**Movement for Justice Case Study**

**The case of ‘O’**

**Claiming asylum whilst in detention (Detained Asylum Casework – DAC)**

**Background:**

1. O is a woman from an African nation who lost her husband in 2007. Following the death of her husband, his brothers and family (some of whom were involved in criminal gangs) started to terrorise her over his property, which they ransacked and she had to run away because it was not safe to stay there. It escalated to rape when she refused to marry her brother in law and let him take her children, he then went on to arrange for her to be gang raped by 5 men and continued to sexually assault her regularly. As a result of this O contracted HIV.
2. Homeless and terrified her husband’s family would take her children she put them with a maternal aunt and went on the run again, often living on the street, in a church, moving around. Her aunt at some point handed O’s children over to her brother in law’s family because they offered to pay for the children’s education and she could not afford to keep them. O was devastated but she was too afraid and had no resources to fight to get her children back. Her aunt had been like a mother to her since her mum had died when she was young, but it had also been a difficult relationship with a lot of physical abuse; despite that O never imagined her aunt (who she often calls mum) would hand her children over to their fathers family, that relationship is now completely broken.
3. To this day O has not disclosed her HIV status even to her own family (including her cousin’s in the UK) because of the shame and stigma attached to the diagnosis. She managed to survive by working occasionally for a cousin as an administrator in his company and by selling some containers her family had given her. Her cousin helped her to get a ticket and apply for a visa to come to the UK so she could visit her cousin here. O arrived in the UK on 11/11/2017 deeply traumatised, with £20 in her pocket, terrified of having to go back to her home country, she knew nothing about the concept of asylum. O was refused entry and taken straight into detention from the airport.
4. In Yarl’s Wood her cousin helped O get legal representation to challenge the decision to refuse her entry, every attempt to resolve the case was rejected and O was becoming increasingly distraught. She was given a ticket to return to her home country and that was when the real terror kicked in. She confided in her fellow detainees about what she’d been through and someone told her about claiming asylum. On 22/11/2017 O claimed asylum.

**After Claiming asylum**

1. In the early hours of the morning on 23rd November 2017, sometime around 2am, guards woke O up, told her to pack everything and go with them. She asked what it was about and they said ‘we don’t know’. O was terrified she was being deported; at this point she did not have a solicitor and did not know anything about the process of claiming asylum or what her rights were.
2. She was taken to reception and told she was going to the airport to have her ‘interview’, to this day she does not understand the difference between a screening interview and a substantive interview, all she heard was ‘airport’, all she knew was all her things had been packed and she was woken up in the middle of the night. She said several times that she felt sick, at one point she was given a sick back.
3. She was put in a van and driven over several hours to Heathrow (she cant identify exactly where she was but she saw aeroplanes flying and the guards told her it was Heathrow). She was put by herself in a room for 30 minutes. A man came out to her and standing over her started to aggressively ask her how she knew about asylum and proceeded to tell her that she was about to be interviewed and if she ‘failed’ she would be forcibly deported in handcuffs and a restraint belt. He then took her to another room and proceeded to do an asylum-screening interview. O remembers very little of that interview, her mind was in bits, she was sick and terrified, there was no interpreter. When it was finished she was put in another room for a while before he came back and got her to sign something, but she doesn’t remember what it was she signed.
4. **O was subject to an initial interview with no advance warning, after only having a couple of hours sleep and nothing to eat or drink, she was not given adequate explanation, had no emotional or legal support with her, she was taken to an airport – something which will strike fear into the hearts of most asylum seekers and faced an aggressive male interviewer. The majority of asylum seekers have faced some form or torture, abuse, sexual violence and persecution. The only purpose served by putting asylum seekers through this torture of claiming asylum whilst imprisoned, is to re-traumatise them and make it more likely their asylum case can be dismissed because of the inevitable inconsistencies that result. This is a pattern Movement for Justice has seen time and time again.**
5. This initial interview lasted about 1 hour and we now know it was her screening interview, the written record of that interview records it as having started at 8.20am and finished at 9.05am.
6. After all of that, she was left in a room alone for 3 hours before a van came to take her back to Yarl’s Wood. She describes how the van stopped several times before getting back to Yarl’s Wood sometime after 10pm. She had not eaten or had anything to drink all day.
7. What followed were two further ‘interviews’ that took place in Yarl’s Wood, O does not know why she had so many interviews. We know from the paperwork that for some reason she was subject to two screening interviews, one on the 23/11/2017 at Heathrow, the second on 27/11/2017 at Yarl’s Wood.
8. For the second screening interview it was a different man carrying out the interview with a woman interpreter speaking to O via a telephone. It lasted 1-1.5 hour’s; at this point O still did not have a solicitor. O describes how tired she was, how distressed, that she just wanted it to be over with, to forget everything. O describes how she stopped using the interpreter because she couldn’t hear her very well on the phone, it was confusing her and she just wanted it all over with.
9. O’s substantive interview took place in the same small room in Yarl’s Wood on 06/12/2017; this time O did have a solicitor and an interpreter present, both were men. She was in a small room with three men expected to talk about her experience’s, which include being gang raped and tortured. O was asked if she would prefer a woman to interview her but she describes being so desperate for the whole thing to be over she just went along with everything.
10. **What O describes is a common response by women who have experienced sexual abuse and rape. Paralysis in the face of authority figures, being unable to protect oneself and ask for needs to be met. Those difficulties are magnified dramatically while in detention making the process of claiming asylum impossible.**
11. On 19/01/2018 a psychiatrist at the instruction of her solicitor examined O. The Psychiatrist diagnosed Post Traumatic Stress Disorder and advised that she had not been in a fit state to be interviewed.
12. O was given a rule 35 report whilst in Yarl’s Wood, the GP accepted that she was likely a victim of torture and that her scarring was consistent with her story. They also concluded that her mental state would “continue to deteriorate” whilst she was kept in detention.
13. As a result of the Rule 35 the Home Office categorised O as meeting level 2 of the Adult at Risk Policy. Despite this they concluded that she should continue to be detained.
14. The Home Office refused O’s claim for asylum, the central reason for their refusal was inconsistencies’ between the three interviews about dates; they described her as being ‘internally inconsistent throughout’. **When subjected to the kind of abusive and torturous process that O was subjected to it was impossible for her to present any kind of consistent history.**
15. O became appeal rights exhausted on 26/03/2018, she is at risk of imminent deportation.