Breakthrough Britain

Asylum Matters

Restoring Trust in the UK Asylum System






A Report by the Asylum and Destitution Working Group

Chaired by Julian Prior

December 2008

THE CENTRE FOR SOCIAL JUSTICE

About the Centre for Social Justice

The Centre for Social Justice aims to put social justice at the heart of British politics.

Our policy development is rooted in the wisdom of those working to tackle Britain's deepest social problems and the experience of those whose lives have been affected by poverty. Our working groups are non-partisan, comprising prominent academics, practitioners and policy makers who have expertise in the relevant fields. We consult nationally and internationally, especially with charities and social enterprises, who are the the champions of the welfare society.

In addition to policy development, the CSJ has built an alliance of poverty fighting organisations that reverse social breakdown and transform communities.

We believe that the surest way the Government can reverse social breakdown and poverty is to enable such individuals, communities and voluntary groups to help themselves.

The CSJ was founded by Iain Duncan Smith in 2004, as the fulfilment of a promise made to Janice Dobbie, whose son had recently died from a drug overdose just after he was released from prison.

Chairman: Rt Hon Iain Duncan Smith MP
Executive Director: Philippa Stroud

Breakthrough Britain: Asylum Matters

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Contents

	Preface by Iain Duncan Smith	4
	Chairman's Foreword	6
	Members of the Asylum and Destitution Working Group	8
	Executive Summary	10
Chapter 1:	Historic Overview	22
Chapter 2:	Getting the Decision Right (or Wrong)	34
Chapter 3:	Refused Asylum Claims	47
Chapter 4:	Destitution – Cause and Effect	54
Chapter 5:	Returning Home	61
Chapter 6:	International Consideration	75
Chapter 7:	Recommendations	77
Appendix 1:	Public Attitudes Survey – 'Drawing the Line'	89
Appendix 2:	Polling Information	95
Appendix 3:	Voluntary Sector Organisations Case Studies	98
	Bibliography	106
	List of Consultees	109

Preface

Iain Duncan Smith

Historically the UK has a proud tradition of helping asylum seekers and in return they have contributed to the culture and achievement of this country. Isambard Kingdom Brunel, Isaiah Berlin and Sir Tom Stoppard were all from refugee families in their time.

The evidence gathered for this report shows that the welcome offered today falls far short of our traditional standards. When asylum seekers arrive in the UK they are all too often met by a bureaucracy that fails to assess their claims fairly: more than 20 per cent of refusals are overturned on appeal. If asylum is refused, asylum seekers are often left without support and usually without permission to support themselves through work.

The Government claims that the asylum system is effectively reducing the numbers of asylum seekers entering the UK. However this report shows that the rise of asylum numbers at the turn of the millennium and subsequent fall since 2003 is an international phenomenon and the fluctuating numbers have been handled much more effectively by other countries such as Sweden and Canada.

It also appears that a British government is using forced destitution as a means of encouraging people to leave voluntarily. It is a failed policy: only one in five leaves voluntarily. This contrasts diametrically with Sweden, where, this year, only one in five had to be forced to leave. The rest did so voluntarily. Sweden achieves this by treating refused asylum seekers in a humane and reasonable manner, which seeks to enlist their cooperation in their own return. It is an approach which has been replicated, with similar levels of success, in Anglophone countries as well. Hotham Mission's Asylum Seeker Project in Melbourne, Australia has achieved 85 per cent voluntary repatriation and no absconding; the Failed Refugee Project in Toronto, Canada, saw similar results. By contrast UK policy is still driven by the thesis, clearly falsified, that we can encourage people to leave by being nasty. The result is that we rely heavily on forcible return, which is both very costly and time-consuming, and engages only a small proportion of those whose claims are refused.

This system, which gives refused asylum seekers good reason to abscond, and little reason to engage with officialdom, has bequeathed to us an estimated 283,000 refused asylum seekers in the UK. Only a tiny fraction is removed in any year. It is estimated that the backlog of unresolved asylum cases will take more than ten years to clear.

It is left to the voluntary sector to pick up the pieces of these shattered lives. With little support from the Government or the general public, these groups, on very limited budgets, do an heroic job stabilising asylum seekers lives, helping them through the asylum process and assisting them to return home or integrate into the UK if they gain refugee status.

The CSJ was born through a visit to Easterhouse Estate in Glasgow as the guest of Bob Holman. It was Bob who encouraged me and the CSJ to set up a working group to look at asylum and destitution. The group has spent the last year touring the country, listening to asylum seekers and those who work with them.

In addition the group commissioned two sets of *YouGov* polls and focus groups to understand the public's attitude towards asylum and to test the policy solutions this report recommends.

The result is a report that clearly analyses the current asylum system and identifies the problems from the ground up. It calls for an enhanced role for the voluntary sector and a genuinely independent decision making process.

But most importantly the report sets out a clear policy on how the system should remove or integrate applicants once an asylum decision has been made. This will put an end to the current 'black hole' of destitution and illegal working that so many asylum seekers fall into within the UK.

The report suggests practical solutions for restoring the UK's tradition of providing a welcome to some of the most vulnerable people in the world.

Iain Duncan Smith
Chairman, Centre for Social Justice

Chairman's Foreword

A key strength of this report lies in the breadth and depth of the consultation we undertook. The Asylum and Destitution working group comprised academics and practitioners as well as an asylum seeker: all of them had first-hand experience in their respective fields of either working directly with asylum seekers or researching the impact of the current system. Their experience of working with people 'on the ground' or in conducting and collating research from many different sources has been invaluable and I am deeply grateful for their input.

We have conducted hearings in Manchester, Glasgow, Newcastle upon Tyne, Birmingham, Liverpool and London to gather evidence from asylum seekers and those that work tirelessly on their behalf. We have also met with professionals from the legal, judicial, housing, health, advice, education and welfare sectors that input into various aspects of the asylum process, or support those going through it. We have heard from academics, politicians, policy makers and the media as well as comparing the UK system with the way that other countries administer the asylum process. To this end we have visited academics, practitioners, politicians, policy makers and asylum seekers in Toronto, Canada and Melbourne, Australia as well as drawing on the work of those that have compared different asylum systems within the European Union. I count it a great privilege to have met so many outstanding people during the course of this work and I have been humbled by the many asylum seekers who have had the courage to share their experiences with us. I would also like to pay tribute to the many people that I have met over the last year who work on behalf of asylum seekers, often in very difficult and demanding circumstances. They are credited at the back of the report.

We have also met with the UK Border Agency, which administers the asylum system to hear about the considerable challenges that they manage, in order to understand the pressures that this organisation faces from many different stakeholders. We were particularly keen to hear about developments that have taken place over the last few years and their vision for the future of the asylum system in the UK.

Two *YouGov* polls (of over 2,000 people each) have been conducted to look at the views of the general population and test some of the policy proposals that we make in this report. *YouGov* have also conducted two focus groups of people from different demographic profiles to explore the principles and values that underpin our attitude to asylum. A summary of the findings from this research can be found in Appendices 1 and 2.

Our analysis of the problems that exist within the asylum system and our recommendations that set out how to deal with these problems are based on evidence, research and a common sense approach to creating a process that is efficient, fair and treats people with dignity while not being open to abuse. We have put forward policies to restore the confidence of the nation in our asylum system so that we can be proud to be a country that protects some of the most vulnerable people in the world, enabling them to contribute to make Britain a unified yet diverse nation.

Julian Prior
Chairman of the Asylum and Destitution working group

Members of the Asylum and Destitution Working Group

Julian Prior (*Chairman*)
Julian Prior is the Founder and Project Director for Open Door (North East) in Tyneside, a charity that houses destitute asylum seekers and provides English language tuition for those that cannot access this anywhere else. Prior to this, Julian spent 10 years working for some of the leading marketing agencies in the North East of England.

Bob Holman (*Vice Chairman*)
Bob Holman is former Professor of Social Policy at Bath University. Bob has spent the last 25 years living and working in deprived areas in Southdown and Glasgow. Bob is a well known author on issues of social justice.

Chris McDowell (*Nov 07 – Mar 08*)
Dr Chris McDowell was Director of the Information Centre about Asylum Seekers and Refugees (ICAR). ICAR is an independent information and research organisation which informs public debate and policy-making about asylum and refugees in the UK. (Chris left the group on taking up a teaching post at City University.)

Gareth Morrell (*Mar 08 – Aug 08*)
Gareth Morrell is a Senior Researcher at the National Centre for Social Research, and previously worked as a researcher for the Information Centre about Asylum Seekers and Refugees (ICAR).

Yeukai Taruvinga
Yeukai Taruvinga is an asylum seeker from Zimbabwe who has been living in the UK for the last seven years. Yeukai is a political activist and campaigns for the rights of asylum seekers and refugees in the UK. Recently she has provided evidence to the Independent Asylum Commission.

Louise Zanre

Louise Zanre Director of the Jesuit Refugee Service (JRS), London. The JRS provides advocacy and support for refugees and asylum seekers across the world, Louise joined the JRS in September 2000 becoming National Director for the UK in 2002. Louise also sits on the European Council of the JRS.

Katie Garner (*Senior Researcher*)

Katie Garner read Law at the London School of Economics and gained a BVC from the College of Law, London, before joining the Centre for Social Justice. Katie is currently looking to pursue her interest in asylum and refugees.

Andy Stranack (*Researcher*)

Andy Stranack has worked for the CSJ since 2006 and contributed to the Economic Dependency sections of *Breakdown* and *Breakthrough Britain*. He gained first-hand experience of working with destitute asylum seekers while helping to run a temporary homeless night shelter in South London.

Working Group Advisors

Jonathan Cox

Jonathan Cox is Parliamentary Officer for the Refugee Council and Coordinator of the Independent Asylum Commission. Prior to this he worked in the House of Commons as Political Researcher to an MP and Minister.

Maurice Wren

Maurice Wren is the Director of Asylum Aid. He is actively involved with the UK Border Agency and the Legal Services Commission, and is a member of the evaluation group of the Solihull Pilot scheme to promote early legal advice for asylum seekers. He is Co-Chair of the Asylum Rights Campaign, a steering group member of the Independent Asylum Commission and a Trustee of the British Refugee Council.

Executive Summary

1. Introduction

Over the last ten years the asylum system has suffered from a catastrophic breakdown of trust from all sides in the aftermath of a sharp rise and then fall in the numbers of people applying for asylum in the UK. The Government has legislated aggressively over this period in order to reduce the numbers entering the UK to claim asylum. This has made it increasingly difficult for asylum seekers to make applications as well as have their cases properly heard. Many asylum seekers have lost trust in the system's ability to deliver a fair hearing, mainly because of inadequate legal support, a lack of accurate translation and poor quality decision-making. The system fails to encourage or force repatriation quickly enough for refused asylum seekers, and meanwhile they are driven underground into destitution and illegality.

The public has also lost confidence in the system and believes that it is far too open to abuse; yet has very little understanding of the issues. Asylum is increasingly confused with the overall debate about immigration when in fact they are very different issues: asylum applications accounted for only four per cent of the total UK immigration figure in 2007.[1] Sensationalising of the asylum issue by media and politicians has further contributed to the breakdown of trust and has led to a polarisation of views, which makes balanced and informed debate almost impossible. This in turn has brought forth increasingly restrictive policies from the Government.

"In 1980, the number of asylum seekers applying for refugee status in the UK was relatively low at 2,352. However in the early 1990s there were significant increases in the numbers of people applying for asylum, which peaked in 2002 at 103,080 applicants (including dependants). Since 2002 numbers of applications have steadily reduced to 23,430 (principal applicants) new claims for asylum in 2007."[2]

1 Office of National Statistics (2008) 'News Release: Emigration of British citizens fell in 2007'. National Statistics; Home Office RDS (2008) *Asylum Statistics United Kingdom 2007*. Home Office.

2 Migration Policy Institute, *Country and comparative data*; Home Office RDS (2008) 'Asylum Statistics United Kingdom 2007'.

The Asylum and Destitution working group spent a year taking evidence from statutory, private and voluntary sector stakeholders in the asylum system, migration experts, and asylum seekers and refugees themselves. We visited asylum programmes in Canada and Australia, and consulted with European experts. Our recommendations draw strength from this wide consultation. They aim to restore trust in the system by making it more efficient, humane and fair.

> "The asylum system has developed into a process that is more about controlling numbers than deciding who needs protection."[3]

2. Culture of disbelief

The Home Office has made strenuous efforts over the last few years to improve the way that the process is administered and some significant improvements have been made. However, there is often a large gap in policy (or aspiration) and practice on the ground resulting in many 'perverse and unjust decisions' to refuse asylum to those that need it.[4]

> "Having acted as an expert witness over many years in planning appeals I have frequently been appalled [in contrast] by my experience when supporting asylum seekers through their appeal process. Frequently little weight was given to my testimony based on a personal knowledge of the appellant gained over months and sometimes years."
>
> Adrian Smith MRICS, Newcastle, in evidence to the CSJ

The recent Independent Asylum Commission report identified a 'culture of disbelief' that pervades so much of the policy and decision making of the last decade, which has made it increasingly difficult for asylum seekers to receive a fair hearing. In addition to this mistrust, many other factors prejudice an asylum seekers' fair hearing. Severe cuts in legal aid funding have forced many asylum seekers to represent themselves at tribunals (often without an interpreter). Great concern has been expressed by many organisations (such as the United Nations High Commission for Refugees [UNHCR]) about the poor quality of interpretation, a subjective approach to the appellant's credibility, out-of-date or inaccurate country of origin information, poorly justified dismissal of evidence given by expert witnesses in support of asylum seekers and the pressure that politically motivated targets have placed on decision makers.

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3 Chris McDowell, former Director of Information Centre about Asylum and Refugees.

4 The Independent Asylum Commission (2008) *'Fit for purpose yet?: The Independent Asylum Commission's Interim Findings*. IAC.

This has contributed to many poor decisions resulting in only three per cent of asylum applications being granted refugee status in 2004.[5] 89 per cent of initial decisions were appealed in 2007,[6] and 23 per cent of initial refusals were overturned in 2007 (though it was as high as 27 per cent in 1999). This appeal rate is extremely high when compared to other judicial processes, and countries like Canada have less than one per cent of their asylum appeals upheld.[7] This is a waste of taxpayers' money, and has undermined confidence in the whole system; with many asylum seekers having to wait years in limbo for a decision on their case. This systematic failure has led to a huge backlog of up to 450,000 asylum cases[8] that it is estimated will take between 10-18 years to resolve[9] through repatriation or granting leave to remain.

3. Irrational policy making

Considerable efforts have been made to reduce the perceived incentives to come to the UK to claim asylum (often referred to as the 'pull factors'), so that fewer unmeritorious applicants arrive here in the first place. However, there is no simplistic relation between conditions of support in the UK and the decision to seek asylum here;[10] and the increasingly tight controls of our borders are a blunt instrument to control numbers of asylum seekers, indiscriminately making it harder for the genuine cases as well. Research commissioned by the Home Office[11] as to why people chose the UK to claim asylum, points to colonial links, family ties and a belief in Britain having a fair judicial system as the main motivators for choosing the UK to claim asylum (when a choice is possible), rather than any knowledge of the welfare system or employment opportunities. Despite this, misguided attempts to reduce apparent incentives for asylum applicants have resulted in policy withholding access to vital services, such as secondary healthcare, from refused asylum seekers.

Though the causes of the fluctuation in numbers of applicants to the UK over the past 10 years are intertwined and complex, it is clear that they are mainly *global*. There is a correlation between the highest numbers of applicants and countries that are war torn or under political oppression. For example, the

5 This excludes people granted Humanitarian Protection (HP) and Discretionary Leave (DL).

6 16,755 asylum applications refused 2007, 14,935 asylum appeals determined. Home Office RDS (2008) *Asylum Statistics United Kingdom 2007*. Home Office.

7 Minister of Citizenship and Immigration, *2006-2007 Departmental Performance Report,* Immigration and Refugee Board of Canada.

8 UK Border Agency, 'What are the older cases?' <http://www.bia.homeoffice.gov.uk/asylum/process/oldercases/whatareoldercases> [Accessed 20/10/08].

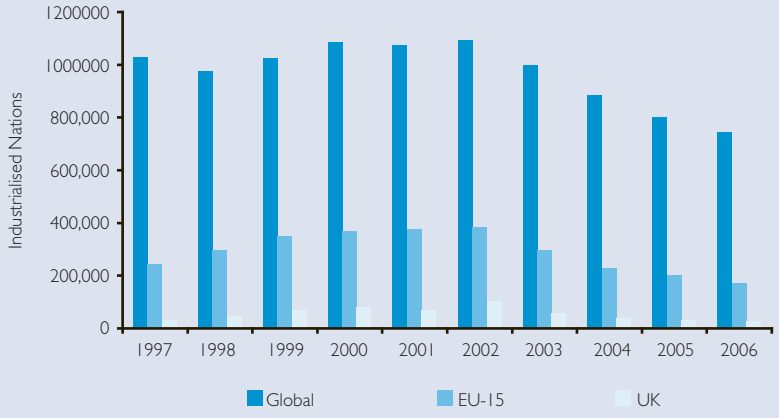
9 House of Commons Committee of Public Accounts (27 February 2006) 'Returning failed asylum applicants'.

10 Joseph Rowntree Charitable Trust (2007) *Moving on: from destitution to contribution.* JRCT.

11 Robinson V et al (2002). *Understanding the decision making of asylum seekers.* Home Office.

top four nationalities seeking asylum in 2002 were from Iraq (under Saddam Hussein), Zimbabwe, Afghanistan and Somalia.[12] Moreover, the phenomenon was not peculiar to the UK. The graph below demonstrates that it was actually part of a global trend in the asylum seeking population, which peaked in 2002 before declining steadily from then on.

Figure 1: Asylum applications 1997-2006



Source: UNHCR and Eurostat

This surely dispels the myth that UK domestic 'pull factors' are the main reasons for people coming to the UK, or that creating a harsher experience has had much effect the other way. Nonetheless the myth persists and is perpetuated – at the 2003 Labour Party conference Tony Blair claimed: 'We have cut asylum applications by a half.'[13]

Many other countries have also experienced a similar rise in asylum applications yet have coped with the challenges that this brings much better than we have in the UK. For example Sweden was receiving approximately 80,000 Bosnian refugees every year in the early 1990s. Yet despite these large numbers there has been little public outcry and an overall positive portrayal of asylum seekers in the Swedish media. This is not to say that Sweden is a 'soft touch' country in regard to detention and deportation issues: it has the highest level of returns in Europe at over 80 per cent of all asylum refusals.[14] The key to the success of Sweden's integrated approach is a recognition that asylum seekers cannot be bureaucratically controlled, resulting in a flexible and compassionate system based on informing and empowering the asylum seeker.[15]

12 Home Office (2002) 'Immigration and Asylum Statistics'. <http://www.homeoffice.gov.uk/rds/immigration-asylum-publications.html> [Accessed 15/02/08].

13 Tony Blair's speech at the Labour Party Conference, *The Guardian* 30 September 2003.

14 Mitchell G (2001) *Asylum Seekers in Sweden: An integrated approach to reception, detention, determination, integration and return*. Australian Fabians.

15 Ibid.

4. Lack of support, engagement and return leading to destitution

Our greatest concern with the current UK asylum system relates to the way that accommodation and financial support is withdrawn almost immediately after a negative decision has been made on an asylum claim. Despite there being some statutory support offered, most asylum seekers in this situation choose to go underground into a world of illegal work, prostitution and destitution rather than accept the support offered with the conditions of voluntary return attached. The number of destitute refused asylum seekers is not clear: however the British Red Cross estimates that at least 26,000 destitute asylum seekers are living on Red Cross food parcels in the UK.[16]

> "The life I live, I find myself depressed, abandoned, alone, a nothing."
>
> 27 year old woman from Democratic Republic of Congo[17]

Not only is this utterly inhumane, it is also counterproductive as it does not give any time to work with individuals to try and overcome their concerns about returning home (if given a negative decision), or to properly integrate them into the British system (if given a positive decision on their asylum claim). It is unrealistic to expect asylum seekers to make what they may consider to be a life or death decision about whether to return home or not, when their most immediate and pressing concerns are more to do with immediate survival rather than planning their longer term future.

> "The policy of enforced destitution shows that our asylum system is deeply flawed, treats vulnerable people in an inhumane way and brings shame on the UK."
>
> Donna Covey CEO, Refugee Council

If the withdrawal of support were intended to encourage asylum seekers to return to their home country (as the Home Office argues) then it is simply not working. The take-up of voluntary return is small. Of those who were repatriated in 2007, 2,865 (21 per cent) left voluntarily; but this must be seen in the context of 283,000 'failed' asylum seekers who remain in the UK. By contrast, 82 per cent of all returns of asylum seekers from Sweden in 2008 were voluntary. This is not a case of 'Swedish exceptionalism', as the principles of engagement and cooperation which underpin its system have been replicated with similar results in Anglophone countries: for example, Hotham Mission's Asylum Seeker Project in Melbourne, Australia and the Failed Refugee Project in Toronto, Canada (see section 5.2 for details) have both seen more than 80 per cent voluntary returns. Our lack of success in persuading refused asylum seekers to leave is part of a broader policy failure: Figure 2 shows that the proportion of all 'return migrants' (including refused asylum seekers) who return voluntarily from the UK is very small (six per cent) compared to other European countries.[18]

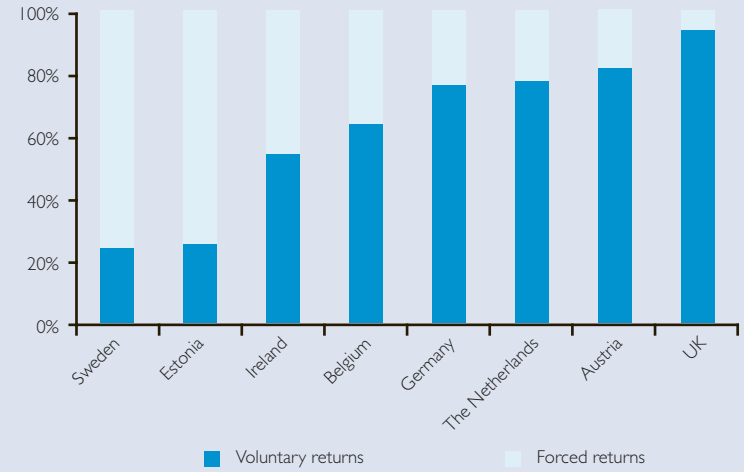
> "Destitution – it sounds as if people have been put in the bin and are scavenging. It makes me sound like an animal. Perhaps that's all I am now. All that I am."
>
> 67 year old woman from Zimbabwe, quoted in *The Destitution Trap,* Refugee Action.

16 *The Guardian* (11 January 2005) 'How many work illegally in UK? It's not easy to find out.'

17 Refugee Action (2006) *Destitution Trap.* Refugee Action.

18 European Migration Network Synthesis Report (2007) *Return Migration.* EMN. Table 1. The report defines 'Return migrants' as 'a heterogeneous group that includes inter alia failed asylum seekers, migrants protected under temporary schemes, refugees after the termination of their asylum status, illegal immigrants, migrants with an expired temporary work permit, and legal migrants who wish to return to their country of origin.'

Figure 2: Forced and voluntary returns in Europe 2005 (all return migrants)



Source: European Migration Network

Making someone homeless also makes removing them forcibly much more problematic and expensive, with a forced removal costing on average ten times more than a voluntary return (£1,100 compared to £11,000).[19] The issue of facilitating removals is complex and sensitive. The number of removals of refused asylum seekers is very low, and the process very slow: a study published in 2005 found only three per cent being removed within three months of a decision, with an average removal taking place 403 days after the applicant's appeal had been completed.[20] This has undermined the credibility of the process by giving the impression that there are only distant consequences to a negative decision. This encourages refused asylum seekers to postpone a decision to leave voluntarily and instead to try find illegal work while they are unofficially able to stay in the UK.

"Teesside's most senior judge delivered a series of criticisms as he freed a failed asylum seeker stuck 'in limbo'. Judge Peter Fox told him, 'The Government has taken a decision, I am informed, not to take any step to remove you from this country, and yet to not approve your remaining. Such a state of limbo is highly unsatisfactory from everyone's point of view, including of course, yours.'" [21]

There is little meaningful engagement by the UK Border Agency at the end of the process and very little is being done to try and address the fears that asylum seekers have about returning home. Instead, the UKBA takes a very

19 UK National Audit Office (2005). *Returning Failed asylum applicants*. The Stationary Office.
20 Ibid.
21 *The Middlesbrough Evening Gazette* 9 June 2008.

confrontational approach that forces the two parties further apart and decreases the likelihood of any agreement on how to resolve issues. This creates a 'limbo' situation where thousands of asylum seekers with claims pending or refused remain in the UK for what can often be several years.

