

DESTITUTION AND THE ASYLUM SYSTEM

**APPLICATION
DECISION
CONFUSION
DEPRIVATION
DESTITUTION**

21 DAYS LATER

A REPORT BY THE REFUGEE SURVIVAL TRUST AND BRITISH RED CROSS

Refugee Survival Trust

The Refugee Survival Trust is a volunteer-led charity that provides grants to asylum claimants and refugees living in Scotland. It was set up in 1996 by a number of concerned individuals as a reaction to the problem of refugees and asylum claimants being made destitute in Scotland. Grants made by RST either alleviate poverty and destitution, or help refugees and asylum claimants to overcome obstacles in accessing educational and employment opportunities.

RST uses the information and experience gained from providing these grants to encourage procedural changes on the part of UKBA in Glasgow, and also to encourage the Home Office and the Scottish Government to improve conditions for asylum claimants and refugees in Scotland.

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RST
Refugee
Survival
Trust

British Red Cross

The British Red Cross helps people in crisis, whoever and wherever they are. We are part of a global network of volunteers and staff, responding to natural disasters, conflicts and individual emergencies.

We enable vulnerable people at home and overseas to prepare for and respond to emergencies in their own communities. And when the crisis is over, we help people recover and move on with their lives.

The Refugee and International Tracing Service in Glasgow provides a broad range of support services to asylum seekers and refugees which encompass orientation support, destitution response, family reunion, dedicated support to vulnerable women, international tracing and message services and the production of a dedicated newspaper for refugees in Scotland.

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 **BritishRedCross**

21 DAYS LATER

The title of this report refers to the 21-day 'move-on' period given to asylum claimants whose application for asylum has been refused. The report examines the destitution of asylum seekers and refugees in Scotland over a 5½ year period. It demonstrates that, at this crucial 21-day stage, those who have sought sanctuary in the UK are most likely to experience destitution.

The report also clearly indicates that destitution occurs at many other points within the asylum process and can even affect those who have been granted leave to remain in the UK.

The issue of destitution is examined thematically. The five themes have been chosen with reference to the journey and the experience of asylum claimants supported by the Refugee Survival Trust (RST) in Scotland:

- Destitution
- Application
- Confusion
- Decision
- Deprivation

The purpose of the report is to show how simple changes to the asylum process could prevent the destitution of hundreds of people living in Scotland.

Refugee Survival Trust and British Red Cross
January 2009

The majority of people who flee their country and seek sanctuary in Scotland arrive with few or no possessions and are destitute. Most have had to abandon property and assets, leaving everything behind including family and friends, and often every penny of their life savings are spent on paying people smugglers to secure their journey out of danger. On arrival in the UK, they have no choice but to apply for financial support from the UK Government as they are forbidden to work and support themselves and their families.

Scottish Refugee Council witnesses every day the suffering and human misery that is brought on asylum seekers when things go wrong in accessing this support. This report clearly sets out where these failings are. Whilst we continue to lobby against the restrictive legislation and policies which bring destitution to people at the end of the asylum process when they are refused protection, this report shows practical steps that can be taken to avoid destitution happening at all stages during the asylum process.

John Wilkes
Chief Executive, Scottish Refugee Council

We welcome this very practical piece of research into the issue of destitution, which is an ongoing concern for COSLA and our Strategic Migration Partnership. Destitution is experienced by people at the end of the asylum process and by people whose claims for asylum are still being processed. The negative impact upon individuals and families in this situation are clearly significant, and the problem also impacts upon local government, the voluntary sector and local communities who come under pressure to provide support.

In recent years in Scotland we have developed a strong partnership approach to resolving asylum and refugees issues. As a result, some causes of destitution have been addressed. This report sets out achievements that all involved should be proud of, including the establishment of the JobCentre Plus team which minimised the problem of destitution for people granted leave to remain through the first tranche of case resolution. However, the problem overall is far from being resolved and COSLA Strategic Migration Partnership have made a commitment to support a continued partnership approach to preventing the destitution of asylum seekers and refugees in Scotland. This excellent report will clearly contribute to how we take this forward.

Derek Mitchell
COSLA Strategic Migration Partnership Manager

Over recent years, much has been said about the destitution of refused asylum claimants. As well as highlighting the extent of this destitution, 21 Days Later raises the issue of destitution within the asylum process. The report shows that there are simple, yet key failures in the asylum support system that result in unnecessary destitution. Both adults and children, who have travelled thousands of miles to escape persecution, often find that their nightmare continues as they face destitution in Scotland.

UKBA Scotland has already demonstrated its commitment to work closely with voluntary organisations, local authorities and the Department for Work and Pensions to encourage the smooth-running of the asylum system. RST welcomes this development, and would like to see UKBA Scotland and UKBA Croydon commit to work with us further to take forward the next steps identified in this report. These simple, yet key steps have the potential to greatly reduce the extent of destitution and prevent the unnecessary suffering of hundreds of asylum claimants and refugees every year.

Laurie Naumann
Chair, Refugee Survival Trust

Destitution is an issue that affects everyone in Scotland; asylum seekers, refugees, host communities, the voluntary sector, local authorities and government. This report demonstrates clearly that its impact in terms of cost; financially, socially and morally far outweighs any perceived notion that it is a fair, equitable and effective way to encourage managed return.

