

# DESTITUTE AND DESPERATE



A report on the numbers of 'failed' asylum seekers in Newcastle upon Tyne and the services available to them

Researched and written by Julian Prior for Open Door (North East) - April 2006

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**Photography:**

Front cover image: Iranian asylum-seeker Abas Amini sits with his eyes, mouth and ears sewn up at his home in Nottingham. Amani, a political poet and communist activist who fled Iran to Britain two years ago, is on hunger strike and refusing all medical attention after Britain's Home Office said it would appeal a decision to grant him asylum in the UK. See <http://news.bbc.co.uk/1/hi/england/nottinghamshire/2941780.stm> for more on his story. Picture supplied courtesy of the Nottingham Post Group Ltd.

Some of the photography has been taken by Tom King, a Newcastle College student who, as one of his assignments, chose to document the lives of asylum seekers in Newcastle upon Tyne. Some of his work can be seen on pages 34 and 42.

All other images are courtesy of Panos Pictures ([www.panos.co.uk](http://www.panos.co.uk))

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Detention room

## 1. Foreword

To me, there are some aspects of the asylum process that are manifestly unjust!

People seeking asylum are not allowed to work yet the vast majority wish to do so and would be able to do so whilst their asylum application is being determined: they are being given inadequate notice of the ending of their support after a decision: they are being left on the streets without any form of state support and left to fend for themselves.

As a country sitting at the G8 table, one of the strongest economies in the world and having passed human rights legislation, the treatment of people who come to seek asylum in the UK, and particularly the end of the process, should not be tolerated in its current form.

Open Door has produced this report which evidences many of the problems which blight the asylum process and particularly the abandonment of people by the state. It is accepted that not all applications for asylum will be granted and that clients will be expected to leave the UK if unsuccessful. But it is now over 6 years after the passing of the Immigration and Asylum Act 1999, the primary legislation affecting the support to clients, and the whole process is still riddled with problems.

There is a need to radically rethink the support to people who have received a negative decision on their claim. To not do so will allow a continuation of an underclass within society (be assured it now exists) - something which flies in the face of social reform.

The report is an excellent piece of work constructed around the failures of the social welfare system towards those who are arguably the most vulnerable of us all. This report will hopefully have the effect of making the policymakers sit up, take note and respond to the problems which they are responsible for creating. The report also identifies the strength of those local agencies and voluntary networks and how they respond to fill gaps created by these policies.

Open Door looks at the evidence and how the policies are failing these vulnerable people as well as their host communities. It also looks at how, by improving processes as well as the ability to support clients post-decision, we can collectively reduce social tension across the conurbations of the country.



Vin Totton  
Manager (Asylum Seekers Unit)  
Your Homes Newcastle

## 2. Summary

### "Everyone has the right to seek and to enjoy in other countries asylum from persecution" Universal Declaration of Human Rights

There is no such thing as an illegal asylum seeker. The UK has signed the 1951 Convention on Refugees. This means that by law, **anyone has the right to apply for asylum in the UK** and remain until a final decision on their asylum application has been made.

All asylum claims are granted legal aid, however, since 1st April 2004 the amount of funding and therefore time made available for each individual asylum case was dramatically reduced to 5 hours at a flat rate of £50 per hour of legal representation for initial applications and 4 hours for appeals. Not only is there a limit of funding available, but there has also been a reduction in the amount of time, (10 days) that appeals can be applied for once an initial application has been refused (86% national average). This limit on the amount of funding/time available has meant that **solicitors are simply unable to represent their clients adequately** both at the initial and appeal stages as many Asylum cases are complex, costly and time consuming to gather the evidence required to represent the individual thoroughly.

There is concern expressed by many solicitors and professionals working to support asylum seekers that **the quality of decision making is poor** both at the Immigration and Nationality Directorate's Offices at Lunar House, Croydon where many initial decisions are made and at the court in North Shields where appeals are heard. (North Shields has the lowest number of positive decisions at the appeal stage nationally) See page 58 ref. 13 for details on a report on Lunar House.

A 'failed' or 'unsuccessful' asylum seeker is someone who has had their claim for asylum refused by the Home Office, has reached the end of the asylum process and has exhausted all rights of appeal. The only state support that is accessible for a failed asylum seeker requires the applicant to have needs 'over and above destitution', usually health needs, (Section 21), or to agree to return to their country of origin when the Secretary of State considers it is safe to do so, (Section 4). This is something that most are not prepared to do as their **trust in the State's judgment on what is or is not safe has been seriously undermined**, both because of their own asylum decision and by the decisions made about other countries and their apparent safety. They often remain in touch with family or friends that keep them updated on the safety of the situation in their home country.

**Asylum seekers** (both those awaiting a decision on their asylum claim and those that have 'failed') **are not allowed to work** to support themselves despite many being able to offer many skills that our country needs or offering to do jobs that most British Nationals do not want to do. However, in order to survive they are forced to rely on extremely limited voluntary sector support or work illegally exposing themselves to exploitation of many kinds.

They often have poor health, and **most suffer some form of mental illness** either caused by the situation from their home country or from the uncertainty of their future in the UK. They face many barriers when accessing health services, some real and some perceived, which have serious health implications not only for themselves but also for the rest of the communities in which they are living.

## How many are destitute?

A full explanation as to how the figures below have been estimated can be found on page 20

- > It is estimated that there are more than 300 destitute asylum seekers in Newcastle.
- > 20-30 are estimated to be sleeping outdoors overnight.
- > Thousands are estimated to be without legal status (failed their asylum claim) yet are still living in Newcastle and supporting themselves by working illegally. They are effectively 'underground' and extremely vulnerable to exploitation.

## What services are available to them?

The services below are the only ones available to those that do not qualify for the statutory support mechanisms of Section 21 (see page 39) and who are unable or unwilling to receive Section 4 (see page 17).

- > **Health Care;** Primary Health Care at GP's discretion and Secondary Health Care only in an emergency and are likely to be billed after the event for treatment that they will not be able to pay. Further treatment is likely to be denied until debt is paid
- > **Legal representation;** none possible unless new evidence is found to make a fresh case but solicitor will be unlikely to take the case unless there is a greater than 40% chance of winning
- > **Drop-In's;** 10 - 15 available offering a friendly warm, dry place to go with some offering food
- > **Hardship support;** cash offered at 3 organisations, clothing available at 2 and food to take away available at 3 - 5 organisations all depending on availability
- > **Housing;** limited informal short-term options but no long-term accommodation currently available.

## Recommendations

1. Give people seeking asylum the right to paid employment while they are in this country. If unable to work access to NASS support for as long as they are in the UK.
2. People seeking asylum need full and fair hearings, with adequate legal representation at all stages of their asylum claim.
3. There should be no link between asylum status and health care entitlement. Free NHS care should be provided until someone is removed from the UK.
4. Fair, accurate and impartial media reporting of the issues from all sides required.
5. Full and thorough consultation with all interested parties (including Refugee Community Organisations) when drafting policy.





### 3. Introduction

**There are steadily growing numbers of asylum seekers, nationally and within the North East of England who have exhausted the legal processes which would enable them to stay in the UK, and pending possible removal, are being denied the support necessary to obtain food and housing. Agencies supporting asylum seekers are confronted daily with the devastating effects of extreme hardship and deprivation on individuals, including those with mental health issues, pregnant women and older people. The issue is of great concern to local authorities and other front line support providers.**

In December 2005 the Times published a letter from the Archbishop of York, Dr Sentamu, and over 50 fellow bishops and church leaders, which identified government policy as the root cause of the problem. (See page 56 & 57). The government's approach to the asylum seeking process is creating a new underclass of people who for official purposes effectively do not exist and are not eligible for genuine support. The assistance offered by the voluntary sector, including churches, is important but is only capable of scratching the surface. The government's current approach is forcing people into situations which will inevitably generate problems affecting health, law and order, and community relations, not just for those directly concerned but for society as a whole.

While there has been a balanced expression of views published in the Times in response to Dr Sentamu's letter, the media often choose to deal with the issue of asylum seekers in ways that do not reflect the severe problems experienced by individuals. Very few UK citizens have direct contact with asylum seekers, discovering the facts about how they are treated almost always gives rise to expressions of disbelief and shame that this could be happening here. A more mature and informed approach in the media reflecting the experience of individuals and the agencies that serve them would make a huge difference to national perceptions and, in time, the political process.

There are no 'official' figures of the numbers of 'failed' asylum seekers in this situation on a local level and even national figures vary considerably depending on which report you read. A recent report by the House of Commons Committee of Public Affairs highlighted that the Home Office can only state that there is somewhere between 155,000 and 280,000 asylum seekers who have been unsuccessful in their Asylum claim yet are still living in the UK without any statutory support. This report has attempted to estimate the numbers of 'failed' asylum seeker single adults\* who are currently living in Newcastle upon Tyne and highlight the services (both in the public and voluntary sector) that are, and more importantly, are not, available to them. It gives a very brief summary of the asylum process and some of the reasons why asylum seekers cases are unsuccessful, although the majority of its content relates to what happens to people after they have exhausted the legal process and have been refused the right to remain in the UK.

This report has made some recommendations that could be implemented both locally and nationally to make the process more humane, relieve the financial burden on the state and help bring better cohesion within the communities in which asylum seekers live. Whether we like it or not this situation is a reality in many cities around the UK. Ignoring the problem will lead to serious consequences in years (if not months) to come for the whole of society, regardless of what you think of the individuals situation of destitution and despair.

\* Currently families should not be made destitute, although this may change - see page 15 re Section 9



## 4. Open Door (North East)

Open Door (North East) is a registered charity and has been working in Teesside for 4 years with the aim providing poverty relief in the North East of England. To date, the charity has expressed this through providing food, housing and material help to asylum seekers and refugees, regardless of gender, age, race, faith or lifestyle. Currently, Open Door is one of the few agencies providing housing for destitute asylum seekers in the area, and now has 3 houses (rented and donated) that now house 14 people - these tend to be long term placements, usually over 6 months. They have an urgent waiting list that the organisation cannot yet house due to lack of resources.

As well as housing, Open Door hosts social events such as fun days, walks in the countryside, and friendship events (where indigenous Teesside inhabitants are encouraged to befriend and invite individuals into their own homes). They also host 'drop in' times, when they regularly hand out food, money and advice to the asylum seeker/refugee community - these are on Mondays and regularly see over 50 individuals each week.

Finally, Open Door support asylum seekers as they go to court or meet with legal representatives.

Open Door is looking to provide a similar service in Tyneside and after some initial investigation at the beginning of 2005 commissioned Julian Prior to conduct research to establish the number of destitute asylum seekers in Newcastle and the services available to them. This research will attempt to clarify the scale of the issue outlined above, in order to assist with the setting up of housing provision and hard case support for these people in Newcastle upon Tyne.

Julian holds a Chartered Institute of Marketing Certificate and has spent 11 years working for a number of leading marketing agencies in Newcastle. Part of his role during this time has been to commission and conduct both qualitative and quantitative market research. He has worked with a number of specialist market research companies, as well as conducting his own qualitative market research for a leading high street sportswear retailer and three different shopping centres. He has also worked for a number of town centre shopping centres where he worked alongside both public and private sector agencies and organisations on marketing projects and events that benefited the whole community.

Prior to working for Open Door Julian worked for City Church developing their Social Action agenda. This involved researching the gaps in the provision of services for the most vulnerable and marginalized in Newcastle upon Tyne. The conclusion of this study was that the destitution of asylum seekers was the most pressing issue in the city today and there was a need to develop a strategy for providing accommodation and support for those that were not eligible for any statutory provision.

## 5. Myths and facts

The general public's understanding of issues to do with Asylum and Immigration is rife with misunderstanding and myth. This is understandable when you consider the way that the issues have been confused and used by politicians and consequently reported by the media in general. A common hypocritical attitude exists and this was typified by a conversation that I had recently with someone at a party.

We got into conversation about what I did for a living and I talked about my involvement with asylum seekers. Immediately her hackles went up and she started to recite all the negative perceptions that she had about the issue and why she thought that no-one should be let into her country to take our jobs, houses and hospital places. "They should all go home" she retorted. Later on in the conversation she started to talk about how she plans to move to New Zealand to spend the rest of her retirement. When asked why she wanted to go there she talked about how she wanted to benefit from the beautiful countryside, weather and general lifestyle there. She seemed completely unaware of the hypocrisy that she had just described, refusing to welcome people fleeing persecution and war, yet expecting to be welcomed with open arms in order to fulfill her retirement dream of a more comfortable life.

Below are a few commonly held myths and the facts that dispel them. These have all been taken from a publication by The North East Consortium for Asylum and Refugee Support and Northumbria Police called 'Myth Buster 2'.

**Britain is swamped with refugees...** Britain is in the 10th place in Europe per head of population for asylum applications. The vast majority of refugees end up on the Middle East and Africa.

