

Reimagining Refugee Rights: Addressing Asylum Harms in Britain, Denmark and Sweden

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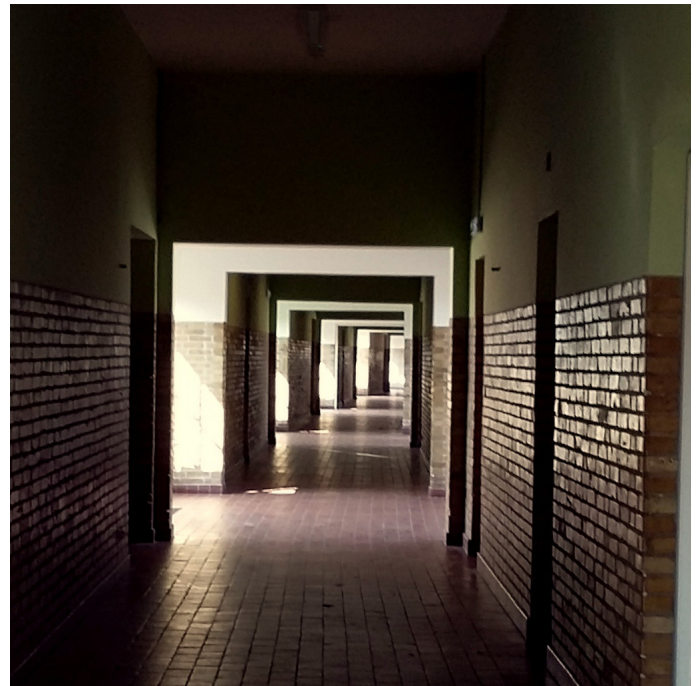
About the research

For people seeking asylum in Northern Europe, reaching a safe country is a key goal. However, many face unexpected and unduly harsh realities: poverty, poor healthcare, racism and Islamophobia can make life incredibly difficult. This raises serious ethical concerns. Rather than accessing rights, many people experience the degeneration of their mental health, loss of job-related skills as time goes on, and social isolation. Survivors of violence and persecution are often excluded from support networks. Likewise, some policies and social attitudes are increasingly hostile toward migrants, resulting in harmful laws and practices.

This report outlines findings from a study based in Britain, Denmark and Sweden from 2016-2018. Funded by the Economic and Social Research Council, it documents the harms increasingly embedded in the lives of people seeking asylum. In particular, this study focuses on the gendered implications of seeking asylum. It highlights that hostile attitudes and environments compound - or make worse - the impacts of violence, torture and sexual abuse. At the same time social and psychological support is reduced, leaving many people in an unsupported limbo, and women survivors of violence on the periphery of societies. Overall, this report shows that the rights of women seeking asylum are diminishing in all three countries, and calls for a significant relaxation of social controls in the lives of people seeking asylum.

This project used three key methods to explore asylum harms; in depth interviews, oral histories, and participatory action.

Between October 2016-June 2018, 74 in-depth interviews were undertaken with psychologists, detention custody officers, activists, sexual violence counsellors, immigration lawyers and barristers. In-depth oral histories were also undertaken with five women, facilitating longer term insight into women's lives and trajectories of violence.



Participatory action is a qualitative collaboration between the researcher and communities which seeks to move knowledge into action. It has been central to accessing insight to everyday harms – as well as survival - in the lives of people seeking asylum. It has included spending more than 500 hours speaking with people seeking asylum across the three countries, in particular women in asylum centres in Denmark and in communities in Merseyside, Britain and Malmö, Sweden.

“ I am here ten years now and my life has gone. I'm nearly 45. What I will do if I get status now? How I can do work? If ten years ago I got status, I would be able ... I had to do the job, I was young, I could do everything

Asma, survivor of domestic violence, Britain

Key findings

Identifying Asylum Harms

1. **Asylum in its current form is unfairly weighted toward refusal from the offset, and as such the right to security is reduced.** There is little information at the application stage about what the procedural or legal framework for asylum is, or how much time it can take.
2. **Although women seeking asylum are regularly deemed ‘vulnerable’, asylum policies and practices across all three countries actively contribute to or increase the risk of vulnerability to violence.** Poverty and destitution can leave women dependent on men financially.

3. **The lack of autonomy in daily life, and increased uncertainty for the future, compounds the emotional and psychological impacts of previous subjections to violence.** Survivors of sexual violence, torture and domestic abuse disproportionately experience anxiety, sleeplessness, nightmares and other symptoms reflective of Post-Traumatic Stress Disorder. These are made worse by micro-level impacts of restrictive policies.

“ You have to make yourself happy. If not you would one day just stand up, you would go hang yourself, you will just die. It’s not easy to live in the camp, my sister. It’s not easy

Antonia, survivor of sexual trafficking, Denmark

Examples of Gendered Harms in Seeking Asylum

Women continue to face high levels of sexual and domestic violence during the process of seeking asylum. For some, forced destitution and forced dependency both facilitate and exacerbate such experiences.

In all three countries, women participants indicated levels of self-confinement in asylum centres and social housing.

Mothers/carers time is often dictated by inflexible childcare, meaning the ability to travel or undertake personal tasks is restricted.

Uncertainty and isolation reduces capacity to engage in sexual/domestic violence support.

