



Report of the Northern Ireland Community of Refugees and Asylum Seekers (NICRAS)- March 2017

# Living in Limbo:

## The Life of Refused Asylum Seekers



# Table of Contents

## Acknowledgments

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Acknowledgements .....	3
<b>Foreword</b> .....	4
<b>Foreword</b> .....	5
<b>Foreword</b> .....	6
<b>Executive Summary</b> .....	8
<b>Chapter 1: Introduction</b> .....	12
<b>Chapter 2: What is Destitution?</b> .....	13
The Reasons for Destitution .....	14
The Effects of Destitution .....	16
<b>Chapter 3: Current Refused Asylum Seeker Support</b> .....	18
The Support Provided While Awaiting an Asylum Decision .....	18
What Happens When an Asylum Claim is Refused? .....	18
Why Can't Refused Asylum Seekers Return to Their Home Country? .....	19
Section 4 Support .....	20
Overriding Problems With the Current System .....	21
Reform – The Immigration Act 2016 .....	22
<b>Chapter 4: NICRAS' Survey Methodology</b> .....	24
<b>Chapter 5: Survey Findings</b> .....	25
The Length of Time in the Asylum Process .....	25
The Destitution Amongst Refused Asylum Seekers .....	26
Seeking Assistance From Social Services and Charities .....	29
How Refused Asylum Seekers are being Effected Physically and Mentally .....	30
<b>Chapter 6: The United Kingdom's Human Rights Obligations</b> .....	33
Economic, Social and Cultural Rights .....	34
Civil and Political Rights .....	36
<b>Chapter 7: What Can Be Done?</b> .....	38
The Northern Ireland Executive .....	38
The United Kingdom Government .....	41
How Has NICRAS Been Helping Refused Asylum Seekers? .....	42
NICRAS' Recommendations .....	43
<b>Chapter 8: Conclusion</b> .....	45
Annex A: The Survey Questionnaire .....	46
Annex B: The Full Survey Findings .....	50
Bibliography .....	53

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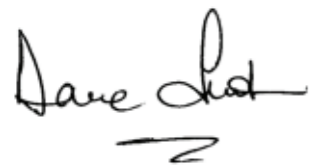
This report represents an important step towards greater understanding, both of the plight of those facing destitution, and the urgent need for reform. It also provides a much-needed platform for those who have directly endured this inhumane government policy to be heard.

Since 2015, we have seen a rise in public support across the UK for those seeking sanctuary, which is warmly welcomed. Yet we have also seen the Westminster government continue to take significant steps to make the lives of those applying for asylum in the UK arduous, complicated and stressful. Some of the most difficult changes are yet to come, through the implementation of the 2016 Immigration Act (the regulations of which are due to be announced around the time of this report's publication). In light of these expected changes, many NACCOM Members are preparing for a continued rise in the numbers facing destitution.

Destitution, as this report demonstrates, causes immediate and lasting damage to people's lives, and accommodation is amongst the most critical of needs. It is well known that rough sleeping has a major impact on people's health and wellbeing whilst inevitably hampering efforts to progress asylum claims or pursue other options. Staying with other people can also carry risks and difficulties for all involved, yet as this report highlights, there are a significant lack of other options for those facing destitution in Northern Ireland at the moment.

We commend the efforts that NICRAS are making to support those who face such impossible choices. Anyone working in the sector will testify how housing and supporting people with no recourse to public funds requires a great deal of creativity and compassion. It is to the credit of all involved at NICRAS that so many people have been supported, often over long periods, in such practical ways.

Yet it is clear that more needs to be done politically as well as practically to bring about lasting change that will enable people to not just survive but thrive in the communities within which they settle. We support the recommendations of this report and will work with NICRAS and others across the UK to push for their implementation wherever possible.



## Colin Harvey

*Professor of Human Rights Law  
Queen's University Belfast*

This is a timely and welcome report from NICRAS on the plight of refused asylum seekers in Northern Ireland. The authors are to be commended for this substantial contribution to the debate, and for providing clear recommendations on ways forward.

The UK Government is promoting policies of destitution by design that challenge the very idea that social and economic rights apply to everyone. It is one part of a broader attack on the concept and practice of human rights. This report demonstrates the urgent need for a new conversation in Northern Ireland about the human rights of everyone here. Are we really content to go along with an increasingly repressive approach led from Westminster?

This work contains many excellent recommendations and I hope that this impressive report will get the response it deserves.

## Justin Kouame

*Chairperson, Northern Ireland Community of Refugees and Asylum Seekers*

This report highlights the everyday difficulties that refused asylum seekers face in Northern Ireland.

One of my main hopes for this report is that it spreads awareness of what day-to-day life is really like for refused asylum seekers. This is a group of people who are especially prone to stereotyping and misrepresentation and, in such coverage, one thing is always notably absent: their own voices. This report therefore sought to give refused asylum seekers an opportunity to tell their stories and to voice their opinions on the way they are treated.

As the only organisation in Northern Ireland that belongs to and is led by refugees and asylum seekers, we have a particular appreciation of how the lives of our members are dictated by the actions of the United Kingdom Government and the inaction of the Northern Ireland Executive. As this report details the level of discrimination, injustice and inequality that refused asylum seekers encounter in Northern Ireland, it is my sincere wish that greater steps are taken to uphold the human rights of each of these individuals.

I would like to thank Rachel Hanna and Stephen Browne, who both volunteered their time to research and write this report. My thanks also go to NICRAS' Board of Trustees for the support they gave during the completion of this report and to our staff and volunteers whose assistance with this, and indeed all of NICRAS' work, is always hugely appreciated. I would also like to thank Colin Harvey, Professor of Law at Queen's University Belfast, Les Allamby, the Chief Commissioner of the Northern Ireland Human Rights Commission and Dr Paul Hainsworth, formerly of Ulster University's School of Criminology, Politics and Social Policy, for the assistance they gave during the final stages of this report. As in previous reports, I wish to highlight the kindness and generosity of people in Northern Ireland who offer a lifeline to the members of NICRAS who battle fear and destitution.

Most important, however, are those who agreed to participate in this survey. To be willing to give up their time and to share deeply personal information is a true credit to them. I can only offer my sincerest gratitude, for without the valuable insights that they gave, this report would not have been possible.

One of the main aims of NICRAS has always been for the humanity of each refugee and asylum seeker to be recognised and appreciated by 'those in charge' and by wider society alike. This is especially true of refused asylum seekers – a group that is so heavily defined by the status that has been given to them.

I recognise the numbers in this report are small but I call on each person who reads this report to recognise the human being behind every statistic and testimony within this report. For if this report can result in refused asylum seekers being treated with greater compassion, then it will have been especially worthwhile.



# Executive Summary

## Introduction

This report examines the level of destitution among refused asylum seekers in Northern Ireland. Through NICRAS' advice and support work, its staff and volunteers are acutely aware of the pressure that many refused asylum seekers face. In order to better address these issues, NICRAS felt that it was important to gain an understanding of the concerns that refused asylum seekers commonly share. What emerged was a high rate of homelessness amongst refused asylum seekers and the experience of living conditions that have an adverse affect on health.

## NICRAS' Survey

In the final months of 2015 NICRAS conducted a survey among 29 refused asylum seekers living in Northern Ireland. A questionnaire was designed (see Annex A) with the aim of obtaining both numerical data and the written personal testimonies of those surveyed.

## Findings: Heightened Destitution That Negatively Affects Health

What became clear is the difficulties that refused asylum seekers are likely to face in securing accommodation, financial support and basic essentials including food and clothing.

Of the 29 refused asylum seekers surveyed:

- 24% have endured a period of up to 6 months homeless, while 21% have been homeless for over 24 months.
- 39% were destitute at the time of being surveyed, as they were either sleeping on the streets or having to live with friends.
- Only 33% of the respondents who were eligible for support from social services, actually approached social services for assistance.
- 79% stated that their health has been affected by the circumstances they have been put in.
- 63% of the respondents had spent over 24 months in the asylum process – signalling the heavy backlog and inefficiencies within the United Kingdom's asylum system.

## The Law

Once individuals have had their asylum application refused they cease being eligible to receive asylum support and so, within 21 days of the decision, their weekly payments stop and they have to be evicted from National Asylum Support Service (NASS) accommodation.<sup>1</sup>

<sup>1</sup> United Kingdom, Asylum Support Regulations 2000, SI 2000/704 (as amended) r 2, 2A.

However, as long as they meet the criteria, they can still receive Section 4 or Section 95 support. Unfortunately, there are four major problems with these provisions:

1. Section 95 support is only available to refused asylum seekers who have dependants under the age of 18.
2. Section 95 support can be removed if the family is not believed to be taking steps to leave the UK.<sup>2</sup>
3. Section 4 support amounts to only £35.39 a week and is administered through a cashless 'Azure' card system. This is being gradually replaced by Aspen cards throughout the course of 2017.
4. Azure cards can only be spent in certain shops and only on certain items.

## The United Kingdom's Human Rights Obligations

As the inadequacies within Section 95 and Section 4 support result in such a high rate of destitution among refused asylum seekers in the United Kingdom, particular attention has to be given to the international and regional human rights obligations that the United Kingdom government is expected to abide by. As refused asylum seekers are evicted from their accommodation and offered limited statutory support, resulting in high levels of homelessness and bad health, such treatment presents a clear breach of human rights law. This includes the right to an adequate standard of living, freedom from torture, inhuman or degrading treatment and the right to family life. The new arrangements when introduced will be even tougher for new applicants than the arrangements they are replacing.

## The Immigration Act 2016

The Immigration Act 2016 received Royal Assent on the 12<sup>th</sup> May 2016. The Act repeals Section 4 support, to replace it with a new Section 95A support. While the specific make-up of this new form of support is yet to be confirmed, the government has made it clear that it will only be available to those who are destitute and cannot leave the United Kingdom for a clear and obvious reason. The other major change is that refused asylum seekers with dependants will no longer be able to receive Section 95 support and will only have the new Section 95A support available to them instead. However, these changes have not been enacted yet and will only come into force after a Commencement Order has been made. Therefore, Section 4 support is still operative and refused asylum seekers with children are still eligible for Section 95 support.

<sup>2</sup> United Kingdom, Asylum and Immigration (Treatment of Claimants etc.) Act (2004), Sec. 9(1)(b), [http://www.legislation.gov.uk/ukpga/2004/19/pdfs/ukpga\\_20040019\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/19/pdfs/ukpga_20040019_en.pdf).

# NICRAS' Recommendations

With the findings that have emerged from NICRAS' survey, it is clear that refused asylum seekers must be treated with greater dignity and respect.

NICRAS is therefore recommending that:

## For the Northern Ireland Housing Executive;

- Refused asylum seekers should have equal access to emergency accommodation with the Housing Executive and to hostels run by publicly funded charities in Northern Ireland.
- Staff should be fully trained to understand and respond to the needs of refused asylum seekers.

## For the Health and Social Care Board;

- Staff should be fully trained to understand and respond to the needs of refused asylum seekers with dependants under the age of 18.
- Material concerning the rights of refused asylum seekers with dependants under the age of 18 should be routinely distributed among staff.
- Refused asylum seekers should be assigned case workers upon receiving negative decisions, who can put together multidisciplinary care plans that take effect immediately after they are evicted from NASS accommodation.

## For the Home Office;

- When receiving a negative decision, refused asylum seekers should also receive clear and concise information, in the applicant's primary language where possible, explaining their right to accommodation and the practicalities of obtaining it.
- The decision making in respect to Section 95 and Section 4 applications should be regularly reviewed with the aim of reducing the amount of negative decisions that are overturned on appeal.

## For the United Kingdom government;

- The new Section 95A support contained within the Immigration Act 2016 should not cut the statutory support that refused asylum seekers currently receive.
- Section 95 support should not end 21 days after a negative decision is administered, but should continue on an 'interim basis' until the Home Office has delivered its decision in respect to an individual's Section 4/Section 95A application.

