

Refugee agencies policy response



The Destitution Tally: an indication of the extent of destitution among asylum seekers and refugees

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About the IAP partnership

The Asylum Support Programme Inter-Agency Partnership (IAP) consists of five agencies: Refugee Council, Refugee Action, Migrant Helpline, Scottish Refugee Council and Welsh Refugee Council. These agencies deliver services to asylum seekers across the UK as contracted by the Border and Immigration Agency. The IAP advises asylum seekers on making applications to BIA for asylum support payments and accommodation, and provides advice to refused asylum seekers who require assistance.

What is the Destitution Tally?

Between 19th November and 14th December the 5 leading refugee agencies asked their One Stop Services¹ to record the proportion of the people who use these services who are destitute². They also recorded whether those people have an outstanding asylum claim and whether they have claimed asylum since the introduction of the New Asylum Model in April 2006. One Stop Service caseworkers completed a simple questionnaire for each individual they saw during this period, and the results from each One Stop Service were combined to produce the figures in this paper. The number of cases seen includes some repeat visits by individual asylum seekers or refugees. It is intended that this exercise will be repeated regularly.

What do we mean by destitute?

For the purpose of this monitoring, the IAP caseworkers recorded an individual as destitute if they are:

'currently with no access to benefits/BIA support/ income and are either street homeless or staying with friends only temporarily'

This is more stringent than the definition of destitution provided by Section 95(3) of the Immigration and Asylum Act 1999, which says:

'a person is destitute if – (a) he does not have adequate accommodation or any means of obtaining it (whether or not his essential living needs are met); or (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs'

¹ The IAP One Stop Services are a U.K.-wide network of centres providing free advice and information to asylum seekers and refugees on the asylum process and asylum support.

² One of the 5 agencies, Welsh Refugee Council, took part for one week only.

Why does it occur?

The main causes of destitution among asylum seekers and refugees are:

- a) a person wishes to claim asylum but has not yet been able to do so, for example, because of difficulty travelling the required distance to an office which accepts asylum claims (such offices are only in Croydon or Liverpool, so travelling distances may be hundreds of miles) and so is not eligible for asylum support.
- b) a person has claimed asylum and so is eligible for support³ but is not receiving it (the main reason for this is that there are delays in processing the application for support⁴, although it also may be because they have failed to comply with requirements).
- c) a person has been refused asylum and exhausted all rights of appeal and so is either not eligible for support or if they are eligible (because they meet the criteria for limited support under Section 4 of the 1999 Act) there are ongoing delays in processing their application. It is known that most of the destitute people seen by refugee agencies are in this group, but until now the numbers have not been recorded systematically.
- d) A person has been granted asylum and their asylum support has stopped but they have found it difficult to access mainstream benefits such as Job Seekers' Allowance e.g. because of delays in documentation or language difficulties.

What does the destitution tally show?

The results, which are given in the following tables, indicate the following:

- **Over 40% of the people using the services of refugee agencies are destitute**

Dealing with destitution is a significant feature of the work done by the IAP. Of the 3466 cases recorded by the agencies during the month of monitoring, 1524 cases or 44% (43.97%) are destitute.

- **Over 25% of the destitute cases are people who are pursuing a claim for asylum and so are likely to be legally entitled to support**

404 cases are destitute despite having an ongoing claim for asylum. They make up 26.51% of all the destitute cases and 11.66% of all the cases seen. As explained above, most of these are likely to be eligible for BIA support but are prevented because of procedural errors.

- **Although our services see more pre- NAM cases than NAM cases, more of the destitute asylum seekers (with an ongoing claim) are in the NAM system than in a previous system. A higher proportion of the NAM cases seen are destitute despite an ongoing claim, compared to older cases.**

Of the 404 cases that are destitute despite having an ongoing asylum claim, 204 are cases dealt with under the New Asylum Model and 136 are older cases covered by previous systems (in 64 cases it was not stated whether they were NAM cases or not). 19.69% of NAM cases (204 of 1036) are destitute asylum seekers, whereas only 7.83% of older cases seen (136 of 1735) are destitute asylum seekers. This indicates that the New Asylum Model is not ensuring that those who are entitled to support receive it.

