation interviews remain unclear and thus asylum seekers are often given conflicting advice about the significance of non-attendance by their solicitors. Section 35 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 levies criminal responsibility with a maximum of two years imprisonment on the failure to comply “without reasonable excuse” to a requirement of the Secretary of State (which may be for example the failure to take “specified action” if the Secretary of State thinks that this may result in them receiving a travel document that can be used for removal – i.e. attendance at face to face interview with Sudanese Embassy officials).¹⁵

The Home Office/UKBA guidance on the use of s.35 states at 1.4 that “Non-compliance with such a requirement can be:

- Non attendance at a documentation interview
- Attendance at an LIT [Local Immigration Teams] interview but refusal to answer questions or complete any part of the documentation process, i.e.
 - Not bringing family members when required to do so
 - Not bringing supporting documentation when required to do so
 - Refusal to co-operate
 - Providing incomplete information
- Non-attendance or refusal to answer questions at Embassy or High Commission interview (either face to face or telephone).¹⁶

At 1.3 the guidance states that: “This document reflects the Agency’s efforts to widen the use of Section 35 for individuals that are not complying with documentation. Staff are encouraged to take a robust line when tackling non-compliance and take action at as early a stage as possible.”¹⁷

Guidance is also given about what constitutes a reasonable excuse and cites the Court of Appeal case of ***R v Masoud Tabnak [2007]*** that a fear of persecution or serious harm under the Refugee Convention and Article 3 of the Human Rights Convention, **could not amount to a ‘reasonable excuse’** for not complying with the requirement imposed under s35(1) of the Act.

S35 of the 2004 Act and the Home Office guidance on its use would seem to contradict Mr. Douglas’ statement that attendance at the interviews was voluntary. Furthermore, the reasons for attendance at the interviews were not fully disclosed to the asylum seekers in their letters of invitation or otherwise, leaving them confused and agitated.

¹⁵ Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

< <http://www.legislation.gov.uk/ukpga/2004/19/section/35>>

¹⁶ Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

< <http://www.legislation.gov.uk/ukpga/2004/19/section/35>>

¹⁷ Documenting Removals and the Implementation of Section 35 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 in Non-Compliant Cases. Home Office, UK Border Agency.

<<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectionnc/section-35?view=Binary>>

Individuals who were not Appeals Rights Exhausted (ARE) and those with outstanding asylum claims were included in this re-documentation process. Phil Douglas states that: *“A number of suitable cases were identified from around the Region and included 4 cases not yet appeal rights exhausted. These cases had been served their first adverse decision and were in the latter stages of the appeals process. We have previously set out that in accordance with section 13 of the Immigration and Asylum Act 1999 the process of redocumentation can commence following the service of the initial adverse decision in an asylum claim.”* In response it should be noted that s13 of the Immigration and Asylum Act 1999 only applies if a person

- (a) **is to be removed** from the United Kingdom to a country of which he is a national or citizen; but
- (b) does not have a valid passport or other document establishing his identity and nationality or citizenship and permitting him to travel.

The purpose of the re-documentation procedure must therefore be removal but s78 of the Nationality, Immigration and Asylum Act 2002, prohibits removal in the event of a pending appeal.¹⁸

Phil Douglas goes on to say that: *“This is an obvious necessary step where for example the asylum application has been certified as manifestly unfounded in accordance with the provisions of the Nationality, Immigration and Asylum Act 2002, or if the particular circumstances of the application warrant an early commencement of the removal process. Action at this stage could include an interview being scheduled with the national authority. However we take into account the types of claim and any potential risk to an applicant. In those applicable cases the application for a document would be made once the suspensive appeal rights are exhausted (ARE). We cannot be prescriptive as to what categories would warrant early intervention, or to await the ARE stage; caseowners must determine the timing in each case to ensure that an individual, or any family in the country of origin, are not exposed to any harm as a result of our attempts to redocument them.”* Given the Home Office’s Operational Guidance Note on Sudan it seems unlikely that Sudan is a country which would warrant early intervention.¹⁹