5. Support from the voluntary sector

Invariably the voluntary and faith sectors have stepped into the gap providing a lifeline to the most vulnerable of these individuals. Their compassion, professionalism and dedication to the plight of asylum seekers has saved many asylum seekers from starvation, serious illness or suicide. However they are unable to gain any statutory funding to support refused asylum seekers, leaving many organisations stretched to breaking point.

Asylum seekers are not entitled to paid employment (unless their initial decision has taken longer than a year). This is not only immensely damaging to an individual's mental health but is also de-skilling very motivated and qualified workers who could be making a contribution to the UK economy and paying their own way, rather than the state funding their support while they are having their claim for asylum assessed.

6. Developing a new asylum system

To ignore the complex challenges at the end of the process creates problems of huge proportions not only for the asylum seekers themselves, but for the country as a whole. Social tensions are already strained due to the wider inflamed immigration debate. Policies which expand the underground world of illegal work, prostitution, and destitution will do nothing to ease these tensions. There have to be clear consequences at the end of the asylum process but the Home Office is falling behind its own targets for removing those that have not been recognised as refugees. They also seem to be in denial about why so many choose not to accept the support they offer, washing their hands of the plight of some of the most marginalised and victimised people in our country today.

In order to tackle the issue of destitution at the end of the asylum process, this report has looked at the wider causes of that destitution and has made recommendations that affect the way decisions are made about asylum claims. We recognise that asylum is a hugely complex and demanding issue to get right and would like to acknowledge the challenges of the role that ministers and the UK Border Agency (UKBA) have to play in administering the system and making decisions about asylum claimants.

Our purpose is not simply to criticise the Home Office or UKBA, but rather to tackle some of the major shortcomings that have been brought to our attention by stakeholders at all stages of the system, and make constructive proposals on how it can be improved. A balanced debate is required based on the facts rather than tabloid-propagated myths, with a restrained use of

language that does not seek to sensationalise and use the issue for political gain. However, we are convinced that radical change to restore trust in the UK asylum system is possible, so that UK citizens can once again be proud of our heritage of protecting some of the most vulnerable people in the world.

7. Recommendations to restore trust in the asylum system

7.1 DIVIDE THE CURRENT ROLES OF THE UK BORDER AGENCY INTO THREE SEPARATE BODIES/FUNCTIONS.

One of the key problems with the current system is that the UKBA manages the whole system. It enforces border controls, oversees the support to asylum seekers as they go through the system and makes the decision in the first instance about who to accept as a refugee. In short UKBA tries to combine the task of enforcer, supporter and decision maker while also administering the whole system. This makes for some unhelpful conflicts of interest, particularly when making the decision about the applicant's claim for asylum and also at the end of the process when managing integration, return or removal.

Therefore, we propose dividing up the asylum system to ensure that different stakeholders operate within the overall process and focus on their specific role while being accountable to an independent body. In outline this division would be:

- ***UK Border Agency*** – Enforcement
- ***Independent Body*** – Decision-making
- ***Contracted Support Agency*** – Support

For further details on the roles of the above agencies see Chapter 7 of the main report.

The following recommendations should be implemented by the above agencies.

7.2 IMPROVE THE QUALITY OF DECISIONS ON WHO NEEDS TO BE GIVEN ASYLUM.

Improving the quality of decisions on asylum applications is essential to restoring trust in the asylum system. Most of the current problems within the system stem from poor decisions being made in the first instance. Making every effort to get the decision right first time is in everyone's interest. It speeds up the process, reducing the number of appeals being made and the associated costs. It also makes it easier to work with asylum seekers who have been refused as they are more willing to consider returning home if they feel that they have had a fair hearing. Until the quality of decisions is improved recommendations 7.4 and 7.5 (concerning voluntary and forcible repatriation) should not be implemented.

Improving the quality of decisions can be achieved by implementing the following measures:

7.2.1 Create an independent body of highly trained magistrates to make asylum decisions.

The working group has been very impressed with the Canadian asylum system where asylum decisions are made by independent 'members' (magistrates) and so our proposal is an adaptation of this model. A panel of three magistrates is required that would be full time and paid, undertaking similar training to current magistrates but focusing on asylum issues. These decisions would still be monitored externally so that their quality and consistency could be assessed and the findings made public.

Julian Prior and Bob Holman meeting the Immigration Minister, Robert Orr at the Canadian High Commission, London

Making a decision on an asylum claim is extremely complex and demanding and requires exceptional judgement based on experience and training. Therefore, we recommend that asylum decision makers are people with some experience of life and who are motivated by the challenges of the job.

7.2.2 Make the asylum hearing inquisitorial and not adversarial.

This is a fundamentally different way of looking at the evidence submitted for scrutiny for an asylum claim. By making the hearing inquisitorial the magistrate is more pro-actively engaged in asking questions of the appellant and witnesses and agreement can quickly be reached with other parties on which aspects of the case are in question, enabling the majority of time to be devoted to those issues that require the greatest level of examination to determine the outcome of the case.

7.2.3 Increase the availability of legal support at the earliest opportunity and throughout the process.

Legal advice is crucial to ensure a fair hearing during the decision-making process. Evidence from the Early Legal Advice Pilot in Solihull points to the way that more sustainable decisions are made when legal advice is more readily available, saving a costly appeal process (50 per cent fewer decisions were appealed than in the control area of Leeds). The Early Legal Advice Pilot also recorded an increase in the percentage of positive decisions to 58 per cent compared to 29.5 per cent in the control area of Leeds, the highest completion rate for cases and the lowest absconding rate in the country.[22] We recommend that the principles and best practice learned in the Solihull pilot be adopted as the model for access to legal support throughout the UK.

22 Findings presented by Maurice Wren at Advice UK London Conference, October 2008.

7.2.4 Provide funding for medical reports, expert country assessments and other key information.

Currently there is little funding for pieces of supporting evidence, such as medical reports, which can influence the outcome of an asylum claim. In order for a full and fair assessment of an application we propose resources be set aside for funding such evidence.

7.2.5 Ensure adequate time is given for thorough preparation of the case.

It is in everyone's interest to ensure that a decision on an asylum claim is made as quickly as possible. However, proper preparation in the first place will reduce the chances that an appeal will be made on the basis of evidence that could not be gathered in time for the first consideration. Spending a little more time on the initial preparation of the first hearing will often save a lot of time (and money) in the long run.

7.2.6 Ensure that the Country of Origin Information reports are up to date, relevant and are compiled and maintained by the independent body charged with making asylum decisions.

This information is used to assess the current situation in asylum seekers' home countries and plays an important role in assessing the merits of asylum claims. Therefore, it is vital that this information is accurate and independent and so we recommend that it should be the responsibility of the independent body created to make asylum decisions to manage and publish this information.

7.2.7 Invest in quality independent translation and interpretation that is objective and un-biased.

Accurate interpretation and translation are essential for a fair assessment of many asylum seekers' claims.

7.3 HOUSING AND FINANCIAL SUPPORT TO BE CONTINUOUS UNTIL INTEGRATED OR RETURNED (UP TO A MAXIMUM OF SIX MONTHS IN MOST CASES)

Immediate removal of support is inhumane and makes final resolution harder. It does not allow time for individuals to make alternative plans and encourages illegal working and destitution. Even when given a positive decision, to withdraw support within as little as seven days makes integration into the British way of life almost impossible. Making refused asylum seekers homeless and penniless is hugely counterproductive: it makes it much more difficult to work with them to encourage voluntary return or to ensure timely removal, and in driving them underground makes it harder to keep track of them. According to our research destitution is not a major factor in the decision to return voluntarily and there is no substantial evidence to suggest that continuing support would encourage more people to come to the UK to claim asylum. It is less costly and more sustainable in the long run to continue providing support for asylum seekers who have been

refused the right to remain in the UK, as voluntary return (which is ten times cheaper than removal) can be more realistically considered when failed asylum seekers are not focussed on basic survival. (See recommendation 7.4 for more details on the cost neutrality of this proposal.) However, we recommend that there is a time limit for this support of up to six months by which time the individual should be integrated into regular work and social support, if given a positive decision, or have returned to their home country voluntarily or forcibly if given a negative decision. This compares with an average of thirteen and a half months before removal takes place (2005 figures).[23]

> "Destitution is not a major factor in the decision to return voluntarily."

7.4 WORK WITH REFUSED ASYLUM SEEKERS TO ENCOURAGE VOLUNTARY RETURN.

The support agency case worker is the best person to work with the asylum seeker to overcome barriers to voluntary return. There should be an intense period of weekly meetings to understand and address (where possible) the concerns expressed by the asylum seeker about returning home. The support worker would coordinate with other agencies who have a role in facilitating voluntary departure, such as the International Organisation for Migration, and mental health workers, as needed. They would also be in communication with the UKBA case owner who would be working on a parallel process of conducting a risk assessment for forced removal. This carrot and stick approach would give time for concerns to be addressed about returning home but with the threat of removal being imminent, minds would be concentrated on resolving the situation in the best interests of all involved as quickly as possible. We envisage that this process would take between three and six months to be completed in most cases. By increasing the percentage of those that return voluntarily (instead of being forcibly removed) to 50 per cent of all returns that take place (21 per cent in 2007) we estimate that sufficient savings can be made to enable housing and financial support to continue for 16 weeks for all refused asylum seekers at no additional cost than is currently incurred. (For further details of these calculations see section 7.2.7 of the main report.)

7.5 INCREASE THE FORCED REMOVAL OF REFUSED ASYLUM SEEKERS WITHIN SIX MONTHS OF A NEGATIVE DECISION, BUT ONLY AS A LAST RESORT WHEN ALL OTHER OPTIONS HAVE BEEN EXHAUSTED. (DEPENDENT ON IMPLEMENTATION OF 7.2.)

As described in recommendation 7.4, a parallel process of engagement with the asylum seeker to encourage voluntary return will run alongside the process that leads to removal. It is recognised that forced removal is challenging. Nonetheless speed should be a priority, and it has to be much quicker than it

23 National Audit Office (2005) *Returning Failed Asylum Applicants*, The Stationary Office London.

currently is (average of 403 days, or 13 months in 2005). We recommend that the vast majority of removals take place within three to six months of a negative decision on an asylum claim *only when all other options have been exhausted and a risk assessment has been completed on the return of an individual*. We also recommend that greater support is offered during the removal process with the potential for a support worker to accompany an asylum seeker home when appropriate.

7.6 ONLY DETAIN ASYLUM SEEKERS WHO ARE A THREAT TO NATIONAL SECURITY OR THOSE WHO POSE A SERIOUS RISK OF ABSCONDING.

The vast majority of asylum seekers currently detained do not pose a threat to security and studies suggest there is little risk of them absconding.[24] However, the Government is currently in the process of planning an increase in the capacity of the detention estate. We think this is an unnecessary waste of money. We recommend that alternatives to detention are implemented such as bail bonds and voice recognition reporting. We also recommend other measures that will encourage asylum seekers to remain in touch with the Immigration Service such as more flexible reporting requirements and a greater level of communication with the support agencies that work with asylum seekers.

7.7 GRANT A TEMPORARY RIGHT TO REMAIN FOR THOSE THAT CANNOT RETURN HOME.

For those asylum seekers whose claim has been refused but who cannot be returned home, a temporary licence for paid employment and the opportunity to contribute to their own support is recommended. This temporary right should entitle the asylum seeker free access to primary and secondary health care as well as access to English Language Classes. It should be reviewed every year.

7.8 COMMISSION FURTHER RESEARCH INTO:

- 7.8.1 barriers to removal and voluntary return and how other countries have overcome these barriers
- 7.8.2 ways to provide greater levels of support when returned or removed to home country through existing organisations such as the UN, British Embassies, NGOs, the IOM and others
- 7.8.3 the experiences of those that have returned (both forcibly and voluntarily) to their home country or another country
- 7.8.4 the development of the Gateway programme taking vulnerable refugees from countries with high numbers of people fleeing persecution and war. (See section 6.1 of the main report for details.)

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24 Bruegel I and Natamba E (2002) *Mintaining Contact: What happens after detained asylum seekers get bail?* South Bank University.

CHAPTER ONE
Historical Overview

Historically, the United Kingdom has always welcomed people fleeing persecution. These have included 50,000 Huguenots who came to the UK between 1680 and 1720 and approximately 55,000 Jews who arrived in the 1930s fleeing Nazi Germany. In 1951, in response to the large number of people displaced in the Second World War, an international convention was agreed to ensure the right to protection for those fleeing persecution. This forms the basis for asylum claims today as cases are tested against the criteria stated below in the definition of a refugee:[1]

According to the 1951 UN Geneva Convention relating to the Status of Refugees, a refugee is:

- 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
- someone who is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country.

The UK has taken pride in offering sanctuary for those seeking asylum. Some have returned to their home country when it was safe to do so, however, many have settled and made a significant contribution to the culture and economy of the UK.

- Joseph Malin was a Jewish refugee who established the world's first fish and chip shop on Cleveland Street, London in 1860.
- Alec Issigonis was a refugee, exiled from Turkey in 1906. He went on to design the Mini motorcar, widely regarded as a Great British icon.
- Michael Marks, a Polish refugee, was one half of the Great British retail institution Marks and Spencer.
- Isambard Kingdom Brunel, the renowned Victorian engineer (and recently voted as one of the greatest Britons of all time), was the son of a French refugee.

1 The Human Rights Act can also be used to test an asylum claim in certain circumstances.

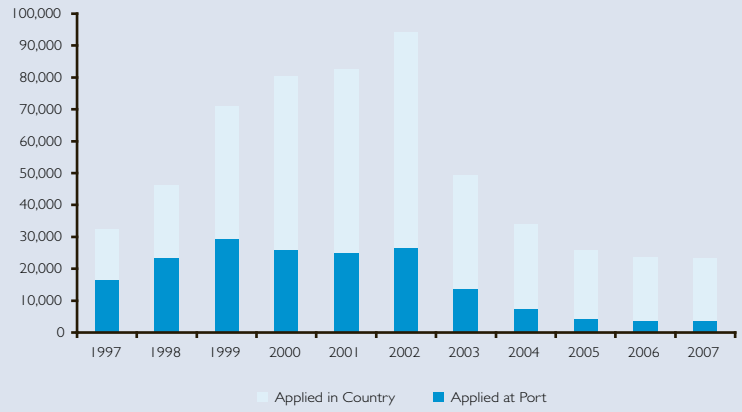
1.1 UK asylum applications 1980 – present

In 1980, the number of asylum seekers applying for refugee status in the UK was relatively low at 2,352 per annum.[2] However in the early 1990s there were significant increases in the numbers of people applying for sanctuary, peaking in 2002 at 103,080 applicants (including dependants).

No single reason can be given for this fluctuation in numbers of applicants, the causes being intertwined and complex. However, there is correlation between the highest numbers of applicants and countries that are war torn or under political oppression. The four countries from which the UK received the most asylum claims were Iraq (under Saddam Hussein), Zimbabwe, Afghanistan and Somalia.[3] We shall explore the reasons for people coming to the UK instead of other countries to claim asylum in section 1.3 below.

Since 2002, the annual number of new applications for asylum from principal applicants (excluding dependants) has steadily reduced to 23,430 in 2007. Asylum applications account for only four per cent of the total UK immigration figure in 2007.[4]

Figure 1.1: Asylum applications in the UK by location 1997 – 2007 (principle applicant)



Source: European Migration Network

The Home Office was ill-prepared for the dramatic rise in asylum applications in the UK between 1997 and 2002. Existing systems could not cope with the increased demand that additional numbers placed upon them. This led to delays in the processing of claims, some of which remained

2 Migration Policy Institute, *Country and comparative data*. <http://www.migrationinformation.org/datahub/countrydata/data.cfm> (Accessed 08/02/2008.)

3 Home Office (2002) 'Immigration and Asylum Statistics'. <http://www.homeoffice.gov.uk/rds/immigration-asylum-publications.html> (Accessed 15/02/08.)

4 Total number of immigrants staying longer than a year taken from Office of National Statistics (2008) 'News Release: Emigration of British citizens fell in 2007'. Total number of asylum seekers taken from Home Office RDS (2008) *Asylum Statistics United Kingdom 2007*. Home Office.

unresolved for years, and an inability to keep track of the many asylum seekers who had been denied refugee status but had not left the UK.

By 2006 it was estimated by the Commons Public Accounts Committee that there were somewhere between 155,000 and 283,000 'failed' asylum seekers in the country (exact numbers were not known due to 'poor record keeping'), and that it will take between 10-18 years to clear this backlog.[5] The Home Office also acknowledge that there are as many as 450,000 'unresolved' asylum cases in the system that had been made prior to 5th March 2007 that are being processed by a dedicated 'Case Resolution Directorate'.[6] Now termed 'legacy cases', a team of 900 personnel are looking into each case on an individual basis but it is expected that it will take many years to resolve all these cases. The Home Office states that the backlog will be cleared by June 2011.

> "The Home Office acknowledge that there are as many as 450,000 'unresolved' asylum cases in the system."

1.2 A common global experience

The increase in asylum applications over the last 20 years was not just a UK phenomenon. The number of asylum claims lodged in the 36 industrialised countries listed by the UNHCR (United Nations High Commissioner for Refugees) rose from less than 200,000 per annum in the early 1980s to a peak of 850,000 in 1992. After a few years of decline the numbers increased to reach a second peak of over 600,000 in 2001.[7] (See Figure 1.2 opposite which shows global trends.) The EU has historically received between 70-80 per cent of all asylum applications (made in the 36 industrialised countries listed by the UNHCR), with North America counting for 20-30 per cent and Australia and New Zealand approximately one per cent.[8] A Home Office report observed:

> *Unprecedented in terms of volume and the speed of onset, the steep rise in the number of asylum seekers has presented a major challenge to the governments of European Member States, both individually and collectively.*[9]

The fall of the Iron Curtain has been identified as a key turning point for immigration and refugee movements in the EU. This heralded the most significant movement of asylum seekers since the immediate aftermath of the

5 House of Commons Committee of Public Accounts (27 February 2006) 'Returning failed asylum applicants'.

6 UK Border Agency <http://www.bia.homeoffice.gov.uk/asylum/process/oldercases/whatareoldercases> (Accessed 20/10/08.)

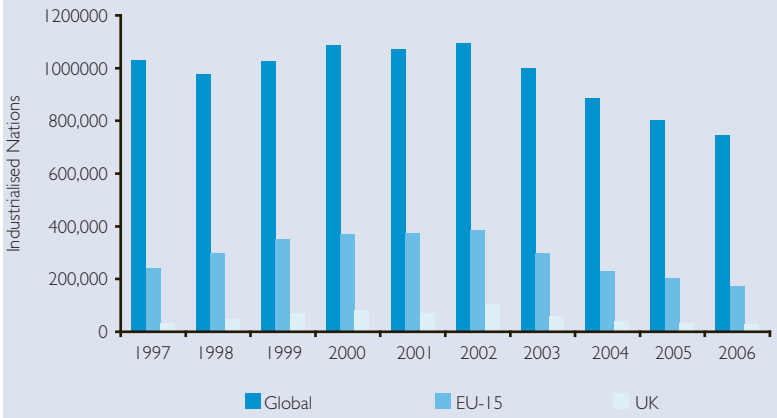
7 United Nationals Human Rights Commission (2007) *Asylum Levels and Trends in Industrialised Countries*, 2006. UNHCR.

8 Cartledge K (2007) 'Security versus freedom and justice: immigration and the asylum system in Europe'. Paper presented at Newcastle West End Refugee Service AGM 26 September 2007.

9 Zetter R et al (2003) *The Impact of Asylum Policies in Europe 1990-2000*, Home Office RDS. P.2.

Second World War. The end of the Cold War initiated the enlargement of the European Union and opened up the West, at first to Eastern European refugees (many ethnic Germans displaced in World War II) and then to those from other troubled and war-torn regions, notably the Balkan countries, Africa and the Middle East. The greater ease of movement across borders, and a number of ferocious regional conflicts (particularly in Africa) generated many new asylum seekers and pushed asylum onto the political agenda across Western Europe.

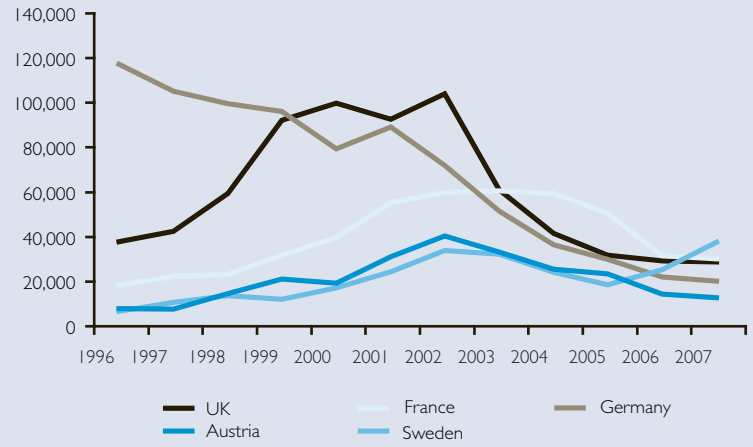
Figure 1.2: Asylum applications 1997-2006



Source: UNHCR and Eurostat

The number of asylum applications in the top five European receiving nations is shown below.

Figure 1.3: Asylum applications in top five European receiving countries



Source: Eurostat

This graph indicates that although the numbers are different, the trends are similar, with a rise in applications peaking in 2000-2002 followed by a steady fall in those claiming asylum. Germany is the greatest anomaly, having received 438,191 applications in one year in 1992 (over half the total number for the whole of the EU). This relates, in the most part, to the fall of the Berlin Wall and a Basic Law guaranteeing refuge to all people facing persecution in some form.

1.3 Why people apply for asylum in the UK (the 'pull factor')

The reasons why people apply for asylum in one country over another are complex. However research undertaken by Bocker and Havinga (1998) identifies some common drivers that can influence an individuals decision; these include conditions in the home countries, the nature of immigration policy in the receiving country, colonial links and post-colonial conflict, language, geographical location, pre-established family networks and level of development.[10]

These 'pull factors' contradict with the attitudes of residents in host countries, where anti-asylum feeling is usually motivated by concerns that asylum seekers are really here to take houses, jobs and tax payers' money (in the form of benefits) and don't have a genuine case. In a *YouGov* poll commissioned by the CSJ in April 2008, 78 per cent of the general public polled thought that 'the benefits system' was the main reason asylum seekers choose to come to Britain rather than another country. Although some asylum applications do have mixed motives in their applications, all those agencies we consulted who work with asylum seekers believe that only a very small minority is motivated by the prospect of living off the welfare state. Many leave good jobs, with an excellent standard of living:

> *I helped a former mayor unpack his possessions when he arrived in Newcastle. I could tell that he had a very prosperous lifestyle back home as his suitcases were high quality leather and his clothing was not cheap.*
>
> Case worker from Open Door (North East), in evidence to the CSJ.

In July 2002 the Home Office Research Development and Statistics Directorate published its findings from an extensive piece of research that was commissioned to understand the reasons asylum seekers claimed asylum in the UK. Its conclusions are quoted in the box opposite:

10 Böcker A and Havinga T (1998) *Asylum migration to the European Union: Patterns of origin and destination*. Sociology of Law.

"For those respondents who were in a position to choose a destination country, several key factors shaped their decision to come to the UK. These were:

- whether they had relatives or friends here
- their belief that the UK is a safe, tolerant and democratic country
- previous links between their own country and the UK including colonialism
- and their ability to speak English or desire to learn it.

There was very little evidence that the sample respondents [63 interviewees from 13 different nations] had a detailed knowledge of: UK immigration or asylum procedures; entitlements to benefits in the UK; or the availability of work in the UK. There was even less evidence that the respondents had a comparative knowledge of how these phenomena varied between different European countries. Most of the respondents wished to work and support themselves during the determination of their asylum claim rather than be dependent on the state. The overwhelming impetus for leaving home was to reach a place of safety; and for many people it did not matter greatly where that place was." [11]

Morrison highlighted in his study in 1998 that many refugees had very little choice in where they fled to, and it was often sheer co-incidence that brought them to the UK.[12] He also makes the point that many refugees flee to 'Europe', rather than a particular nation state within that continent. Bocker and Havinga observe:

> *For almost all interviewees, the most important factor influencing the country of destination for asylum was reported to be the presence of friends, relatives or compatriots in the country. The asylum policies and reception procedures (such as housing) operated by individual nation states were thought to be relatively unimportant.*[13]

However, despite this strong evidence to the contrary the Home Office still believes that offering any concessions to asylum seekers would act as a 'pull factor' to encourage more people to apply for asylum in the UK.

