



Northern Ireland Community of
Refugees and Asylum Seekers

The Effects of Destitution on Refugees in Northern Ireland



NICRAS would like to gratefully acknowledge:

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research made this report possible.

Our Mission:

To inspire and enable refugees and asylum seekers to break through
injustice, deprivation and inequality, so they can achieve their full
potential

Our Vision:

NICRAS's vision is of a vibrant, welcoming, just and inclusive society,
which promotes diversity, equality and effectively respects the human
rights and dignity of refugees and asylum seekers.

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FOREWORD

This report marks a very important step for NICRAS, 14 years after NICRAS was founded. It considers the effect of and underlying reasons for forced destitution among refugees in Northern Ireland. This is an issue that has been affecting many of our members for years, but it does not have to continue to do so.

‘I wish I was still an asylum seeker.’ A member of NICRAS said these words to me, and told me that he was struggling more as a refugee than he had before gaining his status. This was the moment when I realised that something had to be done. I had been seeing the results of forced destitution for a long time in the people that were coming to NICRAS for help, but that emotional statement created the spark that became the motivation for this report.

At NICRAS we decided that we needed to take this road of producing reports on issues such as this. We need to use our unique position, as the only organisation in Northern Ireland to belong to and be led by the refugee and asylum seeker community, to add our ground level perspective and experience to the wider conversation on issues affecting refugees and asylum seekers.

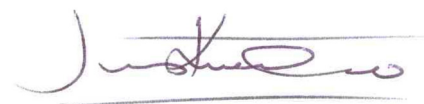
As an organisation, we don’t have the resources to fund work such as this. However, the dedication of our volunteers has allowed us to produce this report. At the time that I decided that this report needed to be written, we had an intern from Germany working with us, Franka Huber. She committed to doing the research and writing this report and I would like to thank Franka for her commitment. I would also like to thank St Martin-in-the-Fields, London for providing to the NICRAS destitution fund whilst they were able. My gratitude also goes out to the many other people who contributed their time, knowledge and opinions and helped to make this report a reality. And finally I would especially like to thank those members who agreed to be interviewed, who gave their time and spoke to us about very emotional issues.

This report is important as it shows a change can be made. The destitution evidenced here is forced and changes in policy can stop it from happening. I am calling on the Department of Social Development, including the Jobs and Benefits Office and the Social Security Agency, the Home Office, Her Majesty’s Revenue and Customs, and the Office of the First Minister and Deputy First Minister to recognise the problems and implement changes to prevent any refugee from being forced into destitution.

Finally, one issue that we became aware of during our interview process for this report was the importance of mental health issues to people’s lives, but also the



reluctance of people to talk about them. This is an area where I think there is an opportunity to develop our understanding and learn about the real mental health impact of being an asylum seeker and refugee in Northern Ireland. In this I see a direction to continue NICRAS's new path of research that this report marks the beginning of.



Justin Kouame

Chairperson, Northern Ireland Community of Refugees and Asylum Seekers.

EXECUTIVE SUMMARY

Introduction

Many reports and surveys have been conducted within the UK that highlight the challenges and burdens of individuals transitioning out of the asylum support system. The granting of refugee status or other forms of Leave to Remain entitles individuals to the same rights and duties as all other UK residents. However, despite this equal entitlement, many individuals remain in destitution.

Individuals with a positive outcome to an asylum claim are fully entitled to support within the bounds of legislation and are protected due to their increased vulnerability.¹ This should allow for emergency interim payments and processing of claims without National Insurance numbers. However, in many cases, families and individuals are left with no social security provision, and so are prevented from receiving lawful benefit entitlements. Furthermore, the extremely low level of asylum support (£36.95 per person per week) means that refugees have had no ability to save money for emergencies.

The purpose of this report is to highlight the systemic failures within the social benefit support system for transitioning refugees. It aims to document examples of individual instances of destitution, highlighting and illustrating the causes by showing the lengthy delays experienced in receiving social security benefits, tax credits and child benefit, as well as the duration and type of emergency support, which is provided by the charity sector. It is clear from this report that such emergency support is essential to those suffering from destitution. Such support, however, should not be necessary. Genuine and timely access to the entitled social security, tax credits and child benefits is the key to preventing destitution.

Background

When refugee status is granted, asylum support is continued for a 'grace period' of 28 days, after which time the accommodation and financial support stops. Home Office guidelines suggest that this period is sufficient for local agencies to administer the start of social support, when necessary, or to assist people in finding employment or education opportunities. However, the experience of those who work with those in asylum transition and the evidence compiled in the research for this report show that this is not the case.

One estimate suggests that, as a result of lengthy benefit delays, one fifth of all refugee applicants living in Northern Ireland were forced into destitution.² We have

¹ Law Centre (NI), *Refugee Transition Guide*, Belfast City Council.

² Joseph Rowntree Foundation (2013), *Poverty and Ethnicity in Northern Ireland, An Evidence Review*

found from our experience that this number is likely to be higher. During the time of these delays, individuals and families suffer food poverty, homelessness and isolation. The resulting health challenges exacerbate pre-existing traumas and physical ill health, and compound the vulnerability of our members. It is notable that, as the proportion of asylum claims made by families in Northern Ireland is more than double the national rate, delays in providing benefits are disproportionately affecting families here.³

Methodology

Over a six-month period data was collected via interviews with refugees at NICRAS. A questionnaire was designed with open-ended questions, giving the respondent information a degree of structure and allowing for discussion of target issues and the collection of important information. Ten people were interviewed, four women and six men.

Findings: Different ways to become destitute

The ten case studies clearly highlight the complex needs of refugees who are forced into destitution. Home Office, Jobs and Benefits Office (JBO) and Her Majesty's Revenue and Customs (HMRC) practices make refugees extremely vulnerable in the transition from asylum support, as they have to negotiate a confusing range of government agencies that do not always consult with each other.

Every person in our study group who was granted refugee status was eligible to receive benefits and support, but at various points found themselves homeless and destitute.

The reasons for the breakdown of support can be:

- Conflict between the end of the asylum support grace period and the benefits start-time.
- Changes in the support entitled to, e.g.:
 - Family Reunion and change in support from individual to family
 - Change of circumstances e.g. JSA to ESA and subsequent wait
- Delay of Child Support, e.g. Child Benefit, Child Tax Credit

A number of factors contributing to these failures, particularly to failures in benefits start-time, can be clearly identified. To apply for certain benefits, a key document required is a Biometric Residence Permit (BRP) and an end of asylum support letter (NASS35). This is problematic because there is often a delay of several weeks

before these are issued, preventing the individual from applying for their benefits in sufficient time before the 28-day grace period ends.

Furthermore, while conducting this research, a lack of familiarity with Home Office and asylum support processes within the Social Security Agency in Northern Ireland became apparent. JBO staff often request unnecessary documentation, such as National Insurance Numbers (NINO), fail to offer emergency support such as interim payments and Crisis Loans, and sometimes refuse requests for such emergency support, despite the applicants entitlement to them.

Home Office decision making, policy changes and enforcement capability exist in a sphere separate from those of the Northern Ireland government and can regularly undermine the support objectives of local agencies. There remains no integration of Home Office processes with agencies in Northern Ireland, making the separate support systems entirely out of synch and leaving our members in destitution for extended periods.

Destitution often impacts on the health and wellbeing of an individual or family, causing extreme hopelessness, fear, hunger and homelessness. In many cases, pre-existing stress, anxiety, sleepless nights, fear, depression (in some cases leading to self-harm) are exacerbated by an exclusionary support system and instability of support.⁴ The study participants clearly stated the emotional impact of their situations. According to the Joseph Rowntree report, the impact of destitution in Northern Ireland is more extensive than expected.⁵ The long-term impact on the health and education of people living in destitution needs to be emphasized

The importance of charity organisations becomes clear when statutory agencies are unable to fulfil their roles.

Recommendations

NICRAS recommends the following measures:

- A review and change of the whole system for the transition from asylum support to the support due to refugees.
- Asylum support should be continued until the first payments of the individuals new support has been received. Until this can be achieved, interim payments should have an immediate start and be actively offered by the Jobs and Benefits Office.

³ Northern Ireland Strategic Migration Partnership (2015), 'Consultation response: Reforming Support for Failed Asylum Seekers and other illegal migrants'.

⁴ For illustration of such experiences we refer you to "Poverty and Ethnicity in Northern Ireland" a study issued by The Joseph Rowntree Foundation, including testimony by Asylum Seekers/Refugees from the Horn of Africa.

⁵ Joseph Rowntree Foundation(2013): Poverty and Ethnicity in Northern Ireland, An Evidence Review

- Social Security Agency staff should proactively offer support such as interim payments and Crisis Loans to prevent destitution, and be aware of the entitlement of refugees to this support.
- Similarly, when changing benefits either payments of the previous benefit should not stop until the new one has been received or there should be interim payments to bridge this gap.
- Jobs and Benefits Office staff should process all claims for welfare support when the end of asylum support letter (NASS35) is issued, regardless of whether the person has received their National Insurance number yet.
- There needs to be a more accommodating attitude towards the need for documentation such as birth certificates, taking into account the refugee's experience, the difficulties that they often face in obtaining these documents, and the fact that these documents may not exist through no fault of the individual.
- Training should be provided to the Social Security Agency staff to ensure that they are aware of the rights of refugees and the support they are entitled to.
- There should be a member of staff in such offices with expertise in refugee and asylum issues, who can be applied to by their colleagues for advice and help when handling such cases.
- A monitoring system should be put in place to highlight when people, and especially more vulnerable people like refugees, are not receiving support, and to ensure that the system works appropriately, preventing forced destitution.

Until such changes and safeguards can be established to ensure that no one is forced into destitution, there should also be recognition of the important support that charities like NICRAS provide to those forced into destitution, with governmental emergency funding given to enable that support to continue.

