

Refugee Council

policy response



Refugee Council response to the Community Cohesion and Migration Inquiry by the Communities and Local Government Committee

January 2007

Summary of key points

- Refugees and asylum seekers have a particular set of experiences and entitlements before they arrive and when in the UK which determine their lives and ability to integrate. These need to be taken into account by policy makers when considering issues of cohesion and migration.
- Aspects of government policy concerning asylum seekers and refused asylum seekers directly contribute to community tensions, hinder integration and impact negatively on local, regional and national efforts to foster cohesive communities. If people are subsequently granted permission to remain in the UK their integration from that point is often delayed by their experiences of exclusion when they were pursuing their case. Current policy to grant limited leave of five years and obstacles to applying for citizenship can hinder integration and cohesion and need to be addressed.
- We draw the attention of the Committee to the conclusions and recommendations of the parliamentary Joint Committee on Human Rights inquiry into the treatment of asylum seekers. The implementation of the JCHR recommendations would have a positive impact on community cohesion.
- There are positive examples around the country where settled communities are engaging with newly arrived people, including much excellent work done by Refugee Community Organisations (RCOs), faith groups, schools and youth groups and mainstream organisations seeking to tackle social exclusion. We urge the Committee to consider the contribution to community development of such work, and to highlight the need for resources to be made available to develop and support this work. Central and local government initiatives should be developed in partnership with RCOs and community groups, and be accessible to them.
- We believe that the transition from asylum support to mainstream services and the integration of refugees requires greater cooperation between the Home Office and other government departments and local authorities. Increased cooperation, informed by and based on a good understanding of refugee and asylum seekers' needs and experiences and better data on refugee populations, would help to increase the effectiveness of local and central

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government action and expenditure in promoting community cohesion and responding to inward migration flows.

- We believe that it is important that local authorities and service providers are supported (by the government and the voluntary sector) to understand refugee and asylum seeker issues when developing and implementing their plans, and communicating with the wider public about these issues.
- The Refugee Council is keen to use the recommendations of the Commission on Integration and Cohesion to help progress some key areas. Such actions should include specific consideration of refugees and asylum seekers, and be taken forward in cooperation with refugee community and support organisations, in particular activities concerning myth-busting, data collection and population mapping, decisions on translating materials and when implementing guidance funding single groups.

Introduction

1. The Refugee Council is the largest charity in the UK providing help and advice to asylum seekers and refugees. We campaign for their rights and help them rebuild their lives in safety. We work with refugees and those seeking asylum in England, at all stages of the asylum process and after they have been granted permission to stay. The Refugee Council Chief Executive is a member of the Migration Impacts Forum, and the Director of Operations is a member of the National Migration Group.
2. This submission is intended to highlight to the Communities and Local Government Committee some key points relating to community cohesion and migration, drawing on our experience of working with refugees over many years.
3. We welcome this inquiry, in particular the intention to explore the actions necessary to take forward the Commission on Integration and Cohesion's recommendations relating to migration. We hope that our submission will assist the Committee in considering the particular issues relating to refugees and asylum seekers within the broader debate on migration. We would be happy to provide further information on any of the points below, and would be pleased to make oral submissions to the Committee.
4. For information, attached are copies of submissions to the Commission on Integration and Cohesion in May 2007, by the Inter Agency Partnership (Refugee Council, Refugee Action, Migrant Helpline, Scottish Refugee Council, Welsh Refugee Council) and to the Independent Asylum Commission by the Refugee Council in November 2007.¹
5. We have focused our comments on the particular cohesion issues relating to refugees and asylum seekers. We believe it is important to make clear the distinction between those who have claimed asylum and those who have migrated to the UK to work or study. There are many common experiences for migrants, whether or not they have claimed asylum, for example the need to learn English, find accommodation and access services. However, asylum seekers and refugees have a particular set of experiences and entitlements when in the UK which determine their lives and ability to integrate.

1. Available at: <http://www.refugeecouncil.org.uk/policy/responses/2007/integration.htm> and <http://www.refugeecouncil.org.uk/policy/responses/2007/IACsubmission.htm>