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11 Robinson V and Segrott J (2002) *Understanding the decision making of asylum seekers.* Home Office.
12 Morrison J (1998) *The cost of survival: the trafficking of refugees to the UK.* The Refugee Council.
13 Böcker A and Havinga T (1998) *Asylum migration to the European Union: Patterns of origin and destination.* Sociology of Law.

1.4 The media and political response

A string of sensational stories started to appear in the media at the time of the greatest numbers of asylum seeekers entering the country, about a perceived widespread abuse of the system undermining public confidence in the process for dealing with asylum applications. The Daily Express had 22 negative front page stories regarding asylum over a 31 day period in 2003 and consistently linked the issue to words like 'bogus', 'sponger' or 'foreign criminal'.[14]

Due to the way the issue was reported, particularly in the tabloid press, exaggeration of the facts and misinformation created the impression that the country was being 'over-run' by asylum seekers. This was fuelled by the way the issue had become very politicised. During the 2005 general election asylum became a key battle ground between the two main parties.

"KICK OUT THIS SCUM"

Daily Star, March 2005

"HALT THIS CROOKED TIDE"

The News of the World, January 2005

"ASYLUM MAKES US THE DUSTBIN OF THE WORLD"

Daily Express, October 2005

"'By the end of 2002 the situation was unsustainable,' a senior advisor to Blair says: 'We were just getting slaughtered on asylum. It wasn't unusual for there to be an asylum story on the front page of a tabloid every day of the week.'

Asylum became one of the top ten delivery priorities for the PM's Delivery Unit and a constant focus of his stock-takes and briefings. Blair stunned the Home Office by announcing on Newsnight in February 2003 that asylum applications would be halved within a year. Whilst numbers were beginning to fall, this was wildly ambitious and David Blunkett [Home Secretary at the time] was not confident that this could be achieved." [15]

1.5 Public misunderstanding

In 2004 MORI asked the question:

How many of the world's asylum population are living in the UK?

The average answer given was 23 per cent. The reality was less than 2 per cent.

However, despite the fact that the current number of annual applications is a quarter of what it was in 2002, the perception of a high level of claims for asylum

14 Greenslade R (2005) *Seeking Scapegoats: the coverage of asylum in the UK press*. IPPR.
15 Seldon A ed. (2008) *Blair's Britain 1997-2007*. Cambridge University Press. P. 385.

endures. In a *YouGov* survey commissioned for this report, 46 per cent of people polled thought that the UK received over 80,000 applications for asylum in 2007 and 31 per cent said over 160,000 applicants. The actual figure is 23,430.

Moreover, 71 per cent of respondents thought that Britain was taking 'too many' asylum seekers. This is perhaps unsurprising given the grossly inaccurate numbers of applicants that over half of those polled thought were being received by the UK.


SCANDAL AS ASYLUM SEEKERS GO ON RUN
(and the police won't even chase them)

70 per cent thought that the current UK asylum system is 'too soft' and 57 per cent of people polled thought that asylum seekers received either the same amount of financial support as, or more than, someone on basic income support. Asylum seekers actually receive 30 per cent less than the basic level of income support while their claim is being processed, and nothing if their asylum claim is refused, unless they are prepared to return home.

This clearly demonstrates how misinformation and sensational reporting together with highly emotive language used by politicians over the last 10-15 years has resulted in myth and misunderstanding about asylum:

> *The media has not helped to create an objective and clear debate about asylum. The net effect is a need for objective, trustworthy, open discourse on asylum so that decisions can be made from a more solid position.*[16]

When asked whether they thought that 'providing protection for those that were in danger was an important part of British tradition', 89 per cent said that they either strongly agreed or agreed somewhat, with 79 per cent of people polled saying that they were in favour of granting asylum to those who genuinely need it. However, 90 per cent were concerned about the abuse of the asylum system.

In focus groups conducted on our behalf by *YouGov*, we found some areas of agreement despite widely differing attitudes towards asylum seekers:

- ***The system is stressed and its legitimacy under threat*** due to the politicisation of the debate, poor and highly partial media reporting and a sense of taboo in having real discussion of issues (people worry about being labelled as racist for having the discussion – perhaps with good cause)
- ***There are no degrees of separation between asylum and immigration*** partly because of a lack of clarity and a muddying of the waters in the area between these two issues

16 Verbatim feedback from 'Drawing the line' (2008) a *YouGov* focus group study commissioned by the CSJ Asylum and Destitution working group.

- ***There is a high degree of confusion and lack of knowledge.*** Facts have been an early casualty in this debate and so myth prevails
- ***Politics and the media undermine trust.*** There is a real problem with trust and faith in the asylum system and this is because of the lack of independence and objectivity in the discourse and operation.[17]

1.6 Confusion with other forms of migration

Unsurprisingly the general public did not often understand the distinction between different forms of immigration and tended to confuse the terminology. This is still a problem as demonstrated by the following comments from two different public attitudes studies:

> *I don't understand the terminology – asylum seeker, refugee, economic migrant, illegal immigrant. All I know is that they are all 'bloody foreigners'.*
>
> C2DE (working class and workless demographic),
> 35+ Plymouth Focus Group Independent Asylum Commission 2008

> *The whole agenda has become clouded, it is very difficult to separate the two, as this may well be preferable to suit people's agenda."*
>
> Alan: (Mail/Sun/Express Focus Group) *YouGov* for CSJ 2008

Definitions of the various different groups of migrants that are commonly confused are outlined below.

- **An asylum seeker** is someone who has travelled to another country and exercised their right to apply for protection by making themselves known to the authorities.
- **A 'failed' or 'refused' asylum seeker** is someone who has applied for protection in a country but that application has been refused and they have not gone home.
- **A refugee** is someone who has come from another country and been given protection to stay due to having a well-founded fear of persecution.
- **An illegal immigrant** is someone who has entered another country and not made themselves known to the authorities or entered legally for a temporary period but overstayed their visa or permit's duration.
- **An economic migrant** is someone entering another country primarily to look for work.

The challenge of distinguishing between asylum seekers and economic migrants is complex as they are not entirely distinct entities as motives can sometimes be mixed. Though there are varying views over the clarity of the line

17 For further details on the results of the research conducted for this report to understand public attitudes to asylum and the current asylum system see Appendices 1 and 2.

between economic migration and those seeking asylum, there are and have to be practical political differences. The choice of allowing economic migrants into the UK is largely one of political will and direction. Political parties will decide the extent to which they want to allow immigrants into the UK (though of course EU citizens are free to come and go as they like); however, as a signatory to the 1951 Geneva Convention the UK has legal and moral obligation to investigate the claims of all who arrive in the country and apply for asylum; and during this process the claimant has a right to remain in the country.

> "The UK has legal and moral obligation to investigate the claims of all who arrive in the country and apply for asylum."

Whilst it is important for the integrity of asylum to be very discerning about the reasons for people coming to the UK, the notion of having quotas or controlling the numbers of asylum seekers entering the country without a thorough investigation of their claim only serves to further blur the important distinction between these two groups and loses sight of the essential purpose of the asylum process, which is to determine whether someone is in need of protection.

1.7 Tightening legislation and the reduction of asylum applications

Seven pieces of legislation have been passed since the Immigration and Asylum Appeals Act 1993 formally incorporated the 1951 UN Refugee Convention into UK domestic law.[18] This testifies to the Government's struggle to formulate a response to growing numbers of asylum seekers during the 1990s.

A central component of this response was the tightening of border controls to block arrivals to the UK. This has sparked criticism that those with a real need of protection will not be able to get to the UK. Measures taken to reduce the numbers of people entering the UK have proved to be blunt instruments which fail to distinguish adequately between those with a genuine fear of persecution and those who are coming for other reasons. In the words of Chris McDowell,

> *The asylum system has developed into a process which is more about controlling numbers than deciding who needs protection.*[19]

The reduction in the numbers of people entering the country to make a claim for asylum was equally dramatic between 2002 and 2005. While the measures put in place to discourage entry into the UK were having some effect on the number of asylum applications, it is also important to note that the waxing and waning trend of asylum applications was also experienced by many

18 The Immigration and Asylum Appeals Act 1993, The Asylum and Immigration Act 1996, The Immigration and Asylum Act 1999, The Nationality, Asylum and Immigration Act 2002, The Asylum and Immigration Act 2004 , and The Asylum Nationality and Immigration Act 2006.

19 Chris McDowell, former Director of the Information Centre about Asylum and Refugees.

other countries in Europe (with the exception of Germany) over approximately the same time period (see Figure 1.3). This indicates that many global factors, beyond border protection, had a part to play in the increase of asylum applications to the UK between 1997 and 2002 and their subsequent reduction.

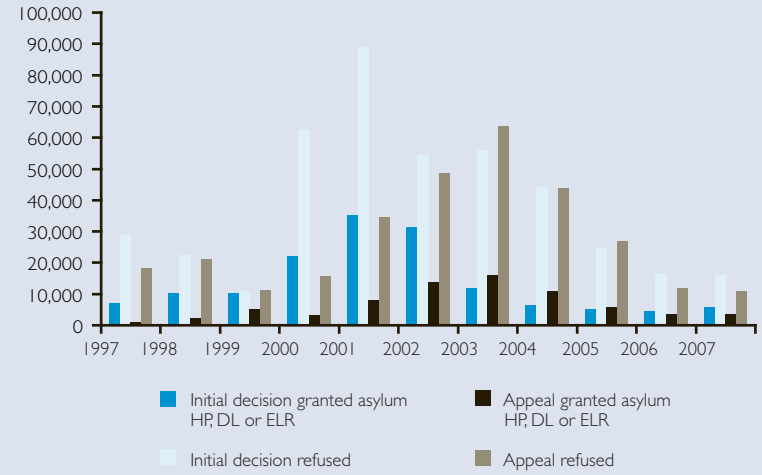
In addition to making it harder for asylum seekers to make their claim in the first place, the new legislation increasingly restricted their access to good quality legal representation. Dramatic cuts to legal aid were introduced in April 2004 together with restrictions on the time available for solicitors to respond to decisions taken by the Home Office.

> "A cynical culture of disbelief persists among decision-makers…leading to perverse and unjust decisions. The adversarial nature of the asylum process stacks the odds against asylum seekers, especially those who are emotionally vulnerable and lack the power of communication."[20]

As a result only three per cent of asylum applications were being granted refugee status in 2004.[21]

The bar graph below shows the numbers of initial decisions to grant refugee status and how many negative decisions were overturned at appeal.

Figure 1.4: Initial decisions and appeals 1997-2007



Source: UK Border Agency

20 The Independent Asylum Commission (2008) *'Fit for purpose yet?: The Independent Asylum Commission's Interim Findings*. IAC. P.2.

21 Home Office RDS (2004). 'Immigration and Asylum Statistics'. 4th Quarter 2004. Home Office. This figure only includes those applications that have been processed through the asylum system, i.e. not those considered for Humanitarian Protection or Discretionary Leave to Remain.

After a global rise and then fall in asylum numbers, politicians in the UK have responded to a media and public outcry by producing ever more restrictive legislation on asylum. Far from helping improve the asylum system this legislation has made it harder to determine genuine need, leading to a lack of confidence in the process.

CHAPTER TWO
Getting the Decision Right (or Wrong)

The quality of decisions made by the Home Office, the UK Border Agency, case owners and immigration judges has been a matter of fervent discussion and concern over the last 10 years, particularly during, and immediately after, the rise and fall in the quantity of applications between 1997 and 2003.

In this chapter we shall look at some of the reasons for the large number of negative decisions and examine why the asylum system has been, and in some cases still is, so biased against the asylum applicant.

2.1 The new asylum model

It was widely acknowledged that the systems and processes that were put in place as a result of the Immigration and Asylum Act 1999 were unable to cope adequately with the demands that were being placed upon them. This resulted in:

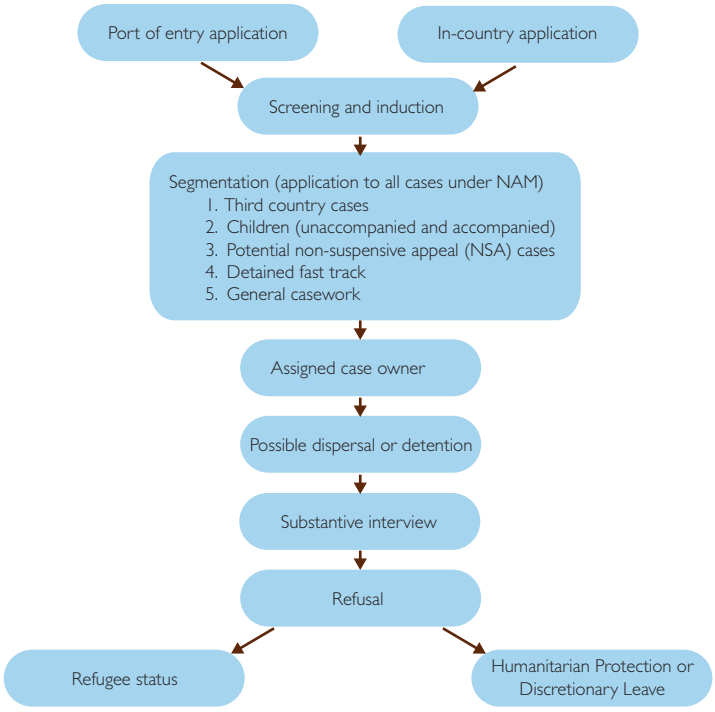
- poor quality of decisions both to grant and to refuse refugee status, sometimes taking years to complete
- administrative errors that resulted in crucial information being lost
- the creation of a backlog of applicants as described in section 1.1.

In 2005 the New Asylum Model (NAM) was piloted as part of a widespread reform of the system. This was rolled out in 2007 replacing the previous National Asylum Support System (NASS). The flow chart opposite outlines the process by which asylum seekers claims are now processed in the UK under the NAM.

This model recognised that the previous system was inflexible and inefficient and tried to establish tools to deal with some of the problems. Key aspects of the NAM are:

- ***The segmentation process.*** This was an attempt to streamline the system to make it more efficient both in terms of time and cost by dealing with different categories of asylum applicant in different ways depending on the complexity of their case.
- ***The end to end case worker.*** This was designed to ensure that asylum seekers had consistent support throughout the time that they were going through the process. Previous concerns had highlighted the uncoordinated nature of the process with duplication due to not having a consistent case worker throughout the asylum claim.
- ***Timeliness targets.*** The Government's stated aim is to have processed all claims for asylum within 30 days and to have integrated or removed 90 per cent of asylum seekers within six months of an initial application by the end of 2011.[1]

Figure 2.1: From entry to initial decision[2]



1 Home Office UK Border Agency Business Plan April 2008-March 2011.

2 The Independent Asylum Commission (2008) *Fit for purpose yet?: The Independent Asylum Commission's Interim Findings*. IAC.

The segmentation process categories are outlined in the box below.

Segment	Definition
Third Country	People whom the Home Office believes have, or could have, applied for asylum in another country and are thus deemed ineligible for asylum in the UK. Some of these people will be detained.
Minors	Unaccompanied minors and children in families who apply in their own right. Separated children may require a social services assessment to confirm their age and if they are accepted as a minor they are accommodated by social services. If minor status is disputed, claimants are dealt with through this segment until the issue is resolved, although they may be provided with support as adults during this time. Case owners dealing with cases in this segment have been specially trained to deal with children.
Potential Non-Suspensive Appeals (NSA)	Nationals from one of 17 countries designated as generally 'safe' countries by the Home Office. Cases are considered on their merits but may be certified as 'clearly unfounded' in which case the right of appeal against the asylum decision has to be exercised from outside the UK. Individual asylum seekers from outside the 17 'safe' countries may also be certified as 'clearly unfounded' and classed in this segment. Some people in this segment will be detained.
Detained Fast track	Any asylum claim, whatever the nationality or country of origin of the claimant, may be fast tracked where it appears, after screening, to be one that may be decided quickly, usually within three to four working days.
General Casework	Categories from the general caseload that do not come into any of the other categories. Some will be detained.

Since the introduction of the NAM, the Independent Asylum Commission and the Refugee Council have undertaken initial reviews of how the system is working and the benefits and drawbacks encountered so far. The IAC identifies the following benefits:

> *The introduction of single case owners will foster better levels of contact between applicants and the Home Office. It is also believed that accountability of decision-making will improve if case owners*

are responsible for asylum cases throughout the process. The establishment of a formal programme of staff training and accreditation, as well as the recruitment of graduates for case owners, has also significantly improve the initial quality of decisions.[3]

The desire for decisions to be made more quickly in the NAM is welcomed. However, the Refugee Council identified several key areas of concern, which we share:[4]

- Limited timescales for evidence submission and fast tracked decisions returned in as few as eleven days will prevent fair and considered decision-making.[5]
- Discontinuation of the Statement of Evidence Forms (SEFs). The SEF provided asylum seekers with an opportunity to set down in writing the basis of their asylum claim. In many cases, this period of preparation and reflection gives individuals an opportunity to disclose sensitive details of traumatic events. Under the NAM, there is no opportunity to provide written evidence in a SEF, and no guarantee that an asylum seeker will have seen a legal representative prior to his or her substantive interview.
- Segmentation can be arbitrary and is difficult to challenge. There is concern that the initial assigning of asylum seekers to segments that are dealt with more quickly, before their claim has been heard, runs the risk of prejudging the outcome of asylum claims. The Home Office concedes that it does not have sufficiently robust screening procedures in place to identify potential victims of torture or people suffering mental illness before detaining asylum seekers.

- NAM looks at the process of the claim itself and has nothing new in place for managing the end of the process where most people become destitute. This is illustrated by the fact that the case worker role is only applicable while people are going through the system and there is no further engagement with the asylum seeker once they are refused and have no appeal rights left, a status referred to as Appeal Rights Exhausted (ARE). This is the point at which the greatest level of engagement is required to ensure that the case is brought to a satisfactory conclusion.

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3 Hobson C et al (2008) *'Fit for purpose yet?'* The Independent Asylum Commission

4 Refugee Council (2007) 'Briefing: New Asylum Model'

5 See for example Oakley S and Crew K (July 2006) *Working against the clock: inadequacy and injustice in the fast track system*. Bail for Immigration Detainees. This report highlights the problem of how very rapid procedures can undermine a legal representative's ability to represent their client.

2.2 Legal representation

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

Bail for Immigration Detainees and Asylum Aid produced a report in April 2005 looking at the crisis in the legal aid system.[6] In it Sir Bill Morris says:

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

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

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

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6 Cutler S and Wren M (2005) *Justice denied: asylum and immigration legal aid – a system in crisis.* Asylum Aid.

There have also been targets set for legal practitioners to ensure that they do not take cases that have a very slim chance of success and after 1 April 2007 all legal practices handling asylum appeals need to achieve a 40 per cent success rate if they want to retain their franchise with the LSC. This has created a reluctance among solicitors to represent anything other than extremely convincing or straightforward cases, and has lessened the likelihood of precedent-setting test cases.

By definition asylum seekers who have been refused the right to remain have usually exhausted their legal process and therefore are unlikely to be able to access the services of a solicitor funded by legal aid. Unless they were able to fund a solicitor privately, the only other option for accessing legal representation would be if fresh evidence, previously unseen by an appeal judge, were uncovered, allowing a new application. However, in order to hit their LSC imposed success rate target, solicitors would need to be fully persuaded that they have a strong chance of winning the case before taking on clients in these circumstances.

> "In Scotland any solicitor can practice immigration law, there is a lack of professional bodies to help them... solicitors can feel quite isolated, it is difficult for them to keep their enthusiasm for asylum cases."
>
> Case worker, One-Stop Service, Glasgow in evidence to the CSJ

2.3 Problems with solicitors

As many asylum seekers enter the UK in the south of England before being dispersed around the country, many engage solicitors in the south and retain them during their stay elsewhere. Distance from their solicitor creates extra costs and difficulties associated with travel and communication. Concern has also been expressed during our hearings by a number of voluntary sector agencies giving legal advice around the country that there are many unscrupulous solicitors who raise expectations, charge large sums of money up front and do very little for the fee charged. This is particularly the case when clients have come to the end of their legal process, are desperate and so extremely vulnerable to exploitation.

Sara's story

The following account illustrates the real problems faced by asylum seekers in finding consistent legal advice.

In East Africa, Sara's mother died when she was young. Her father disappeared during political upheavals. She and her brother were imprisoned, where she was abused, before being freed. She fled to Sudan and then to the UK where she sought asylum.

Sara was allocated a solicitor in London but was dispersed to Bolton. She could not contact him and obtained another one in nearby Darwen, but he saw her just once in six months. Soon after, her application was turned down.

A third solicitor put in an appeal which was rejected for being out of time. This solicitor then stopped doing legal aid work. She found a fourth solicitor who was helpful but suddenly left the practice and her colleagues were too busy to take Sara's case.

2.4 Political positioning

Asylum decisions are made by testing someone's claim for asylum against the Geneva Convention and Human Rights Law. However, it is questionable how independent this decision-making process is, given the political nature of the issue in recent years.

Tony Blair indicated this in his speech at the Labour Party conference in 2003:[7]

> *We have cut asylum applications by half. But we must go further. We should cut back the ludicrously complicated appeal process, de-rail the gravy train of legal aid, fast track those from democratic countries and remove those who fail in their claims without further judicial interference.*

This quote clearly indicates how involved politicians are in influencing the parameters that determine decisions. This begs the question about how balanced and impartial the decision-making process is without adequate legal representation.

It is clearly the responsibility of politicians to set out the process for how asylum claims are made within the UK. However, they need to be careful that their words do not in any way influence the decisions or put pressure on UKBA officials who are making decisions on individual asylum claims.

2.5 The substantive interview

Limitations on legal aid are made worse by the fact that asylum seekers, who have suffered trauma, may not be able to speak about their experiences immediately.

Asylum support groups have indicated that it can sometimes take three to six months for an asylum seeker to talk about their experiences, yet within this system they are expected to be able to relive any traumatic experience straight away to a stranger, with little or no counselling services provided. This is sometimes in a hostile and strange environment, under the pressures of time limitations and the immediacy of the initial interview. If these issues are brought up at a later date they are accused of lying to prolong their stay in the UK.

"Asylum support groups have indicated that it can sometimes take three to six months for an asylum seeker to talk about their experiences, yet they are expected to relive this traumatic experience straight away to a stranger."

Women who have been raped or sexually abused prior to coming to the UK may also be interviewed by a man and are understandably reluctant to speak freely about their experiences, especially if their children are present. Many asylum seekers have come from environments where it is natural to mistrust people in authority, and this creates another barrier to ascertaining the full facts of a case.

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7 Tony Blair's conference speech, *The Guardian* 30 September 2003.

Legal and practical restrictions limit the amount of evidence that asylum seekers are able to present, therefore preventing a fair hearing. Later when this information is able to be accessed and an appeal is made it is often argued that 'concealment' of the facts undermine an applicant's credibility. In reality it is restrictions beyond the control of the applicant that delayed the gathering of vital evidence.

2.6 Appeals

Many asylum seekers whose initial claims are denied will feel that their cases have not been fairly heard or that crucial evidence has not been submitted. They can then apply for leave to appeal against the decision, though cases that are 'clearly unfounded', cases with an earlier right of appeal and third country cases cannot appeal.[8] These appeals are heard before the Asylum and Immigration Tribunal (AIT). The tribunals operate essentially on an adversarial basis. This means that judges generally avoid intervening in the discussion between the appellant, their legal representative and the Home Office representative (apart from seeking to clarify arguments).[9] The result is often that relatively trivial points of detail are argued over to prove or disprove the appellant's credibility, rather than concentrating on the key issues of the case.

Several commentators have argued that an investigative approach would be more appropriate for asylum appeals, in which the judge would take a more active role in court.[10] This would enable judges to examine the credibility of an appellant's account more closely.[11] UNHCR has argued that the process of asylum decision-making should be fact finding and inquisitorial rather than adversarial, so that the applicant is given the opportunity to address inconsistencies and contradictions.[12] In Chapter 7 we make recommendations for an alternative model, such as the Canadian approach, which uses an independent board to determine asylum applications and an inquisitive style of questioning which would be a more helpful way of gaining the full facts of a case.[13]

Amnesty International has argued that the high number of successful appeals shows that the quality of the initial decision-making is seriously in doubt. It is certainly true that when compared to other countries the UK system upholds a very high percentage of appeals. In 2007 27 per cent (6,135) of asylum seekers were granted asylum, discretionary leave to remain or

8 The Independent Asylum Commission (2008) *'Fit for purpose yet?: The Independent Asylum Commission's Interim* Findings. IAC.

