

# refugee council policy response



## Social Exclusion, Refugee Integration, and the Right to Work for Asylum Seekers



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## About the Refugee Council

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We not only give help and support to asylum seekers and refugees, but also work with them to ensure their needs and concerns are addressed by decision-makers.

## About EASI

Empowering Asylum Seekers to Integrate (EASI) Development Partnership are part funded by the European Social Fund under the Equal Community Initiative Programme (EQUAL).

Social Exclusion, Refugee Integration, and the Right to Work for Asylum Seekers

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## Introduction

The Refugee Council believes that everyone has a right not to live in poverty and to contribute to the community in which they live. Having a job plays an important role in being able to achieve this. At present, a majority of asylum seekers are prevented from working. Although they are able to do voluntary work, we are concerned that excluding asylum seekers from paid employment leads to them becoming socially isolated. It also damages their longer term chances of successfully integrating as refugees.

Asylum seekers who have their claims refused have no means of official support other than Section 4. The main criterion for being eligible for Section 4 support is agreeing to return voluntarily. The Refugee Council has argued that a returns policy should not be linked to enforced destitution. We believe that refused asylum seekers should continue to have the choice to work until they are able to return.

This policy paper outlines the current context as it relates to the work concession for asylum seekers. It provides a response to each policy before making a set of recommendations.<sup>1</sup> At the centre of the debate is the desire of asylum seekers to work, contribute to the UK economy and wider society, and not be dependent on benefits – a view supported by the majority of the general public.

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<sup>1</sup> We are grateful for comments made by the Education, Training and Employment Working Group (ETEWSG) and discussions with the EASI advisory group in particular.

## The Work Concession

### Current Policy

Prior to 23 July 2002, asylum seekers who had been waiting for more than six months for an initial decision from the Home Office were allowed to apply for permission to work. This concession was for the main applicant only and did not extend to dependants of working age. According to the Home Office, it was introduced at a time when there was a lengthy backlog of claims on which the Government could give initial decisions.<sup>2</sup>

The Home Office removed the employment concession for two main reasons. Firstly, they stated that a vast majority of asylum seekers were receiving decisions within six months. In addition, the Government expected to make decisions on new asylum claims within two months. Therefore, the Home Office believed that the concession was no longer appropriate. Secondly, they wanted to protect the asylum process from abuse by ensuring that it was not open to those who only wanted to come to work.<sup>3</sup>

Those asylum seekers who had had been granted permission under the concession could continue to work. The Minister of State (Citizenship and Immigration) retained the discretion to grant permission to work for asylum seekers in exceptional circumstances.<sup>4</sup>

In February 2005, the UK implemented the European Council Directive 2003/9/EC of 27 January 2003. This allows asylum seekers to apply for permission to work if they have not received an initial decision on their asylum claim from the Home Office after twelve months. In general, the

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<sup>2</sup> As explained by Lord Filkin (Parliamentary Under-Secretary, Home Office) on 24 July 2002. For full details, see [www.theyworkforyou.com/lords/?id=2002-07-24a.366.3&s=1986%2Bemployment+concession#g368.0](http://www.theyworkforyou.com/lords/?id=2002-07-24a.366.3&s=1986%2Bemployment+concession#g368.0), last searched 14 June 2006.

<sup>3</sup> As outlined by Beverley Hughes, the then Minister of State (Citizenship and Immigration). For full details, see <http://www.theyworkforyou.com/wrans/?id=2002-07-23.72779.h&s=work+concession+speaker%3A10296#g72779.r0>, last searched 9 March 2006

<sup>4</sup> *ibid*

Home Office will grant permission to work if the main applicant was not responsible for the delay in making a decision.<sup>5</sup> There is no right of appeal if the application is refused. Like the previous concession, if granted permission only applies to main applicants.