- A panel should be established that can provide a mechanism for refused asylum seekers to give feedback to the relevant government departments and public bodies.
- The Executive should lobby the United Kingdom government and make it clear that it will no longer accept refused asylum seekers being forced into destitution.

## CHAPTER ONE

A person becomes a refused asylum seeker when their application to claim asylum in the United Kingdom is turned down by the Home Office. Rejecting an individual's asylum claim simply means that they cannot remain in the United Kingdom as a refugee. In such circumstances an individual only has two real options available to them, either they can appeal the decision or they can voluntarily return to their home country. If they choose to do neither of these options, the Home Office will take steps to have them removed from the United Kingdom.

Refused asylum seekers face immense uncertainty, as their continuing ability to reside in the United Kingdom is thrown into doubt. The pressure they are under is further increased by the challenges they face in securing basic needs such as food and accommodation. NICRAS' membership is made up of approximately 600 refugees and asylum seekers, representing a high proportion of Northern Ireland's refugee and asylum seeker community. NICRAS' staff and volunteers are therefore acutely aware of the difficulties that many refused asylum seekers struggle with.

In order to identify and develop a greater understanding of the issues that are shared among this group of people, NICRAS surveyed 29 refused asylum seekers living in Northern Ireland. The questionnaire covered issues such as the length of time that the respondents have spent in the asylum process, whether they have been homeless during their time in Northern Ireland and whether their living situations were affecting their health.

As this report will illustrate, the survey made key findings on the high rate of destitution and high percentage of those surveyed who were living in conditions that have had an adverse impact on their health. It is also clear that while the vast majority of the respondents were willing to approach a charity for assistance, by complete contrast, only a small minority had sought the help that they were entitled to receive from social services.

The Immigration Act 2016 contains provisions that, when fully enacted, will put further limitations on the support that is available to refused asylum seekers. However, the first-hand accounts within this report are a clear indication that many refused asylum seekers are struggling to get by as it is. The report demonstrates that the government's current policy towards refused asylum seekers breaches international human rights law. Therefore, the government has to change its approach towards this group of people, with priority being given to their human rights rather than their status as refused asylum seekers.

## CHAPTER TWO

### What is Destitution?

For refugees, asylum seekers and refused asylum seekers living in the United Kingdom, destitution is an all too common concern. A report by the British Red Cross found that the rate of destitution among asylum seekers in the United Kingdom reached record levels in 2015, as more than 9,000 asylum seekers were estimated to be living in situations that amounted to destitution during that year.<sup>3</sup> However, this figure looks set to have risen in 2016, as the British Red Cross reported a 16% increase in the amount of refugees and asylum seekers who used the charity's destitution services between January and June of that year.<sup>4</sup>

According to Section 95(3) of the Immigration and Asylum Act 1999, an individual will be considered destitute if he or she;

1. Does not have adequate accommodation or any means of obtaining it (whether or not his or her other essential living needs are met); or
2. Has adequate accommodation or the means of obtaining it, but is unable to meet his or her other essential living needs.<sup>5</sup>

Destitution is given a further, and perhaps more simple, definition in the Asylum Support Regulations 2000, as it provides that an individual will be considered destitute if he or she does not have adequate accommodation or the ability to meet essential living needs for 14 days.<sup>6</sup>

Refugees and asylum seekers are vulnerable to destitution at any time during the asylum process. A report by the House of Commons Home Affairs Committee made it clear that destitution can occur before, during and after the asylum process has been completed, stating that;

"People in all stages of the asylum system experience destitution:

<sup>3</sup> British Red Cross, Poor Health, No Wealth, No Home: A Case Study of Destitution (2016) <http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/South%20Yorkshire%20destitution%20report.pdf>.

<sup>4</sup> British Red Cross, Destitution on the Rise among Refugees and Asylum Seekers (2016) <http://www.redcross.org.uk/en/About-us/Media-centre/Press-releases/2016/July/Destitution-on-the-rise-among-refugees-and-asylum-seekers>.

<sup>5</sup> United Kingdom, Immigration and Asylum Act (1999), Section 95(3) <http://www.legislation.gov.uk/ukpga/1999/33/section/95>.

<sup>6</sup> United Kingdom, Asylum Support Regulations (2000), p. 6 [http://www.legislation.gov.uk/uksi/2000/704/pdfs/uksi\\_20000704\\_en.pdf](http://www.legislation.gov.uk/uksi/2000/704/pdfs/uksi_20000704_en.pdf).

- Those awaiting a decision if they are unable to access support;
- Those whose appeal rights are currently exhausted but fail to return to their country of origin, who lose all support and are evicted from accommodation 21 days after a final refusal; and
- Those who have been granted leave to remain and therefore have 28 days to leave accommodation, but are unable to access mainstream support because National Insurance numbers, benefits and housing applications are not processed within this time frame.”<sup>7</sup>

## The Reasons for Destitution

The support that the United Kingdom government provides to refugees and asylum seekers places them into what is often described as “enforced destitution.”<sup>8</sup> Current legislation concerning refugees and asylum seekers restricts their access to money, accommodation and employment, meaning that this group of people have to face difficulties obtaining basic essentials almost exclusively because of the government’s immigration and asylum policies.

### Those awaiting an asylum decision

If asylum seekers are at risk of destitution during the asylum process they are entitled to receive financial support from the United Kingdom government. Considering that asylum seekers cannot legally obtain employment in the United Kingdom and the asylum process will commonly take between one to two years to complete, destitution is highly likely for those who encounter delays or erroneous decisions regarding their financial support.<sup>9</sup> A report produced by the Scottish Poverty Information Unit found that 13% of the 115 destitute individuals surveyed were asylum seekers waiting for a final decision regarding their refugee status.<sup>10</sup> Of those 13%, five individuals became destitute because of administrative delays in providing the payments they were due.<sup>11</sup> Another five had to live in destitution because the United Kingdom Border Agency had delayed deciding upon their initial asylum claims.<sup>12</sup>

### Those who have been granted refugee status

A report produced by NICRAS in January 2016 entitled ‘*The Effects of Destitution on Refugees in Northern Ireland*’ focused on the destitution experienced by those who obtain

refugee status.<sup>13</sup> After conducting extensive interviews with ten refugees in Northern Ireland, the report was able to identify problems with the current legislation and practices of government bodies such as the Home Office, that directly cause destitution among refugees.

Such problems include the fact that asylum seekers are evicted from National Asylum Support Service (NASS) accommodation just 28 days after they have obtained refugee status. They are evicted even if they have not secured alternative accommodation and so, during this 28 day ‘grace period’, refugees are expected to either secure their own private housing, obtain social housing or temporary accommodation. Problems with destitution are further increased by the difficulties refugees experience when they try to obtain benefits, as they frequently encounter delays in processing their applications and the receipt of their first payments. The participants in NICRAS’ report spoke of having to wait weeks and sometimes months, for their benefits applications to be fully processed. This is problematic considering that refugees lose their entitlement to the financial support they were receiving as asylum seekers as soon as their 28 day ‘grace period’ comes to an end.

### Refused asylum seekers who fail to return to their country and do not qualify for Section 4 support

As the Home Affairs Committee identified, refused asylum seekers face an especially high risk of becoming destitute when their right to appeal has been exhausted and they are simply expected to leave the United Kingdom. For some refused asylum seekers returning to their home country is not a viable option either because of security reasons or the journey is not practically possible. As the next chapter of this report will illustrate, in such scenarios refused asylum seekers can apply for what is commonly referred to as Section 4 support, which consists of accommodation and Azure or Aspen cards with which they can spend a weekly amount on food and other essentials. However to qualify for Section 4 support, refused asylum seekers have to provide documentary evidence that proves they satisfy the criteria contained within the Immigration and Asylum Regulations 2005. This is obviously difficult for those who do not have the required documents or cannot access advice in respect to completing the necessary applications forms.<sup>14</sup> Refused asylum seekers who fail to prove that they are eligible for Section 4 support will not receive any form of financial support from the United Kingdom government and therefore live in destitution while they remain in the country.

Some refused asylum seekers choose not to apply for Section 4 support “because they are frightened of what will happen to them if they return home”.<sup>15</sup> Those in this position choose to live in destitution in the United Kingdom rather than apply for Section 4 support and begin the process of returning to a country in which they feel their lives will be in danger.

<sup>7</sup> House of Commons Home Affairs Committee, Asylum, Seventh Report of Session 2013-14 HC 71 (2013) <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>, p. 37.

<sup>8</sup> E.g., Refugee Council Briefing, The Experiences of Refugee Women in the United Kingdom (2012) [https://www.refugeecouncil.org.uk/assets/0001/5837/Briefing\\_-\\_experiences\\_of\\_refugee\\_women\\_in\\_the\\_UK.pdf](https://www.refugeecouncil.org.uk/assets/0001/5837/Briefing_-_experiences_of_refugee_women_in_the_UK.pdf), p. 3.

<sup>9</sup> Gherson Immigration, Home Office Backlog Leaves Asylum Seekers in Limbo (2014) <http://www.gherson.com/blog/home-office-backlog-leaves-asylum-seekers-in-limbo/>.

<sup>10</sup> Scottish Poverty Information Unit, Trapped: Destitution and Asylum in Scotland (2012) <http://www.rst.org.uk/wp-content/uploads/2012/11/Trapped-destitution-and-asylum-final.pdf>, p. 23.

<sup>11</sup> Ibid, p. 24.

<sup>12</sup> Ibid.

<sup>13</sup> Northern Ireland Community of Refugees and Asylum Seekers, The Effects of Destitution on Refugees in Northern Ireland (2016) <http://nacom.org.uk/wp-content/uploads/2011/08/The-Effect-of-Destitution-on-Refugees-in-NI-NICRAS.pdf>.

<sup>14</sup> British Red Cross, Not Gone But Forgotten (2010) [https://stillhumanstillhere.files.wordpress.com/2009/01/oxfam\\_coping\\_with\\_destitution.pdf](https://stillhumanstillhere.files.wordpress.com/2009/01/oxfam_coping_with_destitution.pdf), p. 9.

<sup>15</sup> Ibid.

## The Effects of Destitution

### Physical Health

As destitute refugees, asylum seekers and refused asylum seekers are forced to live below the poverty line, their physical wellbeing is put at severe risk. Even when asylum seekers are provided with the full statutory support that they are entitled too, it is still not sufficient to meet their daily needs. For example, the weekly amount that single asylum seekers receive from the United Kingdom government amounts to only £5.28 a day. This makes it extremely hard for them to maintain a steady diet, as fresh and healthy food is simply too expensive. Indeed, a report produced by the Positive Action for Refugees and Asylum Seekers (PAFRAS) concluded that “Destitution is institutionalised by the asylum system and the malnourishment that people suffer is located within this policy movement”.<sup>16</sup> The fact that many refugees and asylum seekers will also experience periods of homelessness, or be placed into accommodation with inadequate cooking facilities or hot water, means that preparing their own meals is often not an option.<sup>17</sup>

In a report by the British Red Cross, 59% of the participants who had been destitute for over a year stated that their health had got worse during this period, with problems including high blood pressure, recurring migraines that led to disrupted sleep and liver problems.<sup>18</sup> While refugees and asylum seekers have access to free healthcare in the United Kingdom, the problems that are associated with destitution, such as malnutrition and stress, can have a more pronounced effect upon an already vulnerable group of people.

### Mental Health

Living in destitution often has a serious impact on the mental health of an individual and his or her family. In *‘The Effects of Destitution on Refugees in Northern Ireland’* NICRAS’ found that stress, anxiety and depression was often reported by the interviewees, as they “clearly stated the emotional impact of their situations”.<sup>19</sup> For example, one of the participants in NICRAS’ report stated that his wife experienced mental health problems during the six months that his family lived in destitution.<sup>20</sup> The hardship that the family endured put a strain on his relationship with his wife and they considered getting a divorce.<sup>21</sup> Their relationship improved after they began to receive financial support and “some of the stress of their circumstances was reduced” when their time in destitution came to an end.