One individual was invited to interview but did not attend due to health reasons. He did not have identification documents necessary for travel. Two months later he received removal directions for Sudan. It can therefore be assumed that emergency travel documentation had been provided by the Sudanese Embassy or produced otherwise in spite of his inability to attend the interviews. If in this instance it was possible to collate travel documentation without the necessity of an interview, it raises the question as to why interviews are required in other cases. It is interesting to note that according to the Home Office and UKBA’s Returns Group Documentation Unit’s 2011 Country Reference Guide, Sudan is one of only seven countries listed which require a face to face interview in all cases. Presumably the other countries (and

¹⁸ S 78 (3) does go on to state that:

- Nothing in this section shall prevent any of the following while an appeal is pending—
- (a) the giving of a direction for the appellant’s removal from the United Kingdom,
- (b) the making of a deportation order in respect of the appellant (subject to section 79), or
- (c) the taking of any other interim or preparatory action.

However s 78(3)(c) which may be said to include redocumentation interviews, does not negate s 13 (a) Immigration and Asylum Act 1999.

Nationality, Immigration and Asylum Act 2002. < <http://www.legislation.gov.uk/ukpga/2002/41/contents> >

¹⁹ Home Office Operational Guidance Note. Sudan OGN v 16.0 Issued August 2011.

<<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/sudan.pdf?view=Binary>>

in some instances Sudan) are able to collate travel documentation without face-to-face interviews, thereby further negating the need for these interviews to take place.

In Mr. Douglas' final point of paragraph 5 he asserts that "*There were no reported adverse reactions, reports of threats or bribery*". However, Waging Peace's letter to Phil Douglas [Annexe 3] had already established that this was not the case.

It was disappointing to have the veracity of the accounts Waging Peace presented in their letter questioned, especially as no direct evidence to contradict the claims was provided by the Home Office. We hope that the twelve testimonies from those interviewed provided in this document prove sufficient to constitute reports of "adverse reaction, threats and bribery" and that these accounts of serious misconduct are not overlooked.

We would be grateful for confirmation as to whether this document is sufficient to constitute a report of adverse reaction, threats and bribery and if it is not please inform us what we, or the interviewees themselves, can do to ensure that these matters are taken seriously.

We should like confirmation from the Home Office and UKBA on the following:

- That the HO/UKBA procedure did not follow the safeguards that were given to our organisations prior to the interviews
- That the procedure at the interviews was far from adequate
- That this procedure will not be used again for Sudanese asylum seekers
- That information from the personal immigration files of each asylum seeker was not passed on to the Sudanese Embassy officials

Waging Peace urges the UKBA to take the issues raised by these interviews extremely seriously and to respond to this report and the questions and problems outlined as a matter of urgency. Interviewees experience intense anxiety and fear in the run up to and during the interviews in intimidating circumstances with representatives of a regime from which they have fled persecution. The Sudanese Embassy officials pose a real threat, not only to the asylum seekers, but also to their families back in Sudan.

This matter is of such significance that should the response we receive fail to adequately address our concerns, we shall again refer the issue to MPs and the All Party Parliamentary Group on Sudan. We have successfully brought this matter to the attention of the press in the past and will not hesitate to do so again.²⁰

²⁰ Russell, Ben. "Home Office "collaborating with Sudan over refugees"". *The Independent*. 13.Apr.2007 <<http://www.independent.co.uk/news/uk/politics/home-office-collaborating-with-sudan-over-refugees-444458.html>>

We would like to reiterate our suggestions for easily-implemented safeguards to prevent these problems occurring in the future.

