

# Refugee agencies policy response



## Inter-Agency Partnership Memorandum of Evidence: Joint Committee on Human Rights' Inquiry into the Treatment of Asylum Seekers.

September 2006

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**Registered charity numbers:**  
Scottish Refugee Council: SCO08639

Refugee Action: 283660  
Refugee Council: 1014576

Migrant Helpline: 1088631  
Welsh Refugee Council: 1044885

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## About the inter-agency partnership

The Asylum Support Programme Inter-Agency Partnership (IAP) consists of six agencies: Refugee Council, Refugee Action, Migrant Helpline, Refugee Arrivals Project, Scottish Refugee Council and Welsh Refugee Council. It also includes representations from subcontractors and refugee community organisations (RCOs).

The IAP delivers asylum support services to asylum seekers across the U.K. as contracted by the National Asylum Support Service (NASS). IAP advises and assists asylum seekers with their asylum support applications, and provides subsidiary advice to failed asylum seekers requiring support. This consultation response has been prepared by the Inter-Agency Co-Ordination Team (ICT) on behalf of the IAP.

## About the agencies

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.

Migrant Helpline has a long history of working with asylum seekers, refugees and migrants in the South East. As well as providing direct services we proactively promote awareness of the issues surrounding our clients and work with host communities to assist with integration.

Refugee Action is an independent national charity that works with refugees to build new lives in the UK. With 25 years of experience in reception, resettlement, development and integration, we provide advice and support to asylum seekers and refugees in 10 regions across England.

Scottish Refugee Council provides help and advice to those who have fled human rights abuses or other persecution in their homeland and now seek refuge in Scotland. We are a membership organisation that works independently and in partnership with others to provide support to refugees from arrival to settlement and integration into Scottish society. We campaign to ensure that the UK Government meets its international, legal and humanitarian obligations and to raise awareness of refugee issues.

The Welsh Refugee Council (WRC) empowers refugees and asylum seekers to rebuild their lives in Wales. It provides advice, support and information to asylum seekers and refugees and advocates and campaigns for refugee rights as enshrined in international law.

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## Introduction

1. The Asylum Support Programme Inter-Agency Partnership (IAP) consists of six agencies: Refugee Council, Refugee Action, Migrant Helpline, Refugee Arrivals Project, Scottish Refugee Council and Welsh Refugee Council. It also reflects representations from subcontractors and refugee community organisations (RCOs).
2. The IAP delivers asylum support services to asylum seekers across the UK as contracted with the Immigration and Nationality Directorate (IND) of the Home Office. The IAP advises and assists asylum seekers with their asylum support applications, and provides subsidiary advice to failed asylum seekers requiring support.
3. The IAP welcomes the inquiry and the opportunity to submit evidence to the committee. This submission focuses on access to accommodation and financial support for asylum seekers and failed asylum seekers and argues that in many instances, the treatment of asylum seekers in this area constitutes potential breaches of human rights legislation.
4. The IAP wishes to endorse the separate submission to the inquiry from the Refugee Council concerning the treatment of asylum-seeking children and access to health care for asylum seekers and failed asylum seekers. The IAP also supports the submission from Refugee Action on destitution.

## Key points

5. Despite the fact that there is little evidence to suggest that the support provisions of a host country impact on the decisions of asylum seekers,<sup>1</sup> asylum support provision is increasingly wielded by government as a tool to both discourage people from seeking asylum in the first instance, and to coerce voluntary return.
6. In addition, the bureaucratic structures set up to support asylum support legislation are weak. Throughout the process many asylum seekers who are entitled to support are denied it as a result of failures in the systems set up to administer support. In the first quarter of the 2006/2007 financial year the IAP agencies saw 3,170 clients who, while eligible for Home Office asylum support, had been made destitute as a result of weaknesses in the administration of asylum support in the Home Office<sup>2</sup>.
7. The impact on asylum seekers and failed asylum seekers of these political and structural impediments to accessing support is devastating. Without adequate support or the right to work, many asylum seekers and asylum seekers whose claims have been refused become destitute and desperate.

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<sup>1</sup> A 2002 Home Office report, "Understanding the decision-making of asylum seekers", found that '[t]here was little evidence that respondents had detailed knowledge of UK immigration or asylum procedures, entitlements to benefits in the UK, or the availability of work in the UK. Findings, 172, Research, Development and Statistics Directorate, Home Office, 2005, <http://www.homeoffice.gov.uk/rds/pdfs2/r172.pdf> (accessed 12 August 2006).

<sup>2</sup> Survey of IAP agencies April to June 2006.

## Part One: Potential Human Rights Breaches as a result of Legislation and Government Policy

### Barriers to claiming asylum

- *The inability of asylum seekers to access support because of the limited accessibility of Asylum Screening Units results in serious suffering and is potentially a breach of Article 3 of the European Convention on Human Rights (freedom from inhuman and degrading treatment).*
- 8. Any asylum seeker who does not claim asylum at port must lodge a claim at an ASU within three days of arriving in the UK to access support. Once a claim is lodged, the person is granted access to Initial Accommodation under section 98 of the Asylum and Immigration Act 1999 pending an assessment of the eligibility for section 95 support. Without a claim, no support is available.
- 9. There are two ASUs in the United Kingdom: one in Liverpool and one in Croydon. The ASUs are open from 9am to 1pm on working days: while vulnerable clients<sup>3</sup> can access initial accommodation at all times, non-vulnerable clients can only make a claim and thereby access initial accommodation at these times.
- 10. The IAP has long argued that the limited spread of the ASUs and the rigid opening hours exacerbate destitution amongst asylum seekers attempting to lodge a claim. If, for instance a single claimant or childless couple arrives in Glasgow on a Friday night, they would need to travel to Liverpool over the weekend in order to be able to present to the ASU before Monday at 1pm. This situation would also apply to someone arriving in Plymouth and then having to travel to the Croydon ASU to claim. The effect of this is that the asylum seeker is required to spend a night, unsupported, in either Croydon or Liverpool. Office's criteria of 'vulnerable' (visibly pregnant, elderly, families, clear care needs). Please see Appendix C for a paper written by Refugee Action in 2004 outlining the situation in the areas in which they work. Unfortunately, the situation is still as it was in 2004.
- 11. A recent case example shows the effect of the limited ability of asylum seekers to access ASUs:

We had a man arrive on the Friday before Bank Holiday Monday in May. He was sent by Leeds Immigration office to our office. There was no charitable accommodation available. He was almost turned away with nowhere to go but eventually an unoccupied house which belonged to a friend of a staff member was found where he could stay for the weekend. We paid for him to travel to Liverpool to claim asylum. *Refugee Council, Leeds*

### Section 55 of the Nationality, Immigration and Asylum Act 2002 (NIA Act 2002)

- *Denial of subsistence-only support to a person deemed not to have claimed asylum 'as soon as reasonably practicable causes hardship that potentially breaches an applicants rights under both Article 3 of the ECHR and articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (the right to social security and the right to an adequate standard of living).*
- 12. Section 55 of the NIA Act 2002 allows the Secretary of State for the Home Department to deny support to asylum seekers if they fail to claim asylum 'as soon as reasonably practicable' (s.55.1). A statement by the Home Secretary in December 2003 interpreted the notion of 'as soon as reasonably practicable' as being within three days of arriving in the country.

