

# Greater Manchester Immigration Aid Unit

Annual Report  
2015-16

“Receiving my  
indefinite leave to  
remain has made  
my life future  
goals possible.”



# Chair's report

The GMIAU has had another busy, challenging and rewarding year. We've been busy as we're one of few legal aid organisations offering advice and representation on asylum who are still in business and the demand for our services is overwhelming.

Our year has been challenging. As I write the camp in Calais is being destroyed - along with the hopes of so many of its residents. Children are left unprotected as both the British and French governments wash their hands. The courts are clogged up - more than I have ever seen - and many cases are postponed, at the last minute, due to lack of judges being available to hear them. The draconian Immigration Act (2016)

further creates a hostile context: those without leave to remain are criminalised if they work, have a bank account (which can be frozen) or a driving licence (which can be seized). Those who employ or rent rooms to those here without permission will also be criminalised. The power to deport before an appeal is pending; and pregnant women can be detained for up to a week. The hostile culture created through the due Parliamentary process is amplified by Brexit and its ramifications. The narrative that those who voted for Brexit did so over fears around immigration is now being transformed into governmental policy and social attitudes are hardening.

Yet despite all this I don't offer a counsel of despair. Our work is still incredibly rewarding. Lives have been changed, and saved, because of our work; those who get leave to remain can live in

safety, come to terms with the past and look to a safe and secure future. I am, as ever, proud of our caseworkers and supporters who work so hard to make the NW a region of welcome where those who come here can flourish.

In the 1940s the German pastor and theologian Dietrich Bonhoeffer, who was executed by the Nazis for his involvement in a plot against Hitler, commented that it isn't enough to bandage the wounds of those who are injured by the machinery of injustice. Instead, he noted, we have to put a spoke in the wheel of that machinery. Every witness statement we write, every time we give evidence, every legal win, everyone freed from detention, everyone given the right to remain in the UK represents a spoke in the wheel. ■

**Reverend Andy Braunston**

# Director's report

It is a relief to have survived the challenges and threats to advice services of the last few years.

But there is never any room for complacency and we remain ever watchful for the next threat – or opportunity – that might appear on the horizon. Changes in the law, and particularly those within the Immigration Acts 2014 and 2016, are part of the government's stated intention to create a 'hostile environment' for immigration. And everyone is feeling it. Whether you had limited leave and realise that you have to pay huge fees in order to make an application for your next period

of leave, or you're still waiting to have your substantive interview several months after arriving in the UK looking for safety and protection. We have all witnessed the positive response of many local people to the movement of refugees across the middle East and into Europe. We have equally all been dismayed by the dismal response from government. GMIAU is proud of what it has achieved in the year and we are proud of what we stand for. Thank you to all those who have worked so hard and shown their support for the organisation in so many different ways. We are what we are because of you. Thank you. ■

**Denise McDowell**

# Structure, governance and management

## Governance

As a registered charity Greater Manchester Immigration Aid Unit is administered by a Board of voluntary trustees. The Board meets every two months and delegates a number of functions to the finance sub-committee and the staffing sub-committee. Both sub-committees meet every two months.

## Trustee selection, appointment and competence

Trustees are elected by the membership or co-opted by the Board for terms of up to two years (renewable) in accordance with the Memorandum and Articles of Association. All persons wishing to put themselves forward for election/co-option must undergo a preliminary selection process following which the Board decides whether to recommend them to the membership as suitable candidates.

New trustees receive an induction programme which includes introductions to the organisation's policies and practice, its aims and activities, the staff and other members of the Board.

The Board maintains the competence of its members through verbal and written briefings, presentations, and opportunities to attend training courses and events.

## Staff team

The Trustees employ a Director who is responsible for the day-to-day management of GMIAU. We have a team of specialist immigration caseworkers currently comprised of 1 Level 3 Law Society accredited caseworker, and 9 x level 2 Law Society accredited caseworkers

(equivalent to OISC level 3).

Of these 3 are accredited supervisors, 4 are solicitors, including the Senior Solicitor, and 2 are trainee solicitors. We have one level 1 caseworker and a legal secretary.

In addition there is a Finance Manager, a Receptionist and we have a number of volunteers.

We also employ a part-time social worker to support people in severe need and supervise the third-year social work students we take throughout the year. We have an Operations Manager responsible for projects and services. In June 2015 we took over ASHA (Asylum Support Housing Advice) which has a manager and a casework assistant, and from September 2015 we successfully recruited a 'Children and Young Person's Worker'.

