

Sanctuary in Parliament 2017: Dignity Not Destitution

Policy Briefing | November 2017

Summary

This year's Sanctuary in Parliament will focus on destitution among people seeking asylum and refugees. For people seeking protection in the UK the risk of falling into poverty or homelessness is very real. After fleeing war, torture and persecution in their countries of origin, many face on-going hardships in the UK.

In tackling destitution our primary policy priority is:

- 1. Permission to work be granted to any person seeking asylum that has been waiting for longer than six months - the Home Office's standard target for asylum decisions – and that permission should no longer be restricted to jobs on the Government's Shortage Occupation List.**

In addition, we are calling for:

- 2. The rate of asylum support to be raised from its current level of 50% of mainstream income support to at least 70%.**
- 3. An extension of the 'move on' period for new refugees to 50 days - reflecting the time it takes in reality for refugees to access accommodation and financial support.**

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1. Permission to Work

Currently more than 10,000 people seeking asylum whose claims are over six months old are struggling on asylum support payments of little more than £5 per day¹. This forced inactivity is detrimental to individuals' self-esteem and mental health, increases the difficulty of integration for those who are eventually permitted to stay, and places an entirely unnecessary cost on the public purse.

We propose that permission to work be granted to any person seeking asylum that has been waiting for longer than six months - the Home Office's standard target for asylum decisions – and that permission should no longer be restricted to jobs on the Government's Shortage Occupation List.

¹ People seeking asylum qualify for support under Section 95, Section 4 and Section 98 of the Immigration and Asylum Act 1999 if they can prove they have no other means of supporting themselves while they await a decision on their asylum case.

This change would help to avoid the negative impacts on people seeking sanctuary of prolonged impoverishment, allow them to contribute to the economy, and would bring the UK into line with the approaches taken across Europe.

Background

People seeking asylum in the UK are effectively prohibited from working. They can only apply to UK Visas and Immigration (UKVI) for permission to work if they have been waiting for a decision for over 12 months and only for jobs that are on the Government's restricted Shortage Occupation List². Even if they had the requisite skills for the jobs for which there is an identified national shortage, they would have to have their existing qualifications recognised, and they may well have become de-skilled in the year or more they have been unemployed. UKVI does not collect figures for the number of people seeking asylum who apply for, or are granted, permission to work³.

The changes that we are seeking would represent a return to how the UK approached this issue under previous Conservative and Labour administrations. Prior to 2002 people seeking asylum could work if they had been waiting for more than six months for a decision. The right to apply for permission after 12 months was introduced in 2005 in order to comply with the 2003 EU Directive on Reception Conditions. The Shortage Occupation List was introduced in 2010 and further limited work prospects.

During the passage of the Immigration Act 2016, the House of Lords voted in favour of a new clause which would have shortened the qualifying period for applying for permission to work and enabled people seeking asylum to take up any job or self-employment. The Government subsequently rejected the clause. We are asking the Government to look again at that decision.

Reform Proposals

The period that people seeking asylum must wait to be permitted to work should be reduced from 12 months to 6 months. In addition, they should no longer be limited to jobs on the UK Shortage Occupation List and should be free to take up any job or support themselves through self-employment.

Such changes would benefit a group of more than 10,000 asylum applicants who, according to the most recent statistics, have been waiting for longer than the Government's six-month target for decision-making⁴.

What are the arguments for reform?

- **It provides a route out of poverty.** Individuals are currently expected to meet all essential living needs of food, clothing, toiletries and transport and to also meet the cost of pursuing their asylum application from a support payment of just over £5 per day. Inevitably many struggle to make ends meet and suffer the consequences – ranging from physical and mental health problems to a detrimental impact on self-esteem.

² [Immigration Rules Appendix K: Shortage Occupation List](#)

³ [HL Deb 14 July 2014 c498W](#)

⁴ [Table as 01 q, Asylum Data Tables, Volume1](#)

- **It reduces the cost of the asylum support system.** People seeking asylum who are able to work will not need to be supported for extended periods and instead can contribute to the economy through increased tax revenues and consumer spending. Recent research has demonstrated that even with a modest labour force participation rate of 25% among people seeking asylum a saving of £43.5m could be made each year from the asylum support budget if the permission to work rules were liberalised⁵.
- **It would help integration.** For those who are eventually given leave to remain, avoiding an extended period outside the labour market is key to ensuring their long-term integration into UK society and encouraging them to be self-sufficient. The Home Office’s own research into the factors that influence refugee integration concluded that *“disrupted employment histories [have] an adverse effect on future employment”*⁶.

Early access to employment increases the chances of smooth economic and social integration by allowing refugees to improve their English, acquire new skills and make new friends and social contacts in the wider community. The vast majority of people seeking asylum want to work and contribute to society and are frustrated at being forced to remain idle and dependent on asylum support.