**Reality times 10:** In the UK, on average, people think that 23% of the world's refugees and asylum seekers are living in the UK, according to research by MORI. The reality is actually less than 2%.

**Newcastle and the region have been flooded with asylum seekers:** The North East has a population of about 2.5 million. There are less than 5,000 asylum seekers living in the region. That's less than a quarter of 1% of the total population of the region. Around a third of the asylum seekers in the North East live in Newcastle. That means around half of 1% of the total population of the City are asylum seekers.

**It is safe back home...** Most refugees come from Afghanistan, Iraq, Somalia, Sri Lanka, Turkey, the former Yugoslavia and Iran. All these places have seen serious human rights abuses. There is a connection between the situation in the home countries of the people who come to the UK for refuge. You only need look at the top nationalities of the people seeking asylum. The increase in positive decisions by the Home Office proves that the majority of the people are fleeing for their lives from harsh and oppressive regimes and severe ethnic conflict.

**Illegal:** There is no such thing as an illegal asylum seeker. The UK has signed the 1951 Convention on Refugees. This means that by law, anyone has the right to apply for asylum in the UK and remain until a final decision on their asylum application has been made. It is virtually impossible for people fleeing persecution to reach Britain without resorting to the use of false documents. Article 31 of the 1951 Convention on Refugees prohibits governments from penalising refugees who use false documents.

**They take our homes...** When they are given a house or flat, asylum seekers get the ones that are empty; the properties landlords find difficult to let.

**Asylum seekers bring crime to our streets...** There is no evidence that asylum seekers commit more crime than anyone else, says the Association of Chief Police Officers. They are more likely to be victims of violent crime, even murder, because of who they are.

**Asylum seekers are uneducated:** A high proportion of asylum seekers have substantial educational and work related qualifications and were successful individuals in their home country. A Home Office survey found that 90% of refugees speak at least one other language and 65% speak at least two, in addition to their first language.

Below are some positive statements about asylum seekers;

**Asylum Seekers' kids bring stability to classrooms:**

*"All the evidence we have is that in some of the toughest schools it is the asylum seekers' children who provide stability, because they are most dedicated to getting the best out of the system."*

John Banks, Head of Education, National Union of Teachers.

**Can't work, want to work:** The Government has reversed legislation so that asylum seekers are prevented from working. Home Office research has shown that asylum seekers would prefer to support themselves rather than be supported by the Government, yet the law prevents them from doing so.

**90% of employers want to take on refugees:** Nine out of ten employers want to take on refugees to meet skill shortages, but don't because of their ignorance of the law and the confusing Home Office paperwork, according to research done by Personnel Today.

**The cost of asylum seekers to the NHS is marginal:** *"The system is very stretched, and we have a serious shortage of GP's. It adds to the strain but it did not create it. And if they lived in better conditions they wouldn't need so much intervention from the NHS. The evidence is that asylum seekers become ill after arriving in the UK. The BMA also estimates that there may be upto 3,000 refugee doctors - a potentially invaluable resource at this time of acute staff shortages."*

Vivienne Nathenson, Head of Science and Ethics Committee, British Medical Association

## 6. Policies that result in destitution

This section is taken from the Leicester Refugee and Asylum Seekers' Voluntary Sector Forum's report called "A Report of Destitution in the Asylum System in Leicester" June 2005.

The implementation of successive pieces of legislation in recent years has resulted in the restricting of the asylum support structures, with more and more people being excluded from support provisions. It seems that destitution is becoming a tool to dissuade refugees from claiming asylum in the UK and a coercive mechanism to force people to leave the country. This section summarises recent legislative steps, which are linked to, or have resulted in the withdrawal of support from asylum seekers at various stages of the process.

### **Section 55 [2002 Nationality, Immigration and Asylum Act]**

The first major policy development triggering destitution came into being on January 8th 2003 and lasted for almost 18 months until its powers were effectively quashed by successive legal action brought against the Home Office. Asylum seekers were refused NASS support if they did not claim asylum 'as soon as reasonably practicable' under Section 55 of the Asylum and Immigration Act 2002. The legislation was brought in with the intention of allowing the Government to restrict those who had been in the country a long time from applying for asylum at a late stage. However, the enforcement of the policy led to tight deadlines of first 24 and then 72 hours for a new 'in-country' arrival to claim asylum. This could only be done by applying in person at an Asylum Screening Unit in only 2 areas of the UK; Croydon and Liverpool.

This policy caused large numbers of asylum seekers to be denied support and left destitute as for most of them it was not possible to claim asylum in person within such a deadline. There are many reasons why an asylum seeker might not claim asylum immediately, not least because of a lack of English, fear of those in authority and not wishing to compromise those who assisted them to arrive (Mayor of London February 2004). Following a lengthy legal battle, the Court of Appeal ruled that the Home Office was in breach of Article Three of the European Convention on Human Rights, and since June 2004 NASS has provided support in the majority of cases. Because the legislation prevents anyone from receiving support until after they have claimed asylum, people who find it difficult to travel to Liverpool or Croydon, often due to a lack of financial support may also be left destitute from the outset.

### **Section 57 [2002 Nationality, Immigration and Asylum Act]**

Section 57 was a similar piece of legislation also contained in the 2002 Nationality, Immigration and Asylum Act and required that asylum seekers would provide information on their journey to the UK, assistance provided by agents and documents that were used to enter the UK. Support could be withdrawn if an asylum seeker did not provide this information. Due to the concerted efforts to counter the effects of Section 55, Section 57 has not been extensively used to withdraw support although it could be at a future date. A high proportion of asylum seekers enter the UK using false documentation provided by agents and are given little, if any, information about their journey.

### **Section 9 [2004 Asylum and Immigration (Treatment of Claimants etc) Act]**

Formerly, asylum seekers with dependent children under 18 whose claims were fully determined were entitled to remain on NASS support until they returned to their country of origin. This new power gives the Home Office the right to terminate all support unless they take active steps to return 'voluntarily'. A pilot programme has already taken place in Manchester, Leeds and London and a few families are already reaching the point at which support will stop. Section 9 may soon be rolled out across the UK. There are concerns that this will leave children, as well as adults, destitute or that children will be separated from their parents by being taken into care if their parents cannot support them. There has been significant unease within the statutory, voluntary and legal sectors over this power.

### **Section 10 [2004 Asylum and Immigration (Treatment of Claimants etc) Act]**

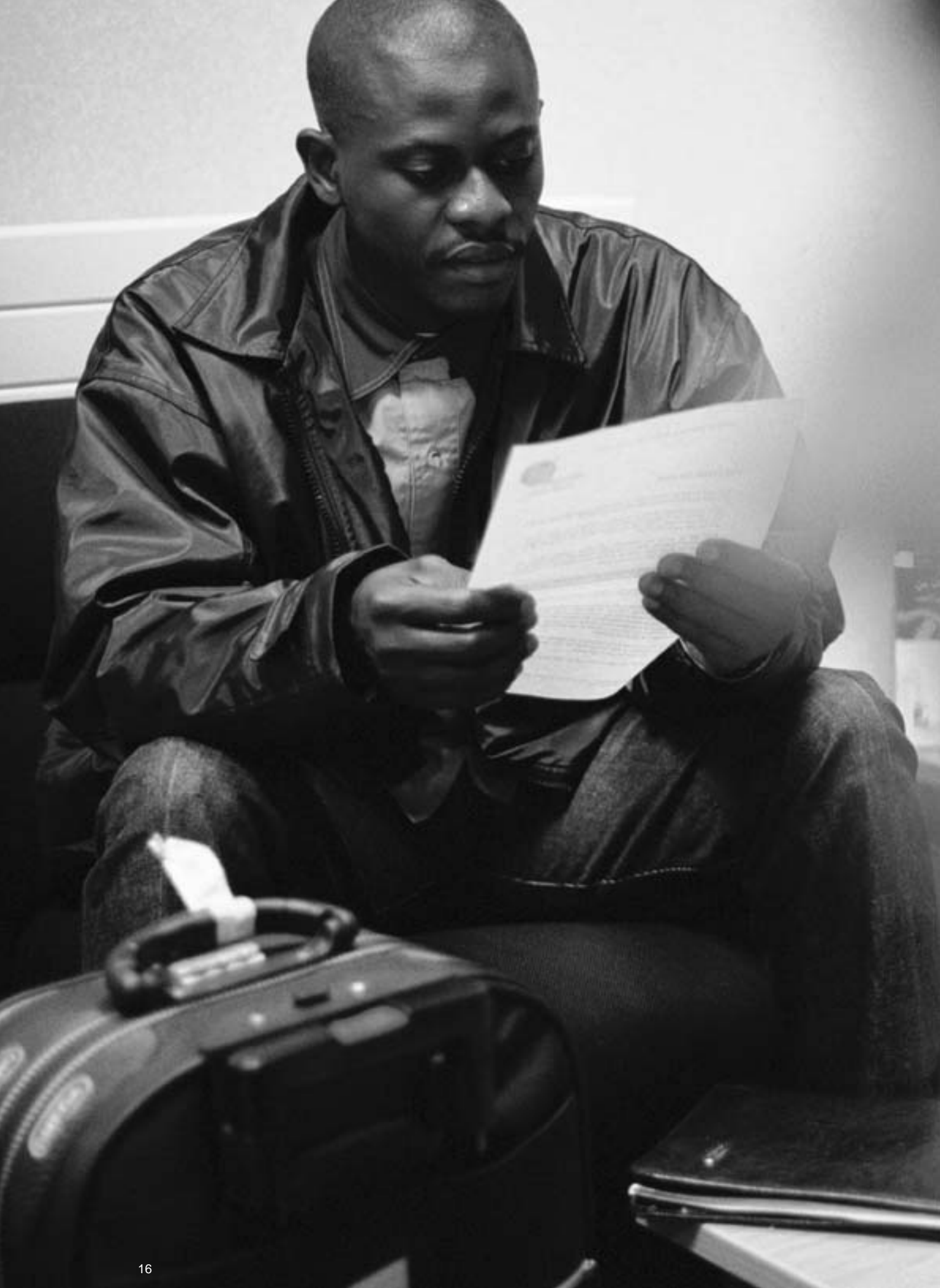
The 'Community Activities' criteria for Hard Case support gives the Home Secretary the power to require that where an asylum claim has been fully refused, or an asylum claim has been discontinued, support can only be granted if the applicant carries out activities that benefit the community, on a 'voluntary' basis. The Home Office intend to run a pilot scheme for this programme but no arrangements for this are in place with no partner willing to participate in the programme. The enforcement of a Community Activities proviso will probably cause many people to refuse this support and it is opposed by a whole spectrum of groups and organisations across the UK. Asylum seekers who apply for Section 4 support have been required to sign to agree to participate in 'Community Activities', even though the system is not in operation.

### **Restrictions on Legal Aid [2004 Asylum and Immigration (Treatment of Claimants etc) Act]**

From April 4th 2005, a new unified Appeal system came into effect. Coupled with this, the provision of Legal Aid in asylum cases was also reviewed. Lawyers can only claim Legal Aid for 5 hours work unless permission is granted by the Legal Services Commission for an extension. This move was strongly opposed as extensions are hard to obtain, it is unfair to restrict the number of hours a case would need and many lawyers find the time allowed to be completely inadequate to properly represent someone, especially if their case is complex. Many good quality lawyers are withdrawing from asylum work as they do not believe they can provide a quality service within these restrictions.

The new guidelines on Legal Aid also mean that some work can only be paid retrospectively out of the Legal Aid budget within the new Appeals structure. It is unlikely that many solicitors would be able to work on a client's behalf without the guarantee of it being reimbursed by Legal Aid. It is clear that the lack of representation at all, poor representation or a insufficient funding to continue a case will lead to an increase in asylum seekers not able to continue their cases or receiving negative decisions which could be overturned on appeal.

For more details on the legal services available in Newcastle see page 35.





## 7. Section 4 - 'Hard case support'

The following is taken from a letter from Emma Cole, Regional Manager NASS - North East on 29th December 2005 to Newcastle City Councillors clarifying the criteria for provision of accommodation and subsistence under Section 4.

