

Refugee Council

policy response



Refugee Council's Response to the Department of Work and Pensions' Consultation on the Green Paper

In work, better off: next steps to full employment

October 2007

About the Refugee Council

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and also work with them to ensure their needs and concerns are addressed by decision-makers.

We have responded to the consultation questions that are directly relevant to asylum seekers and those granted refugee status, humanitarian protection, exceptional and discretionary leave to remain.

Introductory comments:

The Refugee Council welcomes the Green Paper's commitment to developing tailored flexible and personalised support. Its endorsement of partnership working at the local level which includes the third sector is also to be welcomed, in view of the fact that the community and voluntary sector (CVS) has significant experience of working with groups facing economic and social exclusion.

The focus of *In work, better off* is tailoring provision around a 'customer's' skills and information, advice and guidance (IAG) needs. Refugees are regularly disadvantaged in accessing services and employment because they do not fit into standard categories (ie passport holder who has indefinite leave to remain with certificates of qualifications and references from previous employers). There is a clear need for JCP and other contracted staff to be familiar with the experiences of refugees, their rights and entitlements. This can only come through training and partnership working, of which there are some good examples.

We welcome the Jobs Pledge and establishment of Local Employment Partnerships. Engaging employers in employment preparation, work placements and mentoring has been shown to play a key role in gaining appropriate employment.¹ We note the possibility of JCP working with employers to ensure that they do not inadvertently exclude people by asking for unnecessary qualifications or involve unnecessary complications or restrictions. We recommend that this becomes a priority and that refugees are included as a key group to consider when reviewing an employer's recruitment and employment processes.

The Refugee Council is pleased that *In work, better off* follows the Leitch Review of Skills² in recognising the positive impact migration has had on the UK labour market. However, refugees are forced to leave their homes because of persecution and come to the UK for protection rather than economic reasons. This has a major impact on their ability to access the labour market and find appropriate employment. We are concerned that the Green Paper does not recognise some of the key issues facing migrants (ie accrediting prior learning and experience³) nor the distinctive situation of refugees.

Studies have commonly shown high rates of economic activity amongst refugees⁴ before arriving in the UK, including self employment amongst certain nationalities,⁵ and above average levels of qualifications.⁶

¹ The Refugee Council, through the Refugees into Teaching (RiT) project, is a partner in PRESTO, the Partnership for Refugee Employment through Support Training and Online Learning Development Partnership which is engaged in a range of such initiatives supporting refugee professionals.

² 1.31 p34 http://www.hm-treasury.gov.uk/media/6/4/leitch_finalreport051206.pdf, last searched 24 October 2007

³ It estimated that in 2004, one third of the London workforce was born outside the UK. However, refugees maybe disproportionately affected due to the nature of force migration through not having original certificates with them. <http://readingroom.lsc.gov.uk/Lsc/2006/research/commissioned/nat-regionalprofilesoftheworkforcelondon-re-may2006.pdf>, last searched 24 October 2007

⁴ Refugee is used throughout to include asylum seekers granted refugee status, humanitarian protection, discretionary and exceptional leave to remain.

⁵ See Kirk, R, *Skills Audit of Refugees*, Home Office Report 37/04 (2004)

⁶ Waddington, S *Valuing skills and supporting integration*, NIACE (2005)

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Another consistent feature is the desire to work and not be dependent on benefits.⁷ However, refugees have one of the highest unemployment and underemployment rates for any group.⁸ The work of DWP with refugees needs to be monitored and evaluated effectively, with refugees being brought under the general public duty to eliminate racial discrimination, ensure equality of opportunity and promote good race relations. JCP introduced a 'marker' for refugees but this is not consistently used and therefore it does not produce reliable management information to guide policy and practice.

The Refugee Council recommends that DWP works across Government and, in particular the Department for Communities and Local Government, to ensure that refugee status, discretionary and exceptional leave to remain, and humanitarian protection are protected categories.⁹ Doing so will help to protect refugees against discrimination, allow employers to monitor refugee applicants and employees to support positive action measures and highlight that refugees are disadvantaged compared to minority ethnic groups in the UK¹⁰ and have distinctive support needs.