9 Migration Watch, House of Commons Select Committee on Constitutional Affairs briefing paper.

10 Thomas R (2006) 'Assessing Asylum and immigration determination processes'. Paper presented at the Asylum, Migration and Human Rights Centre.

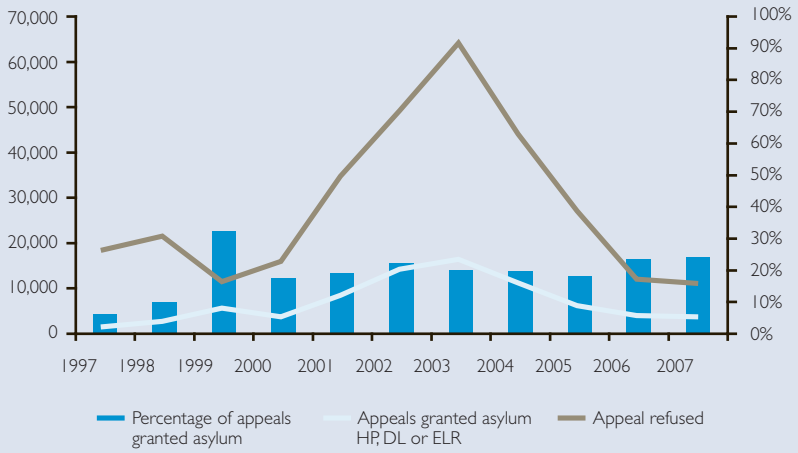
11 Migration Watch, House of Commons Select Committee on Constitutional Affairs briefing paper.

12 UNHCR (2006) 'Quality Initiative Project – Third report to the Minister'.

13 South London Citizens (2005) *A humane service for global citizens: Report on the South London Citizens enquiry into service provision by the Immigration and Nationality Directorate.* SLC.

humanitarian protection. Of the 73 per cent (16,755) that were refused 23 per cent of appeals (3,385) were upheld (see graph below). This compares to less than one per cent of appeals being upheld in the Canadian system.[14]

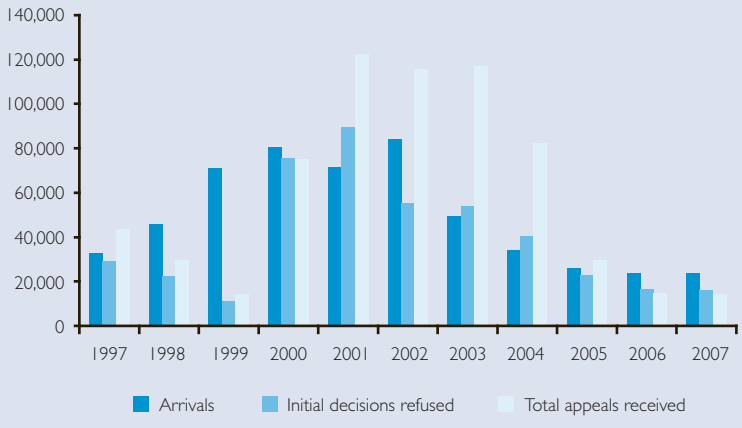
Figure 2.2: Appeals 1997-2007



Source: UK Border Agency

The graph below shows how many decisions went to appeal between 1997 and 2007. Although there will be a time lag effect that has meant that the number of appeals were actually higher than the number of application between 2001-2005, the numbers in 2006 and 2007 indicate that almost every initial decision that was negative went to appeal.

Figure 2.3: Arrival, refusals, appeals 1997-2007



Source: UK Border Agency

14 Minister of Citizenship and Immigration (2007), *Departmental Performance Report 2006-2007*. Immigration and Refugee Board, Canada.

In contrast with other tribunal systems in which the rate at which refused claimants challenge negative decisions is typically quite low, asylum adjudication is characterised by an exceptionally high rate of challenge, perhaps the highest for any adjudicatory system. This has been described as a 'culture of pervasive challenge'.[15] For example, Social Security Appeal Tribunals have the largest caseload of any appellant system with some 230,000 appeals per year, but this only represents around one per cent of all initial benefit related decisions; by contrast the proportion of refused asylum decisions that were appealed was 80 per cent in 2002 and 74 per cent in 2003.

2.7 Lost in translation

Many asylum seekers have little or no English. To ensure that the facts of their case are understood they rely entirely on the integrity and professionalism of a translator. Unfortunately many translators have not proved to be consistently reliable.

> "In one case that I was dealing with there were about 10 mistakes in the statement due to inaccurate translation."
>
> Lyndsey Cross, West End Refugee Service, Newcastle, in evidence to the CSJ.

Good translators can be hard to find or access at short notice and there is a danger that translations will be influenced by the agenda of the case worker. With asylum seekers from some remote parts of the world it is often difficult to find sufficiently qualified translators to ensure that there is a fair understanding of the case:

> *In one example from the appeals stage, an appellant told the adjudicator that her brother would slit her throat if she returned to Pakistan. The interpreter translated this as 'she'd be in trouble'.*[16]

> "I got an A, my Spanish is good but not perfect so the standard cannot be good.... Once you have done the exam, which as far as I am concerned is very simple, you are set free to be an interpreter."
>
> Asylum Link Merseyside worker, in evidence to the CSJ.

We have been told about translators who have been asked their opinion of asylum seekers' cases by judges. There are also concerns that translators from rival cultural groups will negatively influence the translation given against an asylum seeker or give a false translation due to cultural, ethnic or tribal conflicts and loyalties. Furthermore, there was great concern expressed about the quality of the translation after the large influx of asylum seekers in 2001/2002 required translators to be sourced quickly with little or no accreditation, code of conduct or guidance in place. Though the quality of translation has improved in the last few years, there is still concern about how easy it is to become a translator and whether this is likely to influence the integrity of the outcomes of people's asylum claims.

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15 Leggatt A (2001) 'The Immigration Appellate Authorities' in *Tribunals for Users - One System, One Service*. Department for Constitutional Affairs.

16 Coton J (2007) 'Altogether for Asylum Justice – Asylum Seekers conversion to Christianity'. The Evangelical Alliance.

2.8 Gathering the evidence

It is understandable that when leaving a country at short notice to escape persecution, gathering all the evidence needed to confirm one's actions might not be the first thing on someone's mind. It is important that an asylum seeker should try to corroborate his or her story with some objective evidence. However, the difficulty of gathering this evidence from their home county when in the UK (such as an arrest warrant or confirmation of membership of a political party) are often not adequately taken into account when being interviewed by the Home Office case owner or Tribunal Judge. Financial restrictions and tight time scales often prevent the obtaining of medical or expert reports or other evidence to corroborate a claim at the initial stage of application. These reports, particularly in the case of torture or a specific area of international culture, can prove instrumental to the case. On many occasions, case workers cannot make an accurate decision if they do not have access to this information.

2.9 Expert witnesses

The use of expert witnesses is also an important part of arriving at an objective and reasoned conclusion about someone's asylum claim, and can particularly help in the assessment of an applicant's credibility. However, we have heard many stories where such evidence is discounted with no reason given.

2.10 Credibility

As evidence is often hard to come by, the merits of someone's claim for asylum often rest on an assessment of their credibility. However, this is a very subjective decision and one that is fraught with difficulty. Unfortunately credibility is all too often used as a means of dismissing the case, with little evidence stated as to why the UKBA case owner or the immigration judge does not believe the appellant.

> "Many of these applicants are respected members of their congregations and communities, yet evidence by their bishops, clergy and laity who know them best is swept aside by the tribunals."
>
> The Very Rev Nicholas Coulton[17]

17 The Very Rev Nicholas Coulton in a letter to *The Times*, 30 April 2007.

> "The approach of the Home Office representative, and sometimes adjudicators, regularly seemed to be one of trying to find some way of discrediting the appellant, often on a trivial matter, and once that had been achieved the case was drawn to a conclusion. Guilty until proven innocent often seems to be the unspoken attitude. In contrast at planning inquiries, (that I am often involved in) where considerable sums of money ride on the outcome there is a rigorous approach to the evidence base and expert evidence is not dismissed out of hand. It seems as though there is one set of rules when money is involved and another set when the future of vulnerable individuals is at stake."
>
> Adrian Smith MRICS, Newcastle, in evidence to the CSJ

An example of this is the questions asked by the UKBA to test the genuineness of an asylum seeker's Christian faith:

> *[asking about how to] prepare a turkey for Christmas, and the trick questions about names of the thieves in the crosses alongside Jesus, are frankly banal and insulting.*[18]

A report published by the Evangelical Alliance found that more than 90 per cent said that such questions could not prove their faith. The author comments that it is 'therefore understandable that Christians from different cultures struggle to give the 'right answers' to these questions.'[19]

2.11 Pressures on judges

Due to a backlog of cases judges have been under immense pressure to process a set number of cases within a day. Most full time judges will see two to three cases per day for three days of the week. This led to criticism from some commentators that the appellate authority was 'imbued with a managerial culture' with a target-driven mandate that may compromise the quality of the appeals process.[20]

Factors that judges and case workers take into consideration when making their decision include:

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18 Response to the Evangelical Alliance's 'Faith Testing' survey, July 2007.

19 Coton J (2007) 'Altogether for Asylum Justice – Asylum Seekers conversion to Christianity'. The Evangelical Alliance.

20 Thomas R (2005) 'Evaluating tribunal adjudication: administrative justice and asylum appeals' *Legal Studies* 25(3).

> "On average it takes between five to ten hours to write up each decision. Giving a refusal to a case is quicker and easier than writing up a successful case so it is understandable that some judges would be tempted to short cut the process."
>
> AIT judge, in evidence to the CSJ.

- Third Country Claims – EU member states can return asylum seekers if they have travelled through a safe third country to get to the UK
- Operation Guidance Notes – produced by the Home Office, these give a brief summary of the political, social and human rights history of a country
- Country Specific Guidance – ad hoc briefing on a specific area of conflict or human rights abuse
- List of 'safe' countries which the UK considers to have a sufficiently stable political system and human rights record that people are unlikely to be fleeing persecution or be persecuted if they return. These cases are fast tracked and a decision can only be appealed against from outside the country. Currently there are seventeen countries on the safe country list:
    - Albania, Bolivia, Bulgaria, Brazil, Ecuador, Ghana (men only), India, Jamaica, Macedonia, Moldova, Mongolia, Nigeria (men only), South Africa, Romania, Sri Lanka, Serbia and the Ukraine.

Despite improved Country of Origin Information reports, we have benn told that many judges are still uninformed. Immigration judges are under a lot of pressure, and the sheer volume of information specific to each case means that much of it often goes unread.

CHAPTER THREE

Refused Asylum Claims

3.1 Challenges when refused

Single (or childless couples) asylum seekers are informed about a negative decision on their claim for asylum by a letter giving them 28 days notice to leave the temporary accommodation that is provided while their claim is being assessed. However, we have heard of many instances where the delivery of this letter to the applicant has been delayed; it is common for as little as seven days' notice to be given before the leaving date. This increases the likelihood of homelessness, as there is not enough time to link in with other agencies or to make any alternative arrangements even if they are temporary and informal in nature.[1]

> "For the period October-December 2005, Your Homes Newcastle Asylum Seekers Unit issued 51 notices for asylum seekers to leave their accommodation. 43 per cent were given only seven days notice and another 49 per cent were given between 8 and 14 days notice. The remaining eight per cent were given between 15 and 20 days notice to leave their accommodation. (These times scales are usually out of the control of the locally contracted housing provider.)"

The financial and housing support for families with children under 18 years old is not withdrawn when the principal applicant has been refused the right to remain. However, Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004 allowed for support to be withdrawn from parents, while children were placed in care – effectively splitting families up. It was shown to have disastrous consequences in the pilot schemes run by the Home Office so it is rarely implemented now (mainly due to the strong concern expressed by those in the refugee voluntary sector). However, it has not been removed from the statute book and continues to hang over asylum seeking families as a threat if they do not return home voluntarily.

3.2 Statutory support

There are two kinds of statutory support available for someone who has not left the UK after his claim has been turned down: support through Section

1 Prior J (2006) *Destitute and Desperate: A report on the numbers of 'failed' asylum seekers in Newcastle. Open Door* (North East).

4 of the Asylum and Immigration Act 1999, sometimes known as 'hard case' or 'emergency' support, and through Section 21 of the National Assistance Act 1948.

Section 21 support is provided for anyone in the UK, regardless of status, who is in pressing circumstances beyond destitution (this is sometimes referred to as 'Destitute Plus'). Refused asylum seekers who receive support through Section 21 are usually extremely unwell, either physically or mentally; though the eligibility of asylum seekers in these circumstances for Section 21 support is currently the subject of a test case in the High Court. Section 21 support is administered through local councils' social services departments/budgets. There is a mixed picture across the country as different local authorities interpret their responsibilities under this legislation in different ways, leading to something of a lottery as to the support given according to where you are in the country. Movement to local authorities that are more supportive of refused asylum seekers with needs 'over and above destitution' understandably puts a great deal of pressure on already limited budgets. Therefore many asylum seekers who apply for Section 21 find themselves caught in a battle between different LAs over who should take responsibility. This process can sometimes take weeks to resolve, while every day the individual remains destitute.

> "From 2003-2004 an estimated £308 million was spent mainly on Section 4 to support failed asylum seekers who had not been removed from the UK."[2]

A study of 44 local authorities found that they were supporting approximately 3010 asylum seekers on Section 21 at a cost of £33.3 million, and this did not take into account interpreting, case work, and translation costs.[3]

Section 4 support has to be applied for and decisions often take several weeks, prolonging destitution. It provides accommodation and some subsistence vouchers. In order to be eligible, claimants must be destitute, and satisfy at least one of the following criteria:[4]

- unable to leave the UK due to physical impediment
- unable to return home because, in the opinion of the Home Secretary, no safe route has been identified
- willing to return and taking all reasonable steps to leave the UK (includes complying with being removed)
- having an outstanding Judicial Review on their asylum claim
- where removing support would be a breach of the asylum seeker's human rights under the Human Rights Act 1998.

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2 UK National Audit Office (2005). *Returning Failed asylum applicants*. The Stationary Office.

3 Price J and Fellas O (2008) *No Recourse to Public Funds: Financial Implications for Local Authorities.* NRPF Network.

4 See Home Office, 'Immigration and Nationality: Funding for Asylum and Failed Asylum Seekers'. <www.homeoffice.gov.uk>.

In practice Section 4 support is largely granted only where the failed asylum seeker is trying to return home. But this creates problems for those who believe that it is too dangerous for them to return:

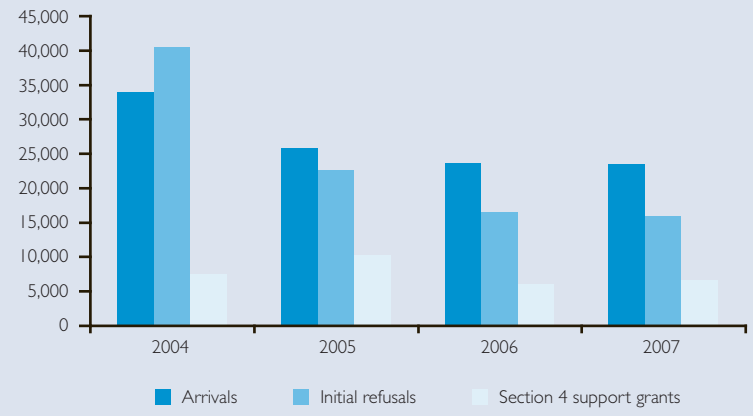
> *For almost all of those interviewed, the only source of support was to sign up to Section 4, agreeing to return voluntarily to their country of origin. More than four fifths (83 per cent) had refused to sign. They claimed it was too dangerous for them to return (93 per cent) or that they didn't want to (3 per cent). A few (4 per cent) said they were thinking about it.*[5]

As a consequence, at the end of 2007 only 9,140 refused asylum seekers were claiming Section 4 support.[6] A conservative estimate of the number of refused asylum seekers still in the UK is 283,500; this means that just over three per cent have accessed this support.

Figure 3.1 shows the take up of Section 4 compared with arrivals and initial refusals on a yearly basis.

For those without any support it is increasingly clear why illegal work and prostitution are a necessity simply to survive. The alternative is to try and access the support of charities, churches or individuals for hardship funds, free meals, clothing and somewhere to stay. (For further details of the voluntary sectors response to destitution see Appendix 3.)

Figure 3.1: Annual take up of Section 4 support



Source: UK Border Agency

5 Dumper H et al (2006) *Mental health, Destitution and Asylum Seekers*. South East Refugee and Asylum Seeker Consortium.

6 Home Office (2008) *Asylum Statistics United Kingdom 2007*. Home Office RDS.

Even those who are approved for Section 4 sometimes have to wait weeks before support comes through. In one year, the Refugee Survival Trust (RST) in Edinburgh made 235 grants for this reason. One example cited by the RST is a 21 year old male asylum seeker who had been destitute for three weeks. His Section 4 application had to be resubmitted twice because it had been lost either in the post or at Border and Immigration Agency (now UK Border Agency) offices. Meanwhile he was on the streets, homeless and malnourished. He was still unlikely to obtain Section 4 support for another week. RST gave him £40 to buy food.

VOUCHERS

Section 4 Support was never intended to be a long term solution to destitution and therefore the support is limited to basic accommodation and £35 in the form of vouchers. These vouchers are for specific supermarkets (chosen by the accommodation contractor) and do not take into account the geographical location of the asylum seeker. Many asylum seekers have to travel several miles on foot to buy food as they cannot use their vouchers on public transport. Many of those we spoke to told us that that they could get cheaper food from local markets, which would also be more culturally familiar to them if they had cash, rather than from large supermarkets.

The £35 per week allowance cannot be spent on basic toiletries such as nappies, sanitary towels and deodorant. As a consequence a black market in vouchers has developed in many cities where less than the full value of the voucher is offered in cash. To combat these challenges charitable organisations are involved in voucher exchanges, where donors swap the full value for supermarket vouchers. The Jesuit Refugee Service are one such organisation that exchange approximately £7,000 for their equivalent value of vouchers every month.

New mothers with an asylum application pending receive a grant of £250 to help them. However, though refused asylum seekers on Section 4 will receive support for dependants who arrive with them, they receive nothing for new babies and are expected to cope with the vouchers issued just for themselves. The RST provided 47 mothers in this position with £150. A typical case is as follows:

> *A 22 year-old woman with a one-month old baby living in Section 4 accommodation was given a grant of £150 to buy essential blankets, nips (bottle tops), bottles and cot as she was struggling to buy what she needed with limited vouchers.*

Despite these financial limitations asylum seekers are still expected to report to the immigration authorities daily, weekly or monthly according to the

individual arrangement, even if they do not have money to travel. Arrangements for travel passes can be made for anyone living more than three miles away from a reporting centre so long as they are in receipt of Section 4 support. However, we have heard of instances where common sense does not prevail. An individual in Newcastle lived within three miles of the reporting centre, but no account was taken for the river that separated the reporting centre from the individual's house. It was, therefore, an 8 mile round trip on foot to be able to get to the centre at the nearest crossing.[7]

If asylum seekers do not report regularly they are considered to be at risk of absconding and are liable to be put into an immigration removal centre where their removal is prioritised.

3.3 Restrictions on working

Many asylum seekers are highly skilled and motivated, but they are not allowed to work unless the initial decision on their claim has been pending for more than a year. They can then apply for the right to work, though this is rarely granted. The inability to work impacts greatly on mental health and quickly de-motivates and deskills potential workers who could contribute while they are in the UK. The result is that they become dependent and unmotivated over time.

The following table is taken from a report by Refugee Action[8] that interviewed 125 destitute asylum seekers across the country to identify their educational achievements.

Education level achieved	Male %	Female %	ALL%
None	18	12	16
Primary	18	9	15
Secondary	30	36	31
Further/higher education	10	18	12
University	24	24	24
Postgraduate	1	0	1

Often people underestimate the level of asylum seekers' education. A *YouGov* poll commissioned for this report found that: 53 per cent of people thought that asylum seekers were 'mostly uneducated or untrained with few valuable skills'. 30 per cent didn't know whether they were mostly educated and skilled or not.

7 Refused asylum seeker in Newcastle, in evidence to the CSJ, 26-27 March 2008.
8 Refugee Action (2006) *Destitution Trap*. Refugee Action.

There is a strong evidence to show that work is generally good for physical and mental health and well-being. Worklessness is associated with poorer physical and mental health and wellbeing.[9] As a consequence of restrictions on working and benefits, illegal working may be the only way to provide enough income to survive for asylum seekers who are unable or unwilling to access the statutory provision available for reasons already outlined.

> "I can be useful for England because I am not a lazy man or have nothing in my head. I can work hard as everybody, but the way I have to wait and the charity they have to give me, the clothes, the people to give me some expenses, people to help me, for food. I feel more depressed, I'm like a child, very very very difficult life."
>
> Etienne from Cameroon, in evidence to the CSJ

It is not possible to put a figure on the number of illegal workers within the UK. Estimates of the number of UK citizens and foreign nationals operating in the UK's shadow economy range between 100,000 and 2.5 million.[10]

Asylum seekers are particularly vulnerable to exploitation and run the risk of not being paid after they have completed their work, or working very long hours for sums well below the national minimum wage. Unscrupulous employers will also be operating outside of the normal legislative checks that ensure health and safety at work, thus making a vulnerable work force even more vulnerable. Economically, there is an obvious negative impact as illegal work prevents effective taxation. Cheap labour is also detrimental in undercutting alternative legal business by artificially holding prices down.

3.4 Sexual exploitation

There is increasing concern that refused asylum seekers are turning to prostitution in order to be able to provide for themselves. This might not always be in exchange for cash, but rather payment may come in the form of food or accommodation.

The Northern Rock Foundation recently commissioned a study into this issue in Northumberland and Tyne and Wear. The authors of the report spoke to 200 professionals from statutory, voluntary and community sector agencies. One interviewee described a particular case as follows:

> *One girl had to prostitute herself for a bed...she was offered a place to stay and when she was there she had to fight the guy off her and she ran off...but she had to go back...because she had no-where else to go....She's still there.*

9 See Wadell G and Burton A K (2006) *Is work good for your health and wellbeing?* The Stationary Office. P.ix; The Social Justice Policy Group (2006) *Breakthrough Britain.* The Centre for Social Justice. P.202.

10 *The Guardian* (11 January 2005) 'How many work illegally in UK? It's not easy to find out'.

The report recommends:

> *[a] minimum service of safe housing and food should be provided for failed asylum seekers. This group is continually and permanently at risk due to a total absence of access to resources. It is recognised that statutory services are unable to provide services to this group because of the Government's stance on repatriation. The remaining option is to strengthen the faith and voluntary sector's provision of services to this group.*[11]

The Gap project in Newcastle also recognised this issue:

> *if you're an asylum seeker you don't have the same rights and routes into accommodation, so when you're homeless you're very vulnerable to sexual exploitation... The ones we've seen are the tip of the iceberg.*[12]

"Men offered me accommodation but they wanted sex with me. Now I have no food. I stayed in a church and then went to the police and stayed two nights in a cell. Last week some people tried to rape me…"

27 year-old woman from Somalia[13]

We have also heard of a number of cases where female asylum seekers had become pregnant shortly after being refused the right to remain in the country. It was difficult to know whether this was an unplanned consequence of prostitution or whether it is the result of a perception that having a baby may increase the chance of receiving Section 4 support. Either way, it is the innate vulnerability caused by impending destitution that leaves asylum seekers so vulnerable to sexual exploitation.

11 Northern Rock Foundation (2008) *Sexual Exploitation and sex work in Northumberland and Tyne and Wear.* The Northern Rock Foundation.
12 Foster S (6 February 2008) 'Uncovering the Secret Sex trade'. *The Northern Echo.*
13 Refugee Action (2006) *Destitution Trap.* Refugee Action.

CHAPTER FOUR
Destitution – Cause and Effect

Rather than take up the statutory provision already described, many refused asylum seekers will choose to shun the authorities and choose a life of illegal action and destitution. Many choose this option as they feel they have been badly treated by the UK Border Agency and fear that if they continue to cooperate with the authorities they will be forced to return home.

