



“What’s going on?”

**A study into destitution and poverty
faced by asylum seekers and refugees in Scotland**

EXECUTIVE SUMMARY DOCUMENT

April 2005



A research project for the Refugee Survival Trust
funded by the Oxfam UK Poverty Programme

Foreword



The Refugee Survival Trust (RST) was started in 1996 to help destitute people seeking asylum in Scotland; those who had fallen victim to the harsh new legislation that left them with nothing and no-one to turn to. At that time, we were confident that the situation would soon improve and that the Trust could slip off the horizon as quietly as it appeared. Sadly though, things have not improved.

We are now supporting more people than ever before and have a unique insight into destitution among people seeking asylum. It is essential we use this insight to work with others to tackle the root causes of destitution – and this research is our first step. We now call on the government, local authorities, the health service and voluntary organisations to work with us on the recommendations detailed in this report to challenge the root causes of destitution among people seeking asylum in Scotland.

Kaliani Lyle, Refugee Survival Trust



Oxfam's UK Poverty Programme welcomes this report. It documents the devastating, hidden cost of the UK government's asylum policy. The hidden cost is the human cost: poverty and destitution faced by some people who are seeking asylum in Scotland. The report highlights a key Oxfam concern - that administrative difficulties and asylum policies are causing destitution, suffering and mental and physical ill health.

It is unacceptable that people seeking sanctuary in our country are going hungry. No one in the UK should face such suffering and insecurity; and it is of great concern that the administration of UK policy is contributing to this.

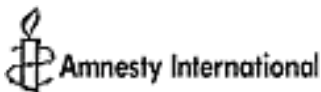
These daily effects are a symptom of the 'problematization' of asylum, and the shift of the debate from protection to exclusion. As well as administrative and policy solutions, political leadership is urgently needed to restore humanity and dignity to the asylum system in Scotland and in the rest of the UK.

Audrey Bronstein, Programme Director, Oxfam's UK Poverty Programme



UNHCR welcomes the report by the Refugee Survival Trust on destitution and asylum seekers in Scotland. UNHCR is saddened at the destitution suffered by some individuals who are seeking protection in the United Kingdom. The ability to seek protection under the 1951 Refugee Convention may be seriously affected if no reasonable means of survival are made available. Being cold and hungry makes it difficult for individuals to accurately recount traumatic events. A lack of address may affect a person's ability to maintain contact with the Home Office and legal representatives. We hope the UK government and the Scottish Executive will take steps to ensure that no needless hardship is suffered by those who are pursuing a claim for asylum and those who cannot return to countries UNHCR views as unsafe. With asylum claims down 61% over the last two years there is no asylum crisis but rather a vital need for Britain to ensure an effective and efficient asylum system in which beneficiaries are properly aided.

Peter Kessler, UNHCR Spokesperson



Amnesty International welcomes this research, which for the first time documents in detail the causes and effects of destitution amongst asylum seekers in Scotland.

It is deeply alarming that it reveals government administrative errors and delays in government policy as the major causes of destitution. This provides more evidence that the punitive focus on deterrence in recent UK asylum policy is having a detrimental effect on the well-being of asylum seekers and undermining people's right to protection.

There is an urgent need for a fair asylum procedure in which all asylum applicants have their cases considered fairly and are treated with dignity while they await a decision. The government must focus resources on good quality initial decision making to avoid putting people through the suffering, hardship and despair faced by many of those documented in this research.

Rosemary Burnett, Programme Director for Amnesty International Scotland

Executive Summary

This report documents the experiences of destitution amongst people seeking asylum in Scotland. It is for people in all organisations who work for asylum seekers and refugees: for those who make and implement policy - including the Home Office, the Scottish Executive and local authorities - and more broadly for all those concerned with the rights of people seeking asylum in the UK.

The research:

- identifies the main **causes** and **effects of poverty and destitution** amongst people seeking asylum in Scotland;
- investigates various **influencing factors** affecting experiences of destitution;
- makes **recommendations** on how to improve support and work together to address the root causes of destitution.