*"All asylum seekers whose applications have been unsuccessful are required to leave the UK. However, it is accepted that there will be some failed asylum seekers who are destitute and unable to leave the UK immediately due to circumstances entirely beyond their control. In these circumstances the unsuccessful asylum seeker can seek the provision of support under Section 4 of the Immigration and Asylum Act 1999. Section 4 support (sometimes referred to as 'Hard Case support') is intended as a limited and temporary form of support for people who are about to leave the UK. While it must be compatible with the ECHR, it should not provide any incentive to remain in the UK.*

*The criteria that a failed asylum seeker must meet to be eligible to receive support under section 4 of the 1999 Act are set out in regulation 3 of the Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005. These state that the Secretary of State may provide support under Section 4 to a failed asylum seeker who appears to be destitute and satisfies one or more of the following conditions:*

- > The person is taking all reasonable steps to leave the UK, or to place themselves in a position in which they are able to leave the UK. This could include complying with attempts to obtain a travel document to facilitate departure.*
- > The person is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason.*
- > The person is unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available\*.*
- > The person has made an application in Scotland for judicial review of a decision in relation to his asylum claim, or, in England, Wales or Northern Ireland, has applied for such a judicial review and been granted permission to proceed.*
- > The provision of accommodation is necessary for the purpose of avoiding a breach of a persons Convention rights, within the meaning of the Human Rights Act 1998."*

\* In order to receive Section 4 support the applicant must sign to say that they will return to their country of origin when it is considered by the Secretary of State to be safe to do so. However, most do not accept this support as they have lost faith in the decisions of the Home Office regarding their safety and therefore would rather go without any support than sign up to return at some point in the future. Therefore, the numbers of people that are supported on Section 4 (149 in Newcastle in Nov '05) are a very small proportion of the number that would be eligible.

There is no obligation on NASS to arrange this method of support before an individual has to leave their supported accommodation. As the length of time to process an application can be anything upto 2 months, during which time the applicant could be homeless, the likelihood of a serious deterioration in health during this time is extremely high.

Those supported in this way are not given cash but are issued with vouchers as NASS believes that it does not have legal power to pay cash for 'Hard Cases'. (Refugee Action and the National Association of Citizen Advice Bureaux have had legal opinion that challenges this). This is not a standard arrangement but one that is left to the contracted housing provider to source, which has led to great difficulties for those expected to use them and a black market emerging of people willing to swap the vouchers for cash at a fraction of their value (£35 per person per week). This system gives little or no choice as to the supermarket that the vouchers can be exchanged which may be a considerable distance from the home of the recipient. Vouchers cannot be used in on public transport and some basic items such as nappies or formula milk have been difficult to obtain despite accommodation providers doing their best to make sure that these items can be purchased.



## 8. Returns and removal

### **Voluntary Assisted Return and Reintegration Programme (VARRP)**

The government is encouraging voluntary return for asylum seekers who have reached the end of the legal process and 'Hard Cases' support will only be provided if people have signed up to the Voluntary Assisted Return and Reintegration Programme (VARRP). This is a Government scheme that provides funds for return (sometimes as much as £3,000), skills training in preparation for return and set up business grants for use in the country of origin of the returnee. The scheme is administered by the International Organisation for Migration, (IOM), which is an independent non-governmental organisation that operates around the world to facilitate migration including return. The Government grants them 100% of funds required to administer the VARRP programme from the European Refugee Fund.

The uptake of this scheme is low as the primary reason for people claiming asylum in this country is to escape persecution or torture. The grants offered would make a significant difference to the lives of the individuals if they were to return to their home country (see comments by WERS Case worker on page 49). However the poor take-up of this scheme confirms the genuine fear of return to the home country of those whose asylum case has failed and dispels the myth that most asylum seekers are economic migrants.

### **Why are some 'failed' asylum seekers not removed?**

Many people whose asylum claims fail are from countries that are deemed unsafe for return. The UNHCR has requested that people are not returned to Iraq at present. The UK removes very few people to Zimbabwe, Somalia, Iran, DR Congo or Sudan. The bureaucracy involved in establishing identity and nationality before removal can take months or years.

Once someone's case has been refused the Home Office invariably loses track of where they are as they are unlikely to have any fixed address and if they did the individual is unlikely to let the Home Office know where they are for fear of removal. Therefore, even if it was able to, the Home Office often cannot remove failed asylum seekers as it simply does not know where they are.

### **Government removals target**

In September 2004, amid political pressure over this issue, Tony Blair said that by the end of 2005 monthly removals of failed asylum applicants should exceed the number of new arrivals found to have no case. Last year the Home Office admitted it would need until February 2006 to meet the target. The latest figures show the Home Office hit the target in November before marginally missing it again in December. Across the whole quarter (Oct-Dec '05), some 4,415 cases were rejected, while 4,085 applicants were removed nationally.

## 9. Numbers of destitute

It is extremely difficult to be precise about the numbers of asylum seekers who have been refused the right to remain as there are no official figures available on a regional or citywide basis. Despite being required to continue to report fortnightly to Immigration Control in North Shields many do not for fear of arrest and removal and therefore they go 'underground' with no official monitoring.

**Nationally** - The Home Office estimates that there are between 155,000 and 280,000 asylum seekers who have been refused the right to remain yet are still in the UK<sup>1</sup>.

**Regionally** - 500 estimated to be destitute in the North East - John Rogers Associates Report into Destitution in the North East - June '05

**Newcastle** - A survey was carried out between Oct and December '05 with all members of the Newcastle Citywide Asylum Seekers Support Group that asked how many asylum seekers their organisation saw every month that had been refused the right to remain.

- > **93 people left their NASS accommodation in Newcastle over a 3 month period** who had not been successful in the asylum claim. 11 had their support re-instated at a later date. Source - NASS Accommodation providers
- > **150+ receiving financial support each month** - WERS - Nov '05
- > **50+ individuals supported financially every month** - EAASSG - Nov '05
- > **519 'Hard Case' advice sessions**, Jun - Nov '05 - NERS
- > **428 different individuals receiving advice on homelessness**, Jun - Nov '05 - NERS
- > **312 helped with applying for Section 4 support** - NERS Oct - Dec 05

(For further details on the organisations listed above refer to pages 25 to 29.)

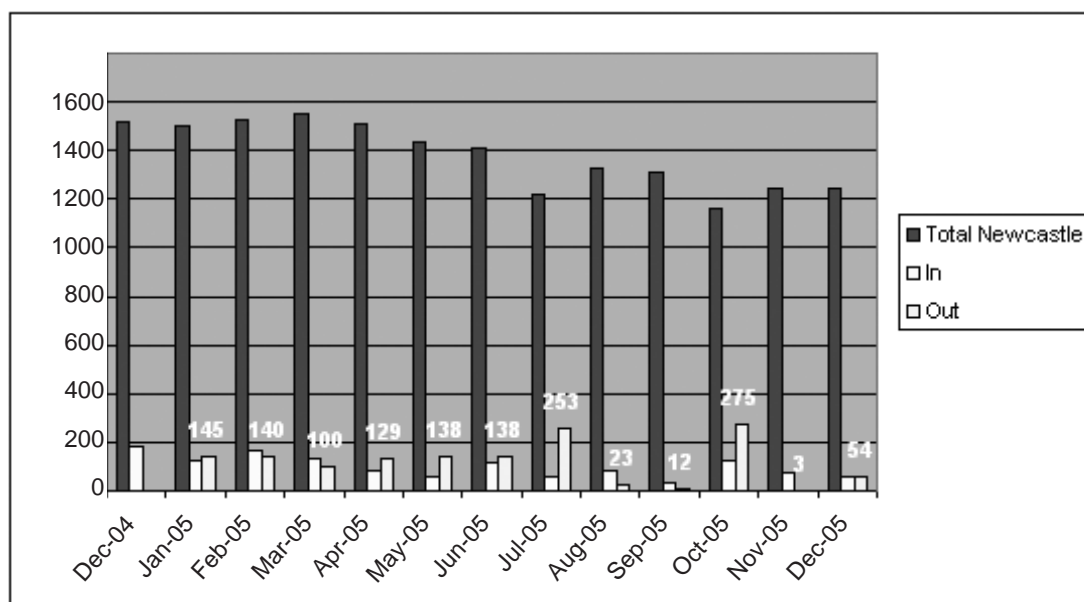
The figures above will have some degree of duplication and it is not known how many leave Newcastle either by their own choice or by Home Office removal, however, when seen together an overall impression can be gained as to the number of people that are destitute in Newcastle over the last 12 months.

**It is estimated that there are more than 300 destitute asylum seekers in Newcastle.**

## 10. Other statistics

**Section 4** - 421 were accommodated on Section 4 support in the North East of which 149 were in Newcastle in Nov '05 according to NASS. However in December alone NERS staff completed 107 advice sessions relating to section 4 applications. This would confirm the large numbers of destitute asylum seekers that are either unable to qualify for Section 4 or choose not to when they understand the conditions attached to receiving support.

**Numbers supported by NASS in Newcastle (excluding Section 4)** - The table below shows the numbers supported by NASS with both accommodation and financial support in Newcastle whilst their asylum claim is being assessed for the last two years. The vast majority will be leaving NASS support with a negative decision (86% nationally after first hearing<sup>1</sup>), however, there will be some who will be able to restart their support if an appeal is accepted by the Home Office. There will also be some leaving due to being given a positive decision (19% nationally after appeal<sup>1</sup>). However, due to the lack of council housing available and the short notice that many are given to leave (average of 7 - 14 days, see 'Notice Periods' below) even those given a positive decision may end up being evicted with no-where to go for a period of time.



**Notice periods** - The notice period required to be served for asylum seekers is 28 days. However, due to slow internal communication at the Home Office very few get the full 28 days notice. For the period Oct - Dec '05 Your Homes Newcastle Asylum Seekers Unit issued 51 notices for their service users to leave their accommodation. 43% were given only 7 days notice and another 49% were given between 8 and 14 days notice. The remaining 8% were given between 15 and 20 days notice to leave their accommodation.

There has been some significant improvement on the time given for service users to vacate their homes, (a few years ago as many as 80% were only given 7 days notice), however there is still much room for improvement. The lack of time given to leave NASS accommodation both for positive and negative decisions contributes to the likelihood of homelessness with not enough time to link in with other agencies or to make any alternative arrangements even if temporary and informal.

<sup>1</sup>Asylum Statistics for the North East - as at Dec '05' North East Consortium for Asylum and Refugee Support



Dunn's  
RESTOVER  
Bed & Breakfast

CONNAUGHT  
HOTEL

## 11. Housing options when homeless

Conventional homelessness agencies are unable to help 'failed' asylum seekers as they are not entitled to Housing Benefit. Below are the main options available to a failed asylum seeker who is unable to qualify for Section 21 support and / or cannot or does not want to access Section 4 support.

### **'Sofa surfing'**

If evicted with no other possible statutory support most asylum seekers search out their fellow countrymen or a Refugee Community Organisation (RCO) to ask for help/advice. They will often end up sleeping on the couch of a friend who has either been given refugee status or more likely someone who is in NASS supported accommodation awaiting their decision on their asylum claim. This is strictly forbidden by NASS and if caught the asylum seeker who is permitted to stay in the accommodation would be evicted also with no possible way of accessing any further support from NASS. Therefore, when staying over-night with a fellow asylum seeker it is very important that they are not caught by NASS inspection teams and therefore they would not enter the property until late at night and would be required to leave early in the morning to go in search of somewhere else to stay for the following night. Most asylum seekers who are destitute in Newcastle adopt this nomadic lifestyle, moving from house to house, enduring little sleep and having to carry all their possessions with them searching out warm, dry places to occupy their time during the day.

### **Charitable help**

If unable to find somewhere to stay as described above many seek out charities, faith groups, communities and voluntary groups as described on pages 25 - 29. However, whilst there are a number of places that offer a warm, friendly and dry place to go during the day that may or may not be able to offer some food, there is very little available in the way of providing over-night accommodation. A number of individuals do take asylum seekers into their homes, however, there is very little specifically set up or organised in Newcastle to house destitute asylum seekers for any length of time. Open Door are the only charity in the North East that are housing any significant number of people in this situation - all in Teesside at the moment. They plan to open their first house in Newcastle towards the end on 2006.

### **Rough sleeping**

If all of the above are not an option the last resort is to sleep rough in bus shelters or doorways in the city. It is estimated by one organisation that works with 'failed' asylum seekers that there are approximately 20 - 30 people that sleep outside in any one night. The health implications of this are only too obvious.

### **Night Stop**

Night Stop provides safe accommodation for vulnerable young people in private homes one night at a time, offering a breathing space until longer term accommodation can be found. The West End Refugee Service have occasionally used Night Stop to house some of their clients temporarily.

### **Hosting with families/faith groups etc.**

Numerous individuals have taken asylum seekers into their own homes to stay for short a period of time in a spare room, (see page 28). There is no specifically organised system for this hosting (like Night Stop) that I am aware of, unlike in some other cities (such as the ASSIST project in Sheffield) where a hosting scheme has been set up to help facilitate this method of informal housing.





## 12. Voluntary sector services

The following is not a complete list of all the services available to asylum seekers that have been refused the right to remain in the UK, however, it covers the main organisations operating in Newcastle upon Tyne.

### **North of England Refugee Service (NERS)**

NERS give advice to asylum seekers and refugees regardless of their status and support arrangements. The advice service is open every day, with drop-in advice in the morning and appointments in the afternoon. They also do surgeries in Gateshead and at Common Ground in the East End of the City. They meet with NASS nationally on a monthly basis, together with the other major refugee organisations in the Country to try to affect changes in NASS policy, based on the evidence they collect from advice sessions.