4.1 Defining destitution

In this report, destitution is considered in the broadest possible terms, (as defined in the box below) to allow the use of findings from all sources.

What is 'destitution'?

'Destitution has been defined by various organisations in similar but distinct ways. The Immigration and Asylum Act 1999 defines a person to be destitute if they do not have adequate accommodation or any means of obtaining it (whether or not his or her essential living needs are met); or they have adequate accommodation or the means of obtaining it, but cannot meet other essential living needs.

'Some organisations define destitution by the inability to access statutory support mechanisms, others by the reliance on friends, family and charitable groups for basic subsistence and/or accommodation. It can also be defined by its symptoms or effects, such as homelessness.'

Information Centre About Asylum and Refugees[1]

4.2 How many are destitute?

There is no specific Home Office policy on tackling asylum-related destitution, and there are no centrally collated statistics on the subject.[2] The British Red Cross estimates that at least 26,000 asylum seekers are destitute, living on Red Cross food parcels.[3]

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1 Morrell G and Wainwright S (2006) *Destitution amongst refugees and asylum seekers in the UK.* Information Centre about Asylum and Refugees.

2 ibid

3 *The Guardian* (13 June 2008) "Land of No Return".

Work on this issue largely remains at a local level and is carried out mainly by voluntary and faith sector organisations and it is from these organisations that the most reliable statistical information can be gained.

- 1,000-2,000 destitute asylum seekers and refugees are estimated to be in Birmingham.[4]
- 2,000 asylum seekers are estimated to be destitute in Manchester.[5]
- 1,650 newly destitute asylum seekers were recorded in Leeds.[6]
- 500 Kurdish asylum seekers are estimated to be destitute in Coventry.[7]

> "Of the 3,466 cases recorded in one month by refugee agencies, 43 per cent (1,524) were destitute."[8]

The Destitution Tally is a report conducted by the Asylum Support Partnership (formerly the Inter Agency Partnership) that is made up of the five main refugee voluntary sector agencies in the country (Refugee Council, Refugee Action, Migrant Helpline, Scottish Refugee Council and The Welsh Refugee Council). They recorded the number of their clients presenting as destitute between 19 November and 14 December 2007 and found:[9]

- 43 per cent of the people using their services were destitute
- 25 per cent of destitute cases are people pursuing a claim for asylum and so are likely to be legally entitled to support
- a higher proportion of the NAM cases seen was destitute despite an ongoing claim.

The Joseph Rowntree Charitable Trust commissioned a study conducted at five key agencies in Leeds between September and December 2006. It found that of the 118 destitute asylum seekers and refugees recorded accessing charitable support:[10]

- 38 individuals had been destitute for more than a year (32 per cent)
- 68 instances were recorded of rough sleeping
- 84 per cent were refused asylum seekers.

Refugee Action and *Amnesty International* carried out research in January 2006 on 125 destitute asylum seekers in Bristol, Derby, Leicester, Liverpool, Manchester, Nottingham, Portsmouth, Plymouth and Southampton and concluded:[11]

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4 Malfait R and Scott-Flynn N (2005) Destitution of asylum-seekers and refugees in Birmingham, Restore Birmingham Churches Together and the Churches Urban Fund.
5 Nigel Biggs, Housing Manager Boaz Trust. Given in evidence to the CSJ.
6 Leeds Destitution Steering Group (2005) Destitution of Asylum Seekers in Leeds. JRCT.
7 Coventry Refugee Centre (2004) *Destitution and asylum seekers: a human rights issue.*
8 Smart K and Fullegar S (2008) *Destitution Tally.* Asylum Support Partnership.
9 Ibid.
10 Leeds Destitution Steering Group (2005) Destitution of Asylum Seekers in Leeds. JRCT; Joseph Rowntree Charitable Trust (2007) *Moving on: from destitution to contribution.* JRCT.
11 Refugee Action (2006) *Destitution Trap.*

- 78 per cent were between the ages of 21 and 40, many having arrived in the UK as unaccompanied asylum seeking children
- in the financial year 2005/6 approximately 40 per cent of all requests for help received by Refugee Action came from destitute asylum seekers
- only twelve per cent had exercised a choice in coming to the UK.

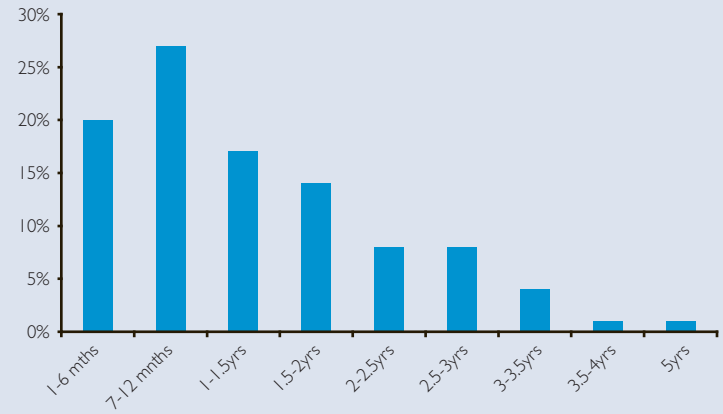
Oxfam and the *Refugee Survival Trust* produced a report looking at destitution among asylum seekers in Scotland.[12] Over 1000 applications for support were made to the RST between January 2000 and May 2004 by asylum seekers left without support. From studying this application data and data from 20 in-depth interviews the report suggests:

- 52 per cent were made destitute as a result of administrative errors or procedural delays, 95 per cent of which were attributable to the Home Office or to NASS
- almost a third of applicants had experienced homelessness, and 75 per cent of all applications were specifically for food and basic necessities
- 42 per cent of applicants were people with dependants or expecting a child.

4.3 Destitution a long term problem for asylum seekers

A study by Refugee Action asked 125 asylum seekers how long they had been destitute.[13] The results are shown in Figure 4.1:

Figure 4.1: Length of time destitute



Source: Refugee Action

12 Refugee Survival Trust and Oxfam (2005) *What's going on? A study into destitution and poverty faced by asylum seekers and refugees in Scotland*. <www.icar.org.uk/?lid=6571> [Accessed 01/12/08].

13 Refugee Action (2006) *Destitution Trap.*

The report also highlighted that long term destitution has a significant impact on mental and physical health. 83 per cent said that they had experienced serious health problems since their arrival in the UK.

4.4 Housing

Conventional homelessness agencies are unable to help refused asylum seekers as they are not entitled to housing benefit. Below are the main options available to refused asylum seekers who are unable to qualify for Section 21 support and/or are unable or do not want to access Section 4 support.

- ***'Sofa surfing'*** – A nomadic lifestyle, where individuals must move from house to house, enduring little sleep and having to carry all their possessions with them searching out warm, dry places to occupy their time during the day. Most stay with fellow asylum seekers who do have accommodation provided for them. However, if they are caught putting someone else up they are likely to lose their accommodation and so require their destitute 'lodgers' to arrive late at night and leave early in the morning to avoid detection.
- ***Charitable help*** – If they are unable to find somewhere to stay many seek out charities, faith groups, communities and voluntary groups. However, while a number of places offer a warm, friendly and dry place to go during the day, and some might offer food, very few such groups offer over-night accommodation.
- ***Staying with families*** – Some charitable individuals have taken asylum seekers into their own homes to stay for a short period of time in a spare room. A number of small schemes have been set up around the country to help facilitate this method of informal housing.
- ***Rough sleeping*** – If all of the above are not an option the last resort is to sleep rough in bus shelters or doorways. The health implications of this are only too obvious.

4.5 Personal testimonies

During the course of our research we conducted interviews with asylum seekers and voluntary sector workers that work with them. We asked them about their experiences destitution. This is what they told us:

> *It's very hard, my life is not happy. Even I can't sleep, I go to hospital, they give me medicine for a month, to help me fall asleep. Even when I take it, I do not sleep well, because I go somewhere for two hours to rest…very*

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

West End Refugee Service client from Ethiopia

I discovered that about 2000 destitute asylum seekers were in Greater Manchester. Many had no rights to public funds. A number suffered from ill-health, severe depression, and suicide was not unknown.

Dave Smith, the Boaz Trust

Yu is a 23 year old Chinese woman. She is four months pregnant and destitute. She is sleeping in the back of the office with three plastic bags holding everything she owns. She has been here for six hours now as she has nowhere else to go. She does not speak English and is very vulnerable. One of my colleagues brought her some food. I and an interpreter will take her tonight to a volunteer in Easterhouse who agreed to take her for a minimum of two weeks.

Positive Action on Housing support worker

Reda from Congo was referred by the Scottish Refugee Council. His claim was refused in 2003 and he was made destitute as a result. He has been staying with friends but they asked him to leave as he cannot pay for anything.

Positive Action on Housing support worker

Sara was evicted from her accommodation and lost her place at college. She lived with a friend, another asylum seeker. She borrowed a friend's National Insurance card to work in a pizza parlour but was discovered and imprisoned for four months. She tried to commit suicide by swallowing disinfectant and Boaz visited her in the prison hospital.

Nigel Biggs – Boaz Trust.

They would rather live here with very little and security, yeah they are homeless, they don't get support, but no one will shoot him in the street with a bullet, he is free. Those who are arrested by immigration and detained, end their lives. At the last moment they say 'now they're going to deport me' and kill themselves. We got the news that a previous client has hung himself in detention. Shocking, when you know what he told you was really true, but no one would believe him.

Ali Musa, support worker at West End Refugee Service

4.6 Destitution after a positive decision

Publicity about destitute asylum seekers has focussed mainly on refused asylum seekers who have no support whatsoever. However, the Refugee Survival Trust's (RST) study demonstrated that destitution can occur at all stages within the asylum process.

Once asylum seekers have been granted permission to stay in Britain, they should receive mainstream benefits from Job Centre Plus until they find employment. But many face long delays of up to twelve weeks before this happens. One reason is that the system fails to issue them with national insurance numbers and other essential paperwork to present to officials quickly enough. The RST argues that the introduction of the New Asylum Model in 2005 which has resulted in faster decision-making has had an unforeseen consequence. Those granted asylum often have little experience of UK systems and have not had time to master the English language and find it difficult to cope with making applications for benefits, especially via the telephone.

Further, the officials at Job Centre Plus have had little training in understanding the needs of the former asylum seekers (although this is improving). The RST made 265 grants to people who were completely out of money because of failings in the system as shown in the following case:

A 30-year old woman, five months pregnant and with two children aged nine and three, was left destitute for four weeks after her NASS support stopped and her mainstream benefits were delayed. The family had no money for food. The RST gave a grant of £140 a week until her benefits were set-up.

Asylum seekers not yet receiving other support should receive emergency tokens. Sometimes long delays are encountered leaving them without money. RST made grants to 99 people in this category, illustrated in the following case:

An 18 year old girl was left destitute when her emergency support tokens did not arrive. She had not understood the letter sent to her to outline the procedure and was not available to receive her tokens. She was left with nothing for a week. The RST provided a grant of £40 to help her buy food.

4.7 Health

'Statutory Instrument 614' came into force on 1 April 2004. This made people who were not 'lawfully resident' in the UK liable for NHS hospital charges. 'Failed' asylum seekers have been particularly affected as they are now not entitled to any new NHS secondary (hospital) care unless they have an 'immediately necessary or life-threatening' problem, in which case they are treated and then charged, including for child birth. The only exceptions to this are certain infectious diseases that would put the wider community at risk if untreated.[14]

The situation for primary care is ambiguous. According to Department of Health guidelines a refused asylum seeker is no longer entitled to register with a GP. However, the same guidance also makes it clear that 'GP practices have the discretion to accept such people as registered NHS patients'.[15] It seems that:

> *It is economically nonsensical to deny cheap illness prevention but allow expensive emergency care when a condition becomes life-threatening.*[16]

Dr Paul Williams writes in the *British Medical Journal*:[17]

> *There is no hard evidence that health tourism exists, and plenty of evidence that failed asylum seekers are desperate and needy, and have physical and psychological health needs. To systematically deny them health care is unnecessary, unethical and impractical.*

Homelessness clearly has a devastating effect on both physical and mental health. Shelter has assessed that concerning street homelessness:[18]

- 30-50 per cent of homeless people experience mental health problems
- rough sleepers have an average life expectancy of 42 years

Denial of free access to health care for failed asylum seekers could be dangerous for the whole community, even if those barriers are perceived and not real. Communicable disease might not be identified and treated within the asylum seeking community if it was thought that they were not eligible to access treatment, or if there was a breakdown of trust between GP practices and asylum seekers who wanted to avoid detection from the authorities.

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14 Department of Health 'Asylum seekers and refugees'. <http://www.dh.gov.uk> [Accessed 24/11/08]. The Department of Health is currently reviewing this policy following a High Court Judicial Review ruling in April 2008.

15 Ibid.

16 Prior J (2006) *Destitute and Desperate: A report on the numbers of 'failed' asylum seekers in Newcastle. Open Door* (North East).

17 Williams P (2004) 'Why failed asylum seekers must not be denied access to the NHS'. *British Medical Journal*.

18 Illingworth P (2008) *Health and Homelessness*. Shelter.

CHAPTER FIVE
Returning Home

5.1 UK voluntary return

Voluntary return, known as 'Voluntary Assisted Return and Reintegration Programme' (VARRP) is managed by the International Organisation for Migration (IOM) and is available to all asylum seekers. The programme helps applicants to return to their country of origin by providing tailor made packages of support that include:

- advice, counselling and information about return
- assistance in obtaining travel documents and payment of costs incurred
- a flight home
- a meet and greet service at airport on return (for most countries)
- help with onward travel to final destination
- a relocation cash grant of £500 per family member returning paid on departure at the UK airport.

VAARP also provides assistance with planning for education, finding work and setting up small businesses (which can be facilitated by a business start-up grant of up to £2,000 upon relocation).

However, despite these considerable incentives to return, it appears that it has had little impact on the intentions of the estimated 283,000 refused asylum seekers in the country: at best, only one per cent of them (2,865) returned home voluntarily in 2007.[1] In terms of those who *did* leave the country in 2007 (forcibly and voluntarily), the 2,865 who did so voluntarily on the IOM programme represents only one in five returns.[2] The chart at Figure 5.1 compares the numbers of new asylum applicants to the numbers of those that have been refused asylum and are therefore liable to be returned and the numbers that have actually returned either by force or free will.

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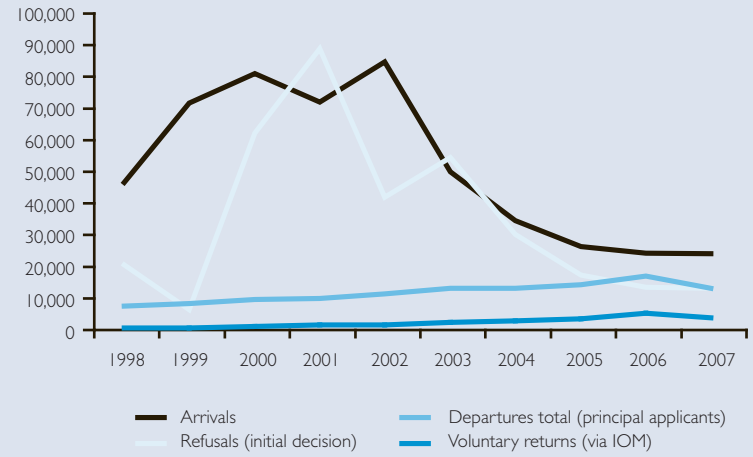
1 This is the number who left on the IOM programme as a proportion of the lower estimate of refused asylum seekers in the country: 2,865/283,000 = one per cent.

2 Home Office RDS (2008) *Control of Immigration: Statistics United Kingdom 2007*. Home Office. Table 6.1. It should be noted here that despite our repeated requests the UK Border Agency would not divulge the actual number of forcible removals: the Home Office report is unclear as to how it classifies non-IOM voluntary returns. Some are included in forcible removals, and some in the IOM figure. See notes to Table 6.1.

Figure 5.1: Arrivals, refusal and returns



Source: UK Border Agency

5.2 International comparisons of voluntary return

Although the numbers of voluntary returns from the UK has increased since the inception of the VAARP, the UK as a whole has significantly lower levels of voluntary return than some other countries and particular projects.

The Failed Refugee Project, operating in Toronto Canada, worked with refugees to overcome barriers to return. (See the box below for details.) An audit found that 80 per cent of failed claimants were persuaded to return voluntarily.[3]

Failed Refugee Project

"The Greater Toronto Enforcement Centre started the Failed Refugee Project in January 2000 to speed the removal of unsuccessful refugee claimants from Canada. Shortly after the Immigration and Refugee Board rejects a claim, immigration officers meet with claimants who are able to leave the country and encourage them to do so. Claimants on social assistance receive first priority. At first the Department offered to pay for the claimant's airline ticket, but the project only does this if necessary now. Removals of unsuccessful refugee claimants by the Greater Toronto Enforcement Centre totalled 725 for 2000-01 and 1,354 for 2001-02. About 60 per cent of the claimants left voluntarily after the personal interview. A timely follow-up investigation resulted in a further 20 per cent leaving. As a result, about 80 per cent of those scheduled for removal left Canada. The voluntary departures saved the department from expensive and time consuming investigations and removals."[4]

3 Office of the Auditor General of Canada (2003) *2003 April Report of the Auditor General of Canada*. OAGC. Chapter 5: p.26.

4 Ibid.

Similarly in Australia, Hotham Mission's Asylum Seeker Project (ASP) in Melbourne worked with more than 200 asylum seekers in the community during 2001-2003 (31 per cent of whom had been released from detention). Reviewing its work, the ASP reports:

> *the early intervention casework response contributed to the fact that over 85 per cent of all refused asylum seekers voluntarily left the country on a final decision...No asylum seeker absconded.*[5]

Hotham Mission Asylum Seeker Project: methods

"The core principle to Hotham Mission's work with asylum seekers is in respecting and valuing each person as an individual with dignity and with specific skills and needs. The Hotham Mission Asylum Seeker Project has introduced a cooperative welfare based approach. This has been found to improve overall well-being, reduce anxiety, with international experience showing that a by-product of this model includes a higher degree of voluntary repatriation compliance. Ideally the approach is based on early intervention, that is preventative rather than reactive, particularly in terms of dealing with possible crisis issues. Providing consistent casework, preferably with an ongoing case worker, is crucial when working with asylum seekers, particularly in addressing a client's lack of trust in authorities due to past experience and present uncertainty. Asylum seekers left with ongoing and prolonged uncertainty about their circumstances have higher levels of anxiety, which can lead to mental health and behavioural concerns. This can impact on decision making, ability to cope and function and thus the return or resettlement process."[6]

On a national scale, Sweden has a very high proportion of voluntary return. In 2008, 6,000 failed asylum seekers left voluntarily, and only 1,300 had to be removed with force: 82 per cent left voluntarily.[7] They also maintain a high proportion of removal with minimal use of detention facilities: in 2001, more than 80 per cent of failed applicants were removed.[8]

In the UK, the removal of accommodation and subsistence support from refused asylum seekers is intended to incentivise voluntary return home (accommodation and subsistence only being reinstated if the applicant agrees to take reasonable steps to leave the country). However, as Figures 5.1 and 5.2 illustrate, this is simply not working: the vast majority of removals are enforced, and only a very small part of the backlog is being addressed at all.

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5 Asylum Seekers Project – Hotham Mission (2003) *Welfare issues and immigration outcomes for asylum seekers on Bridging Visa E.* ASP. P.5.

6 Asylum Seekers Project – Hotham Mission (2006) 'Working with Asylum Seekers at the Final Stages'.

7 The Swedish Migration Board, internal statistics. Contacted 27/11/2008.

8 Mitchell G (2001). *Asylum Seekers in Sweden – an integrated approach to reception, detention, determination, integration and return*. Australian Fabian Society.

The common denominator in the successful schemes outlined above is that of working with the asylum seeker, seeking to enlist his or her cooperation in the removal process.

The destitution 'policy' has not greatly encouraged voluntary return, and we have been told that it actually makes forcible removals more difficult. Since the vast majority do not take (or qualify for) Section 4 support, there is little incentive for them to remain engaged with the UK Border Agency. This makes keeping track of them more difficult, ultimately making forcible removals almost impossible.

5.3 Enforced removals

Enforced removals are often preceded by a period of detention during which final travel arrangements are made. Asylum seekers can be taken from their homes in the early hours of the morning by up to a dozen officers, usually armed with batons and riot gear. This has raised serious concerns over the aggressive methods used to detain people and we have heard of stories of injuries being sustained by asylum seekers in the removal process.

Workers at Asylum Link Merseyside told us of one of their clients who was so badly hurt in the process of getting him onto the plane that on arrival at the country of origin he was sent immediately back to the UK for treatment as they would not accept someone with such appalling injuries.

The Complaints Audit Committee, set up to monitor the Home Office's procedures for investigating complaints about the conduct of staff, received 190 complaints about alleged assaults in the previous year. A recent report entitled *Outsourcing Abuse* found that 'an alarming and unacceptable number of injuries had been sustained by those subject to forced removals' based on findings from nearly 300 cases between January 2004 and June 2008.[9]

Many asylum seekers are detained during routine reporting to the immigration centre. This heightens the fear associated with visits to the centre and so some do not continue to keep in touch with the authorities for fear of arrest at the immigration centre.

5.4 The timeliness of returns and removals

Is the system actually working? Targets for removal included the 'tipping point' which placed a requirement on removing more asylum seekers than were applying for asylum each month; and the 'Asylum Conclusion Target', which aims to resolve 90 per cent of new asylum claimants within six months by 2011

9 National Coalition of Anti-Deportation Campaigns (2008) *Outsourcing Abuse: The Use and mis-use of state sanctioned force during the detention and removal of asylum seekers*. NCADC.

with interim goals of 35 per cent by April 2007.[10] In this context 'resolve' means resettlement for those who are granted asylum, and forcible or voluntary removal for those refused.

With regards to the 'tipping point', in 2007 there were 23,430 principal asylum applications and only 12,705 principal refused asylum seekers removed, and the combined number of asylum forcible removals and voluntary departures fell 22 per cent between 2006 and 2007, despite only a one per cent drop in the number of asylum applications.

The Home Office does not publish data on whether the 'Asylum Conclusion Target' is being met, but the following statistics suggest it is highly unlikely. The number of asylum seekers who received an initial decision on their asylum claim within two months fell from 61 per cent in 2006 to 35 per cent in 2007. We also know that in 2004, the Home Office Immigration and Nationality Directorate (a precursor of the UKBA) conducted a study which found that only three per cent of non-detained refused asylum seekers were removed within three months. A National Audit Office audit of the Directorate found that 'on average, of those unsuccessful applicants removed in the period June 2003 to May 2004, removal took place 403 days after applicants' appeals had been completed' – that is, approximately 13 months.[11]

Effective and timely removals of asylum seekers who do not have any protection needs are vital to maintain the credibility of the asylum system. However, these targets have been criticised as arbitrary and sometimes counter-productive as the process does not consider what is best for the individual facing return or the public purse. Hard-pressed Immigration Officers are unlikely to explore options of voluntary return if they know that they can implement a forced removal in order to hit a particular target. This does not make economic sense as the cost to the UK Border Agency of enforced removal, (at approximately £11,000 per person) is ten times more expensive than the cost of voluntary return.[12] Nor is it a humane way of treating vulnerable people who could be persuaded to return in a supported and sustainable manner voluntarily.

The UK's lack of success, or interest, in persuading refused asylum seekers to leave is part of a broader policy failure: Figure 5.2 shows that the proportion of all 'return migrants' (including refused asylum seekers) who return voluntarily from the UK is very small (six per cent) compared to other European countries.[13] The comparison shows that our marked reliance on force, rather than persuasion, is rather unusual in the European context.

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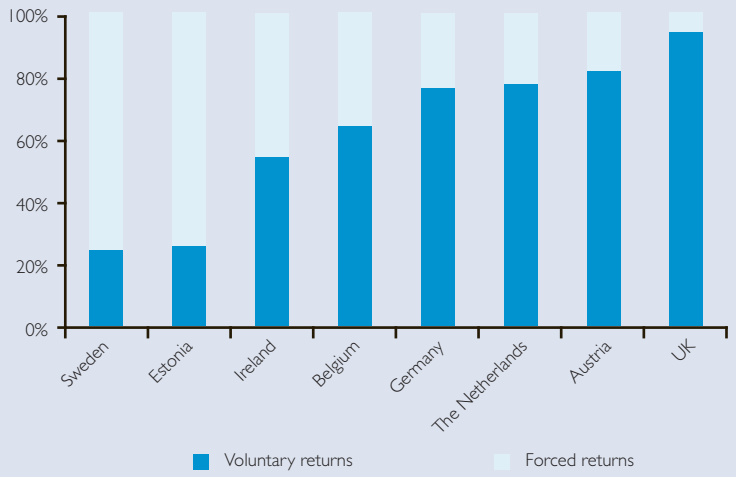
10 Home Office RDS (2007) *Asylum Statistics United Kingdom 2006.* Home Office. P.81.