Asylum Seekers and community cohesion

6. The particular issues concerning asylum seekers that have an impact on the community cohesion debate are set out below.
7. **Being forced to flee and life during the asylum determination process:** Those who seek international protection were forced to flee their homes in search of safety. Many asylum seekers say that they did not choose their destination, and others say they chose the UK for its reputation as a democratic country, and because of historic or linguistic connections.² Many of those seeking asylum have experienced torture and persecution because of their political activities, religious beliefs, membership of a particular social group, or have been the victim of conflict. They have often given up homes, children, possessions and livelihoods to seek safety. When they make an asylum claim, aspects of their lives are on hold until the final decision in their case is made. This process can take months or even years. Many people have physical or mental health conditions as a result of experiences in their country of origin. For these reasons, asylum seekers face a set of challenges distinct from other migrants.
8. **Asylum support, forced dispersal, access to mainstream services and the right to work:** Asylum seekers are not allowed to work.³ If people cannot support themselves while they are in the asylum process, they have to apply for housing and a weekly cash allowance from the Border and Immigration Agency (BIA). Those asylum seekers who are entitled to support receive far less in cash allowances than is paid to other UK residents who are entitled to Job Seekers Allowance, and so asylum seekers are living in conditions of poverty more extreme than most other groups. Some asylum seekers receive no support because they did not claim asylum immediately on entering the UK. Those who do receive support and require accommodation are dispersed around the UK on a no-choice basis. Many asylum seekers have reported that they are housed in places where they do not feel safe, and are subject to harassment and sometimes violence.
9. **English language:** After six months, people with an ongoing asylum claim are eligible for Learning and Skills Council (LSC) funding to learn English. The Refugee Council believes that access to language classes is key to integration, and we believe that asylum seekers should be eligible for funding from the date of their claim.
10. **Refused asylum seekers who cannot leave the UK – destitution, vouchers, lack of access to health care and legal limbo:** Thousands of refused asylum seekers in the UK are living below the poverty line and significant numbers are destitute. After their appeal rights are exhausted, the majority of refused asylum seekers have their support terminated, and the government expects them to leave the UK. Those who are unable to leave can apply for support under Section 4 of the 1999 Immigration and Asylum Act, which makes provision for accommodation and vouchers only with no cash support (asylum seekers with children usually continue to be considered as asylum seekers for support purposes until they leave the UK). Eligibility for Section 4 is dependent on meeting certain conditions, including taking reasonable steps to leave the UK.⁴ Destitution arises particularly for those whose cases have been refused, but are not departing voluntarily and who are not granted Section 4 support. For those living on Section 4 support for long periods, extreme poverty and deprivation often follow, as Section 4

² 'Understanding the decision-making of asylum seekers', Home Office Research Study, 2002
<http://www.homeoffice.gov.uk/rds/pdfs2/hors243.pdf>

³ Unless they are still awaiting an initial decision on their case after twelve months, in which case they can apply for permission to work.

⁴ See: http://www.asaproject.org.uk/fact_sheets/Factsheet_2_Section_4_Support_for_Failed_Asylum_Seekers.pdf

was intended as a short-term form of support and does not provide for many essentials over the longer term.

11. Many people do not leave the UK because they have no safe or sustainable route of return to their home country, for example Iraqis and Zimbabweans, or because they feel they have not had a fair hearing in their asylum case.
12. Destitution leads to homelessness and ill health, and has an impact on community cohesion, safety, health and welfare among destitute people, and the use of vouchers for those on Section 4 support is inefficient and leads to people being stigmatised. We are also concerned that refused asylum seekers are unable to access secondary health care.
13. The Refugee Council believes that integration takes place from arrival and is a two-way and multi-faceted process. Successful integration benefits everyone, and contributes to the development of safe and cohesive communities. We believe that the above aspects of government policy concerning asylum seekers and refused asylum seekers directly contribute to community tensions, hinder integration and impact negatively on local, regional and national efforts to foster cohesive communities. If people are subsequently granted permission to remain in the UK their integration from that point is often delayed by their experiences of exclusion when they were pursuing their case.
14. The Refugee Council's research report on experiences of integration, published in October 2007, is a two year qualitative research project looking at the social aspects of refugees' integration, particularly in relation to how these were experienced in two different localities, Haringey and Dudley, and across different groups of refugees and asylum seekers.⁵ This research provides powerful evidence of the barriers to integration faced in particular by asylum seekers, who are excluded by law from key activities, including work, training, and education, that would enable them to develop social networks and integrate. The report concludes that national policy on integration and asylum policy must be changed, so that asylum seekers are not excluded from society while their cases are being processed and concluded.
15. **We urge the Committee to have regard to this point when developing recommendations. In particular, we draw the attention of the Committee to the conclusions and recommendations of the parliamentary Joint Committee on Human Rights (JCHR) inquiry into the treatment of asylum seekers. The implementation of the JCHR recommendations would have a positive impact on community cohesion.**⁶
16. In addition, we would draw the attention of the Committee to the examples around the country where settled communities are positively engaging with newly arrived people, including work done by RCOs, faith groups, schools and youth groups and mainstream organisations seeking to tackle social exclusion. We know from our work with RCOs that they act as a bridge to other communities for new arrivals. Much excellent work is done, but many smaller organisations, particularly those working at the 'grass roots', including RCOs, struggle to fund their work. **We urge the Committee to consider the contribution to community development of such work, and to highlight the need for resources to be made available to develop and support this work. Central and local government initiatives should be developed in partnership with RCOs and community groups, and should be accessible to them** (See the final paragraph of this submission, regarding our position on the funding guidance for single groups).