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<sup>3</sup> Vulnerable clients include those with children, pregnant women and anyone who has a community care need or health need.

13. When it was enacted on 8 January 2003, section 55 made a huge impact on the welfare and wellbeing of asylum seekers as huge numbers of them were deemed ineligible for support from the National Asylum Support Service (NASS). Throughout 2003, 64 per cent of asylum seekers referred for a section 55 decision were denied support<sup>4</sup>. This amounted to 9,415 individual asylum seekers who received no form of government support whatsoever.
14. In February 2004, the Inter-Agency Partnership produced a report on *The impact of section 55 on the Inter-Agency Partnership and the asylum seekers it supports*. 154 asylum seekers refused support under section 55 were interviewed in order to learn first hand their experience of the impact of section 55. Of these asylum seekers:
- 61.3 per cent were sleeping rough;
  - a further 8 per cent faced imminent homelessness;
  - 70 per cent experienced great difficulty in accessing food on a daily basis;
  - 57.4 per cent reported that the irregular diet and lack of shelter had a negative impact on their health.
15. The following quotes from IAP case advisors working with clients declined support under section 55 and asylum seekers themselves demonstrate the situations of their clients trying to survive without support<sup>5</sup>:

*"I was sleeping in a church but they told me yesterday I cannot sleep there anymore as some church members have started to complain."* 29 year old Congolese male. (Migrant Helpline)

*'He is sleeping rough, sometimes by an underground station or on the street. No proper food for most days, no shower for 12 days. Now getting food from the Refugee Council. As a result of his experiences here in the UK, has developed a serious gastric problem and is vomiting blood. 32 year old Eritrean male.* (Refugee Council)

#### *Section 55 post-Limbuella Judgement*

16. In May 2004 the Home Office suspended section 55 decisions pending the House of Lords judgement in the case of Limbuella<sup>6</sup>. In October 2005 the Law Lords found that support should be provided when 'an individual faces an imminent prospect of serious suffering caused or materially aggravated by denial of shelter, food or the most basic necessities of life.' (paragraph 8). Furthermore, they went on to say that Article 3 of the European Convention of Human would be breached if 'there was persuasive evidence that a late applicant was obliged to sleep in the street (...) or was seriously hungry, or unable to satisfy the most basic requirements of hygiene (paragraph 9).
17. Following the Limbuella ruling, the Home Office reinstated section 55 decisions, however in general a negative section 55 decision is only considered if an applicant applies for subsistence support only (that is, they have access to accommodation independent of NASS) or an applicant is in NASS accommodation and applies for a change of circumstances to subsistence only<sup>7</sup>.
18. The IAP acknowledges that the Limbuella judgement addressed many of its concerns regarding section 55 and its impact on the wellbeing and rights of asylum seekers. However agencies still consider that the denial of support under section 55 to those who apply for subsistence only support potentially breaches an applicant's rights under both Article 3 of the ECHR (freedom from

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<sup>4</sup> Home Office quarterly Asylum Statistics for 2003, <http://www.homeoffice.gov.uk/rds/immigration1.html>

<sup>5</sup> From 'The impact of section 55 on the Inter-Agency Partnership and the asylum seekers it supports', February 2004. pp 25, 26.

<sup>6</sup> R (oao Adam, Limbuella and Tesema) –v – SSHD [2005] UKHL 66

<sup>7</sup> Vulnerable applications - such as pregnant women and people with a serious illness – are also exempt by the Home Office from a section 55 decision

inhuman and degrading treatment) and articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (the right to social security and the right to an adequate standard of living).

19. The following two case studies demonstrate the situations in which subsistence only support can be withheld on the basis of a Home Office assessment that the asylum claim was not lodged as 'soon as reasonably practicable'.

*An Iranian man who entered the country on 7th March 2005 and claimed asylum 24th October 2005 was denied subsistence-only support. The applicant said the delay was due to fear of being deported to Iran, and ignorance of the asylum system. [May 2006, Refugee Action]*

*A young Somali woman was denied subsistence-only support under Section 55. The reasons were very trivial - such as getting the date of entry into the UK slightly wrong. [May 2006, Refugee Action]*

20. Under s55, the burden of proof placed on the asylum seeker is high, and the decision to refuse support heavily influenced by the immigration officers' subjective perception of the applicant's credibility. The limitations of this approach are illustrated by the draft policy bulletin on s55, circulated to the voluntary sector for comment in August 2006. The draft includes a case study, in which immigration officers are advised that an asylum seeker's 'well-presented and clean-shaven' appearance at the time he arrived at the Asylum Screening Unit to make his claim should be taken as evidence that his story of spending two weeks inside a lorry was false.
21. Basing a decision to deny all material support on a subjective assessment of personal hygiene is manifestly flawed. In its submission on the draft policy bulletin, the IAP urged the Home Office to consider the fact that many cultures place a high value on appearance when presenting to authorities, and that it doesn't take much time to have a shave and tidy oneself up.
22. If the Secretary of State does not consider that the asylum seeker applied as soon as reasonably practicable, the asylum seeker must then prove that no other source of support (apart from accommodation), including charitable support, is available to them. As part of the consultation on the Home Office's Policy Bulletin 75 the IAP recommended that the Home Office accept that the charitable sector is not able to provide sustainable support to asylum seekers and that to require individual asylum seekers to prove this on a case by case basis places an unnecessary burden upon the asylum seeker.

#### **Section 4 of the Asylum and Immigration Act 1999**

- *The use of vouchers and poor quality accommodation constitutes inhuman and degrading treatment (Article 3 of the ECHR) and does not provide for an adequate standard of living, including adequate food, clothing and housing and the continuous improvement of living conditions (Article 11 UNHCR International Covenant on Economic, Social and Cultural Rights (ICESCR)).*
  - *Significant delays in the provision of support to applicants who are by definition destitute, results in 'serious suffering caused or materially aggravated by denial of shelter, food or the most basic necessities of life' (Article 3 of the ECHR as interpreted by the Law Lords in Limbuela).*
23. Section 4 of the Asylum and Immigration Act 1999 (as amended by section 49 of the Nationality and Asylum Act 2002) allows the Secretary of State to provide support, in very limited circumstances, to refused asylum seekers. The purpose of section 4 is to provide temporary support to people who are destitute and who, through no fault of their own, are unable to leave the UK. This may be because there is no viable route of return to their home country, because they have submitted a fresh asylum application, or because they have a medical condition, including pregnancy, that prevents them from travelling.

