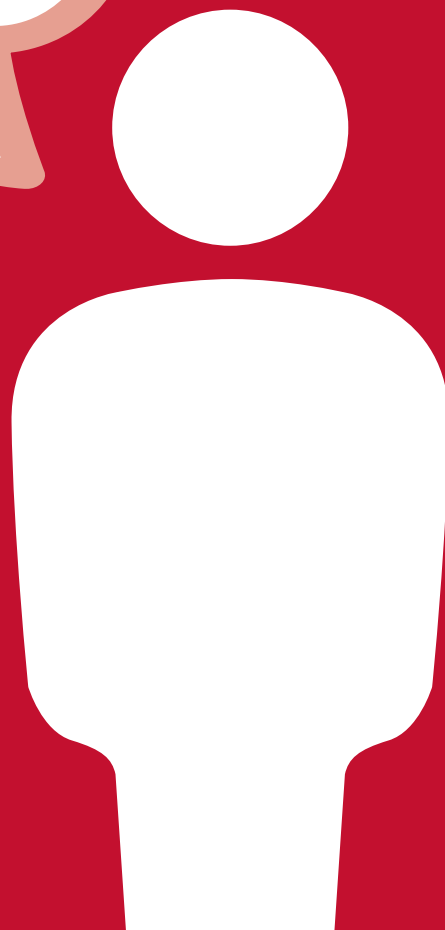


# **Your Human Rights**

A guide for refugees  
and asylum seekers



The British Institute of  
**HUMAN RIGHTS**

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Please note that this guide is not legal advice. If you need advice please see the Useful contacts section for sources of information and advice. The information in this guide is correct at the time of printing in June 2006. The law may have changed since this was printed, so information in it may be incorrect or out of date.

Please also note that this guide focuses only on the rights contained in the European Convention on Human Rights and the UK Human Rights Act. There are a range of other human rights contained in various international agreements. Information about these can be found on our website or via its links.

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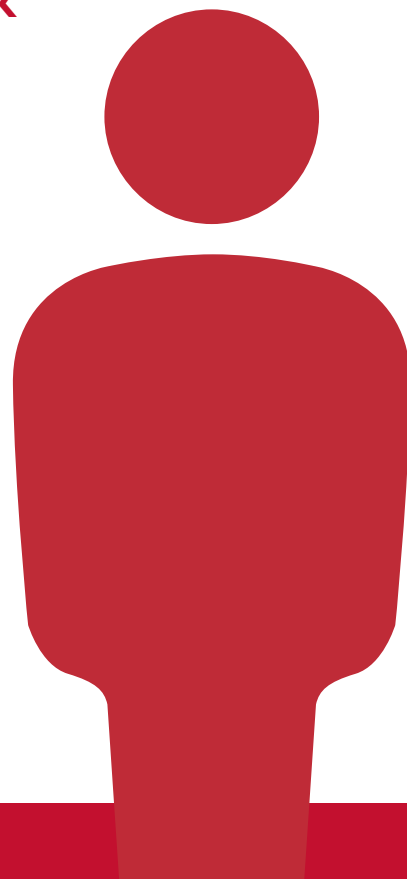
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## Introduction

Many situations experienced by refugees and asylum seekers involve human rights. However, there is little information available about human rights and how they provide protection for refugees and asylum seekers in the UK.

This guide provides practical information about human rights, and their relevance for refugees and asylum seekers. It is written directly for refugees and asylum seekers. The guide will also be useful for people working in the asylum and immigration sector, or those wanting to learn more about the impact of human rights on refugees and asylum seekers.

### Using this guide

The aim of this guide is to give you an idea of the kinds of situations where human rights may help to protect you. Please note that this guide is not legal advice. If you think that human rights are relevant to your circumstances you should talk with an experienced adviser. Advice lines and information on seeking legal advice are provided in the Useful contacts section at the end of this guide.

The guide is designed so that you can either read it straight through, or pick areas that are most relevant for you. We have avoided using legal terms wherever possible, and have provided clear definitions where legal terms are used. We have used a number of examples to illustrate the information provided in the guide. Many of these are real life cases that have gone to court. These cases are important as they show how human rights arguments can make a real difference for individuals.

Please note that this guide is not intended to provide detailed information on claiming asylum in the UK. If you would like information on any other issues relating to asylum, please contact one of the relevant organisations in the Useful contacts section of this guide.

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Section I

# Introducing human rights



Human rights belong to everyone. They place authorities – including the Government and immigration officials – under an obligation to treat you with **fairness, equality, dignity and respect**. In the UK, human rights laws work alongside the 1951 Refugee Convention, providing an extra source of protection for asylum seekers.

### Things you need to know about human rights

- they belong to everyone
- they are based on principles of fairness, equality, dignity and respect
- they are about how public authorities – including the Government and immigration officials – must treat you
- they prevent authorities from doing certain things to you, like torturing you or treating you in an inhuman or degrading way
- they also sometimes force authorities to take certain actions, like taking steps to protect your life
- they were first legally defined by international agreement after the horrors of the Second World War
- since the Second World War there have been many different international human rights agreements
- one of the most important human rights agreements is the European Convention on Human Rights

### What is the Refugee Convention?

The United Nations Refugee Convention was adopted in 1951. It says that you cannot be sent back to a country where you would be at risk of persecution. The Refugee Convention defines a refugee as someone who is outside their country of origin because of a well-founded fear of persecution for one of the following reasons:

- race;
- religion;

- nationality;
- membership of a particular social group; or
- political opinion.

In the UK, an asylum seeker is someone who has applied for protection from the Government from persecution or ill treatment, and is waiting for the Government to make a decision on their application.

### **How are my human rights protected in the UK?**

In the UK, your human rights are protected by the European Convention on Human Rights and the UK Human Rights Act.

**The European Convention on Human Rights** (we shall call it the European Convention from now on) is a regional human rights agreement (or treaty) made after the Second World War by countries which belong to the Council of Europe, in order to protect the human rights and freedoms of everyone within their borders. The Council of Europe is not to be confused with the European Union. The Council of Europe represents 'Greater Europe' and includes countries such as Russia, Turkey and the Ukraine.

The European Convention sets out a number of fundamental human rights including the right to life, the right to liberty and the right to free expression. Each right is referred to as a separate 'Article' – for example Article 5 refers to the right to liberty. A list of rights included in the European Convention is given at the end of this guide.

The UK signed up to the European Convention in 1951. This means that since that time the UK is breaking international law if it does not respect the rights in the European Convention.

The European Convention provides a special level of protection compared to other human rights agreements. The European Convention established a European Court of Human Rights, based in Strasbourg, France. You can complain to this Court if you think your rights as set out in the European Convention have been breached. However, you must have taken your case through the UK court system first.

**The Human Rights Act** became effective in the UK on 2 October 2000.

The purpose of the Human Rights Act is to make most of the rights contained in the European Convention part of UK law.

The Human Rights Act does this by placing a duty on all **public authorities** in the UK to act in a way that respects and fits with the rights in the European Convention. While you are in the UK, public authorities must protect you and ensure that they do not breach your human rights. This is looked at in more detail in Section 3.