Key findings

- Administrative errors and procedural delays within the National Asylum Support Service (NASS) system are the major cause of destitution. The current support system fails to provide an adequate safety net to prevent people becoming destitute.
- People experience destitution through *all* stages of the asylum process: the problems of destitution are not related only to specific policies, but are inherent in the underlying policy-framework.

Background

This research, funded by Oxfam through its UK Poverty Programme, draws on the Refugee Survival Trust's experience of working for destitute asylum seekers in Scotland¹. It was conducted with valuable assistance from the Scottish Refugee Council, Positive Action in Housing, the Asylum Seekers Response Unit and several of the drop-in centres in Glasgow.

The Refugee Survival Trust (RST) works through partner organisations to administer grants to people seeking asylum who have been left without support. Over 1000 applications were made to RST between January 2000 and May 2004. Over this period, three different government acts resulted in widespread policy changes that impacted on the extent of destitution.

This research is based on statistical analysis of RST's application records and qualitative analysis of 20 in-depth interviews with people who experienced destitution whilst seeking asylum (included as case studies at the end of the report).

Causes of destitution

Amongst people making grant applications to RST, reasons for becoming destitute fell into three main areas – administrative errors/procedural delays, circumstantial factors and policy induced causes:

- **Administrative errors and procedural delays** are the principal cause of destitution amongst people making application to RST, accounting for just over half (52%) of all applications². Within this category, 95% of errors or delays were attributable to NASS or the Home Office.
- **Policy-induced causes** account for 15% of applications made to RST. The largest policy induced cause of destitution was Section 55, followed by those left destitute whilst seeking Judicial Review or making a 'hard case' application. A further 17% of all applications were for travel grants to go to claim asylum in Liverpool, after the withdrawal of the facility to claim asylum in Glasgow for those without children or other special circumstances in September 2003. These were granted on the understanding that people had no other means of travelling and were at risk of becoming destitute.

¹ An estimated 11,000 refugees currently live in Scotland, the majority of whom live in Glasgow with a significant number also in Edinburgh.

² N.B. Figures given are for analysis of all records between August 2002 and May 2004. Earlier records were not all available.

- **Circumstantial factors** account for 13% of all applications made to RST. These included people losing their ARC card, separating from a partner and being without access to support, having money or vouchers stolen, or having difficulties with their legal representative.

Effects of destitution

The report indicates that effects of destitution are **economic** – affecting material well-being; **political** – relating to lack of status and ability to make choices about one’s life; and **social** – relating to isolation from family, friends and in some instances experiences of racism. Analysis of the RST records indicates specifically that:

- **Homelessness** was a widespread experience with almost a third of all applications to RST coming from people who had no fixed address.
- **Lack of secure access to food** was a problem for the majority of people applying to RST with more than 75% of all applications being specifically for food and basic necessities.

The case studies illustrate in more detail how destitution has serious effects on the material and emotional well-being of people seeking asylum and also their families and friends:

- **Negative effects on mental health** include experiences of acute anxiety and stress, depression, feelings of extreme vulnerability and powerlessness.
- **Being deprived of choice** and disempowered are experiences common to all people seeking asylum who are forced to live on NASS support, but are even more acute for those who are destitute.
- **Impacts on family and friends** include material risks to those providing help from their own often limited resources and legal risks of having support cut if they chose to allow someone to stay in their NASS accommodation.

The research gives evidence that the effects of destitution can act to increase people’s vulnerability to **prolonged or repeat periods of destitution**, creating a spiralling effect. A fifth of all applications to RST are repeat applications.