24. The number of people applying for and receiving section 4 support has increased exponentially since January 2005. Between 2004 and 2005, the number of people applying for section 4 support increased by 433 percent: from 3000 applicants in 2004 to 16 000 in 2005<sup>8</sup>. Approximately 6,945 failed asylum seekers, excluding dependents, are currently in receipt of section 4 support<sup>9</sup>. The average time on section 4 support is 8.7 months.<sup>10</sup>
25. The IAP has recently completed a report on the *Impact of Section 4 Support*. The report found that Section 4 support has evolved beyond its original policy intention to provide limited and temporary assistance to people unable to leave the country through no fault of their own. It is the sole means of support to people for considerable lengths of time and is failing to meet their most basic needs.
26. We consider that the use by the IND of vouchers and poor quality accommodation constitutes inhuman and degrading treatment (Article 3 of the ECHR) and does not provide for an adequate standard of living, including adequate food, clothing and housing and the continuous improvement of living conditions (Article 11 of the UNHCR International Covenant on Economic, Social and Cultural Rights (ICESCR)). Furthermore, the deprivation of support for long periods of time due to delays in processing applications for already destitute applicants could be a breach of Article 3 of the ECHR on the grounds of inhuman and degrading treatment.

#### *Vouchers*

27. Because section 4 support is intended to 'convey the message of return', the support provided is inferior to that provided to those receiving section 95 support. The most significant difference between section 95 and section 4 support is that section 4 is cashless: support is provided to clients through supermarket and luncheon vouchers. IAP agencies have consistently opposed the use of vouchers for asylum seekers throughout the asylum process because they are inflexible, they stigmatise the user, and they are not cost effective.
28. The Government has recently confirmed its support for vouchers through the passing of the Immigration and Nationality Act (2006), clause 43 of which stipulates that section 4 support is only available through non-cash means, i.e. vouchers or full board accommodation.
29. This clause also gives the Secretary of State flexibility to provide additional support when necessary to cover items such as nappies, razors, clothing etc. While section 43 will provide additional assistance to some section 4 recipients and is welcomed by the IAP it is likely to be difficult to access, with strict eligibility rules. The impact on the wellbeing of unsuccessful asylum seekers is therefore likely to be limited. The fundamental problems created by a non-cash system will continue to cause distress and hardship for people supported under section 4 and will continue to impact heavily on the IAP agencies and other stakeholders.

#### Vouchers do not provide an adequate standard of living

30. Section 4 accommodation providers are responsible for issuing vouchers worth £35 per week to claimants placed in their accommodation. The type of voucher issued to a claimant is decided by the accommodation provider – and may vary from a voucher that can be used at any supermarket in the area to 'luncheon vouchers' that may be used in only one supermarket.
31. The IAP has regularly provided evidence to NASS on the inability of vouchers to meet people's most essential needs. Commonly reported problems include:

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<sup>8</sup> NASS briefing note to NASS Forum members, 12 January 2006

<sup>9</sup> Supplied by IND officials at the IND/IAP Operational Interface Meeting, 16 August 2006.

<sup>10</sup> From statistics provide by NASS to external stakeholders at the NASS Forum, March 2006.

- Mothers of new-born babies being unable to purchase the items necessary to care for their babies, including clothing, formula, and adequate bedding;
  - People being unable to purchase halal meat;
  - People being unable to purchase toiletries and cleaning products at supermarkets, especially in the areas where they have been issued with luncheon vouchers;
32. In addition, vouchers cannot be used to purchase travel so asylum seekers, often in poor health and/or with children, have to walk long distances to attend medical appointments and go to the supermarket. 83 per cent of respondents to a questionnaire compiled by the Home Office in 2002 as part of its review into asylum seekers' experiences of the voucher scheme in the UK stated that they had been unable to attend an appointment because of insufficient cash for fares<sup>11</sup>.
33. It should also be noted that the vulnerability of this group of people is exacerbated the fact that the NHS does not allow them access to free health care because of their status as asylum seekers whose claims have failed. The Refugee Council and Oxfam report *First do no harm: denying healthcare to people whose asylum claims have failed*<sup>12</sup> documents the impact of this policy on asylum seekers and recommends the restoration of access to free health care.
34. The use of vouchers causes particular hardship and suffering for pregnant women, and new mothers. Leading up to the birth pregnant women receive the standard £35 in food vouchers, which are restricted to the 'big four' supermarkets where the range and nutritional value of the food is in many cases limited, and indeed more expensive than local grocers. Women are unable to buy the foods that would suit their diet more effectively. They are often unable to buy culturally appropriate foods, such as Halal meat or African ingredients and foods – which can have an impact on their diet. They are required to walk further to reach the specific supermarkets, even in late stages of pregnancy or with newborn babies.
35. Once the baby is born the restrictions of the vouchers become more apparent. New parents are unable to buy clothes, creams, sterilisers etc for their babies using the voucher system. The Refugee Council in Leeds reports that:
- 'On some occasions they are even refused nappies and other toiletries [...]. We have a number of calls on our advice line from concerned health visitors and workers who continually ask if cash support can be provided. The health workers are often concerned that women are unable to buy appropriate clothing and basic items for their babies as the vouchers are so restricted. The voucher system provides added stress to women who are already experiencing a difficult time with the arrival of a new baby. Women often walk miles carrying their babies (as they have no cash for prams) across town to access services and do their shopping as they have no cash for bus travel.'*
36. Other problems arise from the administration of vouchers. The Ipswich office of the Refugee Council recently reported to the IND the following incidents in relation to the provision of vouchers:
- Clients [have been] informed that, rather than receiving vouchers on a weekly basis, they must wait until one month's worth of vouchers have been accumulated, and then they will be given these all at once.*

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<sup>11</sup> *Asylum seekers' experiences of the voucher system in the UK – fieldwork report*, Andrea Eagle, Lesley Duff, Carolyne Tah and Nicola Smith, Home Office Research, Development and Statistics Directorate, March 2002, p.13.

<sup>12</sup> *First do no harm: denying healthcare to people whose asylum claims have failed*, Nancy Kelley and Juliette Stevenson, Refugee Council and Oxfam, June 2006.

*A specific day [is] being set for delivery of voucher, which is then not adhered to. In one case, a client received a phone call telling him to come to an address at the back of Ipswich railway station at 10pm to receive his vouchers.*

37. Similarly, the Welsh Refugee Council reports that [the accommodation provider] “went through a period of ‘posting’ via ordinary mail vouchers to clients and frequently they did not arrive – on occasions clients would go several weeks with no vouchers at all.”
38. Vouchers are the sole means by which section 4 recipients can purchase their food and other items essential for survival. Systems which fail to ensure that the safe delivery of vouchers to those who need them cause a level of suffering which, in our opinion potentially breaches Article 3 of the ECHR.
39. Appendix A to this report provides case studies demonstrating the hardship and suffering caused by the use of vouchers.

### **Vouchers are degrading**

40. IAP case advisors report that the stigmatisation of clients through the use of vouchers is common. This has significant implications for community cohesion and the mental health and wellbeing of people supported under section 4.
41. As part of the Home Office’s 2002 review of vouchers, 205 asylum seekers completed a questionnaire outlining their experiences of vouchers. The review report summarised the feelings of the respondents when using vouchers as follows:
- 70 per cent felt embarrassed when using vouchers because they felt they were being looked at.
  - 68 per cent felt embarrassed because they had difficulty adding up the cost of their shopping and knowing which vouchers to use<sup>13</sup>.