Detention fragments family structures, particularly for people/women with children. There have been instances of sexual abuse in UK IRCs by custodial officers.

Pregnant women are still held in immigration detention in Denmark and Sweden. In the UK, this has been reduced to a maximum of 72 hours.

4. **Practitioners working with people seeking asylum report that they are increasingly prevented from doing their jobs effectively.** This is particularly the case for psychologists and psychotraumatologists working with survivors of persecution and torture. Some indicated feeling disempowered or demoralised in their roles.

Impacts of law and policy at structural level

I try to help people but there’s no way of helping them, the laws are making things impossible. We can’t help people reunite, we can’t help people get proper protection, we can’t help people... we can’t even help them to be allowed to beg, to have some money to eat for the day, everything is getting harsher and I don’t know what to do about it anymore, I’m sad every day
Co-ordinator at refugee NGO, Sweden

Institutional level impacts for managers/co-ordinators

The people who have to support and advise generally are burnt out, is the way I’d describe everybody, and demoralised
Barrister, QC (Queen’s Counsel) in Britain

Individual impacts of reductions in capacity to provide support

Becoming more hopeless and powerless and feelings of ... ach, whatever we do it’s not enough.
Psychologist specialising in trauma, Sweden
I find it quite hard, find it quite demoralising, obviously. It’s really hard not to take it personally
Barrister in Britain

5. **The use and practice of immigration detention varies across all three countries, but was invariably viewed as negative by those who were or are seeking asylum.** Oral histories in particular indicate that the threat or reality of loss of liberty has a significant impact on people’s everyday feelings of security, even outside of detention.



I will do what Immigration tells me to do, but I want to be free

Nour, survivor of domestic violence, Sweden

6. **Significant barriers to accessing psychological support are evident in all three regions.** Some organisations specialising in post-torture support or sexual violence counselling avoid working with people seeking asylum, as the uncertainty of their status is considered too distracting to engage in meaningful therapies.

7. **Deportation centres are spaces of significant harm.** Of the three countries, only Denmark has dedicated deportation centres, Sjølsmark and Kærshovedgård. These are spaces of significant harm, including isolation and degradation of the person. Whilst the centres have received criticism within Denmark, they are often overlooked elsewhere. Participants – including staff working in Sjølsmark - consistently recommend closure.

Barriers to support

Accessing support in the aftermath of sexual and/or domestic violence can be a critical part of survival and personal recovery. Women seeking asylum face significant barriers to these.

Key Barriers to Domestic or Sexual Violence Support

<p>Gender blindness: Organisations working with women may not consider specific needs in asylum, and organisations working with people seeking asylum can overlook the intersectional experiences of women</p>	<p>Silencing: Survivors of sexual or domestic violence may not wish to disclose their experiences, particularly to someone they do not know or trust. Likewise, practitioners may feel unable to broach sensitive subjects</p>	<p>Practitioner Reluctance: Since people seeking asylum can be displaced, dispersed, detained or deported, some psychologists and psychotherapists argued that it was unethical to instigate therapy since it may not be sustained</p>
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The main reasons for not accessing psychological or emotional support in the aftermath of sexual violence, torture or domestic abuse were as follows:

- Information: lack of information or knowledge of where to go;
- Time: other appointments (with legal advisors, schools, the Home office, the Danish Immigration Service or Swedish Migration Agency) led to inflexibility;
- Priorities: people seeking asylum often have so many administrative priorities and imminent concerns for their case that, for some, accessing more support felt like adding another burden on their immediate priorities;
- Funds: unless travel expenses are offered in advance of support sessions, many women cannot afford transport;
- Lack of trust: uncertainty that confidentiality would be upheld and concern that information would be divulged to either the state in which the person is seeking asylum, or the state from which the person has fled.

Key recommendations

- All asylum applicants should be given access to legal counsel for their case prior to the main interview.
- The use of immigration detention should not be expanded and, considering the harms inherent to incarceration, should be reduced or removed altogether. If immigration detention is to be used, then a time limit of 28 days should be implemented. In particular, pregnant women and children should not be detained.
- All organisations and institutions working with migrants and people seeking asylum should create women-only spaces.
- People identifying as Lesbian, Gay, Bisexual, Transgender, Queer and Intersex require further consideration and support in the allocation of housing.
- Credibility of asylum applicants should be reviewed in accordance with cultural norms, such as accepting that people may not disclose instances of sexual abuse or torture, and thus future disclosure should not count against them. Likewise, means of measuring time and dates are not culturally static, and therefore case reviewers should not base whole decisions on small inconsistencies in dates or language.
- The reductions in the right to apply for family reunification in all three countries should be reviewed and reversed.
- In the UK, access to legal aid should be reintroduced at all levels of the appeals process, particularly in light of the fact that around half of all negative decisions are overturned after appeals have been made.
- This report advocates the closure of Danish deportation centres. However, as this is an unlikely outcome in the near future, interim recommendations include relaxing the controls around the everyday experiences of people in the centres: people should be allowed to cook, canteen times should not be regulated, there should be women-only spaces, the health, age and religion of the person should be considered where canteen food is used, and prison-like fences should be removed. People should also not have to sign in regularly and, if and when they do, this should not require police involvement.

References and further reading

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