



Section 55 - one year on:

The real impact of denying support to destitute asylum applicants

On 8th January 2003, Section 55 of the Nationality, Immigration and Asylum Act 2002 came into force. Since then, destitute asylum applicants have been denied access to basic state support if they are unable to prove that they applied for asylum "as soon as reasonably practicable" after entering the UK.

When this legislation was going through Parliament, the Government made clear that it intended to target Section 55 at people who were thought to be abusing the system. It also gave assurances that it would not affect those asylum seekers who applied for asylum within a reasonable time of arrival.

However, implementation has not been reasonable. The regulation has been used to deny access to basic state support to people who have applied for asylum within days and sometimes even within hours of arrival. Many are particularly vulnerable and in genuine need of international protection.

When Section 55 was first implemented, charities and community groups providing services to asylum seekers have been at the forefront of dealing with people affected. In a recent press release, Home Office Minister Beverley Hughes was quoted as saying, "...the vast majority of those who are refused support do not become destitute, finding support from friends, family or community or charity groups."

With funding provided by Oxfam, the Refugee Council has been conducting a national survey of these organisations to assess the real impact Section 55 is having on asylum seekers, charities and the refugee community. Our findings – gathered from 130 respondents over a three-week period in December 2003 - reveal that Section 55 is, in fact, forcing many asylum seekers into destitution and placing an unsustainable burden on the voluntary sector and refugee community.

What are the initial findings?

- 77% of respondents have seen clients sleeping rough as a result of being refused support under Section 55. To name a few, respondents mentioned rubbish bins, phone booths, and bus shelters as places where asylum seekers have taken shelter at night.
- 65% of respondents have had to give emergency provisions or money for food or essential items to asylum seekers refused support under Section 55. Many individuals we spoke to reported having to give money from their own pockets so that asylum seekers could eat.
- 55% said they or members of their community had to provide emergency shelter for asylum seekers. 70% of those accommodated people in their own homes or those of community members. Many respondents expressed concern that the demand for accommodation is putting too much pressure on their community and cannot continue to be met.
- 88% of all respondents said they did not have funding to cover the cost of the services they are providing to asylum seekers denied support under Section 55. Many of the organisations providing these services are small grass-roots establishments run on a voluntary basis, with no special funding for these additional services.

The final report will provide a deeper insight into the pressures Section 55 is placing on the voluntary sector and refugee communities and the sustainability of this situation in the long term. It will also reveal some of the adverse conditions faced by asylum seekers denied support under Section 55.

This draconian policy is punishing people pursuing their legitimate claim to asylum and putting intolerable pressure on the voluntary sector and refugee community. This was neither the stated intention of Section 55, nor the basis on which Parliament approved it, and we call upon the Government to repeal it.

Further information

For media or parliamentary enquiries, please call the Refugee Council on 020 7820 3044.

Refugee Council switchboard: 020 7820 3000

For information on the Refugee Council's campaign against Section 55, visit our website at: www.refugeecouncil.org.uk/supportus/campaigns