The failures of the current system are also symptomatic of greater problems within the asylum system in the UK. The UK government should provide more adequate asylum support - both financial support and in access to services- to meet their statutory obligations. Furthermore, the restrictions denying asylum seekers the right to work contribute to the problem by also denying them any opportunity to make financial provision for unexpected problems. There needs to be a change in culture in the asylum system and civil service, to one that does not automatically regard asylum

seekers and refugees with suspicion, but instead looks to the dignity and wellbeing of the individual.

These issues, especially the right to work, are ones over which the services in Northern Ireland have comparatively small influence, being the preserve of the Home Office. However, the government and services in Northern Ireland should be looking at how they can improve the situation of asylum seekers and refugees. They should make a strong commitment to the right to work for asylum seekers. Aside from the positive actions that the Northern Irish government and services can take, at the very least no one should be forced into destitution due to administrative error. It is essential that measures now be taken to prevent the continuing occurrence of destitution in Northern Ireland.

INTRODUCTION

Many reports and surveys have been conducted within the UK that highlight the challenges and burdens of individuals transitioning out of the asylum support system, showing the poor provision of service for these extremely vulnerable persons.⁶ The problem of forced destitution as a result of the transition process is a long-standing one, and has been recognised at many forums such as the Office of First Minister and Deputy First Minister (OFMDFM) Racial Equality Immigration Sub-group. There have been efforts to try and improve the situation, such as the introduction of fast-track procedures for claiming tax credits in 2012. However, as this report shows, these efforts have failed to properly remedy the situation and the underlying problems remain. This research further highlights such poor provision, particularly the lack of structure, cohesion and support, and places it in an NI context. As highlighted by a 2014 British Red Cross report: *“Destitution is a way of life for a lot of asylum seekers and refugees in Northern Ireland. Some people reach the end of the asylum process and are unable to return home, but a significant number also become destitute due to administrative errors and failings within the system.”*⁷

Although destitution is a significant issue for individuals refused asylum, it is also a substantial issue for those who are given positive decisions. The granting of refugee status or other forms of Leave to Remain entitles individuals to the same rights and duties as all other UK residents. However, despite this equal entitlement, many individuals remain in destitution. It is crucial to highlight that the difficulties and failures of the transition exacerbate pre-existing and complex physical and mental health needs in this community. In some cases friends and local churches have been the only source of support available. In most cases a share of the burden then falls to charitable and voluntary agencies. The sector assists the refugee community by advocating on behalf of individuals and/or signposting to specific charities for support.

The Northern Ireland Community of Refugees and Asylum Seekers (NICRAS) is one such charitable organisation. The organisation’s aim is to support the integration process of refugees and asylum seekers into local communities throughout Northern Ireland. Information sharing is a vital part of NICRAS’s role, whether raising awareness of issues and problems faced by refugees and asylum seekers or informing members of relevant changes to immigration policy and legislation. Previously, NICRAS provided Emergency Support for people in destitution. Destitute members of NICRAS were able to receive £10 per week, up to a maximum of £250. If a family was profoundly affected they could receive £15 per week. Members could also avail of weekly food parcels provided by the Belfast charity Storehouse and SOS Bus.

NICRAS’s emergency support fund was provided by the Vicar’s Relief Fund-Saint Martin-in-the-Fields, London, and was primarily for destitute asylum seekers, rather

than for individuals transitioning out of asylum support. This was because, as stipulated in the *Refugee Transition Guide*, individuals with a positive outcome to an asylum claim are fully entitled to support within the bounds of legislation and are protected due to their increased vulnerability.⁸ This should allow for emergency interim payments and processing of claims without National Insurance numbers. However, in many cases, families and individuals are left with no social security provision, and so are prevented from receiving lawful benefit entitlements. It is at this point which NICRAS provided destitution support from their emergency fund for refugees and their families.

However, the ability of NICRAS to provide aid has been restricted. In the period between April and September 2013, NICRAS was funded with over £11,000 that enabled the support of 527 NICRAS members. However, in the period October to March 2014, funding to NICRAS was cut to £5,000, limiting the support to only 64 people. After March 2014, NICRAS no longer received the Vicar’s Relief Fund and therefore could no longer provide financial assistance to destitute asylum seekers and refugees faced with destitution. Weekly food parcels are still provided by Storehouse and SOS Bus.

Alongside such material aid, NICRAS employs one full-time advice workers to fulfil the aims of NICRAS. The advice workers spend a significant portion of their time advising people about problems of destitution. Crucially, they liaise with statutory bodies about the issues faced by destitute refugees, and use evidence from their own records to obtain to some positive outcomes. Yet, the process is time-consuming and NICRAS finds itself advising officials about their legal obligations with regard to asylum seekers and refugees in order to counter lack of awareness and training in the statutory sector.

NICRAS often refers and signposts clients to other community and voluntary organisations that offer destitution support. For example, regular referrals are made to South Belfast Food bank, the Red Cross, Storehouse, Embrace NI and to local churches. However, the voluntary sector is not equipped to assist in the inevitable health problems and other problems that consistently arise in cases of extended food poverty and extreme destitution

The purpose of this report is to highlight the systemic failures within the social benefit support system for transitioning refugees. It aims to document examples of individual instances of destitution, highlighting and illustrating the causes by showing the lengthy delays experienced in receiving social security benefits, tax credits and child benefit, as well as the duration and type of emergency support available. It is clear from this report that such emergency funds provide essential support to those suffering from destitution.

Such support, however, should not be necessary. Genuine and timely access to the entitled social security, tax credits and child benefits is the key to preventing destitution

⁶ See Bibliography.

⁷ *The Move On Period: An Ordeal for New Refugees*, British Red Cross, Policy Unit, 2014.

⁸ Law Centre (NI), *Refugee Transition Guide*, Belfast City Council.

BACKGROUND

There are several reasons why refugees become destitute. A positive decision in an asylum claim allows the individual the same rights as all UK residents, allowing access to the labour market, education and benefits. This is referred to, generally, as Leave to Remain, but often called “Status” — as in Refugee Status. When status is granted, asylum support is continued for a ‘grace period’ of 28 days, after which time the accommodation and financial support stops. Home Office guidelines suggest that this period is sufficient for local agencies to administer the start of social support, when necessary, or to assist people in finding employment or education opportunities. However, the experience of those who work with those in asylum transition and the evidence compiled in the research for this report show that this is not the case. One estimate suggests that, as a result of lengthy benefit delays, one fifth of all refugee applicants living in Northern Ireland were forced into destitution.⁹ During the time of these delays, individuals and families suffered food poverty, homelessness and isolation. The resulting health challenges exacerbate pre-existing traumas and physical ill health, and compound the vulnerability of our members. It is notable that, as the proportion of asylum claims made by families in Northern Ireland is more than double the national rate, delays in providing benefits are disproportionately affecting families here.¹⁰

Some of the processes in seeking asylum appear straightforward, however readers will see that a few of these cases involve extended periods where legal and human rights and Home Office guidelines are in conflict. This is not simply a matter of a negative decision. Therefore, our members can spend years waiting for court or Home Office decisions, which leaves them entirely without access to any form of benefit.

⁹ Joseph Rowntree Foundation (2013): Poverty and Ethnicity in Northern Ireland, An Evidence Review

¹⁰ Northern Ireland Strategic Migration Partnership (2015), ‘Consultation response: Reforming Support for Failed Asylum Seekers and other illegal migrants’.

LITERATURE REVIEW

Asylum and Destitution: The Current Framework

Under Regulation 2 of the Asylum Support (Amendment No. 3) Regulations 2015, individuals seeking asylum are generally entitled to a £36.95 weekly cash payment to cover their ‘essential living needs’. This support is available until the person is no longer deemed to be an asylum seeker; that is, until a decision is made regarding their status.¹¹ This is a reduction of support for families, as the introduction of the flat rate on the 10th August 2015 reduced the NASS payment for children.

In cases where an individual is not granted refugee status and becomes a failed asylum seeker, then there are still circumstances where they may obtain support. Failed asylum seekers with dependants may access support under Section 95 of the Immigration and Asylum Act 1999. Support is also available to failed asylum seekers under Section 4(2) of the Immigration and Asylum Act 1999.

However, there are several ways in which a failed asylum seeker may become destitute in spite of this provision. Firstly — under Section 55(2)(a) of the Nationality, Immigration and Asylum Act 2002 — support under Sections 4 and 95 is not provided where a person makes a late claim for asylum (i.e. otherwise than ‘as soon as reasonably practicable’ after their arrival in the UK).

Secondly, a failed asylum seeker will be unable to access Section 4 support where they are assessed as not meeting the criteria under Regulation 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005, which requires that applicants are either taking all reasonable steps to leave the UK, are unable to leave the UK due to physical impediment, have no viable route of return to their country of origin, have made an application for judicial review, or would have their rights under the European Convention on Human Rights breached by denial of support.

Even where one of these requirements is met, the provision of support is subject to the individual’s adherence to a number of additional restrictions. Under Regulation 4 of the 2005 Regulations, applicants can be, and have been, required to perform up to 35 hours of community work a week in order to remain eligible for support. Additionally, Regulation 6(2)(c) states that eligibility for support may also depend upon the applicant residing at an ‘authorised address’, which they cannot absent for more than seven nights consecutively, or for more than a total of 14 nights over any six-month period without invalidating their claim for support. Failing to obtain or losing eligibility for Section 4 support will inevitably result in destitution, as a failed asylum seeker does not have the right to work in the UK — as stated under Section 15 of the Immigration, Asylum and Nationality Act 2006 — and cannot claim social security.

