Post-deportation monitoring: why, how and by whom?

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The monitoring of refused asylum seekers post-deportation is critical to effective protection.

A 2011 study by the European Commission shows that while the majority of EU member states who participated in the study monitor the pre-departure phases of a deportation, only 13% follow what happens post deportation.[1] Post-deportation monitoring can protect individuals and reveal flaws in national asylum systems. In the 2008 study Safe Return by the Independent Asylum Commission (IAC) the United Kingdom Border Agency (UKBA) states "We do not actively or routinely monitor individual returnees following removal: we believe that the best way to avoid ill-treatment is to make sure that we do not return those who are at real risk, not by monitoring them after they have returned." Yet research shows that a quarter of negative asylum decisions are overturned on appeal.[2]

Post-deportation monitoring would highlight where applicants with a well-founded fear of persecution are wrongly rejected and returned; in addition, published reports of post-deportation human rights violations could also be used by lawyers for strategic litigation to set precedents, and by activists and organisations lobbying for improved asylum procedures. More importantly, organisations in receiving countries which monitor the arrival of refused asylum seekers would be better able to offer assistance and possibly save lives.

According to the study's recommendations, monitors should: observe interactions between officials and returnees; be allowed to communicate with deportees; check conditions in detention and waiting areas; check returnees' files; and report findings and highlight any mistreatment. The study reported that 61% of member states participating in the study either have a system in place or are planning to put one in place and that most of these systems "contain elements that compare well to the standards [i.e. recommendations outlined above]."

In the absence, however, of systematic state-supported post-deportation monitoring mechanisms, civil society organisations in both deporting and receiving countries have taken on this responsibility. The School of Oriental and African Studies Detainee Support Group is one such organisation, set up in 2006 to visit and support detainees and to lobby for an end to the use of immigration detention.[3] One example of their work to maintain contact with deported asylum seekers concerns a client deported on a charter flight from the UK to southeast Asia. The client belonged to a religious minority and had been attacked several times in his home country. He sought asylum in the UK but was refused. Being both detained and unrepresented during his appeal, he was unable to produce documents and evidence corroborating his claim. Subsequently, the client was refused asylum and removed. Upon arrival in his home country he was again attacked and lived in fear of attacks against his family. He was forced to leave his country once more.

While the Detainee Support Group was able to stay in contact in this instance, this is not always the case. As their spokesperson explains, staying in contact can be difficult: "The phones [the deportees] had in detention have been confiscated, or they have no credit or money for phoning upon return. Many are not adequately prepared for their deportations as they had not expected it would actually happen. Scribbled notes with phone numbers and email addresses get lost and we never hear of them again, and have no way of regaining contact."

Catherine Ramos from Justice First travelled to the Democratic Republic of Congo to find

out what happened to refused asylum seekers who had been deported from the UK. Her report, *Unsafe Return: Refoulement of Congolese Asylum Seekers*, documents how refused Congolese asylum seekers were arrested and tortured on their return. Often it was the very fact that they had applied for asylum which put the deportees at risk. One individual was told by security officials that they had to arrest him "on principle" because he had gone to another country and allegedly "said that we don't respect human rights here [in the DRC]".[4]

Some organisations in receiving countries attempt to monitor the situation of refused asylum seekers after deportation. The Refugee Law Project in Kampala hosts a programme to receive and support deported refused asylum seekers. In Cameroon, Rights for All tries to provide such assistance but has been facing difficulties; their spokesperson said that the last four attempts to pick up deportees at the airport had failed as Cameroonian authorities had simply denied that deportees were on the flights indicated by organisations in the deporting countries.[5]

The Post-Deportation Monitoring Network
The Post-Deportation Monitoring Network (PDMN) was established in 2012 by the Fahamu Refugee Programme to enable such organisations in deporting and receiving countries to link up with each other, and to improve information sharing and data gathering on post-deportation human rights violations.[6]

The PDMN has recently been used to alert the Refugee Law Project in Kampala to deportees arriving at Entebbe airport, enabling RLP employees to go to the airport to pick up the deportees, and provide legal advice and psychosocial counselling. Information on imminent deportations, however, is often communicated at the last minute, making it difficult for organisations in receiving countries to react. Moreover, assisting deported refused

"When we arrived in Kinshasa we were arrested by the police and the Immigration officers. We were still in a wretched state after such a long journey of suffering. We were put in a place which was used for detention ... the children really could not stand it – they were dehydrated and in shock." (Congolese returnee)

asylum seekers in receiving countries can create security risks for local members of the network.

Yet evidence collected through monitoring can make a difference. Information about post-deportation abuse in Eritrea – made public in the 2009 Amnesty International report *Eritrea: Sent Home to Detention and Torture* – contributed to all European countries suspending deportations to Eritrea.[7] More recently, Catherine Ramos' report prompted a fact-finding mission by the UKBA's country of origin information service and has been used by lawyers seeking injunctions against deportations.

The Post-Deportation Human Rights Project at Boston College in the US is developing a Convention on the Rights of Deportees, which will contribute to the protection of all immigration deportees, including refused asylum seekers.[8] An independent and systematic monitoring system is necessary to ensure refugee protection in a flawed, under-staffed and under-funded adjudication system. Post-deportation monitoring is, meanwhile, still dependent on committed individuals and small civil society organisations.

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http://tinyurl.com/EC-forced-return-monitoring

2. Refugee Council, 'Between a rock and a hard place: the dilemma facing refused asylum seekers', December 2012
http://tinyurl.com/RC-2012-rock-and-hard-place

3. http://soasdetaineesupport.wordpress.com/

4. http://tinyurl.com/JusticeFirst-Ramos-Dec2011

5. www.irinnews.org/Report/97637/New-network-monitors-deportee-abuses

6. www.refugeelegalaidinformation.org/post-deportation-monitoring-network

7. http://tinyurl.com/AI-2009-Eritrea

8. www.bc.edu/centers/humanrights/projects/deportation.html