<sup>16</sup> Positive Action for Refugees and Asylum Seekers, *The Political Economy of Malnutrition* (2009) [http://www.pafaras.org.uk/wp-content/uploads/2010/09/10\\_The\\_political\\_economy\\_of\\_malnutrition.pdf](http://www.pafaras.org.uk/wp-content/uploads/2010/09/10_The_political_economy_of_malnutrition.pdf), p. 2.

<sup>17</sup> Ibid, p. 3.

<sup>18</sup> *Supra*, note 3, p. 29.

<sup>19</sup> *Supra*, note 13, p. 7.

<sup>20</sup> Ibid, p. 24.

<sup>21</sup> Ibid.

### Domestic Abuse and Exploitation

Having little financial stability and housing security, makes refugees and asylum seekers acutely vulnerable to being trapped into abusive relationships and falling victim to sexual exploitation and human trafficking. Destitution can drive both men and women into social isolation and leave them reliant on partners who take advantage of their precarious circumstances. After hearing evidence concerning domestic violence among destitute female refugees and asylum seekers, the Joint Committee on Human Rights concluded that “[w]e find it worrying that current Home Office policies leave people destitute during the asylum and immigration process and that this in itself leads to women being at a greater risk of being a victim of violence”.<sup>22</sup>

### Integration

Living in destitution also limits the ability of refugees and asylum seekers to integrate into society. In accordance with United Kingdom law, asylum seekers are prohibited from seeking employment and therefore cannot earn any money from their own enterprises. However, refugees still have difficulties finding employment as they struggle to secure accommodation, education and sufficient financial support. Having a lack of money also limits an individual’s ability to socialise or pursue any hobbies or interests. This in turn can affect an individual’s mental health for many years. Therefore, living in destitution, be it for a few months or years, can have negative consequences for the long term future of many refugees and asylum seekers.

### Increased Risk of Absconding

Refused asylum seekers who have their financial support taken away from them are at a heightened risk of going ‘underground’, as they no longer receive any form of statutory support and may choose to live with friends and family without appearing on any records. This was highlighted by the Coram Children’s Legal Centre as it stated that “[m]any parents will do anything – even expose themselves (and their children) to significant risks in the short term – in order to increase the possibility of their children being able to stay (and be ‘protected’) in the long-term”.<sup>23</sup> However, this puts them in a dangerous situation, particularly if they are vulnerable or have young children, as the authorities do not have any way of ensuring that they are living in safe conditions.

<sup>22</sup> Joint Committee on Human Rights, *Violence Against Women and Girls*, Sixth Report of Session 2014-15 HL 106 HC 594 (2015), <http://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/106/106.pdf>, p. 55.

<sup>23</sup> Coram Children’s Legal Centre, Home Office consultation ‘Reforming support for failed asylum seekers and other illegal immigrants’ response (2015) [http://www.childrenslegalcentre.com/userfiles/Home%20Office%20consultation%20on%20support%20for%20failed%20asylum%20seekers\\_FinalSep2015.pdf](http://www.childrenslegalcentre.com/userfiles/Home%20Office%20consultation%20on%20support%20for%20failed%20asylum%20seekers_FinalSep2015.pdf), p. 4.

## CHAPTER THREE

### Current Refused Asylum Seeker Support

*“This is a country of law how can people be treated like that?”*

#### The Support Provided While Awaiting an Asylum Decision

When destitute asylum seekers submit an asylum application in the United Kingdom they can then apply for what is commonly referred to as Section 95.

##### Section 95 Support

Under Section 95 support a destitute asylum seeker will receive;

1. £36.95 in cash per week.
2. National Asylum Support Service (NASS) accommodation.
3. An extra £3 per week if the applicant is pregnant, has a baby under 1 year old or a child aged between 1 and 3.
4. A one-off payment of £300 for pregnant mothers who are expecting to give birth within 8 weeks, or for those who have a baby under 6 weeks old.

#### What Happens When an Asylum Claim is Refused?

If an individual’s asylum application is turned down by the Home Office, the only two viable options available to them are to either appeal or accept the decision. If they choose to appeal the decision, they will still be entitled to receive Section 95 support, as they will continue to be asylum seekers. However, if they decide not to appeal the decision or they have exhausted the appeal process, their Section 95 support will end 21 days after the negative decision is delivered and they will be expected to leave the United Kingdom either voluntarily or by force.

This means that only a short time after receiving a negative decision, refused asylum seekers will be evicted from NASS accommodation and cease receiving financial support. The Home Office runs various Assisted Voluntary Return programmes that help refused asylum seekers apply for travel documents and flights to their home country. Those who are eligible can also receive £2,000 from the Home Office to help them obtain

accommodation, find a job or start a business in their home country. However it will not always be feasible for refused asylum seekers to return to their home country.

#### Why Can’t Refused Asylum Seekers Return to Their Home Country?

*“We fled from our countries, if I stayed I would die”*

Even though asylum seekers may have their asylum applications turned down, the circumstances that made them leave their home country may still persist. A report by Refugee Action found that 48% of the refused asylum seekers they interviewed did not want to return to their home country because “they believed they would be killed or ‘disappear’”.<sup>24</sup> The fear that refused asylum seekers still face is exemplified by one of the interviewees who stated that “They will kill me. My uncle will kill me for bringing shame on our family and my lover’s family will kill me for bringing shame on their family”.<sup>25</sup>

This highlights one of the major problems with the Home Office’s Assisted Voluntary Return programmes in that they fail to take into account the hostile environments that refused asylum seekers are expected to return to. For those who face persecution in their home country due to their sexuality, for example, being returned back with little guarantee of their safety is simply not an option. The same is also true for those who flee countries affected by long lasting war and political upheaval. This is illustrated in an Oxfam research report published in 2011, as it states that “[t]wo out of three of those who are destitute originate from some of the most troubled countries in the world, countries characterised by conflict, political instability or widespread human rights abuses, including the Democratic Republic of Congo, Eritrea, Iran, Iraq, Somalia, Sudan, Uganda and Zimbabwe”.<sup>26</sup> Indeed, this is reflected in the field of respondents for this present report as they originate from countries including Somalia, Syria, Zimbabwe, Sudan and Nigeria. One of the respondents from the Democratic Republic of Congo (DRC) stated that “[w]e fled from our countries, if I stayed I would die.”

Refused asylum seekers may also not have any family, friends or home to go back to in their home country; issues that the Assisted Voluntary Return programmes do not address. Indeed a refused asylum seeker from the DRC told Refugee Action that “I can’t return. Where would I live? The government has taken all my family’s houses. There is no one left in my country”.<sup>27</sup> There may also be practical problems that render refused asylum seekers unable to travel such as difficulties obtaining the required documentation. For example the Asylum Support Appeals Project found that citizens from Eritrea, Ethiopia, Iran, Algeria,

<sup>24</sup> Refugee Action, The Destitution Trap (2006)

[https://stillhumanstillhere.files.wordpress.com/2009/01/ra\\_the\\_destitution\\_trap2.pdf](https://stillhumanstillhere.files.wordpress.com/2009/01/ra_the_destitution_trap2.pdf), p. 95.

<sup>25</sup> Ibid.

<sup>26</sup> Centre for Migration Policy Research, Coping with Destitution Survival and Livelihood Strategies of Refused Asylum Seekers Living in the UK (2011)

[https://stillhumanstillhere.files.wordpress.com/2009/01/oxfam\\_coping\\_with\\_destitution.pdf](https://stillhumanstillhere.files.wordpress.com/2009/01/oxfam_coping_with_destitution.pdf), p. 17.

<sup>27</sup> *Supra*, note 24, p. 96.

China, Palestine and Somalia often encountered problems obtaining passports or Emergency Travel Documents from their respective embassies or High Commission.<sup>28</sup> Refused asylum seekers may also be unable to travel back to their home country due to a physical or mental condition that either they or a member of their family is suffering.

## Section 4 Support

When refused asylum seekers are unable to return to their home country and therefore have to remain in the United Kingdom for an indefinite period, they can apply for what is commonly referred to as Section 4 support.

To be eligible for Section 4 support a refused asylum seeker must either be;

1. Taking all reasonable steps to leave the United Kingdom or place themselves in a position in which they are able to leave the United Kingdom. This could include complying with attempts to obtain a travel document to facilitate departure.
2. Unable to leave the United Kingdom by reason of a physical impediment to travel or for some other medical reason.
3. Unable to leave because in the opinion of the Secretary of State there is currently no viable route of return available.
4. Have their asylum application in the process of a judicial review, or
5. Be in such a position that the government would be in breach of human rights law if it did not provide the individual with accommodation.<sup>29</sup>

### Section 4 Support

Under Section 4 support a destitute refused asylum seeker will receive;

1. £35.39 per week via a payment card.
2. National Asylum Support Service (NASS) accommodation.
3. An extra £3 per week if the applicant is pregnant, has a baby under 1 year old or a child aged between 1 and 3.
4. A one off payment of £250 for pregnant mothers who are expecting to give birth within 8 weeks, or for those who have a baby under 6 weeks old.

However, if a refused asylum seeker has dependants, then in accordance with section 94(5) of the Immigration and Asylum Act 1999, the family can continue to receive Section 95 support. They can receive this support for as long as the child is under 18. However, this

support can be removed from the family if it is believed that they are not taking steps to leave the United Kingdom.<sup>30</sup>

## Overriding Problems with the Current System

One of the major disadvantages with the current set-up is that refused asylum seekers have to apply for Section 4 support - instead of it being automatically provided to them. With Section 95 support ending only 21 days after negative decisions are delivered, refused asylum seekers have to navigate their way through the application process in a very short period of time.

Many, however, are unaware of their right to Section 4 support.<sup>31</sup> Those who do apply can be faced with delays in receiving a response from the Home Office, with a report by the Asylum Support Appeals Project finding that 56% of its respondents had to wait more than two weeks to receive a decision, while 23 of those surveyed had to wait between nine to twenty-one weeks.<sup>32</sup> The Home Office will reject applications for reasons including the length of time an individual has gone without support before applying, demonstrating a disregard for the fact that a change of circumstances can quickly force a refused asylum seeker into destitution.<sup>33</sup> The Asylum Support Appeals Project found that 82% of those who appealed their negative support decisions had their verdicts overturned, indicating the flawed nature of the Home Office's initial decision making.<sup>34</sup>

However, even those who secure Section 4 support have faced difficulties in spending what they are entitled to. Aspen cards were introduced in Northern Ireland on the 20<sup>th</sup> February 2017, replacing the much maligned Azure cards which many refused asylum seekers found to be frustrating and degrading to use. Instead of receiving their weekly payments in physical money, the recipients of Section 4 support had their payments stored entirely on Azure cards that they could only spend on certain items and in certain shops. This cashless system left the recipients entirely dependent on their Azure card not getting lost, stolen or failing to work. However, in a report by the British Red Cross, 85% of the organisations that they surveyed stated that their client's cards had not worked to some extent in the 6 months leading up to the survey.<sup>35</sup> As well as this, 58% of the respondents stated that their clients were embarrassed to a large extent by having to use the card.<sup>36</sup> A similarly critical

<sup>28</sup> Asylum Support Appeals Project, Unreasonably Destitute? (2008) [http://www.asaproject.org/uploads/unreasonably\\_destitute.pdf](http://www.asaproject.org/uploads/unreasonably_destitute.pdf), p. 8-9.

<sup>29</sup> United Kingdom, The Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations (2005), Regulation 3(2), <http://www.legislation.gov.uk/uksi/2005/930/regulation/3/made>.

<sup>30</sup> *Supra*, note 2.

<sup>31</sup> *Supra*, note 26, p. 26.