## Refugee Council's Response

We recognise that the Home Office is addressing the large backlog of unresolved asylum claims and that initial decisions are being made quicker. But there are still a significant number of claims that fall outside of the target period.<sup>6</sup> In addition, about a fifth of appeals are successful.<sup>7</sup>

We are also concerned about the number of asylum seekers whose claims have been refused and who cannot be returned. We believe that the Government should place the concession to work in the wider context of the whole asylum process. Even when a person receives an initial decision within two months, it could take many more until their asylum claim is finally determined through the appeal process. There has long been a concern that Home Office decisions need to improve in quality.<sup>8</sup>

We believe that the second reason given for removing the concession is false. There is no evidence to support the idea that allowing permission to work leads to an abuse of the asylum system, or acts as a pull factor for coming to the UK to claim asylum.<sup>9</sup>

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<sup>5</sup> [http://www.refugeecouncil.org.uk/downloads/permission\\_to\\_work.pdf](http://www.refugeecouncil.org.uk/downloads/permission_to_work.pdf), last searched 14 June 2006

<sup>6</sup> The number of cases (excluding dependants) recorded as awaiting an initial decision was 5,700 at the end of March 2007 (4,900 at the end of March 2006). Of this total, 4,300 cases were work in progress, i.e. the application had been outstanding for 6 months or less. See <http://www.homeoffice.gov.uk/rds/pdfs07/asylumq107.pdf>, last searched 25 July 2007

<sup>7</sup> Quarter 1 2007, see <http://www.homeoffice.gov.uk/rds/pdfs07/asylumq107.pdf>, last searched 25 July 2007

<sup>8</sup> See [www.refugeecouncil.org.uk/news/2004/june04/relea170.htm](http://www.refugeecouncil.org.uk/news/2004/june04/relea170.htm), last searched 14 June 2006. Although a recent UNHCR report did note some improvement in the UK asylum process, it highlighted 'although 'most Home Office caseworkers do review applicants' files prior to interviews, but their level of preparation was often insufficient and they undertook little prior research.' As a result 'caseworkers are less likely to be focussed on the material facts of a claim and to identify all salient points, such as apparent inconsistencies'. ([www.unhcr.org.uk/pr12May2006-2.htm](http://www.unhcr.org.uk/pr12May2006-2.htm), last searched 15 June 2006)

<sup>9</sup> Referring to Home Office research conducted by Robinson and Segrott, Bloch states that denying permission to work for asylum seekers persists 'despite the absence of any evidence that access to welfare benefits or employment are significant 'pull' factors influencing the decisions of asylum seekers.' (Bloch, A (2004) *Making it Work*. Asylum and Migration Working p 9 Paper 2. IPPR; London) See also Refugee Action (2006) *The Destitution Trap* (Refugee Action, 2006), p 12

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The European Directive provides *minimum* standards for the reception of asylum seekers. Giving people the right to apply for permission to work after twelve months is the minimum requirement placed on states. The Home Office has chosen a year, even though its objective is to make decisions within six months. At present there is no right of appeal if an application for permission to work is refused.

## Volunteering and Purposeful Activities

### Current Policy

At the time of removing the work concession, the Home Office affirmed its commitment to asylum seekers volunteering and engaging in purposeful activities.<sup>10</sup> This policy aims to give people the opportunity to be actively involved in their own and wider communities. In doing so, the Home Office has made it clear that this should not count as employment, paid or unpaid.<sup>11</sup>

### The Refugee Council's Response

We support volunteering opportunities for asylum seekers and refugees. But we also recognise the limitations of volunteering. Most positions are with refugee agencies and community organisations. Many asylum seekers cannot afford to travel to more mainstream organisations.<sup>12</sup> This often restricts people's chances of improving their English significantly and making friends with others outside of their community. Volunteering can develop soft skills (teamworking, time management) but not hard vocational skills that particular jobs need (construction, healthcare).

