A photograph of a person walking away from the camera on a city street. The person is wearing a dark jacket with a white diagonal stripe and a white hood. The street is lined with buildings, some with closed shutters. A sign for 'ETERNAL LIGHT' is visible on the right. The image has a red tint.

# TRAPPED: DESTITUTION AND ASYLUM IN SCOTLAND

Research Report: Morag Gillespie, September 2012

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***Scottish Poverty Information Unit***

SPIU believes that poverty is caused by the unequal distribution of opportunities and resources rather than the lack of resources in society. SPIU works with others committed to eradicating poverty in Scotland by doing robust policy analysis, quality research and knowledge exchange. SPIU works in partnership towards the goal of reducing poverty and extending social justice.

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**Front cover:** Photograph by Becky Duncan at [beckyduncanphotography.com](http://beckyduncanphotography.com)

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## **List of Abbreviations**

BRC	British Red Cross
COSLA	Convention of Scottish Local Authorities
MIS	Minimum Income Standard
NAM	New Asylum Model
NASS	National Asylum Support System
NI	National Insurance
PAIH	Positive Action in Housing
RST	Refugee Survival Trust
SHSH	Still Human Still Here
SPIU	Scottish Poverty Information Unit
SRC	Scottish Refugee Council
UKBA	UK Border Agency
UN	United Nations

## EXECUTIVE SUMMARY

***“Everything is worse and worse if you don’t have money.”***

***“I have no power, I can’t wash my clothes, I can’t cook.”***

These are the words of destitute people living in Scotland. They are refused asylum seekers whose destitution is no accident: denied financial support and banned from working, they have no legitimate means of support. Recent UK asylum reform has included restrictions on the right to work, changes to housing support, reductions in welfare support and tight timescales that apply at key transition points.

Section 95 support is paid to asylum seekers who have submitted their asylum claim using an Application Registration Card to collect cash from a Post Office. At present, families with children usually keep Section 95 support until they are either granted refugee status or, if refused asylum, until they leave the UK, but:

- People with no children who are refused asylum, lose Section 95 support 21 days after the final refusal of their claim. A few get Section 4 support if they are destitute and willing but unable to return to their country of origin. Section 4 support is paid in specific circumstances to destitute people refused asylum. It includes accommodation which must be allocated before a voucher card is issued for use in specified stores. The person gets no cash.
- Most asylum claims are refused initially (68% in 2011), but a lot of appeals succeed (26% in 2011) (Home Office, 2012a), questioning the quality of initial decisions
- Once granted status, refugees have 28 days to claim mainstream benefits and find other accommodation, a prohibitively tight timescale
- Asylum support rates are below most poverty measures but, with no income, destitute asylum seekers fall below even the UN global poverty target of \$1.25 a day, primarily aimed at developing nations rather than some of the richest in the world.

Destitution and homelessness affect people across the asylum process, often due to procedural errors and delays, exacerbated by cuts to mainstream and asylum services. But, asylum seekers can be trapped in destitution and homelessness for years, often with no realistic prospects for return. UK policy which incorporates enforced destitution has been widely criticised. Asylum seekers account for only 3% of all immigrants to the UK, but the number of refused asylum seekers living without support is unknown. In the absence of official data, the Refugee Survival Trust (RST) provides evidence of destitution and its impact.

### Research Methods

This research aimed to assess the scale and nature of destitution amongst people in the asylum system in Scotland in 2012 and provide new insights into the causes and impacts of destitution. It defined people as destitute, regardless of their status, if they had no access to benefits, UKBA support or income and were either street homeless or staying with friends only temporarily, or had accommodation but no means of sustaining it. Methods included:

- analysis of RST’s grants programme and case notes from SRC

- A focus group with 15 advice and support providers
- A survey of 115 destitute people in 11 advice and support services in March 2012
- Interviews with 6 men and 6 women with experience of longer term destitution
- A workshop with stakeholders, including asylum seekers, to respond to findings

### **RST Support for Destitute People**

RST issues small emergency grants to destitute people throughout the asylum process. Between 2009 and 2012 RST awarded grants to 1,849 people. They were mostly male (76%), young (average age 31) and single (83%), but included 128 families with children, 21 pregnant women and 25 new mothers and:

- Almost half (49%) were homeless, including some families with children
- They came from 67 countries, most often Iran (17%), Iraq (11%) and Eritrea (9%)
- They were at all stages of the asylum process - 44% were entitled to benefits, most often asylum support, but not getting them

Some of the main reasons for RST grants over 2009-12 included:

- Most asylum claimants with no children have to travel to lodge their claims at the Asylum Screening Unit. They get no help with the cost from the UKBA. RST grants funded 257 people to travel to claim asylum in Croydon and 225 to make fresh submissions in Liverpool.
- RST helped 123 people awaiting emergency payments. The UKBA can give emergency payments for people awaiting Section 95 support or when it breaks down.
- A growing number of people (125) needed grants when they got refugee status, often because of delays in receiving a NI Number, which they needed before they could claim mainstream benefits
- RST gave 386 grants (usually for 2 weeks) to people awaiting Section 4 support. The UKBA allocates accommodation before issuing support vouchers. It may take many weeks or months for support to start, increasing the risk of homelessness as well as destitution.
- 2 week grants gave a breathing space to get advice on the options available when Section 95 support (404 people) or Section 4 support (52 people) were withdrawn
- 18 grants helped people who were destitute on release from detention
- The reasons for other grants included e.g. faulty/ missing asylum support cards, essential living costs, emergency accommodation and support for new mothers

RST grants show that destitution often arises because of errors and delays. This includes apparent difficulties that the UKBA and other service providers such as Jobcentre Plus have in keeping to their own timescales at key transition points.

### **Experiences of Destitution**

A survey in 11 advice and support services over one week in March 2012 gathered responses from 115 people: 12 had adult dependants and 11 had a total of 21 children, so 148 destitute people were identified overall in this single week. The 115 survey participants included:

- 71 men and 44 women (average age 32)
- People from 29 countries - the most common were Iran (15%), Iraq (10%), Sudan and Zimbabwe (both 8%)
- 26 people with mental health issues, 4 disabled people, 5 pregnant women and 2 new mothers

This survey does not reflect the true scale of destitution. Many more people will not have approached services for help that week: some may have support or resources from friends, family or informal work, while others will not approach services for help because they feel ashamed of being destitute. Even so, in the 6 services giving dedicated support to asylum seekers and refugees, 24% of all the clients going to them for help that week were destitute.

Amongst the 12 interviewees, most said they came to the UK to seek sanctuary in a country where human rights are more respected. Some explained why they left their home country, including: war and conflict; religious persecution; and local and family disputes, including forced marriage and the threat of female circumcision.

### **Asylum Status**

Most survey participants were refused asylum seekers (68%), while 14% had refugee status and the others were awaiting a final decision on their case or had yet to register an asylum claim. The main issues were:

- For people yet to register an asylum claim, the cost of travel to lodge a claim
- Those with no final decision on their claim were awaiting decisions about support or experienced errors or delays in payments
- Most refugees were awaiting a NI number or a meeting with Jobcentre Plus before they could claim mainstream benefits
- For most refused asylum seekers, Section 4 support claims were either refused, ended or awaiting a decision. Others had not applied – they were preparing fresh submissions or did not meet the criteria. A recent judgement ruled unlawful the policy of “delaying a decision on accommodation for a minimum of three weeks” while the UKBA decide on further submissions (Asylum Support Appeals Project, 2012) – this is a key reason for delay that leads to destitution.

### **Women and Asylum**

The proportion of female destitute asylum seekers was higher (38%) than amongst asylum applicants in 2011 (30 per cent). Women have less success at initial application but more success at appeal (Home Office, 2012a). Most female interviewees said their credibility was questioned. This reinforces concerns both about the quality of decision making and that it is gendered.

### **Remaining in the UK after Refusal**

Being refused refugee status means the person is judged not to have a well founded fear of persecution in the country of origin according to the definition in the 1951 Convention on the Status of Refugees. When interviewees’ support stopped on refusal, they soon had to leave their UKBA accommodation. One lawyer highlighted how fast initial decisions can mean insufficient time to gather evidence, so people need to make further representations:

*“They are not given any support until it’s initially assessed and... even then, the majority of further representations are just blanket refused ... the only remedy is*

*to try and go to the Court of Session by Judicial Review... it's a very lengthy process."*

The period survey participants made their asylum claims ranged from 2001 to 2012. While 43% claimed asylum in 2010 or later, 12 per cent claimed before 2006, so some have been in the asylum system for more than a decade. Interviews highlighted how people can be in the UK before they claim asylum, e.g. if a visa runs out. One woman stayed several years beyond her visa on the advice of friends who told her: *"if you claim, that's the end of you, they will deport you straight away."*

### **Time Destitute**

Over a third (36%) of survey participants had been destitute for more than a year. The risk of this was higher for some groups including: 46% of refused asylum seekers; 46% of those with a mental health problem; and 43% of women (31% of men). Many (40%) had been destitute before - 11 three or more times and 9 twice before. They included 4 people who are now refugees. This highlights how many people prove their claims have foundation when they go on to get refugee status at appeal, yet they were previously forced into a period of destitution.

The total time they had been destitute ranged from a few days to 6.5 years. Those claiming asylum in 2001-06 and refused asylum seekers were destitute longest (2.3 and 1.7 years). Interviewees also had long spells destitute - 7 years for one man.

### **Coping with Destitution**

The Home Office argues that refused asylum seekers do not need to be destitute - they can return to their country of origin. But this is a complex issue that people often cannot control, as one advice worker highlighted:

*"The United Nations say... do not return those clients' so they are in a limbo. They are neither returning to their countries nor (do) they get support in here."*

Thousands of asylum seekers are left with no legitimate means of support. Their strategies to cope with destitution often involve relying on friends, charity and family. They are also more open to exploitation and abuse.

### **Somewhere to Live**

Most survey participants stayed with friends or family the night before the survey, while 18% had their own UKBA accommodation and most of the remainder were in temporary or homeless accommodation. The charity Ypeople housed asylum seekers under contract to the UKBA until autumn 2012. They allowed refused asylum seekers to stay longer than the statutory period of 21 days after their support stopped. This helped some to avoid homelessness.

Friends, church or other networks provided accommodation for most interviewees, while one lived with other family members and 3 had UKBA accommodation. Living conditions affected the health of some and four had experience of rough sleeping. Some interviewees were more settled, but others had to move regularly:

*"The people are very nice really... Some of these people are not that well off... Some, they can only accommodate you for a while because they've got families."*

Serco took over the accommodation contract in August 2012. Support services expect the provider to adhere to the UKBA contract and evict refused asylum seekers after 21 days, so they face homelessness as well as destitution.

### **Food, Money and Clothes**

Once destitute, interviewees had few opportunities to get money. One man tried informal work, but did not get paid. Some who were accommodated by friends or volunteers also had meals with the families, but others only had somewhere to sleep and needed to find food for themselves. It was mainly churches and charitable organisations that provided food and clothes. Clothing concerned most interviewees, particularly more personal items:

*“They have to give me money for bras and pants. It’s very difficult because nobody gives me any money. I have to ask the Red Cross for sanitary wear.”*

### **Access to Services**

Interviewees struggled to find their way around services. Most had a GP, but found access to secondary health care more difficult, particularly when homeless. Most had used education services and wanted to do further education. But destitution made it difficult to attend college due to the pressures of meeting basic needs of food and shelter:

*“I have lots of friends here... they can’t be thinking about it, you know because, for the study and going to college, you need the free mind.”*

### **Social and Emotional Impact**

Interviewees were very grateful to have somewhere to stay, but it could be a strain:

*“You live in someone’s house... You know every time you have to hold yourself and try to think: do they like what I am doing... because they might throw me out of their house... I have to do what’s expected of me. I have got no choices. I would say all choices are lost to me.”*

Keeping in touch with family was important and difficult, often because of the infrastructure in home countries or the cost of phoning. Some families were dispersed - one man did not know where his family was and two women had been separated from their children for many years.

Coping with destitution became harder with time, but some had strategies to keep busy and positive. This included routines such as daily exercise and volunteering:

*“When the Red Cross gives me a client, I feel like if I can’t do anything for myself, I can do a bit for other people.”*

### **Health**

Interviewees had a range of health problems and injuries sustained before coming to the UK. Only two said they had mental health problems, but all had low scores on a mental wellbeing scale. Support services thought services for people with severe mental health issues were not adequate and they struggled to manage without help, e.g. to engage with the asylum process.

## **UKBA and the Asylum Process**

Interviewees could not understand the way they and other asylum seekers had been treated or how having no legitimate means of support was helpful to the government or wider society. Advice and support providers expressed a lack of confidence about new advice and claims processing arrangements in the UKBA.

Asked what they would change about the asylum system if they made the rules, interviewees wanted dignity:

*“Have mercy on the asylum people and free the asylum seekers. They are people, they need to live life, a normal life.”*

Several thought people in the asylum system should get a NI number and permission to work, others said people need some support until they can return home or get status, instead of being left powerless and unable to act for themselves as now.

## **Next steps and Hopes for the Future**

Most interviewees were at different stages, appealing negative decisions or preparing for fresh asylum claims. The basis for two cases is the length of time they have been in the UK:

*“My lawyer said I’ve got quite a good chance if I could get some letters from friends, from volunteer workplaces, from everywhere I’ve been supporting, you know, which could show that I’m with people, I live with people.”*

In spite of how they felt about their treatment, some interviewees want to stay in the UK, but others could see no end to their current impasse. Some would return home if things improved, but destitution in the UK made this prospect harder. Such questions took second place to coping day to day with destitution.

## **Conclusions**

No-one can say with certainty how many destitute asylum seekers are in Scotland today, particularly refused asylum seekers who are missing from official statistics. However, this research indicates that hundreds of people live in Scotland, trapped in destitution. Interviewees hoped for a better life where their human rights would be respected, but they felt they have been treated very harshly. The UKBA has cut asylum support and resources for support services. Funding cuts mean services supporting destitute people face growing demand, but reduced capacity. Better quality decision making and fewer procedural problems could reduce substantially the risk of destitution in the asylum process. But refused asylum seekers will continue to be destitute and homeless until rules are changed. At present they can be left for years, trapped in destitution but unable to return to their home country.

The existence of such extreme poverty in Scotland should be a focus of public policy concern and action to minimise its existence and mitigate its effects. The presence and plight of refused asylum seekers needs to be a stronger focus of debate based on facts rather than assumptions and misperceptions. Many individuals, groups and communities already do a lot to help people when they lose their income or their home. But tackling destitution and redressing the damage done is a large task and, until a fairer system emerges, a more concerted response is needed urgently across public, voluntary and community sectors.

## **Short-term Recommendations**

**Asylum support rates:** *The UK government should restore the link between asylum support and Income Support. The level of support should be in cash and no less than £45 a week for single adults or 70% of Income Support or equivalent benefit rates.*

**Existing system of support:** *Better collaboration between and systems within agencies (e.g. UKBA and Jobcentre Plus) should be addressed urgently to minimise unnecessary experiences of destitution because of administrative inefficiencies. The 28-day period for transition from asylum support to mainstream benefits should be extended to at least 2 months. The UKBA should allow all asylum claimants arriving in Scotland to submit their initial asylum claims in Scotland and applicants should be able to lodge fresh submissions by mail. In the interim, UKBA should support travel costs to Liverpool and Croydon.*

**Homelessness:** *The UKBA should acknowledge and respond to the financial strain placed on organisations preventing street homelessness in Scotland. The UKBA, Jobcentre Plus and housing providers should co-ordinate services better to ensure more effective transitions in housing provision and minimise the risk of homelessness. Meantime, refused asylum seekers and refugees should be allowed to remain in their accommodation.*

**Release from detention:** *Detention centres and UKBA should improve communication to ensure emergency support and accommodation is available for detainees, immediately at the point of release. Systems in detention should ensure that all confiscated documents are returned to people at the point of release.*

**Pregnant women and new mothers:** *The additional needs for pregnant women should be recognised at an earlier stage in the asylum system and access to resources and support provided in line with current practice for the wider community. Asylum support for new mothers should reflect fully the cost of raising a child and it should take the form of cash rather than vouchers.*

**Decisions about protection:** *The UK government should adopt a more inclusive approach to its assessment of who is in need of protection by: recognising that country policies are sometimes unhelpfully restrictive; and granting more people asylum or humanitarian protection and considering a temporary status for others who need it. In particular, as identified, a large proportion of those refused asylum come from a relatively small number of countries. Identifying improvements in the way decisions are made about claims for protection from these countries and reassessing the scope to include them would significantly reduce the number of refused asylum seekers.*

## **Long-term Recommendations**

**End-to-End Support:** *Continuous support (including accommodation and a system of cash payments) should be provided to support people through all stages of the asylum system. Support should continue until people are either granted status or leave the UK. The level of support should, as a minimum and assuming no utility bills, be set at 70% of the rate of income support or equivalent benefit.*

**Decision Making on Asylum Support:** *The UK government should consider the case for separating decision making in the asylum system from support, with an emphasis on achieving fairer and more humane treatment of asylum seekers.*

**Right to Work:** *Asylum seekers should have the right to work if they remain in the UK for 6 months or more. This should apply whether they are still awaiting a decision or refused but unable to return home.*

**Culture change and public opinion:** *RST, BRC and SRC should continue to promote accurate information about asylum seekers and develop resources to help services respond effectively to inaccurate or biased portrayals or media coverage of asylum seekers. The media and politicians should undertake to present balanced and accurate information about asylum and make use of existing guidance.*

*The Scottish Government should continue to provide access to services and support for asylum seekers to the extent that legislation allows and seek ways to maximise this to prevent or mitigate destitution and homelessness.*

### **Research and Policy Development**

Suggestions for further research and policy development include:

- Further research to inform policy and support for asylum seekers on the effects of destitution and its scale and longer-term outcomes in Scotland.
- Further work to build evidence of the costs and benefits of the existing asylum support system and the alternative of end to end support.
- Evidence of the social and economic value of extending the right to work to asylum seekers and assessment of the relevance of a time threshold.

# 1. DESTITUTION AND ASYLUM IN SCOTLAND

*“Everything is worse and worse if you don’t have money”*

*“I have no power, I can’t wash my clothes, I can’t cook”*

*“To get some money maybe I can do prostitution?”*

*“Destitution for me... it’s made me feel so worthless.”*

Many people will believe that destitution or extreme poverty is a problem of the developing world. But these quotes are from people who are destitute and living in Scotland. The fact that they came to the UK to seek sanctuary and were refused asylum does not diminish the shocking reality that they - and thousands of others - live on our shores, sometimes for years, with no income.

It may also come as a shock to find out that this situation is no accident, the UK government knows about their plight, but incorporates destitution within its approach to asylum (Still Human Still Here (SHSH), 2010). Destitution and homelessness affect people throughout the asylum process. Asylum support falls well short of most accepted definitions of poverty and people often face periods of destitution due to errors and delays with administering asylum support. If they are denied asylum, refused asylum seekers lose all financial and housing support and continue to be banned from working, so they are left with no legitimate means of support. However, many cannot be repatriated or are unwilling to return to their home countries, which are often plagued by conflict and widespread human rights abuses. So poverty is built into asylum support and destitution occurs by error during the asylum process and by design at the end of it.

Refused asylum seekers are trapped in destitution, but they are missing from most official accounts of asylum in the UK. It is voluntary and charitable organisations that pick up the pieces. They include the organisations who commissioned this research, the Refugee Survival Trust (RST), British Red Cross (BRC) and Scottish Refugee Council (SRC) who work to alleviate destitution amongst asylum seekers and refugees and to tackle the causes of destitution.

They have produced evidence of the scale and consequences of destitution through survey work (Green, 2006) and shown how the asylum system in the UK is failing people, leaving them destitute at all stages of the asylum process. The two reports *21 Days Later* (Hamilton and Harris, 2009) and *21 Months Later* (RST and BRC, 2011) made a series of recommendations to improve the situation. However, despite some small procedural improvements, destitution remains a key concern, particularly for refused asylum seekers. Further, public spending cuts to mainstream and asylum services have resulted in fewer resources dedicated to asylum support and services while changes in practice increase the risk of destitution for people at every stage of the asylum process, even after they are granted leave to remain in the UK.

All of these concerns led to this research on destitution amongst asylum seekers and refugees in Scotland. It builds on this past body of work to assess the scale and nature of destitution amongst people in the asylum system in Scotland in 2012. It describes destitution because of administrative errors and problems amongst those awaiting a decision on their claim for protection and amongst those at the end of the asylum process when support is withdrawn. It also provides new insights into the

causes and impacts of destitution, drawing on the testimony of people caught up in the asylum system who have first-hand experience of destitution.

## **Destitution and Poverty**

While destitution has a general meaning – the lack of resources or the means of subsistence; complete impoverishment - it has a specific definition in relation to asylum seekers. The Immigration and Asylum Act 1999 defines a person as destitute if they do not have adequate accommodation or the means of obtaining it (whether or not other essential living needs are met); or the person has adequate accommodation or the means of obtaining it, but cannot meet other essential living needs. Others define destitution by lack of access to statutory support or the need to rely on friends, family or charitable support to make ends meet (Morrell and Wainwright, 2006)

This research took a similar approach. It defined people as destitute if they had no access to benefits, UK Border Agency (UKBA) support or income and were either street homeless or staying with friends only temporarily, or had accommodation but no means of sustaining it. This included people refused asylum and destitute under the legislation as well as those who were temporarily homeless or with no support whilst in the asylum process, including those given refugee status and unable to access mainstream benefits. The destitution could be temporary or longer term.

The situation of asylum seekers is often excluded from analysis and debate about poverty in Scotland. This reflects the very limited data about asylum seekers in general and the fact that refused asylum seekers, who are at greatest risk of destitution, are hidden from statistics. There is also a lack of statistical information about poverty and ethnicity in Scotland, with most analysis relying on UK data. However, despite these limitations, a recent review of poverty and ethnicity in Scotland “unequivocally found that asylum-seekers and refugees are the most disadvantaged of all the groups covered” (Netto et al, 2011: 22).