The move on accommodation is supported housing for those people who need support in establishing independent living once they receive a positive decision.

Other services include:

- > Community and Youth Integration Projects, working with refugees, asylum seekers and host community groups organising events to tackle barriers to integration.
- > Awareness raising sessions in schools, youth organisations and with NHS staff throughout the region.
- > The Refugee employment project includes a mentoring project across Tyne and Wear helping asylum seekers and refugees into learning and a vocational rehabilitation project for refugees with mental health needs.

The Interpreting and Translation Service provides a service to organisations across the North East and is vital as it helps asylum seekers and refugees to develop and use their language skills for the benefit of NERS clients and host community organisations.

Their Community Development work has enabled Refugee Community Organisations to be set up throughout the region - there are currently 60+ such groups.

Emergency Accommodation - NERS manages 40 beds spaces that are available for those in NASS supported accommodation who are fleeing domestic violence and new arrivals to Newcastle that NASS cannot find accommodation for. They also have a smaller number of bed spaces available for those who have become homeless after being evicted from their NASS supported accommodation after receiving a positive decision.

### **West End Refugee Service (WERS)**

West End Refugee Service is a charity offering practical and emotional support to refugees and asylum seekers living in the West End of Newcastle. Established in 1999, WERS provides a warm welcome to asylum seekers and refugees who have come to live in the West End of Newcastle. In addition to the six part-time staff, WERS has recruited over forty volunteers, the majority of whom are part of the befriending scheme. At the offices in Arthur's Hill a range of services is offered in a friendly and informal setting:

- > A clothing store where good quality second-hand clothing, bedding, kitchen equipment and other items are available free of charge
- > Daily drop-in advice sessions
- > Signposting to other agencies and projects
- > Home visits
- > Emergency hardship fund
- > Befriending scheme
- > Awareness-raising programme
- > Counselling service
- > Weekly surgeries by other agencies - Victim Support, Your Homes Newcastle Move-on Team, Job Centre Plus



 RE  
CLOTHING  
OPEN FR  
09.30 - 1

### **East Area Asylum Seekers Support Group (EAASSG)**

Common Ground is the name of the premises used by the East Area Asylum Seekers Support Group. The name provides the ethos of their work, which is that they are open to all and that all who come there are equals. They provide a friendly, open environment in which people can relax, get to know the staff and others in a similar situation over a cup of tea or coffee and a chat.

They have a clothing store that provides clothes and household items free of charge to anyone who needs them. There are also volunteers and support workers available to help with everyday problems such as making telephone calls, or filling in forms or making contact with other agencies if necessary. They also have 2 computers which have internet access.

Other agencies such as the Asylum Seekers Unit, North of England Refugee Service, The East End Community Alliance and the JET Project work in partnership with EAASSG and hold sessions in their premises at various times through the week which provides extra support for the local community.

EAASSG don't operate an appointment system, as they like the atmosphere to be informal and casual. Many people just drop in for a coffee initially, then when trust has been established they may ask for assistance.

When someone's asylum claim has failed and they have lost their housing and financial support, they have a Hardship Fund which is run completely by donations of money, groceries and toiletries. They rely on local community groups, churches and private personal donations to keep this going.

### **The Rights Project**

The Rights Project work with asylum seekers and refugees and offer an open drop in advice session at their office in the West End of Newcastle. The numbers at this session continue to increase and at present they see an average of 8 clients per session. Many of these clients have multiple and complicated problems and the session commonly over-runs by 2 to 3 hours.

These sessions are also attended by regular interpreters, (French, Turkish, Farsi and Serbo-Croat) and they use Language Line or specially booked interpreters for other languages. They see an increasing number of failed asylum seekers who are homeless and destitute. These clients have no access to housing or funds and a very limited access to health services.

Their work in enabling many of these clients to obtain other types of support using community care and National Assistance legislation has been pioneering in this region. They have not only been able to obtain accommodation and income for these clients but we have also been able to train and advise other projects in the area to enable them to help their own clients using the same legal routes.

### **Asylum Seekers and Refugees Project**

The Asylum Seekers and Refugees Project is run by Hexham and Newcastle Diocesan Justice and Peace Co-ordinating Council. They operate 5 drop ins, (Newcastle 3, Gateshead 1, Stockton 1) run by volunteer teams in church premises and community centres providing a friendly welcome, refreshments, relaxed chat in shared languages, practice in conversational English, recreational games, social events, days out, advice and support. As many as 100 asylum seekers and refugees attend the drop ins each week, plus full coaches for trips (e.g. Holy Island, Whitley Bay Playhouse for pantomime) and 220 came together for Christmas 2005 parties. Specialised advice/support from agencies visiting drop ins (Victim Support, Northumbria Police, The Rights Project, JobcentrePlus, West End Refugee Service, Newcastle Asylum Seekers Unit (ASU), Gateshead Economic Development Department).

They operate a hardship service for destitute Asylum Seekers. ASRP food collection (1/2 ton per month, from 35 parishes) goes to ASRP users and other organisations.

ASRP also offer support for individuals & families (e.g. support with housing, physical and mental health needs, training, employment, financial support, travel, references) - accompany asylum seekers/refugees to meetings e.g. GPs, hospital consultants, mental health workers, MPs, local councillors, housing officers - for moral support and to see that asylum seekers/refugees get their problems seen to.

ASRP are also active in raising awareness of the issues of Asylum within the voluntary and statutory sector, they are involved in a befriending scheme in partnership with other agencies in East Newcastle and signpost asylum seekers/refugees to other helpful bodies e.g. social services, employment/training advisors, other asylum seeker/refugee support agencies.

ASRP are exploring the possibility of converting a church hall in the West End of Newcastle in order to provide a space for asylum seekers to use during the day, including a fully equipped kitchen and lounge area.

### **The Hub**

The Hub was established in 2001 to provide a range of activities and services that offer family support to members of the community, both as an independent voluntary organisation and also in partnership with other voluntary and statutory organisations. Wherever possible, they offer services free of charge or with a minimal charge. Their weekly Drop-in for asylum seekers operates with input from The Children's Society and with the help of a Nursery worker. Their passion continues to be with those who have been refused asylum, and are now living lives of destitution on the margins of society. The Hub International 2004 saw 200 people attend from forty three different countries.

They offer the following activities:

- > Monthly International Teas, usually with social events in between
- > 1:1 support to individuals, such as appeal hearings, help with studies and even acting as "substitute parents" at a wedding.
- > Networking with other international support bodies, both regionally and nationally
- > Language classes

### **North East Aids Care (NEAC)**

North East AIDS Care (NEAC) is a project run by the charity Blue Sky Trust to support people affected by HIV across the North East. NEAC aims to help people with HIV gain confidence, improve health and live a full and active life. Services include one-to-one support in the home/community and group work aimed at improving skills, self esteem and social networks. Support is tailored to the unique needs of the individual. NEAC supports about 50 adults and 20 children affected by HIV, some of whom are asylum seekers, refugees or those who have been refused but remain in the area. NEAC have developed their understanding and experience of working with asylum seekers and refugees in the last few years, since the dispersal system brought more people to the area. Referrals are mainly from professionals working in the HIV field but are welcomed from any agency.

### **Mike and Keturah Maurice**

Mike and Keturah Maurice decided to move to a larger house so that they could at least accommodate a few single women that were destitute. They were determined to help only those people who they believed to be genuine asylum seekers without other means of support, for whom a return to the country of origin can often mean torture or death. They have housed an average of four guests since moving to their new house in June 2004. Many others have come for a shorter time period in need of accommodation, from a few weeks to several months. In exceptional cases they now also house men. As well as providing accommodation, support, encouragement, food supplies where necessary and introduction to other services they have also helped guests to find good solicitors and supported them in making renewed appeals. They also run a free "drop in for a meal social nights" twice a week for the asylum seeker Community.

## **African Community Advice North East (ACANE)**

ACANE is an independent group of asylum seekers and refugees from many different African countries of origin or ethnic groups. It began in June 2001 as a group of volunteers and is one of the first examples of self-organisation to emerge from the new refugee communities created through Dispersal (see page 55). ACANE has continued to develop and in 2003 opened a community centre in Byker. They help people from all over the African continent with advice on a number of topics which include Health Education, Housing and Immigration.

ACANE work with a range of organisations in order to build a positive and healthy relationships between communities in the North East of England and attend numerous multi agency meetings on a range of issues and they have made many presentations on the role and work of RCOs.

ACANE are a very active member of the Regional Refugee Forum and actively promote the work of this organisation. Gaby Kitoko Onyembe is a founding member of ACANE and was elected to serve on the first Executive Committee of the Regional Refugee Forum North East in October 2003 and has continued to serve on it since then.

### **Other organisations that offer services that 'failed' asylum seekers can benefit from;**

**The Peoples Kitchen** provide a free hot meal and clothing\* to anyone that wants it 6 days of the week from their premises at The Alison Centre on Bath Lane or at one of their other regular outposts. Whilst they do not see many asylum seekers accessing this service they do not discriminate as to who can receive food or clothing from them.

\*Clothing only when at The Alison Centre Tuesday to Friday

**The Tyneside Cyrenians** are not able to offer accommodation, however like the People's Kitchen they do not discriminate who uses their drop in at Ron Eager House on Westgate Road. Here anyone can get a hot meal for a very small charge, receive advice on mainstream benefits and housing, use their computer stations and any other signposting that the staff are able to do.

**The Salvation Army** on City Road are also not able to provide accommodation, however they do give out food parcels for anyone regardless of legal status.



## 13. Funding Challenges

I have spoken to many voluntary sector organisations working to help the plight of 'failed' asylum seekers over the course of the last six months. They all had one thing in common and that was that they were all struggling financially. Like the clients to whom they are offering invaluable help and support, they found it difficult to plan for any long term strategy due to the uncertainty of their long term funding.

Most rely on a combination of private individuals' sponsorship, donations from faith groups, countless fundraising events and trying to persuade charitable trusts to support their work. However, this extremely necessary task is very time consuming and detracts from the work of bringing care and support to the people their organisation was set up to help.

This is not a problem specific to voluntary sector organisations that help this particular group of people, however, it would appear to be increasingly difficult to secure funding from charitable trusts for failed asylum seekers as most believe (rightly) this to be the role of Government and therefore opt out of getting involved. There are some notable exceptions to this generalisation and there are some signs that this situation may be changing with some, however at present it remains extremely difficult to secure any significant funding from the majority of trusts. The result of which is an almost impossible judgement often has to be made regarding one person's priority of need over another.

There is funding available for asylum seekers whilst their case is being assessed, under the headings of social inclusion, education, access to mainstream services etc. all of which is very important, however, as soon as a project is specifically tackling the problems of destitution the political nature of the problem discourages many funding decision makers. Whether it is the fear of there being no end in sight to the need for funds, or the sensitive nature of the problem the fact remains that many organisations providing vital services to asylum seekers that are currently destitute may end up having to cease running their services, seriously downscale their operations or else rely entirely on volunteers, in the very near future. Needless to say this would have a massive impact on the people that totally rely on the hard work, dedication, expertise and generosity of these voluntary sector organisations.

I believe there is an opportunity for many charitable trusts to make a significant impact on the situation of homelessness and social exclusion that so many are committed to tackling here in the North East in other areas of society. There is so much excellent work that is going on at the moment in trying to tackle 'hard to reach' people groups and the collective amount of funding that is poured into these projects is staggering.

When sitting in a consultation with one North East funder recently with other groups that are tackling the issues of homelessness of indigenous young people (in the main) it was depressing to learn of the general "poverty of ambition" amongst the individuals that these organisations were working to help. Despite being given the opportunity to 'better themselves' this did not seem to always be the key to genuine life change.

When I compare this to the situation of so many asylum seekers that are longing for the opportunity to make a contribution to society by working hard and looking after their children well and building community, I find the denial of this opportunity and disparity of funding choices difficult to understand.





## 14. Housing services

By definition when an asylum seeker has been refused the right to remain there is no statutory housing provision other than via Section 4 support (see page 17) or by accessing social services care for those with needs over and above destitution (see page 39).

However, help offered by the NASS contracted housing providers when someone leaves their property can make a huge difference to the eventual outcome for an individual. Therefore a summary of the services provided by the two housing providers contracted by NASS to supply all their accommodation in Newcastle can be found below.