### **What is a public authority?**

‘Public authority’ is not clearly defined in the Human Rights Act, but it is interpreted broadly. It includes all central and local Government agencies, as well as courts and tribunals. The National Asylum Support Service (NASS), removal centres and prisons are included and, more generally, any person or organisation whose functions are of a public nature. The term also covers private organisations such as companies or charities, but only when carrying out a public function, for example a private company detaining people for immigration purposes.

If public authorities fail to respect your rights, you can now bring a case against them in the UK courts instead of having to go to the European Court of Human Rights. The Human Rights Act therefore provides you with an extra level of protection, and makes your rights more accessible. It is generally quicker, cheaper and more practical to bring your case before the UK courts. **You do not have to be a British citizen to do this** – the Human Rights Act protects everyone living in the UK.

You can still take your case to the European Court of Human Rights if you do not agree with the outcome of your case in the UK courts.

In addition to the Human Rights Act protecting you from human rights abuses while you are in the UK, you can also apply to **remain in the UK** on human rights grounds. This is looked at in more detail in Section 2.



## Can my human rights ever be limited or restricted?

Some human rights are so fundamental that they must never be limited or restricted in any way. These rights are known as **absolute rights**.

- For example, public authorities must never torture you or treat you in an inhuman or degrading way under any circumstances, not even during a war or national emergency.

However, it is important to know that the European Convention does allow for some rights to be limited or restricted in some circumstances.

For some rights – known as **limited rights** – the European Convention sets out specific circumstances in which the right can be limited.

- For example, public authorities may limit your right to liberty if you are convicted of a criminal offence and you are sent to prison, or if you are legally detained in a removal centre for immigration purposes.

Some, but not all, rights may be restricted under more general conditions, either partly or completely in order to protect the rights of others or the interests of the wider community. These rights are known as **qualified rights**.

- For example, the Government may restrict your right to freedom of expression if you are inciting racial hatred or if you are publishing lies about another person.

We will look at the different ways in which your rights may be limited or restricted in more detail in sections 2 and 3.



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Section 2

# Human rights and remaining in the UK



## **Can human rights help me to remain in the UK?**

If you are able to show that removing you from the UK to another country will breach your human rights, the UK Government may in some circumstances be prevented from removing you. This is true even if you do not meet the refugee criteria in the Refugee Convention. This section of the guide focuses on how human rights can provide extra protection to allow you to remain in the UK.

## **How do human rights relate to the Refugee Convention?**

If you are a refugee according to the Refugee Convention, you cannot return to your country of origin because of a well-founded fear of persecution for reasons of race, nationality, membership of a particular social group, religion, or political opinion. In some circumstances, human rights can help to explain what is meant by ‘persecution’. For example, if you are facing torture or inhuman or degrading treatment (see pages 14–19), this may, depending on the circumstances, be persecution as defined by the Refugee Convention. Therefore, in this way human rights may be relevant to your asylum claim under the Refugee Convention.

In some instances human rights may allow you to remain in the UK even if your asylum claim under the Refugee Convention fails. In this sense human rights may provide an alternative to the protection provided by the Refugee Convention. However, the rights and benefits you receive may not be as strong – see below under ‘What happens if my human rights claim is successful?’.

## **When should I make my human rights claim?**

It is very important that you raise any issues related to human rights at the time that you apply for asylum, or as soon as possible. If you do not tell the immigration authorities as soon as possible about any human rights issues that are relevant to your situation, this may have a negative impact on your case. However, if you do not do this, it may still be possible to make your human rights claim at a later stage.

## What happens if my human rights claim is successful?

The only way you can get refugee status is if you qualify as a refugee according to the Refugee Convention (see pages 6–7). If your human rights claim forms part of a successful asylum claim under the Refugee Convention, then you will be granted refugee status.

If your asylum claim fails but your human rights claim is successful, you will not be granted refugee status. However you will be allowed to remain in the UK – at least temporarily, and in some cases permanently.

The rights and benefits enjoyed by someone with refugee status are stronger than those of someone who has been allowed to stay on human rights grounds only. For example, someone with refugee status will have stronger rights to family reunion and travel documents. If you would like to know more about the difference between being granted refugee status and being allowed to remain in the UK on human rights grounds, please consult your legal adviser if you have one, or, if not, you can call one of the relevant organisations listed in the Useful contacts section (pages 39–49). Please see Section 4: Practical advice and information (pages 33–37) for guidance on finding a legal adviser.

## What happens if my human rights claim is unsuccessful?

If your claim is unsuccessful, it may be possible to **appeal**. Please note that there are time limits for making an appeal, so if you would like to appeal, you should do so quickly. Please see the Practical advice and information section for more information about appealing (page 36).

## Which human rights are most relevant for remaining in the UK?

All of the human rights protected by the European Convention belong to and may be relevant for all asylum seekers and refugees in the UK. However, this section of the guide will concentrate on the two rights that are most often used to enable asylum seekers and refugees to remain in the UK:

- the right not to be tortured or treated in an inhuman or degrading way; and
- the right to respect for private and family life.



## Your right not to be tortured or treated in an inhuman or degrading way

Article 3 of the European Convention says that no one shall be tortured or treated in an inhuman or degrading way. This right is an **absolute right** (see page 9). This means that you should not be tortured or treated in an inhuman or degrading way in any circumstances, as this right may never be breached, restricted or limited.

### What is meant by torture?

Torture is the most serious kind of ill treatment. For treatment to amount to torture it must:

- cause you severe pain or suffering (this can be mental, physical or both);
- be intentionally inflicted in order to obtain information from you, to punish you, to intimidate you or discriminate against you; and
- be inflicted by someone acting in an official capacity without your consent.

### Case example

A 17 year old Kurdish woman was beaten and raped by the Turkish security forces. She had been taken from her home by a group of village guards who were investigating rebel activities. She was stripped naked, blindfolded and subjected to a number of other acts of severe physical and mental violence. The European Court of Human Rights said that this amounted to torture.

### What is meant by inhuman or degrading treatment?

Inhuman and degrading treatment are less severe than torture, but the treatment still has to be very serious. Treatment that is inhuman or degrading does not need to be deliberate – it is the impact the treatment has on you that matters.

- inhuman treatment means treatment causing severe mental or physical harm
- degrading treatment means treatment that is grossly humiliating and affects your dignity

Severe discrimination based on race or other grounds may in some circumstances amount to degrading treatment. If you are suffering from very poor physical or mental health, the consequences of removing you to another country may also amount to inhuman or degrading treatment (see pages 17–19 for more information about health issues).

Exactly what kind of treatment amounts to torture or inhuman or degrading treatment will depend on the circumstances of your case, taking into account factors such as your age, whether you are male or female, your state of health, the impact the treatment has on you, and the length of time you were subjected to the treatment.

To illustrate this, compare the difference between making a frail, older person stand against a wall for 8 hours with making a young healthy person stand against a wall for 8 hours. Neither situation is acceptable, but the frail, older person is likely to be more severely affected.

At the core of this right is **human dignity**.