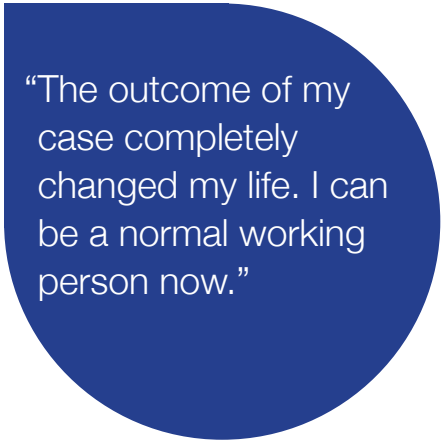
We want to pay special tribute to Intisar, our volunteer who left after helping out on reception for over 10 years and to congratulate Craig who secured a pupillage at Kenworthy's Chambers in October 2015.

## Major risks

The trustees have reviewed the major risks to which the charitable company is exposed and have established systems to review and mitigate those risks.

GMIAU's principal objective is to advance education and relieve financial hardship amongst immigrants and those seeking asylum, particularly by legal and other services.

GMIAU has a three-year strategic business plan, and a written annual plan which sets out specific activities to be undertaken in each year.



"The outcome of my case completely changed my life. I can be a normal working person now."

# Aim, objectives and activities



## Our aim

Greater Manchester Immigration Aid Unit (GMIAU) exists to advise, support, represent, and campaign with people subject to immigration control.

Our aim is to ensure access to justice for survivors of torture, trafficking, human rights abuse and conflict as well as divided families and others who are in need and affected by immigration controls.

## Our objectives

- To provide free, confidential, independent information, advice, representation, and advocacy services to the communities within our funding area.
- To assist such individuals trying to obtain entry/leave to remain in the UK for themselves and/or for family members.
- To liaise and develop links with other agencies dealing with immigration, asylum and nationality issues.
- To promote access to justice for those subject to immigration control.

- To provide support to individual and national campaigns.
- To provide training on asylum, immigration and nationality issues.

## Our activities

In pursuit of these objectives, GMIAU undertakes the following:

- Individual advice and representation, casework, and all stages of legal immigration advice and representation to people subject to immigration control,
- Support for particular groups of people affected by immigration control including, currently, people who are destitute, women seeking asylum who have been subject to gender-based violence, unaccompanied children and young people, and refugees with a right to family reunion.
- To promote and raise awareness of the issues affecting people subject to immigration control, and provide training, workshops, and events to highlight these issues and promote improved understanding and practice.

- To work with others to secure and develop advice provision in the North West.
- To develop policy responses and campaign to support people subject to immigration control and under threat of deportation.

## Public benefit

The Trustees of GMIAU have paid due regard to the Charity Commission guidance on public benefit in deciding what activities the charity should undertake.

The aims of Greater Manchester Immigration Aid Unit are carried out for public benefit. We provide free legal advice, representation, and support to many people who are subject to immigration control, their friends and family, and who are in poverty. Our achievements listed below show the ways in which we have furthered the aims and objects of the charity. Members of the public can contact us five days a week, in person, by phone, or by email to seek advice and support. This includes individual people themselves as well as agencies contacting us on behalf of others.

The benefits that arise from the aims of the organisation are as follows:

- People get a successful outcome to their case. This means that for many they become entitled to work, support themselves independently, and get out of poverty. It also means that people can settle into the local community, feel safe and secure, and start to rebuild their lives in the UK.
- People receive the advice and support that they need which allows them to make decisions that affect their lives and their future.
- Any campaign or policy activity attempts to improve the situation for the people who benefit from the organisation and its work. Specifically this means improvements in the asylum or immigration process and the ways in which people are treated by the authorities to ensure fair and equitable treatment and respect for human rights.


## Participation and work with others

We continue to work with a wide range of agencies, to provide advice and to develop policy responses to immigration and asylum issues.

We have been active members of networks of advice agencies, legal aid providers, and others to campaign against the cuts to legal aid and to try to find ways to support people to make their own applications.

## Country Guidance Case

In the year we had many successful cases including a significant DRC country guidance case.