Some of the circumstances that the British Red Cross have witnessed in dealing with destitution have shown a degree of suffering and inhumanity that if we as the world's largest humanitarian organisation witnessed them in a different environment, such as an area of natural disaster or a conflict zone, we would be shocked into making an immediate emergency response.

We are delighted that this report sets out a clear and concise agenda for change, highlighting existing good practice and putting forward a series of recommendations which directly address the issues of greatest concern to all those tasked with providing a fair and equitable level of support to some of the most vulnerable people in our society.

Nick Scott-Flynn
Head of Refugee Services, British Red Cross

'SOME OF THE CIRCUMSTANCES THAT THE BRITISH RED CROSS HAVE WITNESSED IN DEALING WITH DESTITUTION HAVE SHOWN A DEGREE OF SUFFERING AND INHUMANITY THAT IF WE AS THE WORLD'S LARGEST HUMANITARIAN ORGANISATION WITNESSED THEM IN A DIFFERENT ENVIRONMENT, SUCH AS AN AREA OF NATURAL DISASTER OR A CONFLICT ZONE, WE WOULD BE SHOCKED INTO MAKING AN IMMEDIATE EMERGENCY RESPONSE.'

BACKGROUND

In their bid to flee persecution, asylum claimants have to leave behind their home, friends and family. They endure long, traumatic journeys and often arrive in Scotland destitute in only the clothes they are wearing.

Since 2000 when the Immigration & Asylum Act 1999 came into force, asylum claimants have not been eligible to claim any mainstream benefits or access homelessness services. In 2002, permission to work for asylum claimants was withdrawn in all but a small number of cases.

If an asylum claimant does not have the means to support themselves or their family, they can apply for Home Office Asylum Support (formerly known as NASS support). If deemed eligible, claimants will be provided with limited financial support. Accommodation, if required, will be provided on a no-choice basis in one of twelve dispersal areas throughout the UK.

Glasgow is the only dispersal area in Scotland although there are very small numbers of asylum claimants in other areas of the country, staying with family and friends.

Initially all asylum support was administered centrally from offices in Croydon. More recently, some central responsibilities have been devolved to local teams, including to the UK Border Agency (UKBA) in Scotland.

Regionalisation was one of the key elements of the Home Office’s New Asylum Model, which was implemented throughout the UK in March 2007. The authors of this report feel that regionalisation will continue to provide a platform for positive and constructive change.

‘IN THEIR BID TO FLEE PERSECUTION, ASYLUM CLAIMANTS HAVE TO LEAVE BEHIND THEIR HOME, FRIENDS AND FAMILY. THEY ENDURE LONG, TRAUMATIC JOURNEYS AND USUALLY ARRIVE IN SCOTLAND DESTITUTE IN ONLY THE CLOTHES THEY ARE WEARING.’

21 DAYS LATER

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EXECUTIVE SUMMARY

21 Days Later explores the causes and extent of destitution among refugees and asylum claimants living in Scotland.

The Refugee Survival Trust and British Red Cross have produced this report in response to the increasing number of destitute people requesting support from the two charities over the past five years. These people are vulnerable to severe poverty. They are not entitled to (or often deprived of) statutory support and usually do not have the right to work to support themselves.

The statistics used in this report have been gathered by the Refugee Survival Trust from January 2003 – June 2008 through their ongoing grants programme that alleviates destitution among asylum claimants and refugees. They have been analysed by the Strategy and Evaluation team at the British Red Cross.

The grants programme gives small payments (approximately £40 per person per week) to those experiencing destitution who have no access to any other form of support.

BACKGROUND

Although there have been many changes in asylum legislation throughout the period covered by this report, the basic support arrangements for asylum claimants and refugees have remained unchanged.

Asylum claimants cannot claim mainstream benefits or access homelessness services. They usually do not have permission to work. They can apply for limited Home Office asylum support and are provided with accommodation in a 'dispersal area' on a no-choice basis. Glasgow is currently the only dispersal area in Scotland.

Refugees are eligible for mainstream benefits and have permission to work.

In 2003, all applications for asylum support were processed by the Home Office from their Croydon office. Over the period covered by this report, responsibilities for asylum support, and increasingly for decision-making on asylum claims, have been devolved to local teams, including to the UK Border Agency (UKBA) in Scotland. Regionalisation has encouraged better partnership working between voluntary and statutory organisations and has already helped to tackle some causes of destitution.

AIM

The aim of the report is to:

- highlight successes in tackling destitution; and to
- recommend the next steps that should be taken to prevent destitution in the future.
- to provide a point of referral against which future efforts to tackle destitution can be assessed.

KEY FINDINGS

- Asylum claimants are most at risk of destitution when they move from one stage of the asylum process to the next. This is often caused by difficulties experienced by UKBA in administering support, and a lack of understanding of the asylum process among asylum claimants.
- Single new arrivals to Scotland are particularly vulnerable to destitution as they often arrive with no money and no support. They have to make their own way to the nearest Asylum Screening Unit (in Liverpool) to submit their claim for asylum. In the past 5 years, RST provided grants to enable 527 people to travel to Liverpool to submit their claim for asylum.
- The regionalisation of UKBA teams to Scotland has enabled much improved partnership working between organisations and, as a result, has significantly reduced destitution within the asylum process. In 2003, problems with asylum support that were directly related to UKBA procedures made up 34% of all RST grants made. By 2008, this reduced to 18%.