### How is this right relevant to remaining in the UK?

The UK Government must not remove you to a country where there is a real risk that you will be tortured or treated in an inhuman or degrading way. You need to be able to show that the risk you face is real and not just a small possibility. Even though in these cases the harm would not be directly caused by the UK, the UK Government has a responsibility to protect you from torture or inhuman or degrading treatment elsewhere, because the right not to be tortured or treated in an inhuman or degrading way is an **absolute right** (see page 9).

However, if you passed through another country on your way to the UK, even if for a very short time, the UK Government may remove you to this country if it is safe (known as a **safe third country**). The UK Government has a list of safe countries, which currently includes most countries in Europe, Canada, and the USA.

If the UK Government decides to remove you to a safe third country, your asylum application will not be considered in the UK. You will be expected to make your asylum application in that country. You can appeal the decision to remove you to a safe third country if you can show that it would breach your human rights, for example if it would breach your right to respect for your family or private life (see pages 19–24).

### **Does it make a difference who is responsible for the treatment?**

The UK Government must not remove you if there is a real risk you will be tortured or treated in an inhuman or degrading way, regardless of who is responsible for the treatment. Therefore human rights may be able to protect you from ill treatment at the hands of individuals or groups, such as militias, that are not related to the Government of the country you would be removed to. However, you need to show that the Government of the country you would be removed to would be unable to protect you from this treatment.

#### **Case example**

A Somali citizen was recognised as a refugee in Austria. He was later convicted of some minor criminal offences. The Austrian Government attempted to deport him. However, the European Court of Human Rights found that there was a real risk that he would face torture or inhuman or degrading treatment from the militias in Somalia. The Somali authorities would be unable to protect him due to a civil war. The Court said that the Austrian Government could not deport him even though the threat itself was not from the Somali authorities.

### **How is this different from how I am protected by the Refugee Convention?**

As explained above, human rights may help to explain what is meant by ‘persecution’ under the Refugee Convention (see pages 6–7). In particular, persecution may include being tortured or treated in an inhuman or degrading way for one of the reasons listed in the Refugee Convention. In this way your right not to be tortured or treated in an inhuman or degrading way may form part of your asylum claim under the Refugee Convention.



However, this right may also protect you even if your claim under the Refugee Convention is unsuccessful. If you can show that you face a real risk of being tortured or treated in an inhuman or degrading way if you are removed, the UK Government has an **absolute** responsibility to protect you, and therefore must allow you to remain in the UK, regardless of your circumstances. It does not matter why you are facing this treatment, who is responsible for the treatment, or if there are other reasons to expel you such as if you are an overstayer or if you have been convicted of a crime.

### Case example

The UK Government wanted to expel an Indian man. They argued that he was a suspected terrorist. The European Court of Human Rights said that the UK Government could not expel him, because there was a real risk that he would be tortured if he was returned to India. The fact that he was a suspected terrorist was irrelevant. The ban on torture, inhuman and degrading treatment applies to everyone regardless of their circumstances.

## What about if I am suffering from poor physical or mental health?

If you are able to show that removing you would amount to inhuman or degrading treatment because of the state of your physical or mental health, the UK Government must not remove you.

If you are suffering from very poor **physical health**, for example if you have **HIV/AIDS**, the consequences of removing you to another country may in some circumstances amount to inhuman or degrading treatment. If you are forced to return to a country where there is little or no medical treatment available for your condition, and you have little or no support from family or friends, this may lead to you dying in very distressing circumstances.

However, the effects of removing you need to be very serious. If you have HIV/AIDS, this does not by itself guarantee that you will be able to stay in the UK. There needs to

### Case example

The UK Government wanted to expel a man from St Kitts who was suffering from AIDS. His illness was at a very advanced stage. He was receiving sophisticated treatment and medication from a charitable organisation in the UK. This would not be available in St Kitts, and he also did not have any family there. The European Court of Human Rights said that in these exceptional circumstances the UK could not expel him. There was a real risk that this would mean he would die in very distressing circumstances, without treatment, soothing medicine or support from family or friends.

be factors involved other than a lack of appropriate treatment in the country you are being removed to. The main factors that will be considered include:

- how advanced your illness is – the more advanced your illness, the more likely it is that you will be allowed to remain in the UK;
- the impact that removing you is likely to have on you, in particular whether it is likely to worsen your condition;
- whether you are fit to travel;
- the nature of any treatment you have been receiving in the UK, including whether your treatment is funded by a charitable or voluntary organisation;
- whether there is treatment available for you in the country you would be removed to;
- whether you have family or others who would be able to provide you with support in the country you would be removed to; and
- whether you have children in your care.

If the experience of being removed is particularly distressing for you, this may lead to you having **mental health** problems, or may worsen a mental health condition that you already have. If the impact of being removed is particularly severe, this may amount

to inhuman or degrading treatment. However, the circumstances must be exceptional. The kinds of factors that will be considered are similar to those that will be taken into account if you are suffering from poor physical health.

## Your right to respect for your private and family life

Article 8 of the European Convention protects the right to respect for private and family life, home and correspondence. This right therefore protects a wide range of interests. The most relevant for asylum seekers are family and private life. If you can show that removing you to another country would breach your right to respect for your family and/or private life, the UK Government must not remove you, regardless of the outcome of your asylum claim.

The Article sets out, in general terms, circumstances when an interference (also known as a restriction) with your right to respect for your private or family life is acceptable – in other words when an interference is justified.

This means that this right is not an absolute right, but a **qualified right** (see page 9). Your right to respect for your private and family life, home and correspondence may have to be interfered with in order to take account of the rights of other individuals and/or the wider community.

However, for any restriction of this right to be justified, it must be lawful, necessary and **proportionate**. A proportionate response to a problem is one that is appropriate and not excessive in the circumstances.

A straightforward way of thinking about proportionality is that authorities **must not use a sledgehammer to crack a nut**.

If public authorities, such as the immigration authorities, cannot show that they have acted in a proportionate way when interfering with a right, then the interference is not acceptable, and the right will have been breached.

## How can my right to respect for my family life protect me?

The UK Government cannot remove you from the UK if you are able to show that this would breach your right to respect for your family life. In order to establish this, you will need to show that:

1. you have a family life in the UK
2. removing you from the UK would interfere with your family life
3. this interference would not be in accordance with the law, necessary or **proportionate**

### 1. Do I have a family life in the UK?

Family life is defined broadly to include close and personal ties of a family kind. It does not just cover blood relatives. Depending on your circumstances, family life may include (but is not limited to) relationships between married and unmarried partners, parents and children (including adopted or fostered children), brothers and sisters, grandparents and grandchildren.

However, if your family relationships have been cut off in some way, this may not be considered to be family life. You will need to be able to demonstrate that there are close and personal ties between you and your family members.

### 2. Would removing me from the UK interfere with my family life?

Once you have established that you have a family life in the UK, you need to be able to show that removing you would interfere with your family life.

As with all other countries, the UK Government has a right to control the entry of non-nationals into the UK. The UK Government does not have an absolute duty to allow families to establish themselves in the UK, since you may be able to set up your family elsewhere. Therefore, in order to show that removing you would interfere with your family life, you need to be able to demonstrate that there are real obstacles to establishing your family anywhere else other than the UK. Factors that will be considered include:

- whether you or any of your family have already been living in the UK. The longer you have been in the UK, the more support this will provide for your case to remain in the UK;
- how difficult it would be to adapt to life in a different country;
- language difficulties;
- cultural or religious issues; and
- health or work issues.