### *The inadequate standard of section 4 accommodation*

42. Accommodation provided for those receiving support under section 4 of the 1999 Act is frequently of a much lower quality than that provided under section 95 of the Act. While there is no legislative basis for this variation in the quality of accommodation, government ministers, as reported by NASS officials, consider that section 4 accommodation is ‘designed to convey the concept of return’ and should therefore differ from section 95 support<sup>14</sup>. Accommodation providers are able to exploit this difference without sanction due to the vagueness of the section 4 accommodation specification.
43. IAP agencies have frequently presented to NASS concerns regarding the quality of section 4 accommodation. Common problems reported by One Stop Service case advisors include:
- Rooms without locks in shared accommodation (this is especially traumatic for single women who have experienced rape and sexual harassment);
  - Inadequate bedding;
  - Lack of facilities for new-born babies – e.g. bedding, sterilising equipment, prams;
  - Lack of heating, or heating that requires coins to activate (this is difficult when people on section 4 support are only issued with vouchers);
  - Unclean premises – and no equipment with which to clean them;
  - Special needs being ignored – such as needing a ground floor flat due to a physical disability or needing their own room due to mental illness.

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<sup>13</sup> Op cit, p.11

<sup>14</sup> Jeremy Oppenheim, former Director of NASS at the NASS Stakeholders Forum, March 2006.

44. The IAP considers that, in many instances, the accommodation provided to asylum seekers on section 4 support is of such poor quality that it causes sufficient suffering to constitute potential breaches of Article 3 of the ECHR and article 11 of the ICESCR. An example of the conditions experienced by tenants in section 4 accommodation is described below. Further case studies are shown in Appendix B.

One Angolan lady is on section 4 support due to medical reasons. She takes 12 tablets a day and receives 3 injections from her health visitor every week. Her housemate also suffers from asthma. 1 month ago the ceiling in the kitchen fell in. 1 month later the ceiling is still not repaired. Neither the provider nor the landlord will take responsibility for the matter and at present there is still a huge gaping hole in the ceiling. The house is also full of damp with green mould all over the kitchen cupboards. The shower also leaks onto the main street. The health visitor was appalled by the conditions. [Refugee Council Leeds]

#### *Delays in the provision of section 4 support*

45. IAP agencies report that one of the main causes of destitution amongst their clients is the delays experienced in accessing section 4 support.
46. In July 2005 in response to the burgeoning demand for section 4 support and resultant delays in awarding support, NASS, in consultation with the IAP, introduced a system of prioritisation of section 4 applications to ensure that the most vulnerable clients ('Priority A' applicants: pregnant women, and those with health or mental health needs) received swift decisions on their claims. Priority A clients should receive a decision on their section 4 application and accommodation within 48 hours of the application, whilst Priority B clients should receive a decision within 5 days.
47. As of July 2006, the average waiting time (decision only) for Priority A applications was 5 days and for Priority B this was 15 days<sup>15</sup>.
48. It should be noted that following a positive section 4 support decision, the applicant must then confirm with NASS that accommodation is still required and then wait for accommodation to be allocated. The Birmingham office of the Refugee Council has started collecting data on the time taken to process, approve and accommodate section 4 support applications.
49. Based on 56 applications which reached conclusion by the end of June, it shows a mean waiting time of 21 days, or three weeks, between application and accommodation. On average, ten days lapsed before an applicant was accommodated following the approval of the application.
50. Given that 70 per cent of section 4 applications are successful, it is fair to say that the overwhelming majority of applicants are required to wait for long periods of time to receive the support to which they are legally entitled.
51. Delays in priority A cases are of most concern to IAP agencies because of the additional vulnerability of the client. The following case study illustrates the level of need of priority A cases, as well as the kind of delays that are experienced in the administration of their claims for support.

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<sup>15</sup> NASS Stakeholders Forum, Hilary Tarrant, Head of Casework Transformation at NASS

**Case Study:** Iranian client suffering from Post Traumatic Stress Disorder, on medication (anti-depressants) [Refugee Action]

17/07/06	Section 95 support discontinued. A section 4, priority A application was submitted to NASS on the grounds of being unfit to travel (mental health).
20/07/06	Case referred onto NASS medical advisor.
24/07/06	Application refused. An appeal to the Asylum Support Authority was submitted on the same day.
02/08/06	The ASA found in favour of our client and ordered that he should be granted section 4 support.
03/08/06	NASS authorised accommodation but no appropriate accommodation was available (client requires quiet housing due to mental health problems). Client became extremely distressed; not able to buy the medication he requires. Concerns were raised by his GP.
22/08/06	Refugee Action submitted a further request for appropriate housing to NASS, supported by a letter from the client's Community Psychiatric Nurse.
31/08/06	Alternative accommodation provider authorised to accommodate client but no vouchers issued
12/09/06	Still no vouchers issued. The client is destitute, is suffering a mental health illness and has been without any means of support for almost two months

52. The IAP has urged the IND to adopt a two pronged approach to alleviating the hardship caused by section 4 delays. The IAP recommends that section 95 support be continued until voluntary or forced removal from the UK to eliminate the gaps in support. This would require legislative change. In the meantime, the IAP recommends that section 4 support be granted immediately if the IND has reason to believe a client could be destitute, with ongoing support to be provided pending a full investigation of the case.

53.

#### **Unsuccessful asylum seekers with no support**

54. Whilst the unsuccessful asylum seekers described above receive support through section 4 of the Asylum and Immigration Act 1999 because there are recognised barriers to their return home, large numbers of unsuccessful asylum seekers receive no support whatsoever because they are unwilling to sign up for Voluntary Return and there are no recognised barriers to their return. While these people's asylum claim has been refused, in most cases they are simply too terrified to return home and so do not sign up for Voluntary Return. The consequence of this is that they receive no support whatsoever. While it is difficult to know the number of people in this situation, the National Audit Office estimates that more than 200,000 rejected asylum seekers in the UK have not been removed and cannot be accounted for. Without support and without the right to work many of these people will be destitute.

#### **Section 9 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004**

- *The withdrawal of support to families whose asylum claim has been refused can cause serious suffering potentially breaches article 3 of the ECHR and Article 11 of UNHCR International Covenant on Economic, Social and Cultural Rights (ICESCR)*
- *The forced removal of children from their families following the withdrawal of support potentially breaches Article 8 of the ECHR on the right to family life.*

55. In April 2005 the government commenced a pilot programme to test section 9 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004. This Section rules that families who have reached the end of the asylum process and who have been refused leave to stay are no longer entitled to housing and support until they leave the country. Instead, to qualify for support they must sign up to return voluntarily, or lose all welfare support and risk their children being taken into care.

56. The IAP opposed section 9 as an inhumane and unworkable policy. Using the threat of being parted from their children to coerce parents into signing up to return is grossly unjust and in our opinion, clearly breaches Article 8 of the ECHR on the right to the maintenance of family life.
57. The pilot has shown the policy to be spectacularly unsuccessful. Instead of meeting the government's aim that more families return voluntarily, barely any have signed up to go home. What is worse, some families have become so frightened of being separated that they have gone into hiding. This is absolutely contrary to the best interests of the child.