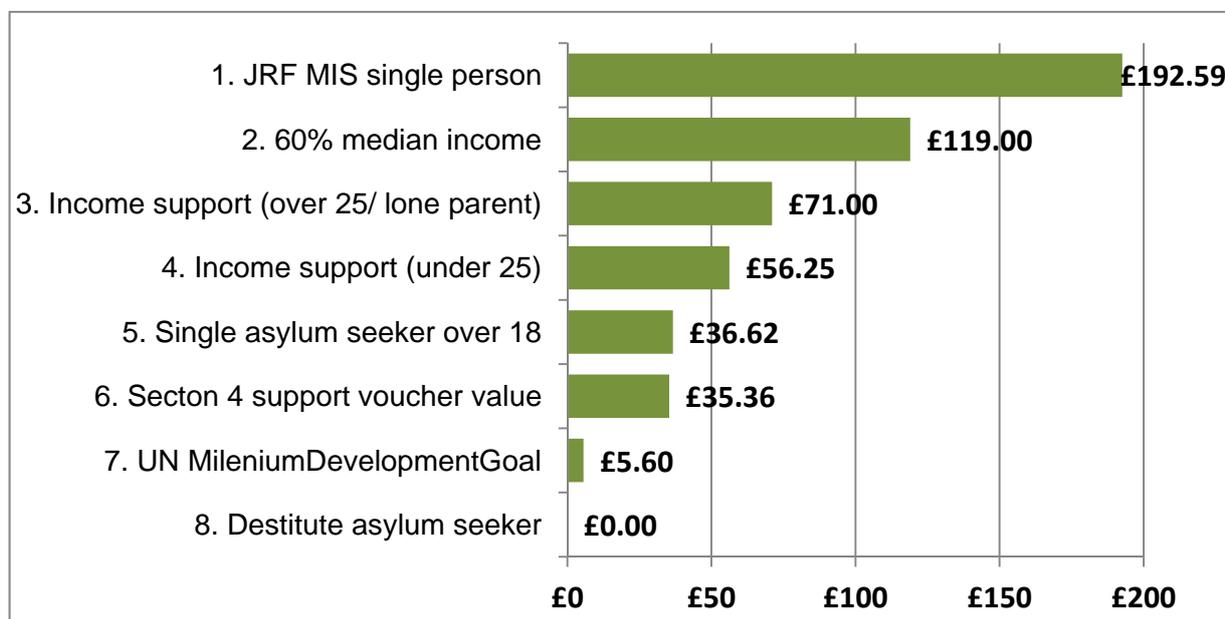
Evidence about the disadvantage asylum seekers face includes destitution surveys in 2006 in Glasgow, where most asylum seekers in Scotland live (Green, 2006) and a UK wide survey that included Glasgow (Smart, 2009). Crawley et al (2011) explored survival and livelihood strategies of refused asylum seekers and other research has focused on other aspects of destitution, including the situation of particular vulnerable groups. This includes, for example, research on the experiences of destitution amongst young people (Pinter, 2012) and women (Dorling et al, 2012).

Destitution represents an extreme form of poverty. What constitutes poverty, how to benchmark it, whether it is a relative concept (between groups in society – often described as inequality) or an absolute concept (for example, the basic needs for survival) are all contested issues, but there are benchmarks of income poverty that are widely used and enable comparisons within and between countries. Some of these are summarised in Figure 1 below, providing some different definitions of poverty or low income, reflecting the situation of a single person and expressed as weekly amounts, including:

1. The Joseph Rowntree Foundation’s Minimum Income Standard (MIS) is based on what ordinary people thought should go into a minimum household budget and the weekly requirement after meeting rent costs was £192.59 for a single person in 2012 (Davis et al, 2012).

2. The measurement of poverty as 60% below median income (a relative measure) is a standard used by European, UK and Scottish governments to define low income. The measure is adjusted to take account of different family sizes and £119 per week was the rate for a single person in 2009 (The Poverty Site, 2012).
3. and 4. These reflect welfare benefits rates in the UK for a single person, applicable from April 2012. Benefits rates vary according to age and circumstances (UK Government, 2012).
5. and 6. These provide the rates for a single asylum seeker on Section 95 support (5) or Section 4 support (6) The lower rate for asylum support is intended to reflect the fact that asylum seekers in accommodation provided by the UKBA do not pay utility bills (UKBA, 2012a and b).
7. In terms of global poverty, the United Nations target to half, between 1990 and 2015, the proportion of people in the world in absolute poverty<sup>1</sup> used the benchmark of \$1 a day, now \$1.25 (United Nations, 2011). The weekly estimate is based on exchange rate conversion in July 2012.
8. Destitute asylum seekers have no income, so they fail to reach even the UN's target on global poverty. As will be expanded upon below, this is built into the asylum system in the UK in relation to refused asylum seekers, but also affects people at all stages of the asylum process.

**Figure 1: Some Measures of Poverty or Low Income**



<sup>1</sup> The UN Copenhagen Declaration (UN, 1995) described absolute poverty as: "a condition characterized by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income but also on access to social services."

## **Policy Context**

In the last two decades, asylum has been an important political issue and it was a particular focus of policy and legislation for the previous New Labour Government in the UK. This resulted in a series of major changes to the asylum system with far reaching consequences for asylum seekers and refugees and their risk of destitution.

From a Scottish perspective, a key change for policy and services in Scotland was the decision to disperse people seeking asylum around the UK, including Glasgow as the only local authority area in Scotland. Many services important for asylum seekers are devolved to the Scottish Government, including education, health, social work and housing, but the key areas of immigration and welfare policy are matters reserved to the UK government.

In response to a reported backlog in 2006 of approximately 450,000 unresolved claims for asylum in the UK, the Case Resolution Directorate was created to deal with what became known as 'legacy' cases (Sim 2009). The New Asylum Model (NAM) was developed with the aim of resolving most claims for asylum within six months of first application. Through the legacy process a large number of people who had been in the asylum system for up to six years were given indefinite leave to remain in the UK, but without refugee status. This gave them a different set of rights and entitlements to those granted refugee status under NAM.

These changes led to two concerns for refugee and asylum seeker support organisations. The first was that many 'legacy' cases were taking too long to resolve, several years in some cases (Sales 2007). Secondly, fast decision making on initial claims under NAM gives asylum seekers little time to orientate themselves and makes it difficult to access appropriate legal advice and support or gather the evidence needed in support of asylum claims (Sim 2009).

The UK government restricted the right to work in 2002: previously, people who had been waiting over 6 months for a decision on their initial claim for asylum could apply for permission to work. The UK government also made changes to financial support for asylum seekers and legislation has restricted access to housing and welfare support.

### ***Asylum Support***

The National Asylum Support System (NASS) was created in 2000 under the Asylum and Immigration Act 1999 to provide accommodation and financial support in prescribed circumstances, effectively operating outside and parallel to the UK system of welfare support. This formed the basis for the current UK Border Agency (UKBA) system of support for asylum seekers under Section 95 of the Immigration and Asylum Act 1999 which they can claim once they have submitted their asylum claim. However, they are not allowed to work or claim any mainstream benefits while awaiting a decision.

The provision includes accommodation on a no-choice basis and a weekly allowance. This was set initially at 70 per cent of Jobseekers Allowance to reflect the fact that those in asylum support accommodation do not pay for utility bills. The allowance was reduced for some people in 2009. Combined with the support levels failing to keep pace with inflation over time, this means that, for example, a single adult asylum seeker over 25 now gets just 54 per cent of the equivalent income support rate

(SHSH, 2010 and 2012a). Allowances for children are paid at the full rate of mainstream Child Tax Credits. Section 95 support is collected in cash from a local Post Office, upon presentation of an Application Registration Card which confirms the asylum seeker's identity and eligibility for support. Emergency Support Tokens can be given to asylum seekers to provide emergency cover if there is a break or delay in provision of entitlement to Section 95 support.

Families with children usually remain entitled to this help until they are either granted refugee status or, if refused asylum, until they leave voluntarily or are forcibly removed from the UK. Single adults or couples without children, lose Section 95 support 21 days after their claim is refused and they have exhausted all their appeal rights.

When Section 95 support is withdrawn from asylum seekers with no dependent children, they are entitled to apply for a limited form of support under Section 4 of the Immigration and Asylum Act 1999 if they are considered unable to return to their country of origin. Section 4 support is limited to accommodation and an Azure Card that enables the recipient to purchase items from specified stores - currently valued at £35.36 a week - the person does not get any cash. (UKBA, 2012b)

To get Section 4 support, the person must be destitute **and** must meet one of the following criteria:

- Be taking reasonable steps to leave the UK;
- Be unable or unfit to travel;
- Be considered to have no viable route of return at present;
- Have permission to proceed with judicial review of their asylum application; or
- Be in need of accommodation to prevent a breach of their rights under the Human Rights Act 1998.

The mainstream benefits system only opens to those seeking asylum once they have been given refugee status or humanitarian protection. At that point people gain the right to work and they have 28 days in which to transfer to mainstream benefits and services and find other accommodation.

### ***Destitution as a Policy Aim?***

The restrictions to asylum support reflect the development of a "discourse of exclusion for those who are not seen as legitimate beneficiaries of support" in the UK (Crawley et al, 2011:8). For refused asylum seekers the aim was:

*"For those not prioritised for removal, they should be denied the benefits and privileges of life in the UK and experience an increasingly uncomfortable environment so that they elect to leave."  
(Home Office, 2007: 17)*

This 'uncomfortable environment' includes withdrawal of accommodation and financial support and continued denial of the right to work, effectively making enforced destitution a policy aim. The policy has been widely criticised (Crawley et al, 2011; SHSH, 2010), and the consequences for those affected have been exposed through research indicating a worsening situation, particularly for refused asylum seekers.

## Asylum Seekers in Scotland

There is no clear indication of how many refused asylum seekers are living without support in the UK or Scotland because the UKBA does not collect this data. We know more about people still in the asylum system - Table 1 provides some information on asylum in the UK. Asylum seekers account for a small fraction of those who migrate to the UK each year:

- Net migration of 250,000 people a year includes 350,000 people emigrating from the UK in 2011-12 and around 600,000 coming to the UK (Mulley, 2012)
- At less than 20,000 applications in 2011-12, asylum seekers accounted for just 3 per cent of all immigrants to the UK (Home Office, 2012a)
- Asylum applications in the UK are much lower than a decade ago: for example, there were 80,000 applications in 2002 (Home Office, 2012a)

The NAM was intended to speed up the asylum process, but in reality people continue to wait a long time on limited support for decisions. At the end of 2011, more than 11,000 applicants were awaiting decisions. Of those awaiting an initial decision, 38 per cent had been waiting for more than 6 months (Home Office, 2012b).

When decisions are made, most applications are refused: in 2011, only 25 per cent of initial decisions were to grant asylum, while 8 per cent were given a form of protection such as Humanitarian Protection or Discretionary Leave to Remain and 68 per cent were refused. However, there is a high and increasing success rate at appeal (e.g. 23 per cent in 2008, 26 per cent in 2011). This is a clear indicator of the quality of initial decisions and contributes to significant costs for government as well as any human impact for appellants (SHSH, 2010: 18).

**Table 1: Asylum in the UK, 2011**

	Total	Number	%
<b>Asylum applicants</b>	19,778		
<b>dependants</b>	5,7953		
<b>Initial decisions on asylum claims</b>	17,496		
<b>granted</b>		4309	25
<b>temporary protection</b>		1339	8
<b>refused</b>		11,848	68
<b>Cases pending decision (end 2011)</b>	11,297		
<b>Initial decisions:</b>		6,534	58
<b>(waiting more than 6 months)</b>		(2,479)	(38)
<b>(waiting 6 months or less)</b>		(4,055)	(62)
<b>further review</b>		4,763	42
<b>Asylum appeal decisions of which:</b>	10,521		
<b>allowed</b>		2,785	26
<b>dismissed</b>		7,085	67
<b>withdrawn</b>		651	7

*All figures related to 2011. Sources: Home Office, 2012a; 2012b; Mulley, 2012.*

Information about asylum seekers in Scotland shows that, of around 21,000 people getting Section 95 support at the end of March 2012, 2,077 were living in Scotland. The number of Section 4 recipients is very small - only 2,232 people at the end of March 2012 in the UK, with no breakdown for Scotland (Home Office, 2012a).

Based on this, COSLA Strategic Migration Partnership (2012) estimated that around 2,400 asylum seekers are living in Scotland, almost all of them in Glasgow, the only Scottish local authority area to receive dispersed asylum seekers. However, refused asylum seekers whose asylum support has been removed are missing from official statistics, so there are an unknown number in this situation in Scotland (and the UK) and at risk of destitution. Crawley et al (2011) considered that a National Audit Office estimate (between 155,000 and 283,500 people in 2005 in the UK) was most authoritative, but was likely to underestimate the numbers of people affected.

As a consequence, those who want to understand and address the scale of destitution - the extreme form of poverty experienced by refused asylum seekers - continue to rely on surveys and administrative data held by organisations such as RST and SRC for indications of scale and impact. The next section provides a summary of the aims of and research methods used in this study.

## **Research Methods and Profile of Participants**

The project gathered information from a range of sources including the following:

- Analysis of RST grants data
- A focus group with service and support providers
- A survey of destitute people with responses gathered by drop-ins, advice agencies and other service and support providers (Integration Networks, legal representatives, church groups and drop ins, GPs) to provide information about the number of destitute people accessing their services
- To explore experiences of destitution and strategies for coping, interviews with 12 people who were: refused asylum seekers and currently experiencing longer term destitution; or people with past experience of destitution as refused asylum seekers who were later given refugee status or had asylum support reinstated.
- Anonymised case notes from SRC to illustrate some of the current causes of and trends in destitution
- A workshop to discuss the research findings and develop recommendations

We requested an interview with a UKBA helpline representative to talk about the helpline and numbers of destitute clients. However the request was declined. This was disappointing and means that, in the timescale of this project, we are unable to provide any official information or explanation about the impact of recent changes in administration and advice and support functions.

### ***Methods and Sources***

This research was achieved through collaboration. The main partners commissioning the research - SRC, BRC and RST - provided data for analysis, case studies and support with recruitment for individual and group interviews. They and a wider group of organisations contributed to one or more of the following: developing the destitution

survey, gathering survey responses from destitute people, participating in a focus group and taking part in a workshop. A list of participating organisations is provided in Appendix 4.

The following gives a brief description of each of the components of the research, including a summary profile of survey participants and interviewees.

**RST Grants Programme**

RST issues small emergency payments to people who are destitute in the asylum system. Monitoring and analysis of RST’s grants programme is an important source of information about destitution. The data analysed for this report covers the period from April 2009 to March 2012.

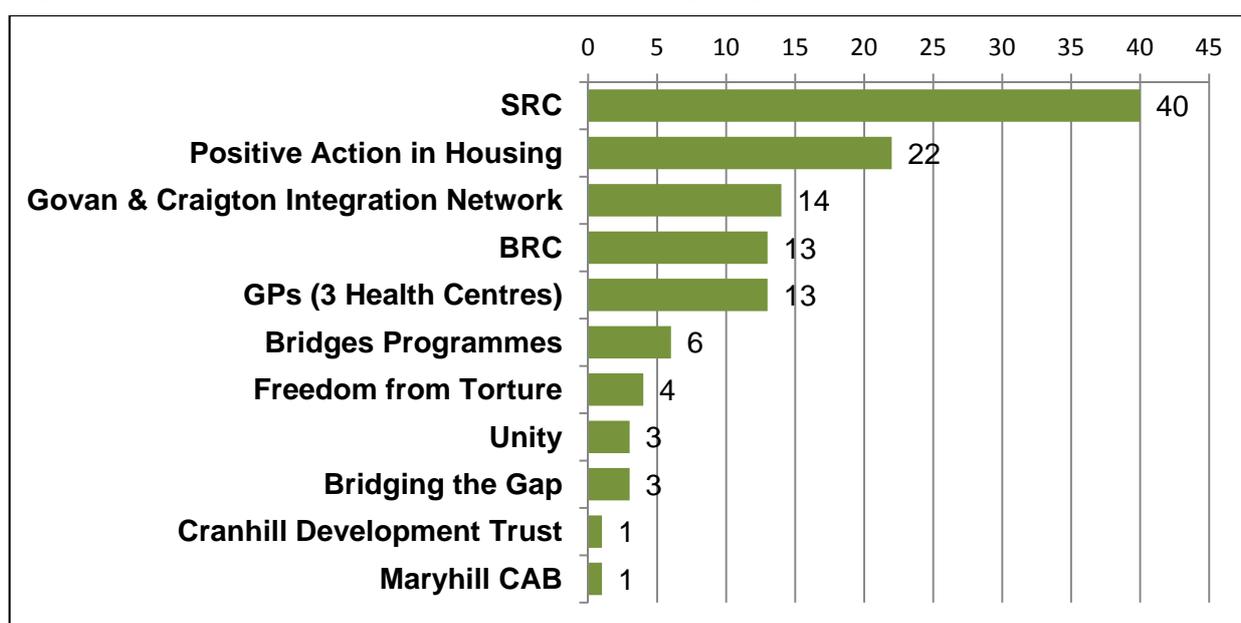
**Focus Group with Service and Support Providers**

The focus group involved 15 people from advice and support groups and organisations. The aims of the focus group were to discuss the scale and impact of destitution on clients, how that affected services and what impact current public sector cuts were having on resources and demand on services. The group also reviewed and revised a draft survey form in preparation for the week of the survey.

**Destitution Survey**

The survey of destitute people was carried out over a one-week period from 5th March to 11th March 2012. It was based on previous surveys (Green, 2006 and Smart, 2009) and modified to take account of feedback at the focus group of advice and support services. The survey form used is reproduced in Appendix 5. During the survey week, participating advice and other service and support providers were asked to complete a short survey form with all asylum seeker or refugee clients who presented as destitute. Of 13 participating agencies, 11 returned survey forms (Figure 2) and two others did not see any destitute people during the survey week.

**Figure 2: Destitution Survey – Participating Organisations’ Returns (120 total)**



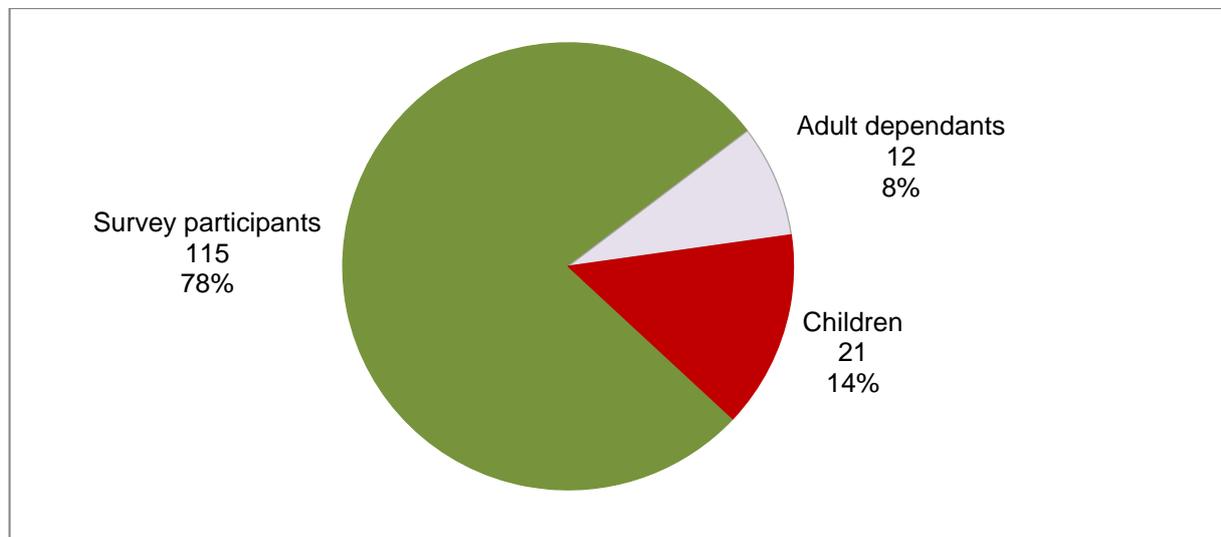
Between them, the groups and services recorded contact with a total of 140 destitute asylum seekers, 20 of whom declined to participate, so 120 (86 per cent) completed survey forms. The majority of people presenting as destitute were seen by SRC and Positive Action in Housing (PAIH) while more than 10 per cent were seen by each of Govan and Craigton Integration Network, BRC and by GPs across three health centres.

The survey aimed to identify destitute individuals and from the total of 120 survey forms completed, 5 came from people who had completed a survey with another service earlier in the week. These were excluded and the survey data presented in this report is based on the responses from 115 individuals, all of whom were seen in Glasgow.

Taking account of dependants adds a further 33 people, bringing the total to **148 destitute people** identified in this single week (Figure 9). The dependants included:

- 12 people had adult dependants with them in the UK (the majority, 89 per cent, were single or alone)
- 11 people had dependent children (9.6 per cent) – three of them had two children, one had 3 and another had 6 children), making a total of 21 children
- Those with dependent children were mostly female (8) rather than male (3). The three men also had adult dependants while four women were single parents, two had adult dependants and two did not specify their family situation.

**Figure 3: Destitution Survey – Number of Destitute People (148 total)**



The following is a summary of other characteristics of the 115 survey participants.

- Most were men (71 or 61.7 per cent) while 44 (38.3 per cent) were women
- Their average age was 32 years (33 for women and 31 for men). The age range was from 20 to 68. While one third were aged 26 or less, a further third were aged 26 to 33 and a third were aged 34 or more. This is consistent with other research findings such as: the SRC’s research on integration of asylum seekers and refugees in which 37 per cent of participants were aged 21-30 and

31 per cent aged 31-40 (Mulvey, 2011); and overall asylum applicants, 55 per cent of whom are aged 21-34 in 2011 (Home Office, 2012a).

- Just over half of survey participants (62 people including 38 men and 24 women) gave some information about their occupation in their home country. The most common category mentioned was being a student or in education (17 people, including 8 women and 9 men), while 8 women said they did not work or described unpaid work (housewife or mother). There were 11 men who had trades such as builder, mechanic, electrician and chef and 5 who had been running businesses including shops and taxis. A mix of men and women described jobs in fishing or farming (8 people) and professional jobs (5 people) including teachers, a paramedic, and an orthodontist. The remainder had a range of occupations.
- Of the other circumstances we asked people about (Table 4), survey participants most often mentioned having a mental health issue (26 people or 23 per cent). Smaller numbers said they were a disabled person (4 people) or pregnant (5 women), while two were new mothers (with children under 1 year). The other issues specified included having caring roles (2 people) a disabled child, a pregnant partner, having physical ill health, separated from partner and children and being referred to social work. This means that, overall more than a third of survey participants had additional, mainly health, issues to contend with as well as destitution.