- The reliance on, and non-delivery of, emergency support tokens is still a key cause of destitution within the asylum process. In the first six months of 2008, RST has seen 76 cases of destitution related to the non-delivery of tokens that have affected 53 adults and 8 children.
- A lack of information about section 4 support, and delays in processing section 4 applications is another key cause of destitution at the end of the asylum process. In the past 5½ years, RST made 626 grants to support 704 adults and 126 children who were left destitute whilst awaiting section 4 support.
- The vast majority of destitute refugees and asylum claimants supported by RST (69%) have been deprived of the asylum support or mainstream benefits to which they are entitled.

SUCCESSES

21 Days Later identifies a number of successes and areas of good practice that should be acknowledged and expanded upon to tackle the destitution of asylum claimants and refugees further:

- The regionalisation of UKBA responsibilities has helped to reduce problems with asylum support. It has enabled UKBA to better communicate with key stakeholders, which has influenced the operational delivery of asylum support procedures with particular consideration to issues in Scotland.
- Partnership working between voluntary and statutory organisations has proved helpful in reducing destitution;
- Partnership work between voluntary and statutory organisations has proved highly effective, as evidenced by the success of the work of JobCentre Plus, the Scottish Refugee Council, Refugee Survival Trust and COSLA Strategic Migration Partnership in tackling the destitution of new refugees.

NEXT STEPS

21 Days Later identifies a number of steps that should be taken to prevent future destitution. RST, the British Red Cross and Scottish Refugee Council are committed to working with partners, particularly UKBA, to ensure these next steps are taken forward.

Operational issues:

- RST, the British Red Cross and Scottish Refugee Council should continue to develop their partnership to tackle destitution in Scotland;
- Single adults and childless couples should be able to submit their claim for asylum in Scotland;
- The reliance on Emergency Support Tokens (ESTs) must be reduced;
- A practical solution should be established to address the non-delivery of ESTs. This should include UKBA addressing failed delivery issues with the token courier contractor and accommodation providers, developing a facility to hold on to tokens for asylum claimants to collect if the UKBA courier is unable to make a successful second delivery;
- Procedures relating to the release of claimants from detention need to be improved;
- Responsibility for all section 4 support should be devolved to UKBA Scotland;
- Asylum claimants should be briefed early on in the asylum process on the options that will be available to them in the event of a refusal on their claim;
- All asylum claimants should receive the benefits to which they are entitled.

Policy issues:

- Support should be maintained for refused asylum claimants;
- The lack of public sector support structures for refused people must be addressed;
- Maternity payments to new mothers receiving section 4 support should be equivalent to those given to new mothers on asylum support.



1. DESTITUTION

...throughout the asylum process

Des-ti-tu-tion [*des-ti-too-shuhn, -tyoo-*] – noun
1 . lack of the means of subsistence; utter poverty.
2. deprivation, lack, or absence.

1.1. THE REFUGEE SURVIVAL TRUST

The Refugee Survival Trust is a charity that makes small, short-term grants to asylum claimants and refugees living in Scotland in order to alleviate the impact of destitution in their lives.

Grants are made in response to requests from caseworkers working for front-line organisations, mainly the Scottish Refugee Council. Grant decisions are based on stringent guidelines and eligibility criteria (see Appendix 4). Other than a two-week “breathing space” grant, funding is not given to those who have exhausted all rights to appeal who are not applying for section 4 support¹ or voluntary return. Funding is not given if any other source of support is available and is set at the level of minimal subsistence.

Despite these stringent criteria, RST has approved over 3,000 destitution grants with an average value of £80 and a total value of over £250,000 since January 2003.

- 43% of grant recipients were female (of whom 8% were pregnant);
- 57% were male; and
- 31% had dependent children.

1.2. DESTITUTION IN SCOTLAND

Although information gathered from RST grant making can give a great deal of insight into the causes and extent of destitution of refugees and asylum claimants, it must be interpreted within the scope of RST guidelines (see Appendix 4). RST can only provide grants to those within the asylum process, those awaiting section 4, or to new refugees. Support for those who have exhausted all rights to appeal and are not submitting a new asylum claim are limited to only two weeks of support.

This report, therefore, cannot provide a clear insight into the extent of destitution among refused asylum claimants; a group which may be much bigger than that which this report covers. Scottish Refugee Council research conducted in 2006 showed that only 26% of all clients presenting as destitute in February 2006 received RST funding². The others were primarily refused asylum claimants who had exhausted all rights of appeal on their asylum claim. Some of these people are offered limited support from organisations including Positive Action in Housing (PAIH) and local church groups.

Case study

Ms. N arrived in the UK in 2003 at the age of 20 from Democratic Republic of Congo. Despite not yet having a decision on her claim for asylum, a new government policy left her destitute and extremely vulnerable, with no money for accommodation or food.

Ms N told Scottish Refugee Council caseworkers that if she were to ask friends for somewhere to stay, they were going to ask for payment. If she had no money, she would have to pay in other ways.

SRC caseworkers approached the Refugee Survival Trust (RST) for assistance. For the next two months RST was able to pay for basic hostel accommodation. The British Red Cross provided her with food parcels. Without this support, Ms N was at serious risk of exploitation.

¹ Section 4 Support is available to refused asylum claimants who are destitute and satisfy certain criteria. It includes accommodation and support tokens.

