



Welsh Refugee Council

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Trades Unions for
Refugees

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Asylum Rights Campaign



Parliamentary Briefing:

Immigration, Asylum & Nationality Bill Clause 43 - Asylum Support (Vouchers)

Commons Consideration of Lords Amendments

March 2006

KEY POINTS

- The Immigration, Asylum and Nationality Bill 2005 implements many of the measures outlined in the Government's five-year plan on asylum and immigration.
- This briefing focuses on the amendment made by the Government at Lords Report stage to Clause 43 (*Accommodation*) of the Bill which gives the Secretary of State the flexibility to provide by order for additional needs of failed asylum seekers receiving Section 4 ('hard case') support.
- Currently those in receipt of Section 4 receive full-board accommodation. This takes the form of a bed and either three meals a day and no financial support or £35 vouchers to purchase food and toiletries. Currently the legislation does not specify how Section 4 support should be provided nor does it provide the flexibility to address essential needs which do not result from accommodation i.e. travel to appointments and telephone cards to contact advisers.
- We welcome the recognition that there is a need for flexibility in the provision of extra support to those in receipt of Section 4, e.g. for the purposes of travel to appointments.
- However, the amendment rules out the provision of cash to those on Section 4 and suggests the provision of vouchers to meet their additional needs.
- Experience has shown that a cashless system fails to meet people's support needs. Vouchers stigmatise people, are inflexible, and costly. We believe that the large number of people and increasing numbers of families and children receiving Section 4 support demands a cash support system, minimum support standards and flexibility to respond to people's needs efficiently and appropriately.

SUMMARY

We support the recognition of the need for increased support for failed asylum seekers who are unable to return home and are in receipt of Section 4 ('hard case') support. However, we regret the exclusion of cash support in the Government amendment to Clause 43. We condemn the extension of a failed voucher system which is difficult to administer, stigmatises failed asylum seekers, damages community relations and does not meet the needs of the vulnerable people in need of increased support. We ask that the Government allow support for Section 4 clients to be provided in cash.

1. WHAT IS SECTION 4 ('HARD CASE') SUPPORT AND WHO IS ELIGIBLE?

Before the National Asylum Support Service (NASS) decides whether to provide Section 4 support, they will first of all check that the following is the case:

- That your application for asylum has been determined and that you are no longer an asylum seeker as defined by UK law;
- And that there is no other way in which you could actually support yourself.

NASS has very strict criteria to decide whether to give you Section 4 support if you are eligible to apply:

- You must be unable to leave the UK because of a physical impediment to travel, for example illness or late pregnancy; or
- You must be unable to travel because there is no safe route available to return; or
- You are already trying to get a travel document to return. For example, you may have agreed to return under the Voluntary Assisted Returns Reintegration Programme, which is run by the International Organization for Migration. But you cannot leave immediately because you need a travel document; or
- NASS considers accommodation is necessary to avoid breaching your human rights under the Human Rights Act 1998; or
- You have applied and been allowed to go to the High Court for judicial review to challenge the authorities' refusal of your asylum application. (Note that in Scotland, you need to show NASS that you have applied for judicial review).

NASS considers the individual merits of each application for Section 4 support and will ask for documentary evidence as to why you are unable to return home or unable to travel. This could be a letter from a doctor stating why you are not able to travel or written proof that you have permission for judicial review at the High Court.

2. THE NEGATIVE IMPACT OF VOUCHERS

Previous experience of government voucher schemes for asylum seekers has shown that they are difficult to administer, do not meet the needs of asylum seekers or the authorities, and stigmatise asylum seekers. We believe that vouchers will never be the most effective method for the government to deliver support to people.

Vouchers have been tried and failed

Vouchers for asylum seekers have been tried before – and caused outrage as they failed to meet asylum seekers' needs and they were not an efficient administrative tool for the government.

'Token Gestures'¹, a report jointly produced by the Refugee Council, Oxfam and the Transport and General Workers Union when vouchers were used in 2000 and 2001, provided compelling evidence that the vouchers had a damaging impact on asylum seekers and the organisations working with them. The report showed that 98% of the organisations in the survey stated that the voucher scheme caused asylum seekers serious difficulties and 82% said asylum seekers were not able to buy enough food.

When he scrapped the voucher system Rt. Hon. David Blunkett MP, then the Home Secretary, described it as:

¹ Transport and General Workers' Union, Oxfam and Refugee Council, *Token Gestures - the effects of the voucher scheme on asylum seekers and organisations in the UK*, December 2000, http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/asylum_vouchers.htm

*"...too slow, vulnerable to fraud and felt to be unfair by both asylum seekers and local communities. That is why I will ensure that the voucher system will be superceded by early Autumn of next year by more robust but less socially divisive alternatives."*²

After a vigorous campaign by refugee agencies, civil society groups and trade unions the Government phased out its National Asylum Support Service (NASS) voucher system in 2002 recognising that it was flawed.