Influences on experiences of destitution

There are various different factors which can influence how an individual experiences destitution. These include:

- **Personal factors** - Gender; age and family circumstance (42% of RST applications are from people with dependant children or who are expecting a child); nationality; and level of education and attendance at college can all affect how well people cope with the situations they face when they become destitute.
- **Policy and legal factors** - These can have significant impact, in particular the change in policy regarding permission to work (89% of applications to RST were from people who were not permitted to work) and the limited access to good quality legal representation.
- **Poor health and well-being** - As well as being major effects of destitution, these have further negative impacts for people being able to address the problems of destitution. Physical health problems also exacerbate the experiences of poverty.
- **Language and cross-cultural communication factors** - Language and interpreting problems have serious implications for an individual’s vulnerability to destitution. Conversely, people who develop cultural knowledge of values and meanings are more able to challenge the causes and mitigate the effects of destitution.
- **Social influences** – Connections with family, friends, or others in shared cultural or religious groups are key sources of support. Those who are living with or have close connections to other family members are often better placed to cope with the effects of having support withdrawn.
- **Organisational influences** - Support organisations have done much to mitigate people’s experiences of destitution. Grants provided by RST have undoubtedly eased many people’s experiences. The Scottish Refugee Council’s role in liaising with NASS to tackle root causes of problems, and the advocacy work carried out by other organisations have evidently done

much to help. However, those interviewed also felt that certain roles organisations have played, alongside occasional problematic interactions with caseworkers, have sometimes exacerbated the effects of and the extent of their destitution.

Analysis

Root Causes

- People are experiencing destitution through all stages of the asylum process: the problems of destitution are not related only to specific policies, but are inherent in the underlying policy-framework.
- Whilst the terms of the 'refugee problem' continue to be framed around numbers, discrimination is perpetuated and is becoming increasingly normalised. The terms of the debate and focus of policy have shifted away from humanitarian responsibilities to provide refuge and protection.
- The current support system is set up around evaluations of who is "deserving" and who is "undeserving". Evidence from the case studies indicates a blurring of boundaries in definitions of who is "in" and who is "out" of the process. Someone who is described as having 'All Appeal Rights Failed' may in fact have valid appeal rights still open to them, but have not been able to access these.

Problems in current provision

Administrative errors and procedural delays within the NASS support system accounted for the majority of applications to RST. There are many gaps in the system through which people are falling into destitution. The current support system:

- Fails to provide an adequate safety net to prevent people becoming destitute when problems or delays occur.
- Struggles to cope with the complexity of people's lives and changes in a person's circumstances.
- Involves distant decision-making which means that cases that could be verified immediately are left instead to go through lengthy bureaucratic procedures.
- Policy changes have also often been implemented suddenly, causing upheaval for all concerned, as indicated by patterns of change in grant applications to RST.

Mitigating the Effects of Destitution

The focus must be on addressing the root causes of people's destitution rather than on creating ever-larger safety nets. However, there is much the RST and other organisations could do to build on their existing good work to mitigate the effects of destitution:

- Refugee support organisations have a critical role to play in challenging negative understandings about people seeking asylum, which are based on fear, and should continually insist that they are treated foremost as people seeking protection rather than being reduced to number and targets.
- Refugee support organisations should explore ways in which they can further support the emotional, as well as material, needs of people seeking asylum who become destitute.
- RST should continue to raise awareness about its grants with other relevant agencies and target grants towards individuals who are particularly vulnerable to destitution, including those with mental health needs.

Recommendations

The key recommendation of this research is to establish a Scottish regional service user forum to include all stakeholders mentioned below, alongside local authorities, funding agencies, voluntary and statutory organisations and refugee representatives. Its role would be to support an effective regional service, which addresses issues of destitution. This could be a pilot scheme for a similar national UK forum.