<sup>32</sup> Asylum Support Appeals Project, No Credibility: UKBA Decision Making and Section 4 Support (2011) <http://www.asaproject.org/uploads/no-credibility.pdf>, p. 9.

<sup>33</sup> *Ibid*, p. 8.

<sup>34</sup> *Ibid*, p. 3.

<sup>35</sup> British Red Cross, The Azure Payment Card, the Humanitarian Cost of a Cashless System (2014) <http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/Research%20reports%20by%20advocacy%20dept/The%20Azure%20payment%20card%20report.pdf>, p. 9.

<sup>36</sup> *Ibid*, p. 36.

report by the Asylum Support Partnership concluded that the card system is an “expensive, inappropriate and inhumane form of support”.<sup>37</sup>

The new Aspen card is undoubtedly an improvement on Azure cards. The weekly payments are still stored on Aspen cards, but using chip and pin technology, refused asylum seekers can take physical money out at ATMs. There are no restrictions on how much money they can take out at a time, although users will obviously not be able to take out more money than their total weekly payments amount to. There are also no restrictions on what items they can purchase and what shops they can spend their money in. Initially, Aspen cards will only be provided to those who are receiving Section 4 support for the first time and gradually replace the Azure cards that will continue to be valid for existing Section 4 users. While they do represent a positive development, refused asylum seekers will still be heavily reliant on their Aspen card not getting lost, stolen or failing to work.

## Reform – The Immigration Act 2016

The Immigration Act 2016 received Royal Assent on the 12<sup>th</sup> May 2016. Amending the Immigration and Asylum Act 1999, the purpose of this legislation is to ensure that statutory support is only provided to refused asylum seekers “who are destitute and face a genuine obstacle to leaving the UK”.<sup>38</sup>

In accordance with the Act, Section 4 support has been repealed and replaced by Section 95A support. While the specific elements of this new support are yet to be announced, the government has made it clear that it will only be available to “those who face a genuine obstacle to leaving the UK”.<sup>39</sup> Unlike with current Section 4 support, refused asylum seekers will not have the right to appeal if the Home Office decides to reject their application for support. This is because the applicant’s reason for being unable to leave the United Kingdom should be “straightforward matters of fact”.<sup>40</sup> To explain this point, the government provides the example of a refused asylum seeker providing medical evidence to support his application. This means that Section 95A support will probably require evidence that is more easily quantifiable if an applicant is to be successful in obtaining it.

The other major change is that refused asylum seekers with dependants will no longer be able to receive Section 95 support but will instead only be eligible for the new Section 95A support. However, the Act will not apply retrospectively, meaning that refused asylum seekers who are currently receiving Section 95 and Section 4 support can continue to do so.

It is important to note that this part of the Act has not been enacted yet and will only do so after a Commencement Order has been passed. Therefore Section 4 support is still the operative statutory support for refused asylum seekers who do not have dependants. Nonetheless, the intention is to make life even more difficult for future asylum seekers whose claims have not been upheld.

<sup>37</sup> Asylum Support Partnership, Your Inflexible Friend: The Cost of Living Without Cash (2010) <https://stillhumanstillhere.files.wordpress.com/2009/01/your-inflexible-friend-the-cost-of-living-without-cash.pdf> p. 7.

<sup>38</sup> GOV.UK, Immigration Act 2016: Factsheet (2016) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/537248/Immigration\\_Act\\_-\\_Part\\_5\\_-\\_Support\\_for\\_Certain\\_Categories\\_of\\_migrants.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537248/Immigration_Act_-_Part_5_-_Support_for_Certain_Categories_of_migrants.pdf).

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

## CHAPTER FOUR

### NICRAS' Survey Methodology

In the final months of 2015 NICRAS conducted a survey among 29 refused asylum seekers in order to investigate how they were managing under the United Kingdom's current asylum legislation. The respondents come from those who were using NICRAS' advice and food bag services, and were willing to complete the survey questionnaire.<sup>41</sup> NICRAS also put out a request for participants on its Facebook page, which can be accessed by members and non-members alike.

The questionnaires were designed in consultation with NICRAS' staff and volunteers and include quantitative and qualitative questions to allow the respondents written testimonies to be recorded, in addition to numerical data. The respondents were guaranteed their confidentiality and that their completed questionnaires would be kept safely.

Of the 29 respondents;

- 19 were males, 3 were female and 7 did not specify their gender.
- 13 were aged between 25 to 34, 11 were between 35 to 49, 4 were between 50 to 64 and 1 did not specify their age.
- The respondents were from a variety of countries, the most common being Zimbabwe (8), Sudan (5) and Somalia (4).

<sup>41</sup> See Annex A.

## CHAPTER FIVE

### Survey Findings

#### The Length of Time in the Asylum Process

*“Uncertain of outcome. Can't plan. In a hostel – nothing in common with others. Can go hungry.”*

In October 2015 a study conducted by Detail Data found that in Northern Ireland a 'record high' of nearly 500 asylum seekers were waiting for decisions from the Home Office in respect to their asylum status.<sup>42</sup> The report makes it clear that this backlog is gravely concerning considering the inadequate care that the applicants receive while awaiting a decision.<sup>43</sup>

As Figure 1 below demonstrates, NICRAS' survey has also found that the asylum process in Northern Ireland is extremely lengthy and filled with undue delays. 63% of the respondents reported spending over 24 months waiting for a decision regarding their asylum status from the Home Office. A further 21% reported waiting between 12 to 24 months for such a decision, meaning that 84% of those surveyed had had to wait at least a year before discovering if their asylum application had been accepted or refused. Three of the respondents stated that it had taken three and half years before they received a final decision from the Home Office, while two other respondents reported waiting four years. The UK government claims that an asylum "application will usually be decided within 6 months" but this present survey has found that only 6% of the respondents received a decision within that length of time.<sup>44</sup>

*“I am a human being but can't work, go to college or have a home. Need a decision made.”*

<sup>42</sup> Lindsay Fergus, New figures reveal 500 people seeking asylum in Northern Ireland (2015, *The Detail*) <http://www.thedetail.tv/articles/500-seeking-asylum-in-northern-ireland>.

<sup>43</sup> Ibid.

<sup>44</sup> GOV.UK, <https://www.gov.uk/claim-asylum/decision>.

## Length of Time in the Asylum Process

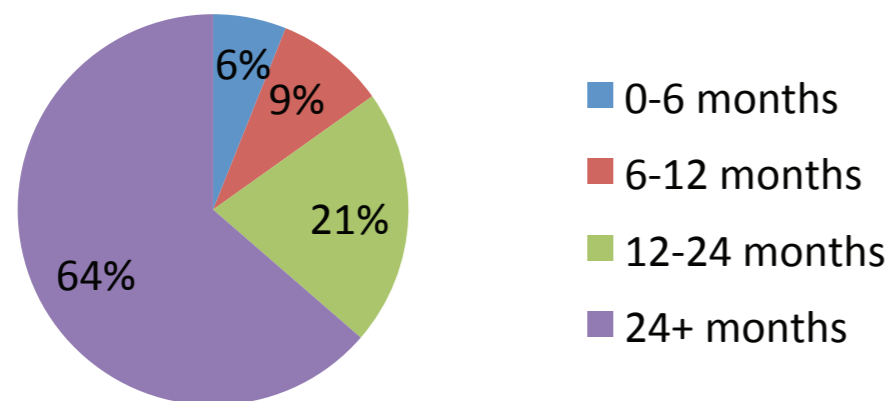


Figure 1: Length of time in the asylum process - from the start to the final decision

There has been a consistent rise in the number of asylum applications being made in Northern Ireland every year and it can be safely assumed that this will continue in the forthcoming years.<sup>45</sup> Therefore, it is clear on the basis of this survey's findings that the backlog of asylum cases which the Home Office is already struggling to manage, will only continue to get worse. This is why it is imperative that action is taken to improve the efficiency of the application process.

## Destitution amongst Refused Asylum Seekers

*“Elder man without house, tiring, get a cold, especially because it is freezing, lonely and lost .... I don't have blankets [or] hot food”*

Only receiving £36.95 a week whilst being unable to work and acquire public sector housing means that it is highly likely that asylum seekers will endure hardship during the course of making an asylum application. However, these difficult circumstances only increase for those who have their applications refused. The quantitative findings of this present survey, together with the personal testimonies, reveal a high level of homelessness and

<sup>45</sup> Michael Potter, Refugees and Asylum Seekers in Northern Ireland (2014, Northern Ireland Assembly Research and Information Service Research Paper), <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/ofmdfm/6314.pdf>, p. 9.

vulnerability. 24% of those surveyed stated that they had endured a homeless period of up to 6 months, whilst 21% have been homeless for over 24 months.

## Period of Time the Respondents were Homeless

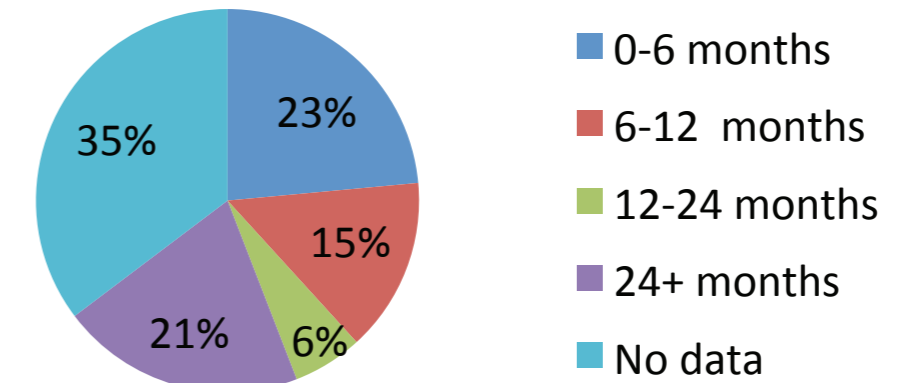


Figure 2: Period of time the respondents were homeless

When the respondents were asked about their current situation regarding housing, the likelihood of refused asylum seekers encountering adverse living conditions became very apparent. 39% of those surveyed could be described as destitute as they were relying on friends to provide them with shelter or were sleeping on the streets.

The respondents who were living with friends frequently described living conditions which were problematic, exemplified by one individual who stated that “[t]he situation affects me because living with someone with family, it's not easy they need their space and it stresses me so much, [I] am not comfortable”. Another respondent reported that he was staying in an overcrowded house and that even the local mosque in which he sometimes slept did not have enough space for him.