Being able to get a job opens up many more opportunities. There is potential to meet a wider range of people and experience different working environments. Trained and professional asylum

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<sup>10</sup> As outlined by Beverley Hughes, the then Minister of State (Citizenship and Immigration). For full details, see <http://www.theyworkforyou.com/wrans/?id=2002-07-23.72779.h&s=work+concession+speaker%3A10296#g72779.r0>, last searched 16 July 2007

<sup>11</sup> See <http://www.ind.homeoffice.gov.uk/lawandpolicy/refugeeintegration/volunteeringandmentoring>, last searched 16 July 2007

seekers can maintain their skills rather than watch them deteriorate.<sup>13</sup> It sends a message to the wider community that asylum seekers want to contribute and not be a drain on limited resources.<sup>14</sup> It will help lift people out of poverty<sup>15</sup>, gain greater self respect and help further regenerate their neighbourhoods. It is what asylum seekers want.<sup>16</sup> It is also what the wider public want. A recent UK poll revealed that two thirds of the public think that asylum seekers and refused asylum seekers should be allowed to work and pay taxes.<sup>17</sup>

We are concerned that the Government risks undermining its efforts to combat social exclusion if it continues to prevent asylum seekers from working. Prosperous and inclusive communities<sup>18</sup> cannot be built or sustained if some of their members are living in poverty.<sup>19</sup> At present, asylum seekers cannot afford many of the things we take for granted – pay for a television licence, wash their clothes in a laundrette or buy a weekly bus pass.<sup>20</sup>

We believe that integration starts at day one. The early experience of asylum seekers in the UK has a major impact on their ability to integrate as refugees. This is particularly the case for being able to get a job and become part of the UK economy.<sup>21</sup>

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<sup>12</sup> Although reasonable travel expenses can be reimbursed, most asylum seekers live off low levels of cash support and cannot afford the initial expense.

<sup>13</sup> A recent study by NIACE found that over 80% of asylum seekers were economically active or in full time education before coming to the UK and that 54% were qualified up to and above NVQ 3. (S.Waddington (2005) *Valuing skills and supporting integration*. NIACE) <http://www.niace.org.uk/projects/ASSET-UK/ASSETUK-Policy-Report.pdf>, last searched 14 February 2006

<sup>14</sup> For example, "...so-called asylum seekers who, in reality, seek no more than access to our welfare system" *Leader comment, Sunday Express*, 2 May 2004. This and other press myths are exposed at <http://www.refugeecouncil.org.uk/news/myths/myth001.htm>, last searched 24 May 2006.

<sup>15</sup> A report by the Refugee Council and Oxfam found that levels of NASS benefits are not adequate to meet basic needs, were worsened by cutting the £50, 6 month payments leading to an increase in child poverty, poor health, etc. Oxfam and the Refugee Council (2002) *Poverty and Asylum in the UK*. Refugee Council; London

<sup>16</sup> Waddington (2005) p34

<sup>17</sup> The ORB research was commissioned through *Strangers into Citizens*. For further details see <http://www.refugeecouncil.org.uk/news/news/2007/april/20070427.htm>, last searched 16 May 2007

<sup>18</sup> <http://www.socialexclusionunit.gov.uk/page.asp?id=10>, last searched 23 February 2006

<sup>19</sup> A report by the Refugee Council and Oxfam found that levels of NASS benefits are not adequate to meet basic needs, were worsened by cutting the £50, 6 month payments leading to an increase in child poverty, poor health, etc. Oxfam and the Refugee Council (2002) *Poverty and Asylum in the UK*. Refugee Council; London

<sup>20</sup> NASS accommodation providers are not contracted to provide washing machines or televisions.

<sup>21</sup> Bloch, A (2004) *Making it Work*. Asylum and Migration Working Paper 2. IPPR; London pp 9-10

## Vocational Training

### Current Policy

Training opportunities are restricted to those that do not involve paid or unpaid employment (the same criteria used for volunteering). NASS have stated that asylum seekers can do vocational training where it is part of a college course. It cannot be work-based where the training is part of a job. Therefore, asylum seekers are unable to access public funds for initiatives such as New Deal or Modern Apprenticeships. Any work placement that is part of a college course must be unpaid. If it carries a training allowance, the person may need to have the conditions attached to their temporary admissions amended.<sup>22</sup>

### The Refugee Council's Response

We support the widening of opportunities for asylum seekers to do vocational training. We are concerned that many experienced and professional asylum seekers are unable to maintain and develop their skills due to work restrictions. Many have skills and abilities that are needed by UK employers. All want to do training that is relevant to the UK working environment and will help them integrate.