11 UK National Audit Office (2005). *Returning Failed asylum applicants.* The Stationary Office. P.7.

12 Ibid.

13 European Migration Network Synthesis Report (2007) *Return Migration*. EMN. Table 1. The report defines 'Return migrants' as 'a heterogeneous group that includes inter alia failed asylum seekers, migrants protected under temporary schemes, refugees after the termination of their asylum status, illegal immigrants, migrants with an expired temporary work permit, and legal migrants who wish to return to their country of origin.'

Figure 5.2: Forced and voluntary returns in Europe 2005 (all return migrants)



Source: European Migration Network

5.5 Keeping track

One of the greatest challenges to effective removal is that many refused asylum seekers cannot be located as many are forced into a nomadic lifestyle: moving from place to place to find somewhere to stay. Despite making strenuous efforts to continue reporting, it is very difficult for refused asylum seekers to remain in contact with the UK Border Agency for very practical reasons of having no fixed address and very little money to be able to pay for transport to a reporting centre. There is little flexibility on where and how often asylum seekers can report which is a condition placed upon them to prevent detention.

The UK Border Agency selectively uses electronic tags to monitor the whereabouts of asylum seekers. However, great concern has been expressed about the effectiveness of this method of tracking people as well as the criminalisation of innocent people using this method of control:

> *Clearly monitoring is preferable to detention but we're concerned that tagging is associated in the public's mind with criminal behaviour and so it further reinforces the idea, still sadly highly widespread, that asylum seeker equals criminal. Asylum seekers have broken no laws and should not be treated as if they have. Tagging should be used only when it is really necessary.*
>
> Maeve Sherlock, Chief Executive of the Refugee Council, 2005[14]

14 <www.refugeecouncil.org.uk> [Accessed 01/12/08].

5.6 Detention

The latest Home Office statistics show that asylum applications are at a 14 year low.[15] Nonetheless there is an ongoing drive to expand the detention estate,[16] as Emma Ginn, of the National Coalition of Anti-Deportation Campaigns, commented:

> *The proportional use of detention has increased sevenfold [in that period]. The government is driven by seemingly arbitrary targets on deportation and has just announced a near doubling of detention centre capacity.'*[17]

There were 2,095 detainees in the detention estate at the end of 2007.[18] With some of the detention estate out of commission due to a fire at Yarl's Wood, asylum seekers are being detailed in mainstream prisons and police cells alongside convicted criminals.

According to The National Audit Office the average cost to detain someone for every removal is £5,800.[19]

> "As an asylum seeker you are not supposed to complain if you are being ill treated also you have no privacy that even male officers come and barge in your room without knowing. The seven months I stayed inside I felt no difference between the Mugabe regime and British government only difference being Mugabe's one is in the open and the British one under the carpet. As an asylum seeker you have no say though here you could express yourself without being tortured but I found myself being placed in isolation."
>
> Female asylum seeker, London and South East England[20]

Not only is this very costly but for the most part it is also unnecessary. The Home Office defends the use of detention on the grounds that it prevents asylum seekers from absconding and disappearing into the

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15 Home Office RDS (2007) *Control of Immigration: Statistics 2007*. Home Office.

16 UK Border Agency (2008) 'Large Scale expansion of detention estate'. <http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/2008/largescaleexpansionofbritainsdet> [Accessed 20/10/08].

17 National Coalition of Anti-Deportation Campaigns (2008) *Outsourcing Abuse: The Use and mis-use of state sanctioned force in during the detention and removal of asylum seekers*. NCADC. P.3.

18 Home Office RDS (2008) *Asylum Statistics United Kingdom 2007*. Home Office. Table 9.1.

19 UK National Audit Office (2005). *Returning Failed Asylum Applicants.* The Stationary Office.

20 Gower M and Liisanantti A (2007) A*sylum Rights Watch: Summary of responses June-September 2007*. Asylum Aid. P.26.

community. However, a study by South Bank University, London, concluded that:

> *at most 8-9 per cent of asylum seekers who got bail subsequently attempted to evade the asylum system. In other words over 90 per cent of detainees were imprisoned unnecessarily. If this finding is typical, then detention of asylum seekers involves a vast waste of public money. More seriously, it involves a severe and unjustifiable restriction on human rights, which should not be tolerated in the United Kingdom.*[21]

In 2002 UNHCR's Agenda for Protection urged 'States more concertedly to explore alternative approaches to detention of asylum seekers and refugees...'[22] in response to the increasing use of detention of asylum seekers and/or refugees by host governments.

As a judge said to a destitute Somali charged with immigration deception after making a second asylum claim: 'Who did it benefit by having you in prison? Public interest? What public interest is being served by this imprisonment?'[23]

5.7 Barriers to removal

Sometimes there are other reasons why a failed asylum seeker cannot return to their country of origin, such as:

- if a person is unfit to travel
- if there is no safe route of return
- if a person's home country will not take him back due to lack of documentation
- if there is an on-going legal challenge to the negative decision.

The Home Office recognises these as legitimate reasons why failed asylum seekers will have to remain in the UK and will offer applicants Section 4 support until they are able to return home. However, people in this situation are not given any temporary status in the UK but remain classed as a 'failed' (refused) asylum seeker with all the restrictions to services that this status entails and no right to work. This situation often continues for many years.

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21 Stephen Castles, Director, Refugee Studies Centre, Oxford University, in Bruegel I and Natamba E (2002) *Maintaining Contact: What happens after detained asylum seekers get bail?* South Bank University.

22 UNHCR Agenda for Protection, June 2002, A/AC.96/965/Add.1. P.8.

23 Liverpool Prisons Visiting Group, letter to supporters, January 2008.

5.8 Barriers to voluntary return

There are many reasons that someone will choose not to return to their home country despite experiencing extreme hardship and difficulty in the UK. The main reasons are described below.

- ***Homelessness and instability*** – The point at which someone is expected to make what they perceive to be a life threatening decision to return is the time when their life enters a new period of instability and struggle. As accommodation and subsistence is withdrawn almost immediately, basic survival, rather than longer term planning, becomes the main preoccupation of someone's thoughts.

> "One young person who came to Newcastle shy and afraid, having lost his family in appalling circumstances, has had his life changed by the Open Door housing scheme. I was extremely concerned about him as he was so vulnerable and unable to look after himself. Now, he has a group of friends for support and has found new confidence to be able to think about his future for himself."
>
> Geoff Godwin from 'Common Ground' Newcastle

- ***Lack of trust*** – Many asylum seekers from oppressive regimes have an innate and often well-founded mistrust of authority in their home country even if it might not threaten their life directly. Unfortunately in many circumstances, their experience in this country does little to address this cynical or suspicious view of government or authority. Advice and guidance on return from governmental sources may be less trusted by asylum seekers as a result. It is usually the advocates or support workers from voluntary sector agencies who are the people that asylum seekers will turn to for advice as they are not in authority over them and have built a mutual relationship of trust as they have gone through their asylum claim. However, these workers also need to have confidence in the option of voluntary return, and in the decisions that are being made. Our evidence gathering exercise, alongside evidence given to the Independent Asylum Commission, has shown that the voluntary sector has very little confidence in the voluntary returns programme. Therefore voluntary return is not often an option considered by the voluntary sector for their clients either.
- ***Sense of injustice*** – Refusal of asylum is a major setback for the applicant. Many feel that they have not been properly heard; and the feeling that there has been a potential miscarriage of justice (whether justified or not) will prevent the applicant from moving on to consider

their options rather than accepting the decision and considering return. Evidence from the Early Legal Advice Pilot in Solihull suggests that although never happy with a negative decision, refused asylum seekers are more likely to accept the need to return by choice if they feel that they have been adequately supported by a solicitor during their initial or appeal hearing.

- ***Fear of persecution*** – Even if a fear of persecution has been deemed unfounded, the fear can be very real to the individual who is considering the possibility of having to return home. A glib denial that there is 'nothing to worry about' and 'everything will be fine' does not address their personal concerns, especially given the questionable quality of decisions about whether there is a need for protection for many individuals.

> "During the recent trip to Afghanistan he recounted a close shave with three unknown men who tried to take him to the police stating that he had changed his religion, a fight broke out and had it not been for his family's support he would have been taken."
>
> The story of an Afghan asylum seeker returned to Afghanistan told by a friend at one of our hearings.

- ***Mental health*** – The fear described above may be the result of witnessing or experiencing traumatic events, which can cause mental health problems as well. This can be exacerbated by the stress and uncertainty of their situation and their destitution in the UK. This in turn will impact on an asylum seeker's likelihood to make a voluntary return. 80 per cent of asylum seeking parents who were surveyed in January 2006 by Refugee Action and the Refugee Council looking into the effects of pilot legislation of Section 9 were found to have mental health problems.[24]
- ***Lack of information and understanding of options*** – Many refused asylum seekers have a limited understanding of the process of voluntary return. UK Border Agency case owners, contrary to requirements, do not consistently retain contact with clients after they are refused. The profile of the International Organization for Migration has improved, with better co-operation between Immigration Officers and IOM staff than existed five years ago. However, simply providing information is not enough. It is also about how and who gives them this information as to whether the asylum seeker will act upon voluntary return advice. (See earlier comments on 'lack of trust'.)

24 Refugee Action and Refugee Council (2006) *Inhumane and Ineffective – Section 9 in Practice.* Refugee Council. P.3.

- ***'Shame', failure and other practical reasons*** – Sometimes the reasons that someone does not want to return include personal circumstances or relationships at home. They may have no family left, or the family was expecting them to be able to provide for them once they had got to the UK.

> "I know of an Iranian man, whose wife will not have him back as she was expecting him to be able to send money home and eventually bring her over to the UK to live also. The 'shame' of failure that is so steeped in many Middle Eastern cultures was paralysing and prevented him from considering going home as he felt that he would be ostracised by his family."
>
> David Lyall – City Church Newcastle

- ***Distant threat of removal*** – As already described, forced removal by UK Border Agency often takes a long time to occur (403 days average in 2004). Challenges to removal include: resources, locating the individuals and organising their arrest, organising documentation, booking flights and overcoming campaigning and lobbying by concerned community groups and supporters.
- ***Ability to remain underground*** – As we have already described, it has been relatively easy to find illegal work (often in the fast food industry), and remain undetected from the authorities. Although the vulnerability to exploitation is high, it is possible to exist in this way, and so the need to return because of either a lack of resources, or because they have been found by the UK Border Agency is much lower than in other countries. Between 1996 and 2005 there were only 14 prosecutions for illegal working in the UK.[25] Since 2007 the Home Office has increased the number of sanctions and prosecutions against illegal working[26] but the number of people working illegally is still estimated to be between 100,000 and 2.5 million (though clearly the authorities have little idea as to the true number).[27]

5.9 Clannebor pilot project

The Clannebor project was a Border and Immigration Agency (BIA, now the UKBA) initiative to test out approaches to making families whose asylum claim had been refused depart from the UK without the use of detention and enforced removal. The pilot operated between June and December 2007 and asked selected families living in Leeds to attend a series of meetings with BIA officials

25 Alison Harvey of the Immigration Law Practitioners' Association.
26 UK Border Agency (July 2008), 'Minutes of Stakeholder Group Enforcement Strategy'.
27 *The Guardian* (11 January 2005) 'How many work illegally in UK? It's not easy to find out.'

at which they confirmed with the family that they understood that they had reached the end of the process and that they faced removal. The families were encouraged to sign up to a voluntary return package offered by IOM. None of the 60 families that took part in this pilot decided to return home voluntarily. The Refugee Council was involved in supporting some of their clients through this process and has commented on some of the reasons listed below for the failure to persuade anyone to return home:[28]

- The targeting of families and the timing of the pilot was confusing as it was undertaken at the same time as Case Resolution questionnaires were being sent, in some cases to the same families. It would be understandable that families would not consider returning home if they felt that their asylum claim was likely to be reassessed.
- Some families did not feel that they had received a fair hearing and so were opposed to consider returning to unstable countries such as Iran, Congo and Zimbabwe.
- The lack of clarity about the process meant that the Refugee Council staff were unable to support families effectively and provide information. Other support organisations and family members were prevented from attending interviews.
- Legal Aid funding was available to help the completion of the initial forms regarding their participation on the scheme. However, any further legal representation was then subject to the normal merits test and so many families were unable to get any legal support during the process.

The intimidating nature of the 'case conferences' (meetings with UK Border Agency officials), meant that families felt that the sole objective was to get them to sign up to voluntary return, and many were upset by what they perceived as aggressive questioning, which often happened in front of children.

5.10 Return, deportation and voluntary repatriation in Sweden

The Swedish asylum system is worthy of comparison as it has successfully managed to process large increases in numbers of asylum applicants over the last 10-15 years. At its height Sweden was receiving approximately 80,000 Bosnian refugees every year in the early 1990s. Yet despite these relatively large numbers, there has been little public outcry and an overall positive portrayal of asylum seekers in the media. This is not to say that Sweden is a 'soft touch' country in regard to detention and

28 Refugee Council (2007) 'Operation 'Clannebor': Families whose asylum claims have been refused'. *Refugee Council Briefing*. Refugee Council.

deportation issues. Enforcement of policy is of serious concern for the Government and the Migration Board, with Sweden having the highest level of returns in Europe, at over 80 per cent. The methods of this humane and effective system are outlined in an excerpt from a study of the system in the box below.

Case study: Swedish return procedures

"After a final rejection by the AAB [Alien Appeal Board], an asylum seeker is expected to prepare to leave Sweden. The role of the case worker by this point has been to pre-empt a negative decision and prepare the claimant for possible return through 'motivational counselling'. This includes exploring all possible immigration outcomes and how to cope with a negative decision and having to return to their homeland. During motivational counselling, applicants are given three options on a negative decision: voluntary repatriation (with the assistance of the Migration Board), escort home by case workers or being handed over to the police. [...]

"Most people...are not detained and are given the option to arrange where and when they would like to travel. Their case worker will often drive them to the airport. ...Failed asylum seekers being escorted out of the country by case workers is not usually due to risk factors but for technical or medical reasons. It is often easier for asylum seekers with no travel documents but with proof of their homeland to be escorted to the border in order to negotiate entrance with border control. [...]

"Anna Wessel, who is in charge of the Migration Board's Voluntary Repatriation and Return Unit said that Sweden has a goal of 'enforcing policy with the dignity of the applicant maintained.' Ms Wessel says that Sweden rarely has to resort to coercion when removing failed asylum seekers because of the effectiveness of the case worker system. [...]

"Major incidents of violence, riots and mass hunger strikes have not occurred since the Migration Board took over detention centres in 1997 and introduced changes to policy and practice. The incidence of suicide attempts has also decreased and there has been little animosity between staff and detainees. There has proven to be a high level of compliance with decisions with very few asylum seekers absconding under supervision in the community. A system of release into the community, after initial health and safety checks, has brought significant reduction in the use of taxpayer's money and in public outcry. Sweden now has the lowest levels of illegal immigrants living in the community in Europe, with research showing that resettled refugees integrate quickly into the community with no increase in levels of welfare dependency or crime."[29]

29 Mitchell G (2001) *Asylum Seekers in Sweden: An integrated approach to reception, detention, determination, integration and return*. Australian Fabians. <www.fabian.org.au>. Grant Mitchell worked for the Swedish Migration Board at the The Carlslund Detention Centre. He was subsequently the Coordinator of the Asylum Seeker Project at Hotham Mission, Melbourne, Australia 2001-2008.

Mitchell's report concludes that:

> *The key to the success of Sweden's integrated approach is its streamlined refugee determination process and its case worker system, which oversees an asylum seeker's journey throughout both reception and detention and onwards to either return or resettlement. It is a system based on informing and empowering the asylum seeker and a clear understanding that the asylum seeker experience cannot be bureaucratically controlled and planned but demands flexibility and compassion.*[30]

30 Ibid.

CHAPTER SIX
International Considerations

Asylum is an international phenomenon reflecting migration patterns worldwide and influenced by events across the globe. The central focus of this report is the immediate and unnecessary destitution of refused asylum seekers within the UK. However, the working group recognises that any change in the asylum system has to be made within an international context, with closer co-operation with the Foreign Office and Department for International Development.

Asylum seekers who reach countries such as the UK are often the more affluent or able of their communities. It is the most vulnerable individuals who remain in the midst of conflict, violence or political oppression as they simply do not have the resources or ability to escape the country or region. Increasingly, some countries are exploring the possibility for asylum claims to be made outside the mainland. Currently resettlement to the UK for those who cannot get here to apply for asylum is on a small scale at 500-750 refugees a year through the Gateway Protection Programme.[1] However, this is helping a number of extremely needy people.

6.1 Gateway Protection Programme

The Gateway Protection Programme is operated by the UK Border Agency in partnership with the United Nations High Commissioner for Refugees (UNHCR). It offers a legal route for 500-750 refugees to settle in the United Kingdom each year who do not have the means to get to the UK to make an asylum application. Applications for resettlement in the United Kingdom under this programme are referred to UK Border Agency by UNHCR and the application is processed while the refugee is in their home country or in a refugee camp in a neighbouring country.

1 Given figures vary. Compare Refugee Council (2008) 'Refugee Council response to the Department for Work and Pensions Consultation on the Green Paper 'No one written off: reforming welfare to reward responsibility". Refugee Council. P.2; and UK Border Agency 'Human rights applications'. <http://ukba.homeoffice.gov.uk/asylum/claimingasylum/humanrightsapps/> [Accessed 25/11/08].

Once applicants are referred to UK Border Agency, the agency carries out checks to assess:[2]

- their refugee status
- their need for resettlement (including whether their human rights are at risk in the country where they sought refuge and whether they have long-term security in the country where they currently live)
- security risks (such as if applicants have committed a serious crime or represents a threat to national security)
- their family status (including dependants and their relationship to applicants)
- the health of applicants and their dependants.

UK Border Agency may refuse an application for resettlement in the United Kingdom if they have good reasons to believe resettlement would not be for the public good.

6.2 'Offshore' protection schemes in Canada and Australia

This is a similar scheme to ones run in other countries that have been established for many years. In 2005 Canada received 20,786 asylum seekers who applied for asylum in-land and over 10,000 directly from war-torn parts of the world through a combination of private (3,000 approximately) and Government sponsored (7,316) schemes.[3]

Similarly, Australia sets a quota for the number of off-shore refugees that they receive into the country. In 2006-07 a total of 13,017 visas were granted, of which 11,186 visas were granted under the offshore component and 1,831 visas were granted under the onshore component.

In the offshore visa component, grants to people from Africa comprised 50.9 per cent; grants to people from the Middle East and South West Asia comprised 28 per cent and grants to people from the Asia/Pacific region comprised 20.7 per cent. A small percentage of grants were also made to people from Europe.[4]

These schemes offer protection for some of the most vulnerable people in the world and although their administration is not without its challenges it is a vital way of providing protection for those unable to travel to other countries to claim asylum. Whilst making specific comment on the development of these more pro-active schemes is outside of the remit of this report we feel that an effective asylum policy should have a good balance between 'inland' and 'offshore' schemes such as the current Gateway programme.

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2 UK Border Agency 'Human rights applications' <http://ukba.homeoffice.gov.uk/asylum/claimingasylum/humanrightsapps/> [Accessed 25/11/08].

3 Citizenship and Immigration Canada (2008) *Facts and Figures 2007 Immigration Overview: Permanent and Temporary Residents.*

4 Australian Government (2007) *Department of Immigration and Citizenship Annual Report 2006/2007*. Department of Immigration and Citizenship.

CHAPTER SEVEN
Recommendations

7.1 Guiding principles

Having analysed the existing system, the working group believes that any policy proposals should be consistent with the following principles:

- Asylum seekers should be properly supported from arrival through to integration into the UK or return to their home country.
- The system for deciding asylum cases should be independent and clearly distinct from the current immigration system.
- The system must remain in contact with applicants throughout the asylum process, enabling clear identification of who is within the UK's borders.
- The system must treat asylum seekers humanely and give them an opportunity for their story to be heard and assessed fairly, in compliance with the UK's traditions of justice and human rights.
- The system must be free from undue political interference or pressure.
- We need efficient and effective voluntary removal and forcible return procedures for those refused asylum in the UK.
- Destitution should play no part in an asylum seekers' experience in the UK.
- Any new system should not be more expensive than the current system in the long run.

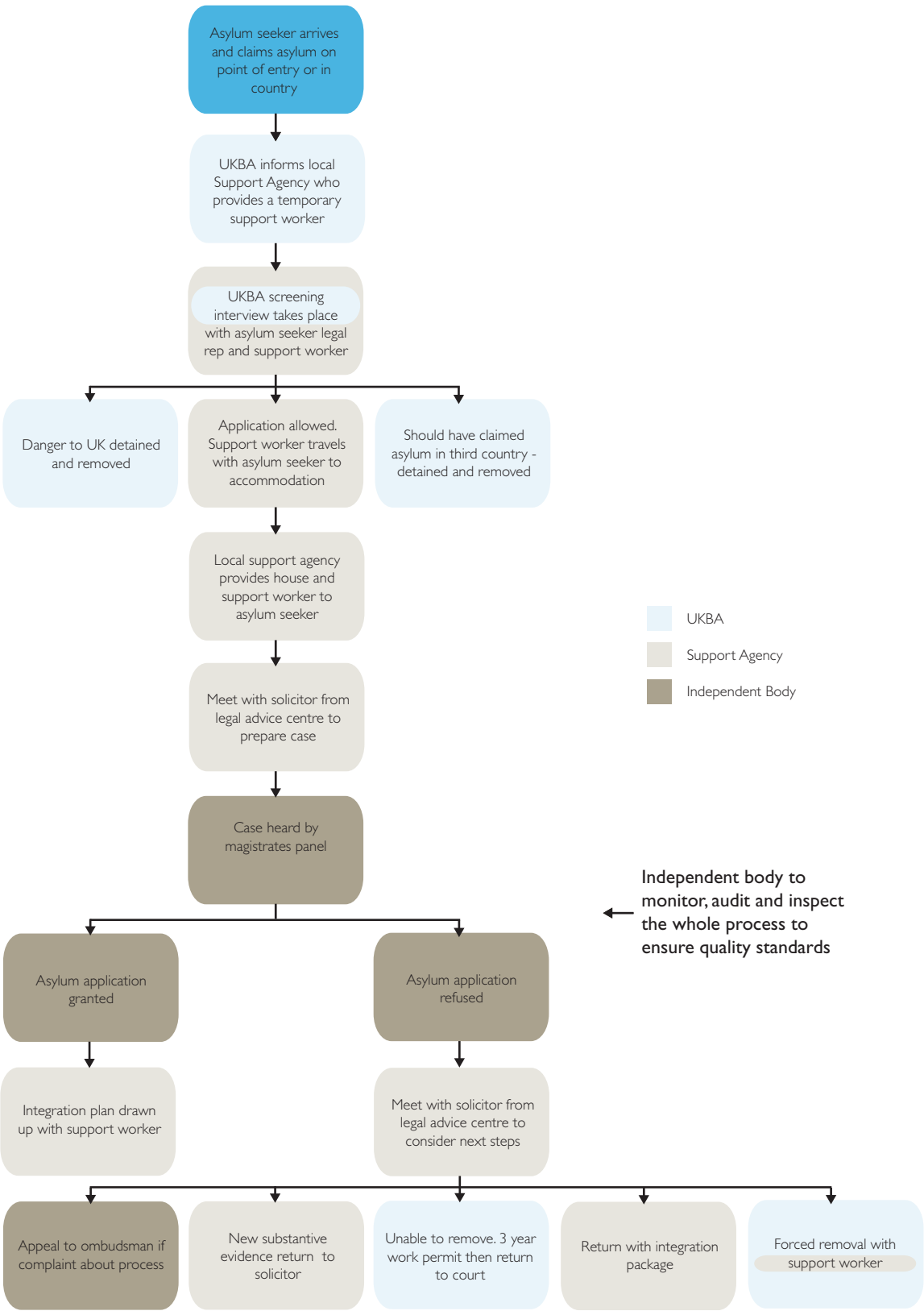
7.2 A new system to rebuild trust

As the working group listened to the opinions of people working with asylum seekers and learned from other systems around the world, it became clear that tinkering with the current system was not an option. The consistent message the working group heard was that politicians had tinkered around the edge of the system too often. Stakeholders had lost confidence in the current system and a radical overhaul was required to regain trust in asylum in the UK. Below the working group set out how and why this overhaul should happen.