### 3. Can interfering with my family life be justified?

If you are able to show that removing you would interfere with your family life, and the UK Government wishes to remove you, they must be able to justify this decision. Any decision to remove you must be lawful, necessary and **proportionate** (see page 19).

At present the UK courts have said that only ‘exceptional’ cases will result in decisions to remove you that are not proportionate. Whether a case is exceptional will depend on the specific circumstances. The kinds of factors that will be taken into account include:

- the impact the decision will have on you;
- the impact the decision will have on your family members;
- the strength of your family ties;
- whether you would be able to establish family life with family living elsewhere;
- whether the Government has any strong interests in removing you such as if you have been convicted of a serious crime; and
- how long you have lived in the UK.

If the decision to remove you is not proportionate, removing you would be a breach of your right to respect for your family life. If this is the case the Government must allow you to remain in the UK.

**Case example**

A sixteen year old fled Kosovo after his father was killed and his mother and sister disappeared. He travelled to the UK and claimed asylum. In accordance with Government policy at the time, his application was not processed until after he turned 18. By this time the war in Kosovo was over. His asylum application failed because he no longer faced persecution. For over three years the young man had lived in the UK with his aunt and uncle, who treated him like a son. He had no surviving family in Kosovo. The UK courts found that because his removal would effectively bring his family life to an end, this was an 'exceptional' case. Returning him to Kosovo would not be proportionate and would breach his right to respect for his family life. He was therefore allowed to remain in the UK.

The length of time you have been living in the UK will be particularly relevant if there are delays in processing your claim. If the delay is excessive, this may, depending on your specific circumstances, lead to your case being considered to be 'exceptional' and therefore the decision to remove you will not be proportionate.

**Case example**

A Nigerian woman unsuccessfully claimed asylum in the UK. Three months after her application was rejected she married a UK national. Her application to remain on the basis of her marriage was also unsuccessful since the marriage took place after her asylum claim was refused. She made a further claim based on her right to respect for her family life. This claim was not considered for over three years despite nine letters from her solicitor and interventions by two Members of Parliament (MPs). The Government argued that she should return to Nigeria and apply to re-enter from there. The UK courts said that this would be a disproportionate interference with her right to respect for her family life, due to the excessive delay by the Home Office.

## Family life: proactive steps

Sometimes the UK Government has a duty to take proactive steps to make your family life possible. This may include, for example, allowing you to live in the UK if you have children and/or other close family already living in the UK, and you would be unable to set up your family elsewhere. However, again your case will depend on your specific circumstances, and needs to be exceptional.

### Case example

A Brazilian woman and a Dutch man had a child in the Netherlands. The relationship ended and the father was given custody of the child. The mother applied unsuccessfully for a residence permit and was ordered to leave. During this time the child had been staying with her mother for 3–4 days per week. The European Court of Human Rights found that the Dutch Government had a positive duty to make family life possible in this case by allowing the mother to stay. The Court took particular account of the child's best interests and young age.

## How can my right to respect for my private life protect me?

As with family life, private life is a broad idea. Your private life includes issues such as:

- your lifestyle choices;
- your personal and sexual relationships;
- your medical, financial and other personal records; and
- your physical and mental well-being.

The right to respect for private life is often relevant for asylum seekers with regards to **mental health**. Your mental well-being is an important part of your private life.

As discussed on pages 18–19, decisions to remove you may have a severe impact on your mental health. If the impact this has on you is not severe enough to be considered as inhuman or degrading treatment, this may still be recognised as interfering with your private life.

If you are able to show that removing you would interfere with your private life, and the UK Government wishes to remove you, they must be able to show that this decision is lawful, necessary and **proportionate**. As with the right to respect for family life, the decision will only be disproportionate in exceptional cases. The factors that will be taken into account include:

- the likely impact that removing you, or the anticipation of being removed, will have on you, in particular whether it is likely to worsen your condition;
- whether your fear of ill treatment in the country you would be removed to is well-founded;
- whether treatment for your mental health condition is available in the country you would be removed to;
- the nature of any treatment you have been receiving in the UK;
- whether you have family or others that are able to provide you with support in the country you would be removed to; and
- whether you have any children in your care.

As with the right to respect for family life, if there is an excessive delay in considering your claim, this may, depending on your specific circumstances, lead to your case being considered to be 'exceptional' and therefore the decision to remove you will not be proportionate.

Removing you may interfere with your private life for reasons other than your mental health. For example, if you have lived in the UK for a long time, you may have formed very close personal friendships, or you may have bought a home. Your case would be unlikely to succeed on these grounds alone. However, these kinds of circumstances may be able to strengthen your case to remain in the UK if there are already other reasons why the Government should not remove you, such as if it would interfere with your family life (see pages 20–24), or if you have mental health issues (see above).



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Section 3

# How you are treated while in the UK



The UK Government does not just have responsibilities to protect you from human rights abuses in other countries. The UK Human Rights Act (see page 8) places the UK Government under a duty to ensure that you do not experience human rights abuses while you are in the UK. This section focuses on some common issues faced by asylum seekers while they are in the UK. A new right is introduced – Article 5, the right to liberty, which is relevant for you if you are detained in a removal centre. The other issues focused on below are relevant to the human rights that have already been discussed – your right not to be tortured or treated in an inhuman or degrading way, and your right to respect for your private and family life.

If you think that your human rights have been breached while you are in UK, you should seek advice as soon as possible. Please see the Practical advice and information section (pages 33–37) for more information about seeking advice. If a court does find that your human rights have been breached in the UK, you may be awarded damages and/or an order may be made to prevent your rights being breached in the future. However, this will not mean that you will be allowed to remain in the UK – please see Section 2 (pages 11–24) for information on how human rights may help you to remain in the UK.

## Removal centres

You may be detained in a removal centre while your claim to remain in the UK is being processed, or if the Government is taking action to remove you from the UK.

### Your right to liberty

If you are detained in a removal centre, this will limit your right to liberty. The right to liberty is contained in Article 5 of the European Convention. This is not a right to be free to do whatever you want. The right to liberty means you have a right not to be locked in a cell or a room, or have your movement restricted in any other extreme way.

However, this is a **limited right** (see page 9). The article sets out specific circumstances in which the right to liberty can be limited. The specific circumstances include:

- to prevent you from entering a country without authorisation; and
- when actions are being taken to decide whether to deport you.

This means that it is not in itself unlawful for the UK Government to detain you in a removal centre, if it is for one of the reasons above. However, the Government cannot detain you at random – the Government needs to be able to justify their decision to detain you.

Guidelines on detention can be found in the Immigration and Nationality Directorate's Operational Enforcement Manual. This can be downloaded on the internet at: [http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_\\_\\_policy/policy\\_instructions/oem.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws___policy/policy_instructions/oem.html) (Section D, Chapter 38). This gives you information on when people can be detained. In particular, if, for example, you have serious disabilities, are elderly or are pregnant, you should only be detained in exceptional circumstances. You can call one of the relevant advice lines in the Useful contacts section if you would like more information about when people can be detained.