We are also conscious that many training providers and agencies giving IAG<sup>23</sup> support to asylum seekers view the work restriction as preventing *any* vocational training. In the case of volunteering, we have heard of one national charity who was informed by the Home Office that they could not provide NVQ assessment and accreditation to asylum seekers helping in their shops.<sup>24</sup> This seems to go against the position of asylum support policy. The charity was able to offer this to other

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<sup>22</sup> For the fuller clarification given by NASS CIAU, Policy (28.4.06), please see [www.refugeecouncil.org.uk/infocentre/entit/sentit006.htm](http://www.refugeecouncil.org.uk/infocentre/entit/sentit006.htm), last searched 16 June 2006

<sup>23</sup> Information, Advice and Guidance

<sup>24</sup> The charity were paying for the assessment and accreditation. Personal conversation with Refugee Council's Volunteer Coordinator (15 June 2006)

volunteers as they were UK citizens and had permission to work. It is clear that such policies are socially exclusive, using the enthusiasm of asylum seekers to contribute to the life of their communities but then discriminating against them by not officially recognising the skills needed to do so.

## Refused Asylum Seekers

### Current Policy

Permission to work is withdrawn when an asylum claim is refused and fully determined.<sup>25</sup> The only support provided by Government for people who have come to the end of the process is Section 4.<sup>26</sup> This is provided through shared accommodation on a no choice basis and a £35 voucher each week to be used in a limited range of retail outlets.<sup>27</sup>

### The Refugee Council's Response

We recognise that the negative views associated with asylum seekers can be particularly marked when someone has had their claim refused. There is a concern that many destitute people in this situation feel coerced into signing up to the Voluntary Assisted Return and Reintegration Programme (VARRP) so that they become eligible for Section 4 support.<sup>28</sup> They are then dispersed and are part of neighbourhoods around the UK. Others refuse to do so and face trying to find support from elsewhere.

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<sup>25</sup> When all asylum appeal rights are exhausted

<sup>26</sup> Immigration and Asylum Act 1999 s 4. For further details, please see

[http://www.ind.homeoffice.gov.uk/ind/en/home/applying/national\\_asylum\\_support/how\\_to\\_apply.html](http://www.ind.homeoffice.gov.uk/ind/en/home/applying/national_asylum_support/how_to_apply.html), last searched 17 February 2006.

<sup>27</sup> Vouchers are given through the organisations (often private) who are contracted by the Home Office to provide Section 4 accommodation. Housing providers issue the vouchers which may be for a named supermarket or a range of outlets. In addition, some vouchers may be for food and drink (not alcohol) only, leaving no resources for clothing, toiletries, nappies, etc. *Personal conversation with the Refugee Council's ICT Information and Research Coordinator*, 1 March 2006

<sup>28</sup> VARRP is the main criterion refused asylum seekers can successfully apply for Section 4. For further details on the criteria used when applying for Section 4, please see

[http://www.ind.homeoffice.gov.uk/ind/en/home/applying/national\\_asylum\\_support/how\\_to\\_apply.html](http://www.ind.homeoffice.gov.uk/ind/en/home/applying/national_asylum_support/how_to_apply.html), last searched 17 February 2006. Section 4 support is also accessed by people who have lodged a late asylum appeal, or a fresh asylum claim and are waiting to have this accepted by the Home Office.

We believe that a policy of enforced destitution for asylum seekers who have had their claims refused is wrong. For those accessing Section 4 support living off vouchers that have limited use and without access to cash payments, people are clearly restricted in lives they can live. The levels of boredom and frustration inevitably affect an individual's physical and mental health. It also has a significant impact on others. Families, friends and community members have to provide support out of limited budgets. Charities, refugee agencies, mosques and churches become sources of free clothes, hot meals and education. This level of voluntary support cannot be assumed by policy makers. Asylum seekers who are refused but are in receipt of Section 4 support or complying with reporting requirements should have the choice to work.