² They Think We Are Nothing' (2006) – Scottish Refugee Council

Successes and Next steps:

1.3. THE RISK OF DESTITUTION

RST statistics show that asylum claimants are most at risk of destitution when they move from one stage of the asylum process to the next. They are particularly vulnerable at the following stages:

- Before they are able to submit their claim for asylum;
- When they are first dispersed and their asylum support is being set up;
- When they are appealing a negative decision on their asylum claim;
- At the end of process when transferring on to mainstream benefits;
- Or, at the end of the process when moving on to section 4 support.

The most likely causes of destitution at these key stages are:

Yet to claim asylum

asylum claimant has no money to enable them to travel to the nearest asylum screening unit (Liverpool) to submit their claim;

Submitted claim

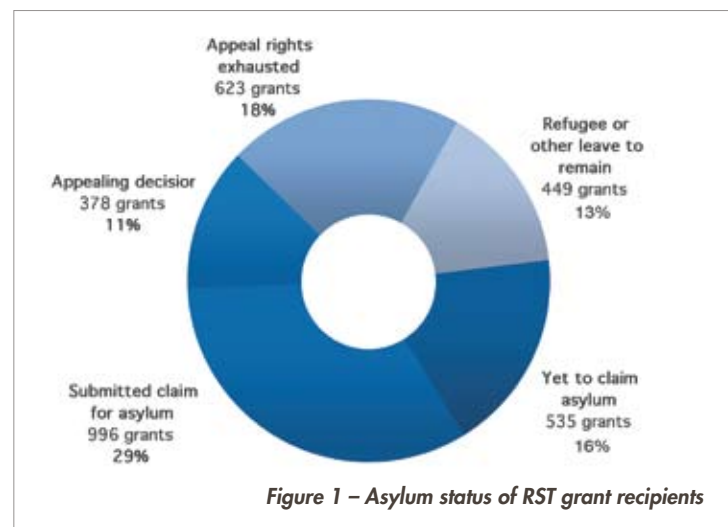
asylum claimant has been dispersed and is yet to have their asylum support set up; asylum support is stopped erroneously;

Appealing decision

Appeal rights exhausted

asylum claimant awaiting section 4 support; difficulties in accessing mainstream benefits.

Refugee and those with other leave to remain



1.3. SUCCESSES AND NEXT STEPS

1.3.1. Success

RST is able to identify key causes of destitution in the asylum process.

Over the past 5½ years RST has collated evidence of the grants given by the charity to alleviate the destitution of asylum claimants and refugees. This evidence clearly shows where key procedural flaws exist within the asylum process that result in destitution. The publication of this report is an opportunity to evidence these flaws and work with UKBA, Scottish Refugee Council, the British Red Cross and other partners to address them.

'...THIS EVIDENCE CLEARLY SHOWS WHERE KEY PROCEDURAL FLAWS EXIST WITHIN THE ASYLUM PROCESS THAT RESULT IN DESTITUTION.'