¹¹ Asylum Support Regulations (2000), Regulation 22(2)(b)

Thirdly, even where an individual is eligible for support under Section 4, they may not do so for a number of reasons. Research indicates that some are unaware of the availability of support, whilst others fear the return to their country of origin that is a prerequisite to obtaining support.¹² Indeed, research suggests that a majority of refused asylum seekers do not apply for Section 4 support.¹³

Fourthly, even where individuals are eligible for support and do make a claim, there is no guarantee that they will avoid destitution. Delays in the administration of decision-making mean that many may remain destitute for months while waiting for a decision on their asylum support claim.¹⁴

Furthermore, the quality of decision-making itself can be questionable. Research has highlighted the high success rate of appeals (82% in 2011 and 80% in 2013), the poor application of the legal test for destitution by Home Office caseworkers and the 'culture of disbelief' within the Home Office as key factors in Section 4 claims being erroneously refused.¹⁵

Consequently, the interaction of various factors within the framework for supporting asylum seekers leaves many refused asylum seekers without a legitimate source of income and therefore destitute, even in circumstances where they are entitled to support.

This situation may deteriorate further in the near future; legislation is currently being considered that would repeal Section 4 of the Immigration and Asylum Act 1999, prevent failed asylum seekers with dependents from claiming Section 95 support and limit the availability of support for failed asylum seekers to those who are destitute and face a 'genuine obstacle' to leaving the UK.¹⁶

Upon Receiving Refugee Status

Where an individual is granted refugee status, then they are no longer entitled to support as an asylum seeker. Support continues for a 28-day 'grace period', after which support is halted entirely and the individual is expected to rely on standard social security or the proceeds of employment.¹⁷

While refugees have the same access to social security and the labour market as other citizens, destitution becomes an issue for many due to the difficulties in obtaining the required evidence of their status before the grace period expires.¹⁸

¹² Crawley, H., Hemmings, J., and Price, N., 'Coping with Destitution: Survival and Livelihood Strategies of Refused Asylum Seekers Living in the UK' (2011), p. 26.

¹³ Amnesty International, 'Down and Out in London: The Road to Destitution for Rejected Asylum Seekers' (2006), pp. 5-6.

¹⁴ Op cit no. 2

¹⁵ Asylum Support Appeals Project, 'No Credibility: UKBA Decision Making and Section 4 Support' (2011), p. 3; Asylum Support Appeals Project, 'UKBA Decision Making Audit: One Year On, Still "No Credibility"' (2013), p. 3.

¹⁶ Immigration Bill (Bill 74, 2015), Schedule 6, Part I, paragraphs 1 and 9.

¹⁷ UK Visas and Immigration, 'Ceasing Asylum Support Instruction' (2015), pp. 6-7.

¹⁸ Doyle, L., '28 Days Later: Experiences of New Refugees in the UK' (2014), p. 8.

This evidence includes a National Insurance number required for legal employment and includes documentation necessary for opening a bank account.¹⁹

The delays in providing refugees with key identification documents may also impede their ability to obtain housing, as Sections 22 and 23 of the Immigration Act 2014 prohibit landlords from leasing housing to persons with insecure immigration status, with a potential penalty of £3,000 for contravening this provision.

Research has shown that in areas where the landlord requirement has been piloted, landlords have become reluctant to rent to persons who do not have a British passport.²⁰

Furthermore, the sudden requirement imposed on refugees — who are unfamiliar with the UK employment and social security systems, have no support network in the Northern Ireland and who may not speak good English — to obtain their own housing, social security and/or employment can prove daunting, causing some refugees to find themselves without a source of income.²¹

Ultimately, a range of factors — including the inadequacy of the 28-day 'grace period', administrative delay and insensitivity to the differential experience of refugees — mean that refugees face a high risk of destitution following recognition of their status.

METHODOLOGY

Over a six-month period data was collected via interviews with refugees at NICRAS. A questionnaire was designed with open-ended questions, giving the received information a degree of structure and allowing for discussion of target issues and the collection of important information. Ten people were interviewed, four women and six men. A further consideration about the mental health impact of destitution was queried towards the end of the research. This was a difficult issue to assess as all participants in the study displayed a degree of hopelessness and depression. This was clearly evident from how they spoke and how they behaved. It was difficult not to see the impact on health from living with such uncertainty and deprivation. When this is coupled with the fact that participants were fleeing persecution, we can see that further periods of destitution have an adverse impact on the overall health of this community.

¹⁹ Ibid, pp. 15-16.

²⁰ Joint Council for the Welfare of Immigrants, "No Passport Equals No Home": An Independent Evaluation of the "Right to Rent" Scheme' (2015), p. 5.

²¹ Ibid p. 13

CASE STUDY: A

A arrived in Northern Ireland in 2011 from Somalia. She claimed asylum and received asylum support. Two months later she received a positive decision and refugee status was granted. Her asylum support stopped 28 days after she received refugee status.

Granted Status

A was told she would have to wait for four weeks until she received her first Job Seekers Allowance (JSA) payment. When she went to the Jobs and Benefits Office (JBO), she asked for emergency support, such as interim payments or a crisis loan, which was refused to her. She could not start working and had no other income, and as such, she was relying on charity organisations. Through friends, **A** heard of NICRAS and had first gone for support when she arrived in Belfast. When her asylum support finished, she returned to NICRAS, which support of £10 weekly and food bags.

Family Reunion with her children

It took two weeks until she received the money for her five children. During that time, she only got JSA and was therefore dependent on charity support again. **A** returned to NICRAS to receive support for her children, consisting of £15 per week, amounting to £120 in total, and she also received food parcels. The Red Cross further supported **A** and her children with food vouchers for Tesco of amounts between £30-£50.

Reunion with her husband

A's JSA stopped when her situation changed due to her husband coming to the UK as part of family reunion. While waiting for the JSA, **A**, her husband and her five children received only Child Benefit for seven weeks and therefore were reliant on charity support, yet again.

In total, **A** was destitute for thirteen weeks; she experienced four weeks destitution herself, but during the rest of the time, her five children were also affected by the administrative gaps in the system, due to the delay in Child Tax Credit payment

Total time destitute: 13 weeks.

CASE STUDY: M

In 2012 **M** arrived in Northern Ireland from Ethiopia. He came to seek asylum and was granted refugee status after one month. After his refugee status was granted, he had 28 days until asylum support stopped and he had to move out of his asylum support accommodation.

Granted status

As soon as the 28-day grace period was over, **M** was forced into destitution. He was able to move to another residence, but was receiving no financial support from the government, because his JSA was in process. **M** had first come to NICRAS when he arrived in Belfast, having heard about it from friends and members of the community. Because of this, he knew where to go for help when there was no other place to go for support. During the eight weeks of waiting for JSA, **M** received £10 per week and food parcels from NICRAS. Red Cross were able to give further help with clothes and shoes.

Change from Job Seeker Allowance to Employment Seeker Allowance

Three months after his JSA payment started, **M** applied for Employment Support Allowance (ESA), which caused another break in financial support. During the waiting period, he went to NICRAS again to collect the £10 per week and food parcels. For **M**, NICRAS was not only a place where he got support, but was also where he could meet his friends and people with the same, or similar, backgrounds. After some time, he started to volunteer there and is now supporting other refugees and asylum seekers.

Due to gaps in the system from asylum support to mainstream benefits, and the switch between different types of benefits, **M** was forced to live for sixteen weeks in destitution. Without the support provided by NICRAS and the Red Cross, he would have endured far worse suffering.

While **M** was waiting for his benefits, it was good for him to come to NICRAS in order to escape the depression and isolation he was experiencing. **M** stated that at the homeless hostel in which he was staying, he "had too many thoughts." Living in a country where he did not know anyone, being so far from family and friends was tough. He was suffering flashbacks and depression and staying idle in the hostel made it worse. He could not do any activities since his English was limited, and because of his depression it was not easy to advance his skills in the new language. There was no emotional support provided for him, therefore he was grateful to come to NICRAS to meet people, to engage in activities and to talk to different people. He was happy to have a place to go, as accommodation felt like a prison for him.

Total time destitute: 16 weeks.

CASE STUDY: F

F is from Somalia and came to Northern Ireland in 2012, without his family. He claimed asylum in March 2012 and it took three months for him to be granted refugee status. He was staying in asylum support accommodation and afterwards moved straight into accommodation provided by the Northern Ireland Housing Executive (NIHE). **F** has complex medical needs that are related to his experience of living in a conflict area.

Granted status

When **F** was granted refugee status he went straight to the Jobs and Benefits Office to register and apply for JSA. **F** got his National Insurance number, but was still not receiving any benefits. After the 28-day grace period, **F**'s asylum support ended and he was forced into destitution. When he went to the Jobs and Benefits Office to apply for emergency support such as interim payments or a crisis loan, he was rejected, despite being eligible. Therefore, **F** had to rely on the support of charitable organisations. He first went to NICRAS in April 2012, and NICRAS was able to provide support in the form of £10 a week, food bags and general advice. Furthermore, NICRAS was helping him to get clothes, as he had few items of clothing. With a referral from NICRAS, he went to Storehouse, which helped him with furniture and cooking utensils for his new accommodation. As well as the support from NICRAS, the Red Cross was helping him with a £10 voucher for Tesco. When his benefits started, his doctor also applied for Disability Living Allowance (DLA), which he was granted in November 2012. Before his JSA was paid he had to go to NICRAS and the British Red Cross.

Family Reunion with his daughter

F's next step, after being granted status, was the application for Family Reunion. Only one daughter was granted a positive visa decision. When she arrived in March 2013, he was eligible for Child Tax Credit and Child Benefit. However, it took seven weeks until **F** received these benefits. During this time, he was dependent on JSA and DLA to provide for himself and his daughter. As this was insufficient, **F** came to NICRAS again to seek support. He got £10 for his daughter, and food parcels.