- 1. The voluntary (or otherwise) nature of re-documentation interviews be made clear on invitation to the interview.**
- 2. A UKBA representative to attend all meetings between the asylum seeker and Embassy officials.**
- 3. Asylum seekers are not required to attend their country of origin's Embassy meetings if they are not appeals rights exhausted, particularly if they are fleeing persecution from the government of that country.**
- 4. Questions pertaining to family details are never asked in Embassy meetings and that UKBA officials ensure that this is the case.**
- 5. That where requested, the asylum seeker can be accompanied by a third party individual.**
- 6. That no more than two Embassy officials be present at any interview in order to minimise possible intimidation.**
- 7. Procedures for re-documentation interviews are made public so as to ensure transparency and accountability.**

If any further information is required about the interviews conducted with the asylum seekers, Waging Peace would be happy to provide transcripts and details of questions asked.

Annexe 1: Copy of initial inquiry pre-interview of the expected conduct of interviews

From: Jan Thompson [mailto:jan.thompson@nrcentre.org.uk]

Sent: 13 April 2011 5:03 PM

To: Oppenheim Jeremy

Subject: Sudanese Clients appointments on Sat 16 April 2011 at Vulcan House

Dear Jeremy

It has come to our attention from various clients from Sudan that the UKBA have called several for interviews this Saturday 16 April at Vulcan House. As you can understand many of them are really anxious. On enquiring with Vulcan House they were told that an official from the Sudanese Embassy is attending Sheffield to interview these clients to confirm their nationality.

I wonder if you are able to get answers to the following questions that have arisen as a result of this;

- 1) Will there be any Sudanese officials at these interviews with the clients?
- 2) If this is the case, will there be anyone from the UKBA present at those interviews?
- 3) What concerns some of the clients who have contacted our office is that some came to the UK on Sudanese passports and the UKBA has not refused them on disputed nationality grounds and have previously accepted their nationality as Sudanese. Therefore for what reason would they be required to go through such an ordeal.
- 4) With regards to any questioning by the Embassy officials, will there be any limits to the type of questions they will be asking, many clients were told previously that any information they give to the UKBA regarding any family members back in Sudan will be treated in confidence and they are understandably very anxious and nervous about revealing any information in front of someone from the Embassy which may be used against family members back in Sudan.
- 5) Will clients be able to bring a friend along to the interview for support?

I am sure you appreciate their real fear and concerns about having to attend these appointments. It would be really helpful to provide some reassurances to clients who have been asked to attend to help put their minds at rest.

A response before Friday would be appreciated in order that we can feedback to our clients.

Regards

Jan

Annexe 2: Copy of response to initial inquiry pre-interview of the expected conduct of interviews

From: McPhail Kathryn [mailto:Kathryn.Mcphail3@homeoffice.gsi.gov.uk]
Sent: Friday, April 15, 2011 9:53 AM
To: Jan Thompson
Subject: FW: Sudanese Clients appointments on Sat 16 April 2011 at Vulcan House

Dear Jan

Thank you for your e-mail. I have passed this on to colleagues in our reporting centre, who have confirmed that re-documentation interviews will be taking place at Vulcan House this weekend. To answer your questions in turn:

1. An official from the Sudanese Embassy will be in attendance.
2. Two UK Border Agency officials will also attend each of the interviews, as will an interpreter.
3. The interviews form part of the process required to obtain travel documents for the individuals concerned, as these are often not provided to the UK Border Agency by the applicant. The purpose of these interviews is not to challenge nationality.
4. The Sudanese officials will ask basic questions relating to the individuals background to verify their identity and nationality, enabling travel documents to be provided. All information is confidential and kept on file by the UK Border Agency only. This information will not be used to trace or contact family members in Sudan by either the Embassy or the UK Border Agency.
5. We have no objection to friends accompanying interviewees to Vulcan House, however due to limited space they will not be able to be present during the interview.

I hope this helps to reassure your clients, please let me know if I can help further.