7.2.1 SEPARATE THE FUNCTIONS OF THE UK BORDER AGENCY INTO THREE DISTINCT BODIES

One of the key problems with the current system is that the Home Office in the form of UK Border Agency manages the whole system. It enforces border controls,

Figure 7.1: Proposed asylum model flow chart



oversees the support to asylum seekers as they go through the system and makes the decision in the first instance as to who to accept as a refugee. In short, the UK Border Agency tries to combine the task of enforcer, supporter and decision-maker while also administering the whole system. This makes for some conflicts of interest, particularly when assessing a given asylum claim and then implementing the resulting decision – by assisting an asylum seeker with integration into the UK, voluntary return or enforcing removal to their home country.

Therefore, we propose a division of functions within the asylum system to ensure that different stakeholders focus on their specific role whilst being held accountable by an independent body. In outline this would be:

- ***UK Border Agency*** – Enforcement role
- ***Independent Body*** – Decision-making role
- ***Contracted Support Agency*** – Support role

The flow chart opposite represents the process taken by an asylum seeker showing how the new bodies would interact with each other to ensure a smooth process from reception to integration or return.

7.2.2 ENFORCEMENT BY THE UK BORDER AGENCY

Under our proposed asylum model the UK Border Agency would continue to take responsibility for enforcement within the asylum system. When an asylum seeker arrives, the UK Border Agency would undertake a screening interview at the point of entry (at a port/airport) or in the country, as is currently the case, to ascertain if the asylum seeker poses a security or health threat to the UK. This interview would also establish if the applicant should have claimed asylum in a third country under the Dublin 11 Convention. If this is the case, the UK Border Agency will detain the applicant until he can be removed from the country or he returns voluntarily. This decision would be made in conjunction with an independent legal representative who is authorised to challenge the decision.

Those asylum seekers who qualify to claim for asylum will be passed to a contracted support agency, which will support them with accommodation, subsistence and practical advice as their claims are processed.

Once an asylum seeker's claim has been heard and a final decision is reached by an independent body, the UK Border Agency will monitor the asylum seeker in conjunction with the support agency, and arrange the enforced removal process. Each asylum seeker will continue to meet regularly with the UK Border Agency and a support worker to explore the barriers to return. If there are no legitimate reasons that someone cannot leave the UK and they do not accept to return home voluntarily they will be removed by UK Border Agency as a last resort, after they have explored all other return options and a risk assessment is completed on the safety of returning to their home country. This process should normally take between three and six months.

7.2.3 INDEPENDENT MAGISTRATES PANEL TO MAKE DECISIONS

We are concerned about how many decisions are currently being appealed (89 per cent in 2007) and how many initial negative decisions were being overturned in the current system (23 per cent in 2007 although it has been as high as 27 per cent in 1999).[1] This compares with less than one per cent in Canada due to the investment made in the initial decision. Greater investment and time at the beginning would ensure that a better quality of decision was being made, with fewer appeals, which will cost no more in the long term. These decisions would still be monitored externally so that their quality and consistency could be assessed and the findings made public.

Our research conducted by *YouGov* has shown that 65 per cent of people polled would support 'a separate and independent body being set up to make decisions on asylum cases leaving UKBA to focus on border control and removals'. The working group has been very impressed with the Canadian asylum system where asylum decisions are made by independent highly trained 'members' (paid magistrates), and so our proposal is an adaptation of this model.

"65 per cent of people polled would support 'a separate and independent body being set up to make decisions on asylum cases leaving UKBA to focus on border control and removals.'"

The decision-making process should be handed over to an independent panel of three magistrates. These positions would be full-time and paid, with magistrates undertaking similar training to current magistrates but focusing on asylum issues. Each dispersal region would have a pool of trained asylum magistrates and panels of three would sit and make decisions on local asylum applications to avoid any individual bias distorting a decision.

The applicant's solicitor would prepare a statement with the asylum seeker which would be submitted to the magistrates prior to the hearing. At the hearing, the UK Border Agency would present any evidence about the individual's case and the applicant's solicitor would put forward his case. The panel would then make a decision on the case with reference to Country of Origin Information report and the safe country list.

Evidence from the Canadian system suggests that Government challenges would be on the whole limited to where there are particular concerns about the applicant or it wishes to establish a point of case law.

If the asylum claim is turned down by the panel, the applicant will be handed to the UK Border Agency who would work with their support worker to see what barriers there are to return and encourage the asylum seeker to do so voluntarily; meanwhile the wheels would be set in motion for potential forcible removal. Provision of accommodation and subsistence would continue until such time as the claimant returns voluntarily to his home or another country, or is forcibly removed.

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1 Home Office RDS (2007) *Control of Immigration: Statistics United Kingdom 2007.* Table 7.1.

If the asylum claim is successful, applicants will return to their temporary accommodation where they will meet with their support worker and develop an integration action plan setting out the milestones for finding accommodation and employment within the UK.

To improve the quality of decisions on who needs to be given asylum, the following measures must also be put in place:

- ***Make the asylum hearing inquisitorial and not adversarial.*** This is a fundamentally different way of looking at the evidence submitted for scrutiny for an asylum claim. By making the hearing inquisitorial the magistrate is more pro-actively engaged in asking questions of the appellant or witnesses and agreement can quickly be reached with other parties on which aspects of the case are in question, enabling the majority of time to be devoted to those issues that require the greatest level of examination to determine the outcome of the case.
- ***Increase the availability of legal support at the earliest opportunity and throughout the process.*** Legal advice is crucial to ensure a fair hearing during the decision-making process. Evidence from the Early Legal Advice Pilot in Solihull points to the way that more sustainable decisions are made when legal advice was more readily available, saving a costly appeal process (50 per cent fewer decisions were appealed than in the control area of Leeds).[2] The Early Legal Advice Pilot also recorded the highest completion rate for cases and the lowest absconding rate in the country. We recommend that the principles and best practice learned in the Solihull pilot be adopted as the model for access to legal support throughout the UK.

The Solihull Early Legal Advice Pilot

The grant rate of those getting refugee status in the last six months of this pilot increased to 58 per cent compared to the control areas of Leeds 30 per cent and Solihull (non-pilot) at 38 per cent. This makes the process quicker and it would appear that the increased investment in legal advice at the beginning is compensated for by the financial savings made by fewer appeals after the decision is made. The asylum seeker is also more likely to consider returning home having felt they have had a fair hearing, which is also less costly.

"The interactive process, building on the NAM case owner model, delivered better overall 'client care', with case owners and Legal Representatives all reporting positive client feedback and a strong impression that negative decisions were better received by the asylum claimants."[3]

2 Findings presented by Maurice Wren at Advice UK London Conference, October 2008.
3 Taken from an internal evaluation of the Solihull Early Legal Advice Pilot.

- ***Provide funding for medical reports, expert country assessments and other key information***. Currently there is little funding for pieces of supporting evidence, such as medical reports, which can influence the outcome of an asylum claim. In order for a full and fair assessment of an application we propose resources be set aside for funding such evidence.
- ***Ensure adequate time is given for thorough preparation of the case***. It is in everyone's interest to ensure that a decision on an asylum claim is made as quickly as possible. However, proper preparation in the first place will minimise the chances of the need for an appeal based on evidence which could not be gathered in time in the first instance. The working group shares the view of the Home Affairs Select Committee that resources should be front-loaded to improve the initial decision-making and thus reduce the need for appeals and decrease costs.[4]
- ***Ensure that the Country of Origin Information reports are up to date, relevant and are compiled and maintained by the independent body charged with making decisions***. This information is used to assess the current situation in asylum seekers' home countries and plays an important role in assessing the merits of asylum claims. Therefore, it is vital that this information is accurate and independent and so we recommend that it should be the responsibility of the independent body created to make asylum decisions to manage and publish this information.
- ***Invest in quality independent translation and interpretation that is objective and un-biased.*** Accurate interpretation and translation are essential for a fair assessment of many asylum seekers' claims. The responsibility for this function should also be part of the newly created independent body that manages the decision-making process.

7.2.4 HOLISTIC ASYLUM SUPPORT

One of the main benefits of the New Asylum Model was to provide one case worker for each asylum seeker thus providing one point of contact and allowing case workers to have an overview of individual cases. This has dramatically improved the continuity and consistency of the support given in this way. This move has been widely welcomed across the asylum sector in the UK. However, the case worker takes on different roles throughout the process, at one point arranging support, then acting as interviewer and decision maker and possibly prosecutor during the appeals process. The NAM case worker may be tainted with officialdom and with a previous negative decision, and their advice is often treated with suspicion by asylum seekers.

4 Amnesty International (Feb 2004) Get it right – How Home Office decision making fails refugees.

By separating out the support role and handing it to the support agency, we believe that these problems will be alleviated. Learning from the experience of voluntary sector support agencies in Australia and Sweden, we are confident that a greater number of refused asylum seekers will agree to return home voluntarily if they are supported by someone whom they trust, having built a relationship with them during the course of their asylum claim process.

The support worker's role would be to befriend the asylum seeker and provide support and advice as the asylum process took place. The support worker will accompany the asylum seeker through the screening process. If a claim for asylum proceeds, the support worker will link the asylum seeker with a Local Asylum Support Provider who will be contracted to provide the asylum seeker's accommodation, subsistence and practical support needs for the duration of the application. If an asylum application was refused, the support worker would work with the asylum seeker to ensure that they could leave the UK and be successfully integrated into another country, unless there are any legitimate reasons why this cannot take place. It is at the beginning and end of the process where this role is particularly vital, helping asylum seekers to access services and working with them to ensure integration or return.

Asylum seekers are dispersed across the country from their entry ports, and this is why it is necessary to have locally contracted Local Asylum Support Providers, to build a relationship with asylum seekers, signposting them to good legal advice as well as explaining the asylum process to them. The role will continue if an asylum seeker is refused asylum. The support worker will explain the options for return to the failed asylum seeker and remain in contact with him until he has left the UK, thus maintaining genuine end to end contact so that asylum seekers are not just considered as 'numbers' or 'cases' but have their wider and less tangible needs met in a humane and structured way.

By providing an integrated support package for asylum seekers from entry to exit or integration into the UK, we can dramatically reduce the likelihood of asylum seekers absconding and therefore prevent the current levels of illegal working and destitution.

7.2.5 HOUSING AND FINANCIAL SUPPORT TO CONTINUE AFTER A DECISION UNTIL INTEGRATED OR RETURNED (UPTO A MAXIMUM OF SIX MONTHS IN MOST CASES)

Making an asylum seeker homeless almost as soon as a decision has been made about the case is counterproductive and is the main reason that so many asylum seekers abscond and end up destitute. The urgent need is to find new accommodation, and as long as basic survival is their priority asylum seekers

will not give proper consideration to attempts to deal with their concerns about returning home. Making them homeless also makes removing them forcibly much more problematic as it is extremely difficult to find them once they have ceased to keep in touch with the immigration service if they have no fixed abode.

Instead, housing and subsistence allowance should continue until they are either fully integrated into regular work or social support, if given a positive decision about their claim; or until they return to their home country either voluntarily or by force, if they receive a negative decision. This will enable a period of time (of three to six months) to address any barriers to voluntary return to ensure that asylum seekers are only forcibly removed from the UK as a last resort.

The extra cost of this support would be offset by a reduction in the need for expensive forcible removals in our system because of a greater rate of voluntary return. (See table opposite.)

7.2.6 WORK WITH REFUSED ASYLUM SEEKERS TO ENCOURAGE VOLUNTARY RETURN

One of the major flaws in the current asylum system is that there is little or no engagement with asylum seekers once they have been refused the right to remain in the UK. This alienates asylum seekers and discourages them from taking proactive decisions about their future.

The support agency case worker is the best person to work with the asylum seeker to overcome barriers to voluntary return. There should be an intense period of weekly meetings to understand and address (where possible) the concerns expressed by the asylum seeker about returning home. The support worker would be complemented by the UKBA case owner, who would concurrently be conducting a risk assessment for removal. The support worker would stay informed about the progress of this. (This separation of roles distinguishes our proposal from the Clannebor pilot [section 5.7].) The support worker would also work with other support agencies (such as mental health workers, and the International Organisation for Migration) to make sure that all the relevant expertise is gained to address concerns about returning home. Though there would be no immediate risk of destitution for the refused asylum seeker (because of the prolonged support), the imminent threat of removal would concentrate minds on resolving the situation in the best interest of all involved as quickly as possible. We envisage that this process would be completed within three to six months in most cases.

Increasing the percentage of voluntary returns to 50 per cent of all returns that take place (from 21 per cent in 2007) would create sufficient savings to enable housing and financial support to continue for 16 weeks for all refused asylum seekers at no additional cost than is currently incurred. For details of this calculation, see the box opposite.

Reallocating spending from removal to support

A voluntary return is one-tenth of the cost of a forcible removal. A voluntary return costs £1,100 per person, a forcible return £11,000.[5]

We aim to increase the rate of voluntary return from 21 per cent to 50 per cent of all returns. The table below shows the current costs of removal/return at 21 per cent voluntary, and our projected costs for 50 per cent voluntary.

	'07 Actual Numbers[6]	%	Cost	Proposed Numbers	%	Cost
Forcible Removals	10840	79	£119,240,000	6853	50	£75,383,000
Voluntary Returns	2865	21	£3,151,500	6852	50	£7,537,200
Total Departures	**13705**	**100**	**£122m**	**13705**	**100**	**£83m**

The greater proportion of voluntary removal would save £39 million. (£122m-£83m=£39m.)

We have been advised by voluntary sector groups who support asylum seekers that support costs on average £150 per week per person.

In 2007, there were 16,175 asylum seekers who applied for support pre-decision.[7]

The number of weeks of post-decision support at current cost = The funding available [£39m] / (The number of claimants [16,175] x The weekly cost per claimant [£150]) = 16 weeks.

7.2.7 FORCED RETURN – A REAL AND TIMELY OPTION

Currently the length of time taken to remove asylum seekers (an average of 403 days in 2005), gives the impression that there is only a distant threat of being removed. This does nothing to reassure the general public about the credibility of the system, as there has to be a clear consequence to a negative decision. It also does nothing to add any urgency to the decision about voluntary return. Therefore, the working group proposes that the process from receiving a negative decision on an asylum case to return should take no longer than six months, although it would be hoped that most could return within three months.

5 Bourn J (2005) *Returning Failed Asylum Seekers.* National Audit Office.

6 Home Office RDS (2008) *Control of Immigration: Statistics United Kingdom 2007.* Home Office. Table 6.1.

7 Home Office RDS (2008) *Asylum Statistics United Kingdom 2007*. Home Office. Table 8.1.

7.2.8 SUPPORT FROM THE VOLUNTARY SECTOR THROUGHOUT THE REMOVAL/RETURNS PROCESS

During the evidence gathering process, the working group heard testimonies of excessive violence being used during the forced removal process. As previously stated in section 5.3, in at least one case an asylum seeker had been refused entry into their home country because they required hospital treatment for the injuries they had sustained during the journey from the UK.

To prevent this from happening in the future, the working group suggests that a representative from the support agency should travel with the refused asylum seeker back to their country of origin. It is envisaged that as this develops, some may specialise in supporting asylum seekers from specific countries and develop links in these countries. This should help make the return process easier for refused asylum seekers.

7.2.9 TEMPORARY WORKING PERMITS FOR THOSE UNABLE TO RETURN

Sometimes the UK Border Agency will be unable to get the correct travel documents in place or the country of origin will not accept the return of the refused asylum seeker. For example, countries such as Iran and Eritrea will not accept the return of refused asylum seekers, leaving them stuck in 'limbo' – unable to return and unable to work legally. There are also other countries to which the Home Office deems there to be no safe route of return, such as Zimbabwe and Iraq. Therefore, we recommend that anyone in these circumstances be given temporary permission to stay in the UK for a year, at which point the situation be reassessed. In these instances the asylum seeker will be granted a temporary work permit for the duration of the right to stay.

Housing and subsistence allowance will continue if necessary for those unable to work. However, if they are able to earn over a certain amount they would have to start making contributions to their support on a sliding scale depending on their means.

This is better not only for the individual in terms of their self-worth and mental health, but also for the taxpayer, as it is envisaged that many will be able to pay for their own accommodation and provide for themselves, paying tax and saving the cost of the support that they would have previously received on Section 4. The revenue gained from allowing asylum seekers to work in this way based on the current numbers in the country awaiting a decision could be as much as £150m per year. This is based on 94,000 asylum seekers working part time at the minimum wage, but does not account for the revenue saved from accommodation and subsistence support as these costs vary depending on where asylum seekers are dispersed in the country.

During this period the UK Border Agency will continue to make arrangements for return. If after three years no return arrangements have been made, the case will return to the magistrates panel so that they can re-assess the asylum claim.

7.2.10 ONLY DETAIN ASYLUM SEEKERS WHO ARE A THREAT TO NATIONAL SECURITY OR THOSE WHO POSE A SERIOUS RISK OF ABSCONDING

The vast majority of asylum seekers currently detained do not pose a threat to security and studies suggest there is little risk of absconding.[8] However, the Government feels that it is in the interests of the country to detain large numbers of asylum seekers for long periods at great expense to the taxpayer, and it is currently in the process of planning an increase in the capacity of the detention estate. We think this is an unnecessary waste of money. We recommend that alternatives to detention are implemented such as bail bonds and voice recognition reporting. We also recommend other measures that will encourage asylum seekers to remain in touch with the Immigration Service such as more flexible reporting requirements and a greater level of communication with the support agencies that work with asylum seekers. Conversely, illegal working needs to be made more difficult so that there is less incentive to support themselves by going underground in this way.

7.2.11 OVERVIEW, AUDIT AND INSPECTING THE SYSTEM

Currently the United Nations High Commission for Refugees (UNHCR) is contracted by the Home Office to audit the quality of the asylum system's initial decision-making process.

We recommend the extension of their current role to cover all aspects of the asylum system in the UK. They would take on responsibility for auditing and inspecting:

- the initial screening process undertaken by the UK Border Agency
- the quality of service provided by Support Agencies
- magistrates panels' decisions, to ensure the consistency of decision-making across the country
- detention
- the voluntary and forced removal process.

7.3 Costs

As a group we are confident that the new system should not be any more expensive in the long term, with savings taking place by reducing the expensive detention centre estate, efficiency savings made through the support structures

8 Bruegel I and Natamba E (2002) *Maintaining Contact: What happens after detained asylum seekers get bail?* South Bank University.

for asylum seekers and by encouraging a greater number of voluntary returns. Increases in the cost of making the initial decision (magistrates panel and legal support) will be offset by the savings from reducing the number of appeals required. This will also result in savings in the cost to accommodate and support individuals, as the time taken to resolve each case will be shorter.

However, in the short term, as the new asylum system is implemented we envisage there will be additional training, recruitment and contractual costs.

7.4 Further research

We believe that more research is needed on a number of issues that have come to our attention in the course of our research:

- barriers to removal and voluntary return and how other countries have overcome these barriers
- ways to provide greater levels of support when refused asylum seekers are returned or removed to the home country through existing organisations such as the UN, British Embassies, NGOs, the IOM and others
- the experiences of those who have returned (both forcibly and voluntarily) to their home country or another country
- the development of the Gateway programme taking vulnerable refugees from countries with high numbers of people fleeing persecution and war (see section 6.1 for further details).

APPENDIX ONE

Public Attitudes Survey – 'Drawing the Line'

In June 2008 we commissioned *YouGov* to undertake qualitative research with two focus groups to investigate the public's perception of asylum. The groups were selected by newspaper readership as we wanted to see how different world view's (expressed in their choice of newspaper) affected their responses to the same questions and what they thought of the principle of providing a place of safety to those in danger, without immediately using the emotive terminology and language currently associated with asylum. These groups were conducted separately and then a follow-up on-line discussion was held afterwards with all participants. The summary of the results of this survey are outlined below.

Two very different perspectives – There seems to be a clash of cultures in the asylum debate, but not between 'Brits' and 'Outsiders' – but between different worldviews within our diverse culture

Mail / Sun / Express readers:

- What it is to be British is struggling to survive with so many different influences.
- What might have been a positive enriching has become a tidal wave of cultural change.
- In principle see a benefit in being caring to people in need ... but worry about cost (financial, resources, structural, cultural).
- We are a crowded island and might want to help – but are full.
- They are anxious about, as they see it, being misrepresented as racist for expressing their views and having a debate about asylum.

Guardian / Independent readers:

- Our essential Britishness is being threatened by our un-British response to asylum (and immigration).
- The confusion of asylum with immigration is part of the problem.
- To be British is to be welcoming, above all CIVILISED – to be a beacon of democratic liberalism.
- Understand and feel the stress on the system, but do not readily associate it with asylum/ immigration – indeed see immigration as a solution not a problem.

Mail / Sun / Express readers:

- Live by the axiom that charity and care begins at home.
- They have a clear sense of priority and hierarchy in these matters – the responsibility to care radiates out from self, through the family, close friends, to close community...
- Care for others outside our immediate circle is sub-contracted to the state – this is the nature of our democracy.
- But the state should act responsibly and draw a line.

Guardian / Independent readers:

- They also see economic benefits from admitting people with skills to offer.
- Less likely to talk about receiving state benefits – in fact see asylum seekers as more deserving than 'home-grown'.
- They get very exercised about the uninformed and superficial way in which other people, the media and politicians have shaped the debate.
- Are concerned with the principle of care rather than pragmatically limiting it – it is a universal principle of our society.

Both groups agree:

- ***The system is stressed and its legitimacy under threat*** due to the politicisation of the debate, poor and highly partial media reporting and a sense of taboo in having real discussion of issues (people worry about being labelled as racist for having the discussion – perhaps with good cause).
- ***There are no degrees of separation between Asylum and Immigration*** partly because of a lack of clarity and a muddying of the waters in the area between these two issues.
- ***There is a high degree of confusion and lack of knowledge.*** Facts have been an early casualty in this debate and so myth prevails.
- ***Politics and media undermine trust.*** There is a real problem with trust and faith in the asylum system and this is because of the lack of independence and objectivity in the discourse and operation

The language of asylum speaks volumes

The language of asylum is highly emotionally charged – and ripe with signification (swamped, tidal wave, draw the line, allow in etc.) It is very physical, geographical, the language of islanders aware of the vulnerability of their separation and interconnectedness.

The *Sun*, *Mail* and *Express* readers readily adopt this language as it reflects their profound sense of threat to identity, while the *Independent* and *Guardian* reader recognise it but see it as the semiotic enemy.

Objectively it certainly seems that before a real, untainted debate about the issues of asylum can be prompted, the language of asylum needs to evolve and it is not simply the "A" word. The whole landscape of the debate around asylum is linguistically charged; a new language (or care and responsibility rather than threat and otherness) needs to emerge.

On-line discussion forum

Below is a representative sample of comments from the on-line discussion that followed the focus groups:

How do you feel about people seeking refuge, sanctuary or asylum in the UK?

> *15-20 years ago, it wouldn't have bothered me - but the pace of change has been so rapid in the last 10 years that it now bothers me. It is now changing the fabric of our society - and not for the better.*
>
> Chris: (Mail/Sun/Express)

> *I personally feel bad for the affected people and think that they should receive some help from us to a certain degree. We are lucky enough to live in a 'safe' country - others are not so lucky.*
>
> Caroline: (Mail/Sun/Express)

> *Welcome genuine applicants but our system is open to abuse.*
>
> Beryl: (Mail/Sun/Express)

> *The system is abused and we are regarded as a "soft touch". Let us, insofar as we can, protect those truly in need and even then subject to strict low number limits. We have more than enough people in the UK in need of help and charity should begin at home.*
>
> Michael: (Mail/Sun/Express)

> *One cannot introduce quotas - strict numbers. We have to abide by international law and take each case on it's merits. You cannot have a situation that means we say, sorry, had our quota now, you suffered beatings and death threats, but that's too bad. Just cannot do that.*
>
> Andrew 1: (Guardian/Independent)

> *Each case should be looked at individually. However there should be compelling evidence and they should have to prove the case to stay rather than us have to prove why they should be refused.*
>
> Michael: (Mail/Sun/Express)

What are the positives of asylum, for the UK, for the people involved, for us as a society?