**Table 2: Destitution Survey: Other Circumstances**

	Number	%
<b>Mental health issue</b>	26	22.6
<b>Disabled person/ physical impairment</b>	4	3.5
<b>Pregnant</b>	5	4.3
<b>New mother (child under 1 year)</b>	2	1.7
<b>Other</b>	8	7.0

### ***Interviews with People Experiencing Destitution***

RST grants data provide evidence of the situations facing people who are destitute across the stages and transition points of the asylum system. Advice from SRC and other services helps them resolve the problems they face, including support to apply to RST for small grants where appropriate. However, RST support for refused asylum seekers is usually for two weeks only and longer term outcomes are less clear. To explore experiences and coping strategies amongst this group, the research included interviews with 12 people with experience of destitution as refused asylum seekers.

Interviewees were contacted through BRC, SRC and a GP. They included three people with past experience of destitution and 9 people who were destitute at the time of interview. Most interviewees were seen individually but two interviews were conducted with two people together. Interpreters were used in two of the interviews. Interviewees were seen at locations suited to them – in most cases this was in BRC or SRC offices, while two people were interviewed at Glasgow Caledonian University. Interviewees were given a £20 voucher for participating.

The semi-structured qualitative interviews included a short self-assessment questionnaire based on the Warwick-Edinburgh Mental Well-Being Scale (Stewart Brown et al, 2008). The issues discussed included the following:

- what people hoped for when they first came to the UK
- their experiences of the asylum process and why they became destitute
- the impact of destitution and the strategies they used to manage their situation
- if and how were their situations were resolved
- their next steps and hopes for the future
- what one thing would they change about the asylum system

The interviewees included 6 men and 6 women, aged between 20 and 53, including 9 aged under 40. One interviewee was a new mother and also pregnant. Whilst 4 people described long term health problems or physical impairments, only two said they had mental health issues. They came from eight different countries of origin and included two people from Iran, one from Iraq and four from Zimbabwe.

All except one person who claimed asylum in 2001 had made their asylum claims in 2007 or later. Most (10) were refused asylum seekers, but at the time of interview only one of them, a woman with a dependent child, had Section 4 support payments after a period of destitution. The remaining two men had refugee status, although the UKBA was appealing the decision in one case at the time of interview.

There were 5 people who were employed in their country of origin, while three were students, three were unemployed or had no occupation and one described herself as a housewife. No interviewees had the right to work in the UK except one man with past experience of destitution who later gained refugee status and was working part-time and attending college. Although they could not work, the majority of interviewees were doing voluntary work, some in more than one place. The types of voluntary work included interpreting and administration work for services such as BRC, befriending, administration and other work with voluntary organisations providing health and care services, working in a charity shop and for churches or church groups.

### ***Case Studies***

In order to gain further insight into the issues facing people who experience destitution as a result of problems during transition between stages in the asylum system, SRC and RST provided case studies from advice case notes to illustrate the kind of situations that are frequently encountered by advice services. These are used throughout the report, with names changed to protect the identity of individuals.

### ***Workshop***

A workshop attended by around 50 people was held at Glasgow Caledonian University on 12th June. Participants were from a range of stakeholder groups including people with experience of destitution in the asylum system, advice and support services, church and community groups and academics.

The workshop heard presentations on the background to the research, the causes of destitution, the findings from the research and the Still Human Still Here Campaign<sup>2</sup>. Small groups and a plenary session debated the findings, the priorities for change and what recommendations should be made for policy and practice. The final plenary session was recorded. This record and notes taken in small group discussions contributed to the conclusions and recommendations developed in Chapter 5.

## Report Structure

The following is an outline of the structure of the remainder of this report:

- **Chapter 2** provides analysis of 3 years' data from RST's grants programme that gives short term support to people in the asylum system who are destitute
- **Chapter 3** provides the findings from a survey of destitute asylum seekers and interviews with 12 people who have experience of destitution in relation to their experiences of destitution and making claims in the asylum system
- Based primarily on the interviews with asylum seekers, **Chapter 4** discusses how people cope with destitution and their access to services and support
- **Chapter 5** discusses the findings and assesses progress and change. It develops recommendations for changes to procedures and policies and for action in the short term to respond to the current financial and policy environment facing destitute asylum seekers

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<sup>2</sup> Still Human Still Here is a coalition of over 50 organisations that are campaigning to end the destitution of thousands of refused asylum seekers in the UK: <http://stillhumanstillhere.wordpress.com/>

## 2. RST SUPPORT FOR DESTITUTE PEOPLE

RST issues short-term small emergency grants for essential living costs to people in the asylum system who are destitute. The grants are awarded at approximately the current rate of government support for asylum seekers and are made through SRC case workers who assess clients based on RST criteria. The grants programme has been an important source of information about destitution and the asylum system, forming the basis for the reports *21 Days Later* (Hamilton and Harris, 2009) and *21 Months Later* (RST and BRC, 2011).

This chapter summarises 3 years of the grants programme (April 2009 to March 2012) to describe the circumstances that can lead to destitution. Additional tables are provided in Appendix 3. What the data shows is that asylum claimants are at risk of destitution throughout the asylum process, particularly when they move from one stage of the asylum process to the next, including:

- Before they are able to submit their claim for asylum
- When they are first dispersed and their asylum support is being set up
- When they are appealing a negative decision on their asylum claim
- At the end of process when transferring on to mainstream benefits
- When claims are refused and Section 95 or Section 4 support stop

**RST awarded destitution grants to 1,849 people in total over 2009-12.** Most (80 per cent) were applying to RST for the first time (Table 3). Other characteristics of applicants included the following:

- The majority were male (76 per cent)
- They ranged in age from 14 to 84 (average age 31), two thirds were aged 21 to 35
- Most (83 per cent) were single. While 14 per cent were married or living with a partner, less than 4 per cent had a spouse with them in Scotland
- A small number were pregnant (21 of the 444 women) or new mothers (25)
- Grants were made to 128 people with children, including 99 women. Most (94 per cent) had one or two children, 77 per cent had a child under age 5
- Almost half (49 per cent) were homeless, including 40 people who had dependent children with them

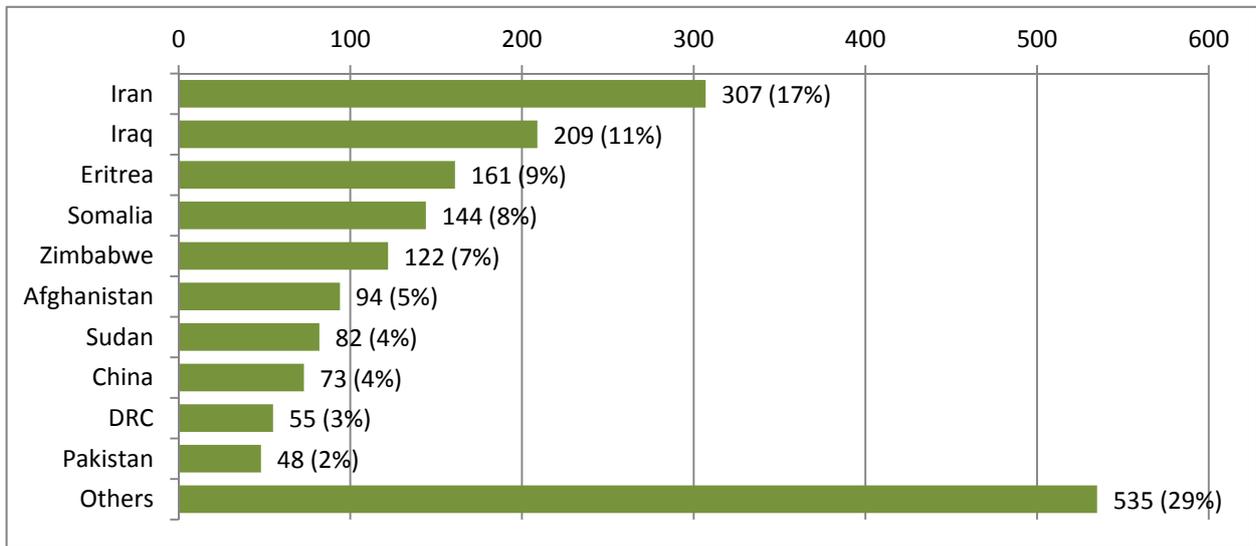
**Table 3: RST Grants, 2009- 2012: Total and Previous Applications**

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
<b>Applied before</b>	119	17.1	148	22.3	103	21.1	370	20.0
<b>No previous application</b>	577	82.9	515	77.7	387	79.0	1479	80.0
<b>Total</b>	<b>696</b>	<b>100.0</b>	<b>663</b>	<b>100.0</b>	<b>490</b>	<b>100.0</b>	<b>1849</b>	<b>100.0</b>

RST applicants over the three years were nationals of 67 different countries. The ten most common nationalities account for 71 per cent of all applicants (Figure 4), the largest groups coming from Iran and Iraq. The most common countries of origin for

men were Iran, Iraq, Eritrea and Somalia, while for women they were Zimbabwe, Somalia, Eritrea and China.

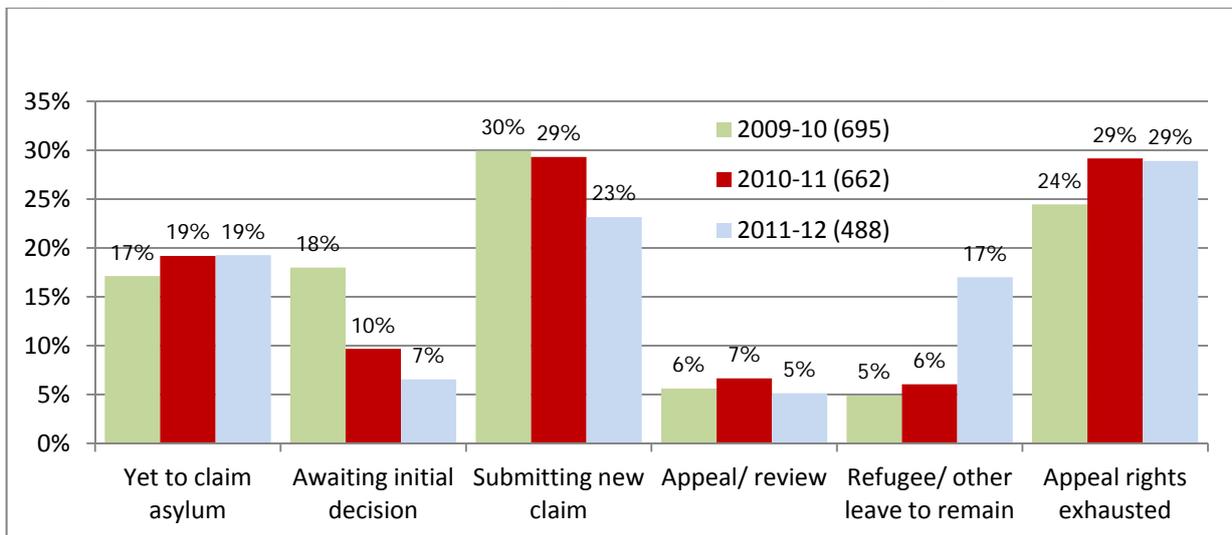
**Figure 4: RST Grants, 2009-12 – Countries of Origin (total 1830)**



**Asylum Status and Entitlement to Benefits**

People at all stages of the asylum process apply for grants. While the asylum status of applicants generally varies little from year to year, the proportion of grants going to people awaiting initial decisions has fallen from 18 per cent (2009-10) to 7 per cent (2011-12) indicating some improvements in administration of Section 95 support (Figure 5). However, applications from people with refugee status or other leave to remain rose from 5 per cent to 17 per cent over the same period.

**Figure 5: RST Grants, 2009-12 - Asylum Status as Percentage of Grants**



Approaching half of all applicants to RST (44 per cent) were left without support but were actually entitled to benefits (Table 4). This highlights not only the unfairness of the asylum system in leaving many people without any entitlement to benefits, but also that large numbers of people who are entitled to support are left destitute because of errors and delays. Of those with benefits entitlements, most (83 per cent) were due but not getting Section 95 or Section 4 support. However, a growing number of

applicants had refugee status and were entitled to mainstream benefits (e.g. jobseekers allowance, income support etc), but not getting them.

**Table 4: RST Grants, 2009-12: Entitlement to Benefits**

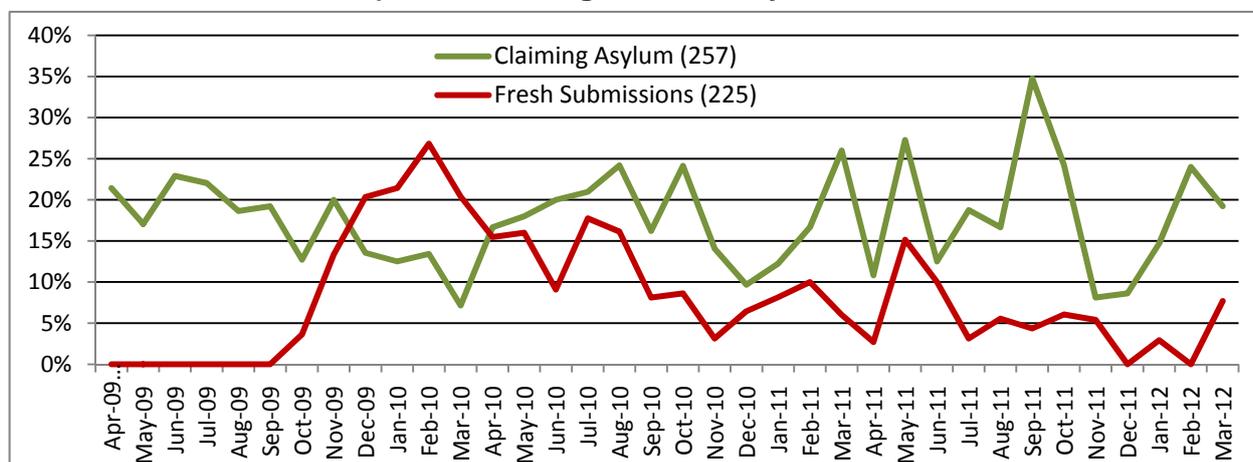
	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
<b>All entitled to benefits</b>	358	51.4	250	37.7	203	41.4	811	43.9
<b>Type of entitlement</b>								
<b>Section 4</b>	189	52.8	155	62.0	112	55.2	456	56.2
<b>Section 95 support</b>	140	39.1	61	24.4	18	8.9	219	27.0
<b>Mainstream benefits</b>	27	7.5	34	13.6	73	35.9	136	16.7
<b>Social Work support</b>	2	0.6	0	0.0	0	.0	2	.2

**Travel Costs - Single Adults and Couples without Children**

Since 2003 most adult asylum claimants over age 18 without children have not been allowed to submit a claim for asylum in Scotland. Instead they have had to travel to Croydon or Liverpool without support with the cost of travel from the UKBA or other statutory agencies. RST therefore provides grants for an overnight bus ticket and some subsistence to new arrivals who have to travel to Croydon, now the only Asylum Screening Unit in the UK. The charity also supports people who first applied for asylum before March 2007 ('legacy' cases) who wish to lodge fresh submissions. They have been required to travel to UKBA offices in Liverpool since a change of procedure in 2009 (they could previously apply in writing).

Overall, RST gave grants to 507 destitute people for travel costs over 2009-12. Most grants (482) cover travel to Croydon to submit claims or Liverpool to make fresh submissions. Occasionally, other grants support travel for court hearings, legal appointments or other important meetings. Help with travel to claim asylum has remained a constant feature of RST grants, while grants to make fresh submissions have fallen since 2010, reflecting a reduction in the number of legacy cases awaiting decisions (Figure 6). There has been no progress with representations to allow asylum claims to be made in Scotland, for fresh submissions to be made by mail, or for the costs of travel to be met in the meantime (RST and BRC, 2011).

**Figure 6: RST Grants 2009-12 - Travel Grants (Asylum Claims & Fresh Submissions) as Percentage of Monthly Grants**

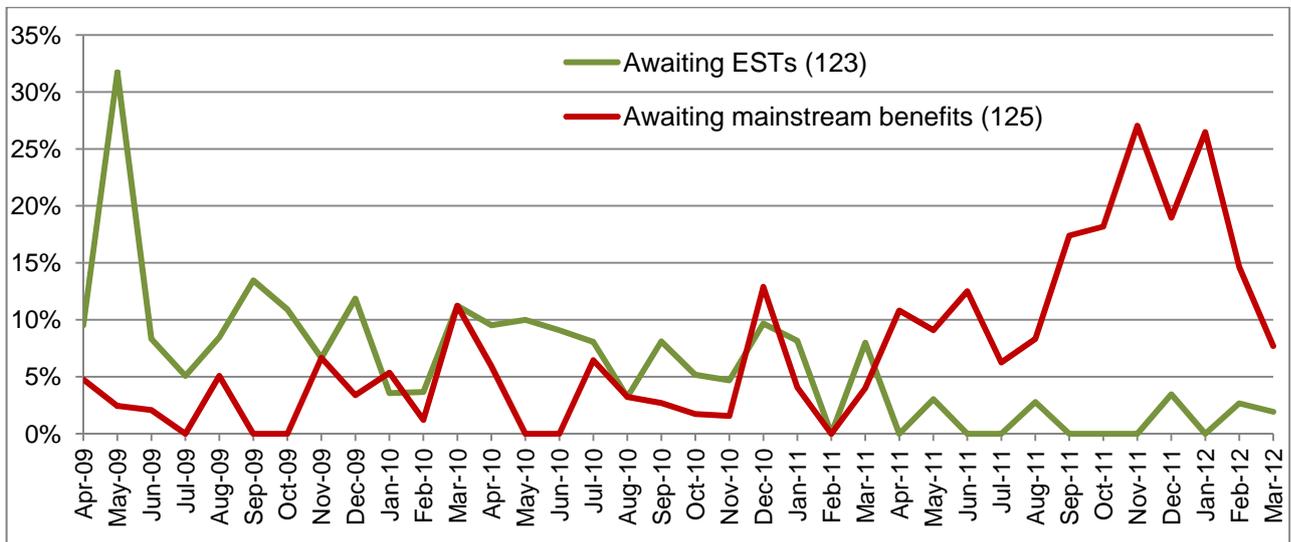


## Access to Asylum Support and Mainstream Benefits

Key reasons why people who are awaiting an initial decision on their asylum claim can be left destitute are: if there is a problem with their asylum support (such as a broken application registration card); and while awaiting Emergency Support Tokens in the interim. People who are awarded refugee status or other leave to remain are also at risk as they transfer from asylum support to mainstream benefits.

The number of RST grants given because the applicants had problems with Emergency Support Tokens reduced from late 2009 onwards (Figure 7), In April 2011 the UKBA took on some advice functions previously carried out by SRC, including dealing with issues around accessing asylum support. This has resulted in fewer applications, but little information about how quickly such issues are being resolved or whether people are still experiencing destitution.

**Figure 7: RST Grants 2009-12 - Applicants Awaiting Emergency Support Tokens and Mainstream Benefits as Percentage of Monthly Grants**



Applications to RST from destitute new refugees increased towards the end of 2011 mainly because they could not get a National Insurance (NI) Number which is necessary for a claim for mainstream benefits to be processed (Figure 7). The failure to process NI Numbers within the 28-day transition period is another cause of destitution that could be resolved through better administration and communication between UKBA and Jobcentre Plus.

### Case Study

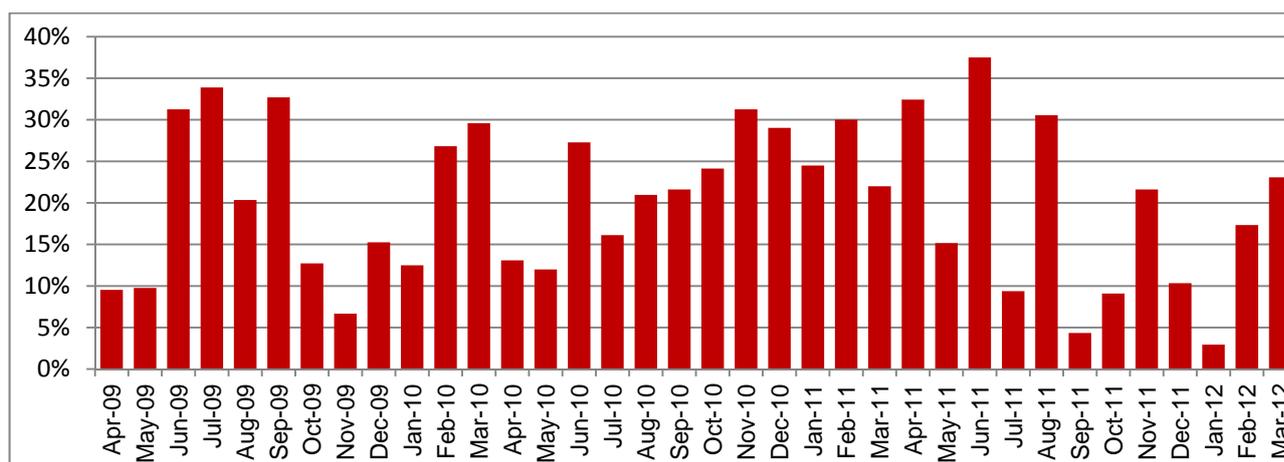
Meriem, a 19-year-old Eritrean refugee was given a destitution grant of £35 to provide her with food while her application for mainstream benefits was processed. She had to move from UKBA accommodation after she was granted status. This meant that she also had to change to a new Jobcentre, so approval of her application for Jobseeker's Allowance was delayed until she could be interviewed there.

## Section 4 Support

Asylum support ends 28 days after a person is granted refugee status or another form of leave to remain. The person becomes eligible for mainstream benefits and can seek employment, but they also need to find alternative housing if currently accommodated under the asylum support system. This key point of integration into mainstream society increases the risk of destitution. The time available is very short given the changes that new refugees need to put in place, sometimes very soon after they arrive in the UK.

Destitution whilst awaiting Section 4 support accounts consistently for around one in five grant applications to RST (Figure 8). After asylum claims are refused, people have only 21 days before their Section 95 support is withdrawn. They often need to travel to Liverpool to submit fresh claims for asylum. If they then apply for Section 4 support, they need to be allocated UKBA accommodation before they can be issued with vouchers. These conditions, combined with delays in decision making and a shortage of Section 4 housing in Glasgow in the past, have all contributed to this as a key cause of destitution and a high risk of homelessness as well.