Regards

Kathryn

Kathryn McPhail
Jeremy Oppenheim's Office

Annexe 3: Copy of letter sent on the 10th of May 2011 to Phil Douglas, IG/Appeals and Removals Directorate, UK Border Agency, by Waging Peace

Dear Mr Douglas and colleagues,

On Saturday 16th April 2011 a number of planned interviews were conducted by Sudanese Embassy officials, with Sudanese asylum seekers, at UKBA's Vulcan House, in Sheffield. It appears that many of the problems regarding certain redocumentation procedures, which Waging Peace alerted the UKBA to in a report we published in 2007 (http://www.wagingpeace.info/files/200710_WagingPeaceReportHomeOfficeOctober2007.pdf) are being repeated, raising serious concerns. The issues we have identified are as follows:

1. Three Sudanese officials were present at each interview; although we were assured by the Home Office that there would be UKBA staff present, there were none. This placed the asylum seekers in an unnecessarily intimidating position.

2. As in 2007, Embassy officials asked the interviewees details about why they had left Sudan; exactly where in Sudan they were from; the whereabouts of relatives in Sudan, as well as what trouble they had experienced in Sudan. When some asylum seekers refused to provide the requested information, the Embassy officials rejected their Sudanese nationality, stating they were not from Sudan. From evidence gathered after 16th April, one of the asylum seekers interviewed was offered £20 by the Embassy officials to encourage him to answer their questions.

3. Organisations working with the interviewed Sudanese asylum seekers in Sheffield were told that there was limited space at the interviews and therefore no one else could be present. In reality, the interviews took place on a Saturday in a large office building which was 90% empty.

4. We were informed that those claiming to be non-Arab Darfuri asylum seekers who were not appeals rights exhausted should not be compelled to attend the interviews, however, when Embassy officials were asked as to the purpose of the interview they responded that it was to prepare documents prior to deportation. Research has found that three people interviewed did not have their appeals rights exhausted, and further investigation could lead to this number increasing.

We would be grateful if the Home Office could confirm the current asylum status of those who were interviewed on Saturday 16th April 2011. The Home Office has not stayed in line with the practises it assured us would be followed and has placed Sudanese asylum seekers in a dangerous position. Waging Peace and other UK based organisations who work on maintaining the rights of asylum seekers including South Yorkshire Migration and Asylum Action Group (SYMAAG) are extremely concerned about this.

Given that the UKBA's actions appear to have remained little changed since our investigation in 2007, we are planning to undertake a campaign seeking to ensure that asylum seekers are allowed the following:

1. To have a UKBA representative attend all meetings with Embassy officials.
2. Not to be required to attend Embassy meetings if they are not appeals rights exhausted,

particularly if they are from a country/area to which the Home Office is giving asylum.

3. That questions regarding family details are never asked in Embassy meetings and that UKBA officials ensure that this is the case.
4. That where requested, the asylum seeker can be accompanied by a third party individual.
5. That no more than two Embassy officials be present at any interview in order to decrease interviewee intimidation.

As you know, we have been in regular correspondence with the Home Office/UKBA for nearly four years on this important matter and we are very concerned that these issues are not being addressed. We therefore feel that it is necessary to take urgent steps to protect Sudanese asylum seekers at this stage. We request a meeting with you within the next two weeks to ascertain the purpose of these interviews and discuss this further.

I look forward to hearing from you.

Yours sincerely,

Waging Peace

Annexe 4: Copy of response sent by Phil Douglas, sent to Olivia Warham on the 7th June 2011

Dear Ms Warham,

I am writing in response to your letters of 13 May to the Immigration Minister and to Jonathan Sedgwick, which have been forwarded to me to reply to and to the e mail to me of 10 May from Isobel Crowther of Waging Peace regarding interviews conducted by Sudanese Embassy officials with Sudanese asylum seekers in Sheffield on Saturday 16 April. I am sorry for the delay in replying.