### **Your Homes Newcastle - Asylum Seeker Unit**

The Newcastle Asylum Seekers Unit, part of the North East Consortium, was established in December 1999 to deal directly with the contract that has been signed with the Home Office as well as to maintain its service under the 'Interim Scheme'. More recently the organisation has established a "Move On" service to assist Refugees to settle in Newcastle. The aims of the service are as follows;

- > manage the 360 contracted properties as well as those properties needed for pre-contract cases
- > bring together the main service providers to minimise isolation and disadvantage for asylum seekers and refugees by ensuring that the key support mechanisms are in place
- > to work with local communities and others in a positive way in raising the awareness of issues affecting asylum seekers, integration and combating discriminatory practices especially racism
- > provide and develop an intensive and comprehensive "Move-on" facility for house holds with a right to remain in the UK
- > consult with service users to help improve our service
- > provide accommodation and support when instructed to do so by Social Services

### **The Angel Group**

The Angel Group is the only private sector housing provider contracted to provide NASS accommodation in Newcastle. It currently manages 177 properties accommodating 366 asylum seekers throughout the city in a mixture of owned properties and some that are leased from local landlords. The group formerly managed the Angel Heights hostel on Westgate Road that housed women only with over 150 bed spaces, however this property closed in 2005 and the women re-housed in other residential accommodation in Newcastle and Gateshead.

The operation has a local office on Westgate Road where a team of admin support staff, outreach workers, maintenance staff and inspection officers are managed from. The staff work closely with Your Homes Newcastle Asylum Seeker Unit 'Move-On' team when tenants are leaving their properties with a positive decision and the North of England Refugee Service when their clients receive a negative decision. However, they do not make any provision of accommodation after their service users leave their property with a positive or negative decision unless instructed to do so by NASS for Section 4 applicants.

### **Accessing mainstream housing**

When an asylum seekers is given 'leave to remain' (positive decision) the euphoria and relief of this decision is quickly replaced with the panic of finding somewhere to live at very short notice (often 7 days - see page 21 'Notice Periods'). The Local Housing Authorities must conform to homelessness legislation that offers guidelines under how previously NASS supported asylum seekers can be accommodated. Generally, families and vulnerable adults will be prioritised for access to Local Authority housing, non-priority groups (i.e. single adults) will not always be able to be supported immediately following a positive decision and therefore may become destitute for a period of time before being offered a house under the choice based letting scheme, operated by Your Homes Newcastle



## 15. Legal services

The vast majority of Asylum applications are funded through legal aid administered and regulated by the Legal Services Commission (LSC). Since 1st April 2004 the amount of funding and therefore time made available for each individual asylum case was dramatically reduced to 5 hours at a flat rate of £50 per hour of legal representation for initial applications and 4 hours for appeals. (This compares with an average commercial fee in excess of £100 per hour).

Not only is there a limit of funding available but there has also been a reduction in the amount of time (10 days) that appeals can be applied for once an initial application has been refused.

This limit on the amount of funding/time available has meant that solicitors are simply unable to represent their clients adequately both at the initial and appeal stages as many Asylum cases are complex, costly and time consuming to gather the evidence required to represent the individual adequately. For example translation is often required, medical reports need to be sourced or carried out, country information gathered, cultural issues understood, testimonies secured, expert evidence sought, verification of documents tested by country experts etc. etc. Therefore many cases are not given a fair hearing due to a lack of evidence being available because of restricted time or funds or both.

There have also been targets set for legal practitioners to ensure that they do not take cases that have a very slim chance of success and by 1st April 2007 all legal practices handling asylum appeals are to achieve a 40% success rate if they are to retain their franchise with the LSC. This has led to many solicitors having to think very carefully before agreeing to represent anything other than extremely convincing or straight forward cases and the chance of future 'test cases' that set a precedent are very unlikely in the future.

By definition asylum seekers that have been refused the right to remain have usually exhausted their legal process and therefore are unlikely to be able access the services of a solicitor funded by legal aid. Unless they were able to fund a solicitor privately the only other option for accessing legal representation would be if fresh evidence was found that would enable the asylum seeker to put in a fresh application based on new evidence that wasn't considered before by an appeal judge. However, in order to hit their LSC imposed success rate target any solicitor would need to be fully persuaded that they have a strong chance of winning the case.

The solicitors currently operating in Newcastle that take Asylum cases are; David Gray, Halliday Reeves, Browell Smith and Co., Bra & Co. and The Newcastle Law Centre.

### **Unscrupulous solicitors**

As many Asylum Seekers enter the UK in the south of England before being dispersed to Newcastle many have solicitors in the south and retain them during their stay in Newcastle. However, concern has been expressed by a number of Newcastle voluntary agencies that give legal advice that there are some unscrupulous solicitors, operating outside of the North East, that raise expectations, charge large sums of money up front and do very little for the fee charged. This is particularly the case when clients have come to the end of their legal process, are desperate and therefore extremely vulnerable to exploitation.

### **Other legal representation**

The North of England Refugee Service (NERS) staff are all trained to level 2 of the Office of the Immigration Services Commissioner (OISC). This enables them to prepare cases upto the point of representing their clients in the Asylum and Immigration Tribunal. However, if they had a level 3 trained solicitor that can represent their clients in court they are sure that they could have successfully secured many positive decisions. NERS have an average of 4 or 5 people a day that have only 2 days left in which to lodge an appeal as they are often their clients last chance after being turned down by their solicitor. The Rights Project also have staff trained to OISC level 1.

## 16. Health sector

This section uses extracts from a briefing paper produced by Dr Paul Williams in May 2005 and a 'Resource Pack to help General Practitioners and other Primary Health Care Professionals in their work with Refugees and Asylum Seekers' Written by Dr A Carol Cheal and Dr Brian P Fine - Produced by the Refugee Health Team LSL - March 2005

### **What is the current situation?**

'Statutory Instrument 614' came into force on 1st April 2004. This made people who were not 'lawfully resident' in the UK liable for NHS hospital charges. 'Failed' asylum seekers have been particularly affected as they are now not entitled to any new NHS hospital (secondary) care unless they have an 'immediately necessary or life-threatening' problem, in which case they are treated and then charged, including for pregnancy. The only exceptions to this are certain infectious diseases including dysentery, food poisoning, malaria, measles, meningitis, mumps, rubella, salmonella infections, staphylococcal infections, TB and whooping cough.

The situation for primary care is ambiguous. According to Department of Health guidelines a 'failed' asylum seeker is no longer entitled to register with a GP. However, the same guidance also makes it clear that "GP practices have the discretion to accept such people as registered NHS patients".

### **Summary of services available to failed asylum seekers;**

**Primary Care (GP)** - Discretionary however, many GP's continue to treat them as registered NHS patients

**Primary Care (Walk-in centre)** - Ineligible, although they are eligible for urgent medical attention. Also it is not currently possible to identify patients as failed asylum seekers.

**Accident & Emergency** - Eligible, although could be charged.

**Secondary Care** - Eligible for treatment started before Refusal (negative decision).  
Ineligible for treatment started after final Refusal (negative decision).

### **Why were changes made?**

There is a perceived problem of 'health tourists'; people whose primary purpose in coming to the UK is to make free use of the NHS. Asylum seekers, by definition, are seeking protection in the UK from persecution in their countries of origin. Research has demonstrated no link between asylum seekers coming to the UK and any knowledge of the NHS. The Government, when invited by the Health Select Committee in February 2005 to submit data on health tourism, was unable to produce any evidence. The proposed changes to legislation would have the damaging effect of denying necessary health care to many thousands of failed asylum seekers and other adults and children whose primary purpose in coming to the UK was not to get free NHS care.

**Denial of care:** This will lead to large numbers of people living in the UK being denied access to health care as they will be unable to pay charges. Even if they are eligible many will not access health care as they will think that they will be charged.

**Unjust:** It is difficult to tell when an asylum claim has 'failed', as some cases may be subject to appeal or to judicial review. NHS staff have already reported people who are not failed asylum seekers being refused NHS treatment. Members of ethnic minorities or people seeking asylum (who are entitled to free NHS care) will be disproportionately affected.

**Prejudice:** The changes have led to confusion and prejudice among health staff, (due to being placed in a difficult position) undermining other initiatives to lessen inequality and improve access to care for disadvantaged groups.

**Judgement by unqualified staff:** It is only possible to determine whether or not someone has an 'immediately necessary or life-threatening' problem or an infectious disease by performing a medical assessment. Reception staff do not have the skills to make this determination, but are most likely to be the people turning away patients.

**Dangerous to health:** The notion that health problems fall neatly into those that are 'immediate' and those that are not is false. Many non-urgent problems may, if not managed correctly, result in serious illness. E.g. steroid inhalers are not always 'immediately necessary' in asthma, but without them an individual may become dangerously unwell. Correct management of HIV in pregnancy reduces mother to child transmission from 30% to < 1%.

**Professionally unethical:** Doctors and nurses have an ethical duty to provide care for their patients, based on assessments of medical need and no other criteria. They are not trained, or professionally inclined, to deny treatment to those in need of it. These proposals conflict with ethical codes of conduct governing health professionals.

**Prevention is better than cure:** It is economically nonsensical to deny cheap illness prevention but allow expensive emergency care when a condition becomes life-threatening.

**Irresponsible:** Asylum seekers move from lawful residency to an 'illegal' status if they fail to secure the right to refuge. Withdrawal of health care eligibility for such a vulnerable group without enforcing their leaving the UK demonstrates a failure to take responsibility.

**Violation of human rights:** they contravene the UK-ratified 'Covenant on Economic Social and Cultural Rights' which recognises the right to the highest attainable standard of health.



## 17. Social Services

Local authorities have no duty or power to provide for failed asylum seekers, however, Social Services authorities (the Social Care and Health Department) have duties to carry out assessments of need under community care legislation.

Where children are involved, Social Services have duties under child protection legislation. New legislation passed (Section 9 of the 2004 Act) has been published in Regulations but not yet implemented nationally. It gives NASS powers to withdraw support from families whose asylum claim has failed and who are judged not to be co-operating with voluntary return, (see page 19). It does not give the local authority any new powers. It places Social Services authorities in the position of having to decide policy regarding support following assessment of the children's needs and best interests. Should the children be taken into the care of the local authority because their parents are destitute? This has important moral and cost implications for local authorities.

The Local Authority still has a responsibility to provide for unaccompanied asylum seekers under the age of 18. Once they reach 18, asylum seekers with unresolved cases move into the NASS support system.

They also have a responsibility to provide accommodation and subsistence for 'failed' asylum seekers in need of 'care and attention' under **Section 21** of the National Assistance Act 1948. This is for those with needs 'over and above destitution' including asylum seekers with mental health issues, pregnant women and older people.

Newcastle Social Services have taken their responsibility under this piece of legislation very seriously and must be applauded for doing so as they have prevented many extremely vulnerable asylum seekers becoming destitute. However the council has come under some pressure recently due to the numbers of failed asylum seekers that have been supported under Section 21, often migrating from other parts of the region. An even distribution of responsibility across the North East region has not been taking place with other Local Authorities denying this support. This has led to a regional protocol being drawn up for an even dispersal of Section 21 support across the Local Authorities affected.

### **Regional Protocol - Assessing and supporting failed adult asylum seekers**

Whilst this initiative is welcomed to help the region as a whole take responsibility for those with needs 'over and above destitution' a number of concerns have been raised about its procedure. The following is an extract from a letter from Lindsay Cross, Principle Project Worker at The West End Refugee Service to the Members of the Health and Adult Services Scrutiny Panel at Newcastle City Council on 29th November 2005 raising her concerns over the Protocol.

*"Though we welcome the regional protocol to the extent that it addresses legitimate and justified issues around burden-sharing between local authorities in the north-east, we have serious concerns regarding its implementation, practicability and effect, and believe that if these concerns are not addressed extremely vulnerable people may be left destitute or, as feared by the signatories of the call in request, 'forced into illegal working or hiding.' Our concerns are set out in the following paragraphs.*

- 1. Will adoption of the protocol by Newcastle be contingent on its adoption by all other local authorities in the region? Failure of any one authority to sign up to it potentially would jeopardise its proper implementation, and result in destitute applicants falling through the net. Newcastle's adoption and implementation of the protocol should be conditional on region-wide agreement.*

2. Even assuming such agreement, to what extent can the protocol 'ensure that all authorities act in a consistent manner' (executive report, para. 1.1), particularly given (1) that 'There is no statutory definition of Destitute Plus' (protocol, para. 2.3), and (2) the less than impressive record of some north-east authorities that has led to the need for a protocol in the first place. Notwithstanding the guidelines in the document, there would appear to be ample room for different interpretations by different authorities - and again people could fall through the net. In adopting the protocol, local authorities should be required to raise their provision so as to be on a par with that of 'authorities with a reputation for "softer" approaches to assessments' (executive report, para. 1.1). The protocol will remain flawed if this requirement is not made binding.

3. A related concern is what happens when an applicant is referred back to the authority in which they are 'ordinarily resident', is refused support by that authority, and then re-applies to the council that referred them back? Would the latter authority, if following a more 'liberal' approach than the one where the person is 'ordinarily resident' and consequently considering the applicant to be eligible for support, then provide support? The protocol does not cater for such eventualities. Unless it does, we may see vulnerable 'failed' asylum-seekers caught up in an unseemly game of ping-pong between authorities. In this regard, we note that section 24(3) of the National Assistance Act empowers a local authority to provide accommodation to people 'in urgent need' despite their not being 'ordinarily resident' in the area - and hope that Newcastle and other councils adopting the protocol will make good use of this power.