 GMIAU successfully represented the fifth of five appellants, EB, in the country guidance case of *BM and Others (returnees – criminal and non-criminal) DRC CG [2015] UKUT 293 (IAC)*, which was heard in April 2015. The judgment gives guidance to be followed by the Tribunals and the Home Office in all asylum cases concerning DRC nationals on the categories of person at risk on return to the DRC. EB instructed GMIAU in 2012 after her asylum appeal had been dismissed. GMIAU secured permission to appeal to the Upper Tribunal and represented EB at several subsequent hearings before the case was designated as a Country Guidance case, along with four other cases, in 2014. Each of the five cases raised different issues to be considered as risk factors by the Tribunal. EB is an active member of the Congolese political opposition group APARECO, which mainly operates outside the DRC as a result of hostility from the Congolese authorities, and her appeal concerned the risk to her on account of her political activities outside her country of origin (sur place activities). There is limited published information on the treatment of those associated with APARECO by the DRC authorities and extensive expert and witness evidence was prepared and submitted in support of EB's appeal.

The Upper Tribunal handed down judgment in the case on 2nd June 2015, allowing EB's appeal. The Tribunal held that "a national of the DRC who has a significant and visible profile within APARECO (UK) is, in the event of returning to his country of origin, at real risk of persecution for a Convention reason or serious harm or treatment proscribed by Article 3 ECHR". Following on from the Tribunal decision, EB and her husband were finally recognised as refugees and given five years' leave to remain in the UK. ■

# Achievements

## During the year we have:

Provided advice and support to over 5000 individuals and agencies. Many of the people we see are vulnerable due to their circumstance and include people with health problems, people who are destitute, people who have been subject to torture, trafficking, forced labour and other forms of ill-treatment, and children and young people who are in the UK on their own.

Taken on over 1215 new cases.

Secured the Specialist Quality Mark for a further 3 years.

Delivered a contract with Manchester City Council to provide an immigration advice service to Manchester residents who are in need. This includes one-off advice as well as complex casework and is particularly geared towards families with no recourse to public funds and unaccompanied and trafficked children.

Provided access to immigration advice through drop-in advice sessions at GMIAU and in other community settings including George House Trust, (people with HIV), WAST (Women Asylum Seekers Together), in hospitals, and in prisons throughout the North West where people are held under immigration detention.

Secured a project, funded by Comic Relief, to support women who are at risk and in danger because of their immigration status.

We took over the running of ASHA, the asylum support housing advice service which Tony Openshaw set up 10 years ago. We wish Tony well in his retirement. We are also particularly grateful to the support of AB Charitable Trust, the Big Life company, and North West Legal Support Trust who helped us to put ASHA on a firm footing for the future.

We started what we trust will be a successful partnership with the global law firm Freshfields, Bruckhaus Deringer whose paralegals are helping ASHA to make asylum support appeals.

We continued our very successful Refugee Family Reunion project and strengthened our links with British Red Cross and others to make sure that refugees have the means to bring their partners/spouse and children to the UK.

We successfully worked with Results CIC to provide coaching sessions to former clients, volunteers and staff. Thank you to Hormoz and Jane.

Continued a project funded by MAC Aids Fund to support the human rights applications of people with HIV.

Completed a 'leadership' training programme of former GMIAU clients. As a result the group have set up a Friends of GMIAU group which hopes to raise the profile of GMIAU over the next few months.

We contributed to a piece of work funded the Access to Justice Foundation to investigate the possibility of raising income through cost orders from pro bono solicitors and barristers.



Supported children and young people who were affected by the closure of Barnardos anti-trafficking project. We continue to work with a large number of children and young people between the ages of 13-22 years and to run the All 4 One group which is for young people who are in the UK on their own.



Further developed our strategic plan with the support of Lloyds Foundation and the consultant Alan Lawrie.



Been actively involved in campaigns against the cuts to legal aid and advice services more generally. We submitted evidence to the House of Commons Select Committee on the impact on clients of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and to the inquiry of the House of Lords Select Committee on the European Union, Home Affairs Sub-Committee on the subject of unaccompanied minors in the EU.



Worked closely with, through the Manchester Volunteer Advice Partnership, Manchester MIND, Manchester Refugee Support Network, Cheetham Hill Advice Centre, and Young Peoples Support Foundation, funded by the Big Lottery, to provide advice to Manchester residents. The project successfully delivered advice and volunteering opportunities to Manchester residents.



Secured funding from the Strategic legal fund to build a legal challenge to the government's imposition of fees for immigration applications and its refusal to accept fee-waiver applications from people who have no or very little income and clearly cannot afford the fees. If the fees aren't paid the person can lose their lawful leave to remain and right to work.



Provided four successful social work student placements from Salford University and Manchester Metropolitan University. The students focus on people who are in need including families with no recourse to public funds, people who are homeless and destitute, young people, and people with mental health needs.



