

Bulletin 10 October 2008

SDV News and events

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<http://www.sdv.org.uk/id15.html>

Immigration, asylum and detention news

Court of Appeal says no deportations against Zimbabweans

The Court of Appeal has recently promulgated a very brief judgment but with huge implications for people facing deportation proceedings.

Mr Mvumi, a Zimbabwean national, arrived in the UK in November 2002. His asylum claim had been refused by the Home Office and by the Tribunal and he had in fact exhausted all his appeal rights..

He was prosecuted, and sentenced to a custodial sentence of eight months on the three counts of possession of an identity document with intent, fraud by making a false representation, and possession of an article for the purposes of fraud.

The matter came to the Court of Appeal as an appeal against sentence. Mr Mvumi did not seek to challenge the length of the sentence of imprisonment, but sought to have the recommendation for deportation set aside.

The Court of Appeal allowed the appeal and quashed the deportation order. The court made it clear that this was not a case where an order for deportation was necessary, nor indeed appropriate.

I want to highlight the two reasons on which this decision was based.

Firstly, the sentencing judge against whose judgement Mr Mvumi was appealing and who had made the order for deportation, had not given reasons why he considered that this was an appropriate case for deportation. The court referred to authority for its proposition that sentencing judges should give their reasons for making an order

for deportation.

It is therefore important for persons who have an order for deportation against them, or have had their sentencing judges recommend deportation, to check whether there are specific reasons given for such an order or recommendation. If no reasons are given, then the recommendation or order for deportation is not sustainable in law and should simply be set aside.

Secondly, and perhaps more importantly, the deportation order in Mvumi was set aside simply because of the current ministerial policy that that there will be no removals of failed asylum seekers to Zimbabwe for the moment.

The court's exact words were that, "an order for deportation against a Zimbabwean is absurd given the current policy relating to those whose home country is Zimbabwe." This is a clear and useful decision. It helps that it is a Court of Appeal decision and has immediate binding effect on the lower courts and tribunals. As long as the current policy to not return Zimbabweans remains in place, all deportation orders are, therefore, unlawful.

For now, it looks like the UK policy on Zimbabwe remains unchanged. The latest statement by the Foreign Secretary David Miliband in the House of Commons on October 6, 2008, seems to confirm this. He said:

"The House will have seen news of the political agreement reached between the parties in Harare on 15 September to form an interim coalition Administration. Three weeks have passed since that moment and still no cabinet has been appointed. The positive momentum generated by the signature is fast evaporating, Zimbabwe's economic and political situation is deteriorating, inflation continues to mount and the people of Zimbabwe are still suffering."

<http://www.newzimbabwe.com/pages/immigration33.18865.html>

New minister may cap immigration

The new immigration minister has hinted that Labour may take the political risk of adopting a "balanced migration" policy to restrict population growth in Britain. In his first interview since being given the job, Phil Woolas vowed to toughen the current legislation, claiming that it was vital to "provide confidence to the indigenous population that migration is under control". Woolas expressed sympathy with a campaign led by Frank Field, the Labour rebel, who has called for a statutory limit on the number of foreigners allowed to settle in Britain.

<http://www.timesonline.co.uk/tol/news/politics/article4882601.ece>

Other news and events

Get World-wise Taster Sessions

World-wise is an adult learning course for people who want to change the world but don't know where to start. World-wise is all about the power we have to make a difference on issues like climate change and international poverty. A ten-week World-

wise course, open to anyone in Glasgow, will run from January 2009 where people learn about important global issues, talk about where we fit into the picture, discover how to influence decision-makers and develop the skills to bring people with us. Sessions cover areas like development basics, trade and climate justice, the Scottish Parliament, using the media and planning a campaign action.

Come along to a free 2 hour session for a taste of what it means to be World-Wise and a chance to meet people taking action on global issues, or tell your friends about it!

Monday 10th November, Mitchell Library 6.30 - 8.30pm

or

Wednesday 26th November, Langside Halls 6.30 - 8.30pm

Email Claire on clairewomble@gmail.com to reserve a space.

A job you might be interested in: Positive Action in Housing, Project Officer (Casework & Outreach)

£21,251.41 per annum + 5% contributory pension scheme, 30 days annual leave + 15 days public holidays

We wish to recruit a caseworker to assist in providing a free, independent, multilingual and culturally sensitive outreach housing information and advice service for refugees, asylum seekers and minority ethnic communities in Glasgow.

You will undertake casework and provide information, advice and support to the client group through outreach surgeries and direct referrals. You will enjoy working with people; have excellent interpersonal skills and preferably experience of carrying out casework for people in need. As well as English, you will be fluent in one of the following languages; Urdu, Punjabi, Kurdish, Farsi, Arabic, Somali, Swahili, Dari or Pashto. You will be able to write reports and have knowledge of social exclusion problems affecting minority ethnic/refugee communities. You will be computer literate, able to prioritise your work and be an effective and supportive team member.

Positive Action in Housing actively promotes equal opportunities throughout our jobs, services and activities and actively encourages applications from all sections of the community. Previous experience in a voluntary organisation is desirable.

Closing date: 12 noon Friday, 31st October 2008

Interviews to be held: week beginning 17th November 2008

Download an application pack at:

www.paih.org

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