4. In paragraph 2.3, the protocol states that 'In all cases medical evidence', in the form of a report or letter, 'should be sought from the applicant.' It does not say how provision of such evidence is to be financed. In our experience, a letter or report may cost £60 - money which the applicant by definition does not have, and which the voluntary sector is not (and should not be expected to be) in a position to provide. Unless this matter is addressed, will financing of reports put on an organised footing that ensures equality of access, applicants may face an insurmountable barrier.

5. We are concerned to read in paragraph 4.1 of the executive report that 'In addition, Newcastle Social Services are reviewing the implications of the new protocol on its existing failed asylum seekers population.' This appears to mean that the protocol will have retrospective effect, and suggests that people in the 'existing population' may lose out in some way. The city council must clarify what this review signifies, and give assurances that it will continue to support these people in the same way as now and not apply the protocol to their detriment.

6. Last but not least, we note that 'For the last 3 months' council staff in Newcastle 'have been following a process which reflects the ... protocol' (executive report, para. 5.1), and suggest that its formal adoption by the city be delayed until the results of this practice have been evaluated. There undoubtedly are lessons to be learned from this apparently informal application of the protocol. Similarly, we suggest that regular reviews of its use and effect be built into the protocol.

In addition to the above concerns a number of members of the Newcastle Citywide Asylum Seeker/Refugee Support Group raised the issue that the Protocol requires applicants to have first applied for Section 4 support. This can be a lengthy and slow process of anything up to 2 months before a decision is made. If the applicant is denied Section 4 support and then has to apply for Section 21 support it is possible that a period in excess of 3 months could have elapsed, during which the applicant is homeless and extremely vulnerable (by virtue of their application for section 21).



The Protocol has been the subject of a 'call in' meeting of the Council in January '06 to highlight the concerns raised and has been referred back to the Executive Committee to look at the issues discussed. During this time the implementation of this policy has been withdrawn. However, it raised the wider issue of consultation with all stakeholders when drawing up policy.

This issue was addressed by Tim Kell as The Chair of The Newcastle Citywide Asylum Seeker/Refugee Support Group in a letter to Nadeem Ahmad of NECARS\* on 28th Feb '06 about the Protocol of which a small extract can be found below;

*"The public appearance of the protocol in November last year came as something of a surprise to many in the refugee sector, the more so given the gravity of the issues involved. People had much to say about it, and in a sense were fortunate insofar as the document was the subject of political scrutiny, which offered opportunities for representations on the issue - opportunities that had not presented themselves while the protocol was being formulated. (The report by the Health and Adult Services Scrutiny Panel to the City Council on 11th January noted in paragraph 5.2 the panel's concern that 'no voluntary sector organisations who work with asylum seekers were involved in writing the protocol.')*"

The need for full and thorough consultation with those who are 'at the coal face' of dealing with the people who policy will effect most is vital. Without it procedure runs the risk of creating barriers to those that the very policy is trying to help and who better to help in this process than those who are dealing with the people the policy is drawn up to help including in this case Refugee Community Organisations and the voluntary sector.

It is clear that the voluntary sector has a vital part to play in this process. However, it is important that appropriate methods of engagement are found that they find accessible, as it is also recognised that many within the voluntary sector are so engaged in delivering their service that they have little capacity to contribute to a more strategic discussion about longer term issues of destitution.

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\* (NECARS) North East Consortium for Asylum and Refugee Support - In response to the Government's request to disperse asylum seekers from the South of England, the North East formed the North East Consortium for Asylum Support Services in May 2000. In May 2004 the name was changed to accurately reflect its work with refugee communities to the North East Consortium for Asylum and Refugee Support (NECARS). 'The Consortium' works in partnership with a host of public, private, voluntary and community organisations to promote the integration of asylum seekers and refugees within the region. This is supported by the financial assistance from the National Asylum Support Service (NASS).



## 18. Matrix of services

A survey was carried out between Oct and Dec '05 with the members of the Newcastle Citywide Asylum Seeker/Refugee Support Group to assess the services that they provided for asylum seekers that had been refused the right to remain in the UK. The table below gives a brief over-view of services available, however, the response to the survey was low and therefore the summary below is not a complete list of all services available.

	The Rights Project	Asylum Seeker and Refugee Project	Children North East: Newcastle Supporting Families	EAASSG (Common Ground)	Comfrey Project	African Community Advice N. E.	Asylum Seeker Health Team (NPCT)	NCH Families First	Newcastle Victim Support	Steps Forward Mentoring Project	Newcastle Advocacy Centre (NCVS)	Sure Start Armstrong	Your Homes Newcastle ASU	West End Refugee Service	North England Refugee Service	The Hub (Westgate Baptist Church)
Informal housing advice				X		X			X						X	X
Short term housing (less than 3 months)																
Long term housing (more than 3 months)																
Financial support				X					X					X		
Food (ready to eat)				X	X				X					X		X
Uncooked food to take away (tins packets etc)				X										X		
Clothing				X								X				
Rights advice														X	X	X
Health advice/care							X					X	X	X		
Legal representation																
Help with English										X						
Drop in / place to go						X						X				
Other comments/ services																Plus other general signposting
																Plus financial assistance for transport for in -country asylum claims
																Plus counselling and befriending
																Signposting (usually to NERS) advice on options available
																Mainly for women with children under 4 years or who are pregnant
																Working with people from Iran and DRC - health and social care
																General signposting & accompany clients to solicitors, hospital etc
																Training e.g. First Aid – Mentoring Service to Young People 16 -25
																Home visits to provide emotional and practical support
																African friendship support, translation (members only), IT skills
																Relaxed supportive groups meeting on allotments & other venues
																Signposting re housing, health, legal, English Language etc
																Signposting/support to access all of the above via specialist services
																Signposting, accompanying people to meetings and befriending

## 19. Networks of support

Below is a list of the main support groups for organisations working with destitute asylum seekers both locally and nationally.

### **Newcastle Citywide Asylum Seeker/Refugee Support Group**

The support group is an informal inter-agency forum that brings together a wide range of bodies that work with, and are concerned with the welfare of, asylum-seekers and refugees living in the City of Newcastle upon Tyne. The membership presently stands at nearly 60 individuals, representing over 40 different bodies in the voluntary, community, faith, statutory, and private sectors. (More than half the 40 are voluntary/community/faith sector organisations, and the statutory sector membership includes local authority and health service bodies.) The group provides opportunities for information sharing and networking, and lobbies on issues of concern at both local and national level. It is convened by The Rights Project, a voluntary sector welfare rights advice organisation in the west end of Newcastle.

### **Regional Refugee Forum**

Refugee led Community Organisations (RCOs) play a unique and vital role in promoting the integration of their communities. However, they experience isolation or marginalisation from the process through which policies and services are developed, and from genuine partnerships that would support their role. The Forum unites the region's RCOs. Through acting collectively they can increase their influence. As members of the Forum their expert knowledge and evidence on the needs of their communities, and what works best, is produced as their Collective Voice. That Voice can be heard by all those who perform a role in integration, and who work on a range of social policy issues including regeneration, inclusion, community cohesion, and diversity. There are 15 member groups operating in Newcastle and the Forum is developing 2 sub groups looking at issues of destitution; 'Policy and Practice' and 'Housing'.

### **North East Christian Refugee Network**

A recently formed group that seeks to co-ordinate, encourage and share best practice with Christians that are involved with helping asylum seekers and refugees in the North East of England. Many Churches are experiencing asylum seekers coming to their meetings and this group is a forum for supporting one another as in turn each member supports asylum seekers, either in a professional or voluntary capacity. The group has also undertaken some awareness raising events and a number of its members were involved in organising the recent Bishop's Breakfast Briefing in conjunction with 'Church Action on Poverty' and the Bishop of Newcastle upon Tyne.

### **Tyneside Community Action for Refugees (TCAR)**

TCAR is a new network of groups and individuals who have united to raise awareness of the situation of people seeking asylum and campaign for changes in the way they are treated. The network believes in human rights for all and is united around the following principles:

For:

- for Britain to uphold its commitments under the 1951 UN Geneva Convention.
- the right of asylum seekers to work. No to forced labour.
- a just and fair legal process for asylum seekers
- decent housing, income and welfare rights for all.
- the right of asylum seekers and their communities to self defence, e.g, for the right to physically resist being forced onto a plane, or to resist 'snatch squads'

Against:

- the persecution of people on the grounds of race, nationality, religion or politics
- the scapegoating and criminalisation of asylum seekers
- racist immigration controls
- forced deportation, detention and dispersal of asylum seekers
- attacks on legal representation of asylum rights

TCAR is run by volunteers and meets fortnightly to plan campaigns and events based around these principles.

### **Refugee Council**

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. They not only give help and support, but also work with asylum seekers and refugees to ensure their needs and concerns are addressed. The Refugee Council's work includes:

- > giving advice and support to asylum seekers & refugees to help them rebuild their lives;
- > working with refugee community organisations, helping them serve their communities;
- > caring for unaccompanied refugee children to help them feel safe and supported;
- > offering training and employment courses to enable asylum seekers and refugees to use their skills and qualifications;
- > campaigning and lobbying for refugees' voices to be heard in the UK and abroad keeping them high on the political agenda and discussed in the media;
- > producing authoritative information on refugee issues worldwide, including reports, statistics and analysis.

### **Enabling Christians Serving Refugees (ECSR)**

The ECSR group developed in response to feedback from Christians across the UK who are working on either a voluntary or professional basis with asylum seekers and refugees. Many have expressed a desire to be linked up with each other to share learning, receive support, while also being able to access appropriate resources. ECSR exists to assist and equip Christians to express God's love in practical and informed ways to asylum seekers and refugees in the UK. To achieve this aim the group seeks to provide:

- > A focal point to access information and resources to be better equipped to serve asylum seekers and refugees;
- > Provide support and encouragement between likeminded Christians;
- > To improve co-ordination around the country between Christians and churches who support asylum seekers and refugees in their communities.

### **National Coalition of Anti Deportation Campaigns**

NCADC is a voluntary organisation, which provides practical help and advice to people facing deportation on how to launch and run anti-deportation campaigns.

They provide objective and confidential advice on all pros and cons of campaigning work and if you decide that campaigning is right for you they can help you with designing leaflets, organising your first campaign meetings, writing letters and petitions etc. NCADC also provides advice and assistance with the media and preparing press releases and they support public events organised by each campaign.

### **Refugee Action**

Refugee Action has over 20 years' experience in the reception, resettlement, development and integration of asylum seekers and refugees. Refugee Action's Asylum Advice teams provide a reception service for newly arrived asylum seekers, as well as advice and advocacy. The Choices service provides independent advice to asylum seekers considering returning voluntarily to their country of origin. Refugee Action's community development workers promote the development of refugee communities. The organisation also run innovative projects to enhance opportunities for refugees and asylum seekers.

### **Church Action on Poverty**

Church Action on Poverty is a national ecumenical Christian social justice charity, committed to tackling poverty in the UK. It works in partnership with churches and with people in poverty themselves to find solutions to poverty, locally, nationally and globally. Their main activity this year is the 'Living Ghosts' campaign that seeks to raise awareness of destitution of failed asylum seekers and campaign for policy change to end this social injustice.

**Other organisations** such as The British Red Cross, Amnesty International, Barnardo's and Oxfam have all got involved in issues to do with the destitution of asylum seekers and related issues.

## 20. A growing voice of concern

This is not just an issue for Newcastle as the problems highlighted by this report are being mirrored in every city that has had asylum seekers dispersed to it. This has led to a raft of reports, research and writings on the subject both looking at the issue from a local and national perspective. Below are some extracts from a small selection of some of these voices of outrage and concern.

**'Destitution of Asylum Seekers and Refugees in Birmingham'** - Richard Malfait and Nick Scott-Flynn - May 2005

*"I have moved from one prison to an even bigger one"* (Destitute asylum-seeker in Birmingham, Feb 05)

*"we would estimate that there are between 1-2,000 destitute asylum-seekers and refugees in Birmingham. We would also suggest a working figure of not less than 50 destitute asylum-seekers and refugees presenting themselves in need of accommodation each week. However what is clear is that no one has an overview and there is no proper system for recording and collating information across the city".*

**'A report of Destitution in the Asylum System in Leicester'** - Leicester Refugee and Asylum Seekers' Voluntary Sector Forum - June 2005

From January 17th to February 18th 2005 a partnership of 6 organisations from the Leicester Refugees and Asylum Seekers' Voluntary Sector Forum and the Local Health Service Project surveyed the numbers of destitute asylum seekers and refugees that came asking for help and assistance. All those surveyed were without any form of sustainable regular support. This report looks at the reasons for that; notably the cuts in Legal Aid and the strict conditions that are attached to the only form of support that is available. It presents the data and the analyses that were drawn from it.