**Figure 8: RST Grants, 2009-12 - Applicants Awaiting Section 4 Support Decisions as Percentage of Monthly Grants (386 total)**

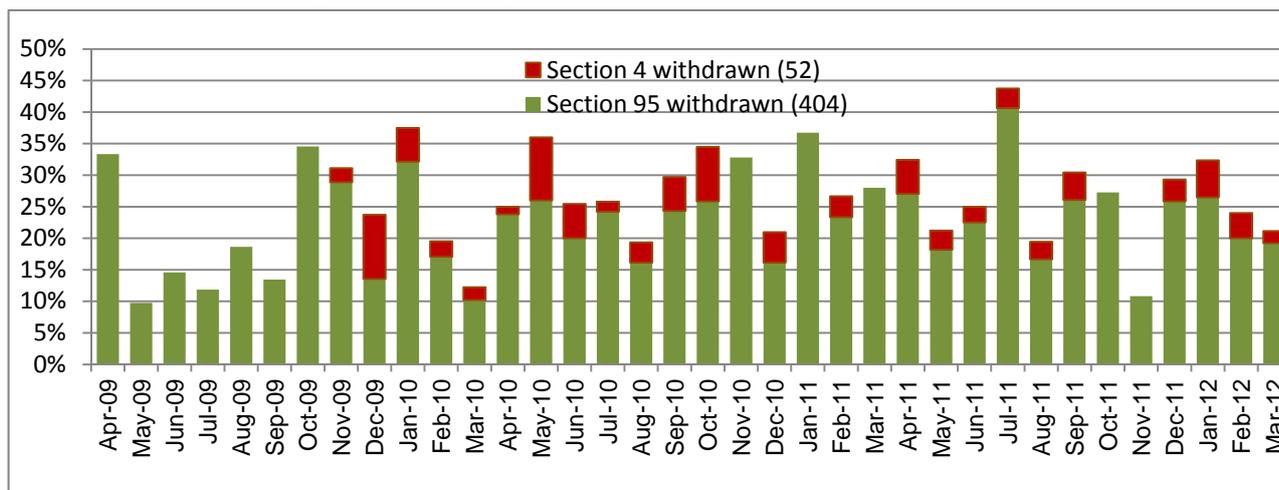


RST is only able to afford and provide grants for essential living expenses for just 2 weeks even though many people can wait for weeks and even months before Section 4 support is paid (e.g. if awaiting documents to submit further evidence).

## Refused Asylum Seekers

When Section 95 or Section 4 support is withdrawn, RST grants (usually two weeks subsistence of £40 a week) give people a breathing space to get advice on the options available to them. This is one of the main reasons for grant applications to RST, particularly when Section 95 support is withdrawn (Figure 9). The two weeks subsistence RST can provide is often inadequate, particularly if people need to gather evidence to submit fresh claims (e.g. documents from overseas or needing translation), apply for judicial review or make other representations. Even for someone considering voluntary return, the acceptance process can take several weeks, delaying the point at which a Section 4 claim can be made.

**Figure 9: RST Grants, 2009-12 – Section 95 & Section 4 Support Withdrawn as Percentage of Monthly Grants**



RST and BRC (2011) want refused asylum claimants to be briefed early in the asylum process on the options available to them in the event of a refusal. A UKBA workshop in November 2011 explored information provision throughout the asylum process and considered how improvements could be made, but it has yet to be followed up at the time of writing.

**Release from Detention**

Over 2009-12, RST gave 18 people grants because they were destitute following release from detention. With better communication between detention centres and UKBA to ensure emergency support and accommodation is available, destitution following detention is avoidable. This includes simple practical steps such as arranging for Interim Support Tokens to be immediately available and returning confiscated documents such as Application Registration Cards (RST and BRC, 2011).

**Case Study**

Ahmad, a Kuwaiti man had been on Section 4 support since 2006 and had been assisted by RST, SRC and BRC on a number of occasions over the years. His support stopped when he went into prison. He is a vulnerable person with a history of mental ill-health and self-harm. On release from prison he presented to SRC in a very distressed state, having attempted suicide. He said he had no accommodation or financial support and previously had been in a psychiatric hospital.

Both UKBA and Social Work were informed by SRC of the concerns about his mental health and Ahmad was admitted to a psychiatric hospital ward. A month later he applied for Section 4 support with the help of SRC, but remained an in-patient.

After a 6-week wait, Ahmad got a decision from the UKBA about his application, but he had a longer stay as an in-patient than he needed, including after doctors advised that he could be managed as an out-patient if there was suitable accommodation. Ahmad’s asylum claim was first lodged in 2006 and was still outstanding when he was released from prison. It would have been much more beneficial for him if he had been accommodated on Section 4 support straight from prison.

## ***Maternity Support Payments and Pregnancy***

RST gives top up maternity grants, including for reasons unrelated to pregnancy, to exceptionally vulnerable clients or in some situations where a maternity grant is refused. In the last 3 years, 25 new mothers were given grants, including:

- Several women whose Section 95 support was withdrawn and others who were awaiting Section 4 payments
- One woman who got no mainstream benefits because she had not been given a NI Number
- One woman who was 8 months pregnant and without shelter or food
- Some who needed help with the cost of travel to Croydon or Liverpool
- Some who were awaiting Emergency Support Tokens

## ***Causes of Destitution***

Analysis of the RST data illustrates how the risk of destitution arises throughout the asylum support process. Administrative and procedural problems in this complex system and extremely short timescales for transitions from one stage to another appear to be difficult to meet for the UKBA and other providers as much as for asylum seekers.

RST grants help a lot of people at the stage before they claim asylum and Section 95 support is put in place. However, the two groups most at risk of longer term destitution – those whose appeal rights are exhausted and those who are in the process of submitting fresh claims - accounted for 1019 of the applications for RST grants over 2009-12 (55 per cent). They are the prime target of government policies that have been described in the past as starving people into submission (Cunningham and Tomlinson, 2005: 268) and they are invisible in official statistics about asylum seekers. They receive very short term support from RST and there is limited evidence of what happens after that support ends. As a result there is a gap in knowledge, particularly about the scale of destitution in Scotland and its impact on people whose asylum support has ended.

### 3. EXPERIENCES OF DESTITUTION

This chapter discusses experiences of destitution and is based on the survey of 115 destitute people carried out in March 2012, the 12 interviews with people currently or previously destitute, and the focus group with service providers.

Some organisations involved in conducting the survey provide services for a range of groups and communities. In addition to asking destitute clients to complete the survey, services that exist specifically to support asylum seekers and refugees were asked to provide summary statistics of the clients they had over the week and how many of the total number of clients were destitute. The results from 6 organisations show that dealing with destitution is a substantial area of work for them (Table 5). Overall, almost one in four of the clients these agencies saw during the survey week were destitute.

**Table 5: Proportion of Clients in Survey Week who were Destitute**

	All clients in week	All destitute clients	Destitute clients as % of total
<b>Govan &amp; Craigton Integration Network</b>	24	16	66.7
<b>SRC</b>	191	40	20.9
<b>BRC</b>	70	19	27.1
<b>Bridges Programme</b>	34	9	26.5
<b>Freedom From Torture</b>	45	4	8.9
<b>Total</b>	364	88	24.2

In this one week, 115 destitute people took part in the survey. Taking account of adult dependents, the total number of destitute people involved was 148. There are several reasons why this is an underestimation of the true scale of destitution, for example:

- Some people may have been able to manage through help or support from friends or family – two of our 12 interviewees were in situations where they would be unlikely to seek help from services because of destitution
- Others may have managed to get some resources through occasional informal work – one interviewee said that is something he had done in the past, but that he had been exploited and, on one occasion, was not paid for the work done
- One advice worker highlighted that, even with knowledge of services available to help them, some destitute people will not use them, because they are *“just not wanting to be seen to have nothing at all. It’s a shame thing, I think for some of them.”*

A recent report by the Children’s Society raised concerns about families with children, unaccompanied asylum-seeking children or young people involved in age dispute cases experiencing destitution in England (Pinter, 2012). Our survey identified 11 people with dependent children, but did not identify anyone who was an unaccompanied asylum-seeking child or young person involved in an age dispute case. In addition, the only interviewee with a dependent child was now in receipt of Section 4 support, although she had past experience of destitution whilst pregnant.

## Country of Origin

The survey participants came from 29 different countries. However ten countries account for more than two thirds of the total and, of these, Iran and Iraq were identified most often (Table 6). The country of origin profile for survey participants is similar to the profile of applicants for RST grants (see Figure 4, page 14). However, it is different from the profile of asylum seekers in Scotland in receipt of Section 95 support who are mainly from China, Pakistan, and Nigeria and those who were refused asylum in 2011 who came from Pakistan, Sri Lanka and Iran more than other countries (Home Office 2012a). There are many possible reasons for this difference. It may be that, for example, the existence of well established Pakistani and Chinese communities in Scotland can help to support more people who are destitute without the need for them to seek help from advice and support services to the same extent. However, this is conjecture and further research is needed to explore the relevance of country of origin and country connections for experiences of destitution and the use of formal and informal sources of support.

**Table 6: Country of Origin**

	No.	%	Men (no.)	Women (no.)
Iran	17	14.8	16	1
Iraq	11	9.6	9	2
Sudan	9	7.8	8	1
Zimbabwe	9	7.8	2	7
Democratic Republic of Congo	8	7.0	3	5
Eritrea	6	5.2	2	4
Algeria	5	4.3	4	1
Pakistan	5	4.3	1	4
Palestine	5	4.3	5	0
Somalia	4	3.5	3	1
Others	36	31.3	18	18
<b>Total</b>	<b>115</b>	<b>100.0</b>	<b>71</b>	<b>44</b>

There were differences between women and men taking part in the survey in their country of origin. These 10 countries accounted for 74% of the men but only 59% of the women. Men account for almost all of those from Iran, Iraq, Sudan, Algeria, Palestine and Somalia, while more women came from Zimbabwe, the Democratic Republic of Congo, Eritrea and Pakistan. All of the survey participants from Iran, Iraq, Pakistan and Palestine were single or alone in the UK, whereas those with adult dependents came mainly from Zimbabwe, Sudan, Eritrea and countries other than the top ten.

## Reasons for Seeking Asylum

The survey and interviews did not ask about the reasons for coming to the UK, but the interviews did ask about what interviewees hopes were in coming here. Some interviewees gave some information about why they left their country of origin. Even amongst this small group, the circumstances were wide ranging.

- Some involved war and conflict: a Zimbabwean man explained the situation from his perspective:

*“When I grew up, Zimbabwe was engulfed in war. The blacks were fighting with the Ian Smith regime. So we got independence in 1980. We thought our life is back, but... rejoiced for only three months and then Mugabe turned to his own people, killing them - remember the genocide in Matabeleland, where I come from? And then, after the 2008 elections, I’d lost almost everything – my family, my brothers, my sister - I was alone. I tried to take my family (wife and children) to run away from the country that I loved, that I stayed for the rest of my life. Then when I came here, along the way I lost my family... I don’t know even today where they are.”*

- Another man discovered he could not return to Sri Lanka because his activity as a Tamil Tiger meant the police and army had a warrant for his arrest
- Another man from Iran was *“an active Christian, because of that reason I came to this country”*
- Some involved local and family disputes, including one woman who fled a forced marriage because *“they wanted to do cutting”* (female circumcision)

What most interviewees hoped for in coming to the UK was: that they would be safe, *“to seek refuge”* in a country where human rights are more respected and, in the longer term, to have a better future working and contributing in such a society.

### **Women Asylum Seekers and Destitution**

The proportion of female destitute asylum seekers in this survey (38 per cent) is higher than the overall proportion of female asylum applicants in the UK in 2011 (30 per cent). While data for 2010 show only 26 percent of initial decisions were successful for female applicants, women made 33 per cent of all appeals in 2010 and were 40 per cent of all successful appeal decisions (Home Office, 2012a). This data indicates there are issues with the quality of decision making on women’s claims for asylum. Asylum Aid (2009: 5) argued that the UKBA “consistently made wrong decisions for women seeking asylum, which then have to be corrected by immigration judges”. More recent research indicates that there has been little improvement. Dorling et al (2012: 4) highlighted that women flee their country of origin for similar reasons to men. However, they are also likely to be “fleeing sexual violence as part of the political or religious or ethnic persecution they experience”. They raised concerns about the treatment of women in the asylum process and the credibility given to their stories.

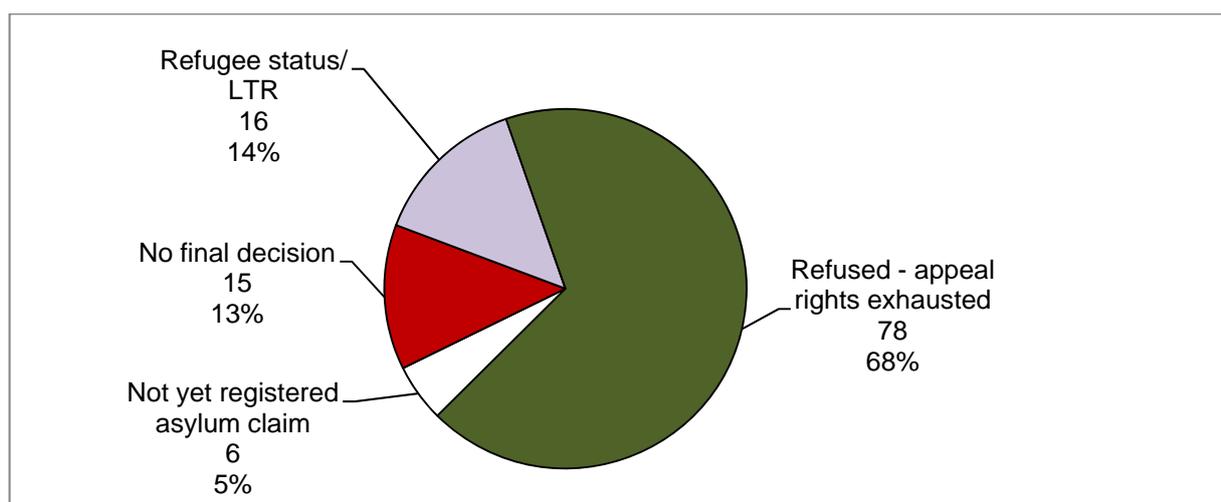
Amongst the women interviewees in this research, four from Africa all had cases refused because they were not believed. One said the Home Office described her case as ‘not credible’. Another woman who fled forced marriage and the threat of female circumcision has made several attempts to have her story accepted, although she faced challenges with making her case because of speech difficulties. Her mother, still in the Democratic Republic of Congo, had to leave the area they lived in because of threats and so was unable to help her further to pursue her asylum claim in the UK.

## Asylum Status

The general status of asylum claims of survey participants is summarised in Figure 10. This shows that the largest group of destitute people was refused asylum seekers whose appeal rights were exhausted: they accounted for two thirds of all responses, reinforcing this as a key concern for this project. However, 14 per cent of those who were destitute had been granted refugee status and 13 per cent were asylum seekers who did not have a final decision on their case. Only a small number of people were in the situation of having not yet registered their claim for asylum. Other points to note about status include:

- Men and women were equally likely to be refused asylum seekers (both 68 per cent), but men were marginally more likely to have refugee status (16 per cent) compared to women (11 per cent) whereas women were marginally more likely to be awaiting a final decisions (16 per cent) than men (11 per cent)
- Amongst those with special circumstances, one new mother and four of the pregnant women were refused asylum seekers, while the other new mother and the remaining pregnant woman did not have final decisions on their claims
- Of the 26 people with mental health problems, 21 (81 per cent) were refused asylum seekers, while three were awaiting decisions on their cases and two had refugee status
- Most of the families with dependent children (six) were refused while four others were awaiting decisions and one family had refugee status
- The ten most common countries of origin show some variation in relation to status. In particular, most of those from Sudan had refugee status, whereas all of those from Palestine and Somalia and a majority from all other countries were refused asylum seekers

**Figure 10: Status of Asylum Claim**



The situation of survey participants is a snapshot that reflects their status at a particular point in time. The interviews highlighted that claiming asylum is not necessarily a linear process: most interviewees had made more than one application for asylum and went through reviews and appeals, so they have been at different stages in the process over their time in the UK.

### ***People Yet to Register an Asylum Claim***

The survey asked for more details about the reason for being destitute. In relation to the 6 people who had not yet registered their claims, three could not afford to travel to the Asylum Screening Unit without charitable support and another had mobility difficulties. The others were awaiting communication from the Home Office. Many asylum seekers arrive in the UK penniless, having spent all their resources to flee to safety. As a consequence this group accounts for a fifth of all applications to RST for grants (see pages 14-15), most often for help with the cost of travel to register their asylum claim, or to meet immediate needs until their support is established.

### ***People with No Final Decision on Their Claim***

Amongst the 15 asylum seekers who did not have a decision on their case, two had not applied for support, while five others were waiting for a decision from the UKBA about their claim or case allocation. A further five people were destitute because of errors or delays in payment. The three remaining cases concerned appeals against an initial refusal of support. Of four families with children who had not had a decision yet, two were entitled to help but there had been an error or delay, one was awaiting a decision from the UKBA and one family had not applied for support.

#### ***Case Study***

Janaka from Sri Lanka first claimed asylum in 1999. After 5 years without a decision, he returned voluntarily to Sri Lanka. He was detained and subjected to torture in 2009 following renewed fighting between Tamil Tigers and the Sri Lankan Government. He escaped and managed to get back to the UK in 2010. He tried to make a new asylum claim but was told instead to make further representations on his previous submission.

Janaka was sleeping rough in winter and disclosed to an SRC caseworker that he was thinking about committing suicide - he could no longer cope, he was depressed, with endless thoughts of the torture he endured. RST gave him a grant for food and he got temporary shelter through Positive Action in Housing. SRC finally got him an appointment to apply for Section 4 support a month after his arrival. He should have got a decision within 15 days as per the UKBA stated timeframe, but it took UKBA two months to refuse his application, even though he had overwhelming evidence confirming that he was in a desperate situation exacerbated by his destitution.

The refusal letter said that UKBA did not believe he was destitute as he did not have sufficient documentary evidence of his destitution. An SRC appeal to the Asylum Support Tribunal succeeded, but by that time Janaka was street homeless. Five months after arrival, he finally got Section 4 support. He has still to receive a decision on his asylum case.

### ***People Granted Refugee Status/ Leave to Remain***

Amongst the 16 people in the survey who had refugee status, 3 were awaiting a NI Number and 4 were awaiting a meeting with Jobcentre Plus in order to access mainstream benefits. This adds to the evidence from RST data of growing problems and delays with the transition to mainstream benefits that can lead to destitution.

### **Case Study**

Shahab is an Iranian refugee. Even though he was recognised as a refugee by the UK government, he was then made destitute through delays and errors. The Jobcentre would not process his application for Jobseeker's Allowance until his support from UKBA ended and he did not receive his last Emergency Support Tokens because he was not informed of the delivery through an administrative error. RST gave him a destitution grant to survive while these problems were resolved.

Amongst the others, 3 were affected by delayed or missing payments, one person was unable to claim benefits because he did not have his status documents and another has had her status revoked. The remaining 4 survey participants had issues or changed circumstances connected with their claims for benefits – they included one family who were waiting on changes to their benefits and a larger house following a family reunion.

One of the interviewees first claimed asylum unsuccessfully in 2008, but made a fresh submission in March 2010. It was refused and he lodged an appeal. He was surprised to then be given Section 95 support and accommodation which he was still living in at the time of interview. He won his appeal but was waiting for a Home Office appeal against that decision to be heard to decide if he would keep the refugee status given at the original appeal hearing.

### **Case Study**

Renee is single mother who escaped the threat of violence against her daughter (her husband had threatened to take their two-year-old daughter back to her home country to have her circumcised). She was granted refugee status but she was left homeless and destitute during the transition from UKBA support to mainstream benefits due to delays and an administrative error by the Home Office. A destitution grant from RST helped her and her daughter until income support was established and SRC could help her to find suitable accommodation.

### ***Refused Asylum Seekers Whose Appeal Rights are Exhausted***

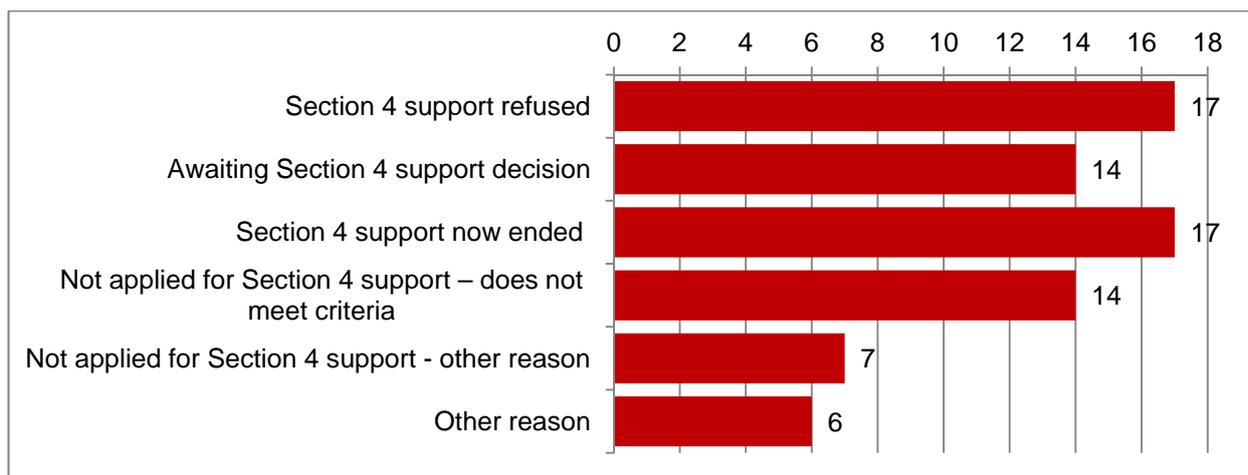
The largest number of survey participants – those who had been refused and had exhausted their rights to appeal – were destitute for a range of reasons (Figure 11):

- Some had applied for Section 4 support and been refused (17 people or 15 per cent of all survey participants)
- the same number had been on Section 4 support but it had ended
- 14 people (12 per cent) were awaiting a decision on an application for Section 4 support
- 14 others had not applied for Section 4 support because they did not meet the criteria
- A smaller group of seven people had not applied for Section 4 support for other reasons. While one person had to go first to see the UKBA, the others were

waiting to make a fresh submission (for example some were gathering evidence), or waiting for decisions on legal aid applications or other communications from lawyers – such issues can often delay applications for Section 4 support until they are resolved.

