Afghanistan Rights Monitor (ARM)
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Afghanistan Rights Monitor (ARM) is a Kabul-based independent entity, established in August 2008 it aims to impartially investigate and report violations of human rights and the overall human rights situation of Afghan in order to enhance better understanding of Afghanistan.

From: Ajmal Samadi
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To: Foreign and Commonwealth Office
United Kingdom

CC: British High Commission, Pakistan
British Embassy, Afghanistan
British Embassy, United Arab Emirate
UK Border Agency
Ministry of Foreign Affairs, Afghanistan
European Commission Representation, Afghanistan
Amnesty International, United Kingdom

3/24/10

Subject: Protest on UK visa procedures for Afghan nationals

I am writing to you to express my organisation's strong protest about the institutional ill treatment, systematic confusion and extremely risky circumstances which our staff member was subjected to during her UK visa application in Islamabad, Pakistan.

Tamana Dawi, ARM's data analyst, was admitted for a six-month English language course at Camden Language Schools in London after she paid admission fee and went through an online test. She submitted a complete set of UK visa application (application fee, forms, support documents, passport and biometrics) at the UK Visa Application Center (UKVAC) in Islamabad on 30 October 2009. As UK visa processing takes 2-3 months (according to www. ukvisas.gov.uk), Tamana had to return to Afghanistan without any travel document through the very risky Peshawar-Nangarhar Road where armed militias and criminal gangs have widely assassinated and harassed journalists, human rights activists and ordinary passengers.

Tamana was not contacted by the British High Commission or UKVAC about her passport until 3 December 2009 when she found out online that her passport was ready for collection at the UKVAC.

Indeed, it was not only dangerous for Tamana to travel to Islamabad by road but her very entry to Pakistan, without a passport and Pakistani visa, was illegal and a crime according to international laws. Because Tamana's expected course in the UK was sponsored by ARM, we had to ensure she would travel to Pakistan safely and legally. It took us two weeks to convince authorities to issue Tamana an exceptional travel document to legally enter Pakistan.

On 15 December Tamana appeared at the UKVAC in Islamabad to collect her passport where she was informed that her passport had been returned to the British High Commission apparently because she did not collect it within two weeks. The rule that an uncollected passport would be returned to the embassy after two weeks was not mentioned to Tamana when she lodged her application. This rule is also neither mentioned at the UKVAC website nor in the UK visa application guidance.

At the UKVAC she was not provided with minimum advice and assistance on how to retrieve her passport. She was only given a dysfunctional email address (visqry2.islamabad@fco.gov.uk) to contact regarding her passport. For the next several weeks Tamana sent series of emails to (visa.abudhabi@fco.gov.uk) in which she clearly described her difficult situation and asked for urgent advice and clarity.

The first reply was sent to Tamana on 22 December 2009 from the email address visa.abudhabi@fco.gov in which she was told to wait and regularly check Gerry's website for her passport.

On 2 February 2010 Neil Carruthers, Entry Clearance Manager at the British Embassy in Abu Dhabi, wrote to Tamana that she would receive a response within "20 working days".

On 23 March 2010 (Almost five months after she submitted her application) Tamana received a call from the British High Commission in Islamabad telling her to collect her passport from the embassy.

Institutional failure

Despite its strong political, military and developmental engagements in Afghanistan over the past eight years, the UK does not provide consular services inside Afghanistan and handles Afghans' visa and immigration applications only through British high commissions in Pakistan and India.

Acknowledging the UK's prerogative to determine the modality and procedures for UK visa and immigration services, we are very sad to inform you the existing rules are institutionally derogatory, systematically disturbing and widely unsafe. Afghans feel obliged to illegally travel between Pakistan and Afghanistan, endure heavy financial costs and face serious risks when they seek to submit a legitimate application for a UK visa.

Few, not all, of the predicaments which Afghans have to endure while applying for UK visas are as bellow:

A) Have to apply for either Pakistani or Indian visa before applying for a UK visa
B) Have to travel to either Pakistan or India in order to submit an application for UK visa (incurring extra travel costs)
C) Have to make an appointment at the Gerry's offices only from inside Pakistan or India (no appointment possibility from inside Afghanistan)
D) No formal assistance and services are available in Pashto and Dari languages for Afghan applicants who do not understand Urdu and English
E) Have to endure costs of accommodation, mostly in hotels, in Islamabad or Delhi during application period
F) Those who apply in Delhi have to stay there for up to three months after submitting their applications and must undergo stringent security registration procedures with Indian police
G) Those who apply in Islamabad find it impossible to stay there without their passports and need to return to Afghanistan by road. They return to Islamabad without passport for the collection of their passports
H) Applicants who do not have regular access to internet to check online their application progress do not receive prompt information from the UKVAC or the British High Commission regarding collection of their passports

We understand the national security imperatives which determine the UK's stringent visa and immigration services but we would like to emphasize that nothing can justify institutionalized ill-treatment, risk-giving and disturbing uncertainty being faced by Afghans who apply for UK visas.

Unfortunately most Afghans who apply for a UK visa in Pakistan and India feel insulted, extorted and exposed to serious risks and confusions by the service and service providers.

Our requests

ARM requests the Foreign and Commonwealth Office and the UK's Border Agency to immediately review, humanize and streamline UK visa and immigration services for Afghan nationals.

UK's Afghan visa applicants must not be subjected to institutional ill-treatment, extortion, uncertainty and painful discrimination because of their nationality. Afghans have the right and deserve to be treated with dignity, fairness and transparency when they set forth legitimate applications for UK visa and immigration. The UK must reciprocate the unrestricted, undiscriminating and swift visa services British nationals receive as they apply to Afghan visas.

Please stop forcing Afghans taking risky and illegal journeys to other countries when they wish to apply for a UK student, work or tourist visa. Please treat them humanely and ensure they are not extorted during visa application processes. Please make sure UK visa and immigration services and service providers do not treat all Afghan applicants as alleged "terrorists, criminals or illegal asylum seekers".

In case of our staff member, Tamana Dawi, we ask for a formal apology and a fair compensation for the financial and emotional hurdles she has endured.

Thanks in anticipation for your understanding and support and we look forward to hearing from you. [ENDS]