The right to liberty also states that certain procedures must be in place to make sure that your detention is **lawful and not unfair**. The Article says that:

- if you are detained, you must be able to test whether the decision to detain you is lawful; and
- you must be released if the detention is found not to be lawful.

Any decisions about detention should be made quickly. If there are long delays while your case is being heard this may make your detention unlawful, in which case you should be released.

**Case example**

An asylum seeker whom the Government suspected of being a terrorist was detained in the UK for over 4 years while his asylum claim was being processed. Because his case involved sensitive issues relating to national security, the UK courts were not allowed to consider whether his continued detention was lawful. This was instead considered by an immigration advisory panel. The European Court of Human Rights found that this arrangement did not follow the proper procedures required by Article 5, and therefore this was a breach of his right to liberty. Relevant factors included the long delay, the fact that he was not given a right to legal representation, and that he did not have access to the full evidence relied on by the Government.

You should not be detained for any longer than is necessary. If you have been detained for longer than 7 days, you can apply for bail. Bail is when a court agrees to release you from detention on certain conditions. Please see pages 36–37 of the Practical advice and information section for information about applying for bail.

**Inhuman and degrading treatment in removal centres**

While you are in a removal centre, you should not be subjected to abuse, ill treatment or neglect. If you do experience this kind of treatment, this may in some circumstances be serious enough to breach your right not to be treated in an inhuman or degrading way (please see pages 14–15). This will always depend on the particular circumstances of your case including how severe the treatment is, how long it has lasted and the impact it has had on you. This also applies to how you are treated in other public institutions such as hospitals or prisons, or while you are being transported to or from a removal centre.

Extremely poor conditions in detention centres or other institutional settings, such as overcrowding, lack of ventilation, lack of privacy or inadequate sanitary facilities, may also amount to inhuman or degrading treatment.

Situations that may involve inhuman or degrading treatment include:

- intimidation or bullying
- physical violence
- excessive force used to restrain you
- routine ignoring of your calls for help
- racist abuse
- other forms of abuse

## Support for asylum seekers

The Government department with the stated aim of supporting destitute asylum seekers is known as the National Asylum Support Service (NASS). Depending on the level of support you qualify for, NASS may provide you with cash payments and/or accommodation. If you would like to find out more about NASS support, their contact details are given in the Useful contacts section.

If you are refused NASS support, or your support is withdrawn, you can appeal to the Asylum Support Adjudicators (ASA). Please see page 37 of the Practical advice and information section for information on appealing a NASS decision.

### Qualifying for support

Current UK legislation says that if you fail to make your asylum claim as soon as is 'reasonably practicable' after you have arrived in the UK, you may not qualify for support from NASS.

Initially, Government policy required you to claim asylum immediately upon your arrival in the UK in order to qualify for support. Following the case discussed below, this policy has currently been suspended.

Since asylum seekers are unable to work, failing to provide you with support may mean you are reliant on charitable support or support from family or friends. If this is unavailable, this may mean that you are unable to access basic needs such as shelter and food. If the consequences are severe, failure to provide you with support because you did not claim asylum immediately may amount to inhuman or degrading treatment (please see pages 14–15).

### **Withdrawal of support**

Current UK legislation also allows for NASS support to be withdrawn from failed asylum seekers who refuse to leave the UK voluntarily. The Government is currently implementing these provisions on a trial basis in selected areas across the country. This scheme may be expanded to other parts of the country once a detailed evaluation has been completed.

This scheme may have implications for your right not to be treated in an inhuman or degrading way (please see pages 14–15) or your right to respect for your family life (please see pages 19–23). A mother, who was an asylum seeker from the Democratic Republic of Congo, recently challenged this scheme in the UK courts as a breach of her right to respect for her family life. If families become destitute this places children at risk of removal from their families. This particular case was unsuccessful but it is likely that further similar cases will be brought in the future.

### **National Asylum Support Service (NASS) accommodation**

NASS operates what is known as a ‘dispersal scheme’ for asylum seekers who need accommodation. The aim of the scheme is to ease accommodation pressure in London and the South East. Under this scheme, you may be provided with accommodation in another area of the UK where there is more accommodation available.

If you are placed in accommodation which means you are separated from your family members, this may interfere with your right to respect for your family life (see pages 19–23). The dispersal scheme may also interfere with your right to respect for your

private life (see pages 23–24). Being placed in accommodation far from family, friends and/or support networks is likely to affect your ability to sustain these important relationships, and also may affect your mental well-being, both of which are important aspects of your private life.

If a decision to accommodate you in another part of England does interfere with your private and or/family life, this decision must be lawful, necessary and **proportionate** (see page 19). It must not be excessive in the circumstances.

### Case example

A 22-year old Jamaican woman who had lived in London since she was 10 applied to NASS for support for herself and her baby. She asked for rent assistance and a secure council tenancy. NASS decided to accommodate her in another part of the UK, away from her family and friends. The move would increase her dependency on social and mental care services, and would directly affect her and her child's psychological well-being. The courts found this would therefore interfere with her right to respect for her private life.

Any accommodation provided to you by NASS should not be of a degrading level or condition. If you are disabled, the accommodation provided to you should be suitable for your needs. If you feel that your accommodation is unsuitable you can contact NASS directly, or you can consult your legal adviser if you have one, or contact one of the relevant organisations in the Useful contacts section.





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Section 4

## **Practical advice and information**



## What should I do if I think I have a human rights case?

If you think that human rights are relevant to your situation, you should seek advice as soon as possible. This applies both if you think that human rights may help your efforts to remain in the UK, or if you think your human rights have been abused while in the UK.

You may already have a legal adviser. If this is the case, you should tell your legal adviser everything you think may help your case as soon as possible. Your legal adviser will then be able to advise you the best way to take your case forward.

If you do not already have a legal adviser, suggestions for finding a legal adviser are given below. Information on what to do if you are unable to find a legal adviser is given on page 35–36.

The contact details of all the organisations mentioned in this section are given in Section 4: Useful contacts on pages 39–49.

## Where can I go for legal advice?

Legal advice is available from a range of organisations including Citizens Advice Bureaux, Law Centres, independent advice organisations and many high street solicitors.

A good starting point for finding a legal adviser is the Community Legal Service. You can contact them by phone, and they also have an online directory providing details of solicitors, advice agencies and information providers across England and Wales.

The Law Society and the Immigration Law Practitioners Association (ILPA) also have online directories of solicitors who specialise in immigration and asylum law. In addition, your local Citizens Advice Bureau may be able to help you find a legal adviser. Your local authority's information office at your nearest town hall can also give you details of local legal agencies.

If you are able to find a legal adviser, you should check which areas they specialise in. Some advisers may not have experience in human rights or immigration and asylum law. Your adviser should tell you in writing whether you will have to pay a charge for their services, and if so, how it is worked out.