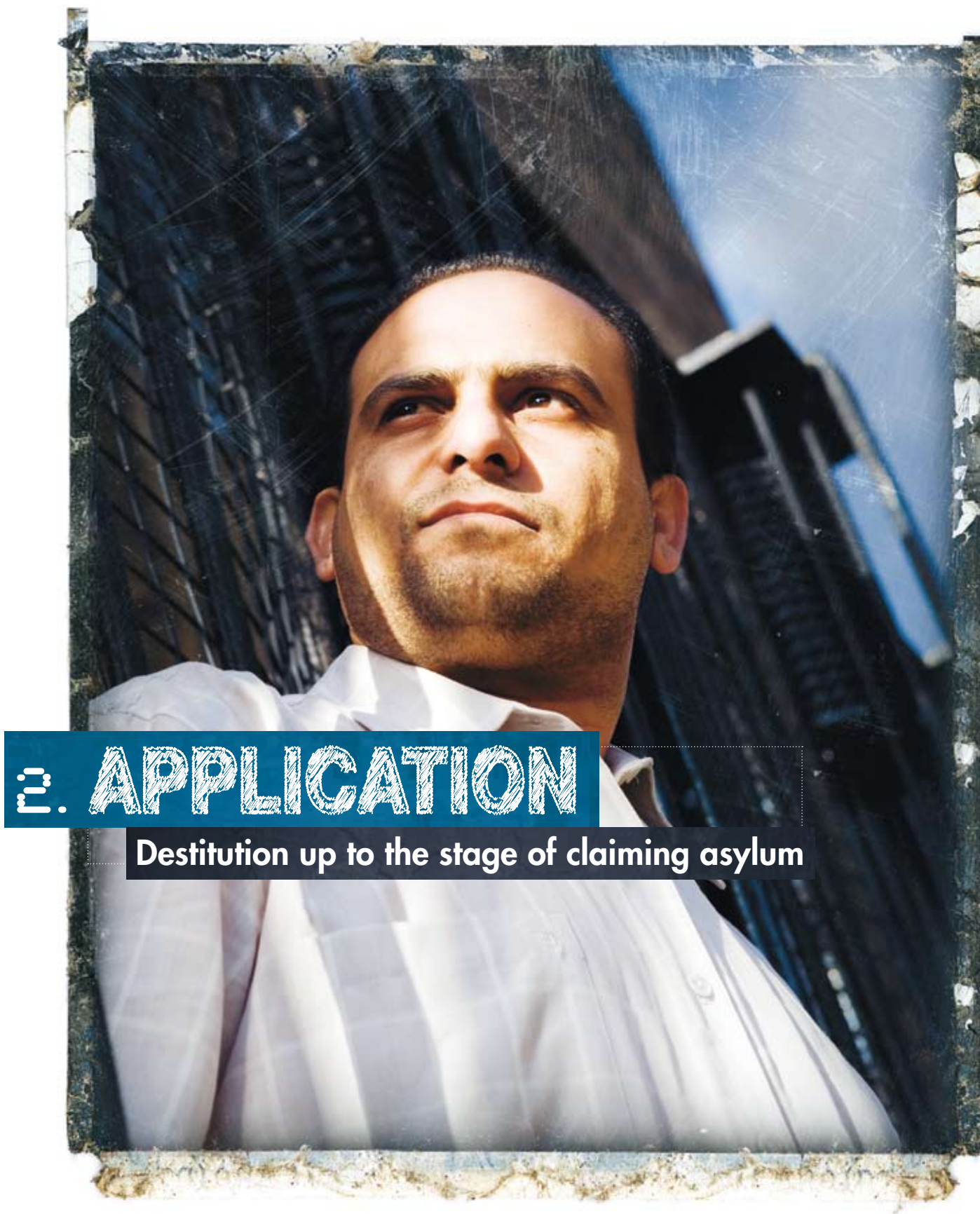
1.3.2. Next Steps

RST, the British Red Cross and Scottish Refugee Council should continue to develop their partnership to tackle destitution in Scotland.

RST, the British Red Cross and Scottish Refugee Council all provide essential services to support destitute asylum claimants and refugees. RST and the British Red Cross have recently formed a formal partnership in which the British Red Cross provides funding to support RST grant-giving, and RST shares statistical data with the British Red Cross.

The Scottish Refugee Council should continue providing in-depth information to the Refugee Survival Trust when applying for destitution grants for asylum claimants and refugees. RST and the British Red Cross should continue to produce 6 monthly reports that analyse the causes and extent of their destitution. These reports will enable the 3 organisations to identify trends in destitution. As a result, the reports should be used in partnership with other stakeholders in Scotland to tackle procedural causes of destitution and work with government to influence policy.

RST, the British Red Cross and Scottish Refugee Council should continue to develop their partnership to tackle destitution in Scotland



2. APPLICATION

Destitution up to the stage of claiming asylum

Ap-ply-ca-tion [ap-li-key-shuhn] – noun
1. the act of putting to a special use or purpose; the application of common sense to a problem.
2. the act of requesting.
3. a written or spoken request or appeal for employment, admission, help, funds, etc.
4. a form to be filled out by an applicant.

2.1. SUBMITTING AN APPLICATION FOR ASYLUM

Since September 2003, it has not been possible for single adults and childless couples who have arrived in Scotland to submit a claim in Scotland¹. On arrival, they have to travel to the nearest Asylum Screening Unit (currently in Liverpool) to submit their claim, unless they have health or other special needs that prevent them from doing so. The ASU is only open in the morning, so claimants usually have to travel by overnight bus to avoid arriving in the afternoon and being left homeless overnight. Until their claim is submitted, they are not eligible for any asylum support.

RST provides grants to enable new arrivals to travel by bus to Liverpool. These grants are for £40 to cover bus fares and £10 for basic subsistence needs. Without these grants, most new arrivals would not be able to make their own way to Liverpool and would be left destitute, with no access to support, in Scotland.

New arrivals are often confused, disorientated and particularly vulnerable. They often have limited English and have no understanding of the UK asylum system. This makes it particularly difficult for them to travel to the ASU to submit their claim for asylum and increases the time that they are undocumented in Scotland.

Between January 2003 and June 2008, 20% of RST grants were given for travel costs. This has mainly been to fund the travel costs of new arrivals and included 527 people who needed to travel to Liverpool to submit their claim for asylum. Without these grants it is very likely that these people would have remained in Glasgow with no accommodation or support, destitute, homeless and undocumented. They would not be able to submit a claim for asylum and their protection needs would never be considered.

Case Study

Mr M, aged 19, arrived in Scotland from the Democratic Republic of Congo in December 2004. He was taken to the Scottish Refugee Council office late on a Monday afternoon. SRC caseworkers advised him that he needed to travel to Liverpool to submit his claim for asylum. However, Mr M had no money, little grasp of the English language and had missed the bus to Liverpool. RST paid for one night of accommodation and for a bus ticket to Liverpool the next day. SRC caseworkers made an appointment for him at the Liverpool Asylum Screening Unit and gave him directions in his own language to help him find his way there.