*“Feel like [a] burden, stopping friend's life”*

This level of destitution corresponds with the findings that other reports have made in England and Wales. For example, a survey conducted by the British Red Cross in 2016 found that 89% of the respondents were destitute by the end of the asylum process.<sup>46</sup> 73% of that group were refused asylum seekers who had been denied Section 4 support, had not

<sup>46</sup> *Supra*, note 3, p. 17.

applied for this support, or were waiting for Section 4 support to commence.<sup>47</sup> The heightened level of destitution that the survey reports is attributable to the fact that they also considered an individual to be destitute if he or she was not receiving any form of statutory support.<sup>48</sup>

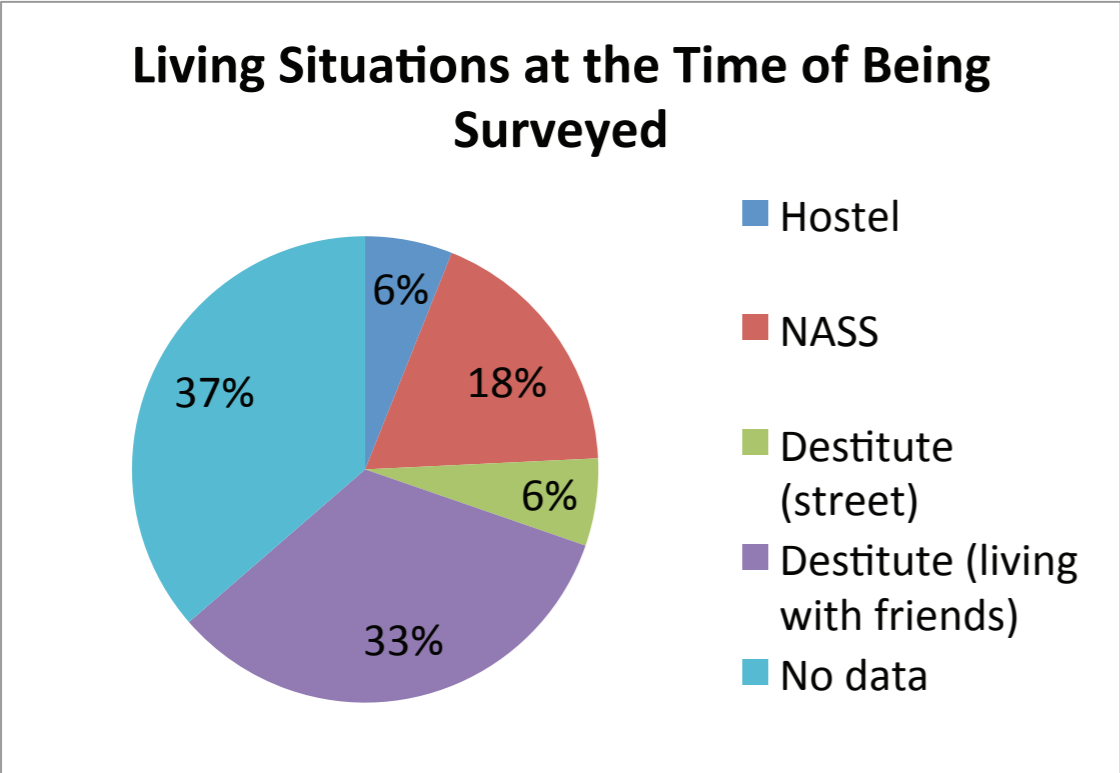


Figure 3: The respondent's living situations at the time of being surveyed

## Seeking Assistance from Social Services and Charities

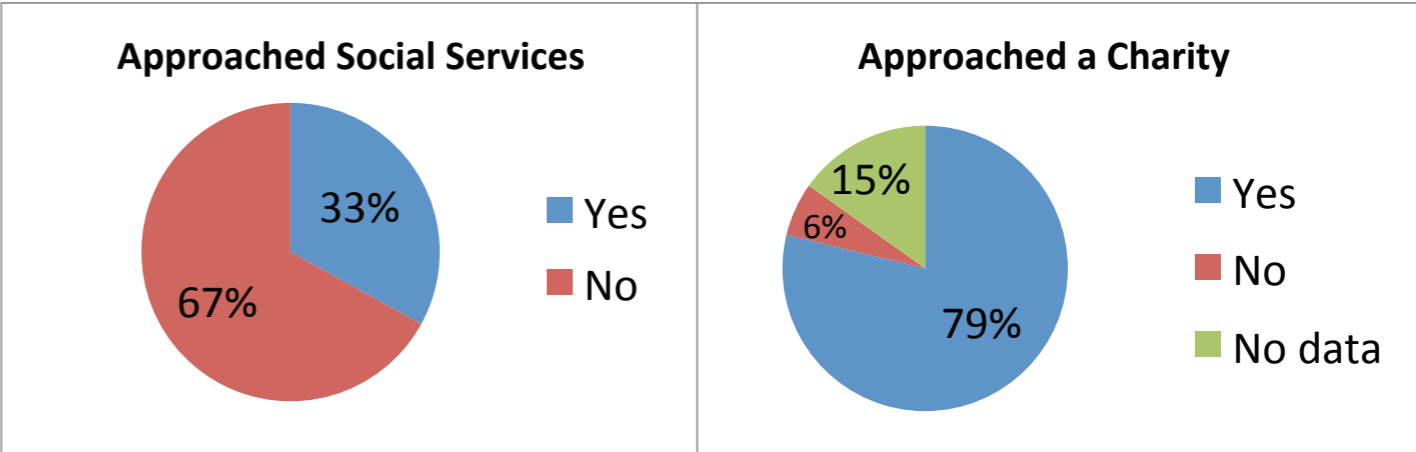


Figure 4: The respondents who approached social services for assistance (Of those who were eligible for such assistance) Figure 5: The respondents who approached a charity for assistance

Figures 4 and 5 present a contrasting picture. Of the nine respondents who were eligible for assistance from social services in respect to their accommodation needs, only 3 actually approached social services for this assistance. However, out of all 29 of the survey's respondents, 79% of them had sought assistance from local charities in relation to their housing needs.

This is problematic considering that social services, which in Northern Ireland are provided by the Health and Social Care (HSC) Board, offer a viable solution for destitute refused asylum seekers with dependants under the age of 18. In accordance with Article 3 of the United Nations Convention on the Rights of the Child, social services are obliged to ensure that the well-being of any child within the United Kingdom's jurisdiction is protected, regardless of the nationality or asylum status of the child's parents.<sup>49</sup> It also requires that the best interests of the child shall be a primary consideration of public and private social welfare organisations. As part of this, social services are required to ensure that each child is residing within adequate accommodation.

Of the three respondents that did seek help from social services, none of them received sufficient assistance. When asked to explain why, one respondent told us that "as long as you don't have [the] legal right to stay in the country they can't assist in any way". Given the respondent's circumstances, this individual does have the legal right to stay in the country and is fully entitled to receive assistance from social services. Similarly, another respondent who approached the Northern Ireland Housing Executive for help was turned away because he did not have a National Insurance number. Obviously being a refused asylum seeker he did not have a National Insurance number, but the fact that he was

<sup>47</sup> Ibid, p. 18.

<sup>48</sup> Ibid, p. 19.

<sup>49</sup> United Nations General Assembly (UNGA), Convention on the Rights of the Child (1990), Art. 3, [https://353ld710iigr2n4po7k4kgvv-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/UNCRC\\_PRESS200910web.pdf](https://353ld710iigr2n4po7k4kgvv-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/UNCRC_PRESS200910web.pdf).

destitute and responsible for a young family, meant that he should have received assistance from social services. The only other respondent who approached social services was also turned away by staff as they “said they can’t do nothing”.

While charities will do their utmost to assist refused asylum seekers with their accommodation needs, high demand and funding limitations, means that they are inevitably restricted in the services that they can provide. As NICRAS became increasingly aware of the high rate of destitution among its members it began to work with local politicians and other local charities to try to secure alternative accommodation. This led to the Simon Community beginning to provide accommodation to refused asylum seekers in their hostels in Ballymena, Belfast and Lisburn towards the end of 2012. However, the Simon Community has been unable to accept any more refused asylum seekers since 2015. The main reason for this was the fact that refused asylum seekers take so long to have their appeals processed, meaning that they were staying in these hostels for lengthy indefinite periods which inevitably came with a financial burden as it costs them approximately £110 per week to put somebody up.

Indeed 13 of the respondents, 45% of the total surveyed, stated that the charities they approached had been unable to assist them with their housing needs. However, the overwhelming demand that is placed on charities could be lightened if social services provided the support that many refused asylum seekers are entitled to receive. This is why it should be a priority for the Northern Ireland Executive to ensure that both social services staff and refused asylum seekers alike, are properly informed of this group’s right to receive housing support from social services.

## How Refused Asylum Seekers are being affected Physically and Mentally

*“[I] have PTSD [Post Traumatic Stress Disorder], threat of homelessness makes it worse.”*

79% of the respondents stated that their health has been affected by the living situation that they were in at the time of the survey, with a wide range of physical and mental conditions being reported. Of the 29 refused asylum seekers surveyed:

- 10 stated that they were suffering from stress
- 6 reported experiencing depression
- 2 told us that their forgetfulness was getting worse.

These figures are not including the respondents who reported being affected mentally by their living circumstances but did not state that they were suffering from a specific

condition, exemplified by the individual who wrote that he has “no peace of mind, never know if you’ll be sleeping on [the] streets.”

*“[It’s] like living with [an] axe behind your head, stress too much”*

There was also a variety of physical conditions reported, including respiratory problems, malnutrition, and liver disease, whilst two of the respondents stated that they had high blood pressure.

What many of the respondents made clear is that these conditions were being worsened by the circumstances they found themselves in. For example, one individual wrote that the uncertainty surrounding his asylum application and having to live in a hostel where he had nothing in common with the other inhabitants was very stressful and causing him “anxiety”. Another respondent, who was destitute at the time of being surveyed, wrote that the lack of sleep that he was enduring caused him to be weak during the day.

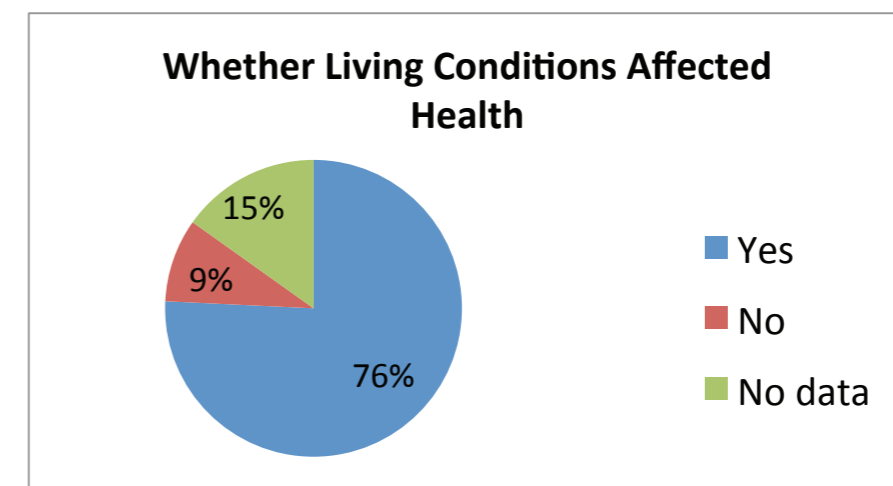


Figure 6: The respondents who said their living conditions affected their health

The Refugee Council and the British Red Cross have also produced reports that demonstrate how the asylum process, together with the destitution that refugees and asylum seekers often suffer, has serious consequences for their health.<sup>50</sup> The Refugee Council concluded that “[o]nce in the UK, the stress caused by the poverty, living in a hostile environment and attempting to adapt to a new society can themselves cause or contribute to significant mental health problems”.<sup>51</sup> In a survey produced by the British Red Cross in 2015, 59% of

<sup>50</sup> Refugee Council, First Do No Harm: Denying Healthcare to People Whose Asylum Claims Have Failed (2006) [http://www.refugeecouncil.org.uk/assets/0001/7074/Health\\_access\\_report\\_jun06.pdf](http://www.refugeecouncil.org.uk/assets/0001/7074/Health_access_report_jun06.pdf), and *Supra*, note 3.

<sup>51</sup> Refugee Council, First Do No Harm: Denying Healthcare to People Whose Asylum Claims Have Failed (2006) [http://www.refugeecouncil.org.uk/assets/0001/7074/Health\\_access\\_report\\_jun06.pdf](http://www.refugeecouncil.org.uk/assets/0001/7074/Health_access_report_jun06.pdf), p. 10.

## CHAPTER SIX

### The United Kingdom's Human Rights Obligations

*“Through slowly stripping away the rights of asylum seekers and migrants, Europe is creating a scary new ‘normal’.”*

*François Crépeau, Current UN Special Rapporteur on the Human Rights of Migrants<sup>54</sup>*

As NICRAS' survey has found a high rate of destitution among refused asylum seekers living in Northern Ireland it is important to assess the United Kingdom's human rights obligations towards this group of people.