Vouchers do not meet people's needs

Vouchers can only be redeemed in certain shops. This prevents people from shopping in the best value shops and markets that other people on low incomes use to make ends meet, and means they cannot buy anything but food if they receive luncheon vouchers.

People who use vouchers also pay more for their shopping than anyone else because they are prevented from receiving the change. In a letter to the *Guardian* (15/3/00), Sainsbury's publicly admitted that the vouchers policy meant that it could "profit at the expense of asylum seekers". 'Token Gestures' reported that 84% of the organisations in the survey had seen cases of asylum seekers who had lost some of the value of their vouchers through not receiving change, or who had made unnecessary purchases in order to avoid losing change.

Vouchers prevent people accessing foods appropriate to their culture and religious beliefs. For instance, Section 4 clients in West London are issued with vouchers that can be used in Somerfield or Kwiksave supermarkets but neither of these supermarkets provides Halal meat. [Source: Case Adviser, London]

People may also walk long distances to use their vouchers in prescribed stores because they do not have the cash to pay for travel. One man in Leicester, who has had his leg amputated and uses a prosthesis, has been placed in accommodation several miles from the nearest shop where he can pay with his voucher. He is unable to walk this distance as his leg commonly becomes inflamed, leaving him immobile and in constant pain. [Source: Refugee Action]

As the Government acknowledged when it repealed the voucher scheme in 2002:

*"...moving to cash will mean that asylum seekers will be able to spend their money where they like, and they will not have a limited choice of shops in which they can use vouchers."*³

It is humiliating for any human being, but especially for families with children, to have to queue in a shop with vouchers whilst others in the queue have money. The humiliation is doubled when they cannot purchase the items they require such as nappies, razors and sanitary items. A woman in Leeds has attempted to use vouchers to buy nappies and other toiletries for her child but has been refused at Morrisons, Asda and Tesco. She has also attempted to purchase phone cards with her vouchers but this has been refused at the supermarkets. [Source: Refugee Council]

Vouchers stigmatise people

Vouchers also send negative messages to society about asylum seekers at a time when there is already much prejudice towards asylum seekers. One young refugee girl, from

² Home Office Press Release, 29th October 2001,

³ Angela Eagle MP, (Parliamentary Under-Secretary of State for the Home Department), Second Standing Committee on Delegated Legislation, *Draft Asylum Support (Repeal) Order 2002*, 12th March 2002

Afghanistan, has described vouchers as “like getting a stamp saying you don’t belong”. This clearly cuts across Government strategies on social exclusion and race relations.

A Home Office research paper on the effect of vouchers on asylum seekers published in 2002 revealed the following issues relating to the discomfort and disrespect felt by those forced to use them:

- Many asylum seekers completing the questionnaire reported that they felt embarrassed when collecting their vouchers because they perceived that people were looking at them.
- Asylum seekers also reported feeling embarrassed because they have difficulty adding up the cost of their shopping and knowing which vouchers to use.
- When delays occur, other people in the queue get upset and complain about the asylum seeker, causing him or her embarrassment and distress.
- General hostility experienced when collecting and using vouchers.⁴

A London solicitor representing many Section 4 clients reports:

“Clients who are supported by vouchers complain about differential treatment at the check-outs which they find humiliating. Those supported by vouchers are clearly identifiable to the supermarket check-out assistant and to other shoppers as asylum-seekers because they are paying exclusively in vouchers, have no cash and cannot receive change. Clients describe feeling degraded and stigmatised by the voucher system.”

In a climate of general hostility towards asylum seekers, this scheme risks the safety of vulnerable people and threatens community relations.

3. SECTION 4 CLIENTS NEED CASH SUPPORT

Vouchers are failing Section 4 clients now

Refugee organisations who have supported clients receiving Section 4 support since the introduction of vouchers regime in April 2005 believe that vouchers should be abolished. The current voucher system is causing the same problems as the old voucher system. As a result clients' needs are going unmet, and the workloads for accommodation providers, NASS contract managers and the voluntary sector have increased.

There are positive reason why people receiving Section 4 support should receive cash:

- They are by definition a highly vulnerable group. They are destitute and have health and other exceptional needs. Therefore they require a support system that is sufficiently flexible and sensitive to meet their needs.
- People receiving Section 4 support have diverse needs that are not met by vouchers and can only be met by cash.

Currently the NASS Section 4 support voucher regime incorrectly assumes all clients in the UK are provided with basic supplies such as blankets, crockery, and cots by their accommodation providers. It also assumes they can use vouchers to purchase food and essential toiletries, can walk to health, legal and advice appointments, and will be provided with clothing free of charge by charities for themselves and for their children.