Furthermore, changes in the provision of asylum support¹¹, removal of the work concession¹² and, more recently, in Learning and Skills Council¹³ funding have led to the further distancing of asylum seekers from the mainstream. When a positive decision is received, the effects of this period of social and economic exclusion on a refugee's ability to integrate are significant. Any process of supporting refugees into work must take into account the impact of these experiences. It will also need to accommodate BIA's aims to have national refugee integration services operating from April 2008. The SUNRISE¹⁴ service will have a stronger employment element. However, this should be tailored around the training needs of the individual and fully integrated into the overall service. It will require close collaboration between BIA and DWP on ensuring that refugees are supported into sustainable and appropriate employment.

BIA is also focusing on its Case Resolution programme over the next three to four years. This aims to resolve outstanding cases where the asylum claim was made prior to April 2007, along with those who have been refused asylum but have not been able to return. This is likely to result in significant number of people being granted refugee status or indefinite leave to remain. Many will have been outside mainstream provision, work and training for a number of years. JCP needs to work closely with the BIA and CVS to ensure that appropriate skills assessments and support are provided.

⁷ <http://www.refugeecouncil.org.uk/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=F3C874FC-FFBA-4E41-B3D2-CC1A3E6A2743&mode=link&guid=0b5d69303b4741b2924ce0dfcc60d0c0> p20 and <http://www.homeoffice.gov.uk/rds/pdfs2/hors243.pdf> p53, last searched 24 October 2007

⁸ Research carried out by the DWP found an employment rate amongst refugees of 29% compared to 60% for people from ethnic minorities. See Bloch, A, Refugees' opportunities and barriers in employment and training (DWP, 2002)

⁹ At present, refugees are not covered explicitly under one of the equality streams, although in practice they have been included within race. For example, the Audit Commission has advised public authorities that newer communities, such as asylum seekers and refugees, should be explicitly addressed in race equality provisions and initiatives. See The Audit Commission (2004) *The Journey to Race Equality* p.2

¹⁰ For example, Bloch found higher levels of unemployment amongst refugees compared to ethnic minority people. See Bloch A, *A Refugees' opportunities and barriers in employment and training*, DWP Research report 179 (2002)

¹¹ Since April 2000, asylum seekers have been dispersed outside of London and the South East and supported through the National Asylum Support Service. Before this date, asylum seekers were supported in the mainstream and able to access established refugee community networks.

¹² Before 23 July 2002, asylum seekers who had waited for more than six months for an initial decision were able to apply for work permission.

¹³ The Learning and Skills Council (LSC) issued its annual statement of priorities, called 'Raising our Game' on 18 October 2006 outlining its key policy and funding priorities for the coming year (2007/08). This stated that asylum seekers aged 19+ would no longer be automatically eligible for publicly funded FE provision. This decision was later reviewed and changed. Asylum seekers whose claims are ongoing after six months are now eligible for LSC funding.

¹⁴ Sunrise (Strategic Upgrade of National Refugee Integration Services) supports each new refugee who chooses to participate will work with a caseworker to manage the transition from asylum seeker to refugee and produce a Personal Integration Plan covering longer-term integration objectives. There are currently 4 pilots running and BIA is expected to fund national provision from April 2008.

Finally, we want to note two related policies that impact on the consultation. The first is the five years limited leave to remain given to asylum seekers granted refugee status from August 2005. The Refugee Council is opposed to the structured review of refugee status. We believe that all asylum seekers granted protection under the 1951 Refugee Convention should automatically receive indefinite leave to remain.

The second policy issue relates to asylum seekers' entitlement to work and training. The Refugee Council believes that asylum seekers should have the choice to work and be eligible for Learning and Skills Council funding from the day of their asylum claim. This should continue through to someone being granted leave to remain in the UK or able to return. Allowing asylum seekers to work, learn English and engage in other forms of training will help combat economic and social exclusion, alleviate the burdens destitution places on community organisations and related agencies, and challenge the negative public stereotypes of asylum seekers being a 'burden'. In addition, the effects of such a policy do not disappear when an asylum seeker is granted leave to remain.

The Refugee Council believes that allowing asylum seekers to work and train and giving indefinite leave to remain to those granted refugee status will strengthen attempts to support refugees into appropriate and sustainable employment.

Question 6: Jobseeker's Allowance recipients can, in certain circumstances, restrict their search for work to a minimum of 16 hours per week. Should additional flexibilities be available if the proposed changes are made?