Individuals are normally required to attend the Sudanese Embassy in London as part of the documentation process. A local interview scheme was arranged as a consequence of the considerable travelling distance between London and the North East, Yorkshire and the Humber Region; in an effort to considerably minimise the impact on those people whose cases we work with. All interviews scheduled for Saturday 16 April were on a voluntary basis and the UK Border Agency provided travel cost assistance from the individual's home to Vulcan House.

A number of suitable cases were identified from around the Region and included 4 cases not yet appeal rights exhausted. These cases had been served their first adverse decision and were in the latter stages of the appeals process. We have previously set out that in accordance with section 13 of the Immigration and Asylum Act 1999 the process of redocumentation can commence following the service of the initial adverse decision in an asylum claim. This is an obvious necessary step where for example the asylum application has been certified as manifestly unfounded in accordance with the provisions of the Nationality, Immigration and Asylum Act 2002, or if the particular circumstances of the application warrant an early commencement of the removal process. Action at this stage could include an interview being scheduled with the national authority. However we take into account the types of claim and any potential risk to an applicant. In those applicable cases the application for a document would be made once the suspensive appeal rights are exhausted (ARE). We cannot be prescriptive as to what categories would warrant early intervention, or to await the ARE stage; caseowners must determine the timing in each case to ensure that an individual, or any family in the country of origin, are not exposed to any harm as a result of our attempts to redocument them.

I have been informed by colleagues in the North East, Yorkshire and the Humber Region that prior to the 16th April they were in touch with Waging Peace and the status of the proposed interviewees was discussed; it was also re-iterated that attendance was to be on a purely voluntary basis. Assurances were given that any case which had an appeal outstanding would be processed in line with our asylum policy and process.

On the 16 April:

- Two UK Border Agency staff greeted each individual upon arrival and escorted each person into the interview room, where there were two Sudanese officials and an independent interpreter. The Sudanese officials asked basic questions in relation to the individuals in order to verify nationality and identity. The information obtained is treated as confidential and has no bearing on family members still residing in Sudan.

- Of the 26 invited to interview, 17 attended, 14 were interviewed but of these, 12 refused to speak. Two left the waiting area before being seen by the Embassy officials and one had been granted Discretionary Leave prior to interview.
- After each interview checks were made with the interviewees by UK Border Agency officials to determine their wellbeing. Further checks were then made with the independent interpreter, who was with the interviewees throughout the process.
- There were no reported adverse reactions, reports of threats or bribery.

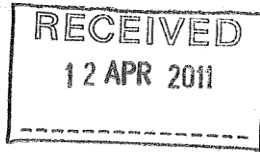
I trust this clarifies the management of the interviews held on 16th April and can assure you that we take seriously our obligations for the welfare of those who are seeking protection in the UK.

Yours sincerely



Phil Douglas
Director

Annexe 5: Example Copy of a letter sent to asylum seekers inviting them to interview



UK Border Agency
Vulcan House
6 Millsands
SHEFFIELD
S3 8NU
Tel 0114 207 2999
Fax 0114 207 2985
Web www.ukba.homeoffice.gov.uk

[Redacted address block]

Our Ref [Redacted]

Date [Redacted]

De: [Redacted]

Re: [Redacted]

You are requested to attend an interview at the above address on Saturday 16th April 2011 at 09:15am.

The interview is required to collate and verify personal data about you and your family. You are required to bring with you any documents which can confirm your nationality such as:

- National Passports (old/expired ones or new ones)
- Birth Certificates (UK ones for UK born children/spouse and any from your country of origin)
- National Identity Cards
- Military Service Cards/completion Certificates (from your country of origin)
- Driving Licenses (from your country of origin (expired or current))
- Educational certificates, and
- Letters from family in your home country.

If you are unable to attend the appointment for any reason such as sickness, you should contact this office immediately, as failure to do so may affect any outstanding claim you may have with the Home Office.

Please bring this letter with you together with the documents detailed above and any other documentation you have received from Home Office.