In the case of refugee community organisations (RCOs), this situation threatens their role in helping refugees to integrate.<sup>29</sup> RCOs in dispersal areas have been established within the past five years and are struggling for funding. Low levels of asylum support and the growing problem of destitution affect the activities of RCOs. Many are forced to focus on the immediate needs of asylum seekers who are part of their community rather than on refugee integration, which is their strategic role outlined by the Home Office in *Integration Matters*.<sup>30</sup>

## Detainees

### Current Policy

The Home Office is increasing the role of detention within the asylum process, particular through its use of fast tracking and removals.<sup>31</sup> Under the Immigration, Asylum and Nationality Act 2006,

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<sup>29</sup> As outlined in the Home Office's refugee integration strategy. This recognises the valuable work of RCOs in helping 'refugees to acclimatise to life in the UK' and offering 'expert advice to local, regional and national government on the problems faced by refugees in accessing services, achieving their full potential, and contributing to communities.' *Integration Matters: A National Strategy for Refugee Integration* p.37, 3.15 (Home Office, 2005)

<sup>30</sup> For a further discussion as it relates to RCOs in Yorkshire and Humberside, see <http://www.refugeeaccess.org.uk/uploads/news/feb06.pdf>, last searched 23 May 2006

<sup>31</sup> Fast tracking is a key part of the Government's New Asylum Model ([www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040916/wmstext/40916m02.htm](http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040916/wmstext/40916m02.htm), last searched 15 June 2006). The Home Office is also increasing the number of refused asylum being removed from the UK ([www.ind.homeoffice.gov.uk/aboutus/newsarchive/removalsatrecordhigh1](http://www.ind.homeoffice.gov.uk/aboutus/newsarchive/removalsatrecordhigh1), last searched 15 June 2006)

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detainees are exempt from the minimum wage.<sup>32</sup> This means that they can do paid work, albeit it for very little. This brings them in line with those who are in custody. The Home Office introduced the clause by stating their belief that paid work has a positive effect on the well-being of detainees.<sup>33</sup>

### **The Refugee Council's Response**

The Refugee Council has stated its concerns about the increased use of detention.<sup>34</sup> We agree with the Home Office's belief that paid work has a positive effect on people's wellbeing and would encourage a similar attitude towards all asylum seekers. We cannot see how the Home Office can endorse paid work for asylum seekers who are detainees, but refuse entitlement for those who are not detained. Our main concern, as it applies to detainees, is that they will be used for cheap labour, be denied basic employment rights, and not given access to appropriate training.

### **Conclusion and Recommendations**

We believe that the decision to withdraw the concession to work was wrong. Having a job brings many benefits to combating social exclusion and furthering refugee integration that asylum support, voluntary<sup>35</sup> work and pre-vocational training cannot provide.<sup>36</sup> Refugee employment is low. Research carried out by the DWP found an employment rate amongst refugees of 29% compared to 60% for people from ethnic minorities. We recognise that *Integration Matters* and *Working to Rebuild Lives*<sup>37</sup> offer a positive commitment to helping refugees integrate. However, they fail to view asylum seekers as an integral part of refugee integration.<sup>38</sup> We believe that integration starts from day one<sup>39</sup> and so the experience of claiming asylum in the UK is critical to someone's longer term opportunities. Not allowing asylum seekers to work has a negative impact on refugee

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<sup>32</sup> Immigration, Asylum and Nationality Act 2006 ch13(59)(1)(2)

<sup>33</sup> See comments by Tony McNulty on 16 November 2005 at

[www.publications.parliament.uk/pa/cm200506/cmhansrd/cm051116/debtext/51116-16.htm](http://www.publications.parliament.uk/pa/cm200506/cmhansrd/cm051116/debtext/51116-16.htm). last searched 14 June 2006

<sup>34</sup> For example, [www.refugeecouncil.org.uk/news/2006/feb06/relea0206\\_1.htm](http://www.refugeecouncil.org.uk/news/2006/feb06/relea0206_1.htm), last searched 15 June 2006

<sup>35</sup> Bloch, A (2002) *Refugees' opportunities and barriers in employment and training* (DWP, 2002)

<sup>36</sup> Asylum seekers cannot do vocational training which is part of a job. Most take up short term ESOL and IT courses that are not relevant to any particular profession or trade.