This would also contribute to the cohesion and wellbeing of local communities. A recent study by British Future looking at public attitudes to refugee protection found that more than two-thirds of the public (68%) agreed that, *“When people come to Britain seeking protection, it is important that they integrate, learning English and getting to know people. It would be helpful if asylum-seekers were allowed to work if their claim takes more than six months to process.”*

- **It would bring the UK into line with the approaches taken across Europe.** The restrictive approach that the UK takes on access to the labour market makes it an outlier within Europe. Figure 1 in the annex below shows that in almost all other European states people are given an opportunity to support themselves at an earlier stage and with fewer restrictions.

Why has the Government opposed reform?

The primary Government objection has been the fear of creating a ‘pull factor’ for people seeking asylum – the idea that a less restrictive system would attract people who otherwise might not have done so to claim asylum in the UK.

All the available evidence suggests that permission to work does not act as a pull factor. A recent review of 29 academic papers that have looked at the factors determining asylum destination country concluded:

- Not one study found a long-term correlation between labour market access and destination choice.

⁵ [James & Mayblin, *Restricting the Economic Rights of Asylum Seekers: Cost Implications*, University of Warwick \(2016\)](#)

⁶ [Cebulla et al, *Spotlight on Refugee Integration*, Home Office \(2010\)](#)

- The most up-to-date research concludes that access to work has little, if any, effect on variations in asylum applications.⁷

The academic literature has established that the factors that actually determine an individual's choice (where choice is possible) are:

- The presence of family and friends in destination country (they want to be near familiar people).
- The language spoken in the destination country (privileging countries with a familiar language).
- A belief that the destination country respects human rights and the rule of law in general.
- Colonial ties between country of origin and destination.

Furthermore, as shown in Figure 1 below, a significant number of EU countries already allow access to the labour market after six months or less of waiting for a decision. These countries have had these policies in place for many years and none of them have had to change the policy because of any abuse of the asylum route by economic migrants.

A related second objection is that reducing the restrictions on working would lead to a greater number of unfounded claims from would-be economic migrants. However, in reality, those motivated to come to the UK for economic reasons are unlikely to make an asylum application and bring themselves to the attention of the authorities on the basis that they might be able to apply for permission to work after six months.

Even if this were the case, they would never have an opportunity to do so as the Home Office decides all straightforward claims within six months. Anyone making an unfounded claim for asylum would have this dealt with quickly and cannot manufacture delays by not engaging with the process, as these people can be refused for non-compliance.

⁷ [James & Mayblin Policy Briefing: 03/16.1 Labour market access for asylum seekers University of Sheffield \(2016\)](#)

2. Increase the Rate of Asylum Support

Background

Welfare payments for people seeking asylum are provided through a separate system to mainstream benefits, and are set at a much lower rate. The amount of financial support given to people seeking asylum is currently £36.95 per person per week. Refused asylum seekers may be eligible for £35.39 per person per week on a payment card. Accessing these payments can be difficult and complex⁸.

Support rates were previously set at 70% of mainstream income support and annual rate changes were linked to changes in mainstream payments. However, this link was ended and asylum support rates are currently set at just over 50% of mainstream income support. Changes were made in August 2015 that introduced a single weekly rate for all people seeking asylum. Support had previously varied according to the age of applicants and the composition of their household. The 2015 change represented a substantial reduction in support for families with children.

The Joseph Rowntree Foundation has developed a 'Minimum Income Standard' based on the income level members of the British public think people need for an acceptable minimum standard of living. The comparable figure for 2017 was £177 per week⁹. Asylum support rates are set at just over 20% of this and also equate to just over a third of the income of the poorest 10% of British households.

Reform Proposals

All people seeking asylum in the UK should be provided with sufficient support to meet their essential living needs while they remain in the country. To do this, support rates should be increased to at least 70% of the rate of mainstream income support.

What are the arguments for reform?

- **Forcing people to live below the poverty line and pushing them into destitution while they fight for safety from persecution is inhumane.** Raising the level of support rates would reduce the number of people facing destitution.
- **Low support rates impact negatively on children.** Two thirds of lone parents on asylum support reported that they could not buy non-prescription medicine, or baby products such as nappies, formula milk or bottles. All lone parent surveyed reported that they could not buy items for their children's education and wellbeing, such as toys, books or stationary.
- **Raising support rates will not increase asylum applications to the UK.** As with the right to work, research has demonstrated that the rate of government support is not a relevant factor in asylum destination decisions.
- **Raising support rates will help people seeking asylum fully engage with the legal process.** Under the current system, lack of access to adequate support can prevent people from properly engaging with their legal case: lack of funds to travel to solicitors' appointments or pay for phone credit can make communication difficult; frequently changing address or being made

⁸ See Refugee Action's recent [Slipping Through the Cracks](#) report for more details

⁹ Adjusted for household composition and after housing and childcare costs – see [Padley & Hirsch A Minimum Income Standard for the UK in 2017, JRF \(2017\)](#)

completely destitute can prevent people from responding to letters about their case; and anxiety about where they are going to sleep or get their next meal can prevent people from having the emotional and physical resources to engage with the legal process.