Yours sincerely,

South Yorkshire and Humberside Documentation Unit

Annexe 6: Summaries of interviews carried out by Waging Peace of Sudanese asylum seekers. The interviewees wished to remain anonymous.

Name: Mr 1

Interviewed By Waging Peace: 30 June 2011

Date of interview with the Home Office: 16 April 2011

Mr 1 is from Darfur, a member of the Baggara tribe. When he was invited to the interview he was yet to hear about his claim, the status of which was pending. It was some time after the interview when he was informed of the refusal of his application to seek asylum.

When he received the letter inviting him to interview it was his second request to interview – the first interview was cancelled. The purpose of the interview was unclear but as it was with the Home Office his solicitor advised him to go. Upon his arrival he was greeted at Vulcan House by UKBA staff. In the actual interview room there were three people, but only one of them spoke to him. He was not sure if this man was Sudanese or not, but he spoke Arabic. One of the three people was a woman, who spoke to him a little: he thought she could be from UKBA. The third person was an interpreter.

The Arabic speaking man asked Mr 1 many questions; he asked about Sudan, and asked why he had come to the UK. He asked numerous questions about his asylum case, and why he was making an asylum claim. Mr 1 was unsure how to answer these questions, he had never had an interview like this before and was unsure how much information he should provide. He was also unsure how much it had to do with his asylum claim.

The interview lasted about half an hour, then he was allowed to leave, but as he was leaving there was a woman outside who said she was from the Home Office, and she was taking down information from the interviewer.

The reason for this interview concerned Mr 1 and he did not know what was going to happen to him now that he had had the interview, or if it would affect his case. Then he received the refusal of his application and he wondered if the interview had any effect on the claim. He feels like he wasted his time, and is very confused by the whole process.

Name: Mr 2

Interviewed By Waging Peace: 30 June 2011

Date of interview with the Home Office: 16 April 2011

Mr 2 is from Darfur. When he arrived at Vulcan House he was greeted by UKBA staff who showed him to the interview room. At the time of the interview Mr 2 was feeling ill and so he found it difficult to concentrate on the interview. He didn't know what the status of his claim was at the time he was asked to interview.

In the interview room there were four people, one was an interpreter who was definitely Sudanese and there was also an interviewer who Mr 2 thought was Sudanese. One of the other people said they were representing UKBA but he was very suspicious of this as he looked and

sounded like he was also from Sudan. He does not remember all the specific questions but he remembers they asked a lot and the interview seemed to take a long time. He remembers them asking questions about his 'problem', and about where he was from in Sudan. They also had a file in front of them, which they were looking at while asking him questions. Mr 2 thinks this was his UKBA file that they were in possession of.

He was feeling very unwell at the time of the interview and this was taking up the majority of his thoughts. He did not have a solicitor before the interview, but was advised to get one some time after the interview.

Name: Mr 3

Interviewed By Waging Peace: 30 June 2011

Date of interview with the Home Office: 16 April 2011

Mr 3 is originally from Darfur, part of the Tungur ethnic group. He was unsure of the status of his claim at the time of the interview and was anxious to hear from the Home Office. He did not know how to react to the letter about the interviews as he did not have a solicitor at the time to advise him. When he arrived at Vulcan House he was met by UKBA staff but none of these came into the interview room.

There were three people in the interview room whom Mr 3 thinks were all Sudanese. He remembers them asking him many questions; about where he was from in Sudan, and about the 'problems' he had there. They also asked him questions about his family and where they were living. They asked him to verify his name and age, as well as where he was living and working here in the UK. They questioned him about his asylum case, and they said that if he was refused then 'they would bring him back home'. He thinks they must have had information about him to be asking the questions that they did.

Mr 3 is very confused about the interview and why it took place. The interview was a very troubling experience, and he is now worried about what is going to happen to him. He is waiting to hear from the Home Office.