- Most of the remaining six people were considering fresh submissions or getting advice from lawyers about evidence for a fresh submission. For one person this included having a mental health assessment.
- Men and women were represented across the reasons for being destitute as refused asylum seekers. However, men were more likely to have been on Section 4 support which had ended (14 or 30 per cent) than women (3 or 10 per cent), whereas more women had applied for Section 4 support and been refused (9 or 31 per cent) compared with men (8 or 17 per cent).
- There were 6 survey participants who were refused who had dependent children, including three whose Section 4 support had ended, two who had not applied for Section 4 (one was preparing a fresh submission) and one who had been refused Section 4 support.

**Figure 11: Reason for Destitution – Asylum Seekers Refused, Appeal Rights Exhausted**



Issues with Section 4 support were an important theme for survey participants and delays in making decisions about Section 4 applications have been a consistent source of grant applications to RST (see page 17 above). There has been a significant reduction in the number of people on Section 4 support in recent years from over 11,600 at the end of 2009 to just over 2,300 at the end of 2011 (Home Office, 2012a). This has been attributed to a substantial number of legacy cases being granted status, but also to changes to procedures for making fresh submissions (SHSH, 2012b).

However, it would appear that the procedural changes do not fully comply with the law. A recent judgement ruled as unlawful “the UKBA’s policy of deliberately delaying decisions on claims for Section 4 accommodation for a minimum of three weeks while a decision is made on the further submissions” (Asylum Support Appeals Project, 2012). The judge said that the Secretary of State should replace the current policy – which effectively delays decisions for three weeks – with one that is lawful. Revised procedures that are lawful will make a small contribution to reducing the risk of destitution and homelessness at this key stage in the asylum process.

People who have been refused refugee status have been judged by the Home Office not to have a well founded fear of persecution in the country of origin according to the definition set out in the 1951 Convention relating to the Status of Refugees. At that point any Section 95 support that those without children may have been getting is withdrawn and support can also be withdrawn from families with children in some circumstances. There are many different reasons for people's claims being refused. Some of the interviewees explained their experiences:

*"Home Office did refuse me, because they said 'we believe you, you are a Christian, we believe you, you are everything, but because you are not active and you don't do advertising..." (Iranian man)*

*"They told us 'this (the claim) is not true - in Pakistan you can make false documents –everything is so easy'. So my lawyer... is making a report from Pakistan. I gave all the police reports, newspaper articles and everything. So she told me that in Pakistan... some agencies... will compare if it is true or not, they will go in the police station and will compare if they are the police reports or not in reality, or newspaper articles - is it a genuine newspaper article or not?"*

The current situation for most of the interviewees was that they had applied for, appealed and lost their asylum claims, sometimes on more than one occasion, and Section 4 had been refused. One man had gone to appeal in 2009:

*"I got some support again but I was still in that flat and 6 months before the 2010 Christmas, they stopped my money, in the summer of 2010. That was NASS (Section 95) money. At the end of 2010, 2 days before Christmas I had to leave the flat..."*

For two women, the time over which they received support was very short:

*"When I claimed in 2009, I came to Glasgow and I was accommodated in March till September or October 2009 and that was it really... Everything and my support, everything stopped."*

*"Just for three months since I came here, between December 2010 and March 2011. They stopped my support... on 17th of March and then I still had my house until last month, I had my house until last month."*

A man who first claimed asylum in 2001 has taken opportunities available to him to submit fresh claims:

*"I came out as a legacy case, as you know, in 2006 or 7. I did that one as well, but unfortunately they refused me again."*

RST and BRC (2011) identified that the short term grants that RST can provide when asylum support is withdrawn (usually only for two weeks) is often inadequate. This was reinforced by service providers and one lawyer explained how people putting in fresh representations can face long periods without support:

*"Everything is rushed through at such a pace now that it's very difficult for our clients to have all the evidence they want to rely upon and it's very difficult to get an adjournment at the court. Therefore, you are finding that a lot of people are having to make further representations... The problem*

*with that is that... they are not given any support until it's initially assessed and, even then, the majority of further representations are just blanket refused by the Home Office and the only remedy you have at that stage is to try and go to the Court of Session by Judicial Review... In order to do that, it's a very length process in terms of applying for civil legal aid to get an advocate and all that time people are then faced with this trap, how do they get support, how do they get accommodation?"*

## Time in the Asylum System

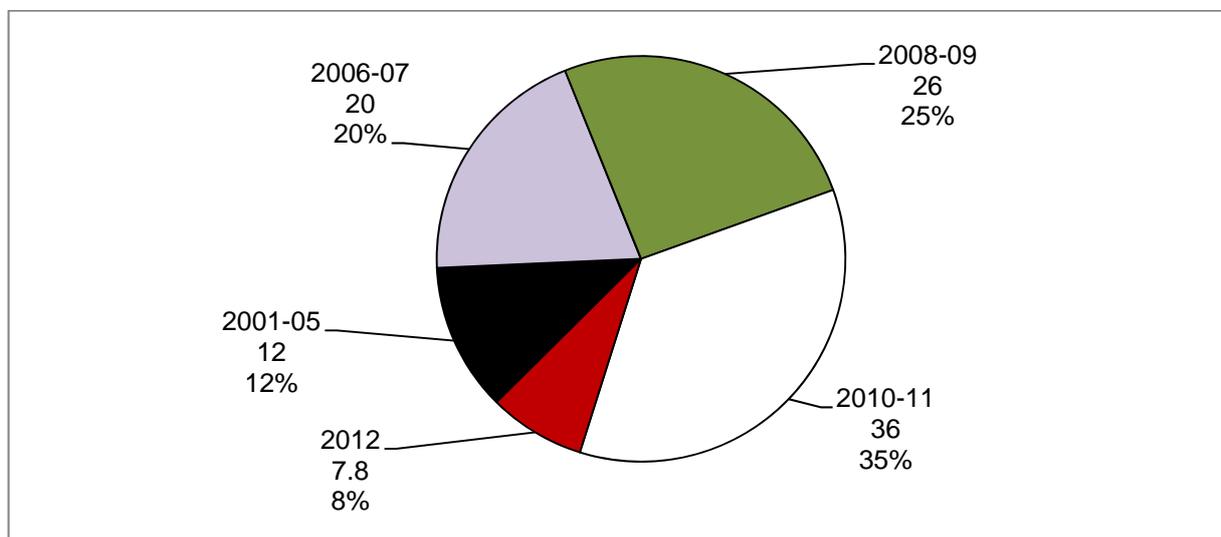
Most survey participants had claims that were being processed under NAM. However, over one in five of the destitute asylum seekers in this survey had legacy cases that were initiated prior to March 2007 (Table 7). There was little difference in the type of asylum case between men and women. Most survey participants from Algeria (4 of 5 people) were legacy cases, but there was little variation between the other more common countries of origin.

**Table 7: Type of Asylum Case**

	Number	%
<b>NAM cases</b>	90	78.3
<b>case resolution/ legacy cases</b>	25	21.7
<b>Total</b>	115	100.0

Consistent with the type of case, the year survey participants made their claim for asylum ranged from 2001 to 2012 (Figure 12). While 43 per cent claimed asylum in 2010 or later, 12 per cent claimed before 2006, including 5 people who first claimed asylum in 2001. This highlights that, despite the plans to speed up the asylum process and a public commitment to grant or remove all those deemed as legacy cases by July 2011, there are people who have now been in the asylum system for more than a decade. Survey participants from Algeria and Democratic Republic of Congo were more likely to have first claimed asylum between 2001 and 2005 than those from other countries, indicating these were more long standing unresolved cases.

**Figure 12: Year of Claim**



The interviews also highlighted that, in some circumstances, people may be in the UK for a period of time before they claim asylum. For example:

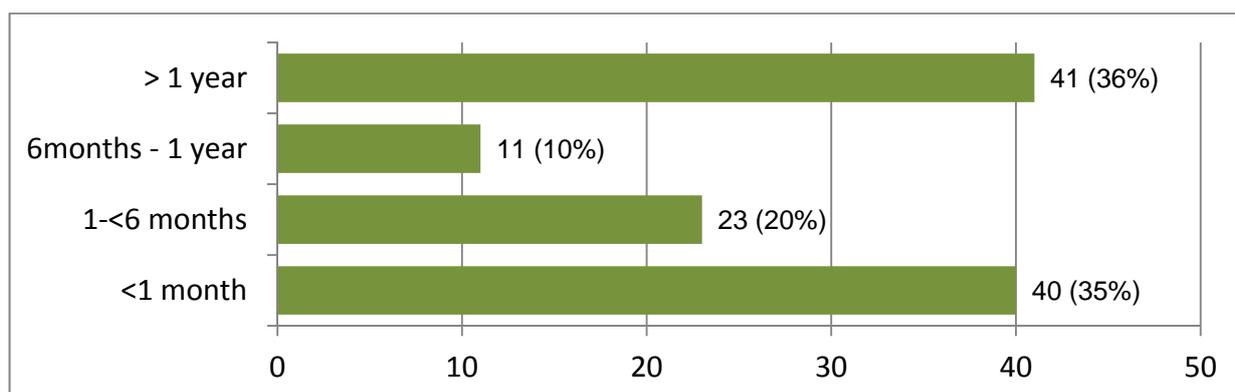
- one man had a 2 year visa initially and only claimed asylum when that ran out and he was unable to return to his country of origin
- one woman came to the UK in 2001 and, when her visa ran out, continued to live in the UK without claiming asylum, finally doing so in 2009. She had taken advice from people she stayed with: *“they told me, if you just get your asylum, if you claim, that’s the end of you, they will deport you straight away.”*
- another woman initially arrived on a visitor visa with other family members and claimed asylum later in the same year. They were living with relatives including one who had sponsored their visit. When the family claimed asylum the relative asked them to leave his home because he thought he might be in trouble with the government since he had sponsored them.

### **Length of Time Destitute**

We asked survey participants about the length of their current period of destitution and, as Figure 13 shows, the responses fell into three groups of similar size – those who had been destitute for less than a month, those destitute between one month and a year and those destitute for over a year. There were more people destitute between 1 month and 6 months than between 6 months to a year. There were some differences between groups, for example:

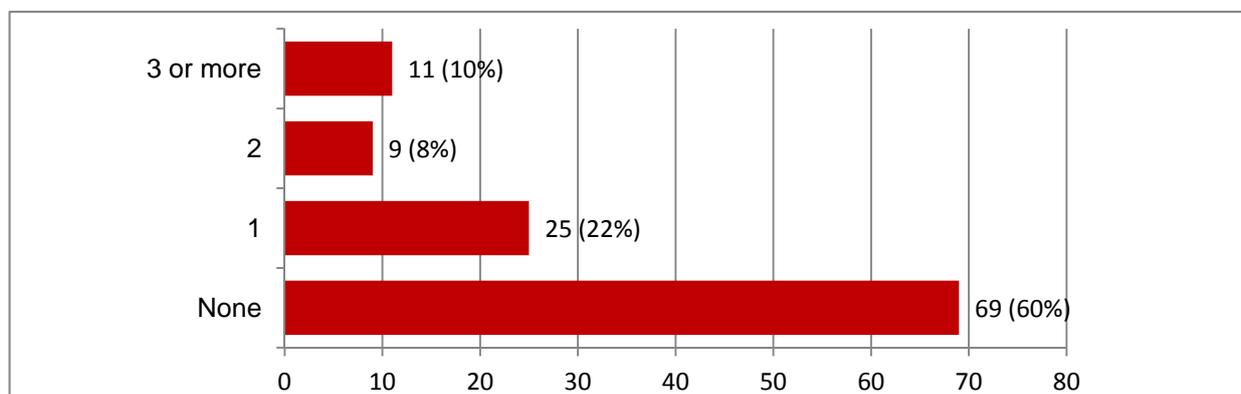
- In terms of asylum status, almost half of refused asylum seekers (46.2 per cent) had been destitute for more than a year, whereas the majority of those who had not yet registered a claim or had no final decision had been destitute for less than 6 months and most survey participants with refugee status were destitute for less than a month
- Those who said they had a mental health problem were more likely to have been destitute for more than a year (46 per cent) compared with those who did not (33 per cent)
- A higher proportion of women was destitute for more than a year compared with men (43 per cent compared with 31 per cent)
- Those with dependent children or a spouse or partner had similar spells of destitution when compared with other participants

**Figure 13: Time Destitute (Current Period of Destitution)**



The survey also asked about other earlier periods of destitution. While the majority (60 per cent) had not been destitute previously, four in ten people were destitute on at least one previous occasion, including 11 people who had been destitute three or more times and 9 who were destitute twice in the past (Figure 14). They included four people who now have refugee status, which reinforces that destitution affects people who are eventually able to show that they have a legitimate claim for asylum.

**Figure 14: Previous Periods of Destitution**



Estimates of the total time spent destitute cover a wide range: two people were newly destitute, but one person had been destitute for 6.5 years. The average total time destitute was 1.5 years and half of all survey participants had been destitute for a total of 1 year and one month approximately (Table 8). In relation to other circumstances:

- Men and women had been destitute for a similar length of time
- Those with legacy cases had been destitute twice as long (2.7 years) as those with cases under NAM although the average in NAM cases was still over a year
- Refused asylum seekers had spent the longest time destitute on average - 1.7 years - compared with 1.2 years for those whose claim is not yet decided, while those with refugee status had spent the shortest average time destitute

**Table 8: Total Time Destitute (Years)**

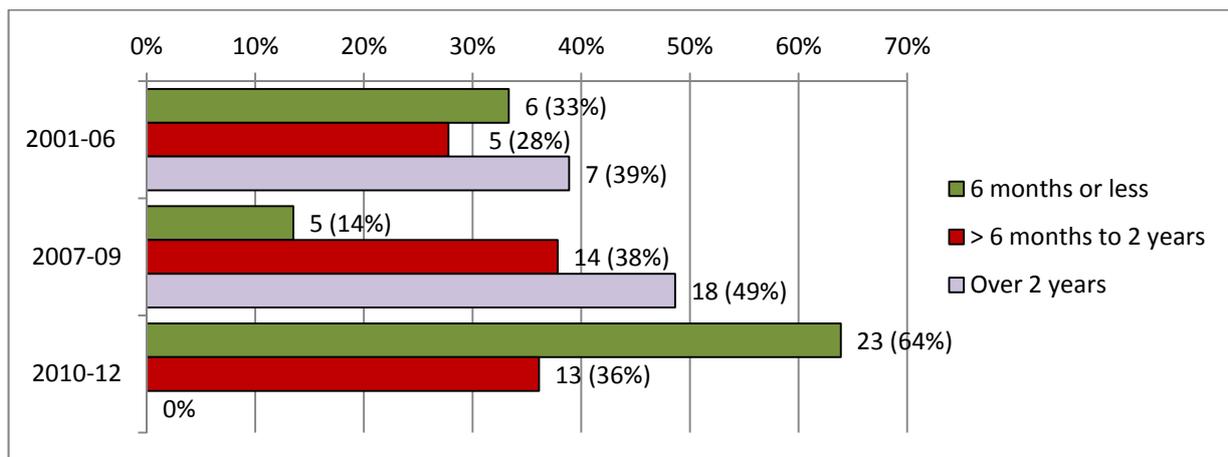
	Number	Average (mean)	Maximum
<b>All</b>	95	1.5	6.5
<b>Men</b>	58	1.4	6.5
<b>Women</b>	37	1.6	6.0
<b>NAM cases</b>	76	1.2	5.0
<b>Legacy cases</b>	19	2.7	6.5
<b>Status - claim not decided</b>	12	1.2	4.0
<b>Status – has refugee status</b>	13	.6	3.0
<b>Status - refused asylum seeker</b>	67	1.7	6.5
<b>Year of claim 2001-06</b>	18	2.3	6.5
<b>Year of claim 2007-09</b>	37	1.3	5.0
<b>Year of claim 2010-12</b>	36	0.6	2.0
<b>Person with mental health issue</b>	24	1.5	5.0

*Note: Categories with less than 10 responses excluded from analysis*

- Those who first claimed asylum in the earliest period (2001-06) spent more time destitute than more recent asylum claimants
- There was little difference in the total time destitute amongst people who had a mental health issue compared with those who did not

Although the average total time destitute was highest amongst those claiming asylum in 2001-06, half of those who first claimed asylum between 2007 and 2009 had been destitute for more than two years in total (Figure 15). Those destitute over 2 years included the majority of legacy cases (52 per cent) and of those from Algeria, Eritrea and Somalia.

**Figure 15: Total Time Destitute by Year of Asylum Claim**



As people who were refused asylum, most of the interviewees had also experienced destitution for long periods. Only one person (now with refugee status) had been destitute for less than a year in total, while six had been destitute for 2 years or more. One man could only estimate roughly the time he had been destitute, but thought it was around 7 years of his 11 years in the UK.

## Remaining in the UK as Refused Asylum Seekers

The Home Office argues that people who have been refused do not need to be destitute since they can return to their country of origin. As highlighted in Chapter 1, the UK government aims to make life 'uncomfortable' to encourage refused asylum seekers to leave, or as one Labour MP suggested, to 'starve them out' (Cunningham and Tomlinson, 2005). Refusal does not mean that an asylum claim lacks foundation. Many people prove their claims have foundation when they go on to get refugee status at appeal, yet, as was the case for some refugees in our survey, they were previously forced into a period of destitution.

Another factor is that many of those who are refused support under current policy and procedure would have received another form of protection if they had applied in the past, for example:

*“Less than 1 in 10 people who seek asylum in the UK are granted protection outside of the 1951 Refugee Convention whereas prior to 2005 this was 1 in 4.” (SRC, 2012: 3)*

Advice and support services highlighted some of the complexities involved that are often not within the control of refused asylum seekers:

*“The United Nations say to the British Government do not return those clients, so they are in a limbo. They are neither returning to their countries nor (do) they get support in here.”*

*“I certainly get a lot of clients who attend at our offices from certain countries where there is absolutely no prospect of them being removed from the UK at this moment in time for whatever reason and they are being denied access to support.”*

One issue is that someone’s nationality may be disputed:

*“they are caught – some are in between because, while they are interested in going back, there is no way they can go because Home Office will not believe that they are from a particular country. So... it is left up to them to prove that they are taking reasonable steps to go back and its quite hard for them to do that.”*

There are also countries that stand out as difficult or impossible to return to at a particular point in time:

*“like Palestine, everyone knows it’s quite difficult, Refugee Action<sup>3</sup> will tell you that they cannot facilitate returns to Palestine, but then on paper you cannot just to say ‘I cannot go back’ - you are required to take reasonable steps. It happens again with some Somali clients, it’s quite hard to get travel documents from that part of the world...”*

One interviewee from Sri Lanka who is Tamil was caught in such a situation and has now been destitute for 4 years. When his visa expired in 2008, he said he felt unable to return to Sri Lanka because his life would be at risk, so he claimed asylum, but:

*“They rejected my asylum claim ... Now police and army (in Sri Lanka) are sending post to my home – come to police station, come to police station, a letter - arrest warrant - came to my home... I think I could be killed, army or police could kill me. Already army arrest me. They have got all my details, always army support people go to my home and ask my sister and my mother when I (will) go home.”*

Since the interview, there has been a High Court ruling on one case that led to 50 people being removed from a charter flight returning people to Sri Lanka. Taylor (2012) said that the “Home Office is under increasing pressure to halt any future deportations of Tamil asylum seekers to Sri Lanka after a senior judge accepted that there is credible evidence they could be tortured on their return” to what he described

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<sup>3</sup> Refugee Action provides the Choices Assisted Voluntary Return Service that provides advice on options and supports those who chose to return – see <http://www.refugee-action.org.uk/ourwork/assistedvoluntaryreturn.aspx> for more information

as “a nation with a dismal human rights record”. However, despite not being able to be returned, many Tamils in the UK are destitute.

A further concern arises when the quality of decision making is taken into account. For example: survey respondents with refugee status had experienced more than one period of destitution in the past because they had been refused initially; and women have greater success at appeal. This indicates both that the quality of initial decisions was questionable and that decision making is gendered.

In addition to the quality of decision making, the large proportion of destitute asylum seekers from a small number of countries identified in the survey highlights a concern that arises because of a policy change on protection outside the Refugee Convention. The UKBA has:

*“set the bar for protection at the highest level permissible in law,.. There is a serious flaw in policy if it is not safe to return individuals to their country of origin for extended periods of time and yet they are being denied any legal status in the UK and the ability to support themselves through work.”*  
(SHSH, 2010: 4, 10).

SHSH argues that the UK needs to make less restrictive use of humanitarian protection or temporary leave to remain, including on a group basis, for people from particular countries. This would help to reduce the experiences of destitution and administrative costs associated with destitution and appeals and reflect more appropriately the external factors that can prevent decisions being made about removing applicants or allowing them to stay in the UK.

Interviewees described mixed experiences with legal representation. Some have changed their lawyers – those who did so were more confident now that their interests are being addressed. Most of those who do not have refugee status are compiling evidence, including letters of support from their country of origin and in the UK to try and support their claims or make fresh claims. For those who have been in the asylum system for a long time, this included taking a new approach in the fresh submission to argue that it should be the person’s human right to remain in the UK.

## 4. COPING WITH DESTITUTION

The previous chapter has highlighted how asylum seekers are left without asylum support, sometimes for a few days or weeks, but often for long periods - years in some cases - amongst those whose claims have been refused. This chapter focuses on interviewees' experiences of coping with destitution.

