

Rt Hon David Blunkett MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Dear Home Secretary,

Re: Mrs Ay and Beriwan, Medya, Newroz and Dilovan Ay – Ref: APX/99/953

The whole family are now ill with stress and the fear of being returned to Germany and then to Turkey.

Beriwan recently said “We are being put through mental torture by being in here. Why won’t the government listen to us? The younger children cannot cope any longer and need to get out. It is a very bad place for them to live surrounded by barbed fences and not getting out to play. They are already suffering from stress and depression. Being here is driving us all crazy. I know people who have got crazy here after a week”.

We ask you to take note of this and of the concern shown by numerous individuals and organisations including the family’s MP Chris Pond, several other MPs and MSPs, faith groups in Scotland, and Amnesty International, including the appeal by 5 prominent religious leaders in Scotland to you “to grant residency in the United Kingdom to the Ay family as reparation for the length of time they have had to spend in detention and the effect this has had upon the Ay children”. We ask you to respond by recognising the reality that the family’s fear of return to Germany and Turkey is real and well-founded, to cut short their suffering, cease to contest the case, release them and allow them to stay here, rather than force them to keep fighting in the courts. We reject comments from Home Office spokespersons and the Minister Beverley Hughes blaming the parents for the children’s plight. The right to protection is a human right, whether or not it is readily granted.

As you know the Home Office deported Mrs Ay’s husband to Germany; on 11 May 2002 Germany deported him to Istanbul, and there has been no news of him since. Mr and Mrs Ay originally left Turkey in 1988 because of persecution and threats by soldiers and military police in Sirnak where they lived. Sirnak is still dangerous today. Nor is western Turkey safe. Only last week a leading woman member of the legal pro-Kurdish party DEHAP in Istanbul was abducted by police, and raped and tortured for several hours before being released. We also find it hard to believe that the Home Office is unaware that the children’s Kurdish names and the publicity surrounding the case is likely to make them a target in Turkey.

The Ays unfortunately did not find the protection they needed in Germany. Eventually in desperation they came to Britain. The children fitted in well here, learned English quickly, and did well at school. Their teachers wrote to say how popular the children are, what a good contribution to school life they were making, and how shocking it was that the family faced deportation. In Dungavel the children have had very poor lessons, quite different from the excellent environment they were in at school in Gravesend. The medical reports on the children said months ago that the stress of return to Germany would have severe and possibly permanently damaging effects particularly upon the middle two children. This detention for nearly a year so long of a mother and children who just want to be safe and not be hated or persecuted just for being Kurdish, is wrong in my view, and is certainly very damaging to all the family.

We still hope that the House of Lords will agree to consider issues raised by the case, and that if the Home Office insists on contesting the case, Mrs Ay will in any case win the right to have the substance of her claim heard by an adjudicator. But in the event of any final refusal of Mrs Ay’s claim, we still ask you at that point to exercise your discretion to allow the Ays to stay here on humanitarian and compassionate grounds outside the Immigration Rules.

It cannot be right for the Home Office to wash their hands of Kurdish people here on a technicality by saying that Germany is safe, and to deny that the Ays face any risk in Turkey, while knowing full well that Germany does return Kurds to Turkey, in spite of the evidence contained in numerous reports on human rights that it is not safe to do so. In any case the Dublin Convention is flexible enough for you to make an exception if you so decide. When all factual reporting suggests that the level of ill treatment of Kurdish people in Turkey has risen in the last year, and even in the last few weeks, it must be wrong to send this family to Germany and then to Turkey.

I look forward to a positive answer from you.

Yours sincerely,