⁵ Available at: <http://www.refugeecouncil.org.uk/policy/position/2007/integration.htm>

⁶ Joint Committee on Human Rights, March 2007, The Treatment of Asylum Seekers, at: <http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/81i.pdf>.
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Refugees and community cohesion

17. There have been some improvements to the asylum determination system in the past year and these have resulted in quicker decisions on asylum claims through the introduction of the New Asylum Model (NAM) which aims to process cases end-to-end within six months. This has reduced the length of time people spend waiting for an outcome on their case, which is positive as it allows people to get on with rebuilding their lives. In addition the government is pursuing a programme of 'case resolution' which aims to deal with a backlog of an estimated 450,000 files of people who claimed asylum before the introduction of NAM in April 2007. This is a positive development, provided the process is implemented fairly and transparently. Initial signs in some parts of the UK indicate the BIA is taking a pragmatic and humane approach to families who have been here a long time, granting many indefinite leave to remain. There are challenges for refugees, local authorities and support organisations to manage the transition from asylum support to the mainstream, but many of these can be addressed with coordinated action and clear communication from the BIA.
18. Once people have been recognised as having international protection needs and granted refugee status, or are given some other form of leave to remain in the UK (discretionary leave or humanitarian protection), they are entitled to work, access mainstream services and to vote.
- 19. We believe that the transition from asylum support to mainstream services and the integration of refugees requires greater cooperation and clarity between the Home Office and other government departments and local authorities. Increased cooperation, informed by and based on a good understanding of refugee and asylum seekers' needs and experiences and better data on refugee populations, would help to increase the effectiveness of local and central government action and expenditure in promoting community cohesion and responding to inward migration flows. We believe that it is important that local authorities and service providers are supported (by the government and the voluntary sector) to understand the specific refugee and asylum seeker issues when developing and implementing their plans, and communicating with the wider public about these issues.**
20. In addition, we would like to draw the attention of the Committee to the following key points relating to those recognised as refugees that we believe need to be considered and addressed in the quest for cohesive communities.
21. **Five year limited leave:** In 2005, the government introduced a qualifying period for indefinite leave to remain (ILR) for refugees, which took effect from 30 August 2005. Before this date, refugees received ILR. However, refugee status is now granted for an initial five years and is subject to active review, which will include a re-assessment of the safety of the refugee's country of origin. The fifth year review will start from August 2009, although refugees in the category can potentially have their status reviewed at any time. The five year limited leave will require those receiving a successful review to apply for indefinite leave to remain. In order to receive ILR, refugees will need to pass the Life in the UK test or gain an ESOL with Citizenship material qualification.⁷

⁷ http://www.lifeintheuktest.gov.uk/htmlsite/background_10.html "If you are applying for naturalisation as a British citizen or for indefinite leave to remain, you will need to show that you know about life in the UK. If you live in England, Scotland, Wales or Northern Ireland, you can do this in two ways: by taking the Life in the UK Test or by taking combined English for Speakers of Other Languages (ESOL) and citizenship classes. You should take the test if you are applying for naturalisation as a British citizen or indefinite leave to remain (settlement) and your level of English is ESOL Entry 3 or above. If your level of English is lower than ESOL Entry 3 and you wish to apply for naturalisation or indefinite leave to remain, you will need to attend combined English language (ESOL) and citizenship classes instead."

22. It is unclear how many active reviews have taken place so far and what the process will be for challenging any decision that someone no longer needs international protection. However, we are concerned that refugees with five year limited leave may face further distress and anxiety about the permanence of their status in the UK, and may well be placed at a further disadvantage when seeking employment, training, housing and rebuilding their lives. **The Refugee Council believes that refugees should be given ILR when they are granted status, and should not be subject to automatic review.**
23. **Employment, training and adult education:** We believe that those seeking asylum should have the right to work. In addition, we believe that refugees should be supported in employment, training and education so that they can use and develop existing skills to lead useful lives, with opportunities equal to others in the UK.
24. However, we are concerned about the impact of the government's decision that from 2 April 2007 all people seeking to live in the UK permanently will have to pass English language and knowledge of life in the UK tests (bringing settlement/ILR in line with the requirements for gaining British nationality). Asylum seekers granted refugee status after 30 August 2005 are affected by these changes. The changes mean that refugees applying for ILR after a successful review will need to have passed the Life in the UK test if at ESOL Entry level 3 or above, or gained an approved ESOL qualification with citizenship materials at a local college if below Entry level 3. Refugees who have not satisfied one of the above will be given an additional two years leave to do so. We are currently waiting to hear from the Home Office as to their plans beyond this point.
25. The Refugee Council considers it unreasonable and potentially discriminatory to restrict ESOL funding for refugees, while at the same time to insist on satisfying English language requirements as part of the granting of ILR. We disagree fundamentally with English language and knowledge of life in the UK tests being compulsory for refugees. The granting of asylum is fundamentally about providing protection and ILR should be given on this basis alone. Once a refugee has had a successful review, they are de facto given indefinite protection as their status will not be reviewed again. To insist on satisfying further requirements not relevant to this decision is unfair. It should be the choice of refugees whether or not to seek citizenship. It is only at this stage that English language requirements would be significant. We recommend that refugees should receive ILR automatically following a successful review of their status after five years or earlier. We recommend that the government ends **the English language requirements for those with limited leave who are applying for settlement or ILR.**

