

# Asylum seekers removed from UK without proper legal representation

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The British government is engaged in a protracted and brutal effort to de-legitimise and demonise asylum seekers.

A newly announced two-tier asylum system essentially outlaws claiming asylum in the UK. Another grotesque part of their campaign entails sending asylum seekers back to where they were being persecuted without even bothering to hear their case.

LBC Radio revealed that asylum seekers are being removed from Britain without their cases being legally considered. The radio station is not the first place one would expect to find sympathetic treatment of asylum seekers. Pro-Brexit anti-immigrant demagogue Nigel Farage was until recently a star turn on their broadcasting roster. But its evidence of systematic law breaking by a government denying the legal rights to some of the most desperate and vulnerable people on the planet was not picked up by any other news media source.

Figures seen under Freedom of Information law by LBC show that over half of the people removed by the Home Office on specially arranged charter flights over the summer of 2020 did not have a lawyer on record. More than half of the people being removed were not afforded access to adequate legal representation or had no legal representation whatsoever. Of the 71 people removed in August and September, 37 did not have a lawyer on record.

During the summer of 2020, in anticipation of Britain's departure from the European Union (EU), the Home Office began to accelerate deportations and removals. LBC was at pains to distinguish between deportations (which frequently include convicted criminals) and "administrative" removals, which include migrants and asylum seekers. The figures seen by LBC refer to the latter category. These removal

flights continued apace until the UK left the EU in December.

The distinction made by LBC between "respectable" migrants and asylum seekers removed by fiat and those deported because of a criminal record is a false one. These deportees are frequently one and the same, with evidence of legal representation having also been denied to those accused of crimes while in the UK.

Journalist and lawyer Monir Ahmadi, a refugee himself from Afghanistan, told LBC, "I have friends whose cases were rejected but they didn't have any chance to speak to a lawyer. If you don't have a lawyer, you don't know how to present your case. Asylum seekers don't know what arguments they can provide to support their case. They may have their documents and evidence, but they don't know how to present it."

In response, the Home Office issued a statement ignoring their breach of human rights, insisting, "We only return those who have no right to be in the UK. All claimants have the opportunity to be legally represented during the consideration of their asylum claim and the Legal Aid Agency ensures legal aid funding is provided to those who need it. The current system is broken. Our New Immigration Plan will address abuse of the system and help stop the waste of significant judicial resources."

The government sought to legitimise its brutal policy of removal by announcing last month that their own research suggested eight out of 10 last-minute attempts to avoid removal are rejected. In fact, their figures reveal that 25 percent of last-minute reprieves, even in the jaundiced eye of the government, are legitimate. The Detention Duty Advice Scheme, by which the Legal Aid Agency provides legal assistance to immigration detainees, is currently facing a potential legal challenge from a number of NGOs, including

## Detention Action.

Organisations advocating on behalf of asylum seekers told LBC they have seen multiple instances of legitimate asylum seekers or trafficking victims failing to have their cases taken on. They argue there is evidence that some law firms involved in the scheme have taken on only a very small number of the cases they've been assigned.

Speaking on behalf of Detention Action, director Bella Sankey said, "The system is in disarray, it's not fit for purpose. People don't have lawyers available to them. The legal advice that is being given at times is wrong. We've raised these concerns consistently with the Legal Aid Agency and more recently with government, and we're now in the process of initiating litigation over this."

The brutality of the Home Office's forced-removal programme was illustrated just days after the LBC exposure, when Home Secretary Priti Patel was found to have acted unlawfully in attempting to remove a failed asylum seeker before he could testify at an inquest into the death of another asylum seeker at a detention centre.

The *Financial Times* reported how the Home Office wanted to send Ahmed Lawa on a flight to Nigeria on September 17, 2019. This was just five days after the death of Oscar Okurime, a friend living in the next room at Harmondsworth immigration detention centre.

Lawal knew his removal from the UK would prevent him giving evidence at the inquest into Okurime's death. After hearing Lawal's evidence, a coroner's jury found Okurime's death (from a brain haemorrhage) to be "unnatural", brought about partially by "multiple failures" of management to follow healthcare procedures at the detention centre.

Judge Lane ruled that Patel acted unlawfully by trying to put Lawal on the flight without taking "reasonable steps" to secure his evidence towards the inquest into Okurime's death. The judge ruled a Home Office policy document, "Death in Immigration Detention," unlawful because under Article 2 of the European Convention on Human Rights, which covers the right to life, it risks breaching detainees' rights. In addition, Lane said the Home Office had breached the law by failing to provide adequate instructions for caseworkers to handle the case of a witness to a death in custody.

In his judgment, Judge Lane explained how Lawal testified at the inquest that he heard screaming and shouting and efforts to push the alarm bell from Okurime's room around 11pm the night before he was found dead. Okurime was only discovered dead the following morning, by which time rigor mortis had set in. Previously a judge issued a last-minute injunction on the day of Lawal's planned removal to prevent him being returned to Nigeria. The coroner in the case later said Lawal would not have been able to give evidence adequately online via video link.

Jamie Bell, of Duncan Lewis Solicitors, the immigration lawyer who represented Lawal, told the FT, "This case demonstrates the cavalier attitude of the home secretary when enforcing removals".

Bell continued "Despite a tragic death within her detention centre, the home secretary did not hesitate to maintain her plan to remove potential witnesses by charter flight, ignoring anyone who wished to come forward to give evidence." Bell said the case demonstrated the "vital importance" of judicial review and access to appropriate legal advice in immigration detention.

The working class must wage a determined struggle in defence of immigrants and asylum seekers now being denied basic democratic rights. The victims of imperialist wars and brutal exploitation by the transnational corporations are subjected to the vilest crimes, hunted collectively by Europe's governments using warships, allowed to die in their thousands at sea, imprisoned in concentration camps and subject to deportation. The Socialist Equality Party demands an end to all deportations and calls for refugees to be welcomed and provided with all the benefits of citizenship.



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