The United Kingdom has ratified all the major international human rights treaties that are in force today. The International Bill of Rights, which is made up of the Universal Declaration of Human Rights (UDHR)<sup>55</sup>, the International Covenant on Civil and Political Rights (ICCPR)<sup>56</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>57</sup> are seen as the foundation of international human rights law. The principles of non-discrimination and the prohibition of degrading treatment are further enshrined by treaties including the International Covenant on the Elimination of Racial Discrimination (CERD)<sup>58</sup>, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>59</sup> and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>60</sup>

Many of these rights are also contained within the European Convention of Human Rights (ECHR).<sup>61</sup> As well as the United Kingdom being a party to the ECHR, the 'Convention rights' were given further effect in the United Kingdom's domestic law through the Human Rights

<sup>54</sup> Barbara Tasch, UN official: A 'scary new 'normal' is emerging in Europe (2016, Business Insider UK) <http://uk.businessinsider.com/francois-crepeau-statement-on-migrant-crisis-in-europe-2016-2>.

<sup>55</sup> UNGA, Universal Declaration of Human Rights (1948) [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

<sup>56</sup> UNGA, International Covenant on Civil and Political Rights (1966) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>57</sup> UNGA, International Covenant on Economic, Social and Cultural Rights (1966) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>.

<sup>58</sup> UNGA, International Covenant on the Elimination of Racial Discrimination (1965) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

<sup>59</sup> UNGA, International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

<sup>60</sup> UNGA, Convention on the Rights of Persons with Disabilities (2007) <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

<sup>61</sup> Council of Europe, European Convention on Human Rights (1950) [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf).

the respondents who had been destitute for over a year, reported that their health had worsened during this period.<sup>52</sup>

For refused asylum seekers, the damage that destitution is causing to their health could be alleviated if they were allowed to access sufficient accommodation and were made aware of their right to free healthcare. It is significant that the British Red Cross' survey found that the longer an asylum seeker is without government support and therefore destitute, the more likely their health will deteriorate.<sup>53</sup> This shows that government support, through the accommodation and financial support that it can provide, is vital for maintaining the wellbeing of an asylum seeker. This need for better support from the government is echoed in the responses to NICRAS' survey, exemplified by the high number of respondents who stressed how important obtaining sufficient accommodation was. As one such individual stated "[t]he government should make [an] effort to provide decent shelter for people no matter their status, its mentally draining when you don't have a clue where to live, displaced, or [in] poor accommodation which often leads to poor health".

Act 1998.<sup>62</sup> This means that the rights contained within the ECHR can be enforced by the United Kingdom's domestic courts.

It should be noted that the following is not an exhaustive list but instead highlights some of the major human rights principles that the United Kingdom has signed up to and agreed to abide by.

## Economic, Social and Cultural Rights

In accordance with many of the major international human rights treaties, States are obliged to provide an adequate standard of living for every citizen and non-citizen alike within their jurisdiction. Article 25(1) of the UDHR, for example, states that "[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services ...".<sup>63</sup> Similarly the CERD provides that every person regardless of race, nationality or ethnic origin has the right to housing, public health and social security.<sup>64</sup>

**Food** – In the United Nations Committee on Economic, Social and Cultural Rights (CESCR) General Comment 12, the Committee makes it clear that every person within a State's jurisdiction must have "access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger".<sup>65</sup>

In NICRAS' survey, five of the respondents made comments about not getting adequate food with one, for example, stating that he was suffering from "malnutrition" due to "not eating right". In General Comment 12, the CESCR states that where "an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food ... [s]tates have the obligation to fulfil (provide) that right directly".<sup>66</sup>

This is a positive obligation, meaning that it is up to the State to take the necessary action to ensure that the right to food is satisfied. As highlighted in the second chapter of this report, the limitations of section 4 support, as well as the difficulties associated with the Azure card system, result in a high rate of refused asylum seekers unable to secure enough to eat. The onus is therefore on the United Kingdom government to take steps to amend these difficulties. Failure to do so means that the government will continue to breach this obligation as refused asylum seekers continue to go without adequate food.

<sup>62</sup> United Kingdom, Human Rights Act (1998) <http://www.legislation.gov.uk/ukpga/1998/42/contents>.

<sup>63</sup> *Supra*, note 55.

<sup>64</sup> *Supra*, note 58, Arts. 5(e)(iii) and (iv).

<sup>65</sup> United Nations Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), (1999), <http://www.refworld.org/docid/4538838c11.html>, para. 14.

<sup>66</sup> *Ibid*, para. 15.

**Adequate Housing** – The right to housing is specifically mentioned in many of the major international human rights treaties, with examples being Article 11 of the ICESCR<sup>67</sup> and Article 5 of the CERD.<sup>68</sup> In accordance with Article 28 of the CRPD any person with a "long-term physical, mental, intellectual or sensory" disability has the right to adequate housing regardless of their citizenship status.<sup>69</sup> Further, the Committee on the Elimination of Racial Discrimination has declared that State parties must "guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens".<sup>70</sup>

Therefore the government's policy of evicting refused asylum seekers from NASS accommodation within 21 days of receiving a negative decision is particularly problematic. The United Nations General Comment No. 7 provides that if an eviction will result in an individual being made homeless "the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing ... is available".<sup>71</sup>

If refused asylum seekers are being evicted without the guarantee of appropriate housing elsewhere, then the government's current policy is in breach of international human rights law. Given that 39% of the respondents in NICRAS' survey were destitute at the time that the survey was conducted, it would indeed appear that refused asylum seekers are being evicted without ensuring that they having adequate alternative housing.

**Social Security** – In the CESCR General Comment 19, the right to social security is clarified as being the right to "benefits, whether in cash or kind" so that "everyone may realise his or her rights to family protection and assistance, an adequate standard of living and adequate access to healthcare."<sup>72</sup> The benefits should allow each person to "afford the goods and services they require to realise their Covenant rights".<sup>73</sup>

NICRAS' Survey has found that refused asylum seekers are routinely struggling to secure adequate housing and heavily rely on charities for food and clothing. As already highlighted, many refused asylum seekers can be left unable to receive any form of statutory support for weeks at a time due to delays with paper work when they apply for Section 4 support. Even when they do receive the full support they are entitled to, it is so small that it "does not allow refused asylum seekers to meet their basic needs and live in dignity".<sup>74</sup> Therefore the

<sup>67</sup> *Supra*, note 57, Art. 11.

<sup>68</sup> *Supra*, note 58, Art. 5(e)(iii).

<sup>69</sup> *Supra*, note 60, Arts. 1 and 28(1).

<sup>70</sup> United Nations Committee on the Elimination of Racial Discrimination, General Recommendations No. 30 on Discrimination against Non-citizens (2004) <http://www.refworld.org/docid/45139e084.html>.

<sup>71</sup> United Nations, United Nations General Comment No. 7 on Forced Evictions (1997), [http://www.sarpn.org/documents/d0002751/5-Forced\\_evictions\\_COHRE\\_Dec2006.pdf](http://www.sarpn.org/documents/d0002751/5-Forced_evictions_COHRE_Dec2006.pdf), para. 16.

<sup>72</sup> CESCR, General Comment No. 19: The right to social security (Art. 9 of the Covenant) (2008)

<http://www.refworld.org/docid/47b17b5b39c.html>, para. 22.

<sup>73</sup> *Ibid*.

<sup>74</sup> *Supra*, note 35, p. 8.

current statutory support that refused asylum seekers receive from the government does not satisfy the right to social security.

## Civil and Political Rights

**Freedom from Inhuman or Degrading Treatment or Punishment** – In a report produced by the House of Lords and House of Commons Joint Committee on Human Rights, the Committee concluded that “[w]e consider the section 4 voucher scheme to be inhumane and inefficient”.<sup>75</sup> As such, the Committee states that the voucher scheme could breach Article 3 of the ECHR, the Article that prohibits inhuman or degrading punishment.<sup>76</sup>

The voucher scheme preceded the Section 4 Azure card system, the set-up that the Asylum Support Partnership described as an “expensive, inappropriate and inhumane form of support”.<sup>77</sup> The European Court of Human Rights has held that treatment can be considered degrading when it causes the victim to experience “feelings of fear, anguish and inferiority capable of debasing them”.<sup>78</sup> Considering that 89% of the organisations that the British Red Cross surveyed reported their clients experiencing feelings of anxiety when using the Azure card, it is clear that the card system does indeed cause many refused asylum seekers to feel anguish and inferiority that can impact upon their wellbeing.

As well as this, NICRAS’ survey found occasions where the Home Office denied assistance to refused asylum seekers who were entitled to receive it. One respondent stated that the Home Office rejected his application for support despite being homeless and submitting a letter from his GP that outlined his medical problems. In the case of *R. (Adam and Limbuela) v. Secretary of State for the Home Department*, the House of Lords considered the asylum support arrangements at that time and held that a failure by the State to provide social support to refused asylum seekers who face a real risk of becoming destitute, would amount to inhuman or degrading treatment under Article 3 of the ECHR.<sup>79</sup> Following this precedent it can be strongly argued that the Home Office is also in breach of Article 3 of the ECHR when it rejects applications for support from refused asylum seekers who will face being destitute as a result.

**Right to Private and Family Life** – Subject to certain exceptions, States are obliged to ensure that every person’s private and family life, as well as his or her home and

correspondence are respected.<sup>80</sup> This principle protects “the right of people in family relationships to be in each other’s company without interference from the State”.<sup>81</sup>

However the Immigration Act 2016 puts the right to family life at risk. This is because refused asylum seekers with dependants will no longer be eligible for Section 95 support and will instead have to apply for the new Section 95A support. If the problems with Section 4 support, namely the delays in receiving a response from the Home Office and the flawed nature of its decision making, persist with the new Section 95A support, then refused asylum seekers with families could potentially go weeks without receiving any sufficient statutory support and become destitute as a result. If this were to happen then the government will be in breach of Article 8 of the ECHR.

<sup>75</sup> Joint Committee on Human Rights, *The Treatment of Asylum Seekers* (2007), <https://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/81i.pdf>, p. 38.

<sup>76</sup> *Ibid* and *Supra*, note 61, Art. 3

<sup>77</sup> *Supra*, note 35.

<sup>78</sup> *Ireland v United Kingdom* (1978) 2 EHRR 25, (167).

<sup>79</sup> *R. (Adam and Limbuela) v. Secretary of State for the Home Department* [2005] UKHL 66.

<sup>80</sup> *Supra*, note 61, Art 8.

<sup>81</sup> Family Rights Group, *Support for Asylum Seeking Children and Their Families*, (Undated) [http://www.frg.org.uk/images/Advice\\_Sheets/5-family-support-services-for-asylum-seekers.pdf](http://www.frg.org.uk/images/Advice_Sheets/5-family-support-services-for-asylum-seekers.pdf), p. 25.

## CHAPTER SEVEN

### What Can Be Done?

*“Just want the government to look [out] for asylum seekers [who] are staying for longer without any support and accommodation and [at] the same time not allowed to work”*

The current mistreatment of refused asylum seekers in the United Kingdom represents a violation of international human rights law. It is time for a new and distinctive conversation about the humane and dignified treatment of *everyone* in this society and there are steps that can be taken within Northern Ireland and the United Kingdom as a whole to address this situation.

#### The Northern Ireland Executive

As the tables below demonstrate, immigration and asylum are excepted matters, meaning that the United Kingdom government has full legislative power over these areas. However, the issue of destitution among refused asylum seekers concerns matters in which the Northern Ireland Executive can take measures on its own accord.

Excepted Matters United Kingdom Government	Transferred Matters Northern Ireland Executive
Immigration Asylum	Housing Health Social Services Equal Opportunities Social Security

This means that although the United Kingdom government has control over the immigration policy for the whole country, the Executive is responsible for the provision of housing and social services within Northern Ireland.