The refugee experience and citizenship

26. The Refugee Council believes that refugees should have equal access to citizenship processes, and be supported to choose whether to apply. We believe that the nature of refugees' experiences mean that they may face particular and unique decisions and hurdles. We are concerned that refugees' needs and experiences have not been fully taken into account in designing citizenship processes, which has resulted in a number of barriers to prospective citizens (cost, access to advice and guidance, and ability to access language learning). To ensure equal access, these issues should be taken into account by policy-makers; the current review of citizenship provides an opportunity to improve access for those who wish to apply. (A copy of the Refugee Council's submission to Lord Goldsmith's review will be copied to this inquiry when it is available).

Taking forward the recommendations of the Commission for Integration and Cohesion

27. The Commission on Integration and Cohesion report 'Our Shared Futures' highlights the areas of citizenship, visible social justice, fairness and transparency and positive relationships between communities.
28. All of these themes can readily apply to the refugee experience, and would be useful guiding principles for the Border and Immigration Agency.
29. We have continually highlighted the importance of work with the receiving community to inform and prepare them for new arrivals. A lack of information to receiving communities can be overcome, but this needs strategic thought, preparation and resources.
30. The Refugee Council is keen to use the opportunity of the COIC recommendations to help progress some key areas. We have not included a comprehensive analysis of the conclusions of the report 'Our Shared Futures' here, but wish to highlight that actions taken should include specific consideration of refugees and asylum seekers. For the purposes of this submission, we wish to highlight four key areas.
31. **Visible Social Justice and myth busting:** We agree with the COIC conclusions that visible social justice and proactive attempts to provide reliable and accurate information to inform communities about inward migration, including that by refugees and asylum seekers, are important. **We believe that these activities should be developed in partnership with communities, and involve refugee communities.**
32. The government should demonstrate active political leadership on the issue of asylum. In light of its continuing commitment to the 1951 UN Refugee Convention, placing an obligation on signatory states to accept refugees, some effort towards defending and upholding this decision would be in the interests of the government, asylum seekers and refugees themselves, and successful integration and community cohesion.
33. An independent body responsible for the asylum process would help to rebuild public confidence in the system, and allow decisions to be taken that were aimed at ensuring people who were in need of protection were able to access it.
34. Editors must take an active responsibility for ensuring that media outlets are not inciting fear and hostility amongst the public towards asylum seekers and refugees. We are opposed to the curbing of press freedom, but believe that the media must report these issues accurately and responsibly.
35. Politicians should recognise the impact policy decisions have on public opinion of asylum seekers and refugees. Use of detention, for example, suggests that asylum seekers are criminals who pose a risk to society and promotes the idea they are not to be trusted. Improvements in tone and language when discussing asylum are welcome, but should be matched with policy decisions that do not widen the gulf between those seeking asylum and the public.
36. **Data and statistics:** It is very important that statistics about refugee and asylum seeker populations are collected and available to service providers. This is particularly significant in relation to the new Department for Communities and Local Government guidance on translation.
37. **Translation guidance:** It is our experience that many refugees are desperate to learn English and this is very important to their integration. However, we hope that translated material and interpreters will continue to be available for those who have been forced to flee their country. DCLG notes the need for an evidence base and sound data for decisions on

translation, and we believe more must be done to provide this evidence for refugee communities.

38. **Single community funding guidance:** Refugee community organisations are incredibly valuable in providing a bridge to settled communities, and are important vehicles for integration and cohesion. We believe that the BIA and the Department for Communities and Local Government must support and encourage RCOs to develop this role. We very much hope that the guidelines on funding single-nationality groups will take into account the role of RCOs as vital providers of a bridge to settled communities and that the new National Integration and Employment service being developed by BIA will include ways of supporting RCOs.

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Attached:

1. Submission to the Commission on Integration and Cohesion in May 2007, by the Inter Agency Partnership (Refugee Council, Refugee Action, Migrant Helpline, Scottish Refugee Council, Welsh Refugee Council)
2. Submission to the Independent Asylum Commission by the Refugee Council in November 2007