#### *Impact on families*

58. In July 2005 NASS contracted Refugee Action and Refugee Council asking them to provide outreach services to families affected by the section 9 pilot. The IAP noted the following information about the 35 families who contacted the OSS families' and their needs.
- 73 children ranging in age from 3 months to 17 years were affected by the pilot
  - 80 per cent of parents had mental health problems ranging from depression to self-harming behaviour
  - 10 per cent of women were in the late stages of pregnancy
  - 36 per cent of families had other significant physical health conditions including untreated shrapnel wounds, sickle cell anaemia, gynaecological and paediatric health needs.
59. Refugee Action has maintained contact with ten families who have had their support terminated, of these:
- Two families have been evicted from their Home Office accommodation. One family now resides with a friend while receiving s.17 Children Act 1989 support from social services for their child from the local authority. The other family resumed Home Office support after lodging a fresh asylum claim and were dispersed to South Yorkshire. The family are now extremely anxious that they may become destitute and homeless again at any time. The family is highly vulnerable with limited social networks.
  - One family, from Zimbabwe, resumed Home Office support after submitting a fresh asylum claim, and were dispersed to the West Midlands.
  - One family resumed Home Office support following their application for Humanitarian Protection.
  - One family is destitute but receives £100 per month from the British father of one of the children.
  - One single parent family is receiving considerable financial and social support from the head teacher at her son's school, who is prepared to accommodate them if they are evicted from their Local Authority accommodation.
  - Three families struggle greatly. Two families reside in local authority accommodation and receive some social services support. One couple receives treatment for depression. A single parent family receives some support from her brother who has status in the UK. Social services have offered to accommodate and support the family under s17 of the Children Act 1989 at 70 per cent of income support levels. The third family resides in local authority accommodation and receives food from a local charity with input from social services.
  - The final family has disappeared.
60. The Refugee Council in Leeds has been able to provide the following update on families who had their support terminated under section 9.
- Three families registered for the Voluntary Assisted Return and Reintegration Programme (VARRP). The OSS advised the families about the reintegration package and their options.
  - Two families received positive decisions. One family has accessed mainstream support but no information is available on the second family.
  - Three families reside in private accommodation with friends or family, and have not responded to Refugee Council invitations to appointments with independent advisers. The Refugee Council is aware from the Refugee Legal Centre that one family has resumed Home Office support (subsistence only) following lodging a fresh asylum application.

- Leeds Social Services are accommodating and supporting the children of two families under s.17 of the Children Act 1989. Charities are supporting the parents, the Leeds Asylum Seekers Support Network hardship fund, through a weekly allowance.
- Huddersfield Social Services are accommodating and supporting the children of two families only under s.17 of the Children Act 1989. The parents receive no support at all. However, this family is receiving a higher rate of section 17 payment for the children than the families in Leeds; the reason for this is unclear.

61. The IAP recommends that section 9 be repealed immediately.

## Part Two: Administrative Routes to Destitution

➤ *Asylum seekers and refugees are often deprived of support due to administrative errors and delays across government, resulting in sustained periods of suffering and potentially breaching Article 3 of the ECHR and articles 9 and 11 of the IESCR.*

62. The IAP One Stop Services deal with thousands of clients every year who have been made destitute because of structural weaknesses and failures at the Immigration and Nationality Directorate. In the first quarter of the 2006/2007 financial year the IAP agencies saw 3,170 clients who, while eligible for Home Office asylum support, had been made destitute as a result of weaknesses in the administration of asylum support in the Home Office<sup>16</sup>. It should be noted that this figure does not represent the whole population of destitute asylum seekers as only a portion of asylum seekers access IAP services.

63. In addition to the problems discussed in other parts of this report, the main areas where bureaucratic failures or weaknesses lead to destitution are:

- Terminations in error: people's support is terminated due to an error on the part of the IND;
- Difficulties accessing mainstream support once refugee status has been granted and NASS support has finished.

### *Terminations in error*

64. Support to asylum seekers is sometimes erroneously terminated by the IND. The time taken to rectify this mistake can be prolonged, causing significant hardship to asylum seekers who have no other means of support.

65. The Refugee Council in Leeds reports the following:

*The time taken between termination (in error) and then subsequent restart can take many weeks leaving the client without support in the meantime. Each week we see 3-4 terminations in error. In most cases it is very clear that the asylum case is ongoing as many have often not even had their first refusal. The NASS termination letter creates a great deal of stress and anxiety for the clients as they believe the NASS termination letter to be the official Home Office refusal letter. Many think Immigration will be at their doors the next day to deport them. It creates unnecessary stress and also adds further administrative pressure in restarting support which should never have been terminated.*

*One Afghani client recently waited 5 weeks for his NASS support to restart. This was because NASS did not know which address he was at even though his provider was fully aware he was still in initial NASS accommodation. After receiving initial confirmation that support would be restarted on the 15<sup>th</sup> August, he has only now received Emergency money from NASS in the post today (7<sup>th</sup> September 2006).*

*This creates unnecessary stress for the client and prolonged periods where they have no support and no access to food.*

### *Accessing mainstream support following a positive refugee grant*

66. Asylum seekers who have been granted refugee status can face destitution as they fall between the gaps of asylum support provision and mainstream benefit and housing support.

67. The reasons for this enforced destitution are largely bureaucratic, caused by administrative delays, lack of housing provision, and poor understanding amongst Department of Work and Pensions and Local Authority staff of the rights and needs of refugees recently granted status. These problems

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<sup>16</sup> Survey of IAP agencies April to June 2006.

could be minimised through the SUNRISE programme, which allocates a caseworker to every 'new' refugee. It is currently only a pilot in four regions of the UK, and only deals with the very short-term issues of integration.

68. The following case studies demonstrate how these can combine to cause prolonged suffering for a very vulnerable group of people.

*A Sudanese client* spent two months without Job Seekers' Allowance due to a delay in processing application. A back-payment was applied for in November 2005 and processed in August 2006.

One housing association refused to even interview the client due to "health and safety concerns" as he did not speak English (H&S procedures could not be explained to him due to the language barrier) and the client was advised to contact them again once his English has improved (NB no accommodation was available at the time anyway). No interpreting facilities were available.

No emergency housing was available as client was assessed as not being a priority. He was advised to seek private accommodation but he did not have any money for a deposit. Hostels for the homeless were inappropriate due to drug/alcohol dependencies and racial tensions.

Only one housing association offered to interview the client despite no accommodation being available at the time and he was accommodated on 19.12.05, a month after having been evicted from NASS accommodation. [*Source: Refugee Action*]

*A Ukrainian man* granted Humanitarian Protection applied for Job Seekers' Allowance on 13 July 2006. Due to various delays and mistakes on the part of the Department of Welfare and Pensions, he did not receive his first benefit payment until 5<sup>th</sup> September, seven weeks following the initial Job Seekers' Allowance application. On no occasion was the client offered the facilities of an interpreter despite the fact that both he and the Welsh Refugee Council (WRC) requested one for several of the interviews.

