

Information briefing FOR ASYLUM FAMILIES IN SCOTLAND: LEGACY CASES *Updated 20 April 2007*

Please forward/ Communicate to asylum families who could benefit

The Home Office is beginning a review of 450,000 asylum legacy cases – *including* 1,100¹ families in Scotland.

The review will be carried out on a case by case basis. On 3 April 2007, Lin Homer, Border Immigration Authority's chief executive, said the review would consider:

*"a range of factors in deciding whether people could remain in the country on a case-by-case basis. This would include **how long people had been in Scotland**, whether they had obeyed the law, whether they had been honest in their asylum applications and whether the merits of their original case had changed"*²

The outcome of the legacy review is unclear but it may result in pressure from the Home Office to remove people from the country. **However, it is important not to panic, but to prepare evidence.**

Due to a recent change in case law³, some lawyers believe it would be difficult

¹ Those asylum seekers who have been in Scotland for several years whose asylum claims have been refused and any appeal dismissed, but the family/individual remain here. See:

www.ncadc.org.uk/newszine81/legacy.html

² <http://www.theherald.co.uk/news/news/display.var.1303151.0.0.php>

³ Huang case 2007 – ECHR Article 8 and 'proportionality' See:

for the Home Office to argue that it is "proportionate and necessary" to remove families who have been here for several years.

If you can demonstrate that you and your family are 'integrated' into Scottish society, your lawyer could have a greater chance of proving it would breach your human rights to uproot your family and forcibly remove you from the UK.

It is extremely important that you and your family **prepare** evidence of integration to give to your solicitor, who may submit this to the Home Office as a **fresh representation** when s/he thinks it is appropriate.

This evidence could help your solicitor to argue for your release if you are detained by the Home Office.

What you can do

HELP YOURSELF.

If you are in this situation, you can start by collecting all or some of the 'integration' evidence below. Here's some examples:

- Children's school and/or activity reports,

- Family photos (showing the difference from first arrival, to the present time).
- Letters of support from school/ college, support workers, doctors, health visitors, faith and/or community leaders, friends/ neighbours,
- Evidence of volunteering or other activity that has benefited the wider community;
- Include the thoughts of your children about being born and/or growing up in Scotland;
- Get a petition from your local community, faith group or others;
- Stress the strength of your ties to Scotland, including your community, local school, college, places of volunteering, places of worship, friends, neighbours and family, you and/or your children's knowledge of English, hopes for future studies or career or how you and your family can contribute to Scotland as neighbours, workers, students, citizens of Scotland, etc.
- In fact, **anything to demonstrate your enduring connection to Scottish society.**

Remember: It's your asylum claim - you can help your solicitor gather the necessary evidence to support your claim for sanctuary.

Notes

1. On March 29, 07, First Minister Jack McConnell stated that the Scottish Executive were in talks with the Home Office to look at long-running cases involving children grown up in Scotland. He said he wanted a "sensitive" approach to be taken, and expected many families would be allowed to remain. Speaking at FM Question Time, Mr McConnell said many youngsters in this situation now regarded themselves as Scots. "That is why I believe that those legacy cases are so important. **We have received a commitment from Home Office ministers that they will be properly looked at...** I want to ensure that in implementing that commitment due care is taken in relation to the futures of those young people because of their contribution to our schools." (http://news.bbc.co.uk/2/hi/uk_news/scotland/6507091.stm)
2. Positive Action in Housing works with communities and others to enable everyone to have an equal chance to live in good quality, affordable and safe homes, free from discrimination and the fear of racial harassment and violence. Our work includes an advice service for those facing homelessness, destitution, harassment & poverty; a volunteering programme, antiracist campaigns and social policy. www.paih.org

For more information on this leaflet, contact:



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Prepared in collaboration with immigration solicitors working with us to bring justice for families in Scotland failed by the asylum system