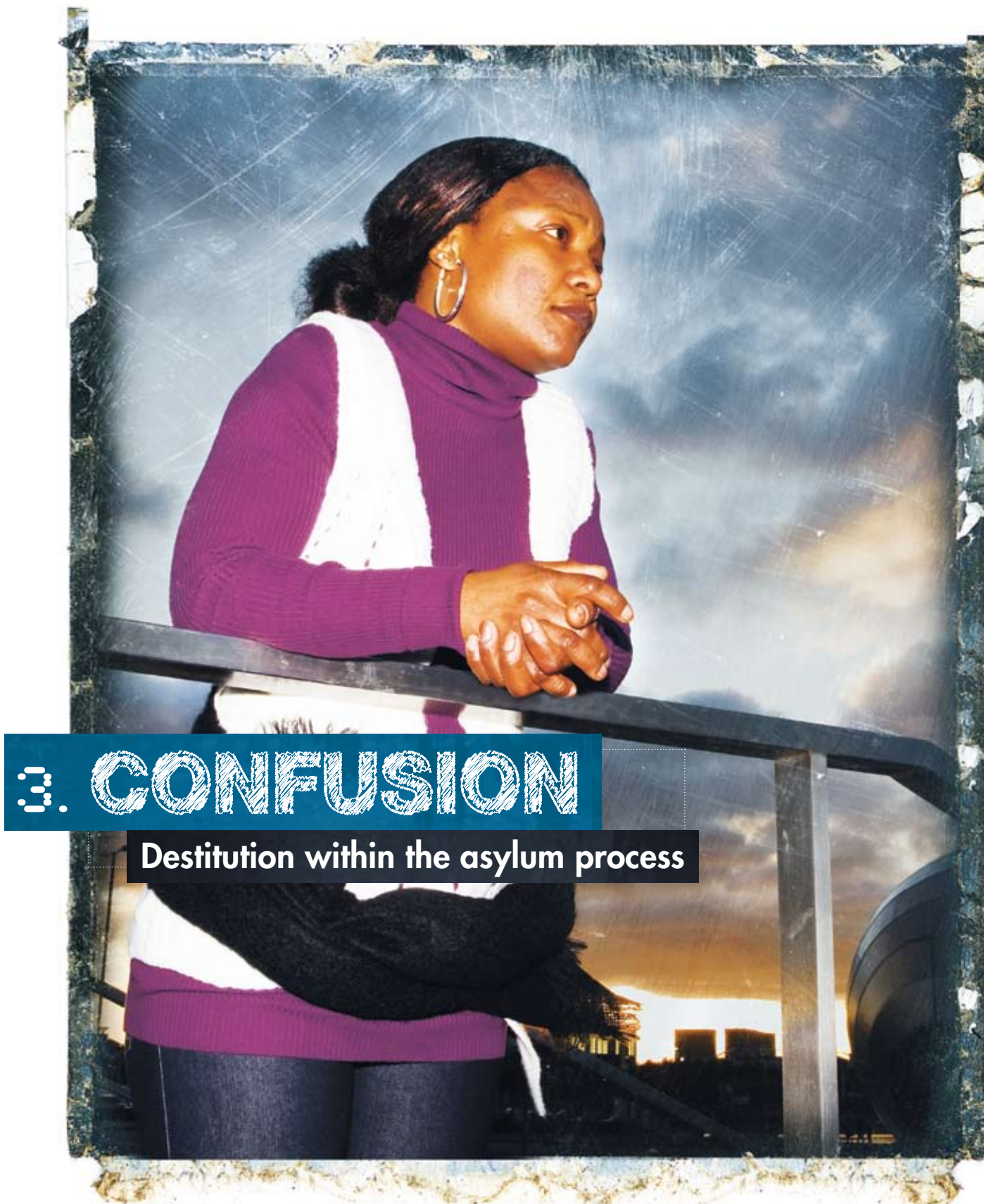
2.2. SUCCESSES AND NEXT STEPS

2.2.1. Next step

Enable single and childless couples to submit their claim for asylum in Scotland

Scotland should be able to offer a fully resourced facility for single adults and childless couples to claim asylum. UKBA should expand its current, limited screening facilities to enable all new arrivals to Scotland to submit their asylum claim, both at port and in country.

¹ On arrival in Scotland, families and those with health or other special needs can go to then UKBA offices in Glasgow to submit their claim for asylum.



3. CONFUSION

Destitution within the asylum process

Con-fu-sion [kən-fyoo-zhun]

1. the act of confusing.
2. the state of being confused.
3. lack of clearness or distinctness.
4. disorder; upheaval; tumult; chaos.

The asylum system is complex and ever changing. Over the period of this report, 3 substantive immigration acts have been introduced⁴ and all immigration legislation is currently being overhauled into the Citizenship and Immigration Bill. Moreover, the government department responsible for determining claims for asylum and providing support and accommodation to asylum claimants has been through major reorganisations from the Immigration and Nationality Directorate (IND) together with the National Asylum Support Service (NASS) into a shadow executive agency, the Border and Immigration Agency (BIA) to its current formation as an executive agency of the Home Office, the UK Border Agency (UKBA).

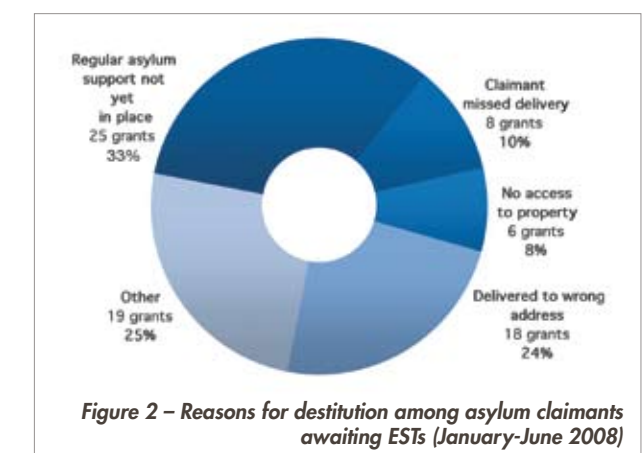
Mistakes made and miscommunication between UKBA and its contractors have been a key cause of destitution within the asylum process. Between January 2003 and June 2008, problems with asylum support were the cause of 31% of RST grant payments. Although the regionalisation of many asylum support functions to UKBA Scotland has brought significant improvements, there is still much more that could be done to prevent problems with the delivery of asylum support.