## Do I have to pay for legal advice?

If you do not have enough money to pay for legal advice, you should be able to receive specialist advice free of charge. This is available through solicitors and voluntary organisations that have a contract with the Legal Services Commission. Two of the larger organisations that are able to provide free advice are the Refugee Legal Centre and the Immigration Advisory Service.

When making an appointment with a legal adviser, check with them to see whether you are eligible for free advice or, if not, how much they will charge for an initial interview.

Free legal advice may also be offered by other organisations and local agencies, such as law centres. Citizens Advice or the Law Centres Federation may be able to help you find these.

## What should I do if I cannot find a legal adviser?

You may not be able to find a legal adviser to help you immediately. If this is the case, you can try calling one of the advice lines listed under ‘Other sources of support or information’ in the Useful contacts section below. Alternatively there may be a local organisation that is able to provide you with advice and/or support. It is not possible to list all local organisations in this guide, but you may be able to find out about them through your local Citizens Advice Bureau, at your local authority’s information office at your local town hall, or by searching on the internet.

These organisations may not be able to provide you with legal advice. However, they may be able to advise you on how to take your case forward, or help you find a legal adviser. They may also be able to give you advice on a range of other issues such as welfare or housing.

If you are in a removal centre and are having difficulties contacting any of these organisations, you should speak to a member of the visitors’ group. This is a group of volunteers who visit people who are detained. They should be able to put you in touch with relevant services.

If you really are unable to find a legal adviser and you need to submit your case within a short time period, you can submit your case yourself. There is no law saying that only legal advisers can submit cases. However, you should always try and find a legal adviser wherever possible. If you are considering submitting your case yourself you should speak with one of the organisations listed in the Useful contacts section, or try contacting a local advice or support organisation.

### What happens if my case is unsuccessful?

If your case is unsuccessful, it may be possible to **appeal**. Please note that there are **time limits** for making an appeal, so if you would like to appeal, you should do so quickly. Again, please consult your legal adviser if you have one, or call one of the organisations in the Useful contacts section, if you are considering whether to make an appeal.

If your case goes all the way through the UK court system without success, your last option will be to take your case to the European Court of Human Rights in Strasbourg, France (see page 7). They will not hear your case unless it has gone through all possible UK courts, and you need to apply within 6 months of the final decision of the UK courts.

You can download an application form for submitting your case to the European Court of Human Rights from their website, or you can write and ask them to send you an application pack by post. You do not necessarily need a legal adviser in order to submit your application. However you should always try and seek legal advice wherever possible.

### What should I do if I want to apply for bail?

If you have been detained in a detention centre for longer than 7 days, you can apply for **bail**. Bail is when a court agrees to release you from detention on certain conditions. Not all applications for bail are successful, but if your bail application is successful, you will be allowed to leave the removal centre. If you wish to apply for bail, you should consult with a legal adviser. If you are unable to find a legal adviser, the organisation

**Bail for Immigration Detainees (BID)** may be able to help you prepare your bail application. Their website also contains information on preparing your own bail application if you are unable to find a legal adviser. However you should try and seek legal advice wherever possible.

### **What should I do if the National Asylum Support Service (NASS) refuses or withdraws support?**

If you are refused NASS support (please see pages 29–31 for more information about NASS support), or your support is withdrawn, you can appeal to the **Asylum Support Adjudicators (ASA)**. However, you will need to appeal the decision within three days of receiving your decision letter from NASS. You can find more information about appealing to the ASA on their website or by contacting them directly. If you wish to appeal a decision by NASS, you should seek advice as soon as possible. If you are unable to find an adviser you can submit your appeal yourself, but it is always best to seek advice wherever possible. You can print the appeal form from the ASA website or obtain it from them directly at their offices.

### **What happens if I have a complaint about my legal adviser?**

The Office of the Immigration Services Commissioner (OISC) regulates and investigates complaints about individuals and organisations providing immigration advice. Details of how to make a complaint are given on their website, or you can call their helpline.

The OISC decides who can give immigration advice. It is against the law for organisations to offer advice or help with asylum cases unless they are solicitors or on the register of the OISC. You can find a list of OISC approved advisers on their website.



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Section 5

## **Useful contacts**



## Seeking legal advice

### **Asylum Aid [www.asylumaid.org.uk](http://www.asylumaid.org.uk)**

Provides free legal advice and representation to people seeking asylum in the UK. Advice can be given through the helpline, or via email or letter.

**Advice line:** 0207 247 8741

(Monday: 2–4.30 pm; Thursday: 10am – 12.30 pm)

**Address:** 28 Commercial Street, London E1 6LS

**E-mail:** [advice@asylumaid.org.uk](mailto:advice@asylumaid.org.uk)

### **Immigration Advisory Service [www.iasuk.org](http://www.iasuk.org)**

A national organisation which gives free advice and assistance on all immigration, asylum and nationality issues. They take up individual cases and can represent people at appeals. Contact details given are for the Central London office – please see their website for details of other offices. Their advice pages on their website contain a range of information on immigration and asylum law.

**Advice line:** 020 7967 1200

(Tuesday: 10am – 1pm; Thursday: 2 – 5pm)

24 hour helpline (answerphone service): 020 7378 9191

### **Immigration Law Practitioners Association (ILPA) [www.ilpa.org.uk](http://www.ilpa.org.uk)**

Promotes and improves advice to and representation of immigrants. They do not provide legal advice, but their website has a directory which includes solicitors who specialise in immigration and asylum law.



**Joint Council for the Welfare of Immigrants (JCWI) [www.jcwi.org.uk](http://www.jcwi.org.uk)**

An independent national voluntary organisation offering free legal advice on immigration, nationality and asylum matters.

**Advice line:** 020 7251 8706

(Tuesday and Thursday: 2–5.00pm)

**Address:** 115 Old Street, London EC1V 9RT

**Email:** [info@jcwi.org.uk](mailto:info@jcwi.org.uk)

**Refugee Legal Centre [www.refugee-legal-centre.org.uk](http://www.refugee-legal-centre.org.uk)**

An independent charity providing legal advice and representation free of charge for those seeking protection under international and national human rights asylum law.

**Advice lines:**

**General:** 020 7780 3220

(Monday, Wednesday and Friday: 10.30am – 1pm and 2–4.30pm)

**For detained asylum seekers:** 0800 592398

(Monday, Wednesday and Friday: 10.30am – 1pm and 2–4.30pm)

**Emergency Service:** 07831 598057

(Only to be used in extreme emergency between 6pm – 8am or at weekends)

**Address:** 153–157 Commercial Road, London E1 2DA

**Fax:** 020 7780 3201

**Advice UK [www.adviceuk.org.uk](http://www.adviceuk.org.uk)**

A membership organisation of independent advice centres. They do not give out advice themselves but their website has a directory of advice centres.

**Telephone:** 020 7407 4070

**Email:** [general@adviceuk.org.uk](mailto:general@adviceuk.org.uk)

### **Citizens Advice [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)**

Provides free, independent and confidential legal advice, and can help you find a solicitor. To receive advice, contact your local Citizens Advice Bureau, which you can find by visiting the Citizens Advice website or contacting your local authority's information office at your nearest town hall. They also have a separate website giving advice on a range of topics including human rights.