Oxfam argues that everyone has the right to a sustainable livelihood which they define as one that can “maintain itself over time, and which can cope with and recover from shocks”, incorporating the economic, the social and institutional. For asylum seekers, particularly those refused asylum and without an income or a home, the structural constraints that they face make the means of material wellbeing, such as food and shelter, an enduring challenge, far less the kind of assets that contribute to “opportunities and possibilities for the future”. (Crawley et al, 2011:11, 12)

Thousands of asylum seekers in the UK are left with no legitimate means of securing a livelihood. Denied access to any financial support or the right to work, often unable and sometimes unwilling to return to their country of origin, they are then forced to adopt strategies to cope with destitution that can mean prolonged periods with no income and often without a home. In such circumstances, they rely heavily on friends, charity and family, but advice and support providers highlighted that, once people have been destitute for some time, it can be increasingly difficult to know where to send them for some support to meet essential needs such as food, clothing and somewhere to stay. They are also aware of people who are particularly vulnerable and open to exploitation and abuse as a result of being destitute:

*“women who have got into the position where they are very reluctant to approach any agencies because they think they’ll get sent back and they end up living in fairly abusive situations... that’s a fairly hidden group. I don’t know how many people are in that group.”*

*“We’ve certainly had people who’ve been in domestic abuse situations, both male and female because of their destitution. So they get into a sort of power imbalance.”*

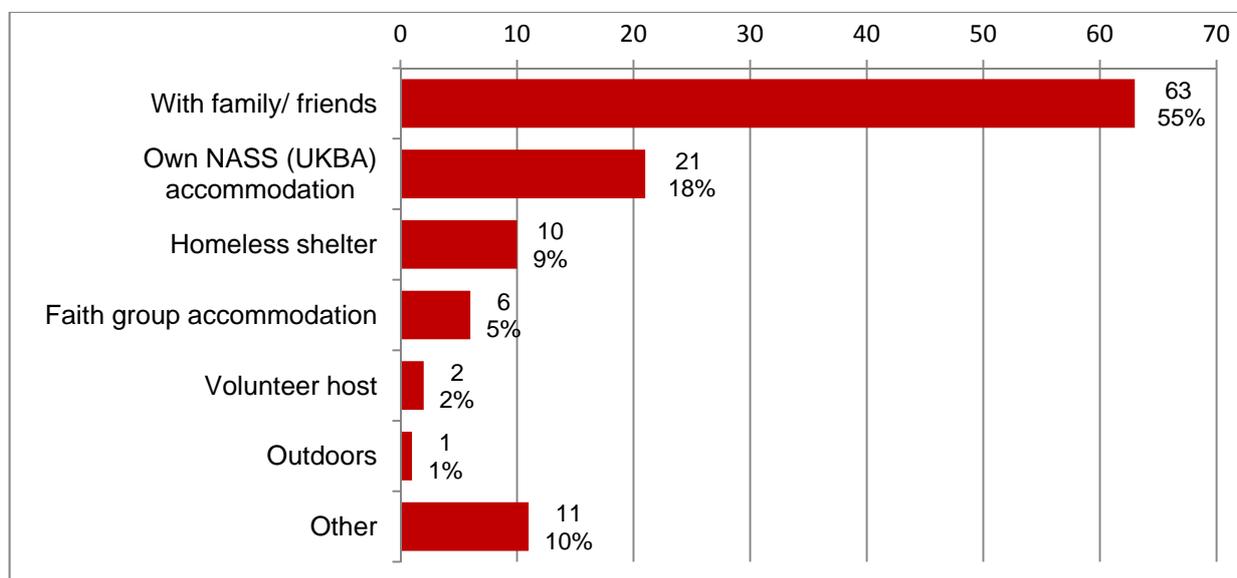
### Somewhere to Live

Finding and keeping a place to stay is a central concern for all people, but is particularly pronounced for people who are destitute. The survey asked where people slept the previous night and the results are shown in Figure 16. While more than half (55 per cent) stayed with family or friends, another 18 per cent stayed in their own UKBA accommodation. Families with children were in similar situations – of the 11 families, 5 lived with family or friends and 4 lived in their own UKBA accommodation, while one family lived in rented accommodation and one in bed and breakfast.

The number able to keep their accommodation may appear high given their situation, but this is likely to be because the charity Ypeople, who provided accommodation under contract to the UKBA until autumn 2012, allowed some refused clients to stay longer than the statutory period of 21 days despite no longer being paid by UKBA to house these tenants. This helped some to avoid homelessness. (SRC, 2012)

Other types of accommodation were identified less often, but a homeless shelter was the most common of these. The other places people stayed included the person’s own accommodation (e.g. Housing Association), a City Council homeless flat and three were travelling to/ from Croydon overnight in connection with their asylum claims. One person living with family/ friends said he was previously rough sleeping.

**Figure 16: Destitution Survey - Where the Person Slept the Previous Night**



Most interviewees (7) were accommodated by friends and through church or other networks, but only one person was living with other family members: her parents were also refused asylum seekers but, because they had dependent children, they were in UKBA accommodation. Three other interviewees were living in their own UKBA accommodation: they included two who had submitted fresh claims and were not destitute at the time of interview and one man who was destitute but had kept his flat, although his situation was precarious:

*“At the moment I still have got my accommodation from Ypeople. But basically they cut off my power. I don’t have electricity since two months, I have no power, I can’t wash my clothes, I can’t cook, I haven’t had since 2 months hot food.”*

One woman was moving between different friends. Only one man, now with refugee status, was in privately rented accommodation. Churches of different denominations were important sources of support for interviewees, particularly in relation to having somewhere to stay and reducing the risk for interviewees of being street homeless. Some people accommodated with families either through BRC or churches have been settled for a period of time, although this most often meant a few months.

Four of the interviewees had some experience of rough sleeping (e.g. in parks, a railway station, and a church store cupboard). Most have past experience of moving around from one friend or volunteer host to another. Other interviewees continue to face these kinds of circumstances and, for one woman:

*“The people are very nice really, they are really nice I would say because, I also can imagine just looking after somebody, if someone is come in to*

*my premises, they don't have anything, you provide food, you provide bedding for them – they don't have their own bedding, you provide them with shelter, you provide everything – they are dependent on you. Even when they go to the bathroom they have to use your things. So, you know... Some of these people are not that well off. Again, they don't also have much. Some, they can only accommodate you for a while because they've got families.”*

One man described how staying with friends had been difficult for him and had been harmful for his health because his friend:

*“had two bedrooms, but he had a child, a girl child, so I couldn't share a house with a child, so I used to sleep on the floor in the dining room. It was cold. I remember moving the dust, I was coughing and don't know if I got some sort of disease because I was coughing non-stop. It stopped actually when I got the accommodation as I got to the GPs and I got to stay in a clean place.”*

At the time of writing this report, the high proportion of refused and destitute people living in accommodation provided through the asylum system brings renewed cause for concern. In February 2012, a new contract for accommodation provision and associated services to people seeking asylum in Scotland was awarded to the Serco Group plc (Serco). As part of the transfer period (May to November 2012), refused asylum seekers were told they will need to leave their accommodation, so they now face homelessness as well as destitution. Allowing them to stay despite getting no payment from the UKBA for their tenancies means Ypeople were able to mitigate some of the worst effects of the UK Government's approach to refused asylum seekers. However, although cases have been reviewed and some people now have Section 4 support, others will now be exposed to the full force of the government's restrictive measures that aim to “deter people from seeking asylum in the UK and force refused asylum seekers to return home”. (SRC, 2012)

## **Food, Money and Clothes**

All interviewees had at least one spell in the past in which they had Section 95 benefits and accommodation and some also had Section 4 vouchers. However, for those who have had long periods of destitution, the details were difficult to recall.

Once they became destitute, the circumstances in which interviewees were able to get any money were very limited and most described having had occasional small payments in the past through agencies like SRC and PAIH. One woman got some cash for her bus fare from a volunteer project.

Although she had no income herself, one woman was able to access essentials through being included in the expenditure from her parents' Section 95 benefits. Because her parents are both unwell, she took on the role of shopping and managing the small budget. She described family tensions around money, particularly from younger siblings who wanted to do things that are part of everyday life, such as buying a birthday present for a friend. In common with other interviewees, this family found the transition to life in the UK difficult because in their country of origin they “all were living a good life... it was never complicated about money.”

### **Case Study**

George, a man in his 30s from West Africa, had been accommodated long term by a friend. With the help of SRC, he applied for Section 4 support in April 2011 but still had no decision a month later. His friend left Glasgow, so he lost his accommodation. He applied for Section 4 support in April 2011 but still had no decision a month later. Section 4 support was refused and SRC helped George to lodge an appeal with the Asylum Support Tribunal.

While he was waiting on a decision, George relied on another friend for accommodation. Without a source of income, he had difficulty accessing medication for HIV treatment and travelling to hospital appointments. He contacted his MP and the UKBA to try and get a decision and put an end to his destitution. The appeal was successful, but the UKBA still did not accommodate him and did not give him any support – they disagreed with the tribunal decision. They finally accommodated George in August 2011, more than 3 months after his initial application.

This case shows a failure by UKBA to process the application in a timely manner or uphold the policy of providing accommodation immediately after the Asylum Support Appeal Tribunal. The refusal to accept the adjudicator's decision at the First-Tier Tribunal prolonged his destitution for 3 weeks.

Some interviewees had a place to stay where they also got food and had meals with the families they lived with, but others only had somewhere to sleep and they still needed to find food for themselves. Interviewees identified other sources for getting food - this included churches, a temple and a mosque, BRC, PAIH, Salvation Army and SRC.

As with food, the main sources of clothing were churches and charitable organisations. Some interviewees had occasional vouchers for clothes and others got help from friends, were given second hand clothes or used charity shops when they could. The state of their clothing was a big issue for most of the interviewees and two women said it was difficult to find suitable clothing *“if you have a big body”* and bigger items like coats were particularly difficult to get:

*“At our age we are still talking about clothes...”*

*“We should be talking about other things, paying rent or something, but we are still struggling with clothes and toiletries.”*

Another woman highlighted that she needed to ask for the most basic items:

*“They have to give me money for bras and pants. It's very difficult because nobody gives me any money. I have to ask the Red Cross for sanitary wear.”*

### **Access to Services**

Most interviewees had access to a GP, though some had experienced gaps in access in the past. One man had been without a GP for a year when he needed an operation and, because he did not have an address of his own, he had to give the British Red Cross as his address in order to get treatment.

A GP who participated in the focus group with service providers has 600 asylum seekers and refugees registered at her practice. She said that asylum seekers have a limited choice of GP practices that they can register with, as those they go to have specifically agreed to take on asylum seekers. She was concerned to ensure that GPs more generally are aware of the risk that patients might assume that they are no longer registered once they become homeless and will not be able to register at another practice either:

*“they (GPs) just don’t know that they are... destitute – if they knew about that... if they understood the background and the fact that, once they become destitute and homeless, they won’t be able to register with another practice because they don’t have an address, unless a friend’s willing to give them their address - if that was the case then these GPs would keep people on.”*

A group that concerned advice and support services was pregnant women: in the survey there were 5 pregnant women and 2 new mothers and one interviewee was both pregnant and a new mother of a child under a year. The focus group with advice and support providers highlighted that destitute pregnant women are difficult to support and link to the services they may need:

*“Another group of clients who are really difficult to help - pregnant women who are not pregnant enough. (laughter) Like they are not yet seven months which is the UKBA requirement, but you can easily see that they are physically pregnant and social work will not take them in, I mean we try Positive Action in Housing sometimes, but because of resources, they can’t take them in too, so it’s often hard to send such clients away.”*

The ability to sustain attendance at college, usually for ESOL classes, depended on getting help with travel costs or having the energy and motivation to get to college despite the barriers. Two women were able to get on to courses and placements for work experience through the Bridges Programme. Some interviewees are still attending classes and one is on a waiting list for an ESOL course. However, others, particularly those who have been destitute for some time, could not sustain attendance at college, even if they could get access to courses and could get themselves there:

*“If you don’t have income, you don’t have money, how can you manage to get the bus or train or underground to get to the place you want to go. It’s not just that, you need to have some energy to get there, you need to have something to eat, having some fruit or energy for it. If you don’t have income, so you can’t do that.”*

*“Yes, I can get (to college), but when you have to sort your food problem, your transport problem, you don’t think about that college, you just leave it. I’ve seen some people like that too. I have lots of friends here, they have a bad situation like me, they can’t be thinking about it, you know because, for the study and going to college, you need the free mind.”*

One man who eventually got refugee status did sustain attendance at his course while destitute and homeless. Although he was studying:

*“it was hard, just hard to concentrate. You know I just keep going to college but. I used to have, really, a problem to concentrate on what the teacher was saying and... although if I am in the class, still I have to think of who I’m going to meet or who I’m going to call to let me into his flat or stuff.”*

Despite not getting any assistance with travel, however, one woman is attending college to do an accountancy qualification – she was studying in her home country when she had to leave and wants to follow through on her chosen career path:

*“I have to complete my course and do something with my life, so that’s why I have to study for it... that’s why I have to get a bus pass. It’s really very difficult to do all these things.”*

Throughout the discussion of their experiences of destitution, the interviewees highlighted the importance of the cost of travel as an inhibiting factor and help with transport costs as a route to accessing college, other services or getting to important meetings or appointments, including hospital. One man gave up his college course because of the cost and another attended college only one day a week because he could “not afford the transportation”.

## **Social and Emotional Impact of Destitution**

Interviewees were very grateful for having somewhere to live, but the strain of their living conditions affected all of those who lived in other people’s homes:

*“You live in someone’s house, you cook in someone’s kitchen... when you go to the toilet, you are in someone’s toilet, when you are in the bedroom, you are sharing with someone. You know every time you have to hold yourself and try to think: do they like what I am doing? You don’t live up to yourself, you don’t do exactly what you want, it’s all about: am I doing the right thing, am I really pleasing them?’ Because they might throw me out of their house. Yes, I live for people. I don’t live for myself. I don’t have a life, I’m not myself any more... I have to do what’s expected of me. I have got no choices. I would say all choices are lost to me.”*

Most of the interviewees had no family members in the UK, but also described having limited social contacts in the UK. One man recognised the problems this presented for other people:

*“When I’m seeing the other asylum seekers, they have very bad situations, but for me, because I’m connected with some Scottish people in the church and they understand me and they are listening to me. You know, when you don’t have someone to listen to you its making you very depressed, because you need to talk to someone.”*

Keeping in touch with family was difficult. One woman lost the use of her voice after she came to the UK in 2007 and had little contact with her mother for several years. However, she has been able to communicate with her mother occasionally over the last year when she can get a phone card and someone else speaks for her.

Depending on the infrastructure in their country of origin, some interviewees were able to keep in touch by going to the local library and using email, others were able to make occasional phone calls. In some countries this is the only option, but phone

cards are expensive so contact can be limited. Interviewees from Zimbabwe found this particularly difficult to cope with, especially two women who left children behind:

*“On the other side it (email) is no use. Especially with the children, you are not there and they are scattered and there is a lot of confusion, people there don’t have the time.”*

*“I wonder if I’ve wasted... all these eleven years without my children. So even, like, when they will finally give it to me, its, it’s so painful, it’s painful, it’s so painful. I don’t know the day that I’ll meet with my children what to even say to them... just praying to God that he will give them the understanding.”*

The interviewee who has been in the UK for 12 years has occasional contact with family members but:

*“At home I’m always waiting or thinking about my parents... I haven’t seen them since 12 years now. After 12 years if you don’t see your brother and sister for 12 years, what are you thinking about them, how are you feeling? I forget them first, do you know that? If I see them or my parents in Glasgow, probably I don’t recognise them.”*

One man who was no longer destitute described the experience of destitution as ‘miserable’ and said he used to come to BRC crying. Another man without a fixed place to stay when he was interviewed said:

*“It’s very difficult to explain because you don’t know what’s going to happen next day. When you are an asylum seeker and you don’t have any papers, you are feeling disconnected to society, to any other people, to work, to study or to anything. For me, that is really sad and it make(s) you very depressed.”*

All interviewees said that coping with destitution became harder with time but, at the same time, most said they had no choice, so some had strategies to keep busy and positive. This included having routines such as daily exercise and volunteering was important for some: for example, one woman volunteered in a second hand shop, was a befriender in an African Health Project and she was in the church choir. Another woman was able to put her English language skills to good use:

*“I feel like if you do volunteering work you can understand the feelings of other people. By doing less you feel like you’re depressing and your feelings are nothing compared to others... When the Red Cross gives me a client, I feel like if I can’t do anything for myself, I can do a bit for other people.”*

## **Health**

A high proportion of people who took part in the survey (26 or 23 per cent) identified that they had (self rated) mental health issues (see Table 2, page 10), while smaller numbers said they were disabled people (4 people) and individual participants said they had a physical illness or cared for a disabled child. Amongst the interviewees, 4 people said they had physical health problems, but only two said they had mental health problems.

Interviewees described a range of general health problems such as high blood pressure and one woman lost her voice soon after she came to the UK which severely

hampered her ability to communicate. Two men were being treated for physical injuries sustained before they came to the UK.

The focus group with advice and support services identified poor mental health as a growing problem that has consequences for engaging with the asylum process:

*“These are mostly males and it’s a worry, honestly, because some of the guys tell us that they are self harming, some of the guys have records of suicide attempts and they are just left to roam the streets, they don’t have support. They could apply for Section 4 support using a medical declaration, but again that is very difficult because the medical declaration will have to go through the Home Office medical team to pass it before the Section 4 is awarded.*”

*“They have to say: I’ll go home if they do that as well – I’ll be willing to go home, but I can’t go because of this medical problem.”*

*“And part of that has been a challenge to engaging in the asylum process. So... if solicitors aren’t passing on files and its... slowing down the asylum process for putting in new representations and... people aren’t getting mental health support, then that’s been contributing to people not necessarily engaging as easily as they could.”*

The proportion of survey participants who reported mental health issues is substantial, particularly given that other research suggests that such issues are under-reported in asylum seeker and refugee populations (Mulvey, 2011).

Only two interviewees said they had mental health issues. However, they were asked to respond to a series of questions in the Warwick-Edinburgh Mental Well-Being Scale (Stewart Brown et al, 2008). The responses obtained cannot be subjected to the normal analysis involved in using the scale because of the small number of participants involved. However, the scores give an indication of the mental wellbeing of interviewees. In the wider population average scores of around 51 would be expected (Stewart Brown et al, 2008). The average score for the interviewees in this study was only 30, much lower than the levels that Mulvey (2011) identified for the general asylum seeker and refugee population in Scotland and lower than scores found in a qualitative study with women survivors of domestic abuse (Gillespie and Lindsay, 2011).

While they were completing the survey form, some interviewees expanded on their scores and explained their struggle to maintain positive mental health, for example:

*“Feeling good about myself? Maybe I can explain it. Because of my situation, because of what I’m going through - and much has happened to me - and my result at the moment, it makes me just feel useless at the moment, like I am not being appreciated, so I don’t feel good at all.”*

*“Sometimes I have to make hope for myself.”*

*“I have loads of energy, but I don’t know what can I do.”*

*“It’s very difficult for me. I am lonely and I have to spend a lot of time myself - because of my voice problems, people get fed up because I have to write things.”*

*"Always I am tense, because I cannot stay here, but I cannot go to my country."*

*"With no direction you cannot feel optimistic."*

*"How can I be happy? No chance!"*

## **UKBA and the Asylum Process**

Some interviewees had routine contact with UKBA because they were required to report to their offices in Glasgow, some on a weekly basis. One man had to go each week and show documents, but "only one or two minutes" each time. Depending on where people were living, the requirement for weekly reporting could be difficult due to having no money to pay for travel and, for two women living outside Glasgow, the provision of a day bus pass made these visits easier to achieve. One man who had recently obtained refugee status said he also had to attend on a weekly basis when he was destitute and:

*"I used to go...three times a week to sign, every week and they used to ask me, like, 'where is your address?' I keep telling them that I am destitute, I don't have any address... they used to ask me every day, like 'if you come next week without an address we will take you to Dungavel'. They used to just search me every day ... I used to have a friend... and he used to go to the Home Office with me and just ask, to check. We used to take off our shoes, our socks. And he would ask them why do people do that? I said...I don't know why."*

Interviewees expressed frustration and incomprehension at the way they and other asylum seekers have been treated and also questioned the usefulness for wider society of leaving people destitute:

*"I want to ask them why they play with people like that. That's a game for them, you know, that really is - they are playing a game with these people and, to be honest, I just want to know that a person, when he's refused some case, what he's thinking, what he's feeling, you know, he really don't care about these people or is he doing his job? If they put you in the prison I think it's better off than being an asylum seeker without support, on the road, you know. Because, when you are on the road, you are feeling you don't have any security, any security."*

*"To get some money maybe I can do prostitution?"*

*"If you have got a child at home, if you look after the child, if you don't give him money, give him clothes and that- I'm talking about a teenager - what's going to happen? He will go outside fighting, stealing, anything. You need to expect that day anyway because he doesn't have support from the parents. Myself, it's like I am a child of Scotland, they are leaving me like that. What do they expect from me, what am I going to do? If you don't have accommodation, if you don't have money, if you don't have, basically, no life, of course you get depressed, you get under pressure."*

Advice and support providers thought they were coming across more administrative problems that can result in destitution and they linked this to the removal of the SRC based one-stop service. They described mixed experiences in trying to access the UKBA helpline, which is part of the new arrangements, and a lack of confidence about

the processing of claims and resolving problems for people who are entitled to support. In the past, SRC would have referred people to RST for grant applications, but now:

*“we don’t know after we send the clients there (to the UKBA) what happens: if the issues are resolved, if the clients problems are resolved instantly.”*

*“I’ve had clients in to the office before and they’ve phoned on four separate occasions and had four different answers to the same questions which, when you’re trying to rely on what you’re told by the Home Office, it’s not good.”*

*“I usually have to phone up the Scottish Refugee Council to try and get any kind of information. I think they mainly speak with solicitors or yourselves (SRC) for any personal information.”*

### **Changes to the Asylum System**

We asked the interviewees what one thing they would change about the asylum system if they made the rules. Responses reflected on the way the asylum system made them feel, the frustration of being destitute in the UK, yet unable to return to their home country and witnessing the situation of others caught in the same trap:

*“First of all, they must bear in mind you are also human beings. They must know you are human beings rather than treating us like you are nothing,”*

*“We ... are appealing to the government, we are appealing to everybody, have mercy on the asylum people and free the asylum seekers. They are people, they need to live life, a normal life.”*

*“In my country (there) is... a political problem. Until they solve that political problem at this time I will ask to be allowed to stay here.”*

*“People who come from Zimbabwe, people who come from Somalia, the countries that even the British, even the government here, said they put sanctions on them because the government is not right, I can’t understand why they refuse asylum to those people... Why (are they) going all through this ordeal? All I can say is, if it was according to me, all the people who seek asylum should be given if there is enough proof.”*

*“Back home is not safe - and you came here for a better life and then you can’t even move, you can’t even access a house.”*

*“I can’t go back and I have no decision here as well.”*

Several interviewees thought that giving people a NI Number and allowing them to work was the most important thing the government could do:

*“You can go into houses and clean for people, you can cook for people, you can iron for people, you can do anything for people. But now, you don’t have permission... You don’t want to put yourself in that position where you are ironing for somebody or cleaning for somebody and you are arrested, you see... Just if they could be more realistic and sincere at least to give us at least*

*permission to work, we would become independent, that would be fine, we would be happy, just that.”*

*“I would really allow the people to do jobs because I believe that, if a person is not doing a job he becomes so depressive and, you know, what will he do?”*