Continued to delight in our two 'Justice First Fellowship' trainee solicitors and the Legal Education Foundation who provided the opportunity.

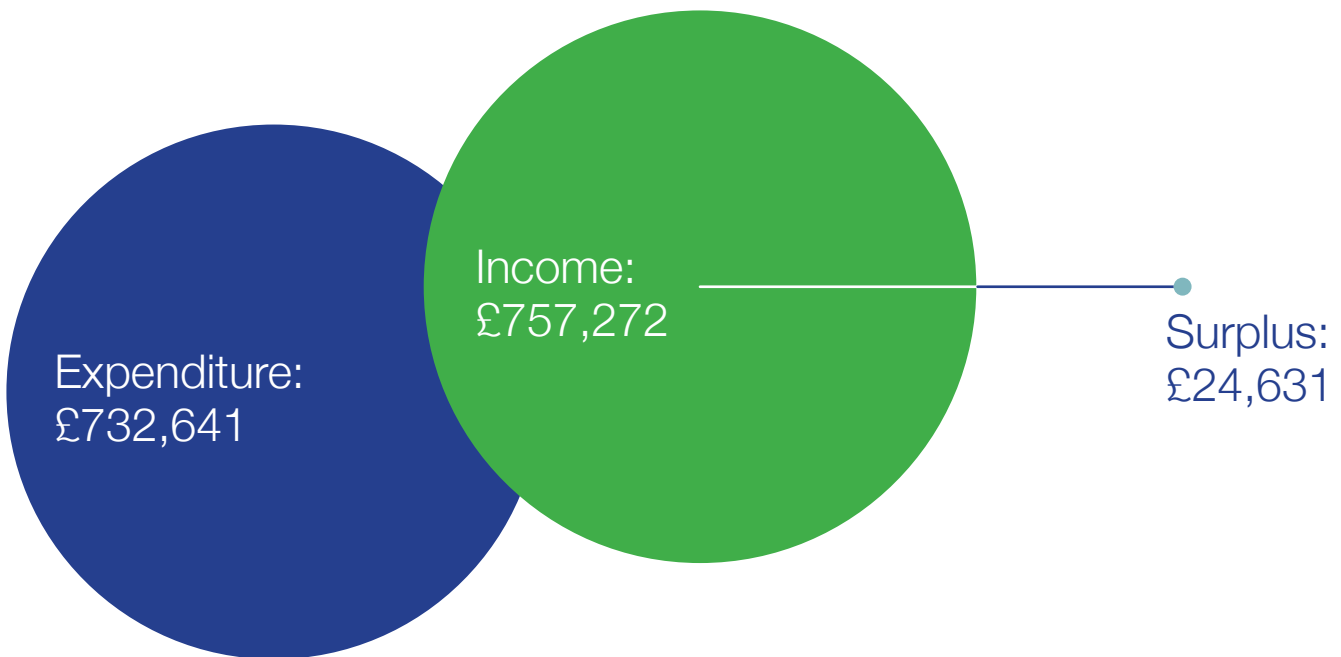


Secured a Local Sustainability Fund grant from the Cabinet to develop our sustainability plans from April 2016 onwards.



"It gave me a chance to stand up on my feet as I've been struggling."

# Financial review and results



## Group reserves policy

The trustees recognise the need of the organisation to have free reserves and have agreed to set aside an amount in each financial year to allow GMIAU to accumulate to a position of no less than 3 months running costs. Any money not required for working capital is deposited in an interest bearing account.

## Funding sources

Our main funding sources in 2015-16 were:

- AB Charitable Trust
- Access to Justice Foundation
- Big Lottery Fund
- Comic Relief
- Legal Aid Agency contract (Legal Aid)
- Legal Aid Agency certificated work
- Legal Education Foundation
- Lloyds Bank Foundation
- MAC Aids Fund
- Manchester City Council contract

- Network for Social Change
- North West Legal Support Trust
- Independent fund raising and donations.
- Sam and Bella Charitable Trust
- Strategic Legal Fund
- Student placements

## Future plans

The Board has worked particularly hard this year to develop GMIAU's future strategy and sustainability. There's more to do. We will be looking for opportunities to increase donations and regular giving; to develop aspects of our work for which new funding may be sought; to develop our relationship with others; and to continue to campaign against injustice and for the rights of people subject to immigration control.

## Members and supporters

We would like to thank all our members, volunteers and supporters for their continued support of Greater Manchester Immigration Aid Unit. You keep us going with your encouragement and validation for the work that we do and for your energy and commitment to all that GMIAU stands for.

## GMIAU

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