Yes. Providers of training and IAG have consistently found better job outcomes where greater flexibility has been given to refugee 'customers'. They are also continually frustrated by clients having to leave courses to attend JCP contracted provision. The latter is invariably not appropriate to their training needs. Advisers need to be enabled and supported to recommend suitable rather than contracted ESOL provision and show flexibility on the 16 hour rule. The latter is particularly important as work placements have been shown to be central to refugees accessing appropriate employment.¹⁵

Question 11: What more could we do to help ethnic minority women, particularly of Pakistani and Bangladeshi origin, overcome specific barriers they face?

We welcome the Green Paper's commitment to expanding childcare support. However, we would endorse the need for this to take into account community-based provision which recognises the importance of trust. It cannot be assumed that this exists amongst groups new to the UK who may well have been dependent on familial or strong social networks previously.

Similarly with the provision of ESOL, there is a lack of targeted support for refugee women. The main applicant on the asylum claim is typically a man and refugee women may have had limited engagement outside of their home and community. Research suggests that early reliance on community support for language interpretation leads to a longer term dependency.¹⁶

As stated above, refugees experience higher rates of unemployment than people from ethnic minorities. Therefore, refugee women are likely to face greater economic exclusion than ethnic minority women. The CVS has wide experience of delivering ESOL, employability training and childcare. Organisations in the sector are often better placed to provide appropriate. DWP needs to invest more deliberately in establishing genuine partnerships with CVS stakeholders and providers.

Question 10: What more could we do to help working families – especially those from the most disadvantaged backgrounds – improve their earnings and lift themselves out of poverty?

The Refugee Council is concerned that the Refugee Integration Loan, introduced in July 2007 and administered through DWP means that many refugees are forced into indebtedness after receiving a positive decision on their asylum claim. The loan can be used as a deposit for rented accommodation. However, accessing housing remains a key issue for refugees and we recommend that DWP considers longer term use of housing benefit provision for individuals and families in work.

¹⁵ The work of REACHE Northwest providing placements for refugee doctors has some excellent job outcomes. The Refugee Advice and Guidance Unit's (RAGU) report *Diversity Works* argues that 'work placements served to increase confidence, professional skills and employability' of refugee health professionals. Executive Summary, 2006 (L Salmon) http://www.londonmet.ac.uk/londonmet/library/b97631_3.pdf, last searched 24 October 2007

¹⁶ See Ghandi and Bartlett (2007) *Life Reduced to Language: Everyday experiences of social exclusion in South London* (University of London)

Question 12: In exchange for more specialist support, are we right to ask more of those who have been unemployed and receiving benefit the longest?

No. This type of conditionality should not be structured into the provision of specialist support unless JCP has ensured that a customer's employment and training needs and the external barriers to finding work have been appropriately assessed and accommodated.

Question 13: Should there be any exceptions to this approach of increased conditionality and increased support?

Yes. Refugees should be exempt.

The Refugee Council recognises appropriate support and training should lead to improved employability. However, refugee 'customers' face a number of distinct barriers that are outside of their control. As noted above, refugee 'customers' are already being asked to leave specialist training to attend JCP contracted provision that is unsuitable. This can often set back entry into employment. But more importantly, it ignores the attitudes of employers, whether this is a result of sharing prejudicial public attitudes, or being unfamiliar with a refugee's documents.¹⁷ It would be unfair to impose mandatory, time-activated requirements that failed to recognise these barriers.

Question 14: Is a structured, progressive regime of support and conditionality at fixed intervals the right approach?

No. See answers to Questions 13 and 14.

Question 15: Should some people be enabled or required to enter the Gateway stage more quickly than others, taking account of their employment history or needs? Which groups should be 'fast-tracked'?

Yes, refugees should have access to fast-track support where it is appropriate and their choice.

The Refugee Council welcomes the Green Paper's commitment to an early assessment of skills and the introduction of a flexible New Deal. We have already drawn attention to the need for flexibility around accessing training and work placements. The initial skills assessment is critical to developing a personalised training and development plan for refugee 'customers'. A low level of English often means refugee 'customers' are misjudged to have basic skills needs, although they may be highly qualified and experienced. Appropriate ESOL provision with targeted employment preparation support requires an in depth skills assessment.¹⁸ The Employability Skills Programme needs to incorporate this and recognise previous learning and experience. Low levels of English and lack of cultural awareness around employability (ie selling yourself, interview techniques) may mask higher levels of skills and experience.