He was evicted from his NASS accommodation on the 2<sup>nd</sup> August 2006; he attended a homeless interview at his local council but was deemed not to be in priority need. The WRC assisted him to apply to four local housing associations in late July 2006. To date (September 2006) he has not received one interview. The WRC has assisted the client to register with all the private letting agencies and local landlords in the area and he has yet to be offered any type of accommodation. In addition, even if he was offered accommodation he has no money for a deposit. There is an acute housing shortage both in the private and public sector locally which has further exacerbated the situation.

The client has been street homeless since August 2<sup>nd</sup>. There is only one hostel

with 11 bed spaces locally and despite contacting them on a daily basis since the beginning of August they have not had one single vacancy. The client has therefore remained street homeless for the last eight weeks and remains so to date.

There are no public bathing facilities and hence the client is forced to utilise the staff toilets in the WRC in an effort to meet his basic hygiene needs. The WRC also looks after his personal belongings and provides him with a sleeping bag each evening. He feels totally ashamed of his situation. He is too ashamed to sleep on the streets and spends most nights walking the streets and then sleeps in the waiting room of the WRC during the day and is offered tea and coffee. He is becoming increasingly depressed and his alcohol consumption is increasing. He speaks only a few words of English and feels totally isolated as there are

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## Appendix A: Section 4 Voucher case studies

A Chinese lady came to our office seeking help. Since the birth of her new born baby one week ago she had carried him 3 miles across town in a towel as she did not have a pram or any cash or bus fare. She was both exhausted and distressed by the situation. (Refugee Council, Leeds)

*A Pakistani gentleman suffers from terminal liver disease, suspected Parkinson's and continual shakes in his hands. He is on Section 4 support receiving £35 per week in vouchers. He has no cash to travel to his medical appointments and is often distressed and crying on the phone due to the situation he is faced with. He is 56 years old. He is unable to shop easily as his nearest supermarket is not close to his house. Due to the severe shaking in his hands he finds it very difficult to carry shopping too and from the supermarkets. If he was given cash payments he would be able to attend medical appointments and travel on the bus too and from the supermarket. (Refugee Council, Leeds)*

An Eritrean man who is 60 years old has been on Section 4 support since July 2005. He has been receiving vouchers for over 12 months. He suffers from diabetes and has severe pain in his legs from shrapnel wounds. A number of health visitors have been in touch asking if he can be provided with cash payments as he finds it hard to travel and attend appointments. He also suffers from continual harassment from his housemate, who has mental health problems. He suffers from ill health and is forced to survive on vouchers for an indefinite length of time. (Refugee Council, Leeds)

*One Zimbabwean lady who is on Section 4 support based on the fact that she has a fresh claim for asylum pending with the Home Office states that 'on vouchers you can only shop at one place. You can't always buy the food you want. The meat in the supermarket is too expensive and you want to buy it from the market but you can't. When you use the vouchers you are not given change. If I want to spend £6 from a £10 voucher I have to lose the £4.00 change. On one occasion me and my friend went to Tesco, we wanted to buy deodorant and sanitary towels, we were told by the check out that we could not buy such luxury items'. (Refugee Council, Leeds)*

Delivery of vouchers by certain housing providers is also very poor. Clients often wait in for days hoping vouchers will be delivered, eventually when they are unable to contact the provider they come to Refugee Council to try and seek help. An Iraqi man was told over 3 weeks that his voucher would be delivered by the provider however they never arrived. (Refugee Council, Leeds).

*A woman in Leeds attempted to use vouchers to buy nappies and other toiletries for her child but was refused at Morrisons, Asda and Tesco. She also attempted to purchase phone cards with her vouchers but this was also refused at the supermarkets. [Source: Refugee Council, Leeds]*

Asylum seekers in Newcastle are issued with ordinary luncheon vouchers, which can be exchanged for food only at Asda, Morrison and Tesco. These supermarkets are all out of town – there are smaller supermarket outlets (Iceland, Co-Op) in the centre of town, but they do not accept vouchers. [Source: North England Refugee Service]

*Section 4 clients in West London are issued with vouchers that can be used in Somerfield or Quicksave supermarkets. Neither of these supermarkets provides halal meat. [Source: Refugee Arrivals Project]*

The Welsh Refugee Council has persuaded Tesco Superstores to accept vouchers for non-food items. However the Superstores are a long distance away from client accommodation, and clients do not have money to pay for transport to and from the stores. [Source: Welsh Refugee Council]

*A client in Plymouth who has regular medical appointments at a hospital following an accident is unable to get to his appointments as he is on section 4 support and cannot spend vouchers on transport there.*

*There is no free hospital transport. There is a service for those who don't have their own transport but there is a charge. [Source: Refugee Action]*

A woman in Leicester RCA on section 4 support with a 7 week old baby was refused baby nappies, lotion and shampoo when trying to spend her vouchers. She was not able to buy any baby clothes either. We referred to NASS who addressed the toiletries and nappies but said she would have to go to charity for baby clothes. [Source: Refugee Action].

*An Iraqi (Kurdish) client was granted Section 4 support in January 2005 and has remained in receipt of Section 4 alone to date, over 20 months. He has received only vouchers and no additional financial support to enable him to meet his complex needs. He is disabled and has numerous injuries as a result of stepping on a landmine. He has a below knee amputation of his right leg, severe nerve damage to his left arm resulting in motor and sensory deficits. He has shrapnel embedded in various parts of his body which continue to cause him pain and discomfort. He is also suffering from depression and finds it extremely difficult to trust people and verbalize his thoughts. The Welsh Refugee Council (WRC) has referred him to his GP and the Asylum Health Visitors on several occasions however he has still not been offered counseling or medication.*

*His bedroom at his accommodation is on the first floor and he finds it extremely difficult to navigate the steep stairs; he also finds it extremely difficult to meet his own personal hygiene needs as the property, and in particular the bathroom, has not been adapted to meet his needs.*

*The WRC referred him to Social Services however the Community Care Assessment was not conclusive. In addition the WRC applied for a Free Travel Pass however he was refused this on account that he was not in receipt of Disability Living Allowance despite the fact that he is visibly disabled. He urgently requires at least a bath stool, bath mat and grip rails to enable him to access the bath however the client has been informed by the local Occupational Health Department that his case is not a priority and hence he will be assessed in approximately 18 months time.*

*The client has become increasingly withdrawn and depressed as he feels ashamed to crawl up the stairs to his bedroom and feels ashamed when he falls down when attempting to attend to his hygiene needs – such falls frequently requires the assistance from other residents in the house. The client has also expressed suicidal thoughts on a number of occasions.*

*To date the client has not received a full Community Care Assessment and has not been provided with any aids to assist his independent living. His case has now been referred to a Community Care solicitor in London who is taking legal action against the local Social Services and Occupational Health department; the client has also made fresh representations to the Home Office. The WRC approached several local solicitors regarding the client's legal case and his unmet physical needs however no solicitor was willing to take instructions locally.'*

## Appendix B – Section 4 accommodation case studies

### Cases 1 – 5: Refugee Council, Leeds

*One Angolan lady is on section 4 support due to medical reasons. She takes 12 tablets a day and receives 3 injections from her health visitor every week. Her housemate also suffers from asthma. 1 month ago the ceiling in the kitchen fell in. 1 month later the ceiling is still not repaired. Neither the provider nor the landlord will take responsibility for the matter and at present there is still a huge gaping hole in the ceiling. The house is also full of damp with green mould all over the kitchen cupboards. The shower also leaks onto the main street. The health visitor was appalled by the conditions.*

A few weeks back, a health visitor for a Chinese lady contacted us. The Chinese lady and her 2 week old baby were living in a basement flat. There was no natural light in the property and no windows that could be opened. She could not drag the pram up and down the stairs to the flat. The housing situation was resulting in the lady feeling very isolated and depressed.