Change from JSA to ESA

Since **F** was not well and was not able to work, he made an application for Employment Support Allowance (ESA). Again, after making the application, his benefits stopped and he had to wait for his ESA claim to be processed.

Another eight weeks without benefits forced **F** once again into destitution. Hence, he was relying on charity organisations and had come to NICRAS and the Red Cross again where he received a £10 Tesco voucher, as well as £10 cash from NICRAS.

In total, **F** was destitute for 23 weeks over a two-year period, relying on the support of charitable organisations like NICRAS, the Red Cross, Storehouse and others. Without this help, he would have suffered more severe deprivation. At NICRAS he not only got financial support but also advice about integration and referrals to his GP, as well as emotional support. He was not only happy about the support at NICRAS, he also felt treated with respect and it became an escape from the stress of his daily living and the confusion and instability of the social security system.

Total time destitute: 23 weeks.

CASE STUDY: H

H came to Northern Ireland from Somalia in 2012 with her eight year old daughter. After claiming asylum, it took two weeks for her to receive the initial decision, and refugee status was granted for **H** and her daughter. During the waiting period she received asylum support and was living with her daughter in an asylum support house. After the 28-day grace period, she was moved as a tenant into a privately owned house. With the help of her lawyer, she applied for JSA and Child Benefit.

Granted refugee status

H was waiting for one month before she received the first JSA payment and two months for the Child Benefit. During that time she received support from NICRAS, which was £15 for herself and her daughter.

Three applications for Family Reunion with her children

As soon as she got status, **H** also applied for Family Reunion, since four of her children were still in Somalia. Her first child was able to come over in April 2013.

When her first child came from Somalia, **H** had to wait two months until she got Child Benefit. Due to circumstances in Somalia, it took another six months until the second child could come over to Belfast, in October 2013. This daughter was 19 years old and it took two months before she received JSA. During these times **H** went to NICRAS for advice and financial support. She also came to NICRAS when her last two children came to Belfast, and she did not receive child benefit for one of them due to his being over 16 and unable to start school due to a lack of places.

JSA stopped after being sick

H became sick due to a surgery, which took place during her time in Somalia. She therefore went to the GP, who called Jobs and Benefits to tell them about her sickness. **H**'s JSA stopped shortly afterwards. With the support of her GP, her JSA started again after six weeks.

After she was granted status, there were a total of 26 weeks where **H** or her children did not get any financial support and she was forced into destitution. NICRAS helped with financial support as well as with emotional support and advice. She was happy to have their support; moreover, it needs to be highlighted that without their help, **H** and her five children would have been suffering severe food poverty and destitution.

Total time destitute: 26 weeks.

CASE STUDY: E

E fled Sudan and came to Belfast in October 2012. After six months, he received his final decision and refugee status was granted. While waiting for the decision, he received asylum support and lived in asylum support accommodation. After the 28-day grace period, he moved into housing association accommodation.

Granted status.

The Jobs and Benefits office helped **E** with the application form for JSA. It took ten weeks before he received his first payment, and this forced him into destitution. Due to this situation he relied on charity support for more than two months. Through friends, he became aware of NICRAS. At first he went there to meet people and socialise. After he was granted refugee status he also came to NICRAS for financial support. **E** received £10 cash per week from NICRAS. The Red Cross was also supporting him with a £10 Tesco voucher. He was very grateful for their support, otherwise he would have been living without any cash or support for 10 weeks due to the delay in mainstream support. Both forms of support and companionship helped **E** to avoid severe deprivation and isolation.

Total time destitute: 10 weeks.

CASE STUDY: U

U is a woman who escaped Somalia in 2013. Except for one brother, she has no family here in Northern Ireland. She claimed asylum on arrival in Belfast and after two months was granted refugee status. During this period she received asylum support and lived in asylum-support accommodation.

Granted status

After the 28-day grace period, **U** waited for eight weeks for her JSA to start. In this time she was forced into destitution. Through friends and the community, she heard about NICRAS and she went there from time to time for support, advice and to meet friends. When she became destitute, she needed to access NICRAS financial support. This included £10 per week and a £10 food voucher provided by the Red Cross.

As soon as she got her refugee status, **U** applied for Family Reunion, as the rest of her family was still in Somalia. At the end of 2014, her daughter was allowed to come to Belfast.

Family Reunion with her daughter

After her daughter came to Belfast, NICRAS was able to advise her on resources for registering her daughter for health care, enrolling her in school and other forms of social support. **U** was eligible for Child Tax Credit as well as Child Benefit. Because of a delay, it took seven weeks until she received the first payment. This led to another period of food poverty and destitution, since she was only receiving the monthly JSA for herself. Because of this, she went back to NICRAS for financial support. Again, she received £15 per week in cash and food bags. The Red Cross was also supporting her with £10 Tesco vouchers.

In total, **U** experienced 15 weeks of destitution. Due to delays in mainstream support, she was forced into destitution, and relied on the help of charity organisations. **U** was happy with the support provided by NICRAS.

Total time destitute: 15 weeks.

CASE STUDY: K

K was born in Sudan. **K** has complex medical needs as a result of his experience of torture in Sudan. When he left Sudan in 2009 he claimed asylum on arrival in the UK. He was refused and undertook an appeal. When he came to Northern Ireland he was still waiting for the initial decision on his appeal. During the waiting period, **K** received asylum support. However at various points his support was stopped and he was made homeless and destitute. He lived on the street and received outreach support until he met the asylum support qualifications for Section 4 support. He then lived on daily £5 food vouchers and in asylum-support accommodation until the court appeal was resolved. Section 4 recipients have their purchases monitored by compliance teams and are required to live a “cashless” existence.²² He lived on Section 4 support for a long period of time.

Granted status

At the conclusion of his court case, **K** received a positive decision. It was one month before **K** received his JSA benefits. He no longer had access to food vouchers or any form of cash. During that time, he relied on the support of friends, but even more on the support of charity organisations. Because of this situation, he went to Jobs and Benefits again where he also made the application to request Emergency Support. He was refused, however.

When **K** first came to Belfast, friends told him about NICRAS. He went there to meet people, to get advice and also to get more information about this new country. When he got refugee status, and his asylum support stopped, he came to NICRAS for financial support. During the waiting period, he received £10 cash per week as well as food bags and clothes. The Red Cross also provided a £10 food voucher for Tesco.

²² Further information about the effects of Sec. 4 support can be found in British Red Cross report: *The Azure Payment Card: The Humanitarian Cost of A Cashless System (2014)*

Change from JSA to ESA

Because of **K**'s complex health needs he was advised to obtain a letter from his GP confirming his illnesses, as he also had the right to apply for ESA. When the new application was filed, JSA support stopped. **K** was forced back into destitution and required support from NICRAS, the Red Cross and others. His medical problems were compounded by his food poverty and homelessness. **K** became reliant on NICRAS for advice and support for twelve weeks. **K** experienced hunger, instability and insecurity for four months, even though he had been granted Refugee Status. Without any form of social security support for his complex social and medical needs he was unable to meet his basic needs and experienced extreme feelings of isolation and depression.

K suffers from health issues, meaning he has to take many different medications and does not get a lot of sleep during the night. During the day he feels sick and unable to leave his accommodation. He states, however, that he wants to go out, to go to English classes and talk to people to clear his head. Not having money and depending on others makes this even worse. His resilience in such a situation is admirable. Like many members of NICRAS he is able to endure despite such painful challenges to his human dignity.

Total time destitute: 16 weeks

CASE STUDY: B

B came to Belfast in autumn 2012 from his home country of Somalia. He made a claim for asylum immediately, but was rejected after only three weeks. He then made an appeal and went to court. It was already December 2013 when he finally received the decision, and refugee status was granted. While he was waiting for the decision and even after his rejection, he still received asylum support and was living in asylum-support accommodation. When **B** received his decision and the 28-day grace period ended, his asylum support stopped and he had to leave the accommodation. Until he found his own house, he stayed with friends.

Granted Status

After he got his refugee status, **B** registered at the Jobs and Benefits Office and applied for JSA. It took six weeks for his first payment to arrive. He also applied for a crisis loan, but was refused.

B got to know NICRAS through friends in the hostel where he was living. He went there for advice and funding applications for English for Speakers of Other Languages (ESOL). When he got status and was forced into destitution, he went to NICRAS for financial support and received £10 a week in cash, alongside £10 a week food vouchers from the Red Cross.

Family Reunion

After **B** got status he applied for Family Reunion. His application was accepted and in 2014 his wife and two children came to Northern Ireland. When they arrived, **B**'s wife applied for JSA. It was seven weeks before she got her first payment. They also applied for Child Tax Credit and Child Benefit, which took a further five weeks.

Therefore, there have been several weeks while **B** and his family were living just from his JSA, and the necessary further support was provided by charity organisations.

During this period, **B** and his family came to NICRAS and the Red Cross to get support. It was NICRAS that provided £15 per week and also food and clothing. The Red Cross supported the family with a £20 food voucher. Although this was good and essential support for them, it was not enough to cover the needs of the whole family.

In all, it was about thirteen weeks of destitution and **B** and his wife and two children (aged four and nine) were affected by the extended period of destitution. The charity support was essential to them, but **B** wished to get support more than once a week. However, he was still grateful for everything he received.

Total time destitute: 13 weeks.

CASE STUDY: J

J is from Syria. He came to the UK with his wife and three daughters and claimed asylum. Four months later they were refused refugee status, but this was overturned in court and the family was finally granted refugee status 19 months after first claiming asylum. While they were waiting for the decision and the appeal, they received asylum support and lived in asylum-support accommodation.