3.1. EMERGENCY SUPPORT TOKENS

UKBA is committed to maintaining support for asylum claimants through the provision of Emergency Support Tokens when there is a gap in their usual asylum support.

Tokens are delivered to asylum claimants at their current address by an UKBA contracted courier, along with instructions in English as to the location of the Post Office in which they should be cashed. The asylum claimant must be at home to give their asylum support reference number and sign to confirm receipt of the Token. The courier company will make only two delivery attempts. If the second attempt is not successful, the tokens will be returned to UKBA. Gaps in the provision of tokens are a key cause of destitution within the asylum process.

The non-delivery of Emergency Support Tokens is a key cause of destitution, making up 10% of all grants made by RST over this period. The non-delivery of tokens often affects the most vulnerable of an already vulnerable group. RST regularly sees pregnant women, families with young children and those with health problems being affected. In 2008 alone, RST has seen 76 cases of destitution related to the non-delivery of tokens that have affected 53 adults and 8 children (in some cases the same people were made destitute repeatedly).



In the first six months of 2008, destitution whilst awaiting the delivery of tokens has been caused by:

- Newly dispersed claimants experiencing a period of destitution between their initial support running out and their asylum support being set up. This is caused when their asylum support is not set up at the point of dispersal.
- Asylum claimants not understanding the token delivery process and not staying at home to sign for the delivery.
- Poorly maintained house entry systems resulting in the UKBA-contracted courier being unable to gain access to a property (particularly high-rise flats) to deliver tokens.
- Tokens being delivered to the wrong address after UKBA-contracted accommodation providers do not notify UKBA of change of an asylum claimant's address.
- Other reasons, such as asylum claimants being in hospital, problems with cashing tokens at Post Offices, and orders for tokens not being submitted by UKBA staff.

⁴ Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; Immigration, Asylum and Nationality Act 2006; UK Borders Act 2007

3.2. PROBLEMS WITH ARC CARDS

Shortly after submitting a claim for asylum, claimants are given an Application Registration Card (ARC) to enable them to collect their regular support payments from their designated Post Office. Problems with ARC cards were the cause of 4% of RST grant payments throughout the period of this report.

These problems included:

- The Post Office not accepting faulty ARC cards;
- The asylum claimant having their ARC card stolen;
- Damage to the ARC card making it unusable;
- The asylum claimant losing their ARC card.

If an asylum claimant is unable to collect support using an ARC card, UKBA sets up support through Emergency Support Tokens. However, it is not always possible for an asylum claimant to contact UKBA immediately, and even if they do so, UKBA often need to spend time investigating the cause of the problem before tokens can be issued. During this time, the client is often destitute.

3.3. RELEASE FROM DETENTION CENTRE WITH NO SUPPORT

1% of RST payments (21 cases) over the period have been made after an asylum claimant (and often their family) has been released from an immigration detention centre with no support. Cases have included:

- A nine-month pregnant woman who had her ARC card taken away by immigration officials;
- A family released on a Friday afternoon who were unable to access support until the following Monday;
- A single mother with a one-year-old child who was released without any paperwork to entitle her to access support.

Although these cases make up a small number of RST payments, they have a serious impact on those affected and, with better communication between agencies, could easily be avoided.

While the government state that unaccompanied children are detained only in exceptional circumstances for short periods while alternative arrangements are made for their care and safety, it is concerning that no statistics exist and very little is known of their circumstances. The use of detention can be detrimental to the well being of these vulnerable children.

If a child is to be detained, there should be compulsory welfare assessments on entry into detention. Measures should also be introduced to speed up the asylum process to reduce the length of time needed for detention. In addition, the detention of children in adult places can also raise serious child protection issues and this must end.

3.4. ADDRESSING PROBLEMS WITH ASYLUM SUPPORT

Although problems with asylum support are the cause of a significant proportion of RST grants made, the regionalisation of an UKBA team to Glasgow in 2005 has helped SRC caseworkers to address individual problems with asylum support payments far more quickly. In 2003, problems with asylum support that were directly related to UKBA procedures made up 34% of all RST grants made. By 2008, this has reduced to 18%, most of which still relate to problems in the delivery of ESTs.

In 2005, following a report released by RST, UKBA (then NASS) gave SRC caseworkers direct access to a NASS manager who would deal with problems with clients accessing asylum support. This immediately resulted in fewer claimants being made destitute as a result of UKBA errors and delays. Although there is no longer a direct access to a UKBA manager, SRC caseworkers are still able to work closely with the UKBA Scotland team to ensure that the most vulnerable clients are able to access interim support directly from UKBA offices where necessary.