**Telephone:** 020 7833 2181 (no advice is available on this line, but they will be able to give you details of your local Citizens Advice Bureau that can give you advice)

**Advice website:** [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **Community Legal Service [www.clsdirect.org.uk](http://www.clsdirect.org.uk)**

Has an online directory providing details of solicitors, advice agencies and information providers across England and Wales. They also have a helpline giving free initial legal help and advice on benefits, tax credits, debt, education, housing and employment problems.

**Helpline:** 0845 345 4 345

### **Law Centres Federation [www.lawcentres.org.uk](http://www.lawcentres.org.uk)**

The coordinating body for Law Centres. Law Centres provide a free and independent professional legal service to people who live or work in their local areas. The Federation does not itself provide legal advice, but can provide details of your nearest law centre.

**Telephone:** 020 7387 8570

**Email:** [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk)

### **The Law Society [www.lawsociety.org.uk](http://www.lawsociety.org.uk)**

A regulatory and representative body for solicitors. Their website has an online directory of law firms and solicitors. You can also call their enquiry line for help in finding a solicitor. They do not provide legal advice.

**Enquiry line:** 0870 606 6575

**Email:** [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk)

**Liberty [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk)**

An independent human rights organisation, which runs an advice service for members of the public with human rights queries. They also have an advice website which gives comprehensive information on the UK Human Rights Act.

**Advice line:** 0845 123 2307

(Monday and Thursday: 6.30–8.30pm; Wednesday: 12.30–2.30pm)

**Advice website:** [www.yourrights.org.uk](http://www.yourrights.org.uk)

(You can download a written advice request form from this website)

**Rights of Women [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)**

A voluntary organisation dedicated to women's rights. They have an advice line providing free confidential legal advice to women.

**Advice line:** 020 7251 6577

**Textphone:** 020 7490 2562

(Tuesday, Wednesday and Thursday: 2–4pm and 7–9pm; Friday: 12–2pm)

**Advice on detention****Bail for Immigration Detainees (BID) [www.biduk.org](http://www.biduk.org)**

Works with asylum seekers and migrants detained in removal centres and prisons. They prepare and present applications for bail to the immigration court and provide advice and information to detainees. They do not offer legal advice on general immigration or asylum matters. Their website provides a range of information on detention.

**Advice lines:**

**General (London):** 020 7247 3590

(Monday to Wednesday: 10am – 12pm; answerphone service at all other times)

**South (for detainees at Haslar):** 023 9258 7567

**Oxford (for detainees at Campsfield House):** 0845 3304 536

(Tuesday, Wednesday and Friday: 1.30 – 4.30pm)

**Email:** [info@biduk.org](mailto:info@biduk.org)

### **Detention Advice Service (DAS) [www.detentionadvice.org.uk](http://www.detentionadvice.org.uk)**

Provides support, information and advice to those detained or threatened with detention. They provide legal advice but do not provide legal representation.

**Telephone:** 020 7254 6888

**Address:** Detention Advice Service, Unit B3, 62 Beechwood Road, London E8 3DY

**Email:** [das@detentionadvice.org.uk](mailto:das@detentionadvice.org.uk)

### **Information on support for asylum seekers**

#### **Asylum Support Adjudicators [www.asylum-support-adjudicators.org.uk](http://www.asylum-support-adjudicators.org.uk)**

The Asylum Support Adjudicators exist to provide an independent appeal mechanism for asylum seekers whose applications for support have been refused or discontinued.

**Freephone number:** 0800 389 7913 (For those appealing NASS decisions who wish to discuss their appeal or the appeals process)

**Address:** Christopher Wren House, 113 High Street Croydon, CR0 1QG

#### **National Asylum Support Service (NASS)**

**Telephone Enquiry Bureau:** 0845 602 1739 (General enquiries on NASS applications)

**NASS support and discontinuation of support enquiry line:** 0845 600 0914  
(For those whose NASS support has been interrupted or discontinued)

### **Making a complaint**

#### **Office of the Immigration Services Commissioner [www.oisc.org.uk](http://www.oisc.org.uk)**

The Office of the Immigration Services Commissioner (OISC) accepts relevant complaints about any person giving immigration advice or services. Details of how to make a complaint are available on their website, or you can call their helpline. They do not themselves give advice on immigration or asylum issues. There is a directory of OISC-approved advisers on their website.

**Helpline:** 0845 000 0046

**Address:** 5th Floor, Counting House, 53 Tooley Street, London SE1 2QN

## Other sources of support or information

Please note that the organisations below do not provide legal advice. However, they may be able to help you find a legal adviser, and/or help you with any other issues.

### **Refugee Action: [www.refugee-action.org.uk](http://www.refugee-action.org.uk)**

A charity providing a range of services for the reception, resettlement, development and integration of refugees and asylum seekers. Some of their regional offices provide advice on a range of issues for asylum seekers. For details of your nearest regional office please see their website or contact their head office. Their website contains a range of information for refugees and asylum seekers.

**Telephone (Head Office):** 020 7654 7700

### **Refugee Council [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)**

A charity providing help and support for asylum seekers and refugees and ensuring their needs and concerns are addressed. They run an advice line providing information on a wide range of issues, including social security, family reunion, identity and travel documentation, education, housing and legal issues. The Refugee Council does not provide legal advice.

**London advice line:** 020 7346 6777

(Weekdays: 10am – 1pm and 2–4pm, except Wednesday: 2–4pm only)

**Yorkshire and Humberside advice line:** 0113 386 2210

(Monday, Tuesday, Thursday and Friday: 9am – 4pm)

**West Midlands advice line:** 0121 6221515

(Monday, Wednesday, Thursday and Friday: 10am – 12pm and 2–4pm)

**Eastern Region advice line:** 01473 297 900

(Monday, Tuesday, Thursday and Friday 10am – 1pm and 2–4pm)

**Address (Head Office):** 240–250 Ferndale Road, London SW9 8BB

**Scottish Refugee Council [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)**

A charity providing advice, information and assistance to asylum seekers and refugees in Scotland. They run a freephone advice line for newly arrived and dispersed asylum seekers. They do not provide legal advice.

**Advice line:** 0800 085 6087  
(Weekdays 9.30am – 4.30pm)

**Association of Visitors to Immigration Detainees (AVID)  
[www.aviddetention.org.uk](http://www.aviddetention.org.uk)**

A national umbrella charity for groups visiting immigration detainees. Their website contains useful information on detention.

**AsylumSupport.info: [www.asylumsupport.info](http://www.asylumsupport.info)**

A website that focuses on all matters that concern people seeking asylum, and has a directory of hundreds of online resources.

**British Red Cross: [www.redcross.org.uk](http://www.redcross.org.uk)**

The British Red Cross runs a service providing practical and emotional assistance to vulnerable asylum seekers and refugees. To find out if they can help you contact your nearest branch – which can be found using the website.

**Electronic Immigration Network: [www.ein.org.uk](http://www.ein.org.uk)**

A resources database providing useful links and information for asylum seekers, and anyone with an interest in immigration and asylum.

**Home Office – Immigration and Nationality Directorate:  
[www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)**

The Immigration and Nationality Directorate is responsible for UK immigration control, and their website gives information on what your rights and responsibilities are when applying.