<sup>37</sup> *Working to Rebuild Lives: A Refugee Employment Strategy* p.2 (DWP, 2005)

<sup>38</sup> Home Office (2005) p.4

employment opportunities<sup>40</sup>, leads to increased social exclusion, and drains the resources of other support networks.

Asylum seekers want to work; being denied the opportunity to be self supporting, contribute economically, and develop skills and experience is an affront to their dignity and values. It is, at heart, a denial of equality and the ability to participate to the social, economic and cultural life of the UK. The personal stories in Appendix A express this clearly.

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<sup>39</sup> That is from the day a person makes a claim for asylum

<sup>40</sup> As Bloch notes, 'The early experience of asylum seekers is likely to have a profound impact on their preparedness as refugees to integrate into the UK economy and so early interventions may well be required, regardless of the average [asylum] claim processing times.' A.Bloch (2004), pp 9-10

## Recommendations

The Refugee Council recommends that

- All asylum seekers have the choice to work from the day of their asylum claim and be eligible for vocational training
  
- All asylum seekers be given a fuller induction upon arrival. This will include a skills audit<sup>41</sup>, local and national sources for information, advice, and guidance on ESOL, employment rights and entitlements, retraining routes, etc.
  
- Permission to work should continue if an asylum seeker is refused on the basis that they are
  - eligible for Section 4 support, or
  - complying with reporting requirements
  
- Applications for permission to work under the European Directive should be allowed after six months. This was the length of time the Home Office thought reasonable to expect someone to wait without paid work under the original work concession.
  
- The Minister of State (Citizenship and Immigration) uses the discretion to grant permission to work more widely and provides clear guidelines on how and on what basis requests be made.
  
- The Home Office monitors and produces statistics on the number of people applying for permission to work under the European Directive. It should introduce a right of appeal for those refused permission to work and provide guarantees that applications will not affect decisions on an individual's asylum claim.

- The structure of asylum support becomes more flexible. For example, people who want to work but cannot access or afford to rent privately should be able to apply for asylum accommodation only. This should either be provided at a set rental amount (ie as an alternative to privately renting), or as the equivalent to housing benefit if the person is not earning enough to cover the full rent.<sup>42</sup> In addition, such housing should be provided on a choice basis.
  
- Asylum subsistence support should be increased to a level that is equivalent to income support. Those claiming asylum who are unable to work or want to focus on education and training should not be confined to poverty levels of support.
  
- The Home Office provides clear guidance to training providers and funders that asylum seekers can access vocational courses that have a work placement that is unpaid.
  
- Employers be given a clearer lead from Government on the rights and entitlements of refugees and asylum seekers. Given the key strategic role employment plays in refugee integration, it is vital to avoid confusion. Allowing all asylum seekers permission to work will bring in a single criteria that is linked to protection rather than managed migration. Employers will be able to employ with greater confidence recognising that you cannot be an illegal asylum seeker or refugee.
  
- Asylum seekers who are detained are paid the minimum wage and informed of their wider rights and entitlements to employment and training.

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<sup>41</sup> F.Aldridge et al (2005) *Skills audits for asylum seekers and refugees: A practitioners' manual*. NIACE developed as part of ASSETUK ([www.asset-uk.org.uk](http://www.asset-uk.org.uk)), last searched 24 May 2006

<sup>42</sup> At present, 'an asylum seeker with permission to work who is reliant on NASS accommodation must pay NASS anything she earns over and above the cost of full NASS support [£41.41 for a single adult over 25 as of July 2007]. If an asylum seeker is in employment but not earning sufficient to fund their accommodation in the private rental sector, they are able to apply to NASS for accommodation. They are required to make a contribution towards their accommodation costs, which is the amount of their earnings less the relevant NASS subsistence allowance. An allowance may, however, be made for work related expenses. If the earnings level is substantially in excess of the subsistence level, there may be a question of whether the asylum seeker passes the destitution test. NASS accommodation will be in a dispersal area.' (Correspondence with NASS Policy, 29 March 2006)

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