Some thought that people should be supported until they are able to return home or their status is resolved, instead of being left powerless and unable to act for themselves as now:

*“While people are here they need some support. If you don’t have money, just some money, to meet my basic needs...”*

*“What are they thinking? They know I’m Iranian, I’m not from Scotland, they know I am single, they know I am by myself, they know I don’t have no one from my family over here. What are they thinking I’m going to do? Nearly two months now, I have no power at home and you know the weather in Scotland – cold, freezing night times. Two months I haven’t had one tea or coffee at home, because I have no electricity. I’m washing my clothes like it’s a hundred years ago, cold water, with my hands - think about it.”*

## **Next Steps and Hopes for the Future**

Most interviewees were in different stages of appealing negative decisions or gathering information to make fresh claims, although two women were unsure what their next steps might be. After 2 years destitute, one man who had made a fresh claim found out, just after his research interview, that he had been given refugee status. Another man had won an appeal, but the Home Office submitted an appeal against the decision at the last minute, so he was still getting Section 95 support:

*“I’m waiting yes, I’m waiting, each and every day. I don’t know, I wish this situation can come to an end soon.”*

Two other people who had been destitute were making fresh claims that make a case based on the length of time they have been in the UK:

*“I’m trying, I’ve been trying and trying, but right now my lawyer is, they are new lawyers now which I have, he is at me to compile some letters, to get some letters from friends because, having stayed – like now this is my eleventh year – he said I’ve got quite a good chance if I could get some letters from friends, from volunteer workplaces, from everywhere I’ve been supporting, you know, which could show that I’m with people, I live with people.”*

*“It’s my lawyer that advised to me ‘You are here 12 years, so as a human right you should stay here, you are here a long time. She put from the beginning my case... She just says ‘I remind them about your situation, you are waiting and you are still waiting for a decision, whereas I have made a fresh claim and you can come on Friday and collect a ticket to Liverpool’ and hopefully it’s going to be good news.”*

Looking to the longer term future and despite the problems they have faced, some interviewees want to stay in the UK and maintain hopes of a more positive future:

*"I hoped to have a new life, to get away from the problem. I wanted to go to school to learn English first. After that I wanted to work and I would like to be a nurse."*

*"I was only a young man when I came to this country. After 12 years, I'm nearly 40 years old now. I'd love to stay here... I grew up in here now. I like staying in Glasgow, 12 years I am in Glasgow... I was thinking my future is beautiful, I still am thinking it's beautiful. I'm always hopeful that one day it will be good, I always think of my future, I love my future."*

However, several interviewees could not see what hope there might be for them, given the long periods that they have spent in the asylum system in the UK and their current circumstances. For example one woman is:

*"afraid now to hope for anything because, you know, I think it's just been too long, its long enough. The way my asylum case has been handled is such that everything I said was just slashed, slashed, slashed and it left me with no words to say. It's like I've got nothing else to say - when they refuse everything you tell them, then you don't know what to say. And yet, it's the truth..."*

Some other interviewees hope that they can return to their home country once the issues that led to them claiming asylum have been resolved, but they do not know when that might happen or what they might find there:

*"I am just hoping that maybe, if the lawyer is successful at least we could get papers so we can live over here at least for a time... because, right now, the situation is getting worse in Pakistan so we can't go over there. If things get better in Pakistan – obviously, everyone loves their own country... no one likes to run away from their own country. That's why we are just hoping if the situation gets good in Pakistan we will be happy going back, but right now it's not good."*

*"If things changed we would love to go, but as the things are now, everything is destroyed... We are here, you know - if they give you permission to work you at least buy something or when you go back home you will have some money to rent somewhere, because your house you can no longer use now. Now if they say go back home, there's nothing, you are going, you are still going to sit on the street... My children are with their father and the father was married, but I owned the house. That house is owned by squatters, because there was confusion in the country then and everybody is occupying a house which is not theirs and, when we go back home, we don't have nothing there, we don't have nothing at the back, you are just yourself."*

For most of the interviewees who are currently destitute, the longer term questions of whether to return to their country of origin or find a way to settle in the UK take second place to coping with destitution from day to day, continuing to rely on support through friendships, charity and community networks to meet basic needs. Their destitute state only serves to diminish their capacity to explore what their options for the future might be.

## 5. Discussion and Conclusions

This final chapter summarises key findings from the research and draws on the workshop with stakeholders. It identifies progress made and new issues that have arisen since the publication of *21 Months Later* in 2011. The final section provides recommendations and further actions for policy, practice and research.

### Destitution and its Impact

No-one can say with certainty how many destitute asylum seekers there are in Scotland today. This is particularly the case in relation to refused asylum seekers who disappear from official statistics once they are refused and stop receiving asylum support. However, the evidence from this research indicates that there are hundreds of people living in Scotland who have been forced into destitution, either because they have been denied a legitimate means of support by the government or because of errors and delays in the administration of a complex and inefficient asylum support system. In particular:

- Although RST supported a smaller number of destitute people in 2011-12 than in earlier years, it still helped 485 destitute adults and 52 destitute children over the year
- In a single week, 11 advice and support services surveyed 115 destitute people with 33 dependent adults and children
- In the 6 services dedicated to supporting asylum seekers and refugees, destitute people accounted for a quarter of all their clients in the survey week

In most respects, the people affected fit the general profile of asylum seekers who come to the UK – they are young, predominantly male and mostly single. There were differences in the countries of origin of women and men and differences compared with recent refused asylum seekers in the UK and asylum seekers in Scotland on Section 95 support. The importance of country of origin to experiences of destitution needs to be explored further.

Women continue to face disadvantage in the asylum system and the responses from women in this research are consistent with key concerns that Dorling et al (2012) identified about an ongoing culture of disbelief of women and the way that the asylum system continues to fail women, despite well-meaning rhetoric.

### ***Progress, Continuity and New Issues***

Both RST grant evidence and the survey highlight that the single largest group experiencing destitution is refused asylum seekers. Deprived of the right to work or access to any form of support, and regardless of their prospects for return to their country of origin, this group face destitution for long periods of time.

Homelessness is already a major problem amongst refused asylum seekers. Some survey participants had managed to remain in their accommodation despite their status and the loss of asylum support, but there was evidence of widespread experience of homelessness, including some street homelessness. The change of UKBA accommodation provider is set to increase the number of asylum seekers facing homelessness as well as destitution in 2012:

*“It’s going to be a problem, because, while some clients were destitute because they didn’t have food and any money for subsistence, they are now just going to be street homeless, nowhere to go.” (Focus group participant)*

It is also important to highlight that 44 per cent of all the people that RST helped in the last 3 years were entitled to mainstream benefits or asylum support and were not receiving it, an issue that was reinforced in the survey. Problems, errors and delays were identified at all stages of the asylum process.

Some progress has been made in reducing some of the procedural problems that result in destitution, including the operation of payments through Application Registration Cards and Emergency Support Tokens. However, other issues have grown in significance, including an increase in destitution amongst people granted refugee status. It is very difficult for people to make all the necessary arrangements to make the transition from asylum support to mainstream support in the 28-day period allowed. The evidence suggests the UKBA, Jobcentre Plus and housing providers find the timescale equally difficult to meet, resulting in this being a growing cause of destitution.

Delays in decisions about claims for Section 95 support and Section 4 support remain a major reason for RST grant applications and a key cause of destitution amongst survey participants. Another key trigger point is when Section 95 or Section 4 support ends. This is when RST gives grants to provide two week ‘breathing space’ to consider the options available. Combined with the changes in housing provider, there is the potential for this to be a growing problem. Information provision needs to be responsive to changes and ensure that asylum seekers get enough information at an appropriate stage about their options.

The requirement for those without dependent children to travel to Croydon to claim asylum or Liverpool to make fresh submissions, without any help with the cost, generates the biggest demand on RST resources. Claims for travel to Liverpool are gradually reducing as the backlog of outstanding legacy cases reduces, but help with travel to claim asylum is a constantly renewing source of demand. New asylum claimants are highly likely to be destitute when they arrive in Scotland and those submitting fresh claims are likely to have lost asylum support, so this gap continues to place a predictable demand on charitable support rather than the costs being met more appropriately within asylum support. It also means the needs of the people concerned are less likely to be picked up, potentially leaving them vulnerable to exploitation.

Some survey participants had been in the asylum system for more than a decade and many had experience of long term destitution – more than 6 years in one case. This should not affect families with children since, in most circumstances, they should continue to receive asylum support, yet there was evidence in both RST grant data and the survey that the system is failing to protect children from destitution and some families had been destitute for a long time.

### ***Impact of Spending Cuts and Policy Changes***

RST, BRC and SRC have continued to work together to highlight the causes of destitution experienced by asylum claimants and refugees, and to work with UKBA to

find practical solutions including, for example, through the Scottish Asylum Stakeholders Forum. However, in many respects there has been little positive change: some processes have improved in efficiency, while others have become more problematic and new issues have emerged.

The services that provide advice and support for destitute asylum seekers reported growing demand, but reduced capacity to provide services because of funding cuts and difficult choices to make about service delivery. One advice service has reduced its opening hours, while another was unable to take part in a trial bus pass scheme run by RST (see Appendix 3 for more details) because of reduced capacity. The impact for service users was a concern:

*“For our service because of the cuts again, we are no longer open for drop-ins in the afternoons, and on the Wednesday, we don’t open at all. It’s a worry, someone is in a real difficult situation, having to wait an hour, let alone a day or two.”*

For services such as BRC that are crisis led, responding to destitution is the first priority, but the scale of destitution means limited resources are available for wider integration work:

*“that’s money we would much rather put towards working in education with young refugees or working with vulnerable women who have arrived in the country. So it determines where your focus goes and I think that’s a cost which government need to look at.”*

Given the questions that have been raised throughout this report about the quality of decision making, administrative and procedural errors and delays that result all too often in destitution for asylum seekers, expenditure changes at the UKBA are of interest. The UKBA Annual report (UKBA, 2011) shows that it reduced the cost of the asylum support programme overall (including staffing) from £523.7 million in 2009-10 to £424.2 in 2010-11 – a cut of 19 per cent and almost £100 million – half of the agency’s cashable savings target of £200 million. Changed practice, for example, in relation to Section 4 support has undoubtedly contributed to meeting budget targets but UKBA seems to have taken this beyond the limits of the law (see page 26 above).

It is interesting to note that the report also shows the UKBA is in dispute with accommodation providers and estimates claims against the UKBA in the region of £20 million and counterclaims by UKBA of £10 million, with £2 million of legal fees already incurred. Clearly the agency has difficulties that go beyond the quality of decisions made on asylum claims and support. However, it appears that asylum seekers are paying heavily as the UKBA strives to meet tight financial targets, with much less concern to improve the quality of decision making or to mitigate the consequences for destitute people of service and support cuts.

## **Coping with Destitution**

The interviewees had hoped when they came to the UK to have a better life, safety and security and fair treatment in a country where their human rights would be respected. They have experienced instead an asylum system that they feel has treated them very harshly. Most had gone through the steps and stages in the asylum process and made fresh as well as initial asylum claims. They had different

experiences of asylum support, some getting Section 95 benefits only briefly and some managing to remain in their accommodation longer than others.

They highlighted the difficulties they faced with getting access to the most basic needs for survival, including accommodation, food and clothes. Some had found somewhere to settle, at least for some months, while others moved regularly between friends and hosts that they knew less well. The need to act with care to protect the accommodation they had, however inadequate for their needs, was a constant concern for some. Some hosts provided meals, but others did not. Destitution left them with little dignity. Interviewees relied on friends and support services for clothing, even needing to ask for help with personal hygiene items.

A high proportion of survey participants had mental health issues and interviewees had very low scores on a mental health and wellbeing scale. Advice and support providers questioned the adequacy of support for people with severe mental health issues and their ability to manage without help, for example to maintain a tenancy or negotiate the complexities of asylum support. Other groups at particular risk of exploitation because of destitution included families with children, pregnant women, new mothers and women who remain in abusive situations.

Some interviewees found it difficult to get to the services they needed. Although most had a GP, access to secondary health care was difficult, particularly when homeless. Most had used education services and interviewees expressed a desire to participate in further education. But long term destitution made college attendance difficult to sustain because of the constant pressure of prioritising basic needs such as food and shelter.

Keeping in touch with family was important but difficult for most interviewees, with barriers because of home country infrastructure and the cost of phoning. Families were also dispersed, including long separation from children - one man did not know where his family was.

Although there were few opportunities to obtain cash, only one man talked about trying to do some informal work, but he did not get paid on one occasion. Others feared the consequences of being caught working illegally. Voluntary work was important for most interviewees, including for social contact and interaction, keeping busy and giving something back to the services that supported them.

Interviewees expressed incomprehension at the way they and other asylum seekers had been treated and could not understand how having no legitimate means of support was helpful to the government or wider society. Concerns amongst service providers were compounded by a lack of confidence about the outcomes for clients of in-house advice provision through the UKBA helpline. Unfortunately we were unable to get any information or response on this and other issues from the UKBA because they declined to be interviewed.

In spite of how they felt about their treatment, some interviewees want to remain in the UK, while others want to return home if the situation there changes. However, destitution made this prospect daunting, particularly if this meant being destitute and on the street in their home country as well. Taking account of all their experiences to date, it is unsurprising that most interviewees found it difficult to be hopeful for the future and several could not see any end to their current destitute state.

## Priorities for Change

Given the power to change things, interviewees highlighted three main areas that they thought needed to change in the asylum system:

- A more humane system that treated asylum seekers like human beings
- Permission to work and the right to act independently, to look after themselves
- Some support to meet basic needs

At the workshop, stakeholders built upon these themes and the research findings to identify three priority areas that involve substantial change to the existing system:

- A fair asylum support system that provides end to end support
- The right to work
- Awareness raising and changing public opinion on asylum

Each of these priority areas for longer term changes is discussed in more detail below, following a series of short-term recommendations to address concerns about the asylum support system as it operates now and which cannot wait for longer term policy change. There are also some suggestions for further research.

## Short-term Recommendations

### *Asylum support levels*

Asylum support rates were set initially at 70 per cent of income support rates, but they were cut for some people in 2009 and have not kept pace with inflation. As a result they fall well below all accepted standards for a minimum income, including the government's low income targets and income support levels (see Figure 1, page 3).

**Recommendation: *The UK government should restore the link between asylum support and Income Support. The level of support must allow all asylum seekers to meet their essential living needs. At current rates, this should be no less than £45 a week for single adults or 70 per cent of Income Support, adjusted annually in line with Income Support or equivalent benefit rates. Support should also be in the form of cash (not vouchers) for all recipients.***

### *Existing system of support*

The current system of support displays administrative failures and unfair treatment and there is a lack of public sector structures to support refused people, all of which need to be addressed as a matter of urgency:

- Refused asylum claimants should not be left destitute at the end of the process because they failed to understand their options or take action quickly enough
- The quality of decision making on asylum claims and support remains a key concern and particular groups, including women, families with children,

pregnant women, people with mental ill-health and those from countries where there is no realistic prospect of return, continue to be disadvantaged as a result

- The 28-day period for transition from asylum support to mainstream benefits and housing is unrealistically short for those given refugee status or leave to remain to make the necessary arrangements, including finding new accommodation. It is also a timeframe that the UKBA and Jobcentre Plus seem unable to meet, even just to get a NI Number issued in time for mainstream benefits to be paid. Destitution, even if temporary, is an unacceptable consequence of poor administration by government agencies.
- The need to travel to Croydon to claim asylum or Liverpool to submit fresh evidence continues to contribute to the risk of destitution. It places a considerable demand on the resources of RST and SRC and adds to administrative complexity.

#### **Recommendations:**

***RST, BRC and SRC should continue to monitor how the system operates and report on delays in accessing support that result in destitution***

***Better collaboration between different agencies such as the UKBA and Jobcentre Plus should be addressed urgently to minimise unnecessary experiences of destitution because of administrative inefficiencies.***

***The 28-day period for transition from asylum support to mainstream benefits should be extended to at least 2 months.***

***The UKBA should allow all asylum claimants arriving in Scotland to submit their initial asylum claims in Scotland. The procedures which require travel to Liverpool for applicants who wish to lodge fresh submissions should be changed to allow these to be submitted by mail. In the interim, UKBA should support the cost of travelling to Liverpool and Croydon.***

#### **Homelessness/ Accommodation**

The ongoing and increasing problem of homelessness is one of the main consequences of the lack of continuity of support in the existing asylum support system and is a key element to address within discussion about a fairer system with end-to-end support. In the meantime, there are costs and consequences for individuals, communities, support services and public services that need to be addressed urgently.

***Recommendation: The UKBA should acknowledge and respond to the financial strain placed on charitable organisations and local authorities preventing street homelessness in Scotland. The UKBA, Jobcentre Plus and housing providers should co-ordinate services better to ensure more effective transitions in housing provision and minimise the risk of homelessness. Meantime, refused asylum seekers and refugees should be allowed to remain in their accommodation.***

#### **Release from Detention**

There is evidence that people released from detention still face problems with accessing support and it remains a point at which there is a risk of destitution.

**Recommendation: Detention centres and UKBA should improve communication to ensure that emergency support and accommodation is made available for detainees, as a matter of course, immediately at the point of release. Systems in detention should be improved to ensure that all confiscated documents are returned to people at the point of release.**

### ***Pregnant Women and New Mothers***

Despite the greater vulnerability of pregnant women, particularly when they are destitute, advice and support services have little that they can provide to meet their needs until their pregnancy is at an advanced stage. New mothers face particular difficulty managing on cashless support if they are in receipt of Section 4 support. The rights of the child need to be reflected in the asylum system, including recognition of the minimum income standards required for a child to thrive.

**Recommendation: The additional needs for pregnant women should be recognised at an earlier stage in the asylum system and access to resources and support should be provided, in line with current practice for the wider community. Asylum support for new mothers should reflect fully the cost of raising a child and it should take the form of cash rather than vouchers.**

### ***Decisions about Protection***

**Recommendation: The UK government should adopt a more inclusive approach to its assessment of who is in need of protection by: recognising that country policies are sometimes unhelpfully restrictive; and granting more people asylum or humanitarian protection and considering a temporary status for others who need it. In particular, as identified, a large proportion of those refused asylum come from a relatively small number of countries. Identifying improvements in the way decisions are made about claims for protection from these countries and reassessing the scope to include them would significantly reduce the number of refused asylum seekers.**

## **Long-term Recommendations**

### ***End-to-End Support***

*“There should never be a part of the process where an accepted end-point of the government is for somebody to have zero support.” (workshop participant)*

The research has documented a series of concerns about how the current system of asylum support operates including:

- the complexity and the risks of destitution for asylum seekers that arise throughout the asylum process, particularly at points of transition and at the end of the process
- the need for charitable and government resources to be diverted to deal with the consequences of destitution
- the requirement for asylum seekers without dependent children to travel to Croydon or Liverpool without financial support from the government

- the burden on individuals, often other asylum seekers, who are little better off than those who are destitute

These issues have been highlighted in the past and RST and BRC (2011), for example, argued for end to end support to be made available to asylum claimants from the point of their initial claim until such time as they are either granted status or leave the UK. Entitlement to support would not depend on where asylum seekers are in the system. Under such a model, for example, at the point where they lose Section 4 support, refused asylum seekers would automatically be included in this system and so avoid any gaps in support arrangements.

**Recommendation: *End-to-end support (including accommodation and a system of cash payment) should be provided to support people through all stages of the asylum system, including those who have been refused. Support should continue until people are either granted status or leave the UK. The level of support should, as a minimum, be set at 70 per cent of the rate of income support or equivalent contemporary benefit (or the same rate if the cost of energy and Council Tax bills is to be met from benefits)***

### ***Decision Making on Asylum Support***

The experiences of destitute asylum seekers, the errors, delays and problems presented by RST grant applicants and advice services, the quality of decision making, the cuts to funding for services and asylum support and the time involved in processing applications all combine to question the effectiveness of current arrangements in which asylum support is delivered by the same agency that makes decisions on claims. There are arguments for reintegrating asylum support within the mainstream benefits system, including:

- Separating support from decision making would remove financial pressures from decision making about asylum claims and help improve the quality and fairness of decisions. Locating support with another service that delivers welfare support would ensure that there is a service “whose primary goal is to look out for your welfare and needs” (workshop participant).
- Services with expertise in delivering welfare support should not need a major restructuring of systems to include asylum seekers - systems are already in place through DWP, Jobcentre Plus, local authorities, and Inland Revenue that have the potential to adapt – this also presents the potential for more effective and cost efficient administration than the current separate system.
- It would improve accountability and be fairer, more humane, less stressful for individuals and therefore better for mental health
- The scale of support for asylum seekers would be more proportionate to the reality of the overall cost of welfare support
- It would help to tackle the ‘othering’ of asylum seekers by normalising benefits provision

**Recommendation: *The UK government should consider the case for separating decision making in the asylum system from support, including the scope of such a change to achieve fairer and more humane treatment of asylum seekers and an assessment of the wider economic and social effects of such a change.***

## ***Right to Work***

Exclusion from support with accommodation and to meet basic needs and the lack of any right to work prevents refused asylum seekers from achieving any independent legitimate means of support. The argument that permission to work would encourage an increase in asylum applications is not supported by evidence - this is one of the 'fundamental misperceptions about the extent to which asylum seekers actively 'choose' to come to the UK' (Crawley, 2010: 8).

The case for the right to work for people in the asylum system needs to be restated on economic and social grounds, including arguments on humane treatment, productivity and evidence of enterprise. At this point the timescale suggested, 6 months, reflects the expected period in which most asylum claims should be decided, so this should affect a minority of new asylum seekers each year, although a significant number of people do wait much longer for a decision on their asylum claim (SHSH, 2010). However, further assessment is also needed of what time should elapse (if any) before asylum seekers are given the right to work.

***Recommendation: Asylum seekers should have the right to work if they remain in the UK for 6 months or more. This should apply whether they are still awaiting a decision or refused but unable to return home.***

## ***Culture change and public opinion***

Public attitudes and media stories about asylum seekers are often negative, portraying them both as benefits scroungers and as people coming here to steal jobs. Destitution is hidden in official accounts of asylum seekers and workshop participants believed that the public get insufficient accurate information and, as a result, attitudes are formed without sufficient awareness of the situation that destitute people are in.

However, many community and church groups, individuals and families, including in the Scottish population, provide a great deal of support when someone becomes destitute. This broad base of knowledge and support about asylum should be harnessed to build political and public awareness about the situation of asylum seekers which is poorly informed, particularly concerning those who are destitute.