If the people are prepared to pay taxes and contribute to society positively, then the UK benefits. For the people involved, then they survive if they are genuine asylum seekers, as they are probably escaping genocide. As a society, it probably makes the society feel good about itself as it is being charitable.

Chris: (Mail/Sun/Express)

We should welcome a resilient & resourceful group of people who would work & pay taxes and shame those hideous "chavs" that sit at home and claim benefits.

Brian: (Guardian/Independent)

It has allowed us to broaden our horizons culturally, and a base for persecuted people they take the basis of the democratic society they have experienced in our country back to theirs when they return.

Andrew 2: (Guardian/Independent)

What are the negatives of asylum?

I think it is possible that if the system to decide cases is not fast and strictly fair, and seen to be so, members of the public will think ill of refugees as 'spongers' etc, rather like a lot of tabloids paint them.

Andrew 1: (Guardian/Independent)

The cost to our country. The numbers we accept whether genuine or not. Causing a rift between those that accept and welcome versus those that don't. Given accommodation/benefits more easily than our own people.

Beryl: (Mail/Sun/Express)

The biggest negative is the way the Media treat the subject - usually as a "bad news" story, as it is bad news that sells. This creates suspicion and misunderstanding.

Kevin: (Guardian/Independent)

There are no negative as asylum because someone who has been in danger is now requesting refuge.

Brian: (Guardian/Independent)

The dilution of English culture, people not contributing to society, but just taking constantly.

Chris: (Mail/Sun/Express)

The prejudice that brings out in people. Also there will always be some who cheat the system.

Michelle: (Gaurdian/Independent)

The numbers are sometimes too high and no country can absorb them all. If people come in groups they stay in groups rather than try and integrate into our society.

Wendy: (Mail/Sun/Express)

How easy is it to dissociate issues of asylum with immigration?

Well, it is difficult. The two matters in the press are confused - they are also confused in the mind of the electorate. This means that those who are economic migrants who abuse the immigration system are said to be the same as a refugee. They are not. The government & the press need to show people they are different.

Andrew 1: (Guardian/Independent)

The whole agenda has become clouded, it is very difficult to separate the two, as again this may well be preferable to suit people's agenda.

Alan: (Mail/Sun/Express)

Its not easy – how do we know on what terms someone entered the country? They will probably be treated the same by someone that sees them in the street.

Caroline: (Mail/Sun/Express)

People need to have a greater understanding as they class both the same.

Beryl: (Mail/Sun/Express)

How would you like to see UK policy on asylum change?

The asylum system should be quick, but also strictly fair. The present system was changed under pressure from Blair to make it too quick, and too much onus on a bias to refuse. Sending gay people back to Iran is madness, but they were going to do it.

Andrew 1: (Guardian/Independent)

Government need to act fast. Those cases that are not genuine should not be allowed to stay even for a set time as we can't cope financially and with the numbers.

Beryl: (Mail/Sun/Express)

I think the tests for granting asylum should be much clearer and in some way agreed on a regular basis by Parliament. At the moment there seem to be some very perverse decisions that fit the "rules" but do not fit natural justice.

Kevin: (Guardian/Independent)

A closing of borders for 5 years – to ascertain who should and shouldn't be here.

Chris: (Mail/Sun/Express)

Chris – Are you saying you would allow no-one to enter the UK at all for the purposes of immigration? If so, many industries that rely on immigration (NHS, service etc) would seize up overnight.

Andrew 2: (Guardian/Independent)

We should change the process so that it is totally transparent. People should be allowed to live in the community and kept safe, fed and clothed until their application is processed. However this will require strict regulation, and if the system is abused it should result in immediate disqualification of the application.

Andrew 2: (Guardian/Independent)

How, if at all do you think the UK should restrict asylum seekers?

You simply can't use quotas for asylum claims, it is illogical & grossly unfair, defeating the object of the exercise. Best approach is for the international community to work harder for effective resolution to conflicts and dictatorships which produce refugees in the first place.

Andrew 1: (Guardian/Independent)

Set quotas each month of the number of people allowed in. Perhaps find them some work to do so they can earn their keep while they are being processed – something that benefits society.

Caroline: (Mail/Sun/Express)

Restrict is the wrong word – you can not set quotas for those fleeing in fear of their lives. The Tests used need to be unambiguous and publicised.

Kevin: (Guardian/Independent)

Tighter border controls.

Chris: (Mail/Sun/Express)

It should look at each case on its merits and the reasons that someone is coming here. People genuinely fearing for their lives should be given priority.

Michelle: (Guardian/Independent)

APPENDIX TWO
Polling Information

In April and August 2008 we asked *YouGov* to undertake research to gauge the public's opinion on asylum. *YouGov* asked a representative sample of 2,564 and 2,313 individuals respectively across the UK for their view on: various aspects of the *current system* (in April) and our proposals for a *new system* (in August). The key findings are set out below.

1 ***The importance of asylum*** – 89 per cent of people polled agreed that providing protection for those that are in danger is an important part of British tradition (of which 75 per cent strongly agreed) and 79 per cent of people polled were in favour of the UK granting people asylum that genuinely need it. However, 90 per cent of respondents were concerned about the abuse of the asylum system.

2 ***Numbers applying*** – 46 per cent of people polled thought that the UK received over 80,000 applications for asylum in 2007 and 31 per cent said they thought that there were over 160,000 applicants. The actual figure is 23,430

3 ***Too many, too few or just right?*** – 71 per cent of people thought that Britain was taking 'too many' asylum seekers. This is perhaps unsurprising given the grossly inaccurate numbers of applicants that nearly half of those polled thought were being received by the UK. The next highest response was 'don't know' with 17 per cent.

4 ***Confusion with economic migration*** – When asked to list the top three countries that most asylum seekers came from Poland and Romania scored highly with 22 per cent and 21 per cent respectively being selected. However, as these countries are both part of the EU there would be no need for people from these countries to claim asylum in the UK to be able to reside here.

5 ***How many do you think are genuine?*** – Asylum seekers are generally mistrusted with 64 per cent of people believing that less than 30 per cent of asylum claims were genuine.

6 ***Media portrayal*** – 30 per cent thought that the media reported asylum issues 'fairly', 28 per cent said they were 'unfairly biased against asylum applicants' and 29 per cent didn't know.

7 ***Who should decide?*** – 65 per cent said that they would support 'a separate and independent body being set up to make decisions on asylum cases leaving the UKBA to focus on Border control and removals.' 22 per cent said that they didn't know.

8 ***What should influence a decision on an individual's claim for asylum?*** 59 per cent of people polled thought that the decision should be made solely on whether they have a genuine need for protection. However, 23 per cent thought that the numbers already let into the country, or whether the individual has skills that the UK needs (21 per cent) should also be taken into account in making an asylum decision.

9 ***Why choose the UK?*** – 78 per cent of people thought that the main reason that for asylum seekers coming to the UK was the benefits system, followed by family or friends (46 per cent).

10 ***Financial support*** – 57 per cent of people polled thought that asylum seekers received either the same or more than someone on basic income support. Asylum seekers actually receive 30 per cent less than the basic level of income support whilst their claim is being processed.

11 ***The opportunity to wor***k – 61 per cent of people polled thought that allowing asylum seekers who had been 'refused' the opportunity to work would be 'good' or 'make no difference' to the UK economy. 28 per cent said it would be bad. When asked 'Do you think that asylum seekers should be allowed to support themselves through work?' 50 per cent said 'yes', 39 per cent said 'no' and 11 per cent said 'don't know'. When asked whether they thought that 'failed' asylum seekers were allowed to work prior to being returned? 48 per cent said 'don't know', 38 per cent said 'no' and 14 per cent said 'yes'.

12 ***Illegal working*** – 85 per cent of people polled thought that it was either very easy (41 per cent) or fairly easy (44 per cent) for asylum seekers to work illegally in the UK.

13 ***Most people think asylum seekers are unskilled*** – 53 per cent of people thought that asylum seekers were 'mostly uneducated or untrained with few valuable skills'. 30 per cent didn't know whether they were mostly educated and skilled or not.

14 ***Temporary right to stay*** – When asked what should happen to those that were currently given a negative decision but could not return due to war, oppression or poor human rights record 50 per cent thought that they should be given a temporary right to stay in the UK until the situation in their home country improves and they can go home. 60 per cent thought that they should be given a temporary permit to work so that they can provide for themselves if possible.

15 ***Outlining the options when refused*** – 91 per cent of people thought that a face to face meeting with an advisor was likely to be the most effective form of communication when encouraging someone to return home compared with 3 per cent that thought an official letter, which is what currently happens.

16 ***Voluntary return*** – 71 per cent of people agree that 'every effort should be made to help them return voluntarily and only returned forcibly as a last resort'. 64 per cent of people thought an asylum seeker was most likely to listen to a 'friend' or a 'representative from the organisation that has supported them throughout their asylum claim' regarding whether to return home. This compares with only 13 per cent of people that thought that asylum seekers were more likely to listen to the organisation that manages their forced removal when considering whether to return home voluntarily.

17 ***Have you ever met an asylum seeker?*** – 64 per cent polled had never met an asylum seeker with 30 per cent saying that they had and 6 per cent saying that they didn't know.

APPENDIX THREE

Voluntary Sector Organisations Case Studies

The members of the Asylum Group took a particular interest in voluntary organisations which worked with asylum seekers and refugees. A full list is given in the list of consultees at the end of this report.

Large voluntary agencies with substantial budgets, wide contacts with politicians, officials and the media, and often significant financial backing from statutory sources, are a power for good. Four members of the Asylum Group spent time at the offices of the Scottish Refugee Council and one member attended a day conference which was partially organised by them.

Members were impressed by the professionalism and expertise of the Scottish Refugee Council. The expert advice (and time) given by its case workers to asylum seekers, their efforts to link them with lawyers and interpreters, the knowledge of and contact with a network of other agencies, both statutory and voluntary, in the asylum world and its development work with ethnic minority groups were all highly impressive. In addition, the Scottish Refugee Council campaigned strongly for improvements to the asylum system, a campaign which reached MPs, MSPs and the media. Its research studies and publications are a vital source of information. What is more, it was clear that its staff had compassion for the destitute asylum seekers who crowded their waiting space.

In helping destitute asylum seekers, the Scottish Refugee Council would often make contact on their behalf and then refer them to smaller groups. These smaller voluntary agencies (or groups) proved of particular interest to the Asylum and Destitution working group and a number were visited. Some members of the Asylum Group also had contact with groups in their daily lives. These small agencies are hard to classify. These include faith-based organisations, ranging from churches who run drop-in centres for asylum seekers to those which are not attached to a specific church but which have a Christian ethos to other faith-based organizations; as well as various neighbourhood and community groups.

One member of the Asylum Group spent time with five such groups. These five will now be outlined in turn. Some conclusions will be drawn about their

role, strengths, weaknesses and views. These conclusions were also informed by the Asylum Group members' links with and knowledge of a number of other similar voluntary groups.

The Boaz Trust, Manchester

The Boaz Trust is a Christian charity set up in June 2004 to help asylum seekers suffering hardship and destitution in Greater Manchester.

Dave Smith was running a small community resource centre in Manchester when an Iraqi man approached him for help. He had been an eye surgeon in the army of Saddam Hussein where he fell into disfavour and was sentenced to death. He escaped and made his way to Britain. In Manchester, he had the use of a flat but no furniture or money. Dave was able to help him.

Word spread and other asylum seekers came for clothing, bedding, furniture and household goods. Soon 60 per cent of callers were asylum seekers and refugees. Dave discovered that about 2000 destitute asylum seekers lived in Greater Manchester, and most had no rights to public funds. In April 2004, Dave and his supporters, with the financial backing and encouragement of the South Manchester Family Church, set up the Boaz Trust, specifically to work with asylum seekers.

The Boaz Trust operates from Harpurhey Community Church, where it is open most days for clothes, furniture, food parcels, tea and company. Volunteers make a vital contribution.

One day a week Boaz also works in partnership with the British Red Cross and a local church to run a Destitution Project in the Trafford area. In all, Boaz sees over a hundred asylum seekers and refugees every week.

But it is not just material needs that are met. During the week, advice is given to individuals about making their asylum claims and appeals, about finding a lawyer, doctor or dentist. Help is often required to fill in forms.

Dave and his colleagues become friends to isolated, lonely and sometimes desperate people. This friendship role is something precious to many who have come to this country for sanctuary and shelter but who have often met rejection and hostility. Friends have invited asylum seekers into their homes for meals and relaxation. They convey a message that many people in Britain do respect and welcome them. Dave told us about an asylum seeker who accompanied Boaz on a camping holiday, who said that material help was essential but that friendship was even more important – that friendship is the thing that keeps you going when you are down. Just having someone there.

Asylum seekers cannot afford leisure – they have too little money. They are not allowed to work and so have no routine or job satisfactions. Consequently many are bored and unfulfilled. In response, Boaz arranges for some to participate in gardening, craft-making, days out and volunteering, which bring a sense of self-worth and the company of others.

A numbers of destitute asylum seekers are homeless and sleep rough. Boaz, from its start, had friends who accommodated some for short periods. Then, Dave ended a speech to a meeting of church leaders by quipping: "If you have a spare house see me afterwards". A pastor in the audience was moved to loan them a house - which supporters refurbished and which soon accommodated several destitute female asylum seekers who look after the home and are given money for food.

One woman from Ethiopia had fled her country in such haste that she had been forced to leave her children behind. Unable to afford stamps or a phone call, she could not even keep in touch with them. No wonder the pain was etched into her face.

This woman and another Ethiopian woman had been sleeping rough until the Boaz trust accommodated them. They showed hospitality to one of the Asylum Group members and cooked him an Ethiopian meal. Educated and dignified, they long to return to their own country. During the day they spend hours thinking about home and trying to get news. But return would mean prison, rape and probably death. Meanwhile they want to work in Britain in order to pay their own way and to make a financial contribution to society. At least, as they said, they are safe in this country.

The pressure for shelter became so strong that Dave needed help. He met Nigel Biggs who gave up his job in industry to become Boaz's housing manager. To date, Boaz has five houses. But every week it receives up to 15 new referrals from other agencies desperate to place asylum seekers who have been refused asylum, evicted from their accommodation and yet are unable to return to their home lands. The Housing Project entails supporters loaning Boaz a property on a yearly basis with Boaz paying all its bills. More people are taken in but many are turned away.

Boaz knows that it alone is not the answer. Therefore it co-operates with other organisations to campaign for a better asylum system. With Church Action on Poverty, Faithworks and Enabling Christians in Serving Refugees, it lobbies government to ensure that all asylum seekers have adequate legal representation, that none are wrongly sent back to places of danger and that they (including those whose applications for asylum have been refused but cannot return) should be taken out of poverty.

Positive Action in Housing, Glasgow

In the 1990s, the Scottish Federation of Housing Associations was increasingly concerned about the housing needs of ethnic minorities. In 1995, it stimulated the founding of an independent, membership-led organisation called Positive Action in Housing (PAIH).

The executive director states that the purpose of PAIH is to enable everyone to live in good quality, affordable and safe homes, free from discrimination and the fear of racial harassment and violence.

PAIH offers services to all, although it targets black and ethnic minority communities and people who have just moved to the area, including asylum seekers and refugees.

It has a particular concern for destitute asylum seekers and Director Robina Qureshi comments, 'their accommodation and benefits are stopped, they are evicted from their homes, refused recourse to public funds - i.e. hostels, homeless units, benefits etc. No public agency is permitted to support them or provide support. They are not permitted to take-up paid work. Many end up sleeping rough, riding night buses, in car parks or on the streets where they are vulnerable to violence and often racially motivated attacks'.

PAIH provides a free, independent and multilingual casework service run by a team of four paid case workers plus several volunteers. During 2007, the service assisted 687 cases (1,555 people from 64 different countries). Of these, 81 per cent were living below the government-defined poverty line, while a third experienced severe overcrowding. 228 people were destitute. This was a 17 per cent increase on the previous year and included 13 pregnant women, two of whom collapsed in the office having not eaten for days.

PAIH makes clear that destitution is not only about those who are refused asylum. It can also hit those who are seeking a judicial review of their asylum decision, during which time their benefits and accommodation are stopped.

PAIH deals with problems such as homelessness, destitution, health, racist attacks and overcrowding. Support is given to people throughout their asylum claim and information is given to them to enable informed decisions to be made about their futures.

During the year, PAIH provided 654 nights of shelter in hostels or in the homes of individual families. Small grants for food and shelter totalled £9,900.

Bradford Ecumenical Asylum Concern

Bradford Ecumenical Asylum Concern ('Beacon') was set-up in 2006 and is the newest of the projects which were visited. The impetus came from a wide-spread concern amongst Christians from a number of denominations about the plight and treatment of destitute asylum seekers.

Mackenzie Friends are volunteers who, after initial training, offer advice and guidance to asylum seekers and also accompany them to the appeals hearing. In all, they give each asylum seeker about six hours of contact time. Mackenzie Friends are not professionals but they have sufficient knowledge, time and patience to enable the asylum seekers to present their cases fully. To date, they have been welcomed by judges and lawyers.

Care and Hospitality at Thornbury (Chat) operates from a church opposite the Immigration Appeals Court at Phoenix House in the district of Thornbury. Members of Beacon had noticed that asylum seekers often had to wait for long periods of time in a crowded building with few facilities before they were seen by officials. By opening the church, volunteers ensured that they received a

welcome in comfortable surroundings, with refreshments available and space for children. The service has now developed to provide a tea trolley in the court itself for those who do not feel able to leave the building.

The Hosting Service is a new service which will provide homes for asylum seekers. The hosts are unpaid and provide their services, food and accommodation free of charge.

Taking in strangers, especially those from a different culture and who may well have suffered from traumatic experiences can be a demanding task. The hosts will not be expected to provide any legal advice to their guests. Befrienders are being recruited to take the asylum seekers out for meals and to introduce them to centres where they can meet people from their own background. The hosting project was due to start in the summer of 2008.

Refugee Survival Trust, Edinburgh

The Refugee Survival Trust (RST) is a small charity established in 1996 in response to the destitution of asylum seekers and refugees in Glasgow and other parts of Scotland. Overseen by a management committee elected by its membership, it operates from a basement office in Edinburgh with just one part-time member of staff and depends heavily on volunteers who help with the bookkeeping, monitoring of grants and fundraising.

Income comes mainly from charitable trusts, fundraising by church groups and individuals. In the year ending in 2007, its expenditure was £107, 837. Increasing demand for its services means that the RST is constantly seeking new funding. The main purpose of the trust is to provide financial assistance to those facing destitution while within the asylum process.

Most grants made by the RST are one-off and provide a breathing space while the applicants attempt to sort out their finances. However, one fifth of all applications are repeat applications, as the period of destitution or financial need may last several weeks.

The RST does not make grants directly to asylum seekers but works in partnership with the Scottish Refugee Council, Positive Action in Housing (both based in Glasgow), the Edinburgh Refugee Council and smaller faith groups, who make applications to the RST on behalf of asylum seekers.

In addition, the RST makes Access to Employment Grants which support asylum seekers and refugees in moving towards education, training and employment. Funding for this comes from the Scottish government as well as various charities. The RST pays a maximum of £150 for travel to college, books, examination fees and child care.

In 2007 the RST made grants to 1002 asylum seekers which benefited 1587 people at a total cost of £80,138.

The RST usually provides grants to asylum seekers who are awaiting a decision on an asylum claim, however due to an administrative error or change in circumstances any form of statutory support has been stopped. It is a

reflection of the inefficiencies of the current system that there is such a high demand for this service.

Leeds Asylum Seekers Support Network

The Leeds Asylum Seekers Support Network (Lassn) was formed in 1999 by a group of people concerned at the number of asylum seekers being dispersed from London to Leeds. It has grown to the point of having nine part-time staff and 180 volunteers.

The essence of Lassn's work is matching volunteers with asylum seekers and refugees who are referred by other agencies. The part-time staff organise, train and support the volunteers. The work is of six kinds:

1 Befrienders – After training, volunteers are assigned to asylum seekers or refugees. They are not expected to give legal advice but are social friends who help their assignees (and their children) to cope with a new culture and to integrate into the community. Up to 90 asylum seekers are befriended in any one year. The contact usually lasts six to nine months although, in some cases, it lasts much longer. Interestingly, some asylum seekers and refugees are now becoming befrienders.
2 English at home tuition - Language classes are available in the Leeds city centre but some asylum seekers cannot reach them because they lack care for their children or because they are in ill-health. Lassn currently has 25 trained volunteers who visit 36 learners once a week for about two hours.
3 Short stop emergency accommodation - Leeds is estimated to have between 2000 and 3000 destitute asylum seekers. Trained volunteers take in homeless asylum seekers for one night's bed and breakfast. Eventually they may choose to do it for longer periods. Last year 347 people were sheltered in this way.
4 The hardship fund - A recent study in Leeds by the Joseph Rowntree Charitable Trust shows that destitution is increasing and that individuals are destitute for increasing lengths of time. Agencies refer penniless asylum seekers to Lassn who ensure that they receive £25 a week for individuals and £40 for couples. Last year, 132 people were helped in this way, with priority given to women, children and those with mental health problems. In all, £2,500 a month is allocated to hardship cases, however the need for this service is far greater than the budget.
5 Support for refugee community organisations - that is those run by and for asylum seekers and refugees. They usually bring together in an agency those from a particular country. Lassn has offered its community centre free of charge for use by 24 such organisations. In one month, 280 individuals attended one of the refugee community organisations. One of Lassn's staff supports the work and has helped with the formation of a Leeds Refugee Forum to give these organisations a collective voice.

6 Campaigning Work - Lassn believes it important to raise awareness of the nature and plight of asylum seekers. Through talks, reports, conferences, research and media coverage, it attempts to dispel myths – such as that which lumps asylum seekers and economic migrants together as the same. It demonstrates that asylum seekers come to the UK to escape persecution (not to benefit from the welfare state) and that they have the abilities and values which can make a positive contribution to British society. Lassn's newsletter reaches 700 people and it receives 1000 enquiries for information and advice.

Lassn believes the demands on its resources will increase. Not only is the number of destitute growing, but new refugees need help to find homes and jobs.

Small voluntary agencies – their contribution

The five small agencies can be distinguished as follows.

Positive Action in Housing (PAIH) was the largest with nine full-time staff and expenditure in 2007 of £354,000. A charity with no formal connections with churches, it has a reputation as an independent and radical campaigning body. Its city centre offices are open most week days to asylum seekers.

The Refugee Survival Trust (RST) is the smallest with just one part-time member of staff. It is unusual in having no direct links with asylum seekers and, instead, gives grants to agencies which do. It is well regarded by statutory organisations to which it presents well-argued and researched proposals for improving the asylum system.

Boaz and Beacon are similar in that both have strong connections with churches upon whom they depend both for financial support and premises. Boaz has two staff members (soon to increase) and spends about £150,000 a year. Beacon has one full-time and one part-time staff member. Boaz and Beacon have centres in local communities which serve asylum seekers and refugees. Boaz provides accommodation for the homeless and Beacon is about to start a hosting service.

The Leeds Asylum Seekers Support Network (Lassn) puts great emphasis on a large number of volunteers who are organised by part-time members of staff. They then provide individual befriending and English tuition to many asylum seekers and refugees. It places a high value on and facilitates the work of refugee community organisations (RCOs). These are organisations that are run by asylum seekers and refugees for asylum seekers and refugees, usually from the same country.

Whatever their differences, all these agencies provide practical help. They give expert advice to asylum seekers concerning their claims for asylum, direct them to lawyers and sometimes advocate on their behalf. They share a special concern for the destitute - who are often hungry, penniless and homeless. They

give out food parcels, warm clothes, sleeping bags, money and, in most cases, attempt to find shelter for them.

Refused asylum seekers have few rights to public support. Apart from minimal aid under Section 4 to those who cannot return to their countries of origin, immigration authorities do not help them. Consequently thousands of refused asylum seekers (and some who are still within the system) are without material support for short-term or long-term periods. The experience of the Asylum Group has been that it is small voluntary bodies with centres in areas of high need which are at the forefront of providing the destitute with the basic necessities of life.

These organisations not only meet physical needs, but they also facilitate social relationships. Those that are open regularly are like community centres where asylum seekers and refugees can attend just to enjoy the company of others in a place of warmth and comfort where they feel welcome. They can be places where new arrivals make contact with those from their own backgrounds and it is worth noting that, according to a study by the Scottish Refugee Council, 34 per cent of those that are destitute name friends and relatives as an important source of help.

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List of Consultees

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