This has proven to be problematic in Northern Ireland, as public bodies such as the Northern Ireland Housing Executive (NIHE) have adopted policies that result in refused asylum seekers being denied emergency accommodation. Under the Northern Ireland Supporting People Guidance 2012, “migrant workers who have no recourse to public funds” are classed as

“ineligible service users” and are therefore barred from receiving housing support from the NIHE or any publicly funded charity that may want to assist them.<sup>82</sup> Therefore, refused asylum seekers are not entitled to emergency accommodation despite the fact that they are evicted from NASS accommodation only 21 days after their asylum application is rejected. If their application for Section 4 support is successful, refused asylum seekers become eligible again for NASS accommodation, but have to wait for a house to be allocated to them – a wait that can sometimes be six months long.<sup>83</sup> This policy therefore inevitably leads to refused asylum seekers being destitute for a lengthy period of time. It is therefore important that this policy is rescinded and that refused asylum seekers are given equal access to emergency accommodation. Under the NIHE’s current guidelines, emergency accommodation is available to those who are “in priority need” of housing and are either citizens of the United Kingdom, foreign nationals who have a right to reside in the United Kingdom free of immigration control or those who have been granted refugee status.<sup>84</sup> Those “in priority need” of housing include homeless individuals who are pregnant, have dependants, or are vulnerable due to reasons such as old age or a physical disability.<sup>85</sup> The fact that refused asylum seekers are ineligible for emergency accommodation even if they are living in circumstances that would qualify them as being “in priority need” of housing, highlights the discrimination that is inherent in the NIHE’s current policy. Rescinding this policy is not only crucial for improving the livelihood of refused asylum seekers in Northern Ireland, but would also ensure that the Executive complies with its human rights obligations – primarily the right to adequate housing illustrated in the previous chapter of this report.

As the Executive, through the Department of Health is also primarily responsible for the administration of social services within Northern Ireland, the onus is upon it to ensure that refused asylum seekers with dependants receive adequate treatment from these organisations. Once again the obligation for the Executive to do so is not just ethical, but also legal, as human rights law requires governments to ensure the welfare of any child within its jurisdiction. The Children (Northern Ireland) Order 1995 also outlines the duty the Executive has to ensure the safety of every child within Northern Ireland, regardless of their nationality or asylum status.<sup>86</sup> Indeed, Article 18 states that “[i]t shall be the general duty of every authority ... to safeguard and promote the welfare of children within its area who are in need ... by providing a range and level of social care appropriate to those children’s needs.”<sup>87</sup> However, NICRAS’ survey has shown that despite being eligible, refused asylum seekers with dependants are extremely unlikely to approach social services for assistance with their accommodation needs. Those who did approach social services reported being turned away by staff, who were under the impression that they could not offer assistance due to their status as refused asylum seekers.

<sup>82</sup> Northern Ireland Housing Executive, Northern Ireland Supporting People Guidance (2012)

[http://www.nihe.gov.uk/supporting\\_people\\_guidelines\\_2012.pdf](http://www.nihe.gov.uk/supporting_people_guidelines_2012.pdf), p. 16.

<sup>83</sup> Foley, F., and Magennis, C., Home Sweet Home? An Overview of the Housing Conditions of Asylum Seekers in Northern Ireland (2016, Northern Ireland Community of Refugees and Asylum Seekers), p. 22.

<sup>84</sup> Northern Ireland Housing Executive, Homelessness Explained (2010)

[http://www.nihe.gov.uk/homelessness\\_explained.pdf](http://www.nihe.gov.uk/homelessness_explained.pdf).

<sup>85</sup> Ibid.

<sup>86</sup> United Kingdom, The Children (Northern Ireland) Order 1995

<http://www.legislation.gov.uk/nisi/1995/755/contents>.

<sup>87</sup> Ibid, Art. 18(1).

This can be remedied by ensuring that the rights of refugees, asylum seekers and refused asylum seekers form a part of the training and professional assessments that NIHE and social services staff undertake. In-between training, staff should be regularly provided with up to date guidelines that outline how they should respond to the needs of refugees, asylum seekers and refused asylum seekers, as this would do much to alleviate confusion.

However, the fact that refused asylum seekers are unlikely to seek assistance from social services in the first place shows that a more proactive approach must be taken towards this group of people. When receiving a negative decision from the Home Office, refused asylum seekers should have a case worker from social services assigned to them. This person can assess their clients' needs and put together a multidisciplinary care plan that covers issues such as housing, social care and financial support. As long as they have their client's consent, the case worker should liaise with any social worker or medical professional, including GP's or health visitors that have come into contact with their client. This would allow the case worker to take into account their client's history and any treatment they are currently receiving when devising their care plan. The care plan should be put together during the 21 day 'grace period', so that it can take effect immediately after their client is evicted from NASS accommodation.

There is also a clear need for refused asylum seekers to have a mechanism in which they can regularly voice their concerns relating to the treatment they are receiving and their overall living conditions. This could take the form of a panel made up of representatives from a number of local charities that work with refused asylum seekers, in which the issues that have arisen among this group can be brought before representatives from the relevant Executive bodies.

Finally, the Northern Ireland Executive should use its voice as a devolved assembly to lobby the United Kingdom government in respect to this issue. 'The Memorandum of Understanding and Supplementary Agreements', agreed in 2012 between the United Kingdom government and the three devolved governments, states that "[a]ll four administrations are committed to the principle of good communication with each other, and especially where one administration's work may have some bearing upon the responsibilities of another administration".<sup>88</sup> This means that although the United Kingdom government may have full control over the country's immigration and asylum policies, the Northern Ireland Executive can still have an input on the decisions that are being made. As refused asylum seekers are being left destitute largely because of legislation enacted by the United Kingdom government, the Northern Ireland Executive should make it clear that it will not accept this happening to people within its jurisdiction.

<sup>88</sup> United Kingdom, Memorandum of Understanding and Supplementary Agreements (2012) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/316157/MoU\\_between\\_the\\_UK\\_and\\_the\\_Devolved\\_Administrations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316157/MoU_between_the_UK_and_the_Devolved_Administrations.pdf), p. 5.

## The United Kingdom Government

Of course the high rate of destitution among refused asylum seekers across the United Kingdom can be largely attributed to the limited statutory support that they receive from the government. In the face of the Immigration Act 2016, which will further restrict the support that will be available to refused asylum seekers, NICRAS' report makes it clear that this group of people are already extremely prone to destitution and living conditions that are adversely affecting their health.

Across the testimonies that the respondents gave to this survey, numerous stories emerge of individuals struggling to get by with everyday life.

*"I have to take clothes from rubbish, can't clean myself properly"*

*"I have been in fear and terror, stress and nightmare in last 5 years"*

*"Putting people on the streets, it is hell"*

*"Being an asylum seeker, it's like having a disease"*

*"No peace of mind, never know if you'll be sleeping on the streets, especially in Winter"*

This report should therefore serve as a warning against cutting the statutory support that refused asylum seekers currently receive. Instead, the government should look at what measures can be put in place that will ease the pressure that refused asylum seekers are under.

One such measure would be to continue the provision of Section 95 support on an 'interim' basis rather than simply cutting it off 21 days after a negative decision is delivered. Refused asylum seekers should be provided this 'interim' support until they have completed and received a decision in respect to their Section 4 support. This would mean that refused asylum seekers do not have to go potentially weeks without any form of statutory support while they wait for news regarding their Section 4 applications. Section 95 support should only stop if there is no proof that the refused asylum seeker has applied for Section 4 support, with proof being supplied in the form of a receipt that the Home Office could send to applicants immediately upon receiving their form, or a photocopied, signed and dated page of a completed form.

## How Has NICRAS Been Helping Refused Asylum Seekers?

NICRAS has been working with other local charities to secure practical solutions for the problems that refused asylum seekers face. Progress has been made in recent years. For example, after years of working in partnership with the Simon Community and local politicians, the Simon Community began to provide accommodation to refused asylum seekers in its hostels in Ballymena, Lisburn and Belfast in the final months of 2012. However the charity found that it could no longer accept any further refused asylum seekers, as the lengthy appeal process and extensive time that they spent on Section 4 support meant that they were staying in their hostels for too long. As it costs approximately £110 a week for someone to stay in one of the Simon Community's hostels, the financial pressure of allowing refused asylum seekers to stay for indefinite periods of time also became an issue. Although the Simon Community has been unable to accept any further refused asylum seekers since 2015, it has allowed those who were already staying in its hostels to continue residing in their accommodation.

Refused asylum seekers can receive food bags once a week from NICRAS' office at University Street in Belfast and there is also usually a selection of small items of furniture, toiletries, books and children's toys which NICRAS members can take at any time. All of these are donated by members of the public, local organisations and churches, with the majority of the food coming on a weekly basis from the SOS Bus and Storehouse. NICRAS also works in partnership with Storehouse and the Saint Vincent de Paul Society and can refer its members to these organisations if they require assistance with larger items of furniture.

If any NICRAS member has an issue or question concerning, for example, their accommodation, financial support or healthcare entitlements, NICRAS has two full-time members of staff who they can speak to and receive advice from. NICRAS also runs various programs and events to help its members integrate into their local community. NICRAS volunteers also run free English classes and a Homework club which are available for any of NICRAS' members.

However, although there are many local charities that are doing benevolent and valuable work for refused asylum seekers, this has to be done in response to the wider problems that the United Kingdom government creates with its legislation and that public bodies, such as the NIHE, compound with their practices. If the lives of refused asylum seekers are to be improved in the long-term, then this legislation has to be amended and these public bodies need to adjust their practices towards refused asylum seekers.

## NICRAS' Recommendations

In response to the high level of destitution among refused asylum seekers in Northern Ireland, NICRAS recommends that;

### For the Northern Ireland Housing Executive;

- **Refused asylum seekers should have equal access to emergency accommodation with the Housing Executive and hostels run by publicly funded charities in Northern Ireland.**
- **Staff should be fully trained to understand and respond to the needs of refused asylum seekers.**

### For the Health and Social Care Board;

- **Staff should be fully trained to understand and respond to the needs of refused asylum seekers with dependants under the age of 18.**
- **Material concerning the rights of refused asylum seekers with dependants under the age of 18 should be routinely distributed among staff.**
- **Refused asylum seekers should be assigned case workers upon receiving negative decisions, who can put together multidisciplinary care plans that take effect immediately after they are evicted from NASS accommodation.**

### For the Home Office;

- **When receiving a negative decision, refused asylum seekers should also receive clear and concise information, in the applicant's primary language where possible, explaining their right to accommodation and the practicalities of obtaining it.**
- **The decision making in respect to Section 95 and Section 4 applications should be regularly reviewed with the aim of reducing the amount of negative decisions that are overturned on appeal.**

### For the United Kingdom government;

- **The new Section 95A support contained within the Immigration and Asylum Act 2016 should not cut the statutory support that refused asylum seekers currently receive.**
- **Section 95 support should not end 21 days after a negative decision is administered, but should continue on an 'interim basis' until the Home Office has delivered its decision in respect to an individual's Section 4/Section 95A application.**

For the Northern Ireland Executive;

- A panel should be established that can provide a mechanism for refused asylum seekers to give feedback to the relevant government departments and public bodies.
- The Executive should lobby the United Kingdom government and make it clear that it will no longer accept refused asylum seekers being forced into destitution.

## CHAPTER EIGHT

### Conclusion

*“To deny people their human rights is to challenge their very humanity”*

*Nelson Mandela*

This report illustrates the difficulties that refused asylum seekers living in Northern Ireland are likely to endure as they frequently suffer from homelessness, poverty and ill-health. Current legislation concerning refused asylum seekers in the United Kingdom, purposefully restricts this group’s ability to obtain basic essentials such as housing, food and money. As refused asylum seekers are being evicted from their accommodation before alternative housing has been secured for them and only provided with minimal financial support, it is hard to see how the United Kingdom government can claim they are treating this group of people with the dignity and respect they deserve.