- **The cost would be small** - £14.5 million on an overall annual benefit bill of £146 billion¹⁰. If combined with giving the right to work to people seeking asylum who have waited for a decision for over six months there would be no net cost to this measure.

¹⁰ [James & Mayblin, *Restricting the Economic Rights of Asylum Seekers: Cost Implications*, University of Warwick \(2016\)](#)

3. Extend the 'Move On' Period for New Refugees to 50 days

Background

When an individual is successful in their application for asylum any financial support or accommodation they are receiving from the Home Office will be withdrawn 28 days after they are told about that decision. This 28 day period is often referred to as the “move on period”, as it marks the period when a newly recognised refugee is expected to move from Home Office provided support to sourcing their own accommodation and income, either privately or via mainstream welfare support.

However, the reality is that 28 days is not sufficient time for a great number of refugees to make that transition. The primary reason for this is delays in the Home Office providing critical documents (including a National Insurance number) that are essential for an individual to claim mainstream benefits or work¹¹. Other factors include:

- Refugees are often unable to open a bank account during the transition period because they do not have the required identity documents. The DWP will not process an application for benefits without a bank account and will withhold payments until one is open.
- Accessing mainstream welfare benefits is often challenging for refugees who are generally not familiar with the procedures or sufficiently fluent in English to navigate the system.
- Refugees often have complex health needs which can inhibit their ability to engage with the transition process. Consequently, the most vulnerable refugees are also the ones most likely to become destitute when the 28-day move-on period comes to an end.

Despite repeated efforts to solve this issue through procedural improvements, the evidence shows that the problem has got worse in recent years and that very significant numbers of refugees are ending up destitute after the 28-day move-on period expires. Between January and September 2016 the British Red Cross helped over 1,200 destitute new refugees¹². Similarly, the No Accommodation Network (NACCOM) reported that of the 1,907 individuals housed by their members in the last year 43% were refugees – up from 29% previous year¹³.

Reform Proposals

The most straight-forward way to ensure that newly recognised refugees do not end up destitute would be to maintain asylum support until their mainstream benefits are ready to start so that there is a seamless transition between support systems. However, if the Government wishes to maintain the current system in which there is a fixed move-on period then the current 28-day limit should be increased to 50 days in order to more accurately reflect the time it takes in reality for refugees to access accommodation and financial support.

¹¹ For further detail and examples on how administrative delays undermine refugees' attempts to move on see the [Still Human, Still Here 'Move On' briefing](#) on the issue.

¹² [Refugees Welcome? APPG on Refugees \(2017\)](#)

¹³ [Annual Report 2016/17, NACCOM \(2017\)](#)

Increasing the length of the move on period is not the complete solution to the current problems facing new refugees and should be accompanied by further measures such as the re-introduction of an integration and employment service for this group across the whole of the UK.

What are the arguments for reform?

Extending the move on period to 50 days will:

- **Dramatically reduce the incidence of destitution amongst refugees.** There is overwhelming evidence that the current 28 day limit is insufficient for many refugees and a significant extension is a necessary in order to reduce the number of people who are being driven into destitution.
- **Improve the effective integration of refugees.** A coherent and orderly system that allows refugees to avoid periods of destitution would reduce the number of practical hurdles that refugees currently face in intergrating into society.
- **Free up significant resources for both voluntary and statutory agencies** that are currently used to provide urgent assistance to refugees who are about to have their support cut off or who have already become destitute.

Annex

Figure 1: Labour market access across the EU¹⁴¹⁵

Access to the labour market for asylum seekers					
	Right to access		Labour market test	Sector limitation	
		Max. time limit (months)			Permitted sectors
AT	✓	3	✓	✓	Tourism, agriculture, forestry
BE	✓	4	✗	✗	
BG	✓	3	✗	✗	
CY	✓	9	✓	✓	Agriculture, fishery, manufacture et al.
DE	✓	3	✗	✓	No self-employment
ES	✓	6	✗	✗	
FR	✓	9	✗	✗	
GR	✓	0	✗	✗	
HR	✓	9	✗	✗	
HU	✓	9	✓	✗	
IE	✗	-	✗	✗	
IT	✓	2	✗	✗	
MT	✓	9	✗	✗	
NL	✓	6	✗	✗	
PL	✓	6	✗	✗	
SE	✓	0	✗	✓	Unskilled
UK	✓	12	✓	✓	Listed shortage occupations
CH	✓	3-6	✓	✓	Building, housing, food
SR	✓	9	✗	✗	

¹⁴ Table is taken from the Asylum Information Database and is correct as of the end of 2016.

<http://www.asylumineurope.org/comparator/reception>

¹⁵ The Republic of Ireland's ban on asylum seekers working was ruled unconstitutional earlier this year and the Irish Government has committed to liberalisation.