- **The majority of the destitute cases seen are refused asylum seekers.**

³ It should be noted that Articles 13 and 14 of *Council Directive 2003/9/EC Laying down minimum standards for the reception of asylum seekers* state the requirements for EU Member States to provide support and accommodation to asylum seekers. In UK law, Sections 4, 95 and 98 of the *Immigration and Asylum Act 1999* and Sections 55 and 69 of the *Nationality Immigration and Asylum Act 2002* state the duties of the Home Office to provide for asylum seekers and refused asylum seekers. Section 11 of Chapter 42 of the *Human Rights Act 1998*, drawing on Article 3 of the *European Convention of Human Rights* provides further duties.

⁴ According to anecdotal evidence from caseworkers in the 5 agencies and as shown by previous studies, such as that conducted by Scottish Refugee Council, published in the report: *They think we are nothing: A survey of destitute asylum seekers and refugees in Scotland, 2006*

878 of the destitute cases are refused asylum seekers who have exhausted their appeal rights. They make up 57.61% of all the destitute cases seen and 25.33% of the total number of cases seen in the month by the IAP agencies. This highlights the pressing needs of those who are destitute because they have exhausted their right to claim asylum, and yet remain in the U.K. It also highlights the difficulties faced by the refugee agencies in working with people who can be offered little practical support.

- **Most of the refused asylum seekers seen are pre-NAM cases rather than NAM cases and as might be expected most of the destitute refused asylum seekers seen are pre-NAM cases**

624 of the destitute cases are refused asylum seekers who have exhausted their appeal rights and who claimed asylum before the introduction of the New Asylum Model in April 2006. They may have been destitute for long periods of time, both because they are too afraid to return to their country of origin and because there are practical difficulties which prevent their return or removal⁵.

- **A number of destitute cases seen are people who have been granted asylum or people who have not yet claimed asylum**

The destitute cases recorded in the one month period included some people who had been granted status but had been unable to access mainstream benefits (113 cases, equivalent to 7.41% of all destitute cases seen and 3.26% of the total cases seen). There were also a number of cases of people who were destitute because they wished to claim asylum but had not yet been able to register their claim (86 people, equivalent to 5.64% of the destitute cases or 2.48% of the total number of cases seen). Although a small proportion of the total surveyed, these results show that significant numbers of people fall into these two categories.

Comparable statistics from other sources

These findings are similar to those of previous studies.

In a survey of 103 destitute asylum seekers and refugees in Glasgow:

76.5% (79 people) were refused asylum seekers who had exhausted their appeal rights.

11.7% (12 people) were destitute even though they still had an active asylum claim –for 8.8% (9 people) this was because of administrative error and for 2.9% (3 people) it was because they had not complied with BIA requirements.

6.9% (7 people) had been granted asylum but had not accessed mainstream support.⁶

In a survey of 40 destitute people in South East England:

50% (20 people) were refused asylum seekers who had exhausted their appeal rights.

10% (4 people) were still awaiting the outcome of an appeal.⁷

Sources of qualitative information

This tally gives quantitative information only and so cannot convey the hardship and distress experienced by those who are destitute. Qualitative information can be found in the Amnesty report:

⁵ Refugee Action's study of 125 destitute asylum seekers showed that on average the people interviewed had spent 21 months being destitute (see the report: *The Destitution Trap: Research into destitution among refused asylum seekers in the UK* (2006) Refugee Action, http://www.refugee-action.org.uk/campaigns/documents/RA_DestReport_Final_LR.pdf).

A study of asylum seekers in S.E. England found 93% stated that they believed it was too dangerous for them to return (see Dumper, H. et al: *Mental Health, Destitution and Asylum Seekers: A study of destitute asylum-seekers in the dispersal areas of the South East of England*, 2006).