Granted Status

When **J** and his family received their refugee status they moved from their asylum support accommodation into a Northern Ireland Housing Executive (NIHE) hostel. After the 28-day grace period, his asylum support stopped and as he was not yet receiving the social security support he was entitled to, he and his family were forced into destitution. It took 2 months before his Job Seekers Allowance began, and six months before his Child Benefit and tax credits were granted. **J** was told that he could not receive Child Benefits until he had his National Insurance number, but also that it would take several months for him to receive his National Insurance number. By the time he received the delayed Child Tax Credits, it amounted to £2,300.

During this period of destitution, **J** received support from NICRAS in the form of food bags and £15 from the emergency fund every week. He had found out about NICRAS from a friend when he first arrived in Northern Ireland, and visited it in his first week here. He was dependent on their support for the six months in which he was destitute. He also received some financial support from the Red Cross and a

local church. But because of the family's severe state of destitution, **J** also had to borrow money from friends, totalling around £1000.

J and his family found this period of destitution very hard. Due to a lack of money he was unable to socialise with friends or engage in society. The whole family suffered emotionally, and **J**'s wife had mental health problems at this time. The situation of destitution and hardship created problems in their marriage, and they considered getting divorced. Their relationship improved after their entitled support started and some of the stress of their circumstances was reduced.

During the period of destitution, **J** said that he was very grateful for the help NICRAS gave him, as he was dependent on their support. He said that NICRAS had helped him with everything he needed since he first arrived in Belfast, and that it is important that NICRAS spreads the word about their services, in order to reach many vulnerable refugees and asylum seekers who do not know about NICRAS support.

Total time destitute: 6 months.

CASE STUDY: L (Special case)

L is from Somalia and came to Belfast in 2009. She claimed asylum and, after half a year, was refused. While waiting for the decision she received asylum support and lived in asylum-support accommodation. However, after her denial, asylum support stopped and **L** was made homeless. An appeal was made, but it was refused again in autumn 2010. Another appeal was made and the decision is still outstanding. Due to her refused asylum claim, **L** remains in destitution. She was able to move to a homeless hostel outside Belfast. There, she got a place to sleep and stay, as well as food. However, she did not have any cash.

Refused Asylum claim

When **L** was refused, she needed to find a place and organisation that could support her. She knew NICRAS from English classes, so when she became destitute, she also came to NICRAS to seek financial support. Alongside food and clothes, NICRAS supported her for seven weeks with £10 cash per week. The Red Cross was also supporting her with a £10 food voucher. She was also referred by NICRAS to other charity organisations, such as Storehouse.

In 2011, one year after her denial, **L**'s solicitor applied on her behalf for Section 4. She waited for four weeks before she was accepted, and from now on was eligible for Section 4 support. As with **M**'s case, this is a cashless existence, with a £5 daily allowance for food. **L** could also move in to asylum-support accommodation. **L** has lived for three years on Section 4.

In 2013, **L** gave birth to her child. **L** has complex medical needs and therefore her pregnancy was high risk. During this time any forms of additional support from asylum support were erratic, making her even more vulnerable. Finally, because of her 'Refused' status, **L** was unable to access medical care in Northern Ireland and required advice and advocacy to get any antenatal care. She regularly went long periods without healthcare.

Change from Section 4 to Section 95

Further legal action by her solicitor meant that, after four years of cashless support, **L** was eligible to apply for and was accepted for Section 95 cash support. Her voucher support immediately stopped. However, it took two months for the asylum support team to administer the first payment of £43.92 for her and her child. During that time, it was NICRAS that supported her and her child with £10 per week as well as food. Moreover, the Red Cross provided a £10 food voucher. She is now on Section 95 and is still waiting for a decision. **L** has spent nearly two years relying on the support of NICRAS, her friends and local churches and charities to help her cope with extreme poverty.

Total time destitute: nearly 2 years.

FINDINGS: DIFFERENT WAYS TO BECOME DESTITUTE

The ten case studies clearly highlight the complex needs of refugees who are forced into destitution. Home Office, JBO and HMRC practices make refugees extremely vulnerable in the transition from asylum support, as they have to negotiate a confusing range of government agencies that do not always consult with each other. As noted before, research shows this problem is common throughout the UK. In both areas of research it is clear that already traumatised individuals and families are being denied access to basic forms of support and, as a result, are suffering extreme forms of indignity.

Primarily, this study reveals the increasing complexity of cases that result in long-term food poverty and destitution among those who are legally entitled to some form of support. Destitution, homelessness and food poverty occur due to a lack of cohesive provision for help among those in the asylum system, whether they have a positive or negative decision. We feel that some of the reasons for breakdown of support are quite obvious and urge government to take action to tackle the problem. Those reasons can be:

- Conflict between the end of the asylum support grace period and the benefits start-time
- Changes to the support entitled to, e.g.:
 - Family Reunion and change in support from individual to family
 - Change of circumstances e.g. JSA to ESA and subsequent wait
- Delay of Child Support, e.g. Child Benefit, Child Tax Credit

The above-mentioned reasons can lead to destitution, which often impacts on the health and wellbeing of an individual or family, causing extreme hopelessness, fear, hunger and homelessness. In many cases, pre-existing stress, anxiety, sleepless nights, fear, depression (in some cases leading to self-harm) are exacerbated by an exclusionary support system and instability of support.²³

A number of factors contributing to this failure can be clearly identified. To apply for certain benefits, a key document required is a Biometric Residence Permit (BRP) and an end of asylum support letter (NASS35). This is problematic because there is often a delay of several weeks before these are issued, preventing the individual from applying for their benefits in sufficient time before the 28-day grace period ends.

Furthermore, while conducting this research, a lack of familiarity with Home Office and asylum support processes within the Social Security Agency in Northern Ireland became apparent. JBO staff often request unnecessary documentation, such as National Insurance Numbers (NINO), fail to offer emergency support such as interim payments and Crisis Loans, and sometimes refuse requests for such emergency support, despite the applicants entitlement to them.

Additionally, there remains no integration of Home Office processes with agencies in Northern Ireland, making the separate support systems entirely out of synch and leaving our members in destitution for extended periods.

It is very clear that destitution is a harrowing experience and, with no security, many individuals find themselves in a depressing and hopeless situation. Refugees experience higher rates of post-traumatic stress disorder (PTSD) than the general population as a result of conflict, flight and persecution.²⁴ Their life experiences, lack of familiar processes and social networks increase their vulnerability dramatically. Additionally, it must be noted that the failure to join up multiple processes in Northern Ireland (for example, Home Office decisions and Benefits advice) means that there is no bridging mechanism for people **already living in** destitution to enable them to join Northern Irish society via education or employment.

The importance of charity organisations becomes clear when statutory agencies are unable to fulfil their roles. For example, at NICRAS destitute refugees have at least one place where they feel safe and, importantly, can meet people who are in the same situation. Yet NICRAS's reduced and limited funding is unable to meet the growing demand for food and financial support. NICRAS not only supports members financially but also importantly provides an advice service, which sign posts to statutory and alternative services in line with the needs of the individual or family.

CONCLUSION

The benefits system as currently administered is unable to meet the complex needs of asylum seekers and refugees. Home Office decision making, policy changes and enforcement capability exist in a sphere separate from those of the Northern Ireland government and can regularly undermine the support objectives of local agencies. Every person in our study group who was granted refugee status was eligible to receive benefits and support, but at various points found themselves homeless and destitute. It needs to be emphasized that refugees are transitioning out of an asylum process where they have been living on a weekly allowance that is far, far below the basic level of mainstream benefits. They are required to live in assigned accommodation and have been isolated from Northern Ireland society through systematic regulation and social exclusion. The charitable sector has made modest inroads in helping asylum seekers and refugees feel less isolated, but it remains unable to solve complex legal, medical and social problems. The study participants stated the emotional impact of their situations clearly. There is an increase in mental health problems like stress, increase of flashbacks, sleep-disorder and more. According to the Joseph Rowntree report the impact of destitution in Northern Ireland is more extensive than expected.²⁵ Adults in families living in destitution, needless to

²³ For illustration of such experiences we refer you to "Poverty and Ethnicity in Northern Ireland" a study issued by The Joseph Rowntree Foundation, including testimony by Asylum Seekers/Refugees from the Horn of Africa.

²⁴ Fazel, M., Wheeler, J. and Danesh, J., (2005) 'Prevalence of serious mental disorder in 7000 refugees resettled in western countries: a systematic review', *Lancet*, 9: 15.

²⁵ Joseph Rowntree Foundation (2013): Poverty and Ethnicity in Northern Ireland, An Evidence Review

say, give priority to the well being of their children. However, in some cases there is no money at all, creating food poverty and hunger. There is also no money for transport, which prevents some parents participating in their children's education. Hence, destitution also has an impact on the education of children. The long-term impact on the health and education of people living in destitution needs to be emphasized.²⁶

As the Red Cross report "Move on Period" shows, the managing of the different documents and cooperation between the Home Office and local agencies is a major problem throughout the country.²⁷ We must question why crisis loans or interim payments were not proactively offered by the Jobs and Benefits Office, and why, when requested, were refused in a number of these cases. We again note that policy guidelines should be joined up with the asylum support system in order to better facilitate or 'bridge' these types of situations.

An increasing number of destitute people have relied on NICRAS for a number of years. The amount we need to spend on supporting those destitute clients is increasing, and this, combined with the loss of funding from the Vicar's Relief Fund, has diverted resources from our core work in education, integration and cross-community development. This is despite the fact that this destitution is in no way 'inevitable', and refugees are entitled to support.

²⁶ LCNI, NICRAS, HAPAN, Barnardos, (2012), 'Inquiry response: Inquiry into asylum support for children and young people'.

²⁷ *The Move On Period: An Ordeal for New Refugees*, British Red Cross, Policy Unit, 2014.