These were mainly:

- > 253 visits were made to the 7 organisations during the one month period surveyed
- > 168 people were surveyed as being destitute in the month survey
- > 37% of people were assessed as being of high vulnerability, with poor health and personal circumstances
- > 70% of people were destitute because their asylum claims had ended or they were not able to continue their asylum case
- > 19% had slept rough at some point during the survey
- > 18% of the clients had dependents (children or adults) they were responsible for

**'Destitution of Asylum Seekers in Leeds'** - Leeds Destitution Steering Group - Jan '05

Below are some estimates taken from this report:

- > Of the asylum seekers currently living in Leeds, over 800 will become destitute and not be removed from the country
- > Over a one-year period there could be 1,650 newly destitute and non-removed asylum seekers in Leeds
- > In previous years the number of asylum seekers made destitute and non-returned is likely to have also been high
- > Within the last 6 months there have been 300 asylum seekers with unsuccessful asylum claims leaving NASS support in Leeds.

Church Action on Poverty (see page 45 for more details) launched a statement during Refugee Week 2005, as part of their 'Living Ghosts' campaign, for church leaders to show their outrage at the government system that leaves some asylum seekers totally destitute in the UK. An open letter signed by over 50 church leaders, including the new Archbishop of York, John Sentamu, was published in the Times on 3 December - the same day that over 180 people attended a Living Ghosts conference organised by CAP and the Enabling Christians in Serving Refugees Network, held in Manchester. Below is an extract from the letter;

*"We believe that it is inhuman and unacceptable that some people seeking asylum are left homeless and destitute by government policies. Every city has people destitute or living on food parcels because they have no means of support. We support Church Action on Poverty's call to change the policies that make refused asylum seekers destitute."*

A full copy of the letter together with the signatories to the statement can be found on page 56 at Appendix 2

**Refugee Council** - Maeve Sherlock, Refugee Council Chief Executive asks why destitution has become a tool of public policy for those seeking asylum in the UK.

*"Yet destitution has become a tool of public policy in the case of asylum as can be seen only too clearly in another policy that is just beginning to bite. This policy is called 'Section 9'. Under this rule, families who have failed in their claim for asylum can have their benefits removed and the children taken into care. The thinking behind the policy is that it will encourage desperate families in this situation to "change their behaviour" and agree to go back to the countries from which they have fled. Predictably, in pilot projects around the country this has not happened except in a tiny proportion of cases - instead families threatened with the removal of support and with the prospect of losing their children have disappeared. Goodness knows how they are managing."*

**Bail for Immigration Detainees and Asylum Aid** produced a report in April 2005 called Asylum and Immigration Legal Aid - a System in Crisis. In it Sir Bill Morris says;

*"When the cuts in legal aid for asylum work were proposed in Autumn 2003, many people and organisations - including Asylum Aid and Bail for Immigration Detainees - opposed them vigorously on the grounds that they would deny asylum seekers the help they need to negotiate the legal minefield of the UK asylum process. These concerns were ignored at the time, but have since proved to be all too accurate. The cuts were imposed in April 2004, since when the claims and appeals of many asylum seekers have been rejected without ever having their stories heard, let alone properly considered and assessed. Simultaneously, the asylum sector has haemorrhaged able and experienced lawyers and caseworkers, no longer prepared to work under the restrictions and constraints imposed by the Government."*

**Dr Paul Williams writes in the British Medical Journal in July 2004;** *"There is not hard evidence that health tourism exists, and plenty of evidence that failed asylum seekers are desperate and needy, and have physical and psychological health needs. To systematically deny them health care is unnecessary, unethical and impractical"*.





## 21. Personal Stories

The following stories are taken from interviews that took place with asylum seekers that are currently being supported by the West End Refugee Service, Arthers Hill. They do not focus on the detail of their asylum claim, rather the reality of life having received a negative decision on their case and the hardships faced by this situation. However, the first interview is with a support worker at WERS who describes how he is confronted daily with the devastating consequences of destitution.

### Support Worker

A. Well, there's er when you see clients, mostly when they come here they are really desperate. They want to speak to someone about their problems, because otherwise many are thinking even to end their lives y'know. But when they find somewhere where they come and release a bit by speaking about their problem and get supported either by comfort them or by trying to give them hope or something, calling a solicitor trying to say 'well, you're homeless now' but this maybe will change tomorrow, let's ask the solicitor, gain advice, give them hope, keep them living. Of course they can't go back to their countries. Some of them say 'well how can I go back to my country, if I go there they are going to kill me. I had this problem and this problem when I left, I had this person who died, I had this person who died'. Even those who have been sent back, we don't know where they have gone y'know. It's quite difficult for people, very very difficult. Even recently there is a proposition for people who are going voluntarily back, in Africa, mostly they are very happy to get this three thousand (pounds) and want to go voluntarily back. It's a lot of money in Africa, with three thousand you are considered a rich man, so people would jump on this and go back to their country if it was just for economic reasons. We realise the money there, money which could make their lives change in their country, but they still fear, they still fear this.

A. They would rather live here with very little and security, yeah they are homeless, they don't get support, but no one will shoot him in the street with a bullet, he is free. He can even go to college because ESOL courses are free, mostly don't speak English so they give themselves encouragement by doing ESOL classes and say 'while I'm here let me try and learn English. I may be able to explain to people my problem better in their language'. People are very concentrated on ESOL classes because of difficulties and this is a huge barrier. Even their cases mostly fail, probably because of interpreters, of not knowing what question was being asked and the result is that they don't believe the story; mostly 'we don't believe your story'.

Q. What are the desperate measures some people resort to?

A. Well, hanging themselves. This is the world, hanging themselves. Those who are arrested by immigration and detained, end their lives. At the last moment they say 'now they're going to deport me' and kill themselves. We got the news that a previous client has hung himself in detention. Shocking. When you know what he told you was really true, but no one would believe him.

### Asylum Seeker 1

Q. How do you survive every week, what are you given when you come here? (WERS)

A. When I come here, they just give me ten pounds and some food. When I get ten pounds, I keep three pounds for the bus for next week to come back. Then I spend to buy something for baby.

If I am able to work, I wouldn't come here to get ten pounds, to ask ten pounds because ten pounds isn't enough for one week. I would like them to give me permission to work, to take care of my family.

Q. Are you forced to do things that you do not want to do?

A. Yes it's true because some girls here, I know some girls here, they may go to nightclubs to find men to give them money because they don't have anything. Me, I can't do that because I am a Christian, I can't do that, I just pray.

## **Asylum Seeker 2**

Q. What would happen to you if you did go back?

A. Where?

Q. To Ethiopia

A. All my life it's difficult; for my life it's not safe. If I go, maybe they will kill me, I don't know. I will not go anymore.

Q. What are the things you do not want to do?

A. I don't want to, like, I don't want to go with someone, somebody's house. I don't like to go to any of my friend's houses, nobody is happy. I stay maybe just one or two days, after that they are not happy, but I like to say, if I have support, it's alright, even if I don't have support. If the Government would give me a work permit, that's fine.

Q. So you would like to work?

A. Yeah, of course. It is better for me. If I have work, I will not do anything, I will not go in the road. I will not sleep in the bus stop, I will not go anywhere. You understand?

Q. Ok. What sort of work would you like to do?

A. Anything. Or if I have support, I'd like to go to college.

Q. How do you feel about your life here?

A. It's very hard, my life is not happy. Even I can't sleep, I go to hospital, they give me medicine for a month, to help me fall asleep. Even when I take it, I do not sleep well, because I go somewhere for two hours to rest...very bad. Even if I have change, I don't want to leave England. In the beginning I came with an agency, the agency told me to go to Canada. When we arrived here they said: 'it is UK and you can apply for Asylum. For you, your life will be safe. I asked Asylum and after nine months they refused me. So, after that it is too difficult for me all year, my feelings are not happy. All the time I am crying, I was crying even last time I was sleeping outside, I was very cold. I came here and they helped me, there was Night Stop or something like that to go sleep for three days, but I don't like to sleep there. If they look at me in the road, they don't care. At midnight I'm there, I'm waiting, I am alone, I am still in the bus stop, I'm sitting. They don't want to ask me, so I feel bad, very bad.

Q. What are your hopes for the future?

A. I don't know the future. I go to my solicitor, she says: 'Today, tomorrow, today, tomorrow' six months ago. So I don't know the future, after this time I don't know where I will go, what I eat, where I sleep, even I don't know. Even today now, I don't know.

**The following stories are taken from interviews that took place with asylum seekers that are currently being supported by The East Area Asylum Seekers Support Group at Common Ground, Walker.**

### **Asylum Seeker 3**

Firstly, ah, firstly I am not comfortable in my position. To wait everything to somebody all my life, to depend on someone, the mood of somebody. Then I be depressed many time, I be under medication, because I always know that I have something I can do to help myself, to help people as well. I can be useful for England because I am not a lazy man or have nothing in my head. I can work hard as everybody, but the way I have to wait and the charity they have to give me, the clothes, the people to give me some expenses, people to help me, for food. I feel more depressed, I'm like a child, very very very difficult life. More than that, I am not happy to come and sit in the street here, so far every day. If I'm here, it is because I am fearing for my life, when you fear for your life, if you have to go somewhere or you are not comfortable, but your life is safe, you prefer it. Nothing is of value more than life. If you have to advise the Home Office, I just tell them that maybe they keep people alive, but they have to be careful because everybody is not lying. I am not a liar, I am not. They have to be careful for the case, before thinking people are liars.

### **Asylum Seeker 4**

A. I want human rights to be equal for everybody. Like me, I am not a prostitute, I'm a Christian, but sometimes I do something I don't want to survive. This is not fair, I lose my personality, this is not fair, not fair. If they can see all this, it will be better for everybody. Human rights are not just for some.

Q. What would you like to see happen for your future and for the future of people in similar situations?

A. I hope the Government can give the paper for the people, who have been here for a long time. Like me, who has been here for seven years. If I go back, I've lost everything, if I go back it will be difficult for me, so they must think about all this to help the people like me. There are a lot of people in the same situation, I hope they can look at the case for people like me, I haven't got a solicitor. If you haven't a solicitor, you cannot hope for more. Who is going to represent your case? So I haven't a solicitor because I am not allowed to have a solicitor. I think this is not fair, if you haven't a solicitor you can't do anything. They catch your hands, the solicitor must represent you but you are not allowed one, what can you do?

I want to say thankyou to first to Common Ground because the help they give is not a lot, but is a lot for us, because sometimes we haven't a pound. If you go to take ten pound, it is a lot, very lot for us, so I want to say thankyou to them and all the help and I hope that by my voice, a lot of things can be changed for human rights, because I am human. The help they give to humans can be for me and for the people like me, not just for the few, so I think through my voice a lot of things can be changed.

Note: A short video has been made recording these interviews that could be made available on DVD for the purposes of raising awareness of these issues. For further information contact [julian.prior@opendoor-ne.org](mailto:julian.prior@opendoor-ne.org)



## 22. Conclusion and recommendations

### Problems

1. People are ending up destitute rather than "volunteer" to return to a life of fear and potential persecution. They are disappearing in their thousands, with no idea of how many of them there are in the country. If they are lucky they stretch the hospitality of friends. Otherwise they often end up on the streets, getting sicker - both physically and mentally. The whole of UK society bears the social and economic costs of this.
2. The current situation is forcing people into the illegal and informal economies, sexual exploitation and crime. The social and economic costs are felt by the whole of society.
3. Many refused asylum seekers are in fear of return, still unhappy with the adjudication process and do not have sufficient access to legal support. They cannot be expected to cooperate with a "voluntary" returns policy - they may be signing their own death warrant and making their story a lie. Few people are likely to easily agree to go back to the country they have been consistently making the case for fleeing.
4. Women seeking asylum often face extra problems in making and progressing with their asylum claim. For example, the use of rape or other sexual abuses may not be recognised as a weapon of war or persecution, and women may be unwilling to recount their experiences to immigration officers, often male, and often in front of their children.
5. The British government is hampering our national and cultural development by stopping asylum seekers contributing to our economy, which is continuing to age. The illegal economy undercuts the legal (and protected) workforce.
6. Much of the reporting of asylum issues in the media has generated a very negative view of asylum seekers which is often based on myth and misrepresentation and can lead to racial tension, unrest and discrimination.