⁶ Scottish Refugee Council: *They think we are nothing: A survey of destitute asylum seekers and refugees in Scotland*, 2006

⁷ Dumper, H. et al: *Mental Health, Destitution and Asylum Seekers: A study of destitute asylum-seekers in the dispersal areas of the South East of England*, 2006

Down and Out in London, which describes the conditions experienced by destitute asylum seekers who were interviewed by Amnesty:

*'Almost all the people interviewed... were living from hand to mouth, surviving on the charity of others, their dignity stripped away by this existence. Some seemed to have lost the will to live.'*⁸

In addition the report *The Destitution Trap*, by Refugee Action, includes the words of destitute asylum seekers:

*'Destitution – it sounds as if people have been put in a bin and are scavenging. It makes me sound like an animal. Perhaps that is what I am now. All I am.'*⁹

⁸ Amnesty International: *Down and Out in London: The road to destitution for rejected asylum seekers*, Executive Summary, 2006

⁹ 67 year old woman from Zimbabwe, cited in Refugee Action: *The Destitution Trap: Asylum's untold story*, Executive Summary 2006

Tally of destitute cases recorded by the Inter-agency Partnership in 4 weeks between 19th November and 14th December 2007.

| Number of cases | | | As % of all clients (2 d.p.) |
|-----------------|---|-------------|---------------------------------|
| 1 | Total number of cases recorded by IAP in 4 weeks | 3466 | 100% |
| 2 | Subtotal: Asylum seekers who have not had a final decision on their case | 1425 | 41.1% |
| 3 | Subtotal: Refused asylum seekers who have exhausted their appeal rights | 1293 | 37.3% |
| 4 | Subtotal: other status | 751 | 21.67% |
| 5 | Subtotal: NAM cases | 1036 | 29.89% |
| 6 | Subtotal: pre-NAM cases | 1735 | 50.05% |
| 7 | Subtotal: not known | 695 | 20.05% |

| Number of destitute cases | | | As % of all destitute (2 d.p.) | As % of all clients (2 d.p.) |
|---------------------------|--|-------------|--------------------------------------|------------------------------------|
| 1 | Total number of destitute cases recorded by IAP in 4 weeks | 1524 | 100% | 43.97% |
| 2 | Subtotal: NAM cases | 368 | 24.15% | 10.62% |
| 3 | Subtotal: pre-NAM cases | 821 | 53.87% | 23.69% |
| 4 | Subtotal: not known | 335 | 21.98% | 9.67% |
| 5 | Subtotal: Asylum seekers who have not had a final decision on their case¹⁰ | 404 | 26.51% | 11.66% |
| 6 | Subtotal: Refused asylum seekers who have exhausted their appeal rights¹¹ | 878 | 57.61% | 25.33% |
| 7 | Subtotal: People who have been granted asylum | 113 | 7.41% | 3.26% |
| 8 | Subtotal: People who wish to claim asylum but have not registered their claim | 86 | 5.64% | 2.48% |
| 9 | Asylum seekers who have not had a final decision on their case who claimed asylum under the New Asylum Model (NAM) | 204 | 13.39% | 5.89% |
| 10 | Asylum seekers who have not had a final decision on their case who claimed asylum before the New Asylum Model (NAM) was introduced | 136 | 8.92% | 3.92% |
| 11 | Asylum seekers who have not had a final decision on their case - not recorded whether a NAM case or not | 64 | 4.20% | 1.85% |
| 12 | Refused asylum seekers who have exhausted their appeal rights who claimed asylum under the New Asylum Model | 51 | 3.35% | 1.47% |
| 13 | Refused asylum seekers who have exhausted their appeal rights who claimed asylum before the New Asylum Model was introduced | 624 | 40.94% | 18.00% |
| 14 | Refused asylum seekers who have exhausted their appeal rights- not recorded whether a NAM case or not | 203 | 13.32% | 5.86% |

¹⁰ A breakdown of this category is given in lines 9,10 and 11

¹¹ A breakdown of this category is given in lines 12,13 and 14