RECOMMENDATIONS

NICRAS recommends the following measures:

- A review and change of the whole system for the transition from asylum support to the support due to refugees. The current system has failed to work for a long time and a change is essential.
- Asylum support should be continued until the first payments of the individuals new support has been received, to prevent people being forced into destitution by administrative delay. Until this can be achieved, interim payments should have an immediate start and be actively offered by the Jobs and Benefits Office.
- Social Security Agency staff should proactively offer support such as interim payments and Crisis Loans to prevent destitution, and be aware of the entitlement of refugees to this support.
- Similarly, when changing benefits, for example between Job-seekers Allowance and Employment and Support Allowance, either payments of the previous benefit should not stop until the new one has been received or there should be interim payments to bridge this gap.
- Jobs and Benefits Office staff should process all claims for welfare support when the end of asylum support letter (NASS35) is issued, regardless of whether the person has received their National Insurance number yet.
- There needs to be a more flexible approach towards the need for original documentation such as birth certificates, taking into account the refugee's experience, the difficulties that they often face in obtaining these documents, and the fact that these documents may not exist through no fault of the individual.
- Training should be provided to the Social Security Agency staff, including staff at the Jobs and Benefits Offices, to ensure that they are aware of the rights of refugees and the support they are entitled to.
- There should be a member of staff in such offices with expertise in refugee and asylum issues, who can be applied to by their colleagues for advice and help when handling such cases.
- A monitoring system should be put in place to highlight when people, and especially more vulnerable people like refugees, are not receiving support, and to ensure that the system works appropriately, preventing forced destitution.

Until such changes and safeguards can be established to ensure that no one is forced into destitution, there should also be recognition of the important support that

charities like NICRAS provide to those forced into destitution, with governmental emergency funding given to enable that support to continue.

However, it needs to be recognised that the failures of the current system are also symptomatic of greater problems within the asylum system in the UK. The UK government should provide adequate support- both financial support and in access to services- to meet their statutory obligations. Furthermore, the restrictions denying asylum seekers the right to work contribute to the problem by also denying them any opportunity to make financial provision for unexpected problems. By forcing asylum seekers to live on support levels wholly inadequate for day-to-day living, and preventing them from working, it is impossible for them to build up any savings whatsoever. This means that when an asylum seeker or newly recognised refugee finds himself or herself with no support, they have no resources to fall back on and are immediately plunged into destitution. There also needs to be a change in culture in the asylum system and civil service, to one that does not automatically regard asylum seekers and refugees with suspicion, but instead looks to the dignity and wellbeing of the individual.

These issues, especially the right to work, are ones over which the services in Northern Ireland have comparatively small influence, being the preserve of the Home Office. However, it is notable that there are other things that could be done in Northern Ireland. Examples from Scotland have shown that it is possible to manoeuvre around the Home Office's policies to improve the situation of asylum seekers and refugees, and uphold their wellbeing and dignity. The 2014-17 strategy paper 'New Scots: Integrating Refugees into Scotland's Communities' details several key priorities and actions taken to these ends. For example, a working group was established to 'address 'move-on' issues faced by new refugees, including how they move from asylum support to mainstream provision' to ensure benefits are in place when asylum support ends.²⁸ Similarly, a working group was established and an action plan devised to ensure that 'New refugees are supported to move from asylum accommodation to a more permanent home during the 28-day period... and are not left without somewhere to live.'²⁹ The paper also notes that the right to work for people seeking asylum is an 'overriding priority in facilitating the effective integration of refugees' and that not being allowed to work was a serious contributing factor to destitution and isolation among asylum seekers and new refugees.³⁰ The Scottish Government has previously made a strong statement of its belief that asylum seekers should have the right to work, in a 2007 Cabinet Memo.³¹

The government and services in Northern Ireland should be looking at how they too can improve the situation of asylum seekers and refugees. They should also make a strong commitment to the right to work for asylum seekers, and join the Scottish Government in making it clear to the Home Office that asylum seekers should have this right reinstated. But aside from the positive actions that the Northern Irish government and services can take, at the very least no one should be forced into

destitution due to administrative error. It is essential that measures now be taken to prevent the continuing occurrence of destitution in Northern Ireland.

²⁸ The Scottish Government, (2013), 'New Scots: Integrating Refugees into Scotland's Communities', Edinburgh: The Scottish Government p. 39. See also The Scottish Government, (2015), 'New Scots: Integrating Refugees into Scotland's Communities. Year One: Implementation Progress Report', Edinburgh: The Scottish Government.

²⁹ Ibid. P. 50.

³⁰ Ibid. P. 38.

³¹ Ibid. P. 25



ANNEX 1: QUESTIONNAIRE

Destitution

Destitution is a way of life for a lot of asylum seekers and refugees in Northern Ireland. Some people reach the end of the asylum process and are unable to return home, but a significant number also become destitute due to administrative errors and failings within the system. (The British Red Cross, 2013)

The purpose of this survey is to find out where the lack is in the support system for refugees and asylum seekers. Furthermore, it aims to document the various examples of different people and their situation while living in destitution or forced into destitution. It is necessary to find out why they came into destitution, what kind of emergency support they got during that time, what their needs have been and how long it took until they got permanent support again. The results should highlight the gaps within the social benefit system that refugees are facing.

Personal details

Date of birth:			
Gender (female/male):			
Country of origin:			
Single	married	engaged	divorced
Family in NI:			
Religion:			
Immigration status:			

a) Support process while seeking asylum

When did you claim asylum?
How long did it take until you got an initial decision?
What kind of support did you get during that time of waiting?
Do you get Asylum Support with/without accommodation? Any other support?

If the decision as refugee was not granted, did you submit further submissions? During that time, did you still receive Asylum Support or any other support? If yes, what kind of support? If no, what did you do?

b) Living in destitution

When you became a refugee, what kind of support did you get afterwards? Was there a period of time where Asylum Support stopped paying you and you had no other support yet, so you were forced to live in destitution?
Did you do family reunion? If yes, which organisation helped you? How did it go? Did you face any problems or issues with benefits and support while or after the family reunion?
During the time in destitution, what did you do?
Did you get any support from friends, other charities, or support organisations?
Where did you live? How did you handle with food, clothes and other needs?
Did you have health problems during this time? If yes, what did you do and where did you go to get help?
How long did it take until you got support again?
Who helped you with the applications?

c) NICRAS

When did you come first to NICRAS?
Where did you hear from NICRAS? Friends, other communities, relatives? Are you a member of NICRAS?
What was the reason for you to come to NICRAS?
What kind of help did you get there?
Was it useful for you? Was it enough?
For how long were you depending on their support?

Are there any recommendations for the work of NICRAS? Any complains or general comments?
In general, is there anything you would like to add or comment?

d) Emotional Impact of Destitution

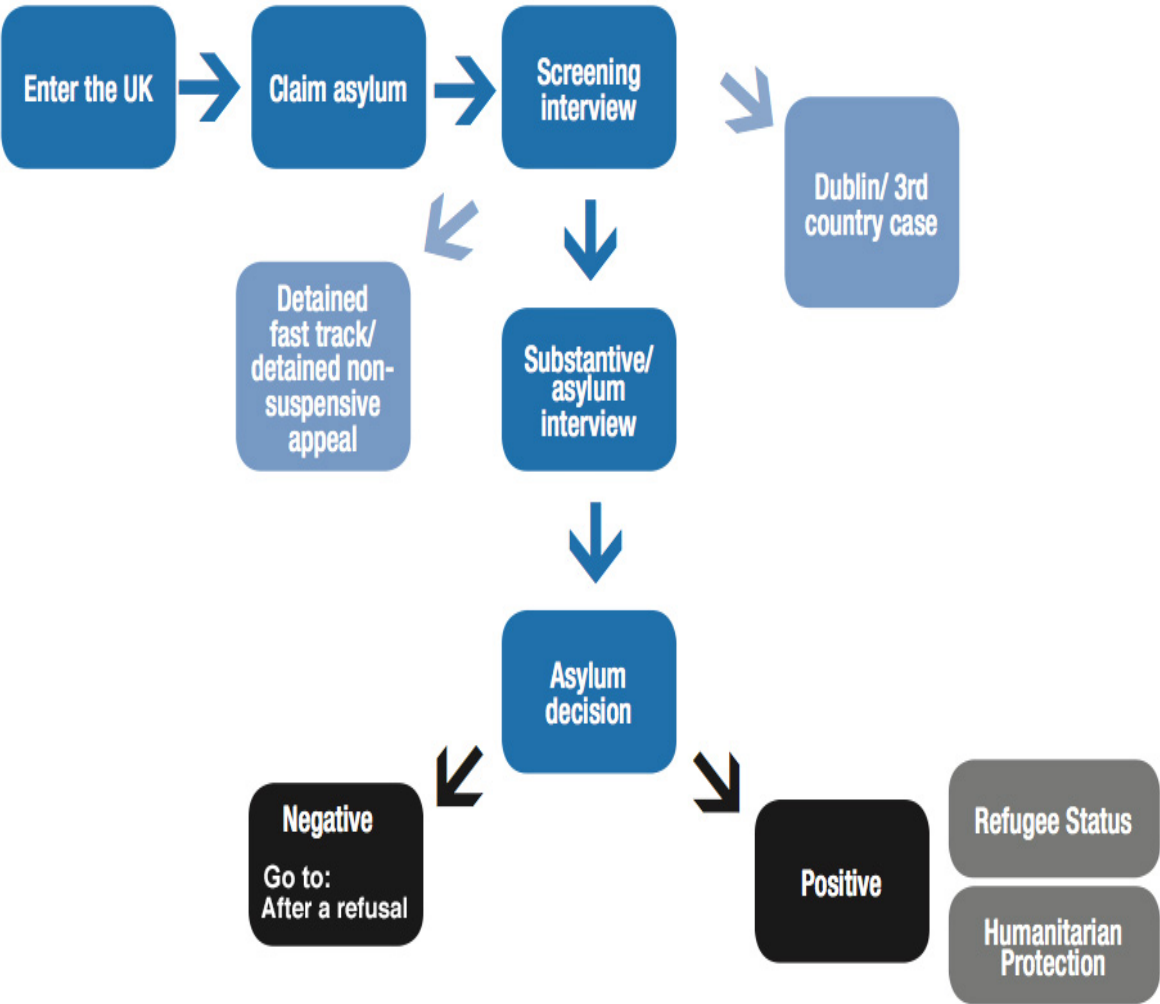
How did you feel during the time in destitution?
What did you do to feel better or what made you feel better?
Did you have any emotional support during that time?
Did you have any health problems caused by the situation?