**Medical Foundation for the Care of Victims of Torture:**  
**[www.torturecare.org.uk](http://www.torturecare.org.uk)**

Provides care and rehabilitation to survivors of torture and other forms of organised violence.

**National Coalition of Anti-Deportation Claims (NCADC):**  
**[www.ncadc.org.uk](http://www.ncadc.org.uk)**

A voluntary organisation which provides practical help and advice to people facing deportation on how to launch and run anti-deportation campaigns.

**Northern Refugee Centre: [www.nrcentre.org.uk](http://www.nrcentre.org.uk)**

A charity that improves services and opportunities for refugees and asylum seekers in the Yorkshire and Humber region.

**North of England Refugee Service (NERS): [www.refugee.org.uk](http://www.refugee.org.uk)**

A charity providing support and information for refugees and asylum seekers in the North of England.

**UK Lesbian and Gay Immigration Group: [www.uklgig.org.uk](http://www.uklgig.org.uk)**

A voluntary organisation providing information and advice on immigration rights for same sex couples and asylum seekers.

**United Nations High Commissioner for Refugees [www.unhcr.org.uk](http://www.unhcr.org.uk)**

An impartial humanitarian organisation mandated by the United Nations to lead and co-ordinate international action for the protection of refugees and the resolution of refugee problems worldwide.

## Education for refugees and asylum seekers

The following organisations run a range of courses for refugees and asylum seekers:

### **Education Action International [www.education-action.org](http://www.education-action.org)**

**Address:** Refugee Education & Training Advisory Service, 14 Dufferin Street, London EC1Y 8PD

**Telephone:** 020 7426 5800

**Advice line:** 020 7426 5801 (This line provides advice for refugees and asylum seekers on education, training, government and other funding schemes in the UK. It is open on Tuesdays and Thursdays between 2.30–5pm. They are unable to provide advice on other issues.)

**Email:** [info@education-action.org](mailto:info@education-action.org)

### **Refugee Assessment and Guidance Unit (RAGU)**

**[www.londonmet.ac.uk/ragu/home.cfm](http://www.londonmet.ac.uk/ragu/home.cfm)**

**Address:** The Learning Centre, 236–250 Holloway Road, London N7 6PP

**Telephone:** 020 7753 5044

**Email:** [ragu@londonmet.ac.uk](mailto:ragu@londonmet.ac.uk)

## Useful websites on human rights/legal issues

### **Advice Now [www.advicenow.org.uk](http://www.advicenow.org.uk)**

Website providing accurate, up-to-date information on rights and legal issues.

### **The Aire Centre – Advice on Individual Rights in Europe**

**[www.airecentre.org](http://www.airecentre.org)**

Provides information and advice on international human rights law.



**The European Court of Human Rights [www.echr.coe.int](http://www.echr.coe.int)**

The European Court of Human Rights enforces the European Convention on Human Rights. You can download an application form for submitting your case to the European Court of Human Rights from their website, or you can write to them and ask for an application pack.

**Address:** The European Court of Human Rights, Council of Europe, 67075 Strasbourg-Cedex, France

**Human Rights Division, Department for Constitutional Affairs  
[www.dca.gov.uk/hract/hramenu.htm](http://www.dca.gov.uk/hract/hramenu.htm)**

The Human Rights Division ensures the successful implementation of the Human Rights Act. It promotes human rights inside and outside Government, organising events and publishing information and study guides on human rights.

**Justice [www.justice.org.uk](http://www.justice.org.uk)**

An independent legal human rights organisation that aims to promote human rights, influence law and practice and improve the system of justice.

## The British Institute of Human Rights

The British Institute of Human Rights (BIHR) is an independent charity based in London which raises awareness and understanding about the importance of human rights in the UK. A major part of our work is providing training on human rights to voluntary and public sector organisations working in a range of areas including asylum. This gives us an insight into the kinds of human rights issues experienced by refugees and asylum seekers.

Many of the organisations we train have requested practical and accessible information on human rights written directly for refugees and asylum seekers. This guide is our attempt to fulfil this need.

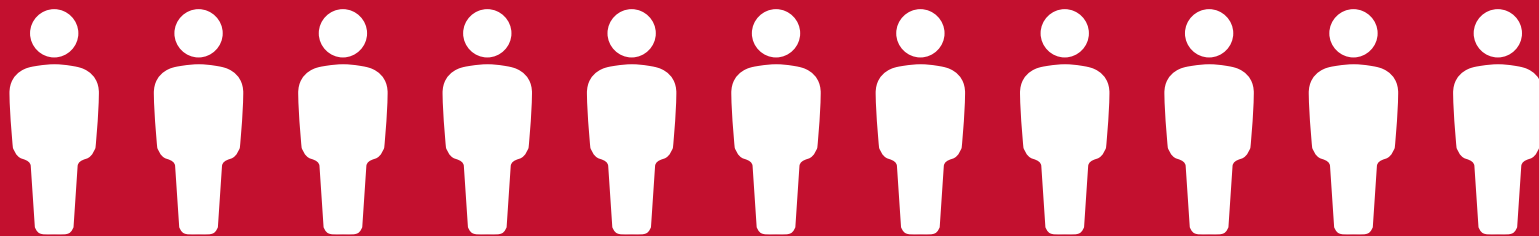
## Thank you

This guide was written by Lucy Matthews and project managed by BIHR staff Lucy Matthews and Carolina Gottardo. We would like to thank Vebi Kosumi of the Dover Detainee Visitor Group, Alasdair Mackenzie of Doughty Street Chambers, Fariha Bhatti and Mariam Ahmed for their extensive help in preparing this guide. We would also like to thank Comic Relief for funding this project.

# The rights contained in the European Convention on Human Rights include:

- the right to life
- the right not to be tortured or treated in an inhuman or degrading way
- the right to be free from slavery or forced labour
- the right to liberty
- the right to a fair trial
- the right to no punishment without law
- the right to respect for private and family life, home and correspondence
- the right to freedom of thought, conscience and religion
- the right to freedom of expression
- the right to freedom of assembly and association
- the right to marry and found a family
- the right not to be discriminated against in relation to any of the rights contained in the European Convention
- the right to peaceful enjoyment of possessions
- the right to education

Remember that not all of these rights are absolute. Some of these rights may be limited or restricted under certain conditions (see page 9).



Guides available in this series are:

- Your Human Rights – a guide for people living with mental health problems
- Your Human Rights – a guide for disabled people
- Your Human Rights – a guide for older people
- Your Human Rights – a guide for refugees and asylum seekers

The guides are available in single copies for individuals free of charge. They are also available in larger quantities for organisations. Please contact the British Institute of Human Rights for printed copies. You can also download them from [www.bihhr.org](http://www.bihhr.org).

## **The British Institute of Human Rights**

School of Law  
King's College London  
26–29 Drury Lane  
London WC2B 5RL

Tel: 020 7848 1818

Fax: 020 7848 1814

Web: [www.bihhr.org](http://www.bihhr.org)

Email: [admin@bihhr.org](mailto:admin@bihhr.org)

Registered charity number 1101575

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