1. To the Refugee Survival Trust

- 1.1 Share experience on grant-making and work more strategically with other organisations to alleviate destitution of people who have come to seek refuge in the UK, including those whose claims have been rejected.
- 1.2 Establish a wider range of contacts with statutory and voluntary organisations, including smaller drop-in centres and community organisations, to increase access to people who are less well linked into the larger support agencies. Prioritise contact with specialist organisations providing services to particularly vulnerable groups of people, for example, those with mental health needs or those who have experienced domestic violence.
- 1.3 Revise RST's grant guidelines to enable grants to be provided for longer periods in certain circumstances when all necessary steps are being taken to solve a problem but there are unprecedented delays.
- 1.4 Expand RST's grant guidelines to take account of the issues of domestic violence, or racial harassment, or mental health or other special needs, and to include those whose claims have been rejected.
- 1.5 Revise grant application forms to ensure that information provided is comprehensive and clearly details the application reasons to assist in informed decision-making.
- 1.6 Review and enhance the means of communication used to inform those seeking refuge and the agencies working with them of precisely what RST can provide and how it can be accessed. This might include providing a guide for clients available in a number of languages.

2. To the Home Office Immigration and Nationality Directorate (IND)

- 2.1 Ensure that NASS is sufficiently resourced to provide an adequate support service to people seeking asylum and those working with them³.
- 2.2 Ensure NASS takes on specific responsibilities for providing an effective safety net to support people when delays or unforeseen circumstances occur, as has recently been established in the case of people experiencing domestic abuse.
- 2.3 Develop further the welcome moves to greater regionalisation by allowing more assessment and decision-making powers to be delegated to the NASS office in Glasgow, including the administration of Emergency Support Tokens.
- 2.4 Establish procedures to improve communications both within the IND - between NASS and the Integrated Casework Directorate (ICD) - and with other government departments including the Department for Work and Pensions and the Department of Constitutional Affairs to ensure that people are not left without support unnecessarily.
- 2.5 Improve initial decision making on asylum claims so that people are not relying on support for longer than is necessary⁴.

³ As recommended in the Home Affairs Select Committee review of the asylum process in January 2004.

- 2.6 Reinstatement of the facility for single people and those without children to register a claim for asylum in Scotland.
- 2.7 Ensure NASS is transparent about departmental roles and responsibilities to ensure accountability, and to enable support organisations to make effective use of their service.

3. To Support Organisations

- 3.1 Engage strategically with NASS on all aspects of refugee support with the aim of eliminating the funding interventions which refugee support organisations are being forced to provide.
- 3.2 Continue to work collectively with all relevant organisations UK wide, to challenge policies which induce destitution.
- 3.3 Engage with legal representatives and bodies to ensure that they are fully aware of the problems that can occur in support arrangements at different stages of the asylum process and can work effectively to avoid these.
- 3.4 Identify and develop informal networks of local people and agencies who can give additional assistance and support to those seeking asylum.

4. To the Scottish Parliament and the Scottish Executive

- 4.1. Ensure that all possible measures are taken to prevent destitution of people seeking asylum and safeguard positive integration in Scotland in line with SRIF action plan⁵.
- 4.2. Explore ways in which support can be provided to local authorities and other statutory and voluntary agencies in addressing current problems of destitution amongst people seeking asylum in Scottish cities.
- 4.3. Continue to highlight and raise awareness amongst the public and political bodies that people seeking refuge are a resource to Scotland and should be welcomed.

5. To the UK Government

- 5.1. Retain the commitment to provide refuge to people in line with the 1951 UN Convention on Refugees and Article 3 of the European Human Rights Act, and the principles of protection which underlie these.
- 5.2. Introduce policies to quickly rectify mistakes in the asylum process which are clearly administrative errors, and prevent people from becoming needlessly destitute.
- 5.3. Reinstatement of permission to work for people whilst their asylum claims are being considered.

⁴ "We support the calls for greater 'front loading' of the applications system, that is, putting greater resources into achieving fair and sustainable decisions at an early stage." Home Affairs Select Committee Report (p3).

⁵ Scottish Executive 2002 Scottish Refugee Integration Forum Action Plan Support Plan

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Title quote:

"What's going on?" Rafiq asked repeatedly as he explained how he had received letters of support termination twice, only to be told on both occasions that it was a mistake.