ANNEX 2: UNDERSTANDING PROCESSES

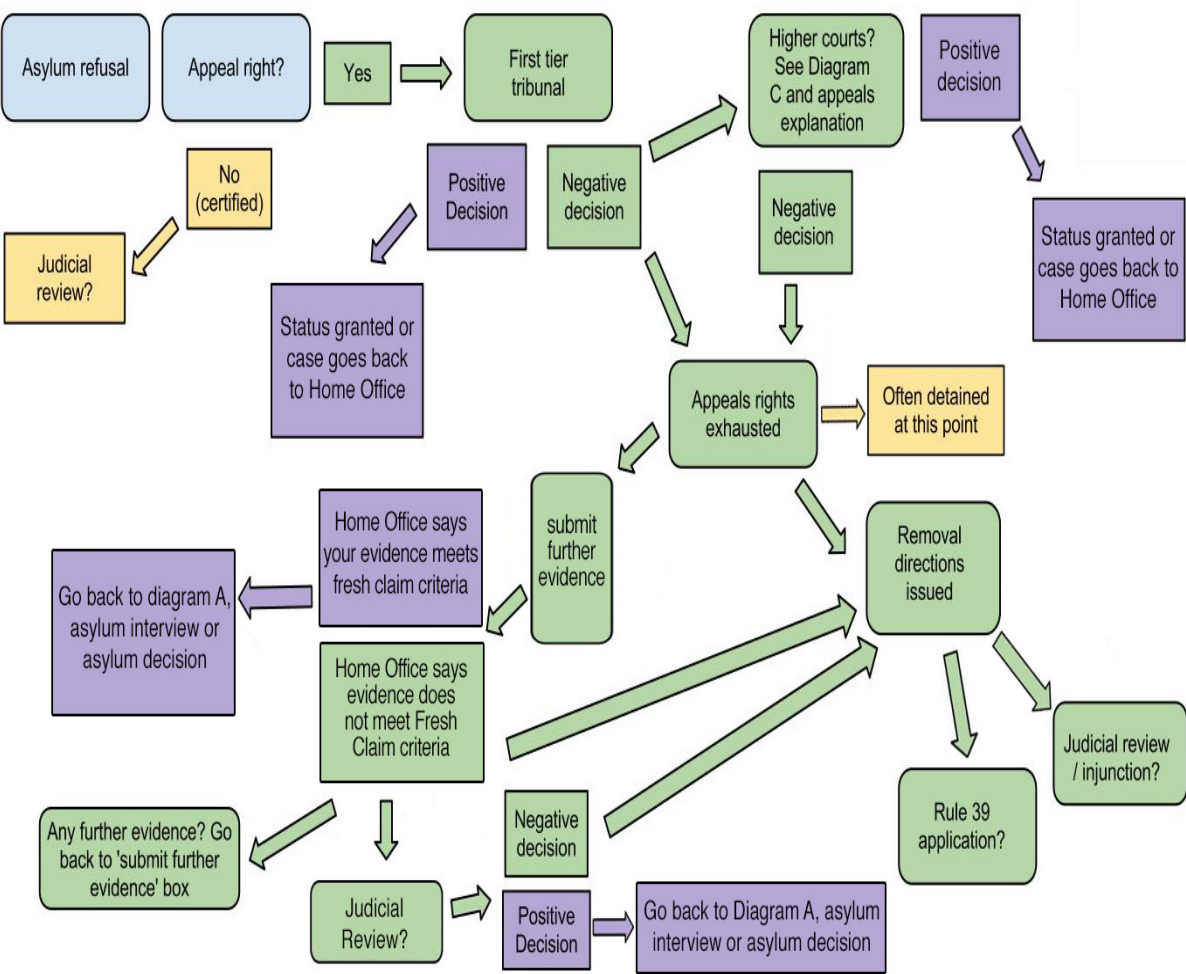
To facilitate understanding of Home Office processes and regulations we have provided two charts from the Right to Remain *Campaigning Toolkit*:

- A) To explain the process of seeking asylum
- B) The legal process for appealing against a refused claim³²

A) The process of seeking asylum.



B) The legal process of repealing refused asylum



Each of the processes represents extended periods of time in which members are forbidden from taking employment, but also required to live under Home Office regulation and monitoring. Financial support levels are listed below in Annex 3: Terms of Reference.

³² *Campaigning Toolkit: An aid to understanding the asylum and immigration system in the UK, and to campaigning for the right to remain*, Right to Remain, National Coalition of Anti-Deportation Campaigns, p. 52, 74-5.

ANNEX 3: CHARITABLE SUPPORT

Asylum seekers and Refugees are supported by many organisations in the charitable sector in Northern Ireland. Those listed below are experienced in and supportive of the complex needs of destitute asylum seekers and refugees.

British Red Cross:

- The Red Cross supports refugees in a wide variety of ways, including emergency provision to those facing severe hardship and orientation support and advice.
- Based in NICRAS and accessible three days per week.
- The Red Cross provides short-term emergency support for people living in destitution and also expert advice on accessing whatever limited resources are available to them.
- They are supported under a strict criteria for emergency provision from the destitution fund, e.g. refused asylum seekers with no access to public funds at all, people with recently granted status, but who experience delays or bureaucratic problems in accessing mainstream support or even irregular migrants or migrants with a “no recourse to public funds” because of human trafficking, victims of domestic violence or pre-asylum applicants.
- The Red Cross can support with £10 cash weekly or a £10 voucher per week.
- The Red Cross also helps with family reunion applications.

Embrace:

Embrace is a voluntary group of Christians from all the main denominations in Northern Ireland. Their work includes:

- Distributing information, advice and sign posting.
- Translating church notices
- Running workshop events for church people
- Emergency fund: EMBRACE distributes money to various organisations to meet a range of needs, where there is no recourse to public funds to meet such needs.
- Provides practical assistance to mitigate migrant destitution, through donation of items such as clothing, bedding, toiletries and non-perishable foodstuffs.³³

Salvation Army:

- Run a hostel for homeless and destitute people.
- Provide one-off donations, such as toys for children of refugees and asylum seekers during the Christmas period.

Simon Community:

- Provide hostel accommodation for homeless
- Training

SOS Bus:

- Provide care, support and medical attention to anyone vulnerable and in crisis on the streets of Belfast
- Provide food parcels and toiletries for NICRAS to distribute as part of their Food Programme.

Storehouse:

- Provide food parcels and household goods to NICRAS members, on a referral basis

St Vincent De Paul:

- Emergency support: Can provide financial support to destitute asylum seekers. Have emergency funds accessible to NICRAS members.
- Can provide furniture and household items for new refugees.
- Provide a visiting service, support and community outreach.

³³ Margaret McNulty, *Embracing Diversity: Information Update 2014*, Embrace NI, 2014, pp. vii, 164.

ANNEX 4: GLOSSARY OF TERMS

Below please find our most up to date terms of reference for the processes referred to in charts A and B.

Appeal

An appeal, in the context of an asylum and immigration case, is a challenge to a court, about a decision made by the Home Office or a lower court. In an appeal, you (or your lawyer) explain why you think the decision is wrong. This may be by providing evidence, using legal arguments, or explaining how procedure has been wrongly followed or how what you said or wrote has been misunderstood. The Home Office may also appeal a decision, for example if you are successful in an appeal.

Appeal rights exhausted

If you are 'appeal rights exhausted', you have few or no legal options left in your case. The Home Office usually send you a letter to inform you that you are 'appeal rights exhausted' after your application has been refused and you have unsuccessfully tried to appeal this decision in the First-tier Tribunal. There may still be legal options for pursuing your application, however (aside from submitting new evidence to be considered as a fresh claim): the Upper-tier Tribunal; a judicial review; or other higher courts. Most cases do not succeed in reaching these higher courts so 'appeal rights exhausted' is taken to mean the common legal routes have been tried and have been refused. The Home Office will view you as having no right to stay in the UK at this point, will encourage you to leave the country, and are likely to detain you and issue removal directions.

Asylum support

If you are a destitute asylum seeker, you may be able to receive accommodation and/or subsistence (financial) support from the Home Office. It is sometimes referred to as 'asylum support' because the Asylum Support Service runs it. If your asylum claim has been refused and you have no on going appeal, you may be able to apply for Section 4 support (see below). If you have additional care needs (due to serious illness or disability), you may also be able to get support from the local government authority (social services/housing services).

Asylum seekers in general do not have the right to work. If you have been waiting for more than a year for a decision on your claim, you may be entitled to a work permit, but the government has made the categories of permitted work very restrictive. Asylum seekers are not entitled to mainstream benefits, unless they have additional care needs or are a young person looked after by social services.

Asylum Support Levels

Asylum Seekers in Northern Ireland spend weeks, months and often years at a time living with allowances significantly lower than the mainstream benefits system. The

allowances were significantly reduced in August, 2015. Currently, each individual in a household receives £36.95 per week.³⁴

If you are pregnant or have children under three, you can receive extra money to help buy healthy food. A baby under the age of 12 months receives an extra £5 a week. Pregnant women and children aged between one and three years receive an extra £3 a week.