The Still Human Still Here campaign provides a foundation for further work to challenge the prevailing culture and attitudes towards asylum seekers. Changing society's view of who and what asylum seekers are needs accurate reporting to inform public perceptions and knowledge and raise awareness about key issues including:

- Asylum seekers are not getting the protection people may think
- People need to know that destitution means having ***no money*** and that, for some, this is on a long term basis
- The assumption that a prejudicial asylum system will put off potential asylum seekers should be challenged (see, for example, Crawley, 2010, SHSH, 2010)
- The confusion that many people have about the difference between migrant workers and asylum seekers

Despite most issues affecting asylum seekers being matters that are reserved to the UK government, there are already some differences between Scotland and the rest of

the UK that can be built upon. For example asylum seekers continue to have access to free secondary health care in Scotland. Scotland also has separate legal and legal aid systems and the Scottish Government has responsibility for further and higher education. There is also a different approach to migration in general in Scotland and the Scottish Government (2010) has expressed support for measures that encourage the early integration of migrants into communities.

There is some scope to develop strategies in Scotland to reduce and mitigate the effects of destitution with potential benefits for effectiveness through preventative spending as well as for individuals. The potential difference that an independent Scotland or any change in reserved and devolved powers might have for asylum policy, support and access to services for asylum seekers, present an opportunity to encourage more political debate in Scotland on the issues involved.

**Recommendation: *RST, BRC and SRC should continue to develop and promote accurate information about asylum seekers and develop resources to enable advice and support services to respond effectively to inaccurate or biased portrayals or media coverage of asylum seekers.***

**Recommendation: *The media and politicians should undertake to present balanced and accurate information about asylum seekers and make use of existing guidance (for example, ICAR, 2012)***

**Recommendation: *The Scottish Government should continue to provide access to services and support for asylum seekers to the extent that legislation allows and to seek ways to maximise access to services and support that prevent or mitigate destitution and homelessness. In addition, specific areas in which improved service access should be explored include access to higher education and back to work support for people once they have permission to work.***

### ***Research and Policy Development***

Suggestions for further research and policy development include the following:

- Further research to inform policy and support for asylum seekers is needed on the effects of destitution arising from the lack of access to any legitimate means of support for refused asylum seekers, including: improved understanding of strategies for managing periods of destitution; the role that is played by, for example, gender, family and country connections, volunteering and informal work; and the extent and nature of exploitative relationships. This work should also establish a better understanding of the scale of destitution and longer-term outcomes for those experiencing destitution in Scotland.
- Further work should be done to build evidence of the costs and benefits of the existing asylum support system and end-to-end support as an alternative system. This should be grounded in a human rights approach and take account of the costs for individuals (including health and wellbeing), communities and wider society.
- Evidence of the social and economic value of extending the right to work to people in the asylum system should be further developed. This includes building a better understanding of the role of enterprise amongst refugee populations (both contemporary and historical). Assessment should be made of

the merits of limiting the right to work to those who have been in the UK for a specific time period.

## **Conclusions**

The UK government's approach of including destitution as part of asylum policy guarantees that there will continue to be people living in the kind of extreme poverty and hardship identified in this research. If great strides can be made to improve the quality of decision making and the procedural and administrative problems with which the asylum system seems to be riddled, the extent of destitution amongst people in the asylum process could be reduced substantially.

However, refused asylum seekers will continue to be destitute and homeless until the rules are changed, relying on voluntary and charitable support, friends and communities to meet their basic needs for survival, sometimes for years. Without income, they fall below any measurement of a poverty line, even the UN 'dollar a day' target that, in the UK, is associated with poor developing countries. Yet they can be left for years in this situation, trapped in destitution but unable to return to their home country or fearing the consequences if they do.

The uncomfortable facts about the existence of such extreme poverty in Scotland should be a focus of public policy concern and action to minimise its existence and mitigate its effects. Although their situation and numbers are absent from official records and they are often misrepresented by unknowledgeable media, the presence and plight of refused asylum seekers needs to become a stronger focus of debate that is based on facts rather than assumptions and misperceptions.

Tackling destitution amongst refused asylum seekers in Scotland and across the UK and redressing the damage done is a large task and many individuals, groups and communities are already doing a lot to help people when they lose their income or their home. Until refused asylum seekers are allowed to support themselves and contribute to society, a more concerted response is needed urgently from across the public, voluntary and community sectors.

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**Note: All hyper-links were last accessed in August 2012**

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## APPENDIX 1: DEFINITIONS AND TERMS USED IN THE REPORT

Definitions and terms used in the report (those marked \* are from ICAR, 2012):

### *Definitions*

**Refugee\***: the 1951 United Nations Refugee Convention defines a refugee as: 'A person who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.' In addition the person is outside the country of his/her origin and is unable or unwilling to return to it out of fear of persecution.

**Asylum Seeker\***: "when a person lodges an application for asylum under the 1951 Refugee Convention they are described as an asylum seeker. In the UK, a person is not officially described as a refugee until they have been granted asylum (or refugee status).

**Humanitarian protection\***: humanitarian protection will be granted for up to five years to people who have been refused refugee status, but cannot be returned to their country of origin as they face a serious risk to life or person for one or more specific reason. These are: death penalty, unlawful killing, torture, inhuman or degrading treatment or punishment.

**Failed (refused) asylum seeker**: "asylum seekers whose claims have been denied the possibility to remain in the UK. Those who present a request of asylum and do not meet the requirements under the 1951 Refugee Convention to be granted the protection, including those whose claim is rejected because they are not able to show the reasons founding the request of asylum". (Santoro, 2012: 2)

### *Terms*

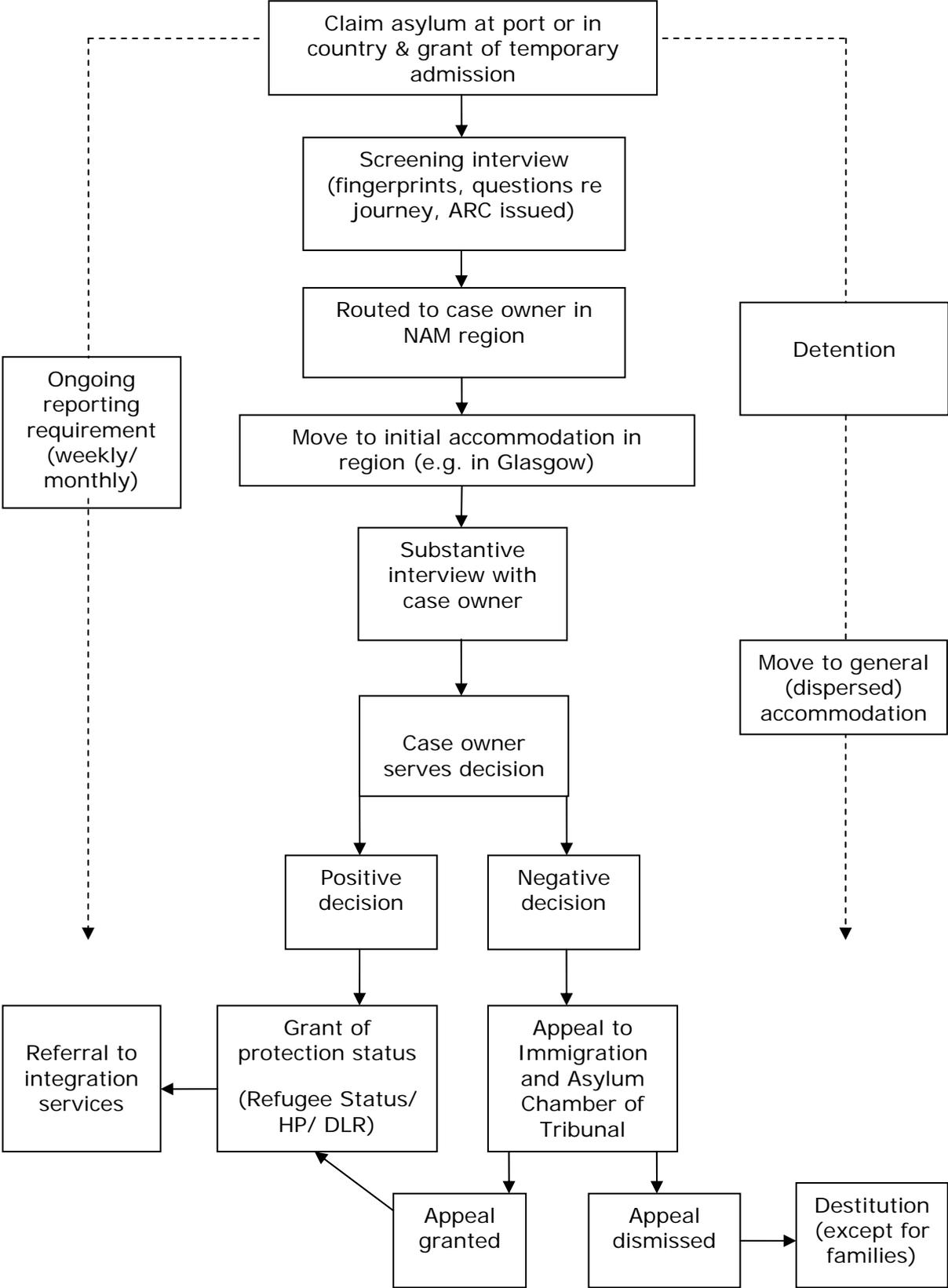
**Emergency Support Tokens (ESTs)** are given to asylum seekers to provide emergency cover during breaks or delays in provision of Section 95 entitlement.

**Section 95 support** is paid to asylum seekers who have submitted their asylum claim. Section 95 financial support is collected in cash from a local Post Office, upon presentation of an **Application Registration Card** (see page 5 for more details).

**Section 4 support** is a limited form of support given in specific circumstances to people who have been refused asylum and are destitute. Entitlement is limited to accommodation and an **Azure Card** that can be used to purchase items from specified stores – the person does not get any cash. (see page 5 for more details)

# APPENDIX 2: ASYLUM PROCESS FLOW CHART

(Adapted from SRC Flow Chart)



## APPENDIX 3: RST GRANTS PROGRAMME: ADDITIONAL TABLES

Table 9: RST Grants, 2009-12: Sex

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
Female	173	24.9	153	23.2	118	24.2	444	24.1
Male	523	75.1	507	76.8	370	75.8	1400	75.9
All	696	100.0	660	100.0	488	100.0	1844	100.0

Table 10: RST Grants, 2009-12: Age

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
<18	17	2.5	14	2.1	6	1.2	37	2.0
18-20	50	7.4	53	8.1	37	7.7	140	7.7
21-25	149	22.0	159	24.3	100	20.7	408	22.5
26-30	178	26.3	158	24.2	125	25.9	461	25.4
31-35	137	20.2	123	18.8	86	17.8	346	19.1
36-40	71	10.5	64	9.8	48	10.0	183	10.1
41-45	34	5.0	38	5.8	38	7.9	110	6.1
46-50	14	2.1	22	3.4	14	2.9	50	2.8
51+	28	4.1	23	3.5	28	5.8	79	4.4
Total	678	100.0	654	100.0	482	100.0	1814	100.0

Table 11: RST Grants, 2009-12: Marital Status

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
Single	523	80.1	536	83.2	408	85.5	1467	82.7
Married	101	15.5	83	12.9	47	9.9	231	13.0
Living with partner	5	.8	6	.9	3	.6	14	.8
Separated/ widowed/ divorced	24	3.7	19	3.0	19	4.0	62	3.5
Total	653	100.0	644	100.0	477	100.0	1774	100.0

Table 12: RST Grants, 2009-2012: Other Circumstances

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
Spouse with applicant	26	3.7	28	4.2	14	2.9	68	3.7
Pregnant	4	0.6	13	2.0	4	.8	21	1.1
New Mother	10	1.4	10	1.5	5	1.0	25	1.4
Children with applicant	56	8.0	33	5.0	39	8.0	128	6.9
Homeless	335	48.1	262	39.5	295	60.2	892	48.2
Permitted to Work	16	2.3	25	3.8	48	9.8	89	4.8

**Table 13: RST Grants, 2009-12: Travel to Croydon and Liverpool**

	2009-10		2010-11		2011-12		Total	
	No.	£	No.	£	No.	£	No.	£
Travel to Croydon	50	2490	120	6150	87	4403	257	13042
Travel to Liverpool	131	5340	71	3063	23	1041	225	9445
Other travel	7	217	8	170	12	440	25	827
<b>Total</b>	<b>188</b>	<b>8047</b>	<b>199</b>	<b>9383</b>	<b>122</b>	<b>5884</b>	<b>507</b>	<b>23314</b>

Note: figures may not add up exactly due to rounding

**Table 14: RST Grants, 2009-12: Emergency Support Tokens & Mainstream Benefits**

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
Awaiting Emergency Support Tokens	68	9.8	48	7.2	7	1.4	123	6.7
Application Registration Card faulty	46	6.6	9	1.4	2	.4	57	3.1
Awaiting mainstream benefits	27	3.9	26	3.9	72	14.7	125	6.8

**Table 15: RST Grants, 2009-12: Applicants awaiting Section 4 support**

	2009-10		2010-11		2011-12		Total	
	No.	%	No.	%	No.	%	No.	%
Applied for Section 4 support	149	21.4	147	22.2	90	18.4	386	20.9
Approved for Section 4	5	.7	1	.2	3	.6	9	.5
Submitting new asylum claim	0	.0	1	.2	14	2.9	15	.8

**Table 16: RST grants, 2009-12: UKBA Support Withdrawn**

	2009-10		2010-11		2011-12		Total	
	No.	£	No.	£	No.	£	No.	£
Section 95 withdrawn	129	8710	163	12190	112	8050	404	28950
Section 4 withdrawn	14	1060	23	1655	15	1170	52	3885
<b>Total</b>		<b>9770</b>		<b>13845</b>		<b>9220</b>		<b>32835</b>

### ***Bus Passes Trial***

Following discussion with the Glasgow Destitution Network which provides grassroots support to destitute asylum seekers, RST ran a trial in 2011-12 to provide bus passes to enable destitute asylum seekers with no access to any form of support to attend important appointments including, legal and medical appointments and reporting to UKBA offices. Using agreed criteria, partners issued 280 bus passes between November and March 2012, most to the value of £4.50 for a day pass. RST is reviewing the trial and considering provision on an ongoing basis during the winter months when travel on foot is more difficult. Note that these grants are excluded from the main analysis of RST applications in this report.

## **APPENDIX 4: ORGANISATIONS PARTICIPATING IN THE RESEARCH**

This research project relied heavily on the help and co-operation of staff and volunteers from a wide range of organisations. We are grateful to all who contributed to the research for their invaluable contributions.

### ***Survey of Destitute People***

Bridging the Gap  
Bridges Programmes  
British Red Cross  
Cranhill Development Trust  
Freedom from Torture  
Govan and Craigton Integration Network  
GP practices (Fernbank Medical Centre, Homeless Health Service, Westmuir Medical Centre)  
Maryhill Citizens Advice Bureau  
Positive Action in Housing  
Scottish Refugee Council  
Unity

### ***Focus Group and/ or Workshop***

Individual asylum seekers and refugees and individual activists and supporters and Representatives from a wide range of groups and organisations participated in the focus group and/ or the workshop. The following list may be incomplete

Bridges Programmes	North Glasgow Integration Network
British Red Cross	Positive Action in Housing
COSLA	Poverty Alliance
Destiny Angels	Queen Margaret University
Glasgow Caledonian University	Refugee Survival Trust
Glasgow Destitution Network	Scottish Churches
Glasgow Destitution Network Night Shelter	Scottish Council for Voluntary
Glasgow Housing Association	Organisations
Glasgow University	Scottish Refugee Council
Govan and Craigton Integration	St Rollox Church of Scotland
Network	Terrence Higgins trust Scotland Unity
Greater Pollock Integration Network	University of Edinburgh
Hamilton Burns Solicitors	University of Strathclyde
Kingsway Health and Wellbeing Centre	West Glasgow Integration Network
Maryhill CAB	Westmuir Medical Centre
Migrants Rights Scotland	Women's Support Project

## APPENDIX 5: ASYLUM SEEKER AND REFUGEE DESTITUTION - SURVEY FORM 2012

<b>Organisation</b>		<b>Location</b>	
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<b>1.</b>	Please confirm that the person is destitute? ( <i>tick box</i> )	<input type="checkbox"/>
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<b>2.</b>	Type of case ( <i>tick one box only</i> )	
	New Asylum Model NAM (ie. claimed asylum since April 2006)	<input type="checkbox"/>
	Case resolution (legacy or older cases)	<input type="checkbox"/>

<b>3.</b>	Is this the first time this survey has been completed for the client?	yes <input type="checkbox"/>	no <input type="checkbox"/>
<i>If answer is 'yes' go to question 5</i>			

<b>4.</b>	If answer to 3 is 'no', where was the previous form completed? ( <i>Insert name of group or service</i> )	
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*Thank the person and end the survey*

5.	Status ( <i>tick one box below</i> )		Reason ( <i>tick one box in the relevant section a-d or provide information if 'other'</i> )
a	Person wishing to claim asylum but has not registered their claim	<input type="checkbox"/>	Would not be able to afford to travel to the Asylum Screening Unit (ASU) without charitable support
		<input type="checkbox"/>	Was not able to travel to ASU because of mobility difficulties
		<input type="checkbox"/>	Other (specify) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>
b	<b>Table 17:</b> A asylum seeker who has not had a final decision on their case	<input type="checkbox"/>	Has not applied for support
		<input type="checkbox"/>	Applied for support and awaiting UKBA decision/ allocation
		<input type="checkbox"/>	Entitled to support but not currently receiving it due to error or delay
		<input type="checkbox"/>	Other (specify) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>
c	Refused asylum seeker who has exhausted their appeal rights	<input type="checkbox"/>	Applied for Section 4 support and been refused
		<input type="checkbox"/>	Applied for Section 4 support and awaiting decision/ allocation
		<input type="checkbox"/>	Was on Section 4 support which has now ended
		<input type="checkbox"/>	Not applied for Section 4 support – does not meet criteria
		<input type="checkbox"/>	Not applied for Section 4 support because: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>
	<input type="checkbox"/>	Other (specify) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>	
d	Person granted Refugee Status or other leave to remain	<input type="checkbox"/>	Awaiting national insurance number to access benefits
		<input type="checkbox"/>	Awaiting meeting with Job Centre Plus
		<input type="checkbox"/>	Other (specify) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>

<b>6. Profile information</b>	
Gender ( <i>tick one box only</i> )	female <input type="checkbox"/> male <input type="checkbox"/>

Age (years)	<input type="text"/>
-------------	----------------------

Family situation in UK ( <i>tick one box only</i> )	Has adult dependents <input type="checkbox"/> Single/alone <input type="checkbox"/>
---	---

Number of dependent children under age 18 with the client ( <i>insert number - 0 if none</i> )	<input type="text"/>
--	----------------------

<b>7. Other circumstances (<i>tick all that apply</i>)</b>	
Disabled Person/ physical impairment <input type="checkbox"/>	Mental health issue <input type="checkbox"/>
New mother (child under 1 year) <input type="checkbox"/>	Pregnant <input type="checkbox"/>
Unaccompanied asylum seeking child (under age 18) <input type="checkbox"/>	Age dispute case <input type="checkbox"/>
Other (specify)	<input type="text"/>

<b>8. Country of origin</b>	<input type="text"/>	<b>Region (where applicable)</b>	<input type="text"/>
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<b>9. What was the client's occupation or profession in their home country</b>	<input type="text"/>
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<b>10. Length of <i>current</i> period of destitution (<i>tick one box only</i>)</b>	
Less than 1 month <input type="checkbox"/>	1 month to less than 6 months <input type="checkbox"/>
Between 6 months and 1 year <input type="checkbox"/>	Over 1 years <input type="checkbox"/>

<b>11. Before current period, how many times has client been destitute? (<i>tick one box only</i>)</b>	
none <input type="checkbox"/>	one <input type="checkbox"/>
two <input type="checkbox"/>	three or more <input type="checkbox"/>

<b>12. In what year did the client first claim asylum? (<i>Enter year</i>)</b>	<input type="text"/>
--	----------------------

<b>13. Estimated total time client has been destitute since arriving in Glasgow? (<i>estimate years and/ or months</i>)</b>	years <input type="text"/>	months <input type="text"/>
---	----------------------------	-----------------------------

<b>14. Where did the client sleep last night? (<i>tick one box only</i>)</b>	
In own NASS accommodation <input type="checkbox"/>	Bus station or other public building <input type="checkbox"/>
With family or friends <input type="checkbox"/>	Outdoors (e.g. street, park, in doorway) <input type="checkbox"/>
Homeless shelter <input type="checkbox"/>	Accommodation provided by church, mosque or other faith group <input type="checkbox"/>
With a volunteer host <input type="checkbox"/>	Other (please specify) <input type="text"/>

# TRAPPED:DESTITUTION AND ASYLUM IN SCOTLAND

Research Report, 2012

ISBN: 978-1-905866-61-8

Research commissioned and funded by:

## ***Refugee Survival Trust***

Refugee Survival Trust is a small charity which exists to prevent destitution amongst people seeking asylum in Scotland. RST provides small lifeline grants to those made destitute and those facing obstacles in accessing employment and education. The organisation also carries out research, awareness-raising, and lobbying to tackle the root causes of asylum destitution.

<http://www.rst.org.uk>

## ***British Red Cross***

The British Red Cross helps people in crisis, whoever and wherever they are. We provide practical and emotional support to vulnerable refugees and asylum seekers in 48 locations around the UK, including our centre in Glasgow. We help them adjust to life in unfamiliar surroundings by offering a friendly face, someone to listen, and advice on rights and orientation. By giving emergency provisions to those facing severe hardship and by working in partnership with the Refugee Survival Trust, we work to prevent and tackle destitution. We also have specialised support projects for women and young people, and our international tracing and message service helps people locate and reunite with their family members from around the globe

<http://www.redcross.org.uk>

## ***Scottish Refugee Council***

Scottish Refugee Council (SRC) is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland. SRC also provide specialist services in areas such as housing and welfare, women's issues, community development, the media and the arts. In addition, SRC play a leading role in policy development and campaign on refugee issues to ensure that Scotland plays a full role in meeting the UK's legal and humanitarian obligations under the 1951 United Nations Convention on Refugees.

<http://www.scottishrefugeecouncil.org.uk>

This research report and a summary are available to download at:

<http://www.rst.org.uk/knowledge/research/>

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