*One gentleman from Congo DRC stated that 'they treat us like dogs'. This was after 2 weeks living without gas in his Section 4 accommodation. He was unable to cook any hot food and was walking 5 miles across town to take hot showers at his friend's house. He had contacted the housing provider on 3 occasions; he was promised the matter would be resolved. Only after intervention from Refugee Council was the matter finally resolved.*

For pregnant women once they have their babies it can become very difficult. Initially when they are housed they are housed in a single bedroom in a property with other pregnant women. Once the baby is born they remain in the same single room in the shared property. The housing provider often does not provide a cot immediately. Often the bedrooms are even too small to fit a cot. On one occasions one lady waited 3 weeks for a cot – during this 3 weeks she shared a bed with her tiny baby – this is always warned against by health workers. The speed with which accommodation is made more suitable for mothers and their new born babies is very slow and poses massive health & safety risk.

### Cases 6-10: Refugee Action

A single Iranian man was taken to a property with no mattress, no light bulbs, a broken shower, no vacuum cleaner/brush/mop. The door to the room was broken and the gas cooker didn't work properly. He complained to the landlord but no action was taken. He had to buy light bulbs, mop etc out of £35 vouchers which left him without enough money for food. The landlord said he would reimburse the client for this expenditure but still hasn't.

Other residents of property treated the client badly because of his different faith (they ignored him, threw his food in the bin, didn't let him use the same pots, cutlery etc). The client asked to be moved but the accommodation provider refused. Refugee Action requested that he be moved but was informed by NASS that clients must live with people of different religions and could not request to be moved on this basis. Tension in the property escalated until the client was physically threatened by a member of the house. The client called his landlord to tell him.

The landlord then told another house-member that the client had complained and as a result the house-member physically assaulted the client and threatened his life. The client called the police who intervened and advised the client that he was not safe at the property and needed to be moved immediately. Refugee Action called the Regional NASS office and it was agreed he should be moved.

*[Source: Refugee Action]*

*A mother and father of a three week old baby were placed in a filthy, bug-infested room in Leicester [they brought some of the bugs into the local Refugee Action office to demonstrate their size]. The father is HIV positive. The family were dousing their bedding in Dettol and sleeping on wet bedding because they were so concerned about the bugs, the husband's HIV status and the risks to their baby. The clients initially complained to the accommodation provider but no action was*

taken. When Refugee Action complained, the accommodation provider said that they had asked the landlord to look into it and had informed the local council, but they wouldn't move the family unless they received a letter from Council saying that the property wasn't fit for human habitation.

An elderly couple had to wait two months before [the accommodation provider] arranged suitable accommodation for them. The accommodation offered had a number of structural issues: there was no bed, bedding or other facilities in the property. A choice of two bedrooms was offered: one did not have a door other was on the ground floor without a curtain. It appeared that several people had keys for this property and the couple did not feel safe. The couple was repeatedly asked to come to the property to be officially 'accommodated' - and had to walk several miles to get there - several times either the provider did not meet them there as agreed, or the major issues had not been resolved.

### **Case 11: Refugee Arrivals Project**

A single woman with a three month old baby was placed in section 4 accommodation with Caradon Estates that had no heating and was damp. Between October and December 2005 the woman complained repeatedly to Caradon Estates about the lack of heating and the effect it was having on her baby. She was supplied with an electric heater that did not work. Finally, after contacting Refugee Arrivals Project (RAP) in late December 2005, the woman was moved after repeated requests from a RAP case advisor. The woman and her baby had spent three winter months without heating.

The woman was moved into accommodation which had no cot for her baby. The property was filthy and no cleaning equipment has been provided. [Section 4 accommodation providers have a contractual agreement with NASS to either clean the property or provide the tenant with cleaning equipment]. The RAP case advisor made frequent calls to Caradon throughout January and February asking that the property be cleaned or a vacuum cleaner provided. On the 10th February 2006 the heating in this property also broke down. An electric heater was provided to the client four days later, but the woman and her baby did not have hot water until the boiler was repaired on the 6 March 2006. [*Source: Refugee Arrivals Project*].

### **Cases 12 and 13: Refugee Council, Brixton**

A family is living in a damp flat with water leaking through the ceiling from the flat above. The carpets are dirty, they have been provided with no cleaning equipment and a cleaner has not been for 4 months. There are rats in the bedrooms. The children have developed allergies and are frequently ill with colds, coughing and vomiting. The family has complained to the manger and accommodation provider but no action has been taken. [*Source: Refugee Council, Brixton*]

A copy of a client inventory for one provider's section 4 accommodation that a client brought into the Refugee Council described as 'optional' the following items:

- Saucepan
- Frying pan
- Wooden spoon set
- Kitchen knife
- Chopping board
- Tin opener
- Kettle
- Towel
- Tea towel
- Face cloth.

In this particular inventory, many of the above items and others not listed as optional were not provided to the client. Most notably, the inventory stated that the following items were not provided:

- a bed sheet
- a saucepan
- a wooden spoon set

- a tin opener
- a kettle
- a towel
- a tea towel.

The IAP considers that all these items are essential to basic living and should be provided as a minimum and without exception in every section 4 accommodation premises. It should be remembered that those on section 4 support are destitute and survive on vouchers: their ability to survive on these vouchers will be undermined if such basic items as a kitchen knife or a tin opener are not available to them.

The same provider also required the client to sign a 'licence to occupy.' Among the stipulations of this licence is the requirement that the client is not permitted to 'play... any radio, television or pre-recorded music, musical instrument...' This requirement seems unnecessarily harsh and is indicative of the diminished rights enjoyed by those on section 4 support. [Refugee Council. Brixton]

## Appendix C – Refugee Action Paper December 2004 (*updates 2006*)

### Claiming asylum 'in-country' and accessing support

This paper will summarise the current policy on how people are to claim asylum if they arrive 'in-country' and some of the problems that this policy is causing Refugee Action (RA), our client group and other stakeholders involved in the process.