If you are pregnant, you may also be able to receive a £300 maternity payment, if you meet certain requirements. This money is to help you with the costs of having the baby. You can receive it only once. You must apply for the maternity payment very close to the time when the baby is born. This must be 8 weeks (or less) before the baby is due to be born, or within 6 weeks after the birth.

Destitution

Destitution is a situation of extreme poverty, where the individual lacks even the means of subsistence and the ability to provide for themselves. Destitute refugees and asylum seekers are those without an income (not allowed to work and/or no access to financial support), and are often homeless. Services like medical care and education are available, but accessing them can be very difficult if you are destitute, as both the destitute individual and the service providers may not be aware of their right to do so.

Discretionary Leave (DL)

A time-limited form of leave to remain in the UK that was introduced in 2003, granted outside of the immigration rules. It was initially used to grant leave for situations where removal of an individual would breach UK obligations under Article 8 of the European Convention of Human Rights (ECHR). The government has recently restricted the circumstances in which DL can be granted. It only applies to those 'who provide evidence of exceptional compassionate circumstances or there are other compelling reasons to grant leave on a discretionary basis.'³⁵ Successful human rights claims based on Article 8 often used to result in the granting of DL, but the Home Office states that successful Article 8 claims would result in leave currently covered by the Immigration Rules.

The Home Office guidance outlines medical cases, exceptional circumstances, and trafficking cases where DL may be granted. There is also reference to ECHR cases "where return would result in a flagrant denial of the right in question in the person's country of origin".

Those people currently granted DL — and the number will be very small — have access to public funds and are entitled to work.

Family Reunion

³⁴ <https://www.gov.uk/asylum-support/what-youll-get>

³⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/460712/Discretionary_Leave_2_v7_0.pdf

For people granted protection a natural priority is to get family members still in the country of origin to safety. The UK government Family Reunion process has the following guidelines:

Your partner or child can apply to join or stay with you in the UK if:

- You were separated when you were forced to leave your country
- You have been given asylum or 5 years' humanitarian protection but don't yet have British citizenship

Your partner or child can't apply if:

- You haven't received a decision on your asylum application
- You are under 18

If their application is successful, your family members will be allowed to come to or stay in the UK with the same permission ('leave') as you.³⁶

Failed asylum seeker

This term is used to describe a person whose asylum claim has been refused. Because of its negative connotations — and the fact it is so often the system that has failed not the asylum seeker — many people prefer to use the term refused asylum seeker instead.

Fresh claim

A fresh claim is when further evidence submitted — after an asylum or human rights claim has been refused and any appeals lost — is decided to meet Rule 353 of the Immigration Rules. The rule states that the submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered.

Further submissions

Further submissions can be given to the Home Office at any point after an asylum claim or human rights application is refused, but a fresh claim is only when you are 'appeal rights exhausted'. You may hear further submissions referred to as 'further representations' or 'further evidence'.

Humanitarian protection

This type of protection comes from the Qualification Directive, which is the interpretation of the Refugee Convention in European Law. The relationship between the Refugee Convention, the Qualification Directive, and the European Convention on Human Rights is complicated. Broadly speaking, humanitarian protection may be granted when there is a risk of unlawful killing, some uses of the death penalty, breaches of Article 3 and when there is a 'serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.'

Indefinite leave to remain (ILR)

³⁶ <https://www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion>

ILR is leave to remain without any time limit, and is a form of settled status. It can be granted at the later stages of various immigration applications, such as family migration visas. ILR used to be granted if an asylum claim was recognised, but this has now been replaced by 5-year refugee status (after which you can apply for ILR). There is a route to British citizenship after the granting of ILR.

Leave to remain

Legal permission to stay in the UK, either through a time-limited visa such as a visit visa, student visa or spouse visa, or with a settled status such as Indefinite Leave to Remain. Leave to remain may also be described as having 'papers', or 'status'. People without leave to remain in the UK can be described as 'undocumented' or 'irregular'. People without leave to remain should never be described as 'illegal', as this is both inaccurate and harmful language.

Refugee

The word refugee has several meanings in international contexts, and in popular usage. In legal terminology in the UK, a refugee is someone whose asylum claim has been recognised under the Refugee Convention and who has been granted status (leave to remain).

Refugee Convention

The 1951 Convention Relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states. The Refugee Convention defines a refugee as someone *'who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.'*³⁷

The UK is signatory to the Refugee Convention, which is translated into European law through the Qualification Directive

Removal Directions

The legal document issued by the Home Office to tell you the date, time, and flight number of an enforced removal. Note — the Immigration Act 2014 creates a new power to remove meaning that a person with no leave to remain in the UK, who is required to have it, may simply be removed from the UK with no further notice or legal step being required.

Renewal

If you are applying for permission to appeal or for judicial review, and permission is refused on the papers — you do not go to court but a judge looks at your documents

³⁷ Convention and Protocol relating to the Status of Refugees, UNHCR, 2010
<http://www.unhcr.org/3b66c2aa10.html>

and makes a decision — you may be able to apply to 'renew' the decision. This means you are asking the court to reconsider their decision — in an oral hearing rather than on the papers — to not grant you permission for a judicial review/appeal of your case.

Rule 39

A Rule 39 application is an attempt to get the European Court of Human Rights (ECtHR) to make a binding interim measure on your case – this means a temporary measure before a long-term decision is made. One of the interim measures the Court can put in place is the suspension of removal directions.

Screening Interview

This is the initial interview you will have after claiming asylum. In this interview, the Home Office takes your personal details and information about your journey to the UK, and checks if you have claimed asylum in the UK or Europe before.

Section 4 Support

Accommodation and financial (non-cash) support available for some refused asylum seekers. It is called Section 4 because it is given under the terms of section 4 of the Immigration and Asylum Act 1999.

BIBLIOGRAPHY

Amnesty International, (2006) 'Down and Out in London: The Road to Destitution for Rejected Asylum Seekers'. London: Amnesty International UK.

Carnet, P., Blanchard, C., Ellis, J. (2014) 'The Azure Payment Card: The Humanitarian Cost of A Cashless System'. London: Research, Policy and Advocacy Unit, British Red Cross.

Carnett, P., Blanchard, C., Apollonio F. (2014) 'The Move On Period: An Ordeal for New Refugees'. London: Research, Policy and Advocacy Unit, British Red Cross.

Convention and Protocol relating to the Status of Refugees, (2010). Geneva: UNHCR. [Online]. [Accessed 01 December 2015]. Available at: <http://www.unhcr.org/3b66c2aa10.html>.

Crawley, H., Hemmings, J., and Price, N. (2011) 'Coping with Destitution: Survival and Livelihood Strategies of Refused Asylum Seekers Living in the UK'. *Oxfam Research Report*. Swansea: Swansea University.

Doyle, L. (2014) '28 Days Later: Experiences of New Refugees in the UK'. Stratford: British Refugee Council.

Fazel, M., Wheeler, J. and Danesh, J., (2005) 'Prevalence of serious mental disorder in 7000 refugees resettled in western countries: a systematic review', *Lancet*, 9: 15.

Fishwick, M. (2011) 'No Credibility: UKBA Decision Making and Section 4 Support: Why 80% of destitution refusals are overturned on appeal'. London: Asylum Support Appeals Project.

GOV.UK. (2015). *Apply for your first adult passport*. [Online]. [Accessed 01 December 2015]. Available from: <https://www.gov.uk/apply-first-adult-passport/overview>

GOV.UK. (2015). *Asylum support: What you'll get*. [Online]. [Accessed 01 December 2015]. Available at: <https://www.gov.uk/asylum-support/what-youll-get>.

GOV.UK. (2015). *Settlement: refugee or humanitarian protection: Family reunion*. [Online]. [Accessed 01 December 2015]. Available at: <https://www.gov.uk/settlement-refugee-or-humanitarian-protection/family-reunion>.

Grant, S. and Peel, C. (2015) "No Passport Equals No Home": An Independent Evaluation of the "Right to Rent" Scheme'. London: Joint Council for the Welfare of Immigrants.

Immigration Bill 2015, (HC Bill 74, 2015-16). London: The Stationary Office.

Law Centre (NI) (2014) *Refugee Transition: A guide for people who have just received refugee status and for their advisors*. Belfast: Belfast City Council.

Law Centre (NI), NICRAS, HAPAN, Barnardos, (2012), 'Inquiry response: Inquiry into asylum support for children and young people'.

Margaret McNulty (2014) *Embracing Diversity: Information Update 2014*. Belfast: Embrace NI.

Northern Ireland Strategic Migration Partnership (2015), 'Consultation response: Reforming Support for Failed Asylum Seekers and other illegal migrants',

Right to Remain (2013) *Campaigning Toolkit: An aid to understanding the asylum and immigration system in the UK, and to campaigning for the right to remain*, London: Right to Remain, National Coalition of Anti-Deportation Campaigns.

The Asylum Support Regulations 2000, SI 2000/704. London: The Stationary Office.

The Scottish Government, (2013), 'New Scots: Integrating Refugees into Scotland's Communities', Edinburgh: The Scottish Government.

The Scottish Government, (2015), 'New Scots: Integrating Refugees into Scotland's Communities. Year One: Implementation Progress Report', Edinburgh: The Scottish Government.

UK Visas and Immigration (2015) 'Ceasing Asylum Support Instruction'. London.

Wallace, A., McAreavey, R., Atkin, K. (2013) 'Poverty and Ethnicity in Northern Ireland: An Evidence Review'. York: The Joseph Rowntree Foundation.

Wickham, S. and Roussanov, R. (2013) 'UKBA Decision Making Audit: One Year On, Still "No Credibility"'. London: Asylum Support Appeals Project.

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