Name: Mr 4

Interviewed By Waging Peace: 4 July 2011

Date of interview with the Home Office: 16 April 2011

Mr 4 is originally from Central Sudan, and worked in Khartoum before coming to the UK. He was twice imprisoned before in Sudan. Before the interview he wrote a letter intending to decline going to the interview but in the end he decided to go. This decision was based on advice from his solicitor and the fact that he believed the letter he received asking him to attend the interview was from his case owner at the UKBA. The letter inviting him to interview did not mention anything about being interviewed by Sudanese Embassy officials.

When he arrived to Vulcan House he was greeted by UKBA staff, who asked him to leave his personal belongings i.e. mobile phone and lighter. In the interview room there were three Sudanese Embassy officials and no UKBA staff members present. The Sudanese officials

proceeded to ask him many questions, but Mr 4 refused to answer them saying "I refuse because I am running away from you". He says they had a file about him in front of them, and he thinks it was his UKBA file as they were referring to this file as they asked him questions. They asked him his name, the area he was from and about his work, both back in Sudan and in the UK. They also asked him about his family, and their current whereabouts. They had a great deal of information about him and they knew about his work, his university degree and involvement in unions in Sudan.

When he kept refusing to answer questions they got very angry with him, and eventually told him to go. The whole experience was very troubling for Mr 4.

Name: Mr 5

Interviewed By Waging Peace: 5 July 2011

Date of interview with the Home Office: 16 April 2011

Mr 5 is from South Kordofan in Sudan, and is a member of the Nuba Tribe. At the time of the interview his asylum claim had been refused. His letter of invitation to attend the interviews did not mention anything about the Sudanese Embassy officials being present. The letter said the interview was to do with his immigration case, and his solicitor advised him to attend.

When he arrived at Vulcan House he was greeted by UKBA staff, however, none of these came into the interview room. In the interview room there were three men whom he recognised from the Sudanese Embassy. They told him that the purpose of the interview was to establish if he was Sudanese. He says they had a file on him on the table in front of him, he thinks it could have been his UKBA file. They referred to this file throughout. They asked him his name, where he was from in Sudan, and why he had come to the UK. They also asked him why he had not returned to Sudan already. He told them that he was not answering any of their questions because he was not safe; he was not safe while he was in Sudan, and he was not safe with them (the Embassy staff) now. They also asked him questions about his family back in Sudan and where they were now. They seemed to have a lot of information about him, including his UK address. Towards the end of the interview, when he had not answered any of their questions, one of the interviewers offered him £10 to "help him out", and they promised him that if he went back to Sudan now he would have "no more trouble" there.

After refusing to speak they allowed him to go. During the interviews he felt scared and he was not sure what was going to happen to him. He thinks the interviews took place so the Sudanese Embassy could identify him and find out where he was now. Mr 5 was very frightened by the experience and now he is more scared because the Sudanese Government know where to find him.

Name: Mr 6

Interviewed By Waging Peace: 12 July 2011

Date of interview with the Home Office: 16 April 2011

Mr 6 is from Kordofan in Sudan. At the time of the interview at Vulcan House, Mr 6 had been refused asylum and was homeless. He decided to attend the interview as he thought he might

be getting help. Upon arriving he was met by a member of UKBA who explained that the purpose of the interview was to collate personal information; they did not give him any further details about the interview.

Inside the interview room, there was no one from the Home Office, just three Sudanese people, who Mr 6 believes were from the Sudanese Embassy. Upon seeing these people, Mr 6 refused to enter the room or answer any questions. He felt scared and at risk; so much so, that he would not go through the door.

After leaving the interview, Mr 6 felt speechless. He thought he was there to receive help, instead, he left feeling very scared and vulnerable.