### Solutions

1. Give people seeking asylum the right to paid employment while they are in this country.
2. If they are unable to work give access to NASS support for as long as they are in the UK.
3. People seeking asylum under the Geneva Convention need full and fair hearings, with adequate legal representation at all stages of their asylum claim.
4. There should be no link between asylum status and health care entitlement. Free NHS care should be provided until someone is removed from the UK.
5. Fair, accurate and impartial reporting of the issues from all sides required in the media.
6. Full and thorough consultation with all stakeholders when drafting policy

### Benefits

1. Continued NASS support and housing enable the Government to keep track of where people are and how many asylum seekers are on this island. This is useful for tax and security reasons as well as aiding removal.
2. The number of homeless and rough-sleeping is considerably reduced, as is the massive burden on refugees with status.
3. Restricting access to NASS support does not reduce the number of people seeking asylum. People come because of the situation in their home country, rather than the reception standards or benefits.
4. Working migrant households make a net financial contribution to the economy keeping the UK economy highly profitable. Our pensions system needs this. There is a national shortage of workers ranging from the unskilled (doing jobs many of us don't want to do) to the highly skilled (eg teachers, nurses, doctors, specific construction trades).
5. Inward migration continues to help make Britain one of the most cosmopolitan and tolerant places in the world. Politicians and the media can help build or destroy this value.

## Appendix 1 - Glossary of terms

This section is taken from the Leicester Refugee and Asylum Seekers' Voluntary Sector Forum's report called "A Report of Destitution in the Asylum System in Leicester" June 2005.

The following terms are used within the report to classify different groups within the asylum system as well as European nationals with similar needs.

### **Asylum Seeker**

'Asylum seeker' is the legal term for a person who has arrived in the UK and has made a claim for asylum. Someone continues to be an asylum seeker until their claim for asylum is fully determined (when a final decision is made following appeals). This can be from a few months to several years.

### **Refugee**

The term Refugee is used in this report to describe a person in the UK who has been given a positive decision on their asylum claim and has been granted a type of 'Leave to Remain' or 'Protection'.

[Refugee can also be used as a generic term in the International arena and to include all those who have fled their country for reasons of persecution, as outlined in the 1951 UN Convention on the Status of Refugees. Refugee Status is also a legal form of status that is usually granted alongside particular types of 'Leave to Remain' decision but not with all types. Some people may not receive Refugee Status until a number of years after their decision.]

### **Destitution**

The definition of destitution is variable. The Oxford English Dictionary defines destitution as 'The state of being extremely poor and lacking the means to provide for oneself'. For the purposes of this report, we have assumed destitution to be: 'the lack of any reasonable statutory support mechanisms, resulting in the need of an individual approaching Charities, Faith groups, Communities and Voluntary Groups to get help and assistance in accessing some form of daily basic support'.

This report has assumed that readers are familiar with the basic Immigration and Asylum structures and use of terms and definitions. However, some readers new to the field may find it helpful to refer to this section when there is something requiring previous knowledge.

The **Home Office** is the section of Government responsible for Immigration and Asylum.

**Immigration and Nationality Directorate (IND)** is the department of the Home Office responsible for overseeing the granting of asylum decisions and visa applications.

**National Asylum Support Service (NASS)** is the department of the Home Office responsible for administering support for asylum seekers, from the moment of application until a positive decision or final negative decision.

**Dispersal** was the name given to the programme of moving asylum seekers to different local authorities around the UK started in 1999.

**RCO** - Refugee Community Organisation, led by refugees (or asylum seekers) for refugees (or asylum seekers).

**Voluntary Assisted Return and Reintegration Programme (VARRP)** [or 'Voluntary Return'] is a Government scheme that provides funds for return, skills training in preparation for return and set up business grants for use in the country of origin of the returnee. The scheme is administered by IOM.

**International Organisation for Migration (IOM)** is an independent non-governmental organisation that operates around the world to facilitate migration including return. The Government grants them 100% of funds required to administer the VARRP programme from the European Refugee Fund.

A **Human Rights** claim is an application to stay in the UK under the European Convention on Human Rights (ECHR). It is different to an application for asylum made according to the UN 1951 Convention.

**In country** is a type of asylum claim made once a person has entered the country, as compared to a Port of Entry applicant where they may see an Immigration Officer as soon as they arrive into the country.

### Statement to end the destitution of people seeking asylum

"Do not neglect to show hospitality to strangers, for by doing that some have entertained angels without knowing it" Hebrews 13:2

*We believe that it is inhuman and unacceptable that some people seeking asylum are left homeless and destitute by government policies. Every city has people destitute or living on food parcels because they have no means of support. We support Church Action on Poverty's call to change the policies that make refused asylum seekers destitute.*

*As a society we have international moral and legal responsibilities to welcome those fleeing adversity from other parts of the world and provide social security. But the threat of destitution is being used as a way of pressuring refused asylum seekers to leave the country. There are many people seeking asylum who have their cases refused but have no safe route to return or whose travel documents cause logistical problems for removal. There are also many cases where people are unjustly refused asylum.*

*All those within our borders - including people seeking asylum - should have the opportunity to help themselves and society through paid employment. Where this is not possible people seeking asylum, whatever their status, should be given the necessary rights to "food, clothing, housing and medical care and necessary social services" (UN Declaration of Human Rights).*

*Refused asylum seekers are still human, and deserve to be treated the same, as we would expect if we had to flee to another country. We should offer the respect to our neighbours that we expect ourselves. This is at the heart of the Christian faith, and of many other religions.*

*We therefore call on the Government to allow people seeking asylum to sustain themselves and contribute to wider society through paid work, and where this is not possible, to re-instate 'refused' asylum seekers' entitlement to benefits until such time as they may be removed.*



## Statement for the end of the destitution of people seeking asylum: Signatories to date

### **Baptist Union**

Dr Patricia Margaret Took  
Team Leader London Baptist Association  
Ernie Whalley & Graham Brownlee  
Regional Ministers, Yorkshire Baptist Association

### **Church of England**

Rt Rev Dr John Sentamu  
Archbishop of York  
Rt Rev Peter Selby  
Bishop of Worcester  
Rt Rev Dr Michael Nazir-Ali  
Bishop of Rochester  
Rt Rev Dr Peter Forster  
Bishop of Chester  
Rt Rev John Packer  
Bishop of Ripon & Leeds  
Rt Rev John Gladwin  
Bishop of Chelmsford  
Rt Rev Jack Nicholls  
Bishop of Sheffield  
Rt Rev John Saxbee  
Bishop of Lincoln  
Rt Rev David Hawtin  
Bishop of Repton  
Rt Rev Dr John Inge  
Bishop of Huntingdon  
Rt Rev George Cassidy  
Bishop of Southwell  
Rt Rev John Pritchard  
Bishop of Jarrow  
Rt Rev David Rossdale  
Bishop of Grimsby  
Rt Rev Stephen Venner  
Bishop of Dover in Canterbury  
Rt Rev Michael Bourke  
Bishop of Wolverhampton  
Rt Rev Lindsay Urwin  
Bishop of Horsham  
Rt Rev Laurie Green  
Bishop of Bradwell  
Rt Rev Nigel Stock  
Bishop of Stockport  
Rt Rev Paul Butler  
Bishop of Southampton  
Rt Rev Stephen Oliver  
Bishop of Stepney  
Rt Rev Dr Alan Smith  
Bishop of Shrewsbury  
Rt Rev Michael Langrish  
Bishop of Exeter  
Rt Rev Stephen Lowe  
Bishop of Hulme  
Rev Canon Adrian B Slade  
Bishop of Gloucester's advisor

### **Church in Wales**

Most Rev Barry Morgan  
Archbishop of Wales  
Rt Rev C Cooper  
Bishop of St David's  
Rt Rev Anthony Crockett  
Bishop of Bangor

### **Church in Ireland**

Most Rev Dr Robin Eames  
Archbishop of Armagh

### **Methodist Church**

Rev Tom Stuckey  
President of Conference & Chair, Southampton District  
Rev Alison Tomlin  
Chair, Oxford & Leicester District  
Rev David Emison  
Chair, Cumbria District  
Rev Peter F Curry  
Chair, Wolverhampton & Shrewsbury District  
Rev Leo Osborn  
Chair, Newcastle District  
Rev Michael J Townsend  
Chair, Leeds District  
Rev Barbara Bircumshaw  
Chair, North Wales District  
Rev John Carne  
Chair of Plymouth & Exeter District

### **Roman Catholic Bishops**

Most Rev Mario Conti  
Archdiocese of Glasgow  
Most Rev Patrick Kelly  
Archbishop of Liverpool  
Rt Rev Patrick O'Donoghue  
Bishop of Lancaster  
Rt Rev Kevin Dunn  
Bishop of Hexham & Newcastle  
Rt Rev Christopher Budd  
Bishop of Plymouth  
Rt Rev John Crowley  
Bishop of Middlesbrough  
Rt Rev Edwin Regan  
Bishop of Wrexham  
Rt Rev Terence Brain  
Bishop of Salford  
Rt Rev Arthur Roche  
Bishop of Leeds

### **United Reformed Church**

Revd Elizabeth Welch  
Moderator West Midlands Synod  
Rev Terry Oakley  
Moderator East Midlands Synod  
Rev Roberta Rominger  
Moderator Thames North Synod  
Wendy Cooper  
Church & Society United Reformed Church

### **Scottish Episcopal Church**

Most Rev Bruce Cameron  
Bishop of Aberdeen & Orkney

### **Racial justice/ Refugee agencies**

Revd Myra Blyth  
Moderator, Churches Commission on Racial Justice  
Rev Robert Wiggs

Brentwood Diocese Refugee Project

### **Churches Together in Britain & Ireland, co-presidents**

Sister Eluned Williams (Methodist Church)  
Rev Nezlin Sterling (National & International Secretary,  
New Testament Assembly).

22 December 2005

### Appendix 3 - References and further reading

1. **'A paper on the situation of destitute asylum seekers in the North East of England'** by John Rogers Associates - June 2005
2. **'Returning failed asylum applicants'** - House of Commons Committee of Public Accounts - Thirty-fourth report of session 2005-06 - 14th March 2006
3. **'Destitution of Asylum Seekers and Refugees in Birmingham'** - Richard Malfait and Nick Scott-Flynn - May 2005
4. **'A report of Destitution in the Asylum System in Leicester'** - Leicester Refugee and Asylum Seekers' Voluntary Sector Forum - June 2005
5. **'Destitution of Asylum Seekers in Leeds'** - Leeds Destitution Steering Group - Jan '05
6. **'Hungry and Homeless - The impact of the withdrawal of state support on asylum seekers, refugee communities and the voluntary sector'** - Refugee Council - Apr '04
7. **'Poverty and Asylum in the UK'** - Oxfam and the Refugee Council - 2002
8. **'Refugee Council Impact Report 2004-05'** - Refugee Council
9. **'Inhumane and Ineffective - Section 9 in Practice'** - Refugee Council and Refugee Action - Jan '06
10. **'Voluntary Sector Support for Refugees and Asylum Seekers'** - Newcastle Health and Community Care Forum - Report of a conference held on 2nd July 2004
11. **'NASS - The provision of accommodation for asylum seekers'** - National Audit Office - 7th July 2005
12. **'The forbidden workforce'** - Refugee Council - March 2005
13. **'A humane service for global citizens'** Report on the South London Citizens Enquiry into Service Provision by the Immigration and Nationality Directorate at Lunar House. 2005
14. **'Asylum and Immigration Legal Aid - a System in Crisis'** Bail for Immigration Detainees and Asylum Aid - April 2005  
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15. **Asylum Statistics for the North East - as at Dec '05'** North East Consortium for Asylum and Refugee Support
16. **www.arrivalpractice.com** - various documents including;
17. **'Failed asylum seekers and access to free health care in the UK'** - Lancet 2005
18. **'Why failed asylum seekers must not be denied access to the NHS'** - BMJ 2004

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Reference:

GA7/66325

Port Reference:

is applied for asylum in the United Kingdom  
 ation. The applicant may not take employment  
 already permitted to do so. Any application to take  
 be accompanied by this acknowledgement which will  
 apply to the Home Office for such permission to take  
 cation has not been resolved within six months.

Family name

JAMES

ERIC

Date and place of birth

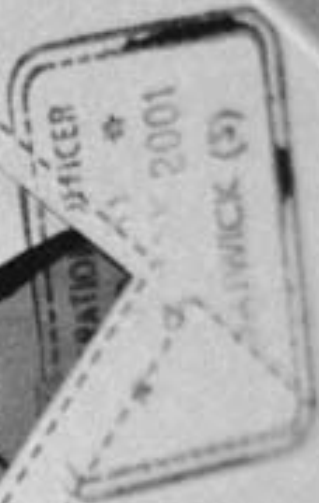
12-01-1974

WAND

Place of arrival

23-01-1974

WAND



Dsy Stamp





The CastleGate,  
Melbourne Street  
Newcastle upon Tyne  
NE1 2JQ

T: 0191 233 2288  
E: [julian.prior@opendoor-ne.org](mailto:julian.prior@opendoor-ne.org)  
[www.opendoor-ne.org](http://www.opendoor-ne.org)

Registered Charity number 1099865

Registered office: Open Door North East, Hope House, 1 Grange Road, Middlesbrough, TS1 5BA