From this already low position, it is therefore worrying that the Immigration Act 2016 represents a backward step in relation to the government’s treatment of refused asylum seekers. When fully enacted this legislation will increase the hardship that refused asylum seekers with dependants currently endure, meaning that children will be at a greater risk of being homeless and living on the ‘bare minimum’. Refused asylum seekers will also face greater difficulty in obtaining the financial support on which they rely.

However, despite the United Kingdom government adopting an increasingly harsh policy towards refused asylum seekers, there is action that can be taken in Northern Ireland to enable this group of people to be treated in a more humane and dignified manner. As the findings from NICRAS’ survey have shown, small changes to how public bodies such as the NIHE and the HSC Board operate would make a huge difference to the lives of many refused asylum seekers. For example, if the relevant HSC staff were fully aware of the rights that refused asylum seekers with dependants have to accommodation then that could result in these families no longer having to be homeless.

The Northern Ireland Executive can also use the power that it has to initiate a new conversation about the human rights of refused asylum seekers. It can lobby the United Kingdom government and make it clear that the Northern Ireland public will not accept such human rights abuses occurring within the country. By doing this, the Northern Ireland Executive can bring positive change to a group of people who have been forgotten for too long.

## Annex A: The Survey Questionnaire

### Background details

1a. Name (optional): \_\_\_\_\_

1b. Post Code (e.g. BT12, BT7) \_\_\_\_\_

1c. Age: 16-24    25-34    35-49    50-64    65+    1d. Gender:    Male    Female

1e. Country of origin: \_\_\_\_\_

1f. Do you have family here (please circle)?    Yes    No

1g. If yes, please circle relations you have here: Spouse    Partner Children

Other? \_\_\_\_\_

1h. if you have children here, how many (please circle)?    1    2    3    4    5

### Asylum application

2a. What stage are you at in the asylum application process (please circle)?

First Appeal    First Tier Tribunal    Upper-Tier Tribunal    Court of Appeal

Supreme Court    European Court    Judicial Review    'Dublin' case

Fresh Claim/Further Submissions    Rejected    Don't Know

Other? \_\_\_\_\_

2b. How long have you been in the asylum process (please circle)?

0-6 months    6-12 months    12-24 months    24+ months

### Living conditions

3a. Please tick all of the below which describe your current living situation:

- i. Sleeping outside    [ ]    v. Living in very overcrowded conditions    [ ]
- ii. Staying with friends or family    [ ]    vi. At risk of violence if you stay in your home    [ ]
- iii. Staying in a hostel    [ ]    vii. Living in poor conditions that are damaging your health    [ ]
- iv. Staying in place of worship    [ ]    viii. Living in a house that is unsuitable for you    [ ]
- v. Staying elsewhere    [ ]    ix. Other \_\_\_\_\_
- xi. None of the above apply to me at present, but I am at risk of one or more of these situations in the near future [ ]

3b. If you ticked any of the above, the Northern Ireland Housing Executive may consider you as being homeless. For how long have you lived like this?

0-6 months    6-12 months    12-24 months    24+ months

3c. Where were you staying before you were homeless? \_\_\_\_\_

3d. Is this your first time being homeless in Northern Ireland?    Yes    No

3e. If no, how many times have you been homeless in Northern Ireland? 1    2    3+

3f. Does your living situation affect your health (physical and mental)?    Yes    No



If Yes, please explain: \_\_\_\_\_

*Nobody should be homeless in Northern Ireland, including people who come to seek asylum. This research is about contributing to a campaign to secure adequate housing for asylum seekers.*

3g. If housing was offered to you, what type accommodation would suit your needs?

Own home      Sharing with a family      Sharing with an individual      Any type

Other: \_\_\_\_\_ -

Support

4a. Have you approached social services for help with accommodation?

4b. If yes, was the support provided sufficient to meet you housing needs?

4c. Please explain:

4d. Have you approached local charities for your help with your housing need (e.g. Red Cross, Homeplus, NICRAS, Simon, etc)?

4e. If yes, was the support provided sufficient to meet you housing needs?

4f. Please explain:

4f. Do you have any other comments? Any thing the government can do this year about this?

4g. Do you want to know more/be kept informed about the campaign for housing rights?

Yes      No

If Yes, leave your contact details below or contact us at [advice@nicras.org.uk](mailto:advice@nicras.org.uk)

4h. Contact:      Email \_\_\_\_\_      Phone: \_\_\_\_\_

**Your identity and your responses in the survey will remain strictly confidential.**

## Annex B: The Full Survey Findings

### Length of Time in the Asylum Process

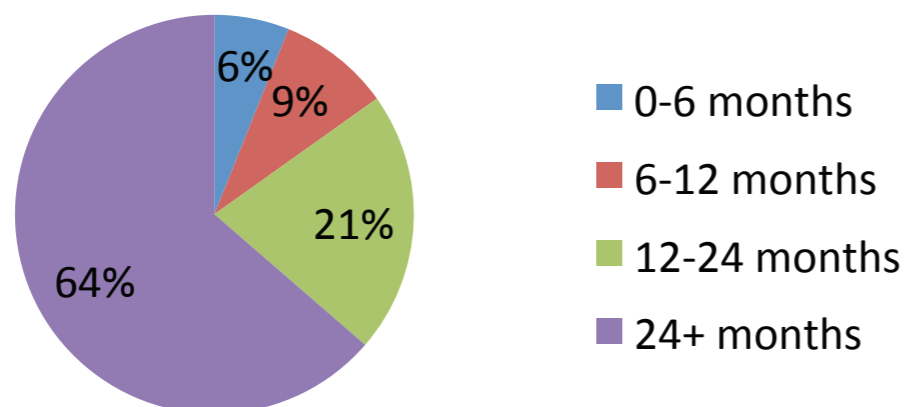


Figure 1: Length of time in the asylum process - from the start to the final decision

### Period of Time the Respondents were Homeless

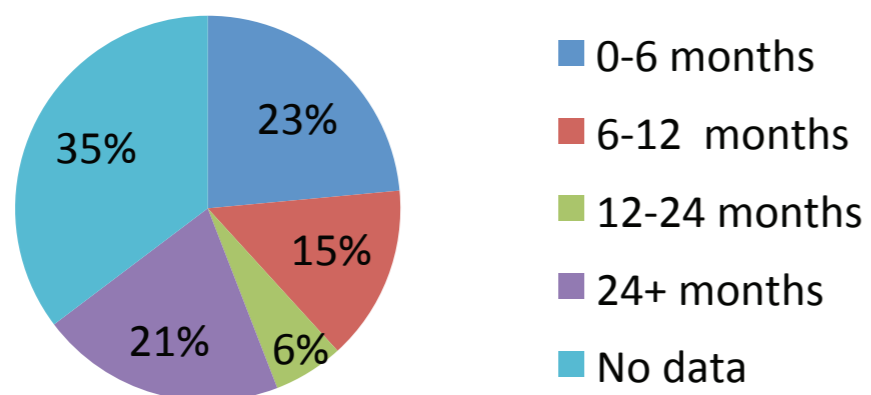


Figure 2: Period of time the respondents were homeless

### Living Situations at the Time of Being Surveyed

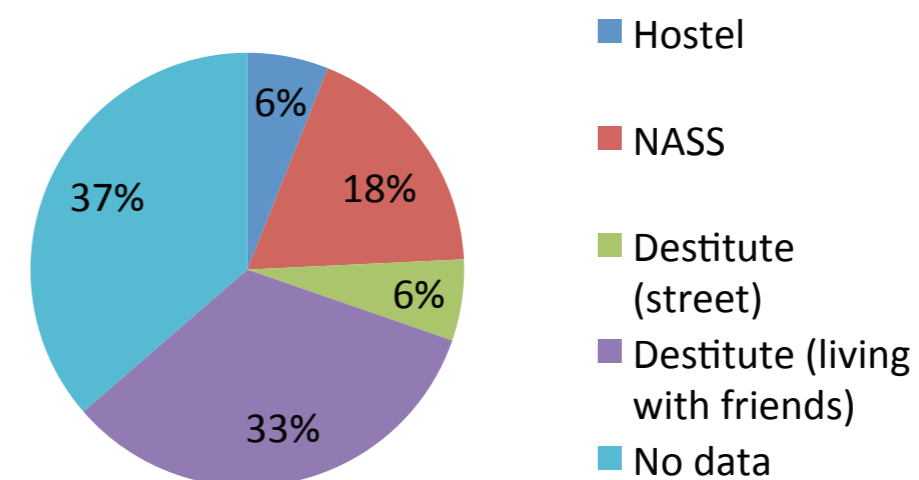


Figure 3: The respondent's living situations at the time of being surveyed

### Approached Social Services

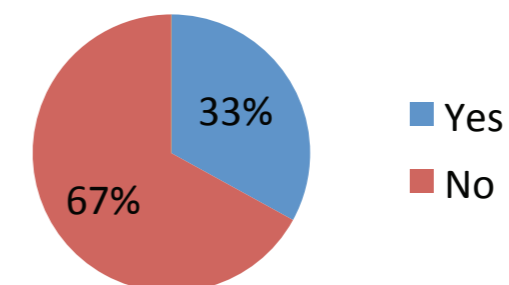


Figure 4: The respondents who approached social services for assistance (Of those who were eligible for such assistance)

### Approached a Charity

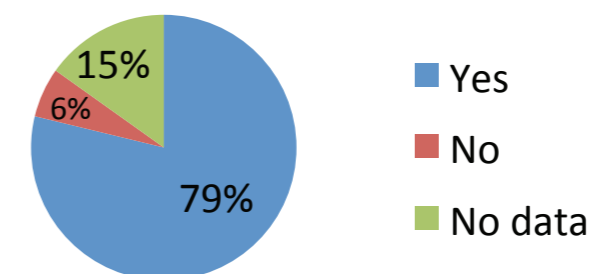


Figure 5: Respondents who approached a charity for assistance

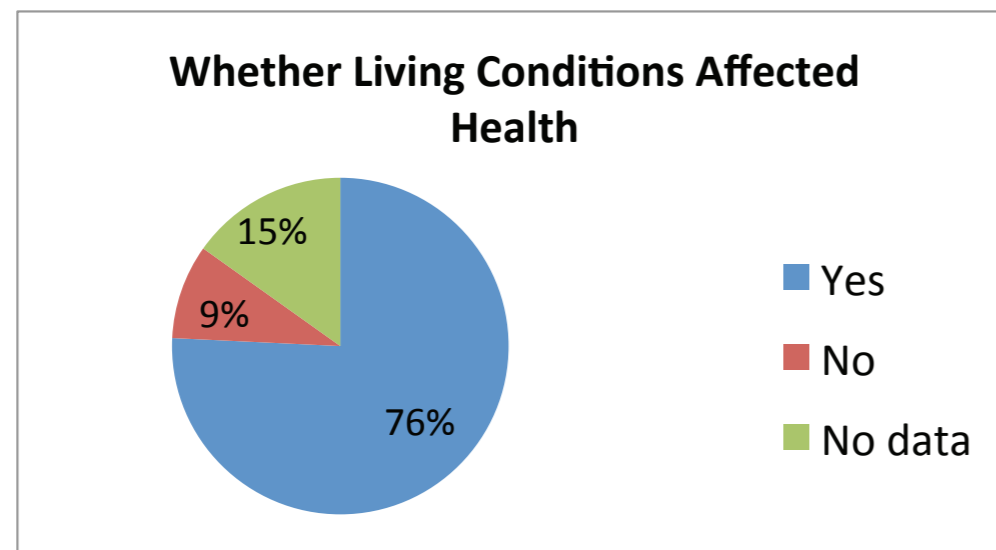


Figure 6: The respondents who said their living conditions affected their health

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BELFAST



### **Our vision**

Our 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.

### **Our Mission**

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

Northern Ireland Community of  
Refugees and Asylum Seekers

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