

## Special Report on Case No. 288

1. In his last report, the outgoing Ombudsman feels it necessary to mention the plight of illegal immigrants. Although very few such illegal immigrants reach our shores, and the general public hardly notices this phenomenon, those who have found themselves in such a situation have had to endure years of hardship and acute personal uncertainty.
2. To better illustrate his argument the Ombudsman highlights the case of one specific illegal immigrant (this not being an isolated case) allegedly from Sierra Leone, who arrived illegally in Gibraltar in May 2000. On being arrested in Gibraltar he requested political asylum. This was refused. He was homeless, had no money, and nowhere to go. He did not have any form of identification either. His situation in Gibraltar from every point of view was untenable. The Home Office refused his application for political asylum in the U.K. and formal asylum in Gibraltar could not be granted either, given that no covering legal provisions of arrangements for this exist. Nor could he be removed from Gibraltar since he had no identity or national travel documents, and Interpol was not able to communicate with Interpol in Freetown in Sierra Leone to ascertain this person's identity. Because he was an illegal immigrant he could not be granted a work permit either, so he had no way of earning money to support himself other than by washing cars, or doing odd jobs.
3. At the time of his investigation into this case, the Ombudsman was concerned, (and still is, since at the time of writing the situation for illegal immigrants remains the same) at the lacuna in law regarding political asylum. He expressed the view that as long as this lacuna exists, there is no proper manner for dealing with situations like this one. The Ombudsman again reiterates his view that the enacting of adequate legislation on this matter is an issue which should be looked into.
4. The Ombudsman is concerned because persons in this situation exist in an "administrative limbo" and are condemned either to live in Gibraltar in a state of permanent destitution or leave Gibraltar illegally by crossing the frontier into Spain without the necessary identification documents.
5. The Ombudsman feels that the Gibraltarian authorities have a moral duty to put in place the necessary legislation to address this kind of situation. He considers that as a temporary measure the pertinent authorities should at least grant persons in this dire situation temporary work and resident permits, pending such time as identification papers are obtained from the country of origin.
6. After lengthy correspondence with the administration, and in view of the administration's refusal to accept the Ombudsman's recommendation regarding the granting of a temporary work and residence permit, he issued a special report pursuant to Section 21 of the Public Services Ombudsman Ordinance 1998. This was laid by the Chief Minister before the House of Assembly on 18 November 2002.