#### The Policy

Prior to the implementation of the Nationality, Immigration & Asylum Act 2002, asylum could be claimed by stating the request to an Immigration or Police Officer, or by submitting a postal application to the Home Office. Along with the implementation of certain sections of the Act (although not actually part of it), a restriction was introduced whereby asylum could be claimed only at the Asylum Screening Units (ASUs) in Liverpool, Croydon or Solihull. Regional Immigration Officers were obliged only to record the claims of those deemed 'vulnerable'. 'Vulnerable' was defined as: 'unaccompanied minors; adults with children; visibly pregnant women; people with visible special needs.' Even these groups could be directed to an ASU if the regional office was unable to send officers. In July 2004 a Best Practice document (Best Practice 16) was distributed to all Immigration Officers, the voluntary sector was told this document advised Immigration Offices to make every effort to attend to people who were at a police station and wished to claim asylum. Subsequently, the voluntary sector was advised to send people to Police Stations, where they could wait for Immigration Officers. On 01 Dec 2004 it was announced that the ASU function at Solihull was to close two days later, due to declining numbers of asylum applications.

The underlying problem here is that the voluntary sector is unable to provide Section 98 support (EA) until people have made an asylum claim. This means that people are without any means of support (destitute) until an immigration officer attends to them at a police station, or until they are able to get to an ASU.

#### Immigration officers attending police stations

As outlined above, Immigration officers are advised by Best Practice document 16 to make every effort to attend to people who wish to claim asylum at police stations. The reality is that this is often not possible for Immigration officers in most of the cities where we work; the following outlines the various situations in each of these cities:

- Bristol: With persuasion, Local Immigration officers will screen most people  
*2006 – Local IOs sometimes screen people locally and sometimes refuse.*
- Leicester and Nottingham: Local Immigration Officers have come out to Police Stations only to screen visibly pregnant women. Usually though, they do not have the capacity to screen people at Police Stations  
*2006 – Local IOs will rarely screen even pregnant women now in Nottingham. Occasionally they do so in Leicester.*
- Manchester: Local Immigration will only screen heavily pregnant women, elderly people & large families, so apply a more restrictive definition than the usual vulnerable criteria. They will respond to Police Stations outside the city, but none within the city of Manchester.  
*2006 – Local IOs do not screen even vulnerable clients now.*
- Plymouth: Local Immigration will not see single applicants, unless they come via ferry. They will attend Police Stations to screen vulnerable clients, but no others.  
*2006 – Local IOs do not screen even pregnant women now.*

Local Police Stations will rarely allow people to wait there, particularly if Immigration has stated its inability to attend. Many local Police Stations are not staffed for 24hrs a day, so people seeking asylum are routinely turned onto the streets, for the lack of anywhere else they can go.

#### Getting to ASUs

Because of these difficulties in claiming asylum at police stations, for many clients the only option is to make their way to an ASU. Refugee Action has offices in Bristol, Leicester, Liverpool, Manchester, Nottingham and Plymouth. Only the Liverpool office has an ASU in the same city. Clients presenting at RA Manchester for support must travel approximately 30 miles. From all other RA offices the journey to an ASU is several hundred miles. Currently these journeys are managed in the following ways:

- Bristol: Bristol Defend Asylum Seekers Campaign Group has donated funds to RA to pay for travel to Croydon, this funding is limited and cannot continue indefinitely.

*2006 – Currently, we have run out of funding from BDASCG and have no RA money with which to fund travel to ASUs.*

- Leicester: Families are funded by Social Services to make the journey. Singles are informed/advised that they need to make their own way to an ASU. If a single client has no financial means and no local contacts, a referral is made to the Red Cross, which provides one night's accommodation and tickets the next day.

*2006 – As before.*

- Manchester: RA has a small, independently funded, Destitution fund, which is used to buy bus tickets to Liverpool.

*2006 – as before. Destitution fund is running low.*

- Nottingham: Nottingham Refugee Forum are currently providing funds for tickets, however they are running out of money and have signaled they will soon stop providing ticket money for adults with no children.

*2006 – Nottingham Refugee Forum is not able to provide funds for anyone any more. Refugee Action uses its small destitution fund but we are struggling as there has been an increase in new arrivals recently.*

- Plymouth: tickets for cheapest bus travel (usually travelling at night) are arranged by a local voluntary agency. It has limited funds.

*2006 – as before.*

It is evident from the above that most of these means of funding journeys to ASUs cannot be sustained, as funding is largely provided by other voluntary groups, who have limited funds to spare for this purpose. RA is not able to accommodate people until they have claimed asylum, except for families with children and visibly pregnant women (with the authorisation of the NASS regional manager). This leaves many adults abandoned in the towns and cities where their agent has left them, with no means or the knowledge to get to Liverpool or Croydon. The journeys are often complicated, involving a change of bus or train and this is extremely difficult for a person who has just arrived in the country. People in this situation are likely to be tired and confused, traumatised by whatever caused them to flee their home and by the journey to the UK. If they have little or no knowledge of English, the journey to Liverpool or Croydon will be even more difficult. This increases the likelihood of clients 'disappearing' without engaging in the asylum process, as they simply may not make it to an ASU.

#### ASU opening hours

Even if people are able to get to an ASU, they can still face difficulties. Both the Liverpool and Croydon ASUs have limited opening hours: 0900 - 1600 for families with children, 0900 - 1300 for single adult asylum applicants. This means that many people will arrive at an ASU too late to claim asylum and so will face a night with no means of support. This increases the pressure on the resources of the voluntary agencies who are funding journeys to ASUs, for in most cases it is not possible for clients to leave one of our offices in time to claim asylum that day. Often then the voluntary agency has to pay for one night's accommodation for people in the city where they first present, so that they can leave for Liverpool or Croydon early enough to get there before 1300.

In an effort to avoid people being destitute, the Liverpool ASU has been referring clients, who present for asylum after the ASU opening hours, directly to an Emergency Accommodation Provider used by RA. RA is unable to accommodate these clients and obtain funding from NASS, as they have not yet claimed asylum. However the EA Provider is continuing to collect these clients and invoice RA for the cost. This is causing problems for RA, NASS and our EA provider.

### **Suggested ways forward**

All of the above causes unnecessary work for both RA and NASS; phone calls are made, extra paperwork is generated and lots of time is spent trying work with immigration officers to get them to police stations and dealing with people who are unable to make the journey to the ASUs to arrive within the limited opening hours. More importantly, it causes a great deal of destitution for vulnerable people and increases the likelihood of people not engaging with the asylum process and simply disappearing. It is currently possible for NASS regional managers to authorise one night's accommodation in EA and subsequent travel to an ASU for:

- Families with children and pregnant women, where it has not been possible for local immigration to register their asylum claim
- Clients who arrive at an ASU before the usual closing time, but after it has closed early (as sometime happens)

RA would suggest that the same process is simply adopted for all single asylum applicants.

We feel that this would not only solve the problems of RA and the ASUs in dealing with destitute clients, but would also relieve the pressure on immigration offices having to attend to police stations at all hours of the day and night. We would also stress that as the situation improves, as has been promised and has, to some degree, happened around local immigration officers coming out to police stations, then the need for such authorisation will decrease. At the moment though, we feel that our proposed solution is absolutely vital if we are to avoid large numbers of clients being destitute as they try to make their way to an ASU.

If the above were not possible, we would strongly urge that ASUs are resourced to allow single applicants to register their asylum claim until 1600 (not 1300), as this would at least solve some of the problems outlined above in getting people to the ASUs in time to make their claim.

30 December 2004