⁴ Andrea Eagle, Lesley Duff, Carolyne Tah and Nicola Smith, *Asylum seekers' experiences of the voucher scheme in the UK – fieldwork report*, Home Office Research, Development and Statistics Directorate, March 2002

The effect of enforcing a cash-less system is that vulnerable clients are unable to access basic services essential to their human dignity.

Section 4 is not short-term support

Although the Government refer to Section 4 support as for those “about to leave the United Kingdom” the reality is that for many it is not short-term. For those who cannot be removed because of the situation in their country of origin or are waiting for lengthy periods for the processing of a fresh claim, Section 4 vouchers are not a temporary system but a way of life for lengthy periods. Because of this, the current system of provision is particularly unsatisfactory.

Case Study 1

A single Congolese woman has been on Section 4 in Cardiff since June 2005 and gave birth in August. She is not able to use the vouchers to buy ingredients for Congolese food (which is sold relatively cheaply) or milk. Instead, she has to walk approximately half an hour to the nearest Tesco as she cannot use the vouchers for public transport.

She has described how using the vouchers is humiliating and how everybody queuing is looking at her and listening. This is heightened when trying to persuade staff to allow basic toiletries such as nappies and soap to be bought in exchange for vouchers.

She has a great deal of difficulty in getting to her GP and to hospital appointments again because she cannot use the vouchers for public transport.

She is on Section 4 because she has a fresh claim. There is no sign of progress on the case and recent correspondence from the solicitor suggests she hasn't received a receipt of the claim yet. With no end in sight, it is clear that for her, as for many others, Section 4 is not short-term support.

[Source: Welsh Refugee Council]

Cash is not a ‘pull factor’

The Government justifies the prohibition on cash support under the new amendment on the grounds that it would act as a ‘pull factor’ that would attract asylum seekers to the UK. When the amendment was introduced in the House of Lords, the Minister, Baroness Ashton of Upholland, argued:

“Section 4 provides a limited form of support for those about to leave the United Kingdom. While meeting essential needs, the support should not act as an incentive for people to remain in the UK once they have exhausted their appeal rights... we do not want to invite people to draw on the public purse if they do not need to; more importantly, nor do we want to reduce the incentive for people to take steps to leave the UK voluntarily. We are trying to meet people's needs in a way which does not increase the incentive for those people who have exhausted all of their appeal rights. We want to ensure that they are able to leave the UK once the barrier to leaving has been resolved.”⁵

⁵ House of Lords Official Report, *Hansard*, 7 Feb 2006, Column 582

However there is very little evidence that cash is a 'pull factor' for asylum seekers at all. And there is no evidence that the voucher scheme used for asylum seekers in 2000 and 2001 deterred applications - in fact applications went up during that period. A United Nations High Commissioner on Refugees report on asylum applications made in Europe in 2000 noted that asylum seekers, "when deciding where to lodge their application, are more swayed by the presence of their own community than by the reception standards and benefits".

In addition, the Section 4 criteria are so restrictive that support is only accessible to those who can prove they are not currently able to leave the UK. These restrictions cut out the possibility that cash could be a 'pull-factor' to persuade people to stay in the UK – if people are able to leave the UK and are not taking steps to do so, they would not by definition qualify for Section 4 support at all. Cash could not therefore act as an incentive to remain in the UK – the Section 4 criteria themselves rule this possibility out.

Case Study 2

An Iranian couple with a newborn baby have been on Section 4 support for one month in Glasgow. Apart from the humiliation of having to buy food with vouchers and the difficulty and cost of finding halal meat, the husband is extremely frustrated in his attempts to exchange their vouchers for baby care products, nappies in particular. He has been repeatedly told by staff in supermarkets that the vouchers can only be used for food and nothing else. Attempts to buy nappies from the chain of chemists involved in the system have not been successful and he has been told that he can only redeem his vouchers in city-centre branches.

The family are living 4 miles from the centre of Glasgow and as the vouchers are not accepted on public transport, getting into town is practically impossible. This has caused profound distress to both parents as their child is in poor physical health and needs medical attention. On one particularly cold winter's day, the father had to walk across town to get medical treatment.

[Source: Scottish Refugee Council]

SUMMARY

We support the recognition of the need for increased support for failed asylum seekers who are unable to return home and are in receipt of Section 4 ('hard case') support. However, we regret the exclusion of cash support in the Government amendment to Clause 43 of the Bill. We condemn the return to a failed voucher system which is difficult to administer, stigmatises failed asylum seekers, damages community relations and does not meet the needs of the vulnerable people in need of increased support. We ask that the Government allow support for Section 4 clients to be provided in cash.

FURTHER INFORMATION:

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The following organisations support this briefing:

**Refugee Action
Scottish Refugee Council
Church Action on Poverty
Asylum Rights Campaign**

**Welsh Refugee Council
The Refugee Council
Trades Unions for Refugees**