Name: Mr 7

Interviewed By Waging Peace: 12 July 2011

Date of interview with the Home Office: 16 April 2011

Mr 7 is a member of the Tama tribe, and comes from Sennar in Sudan. At the time of his interview, his asylum claim had been refused. He had received a letter from the Home Office asking him to attend an interview at Vulcan House. His solicitor was unsure how to advise Mr 7 but eventually suggested he went.

Upon arriving at Vulcan House, Mr 7 was met by a member of UKBA who told him he was there to be sent back to Sudan. This person did not accompany him into the interview room. Instead, two people from the Sudanese Embassy were present and a person from the Home Office. Mr 7's asylum file was on the table in the room and it was referred to whilst they asked him questions about his family and background.

Mr 7 was told during the interview that he would be sent back to Sudan at which point he refused to answer any more questions. Prior to the interview, Mr 7 was happy to attend because he thought he was getting help with his asylum case. He was surprised when he saw people from the Sudanese Embassy, and concerned that they had documents to send him back to Sudan. Since the interview Mr 7 feels very bad about the interview and is very concerned about his refused asylum claim. He does not want to return to Sudan as he believes his life is in danger there.

Name: Mr 8

Interviewed By Waging Peace: 12 July 2011

Date of interview with the Home Office: 16 April 2011

Mr 8 is Darfuri, of the Zaghawa tribe. He received a letter from the Home Office asking him to attend the interviews at Vulcan House, though it did not explain the purpose of the interview. He decided to go to the interview as he thought someone from the Home Office might help him with his asylum claim, or give him a job. He had not discussed going to the interview with his solicitor before attending.

On arriving at Vulcan House, he was met by a member of UKBA before entering the interview room, where there was one staff member from the Home Office, and two people from the Sudanese Embassy. The presence of the representatives from the Sudanese Embassy was a shock to Mr 8. He had not expected them to be there and it made him feel nervous.

During the interview, Mr 8 was asked many questions, though he cannot remember specifically what he was asked except that he questioned on exactly where he came from in Sudan. He was worried and concerned about the questions he was being asked, and alarmed at the presence of the Sudanese Embassy officials. The interview lasted about ten minutes, during which time Mr 8 was told that his asylum case was "not accepted". This was the first time he was told this.

Mr 8 feels aggrieved and concerned about being deported, and very worried about the consequences of the interview.

Annexe 7: Summary of interviews with Sudanese asylum seekers conducted on the 3 May 2011 by Stuart Crosthwaite, Secretary of the South Yorkshire Migration and Asylum Action Group (SYMAAG). The interviewees wished to remain anonymous.

Mr A: Two Sudanese Embassy officials and an interpreter (who Mr A thought works for the Sudanese Embassy) were present at the interview. No UKBA officials were present. Mr A refused to answer questions and was told by one Embassy official “You’re not Sudanese if you don’t answer our questions”. He took this as a threat (i.e. that the Sudanese Embassy would not confirm his Sudanese nationality, so that his asylum claim would be jeopardised). He was also asked why he left Sudan, but refused to answer.

Mr B: This man’s asylum case was ongoing at the time of interview. He was asked by the Sudanese Embassy officials: his name, where he was from in Sudan, and why he left the country. When he asked what was the purpose of the interview he was told (by the Sudanese Embassy official) “we are making documents to deport”. No UKBA officials were present during the interview.

Mr C: There were three people present at the interview: a Sudanese Embassy official; an interpreter and a Sudanese man who claimed that he worked for UKBA, possibly called “Usama” or “Osama”. Mr C recognised this man and doubted that he worked for the UKBA. Mr C was asked where he was from in Sudan and which tribe he was from. When Mr C asked the purpose of these questions he too was told that it was for “documents to deport.” His asylum claim is ongoing.

Mr D: No UKBA officials were present at the interview, just Sudanese Embassy officials. He was asked why he left Sudan, a question he refused to answer. He was then offered £20 by one of the Sudanese Embassy officials – he interpreted this as a bribe to prompt him to answer questions. He still refused. His asylum claim is ongoing.