JCP must work in close partnership with providers of the Home Office's National Refugee Integration Services, particularly SUNRISE. City Strategy Pathfinder consortia should also be directed to work with refugee agencies and SUNRISE to support refugee employment. The period of moving from asylum support into the mainstream is an intensive and stressful one. Housing, benefits and children's education are priorities and it takes time for refugees to adjust. The experiences of refugees mean that many suffer from depression of varying degrees and the effects of trauma. There is considerable expertise in

¹⁷ For example, Lewis, M, *Asylum: Understanding Public Attitudes*, ippr (2005) and Institute for Employment Studies, *Employing Refugees: Some Organisations' Experiences* (2004)

¹⁸ We recommend that a proportion of the LSC's Train to Gain budget and the proposed Skills Accounts be targeted at the provision of ESOL in work.

the voluntary and community sector that should be utilised as part of the flexible New Deal and Gateway stage. The Refugee Council also recommends that the flexible New Deal programmes include enterprise.¹⁹

Refugees should continue to be eligible as fast tracked 'customers' where the outcome is employment commensurate with their skills, experience and longer term aspirations. However, they should not be recommended for early entry onto New Deal unless ready. The Refugee Council's coordinates a number of the Home Office's Gateway Protection Programmes²⁰, particularly in Sheffield, Hull and Norwich. The caseworkers have noted that a majority of their clients have had to attend New Deal training during the 12 months of their resettlement support. Jobs are usually found in cleaning or agency factory work which were unsuitable, given people's previous experience and aspirations, as was contracted ESOL provision.

Question 16: Should we require a period of work experience from those who do not succeed in getting work after benefiting from a more intensive level of help from specialist providers? How can we best ensure that this work experience is beneficial?

Yes, but it should not be mandatory.

Advisers need to be empowered to recommend suitable support, including work placements, in the initial stages of a refugee's claim and show flexibility on the 16 hour rule. The latter is particularly important as work placements have been shown to be central to refugees accessing appropriate employment.²¹

Work placements can also be part of accrediting prior experience and learning (APEL). Many refugees will not have their certificates with them showing qualifications gained. Appropriate work experience placements where skills and professional competencies can be assessed and accredited can play a key role in gaining employment.

Conclusion

The Refugee Council welcomes the commitment to work with employers to tailor training and employment support for individual 'customers'. We are also encouraged that the third sector is endorsed as a valuable and active partner and the proposed adult careers service. Our overriding concern is that refugees are supported into sustainable and appropriate employment. The 'any job' outcome does not necessarily lead to being in work and better off. This needs to be emphasised if the proposal to engage regional Prime Contractors as the basis of procurement is adopted. This will require an initial skills assessment that recognises and values a refugee's previous skills and experience, along with any voluntary work carried out in the UK. Supporting refugees into jobs must include integrating longer term training and lifelong learning.

¹⁹ The Refugee Council was the lead partner on the DTI Small Business Service funded Refugees into Business (RiB) which ran during 2006. The project has produced a range of useful products and learning, including work on financial exclusion and access to enterprise capital. RiB also provided training direct to refugee entrepreneurs, refugee community organisations and mainstream business advisers. For further details, please see www.refugeesintobusiness.org.uk, last searched 24 October 2007.

²⁰ The Gateway Protection Programme is the official name given to the UK's resettlement programme. The scheme is a partnership between the UK Government and the United Nations High Commission for Refugees (UNHCR). The programme is run as a partnership between the Home Office, the host local authority, the voluntary sector agencies who co-ordinate the programme and JobCentre Plus. For further details, see

<http://www.ind.homeoffice.gov.uk/lawandpolicy/refugeeintegration/resettlement>, last searched 24 October 2007

²¹ The work of REACHE Northwest providing placements for refugee doctors has some excellent job outcomes. The Refugee Advice and Guidance Unit's (RAGU) report *Diversity Works* argues that 'work placements served to increase confidence, professional skills and employability' of refugee health professionals. Executive Summary, 2006 (L Salmon) http://www.londonmet.ac.uk/londonmet/library/b97631_3.pdf, last searched 24 October 2007

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