3.5. SUCCESSES AND NEXT STEPS

3.5.1. Success

Regionalisation of UKBA responsibilities can help to reduce problems with asylum support

Since 2005 the proportion of RST grants made as a direct result of problems with asylum support has decreased significantly. We believe that this is largely due to the regionalisation to UKBA Scotland and the opportunities that this has created for better and closer working relationships. Individual cases are often resolved more quickly and there is a more coordinated response in tackling some procedural causes of destitution. As a result, asylum claimants within the asylum process are now less likely to experience destitution.

Not all asylum support functions are currently devolved to the regions and we would welcome further devolution of responsibility to UKBA Scotland, particularly as regards to section 4 support (see part 4.3).

3.5.2. Next steps

Reduce the need for ESTs

Tokens should only be used as a last resort by UKBA when other possible sources of support have failed. A key way to reduce the reliance on tokens would be to set up asylum support for newly dispersed claimants at the point of their dispersal. This would help to ensure that asylum support is in place within 18 days and would significantly reduce destitution at this stage.

Establish a practical solution to address the non-delivery of ESTs

There needs to be a practical solution to address the non-delivery of tokens within a realistic timeframe. UKBA should address issues with the courier accessing properties, and with accommodation providers, who are responsible for notifying UKBA of changes in claimants' addresses.

UKBA should have a facility to hold on to tokens for asylum claimants to collect if the UKBA courier is unable to make a successful second delivery. This would mean that asylum claimants could collect their tokens in person within 24 hours of the failed delivery rather than wait without support until further tokens can be issued. This would also ensure that those experiencing difficulties with their ARC cards would be better able to access emergency support.

Improve procedures relating to the release of claimants from detention

Immigration officials involved in releasing claimants from detention should have a responsibility to ensure that the claimant is not left destitute. They should liaise with UKBA Scotland to ensure that the claimant has a working ARC card or access to emergency support. Asylum claimants should not be released on a Friday afternoon when they have no time to contact appropriate support agencies.

The British Red Cross is willing to provide an escort service from detention as part of the expanded Memorandum of Understanding that they have established with the Home Office. This service would provide collection by trained staff and volunteers from the detention facility to the accommodation being provided on release.



4. DECISION

Destitution following the decision of the asylum claim

De-ci-sion [di-sizh-uhn] –noun

1. the act or process of deciding; determination, as of a question or doubt, by making a judgment.
2. the act of or need for making up one's mind.
3. something that is decided; resolution.
4. a judgment, as one formally pronounced by a court.

Under the New Asylum Model, one caseowner has responsibility for the initial interview with the asylum claimant, making a decision on that person's case, maintaining contact with the claimant, and dealing with any subsequent appeals or supporting the integration of newly granted refugees. The caseowner's responsibilities also extend to dealing with issues around mainstream benefits.

Many asylum claimants reach the end of the asylum process with a positive or negative decision on their claim, and are unsure of what to do next.

Negative decision

Single adults or childless couples who have been refused asylum and who have exhausted all appeal rights will have their asylum support terminated. After 21 days, their financial support will cease and they will be asked to leave their accommodation.

Currently, adults accompanied by dependent children will continue to receive support until they return or are removed to their countries of origin.

The majority of asylum claimants currently arriving in Glasgow are single adults.

Positive decision

If UKBA has decided to grant a claimant refugee status or another form of leave to remain, their support will end within 28 days. Those granted asylum will be eligible for mainstream benefits and can begin to seek employment.

However, due to the speed of the New Asylum Model decision-making process, many newly granted refugees will have been in the UK for less than one month. They may therefore face language and other barriers when trying to access employment and other services.

4.1. ADVICE GIVEN AT THE DECISION STAGE

If the asylum claimant receives a positive decision, the NAM caseowner should meet the refugee face-to-face to deliver the positive decision and give the client a range of status papers, including a grant letter, vignette, a National Insurance number, 28-day support and accommodation termination letter and a NASS35 letter which states the extent of the asylum support they have received to date.

Status papers are not always given in full, often resulting in difficulties in applying for mainstream benefits.

A negative decision is communicated to the asylum claimant in a meeting with their NAM caseowner. The caseowner gives the client a refusal letter explaining why their asylum claim has been unsuccessful, and an information leaflet about voluntary return. At this stage, asylum claimants have 14 days within which to make an appeal to the Asylum and Immigration Tribunal. If this appeal is refused, the claimant will be deemed 'appeal rights exhausted' and a 21-day support and accommodation termination letter will be issued.

De-ci-sion [di-sizh-uhn] –noun

'SINGLE ADULTS OR CHILDLESS COUPLES WHO HAVE BEEN REFUSED ASYLUM AND WHO HAVE EXHAUSTED ALL APPEAL RIGHTS WILL HAVE THEIR ASYLUM SUPPORT TERMINATED. AFTER 21 DAYS, THEIR FINANCIAL SUPPORT WILL CEASE AND THEY WILL BE ASKED TO LEAVE THEIR ACCOMMODATION.'

1. the act or process of deciding; determination, as of a question or doubt, by making a judgment.
2. the act of or need for making up one's mind.
3. something that is decided; resolution.
4. a judgment, as one formally pronounced by a court.

4.2. APPLYING FOR MAINSTREAM BENEFITS

Between January 2003 and June 2008, 14% of RST grants were given to new refugees awaiting mainstream benefits. In 2007, there was a significant increase in the number of refugees being made destitute during the transition from asylum support to mainstream benefits and accommodation, with 27% of all RST grants being given for this reason (see appendix 1). Some refugees had to wait for up to 16 weeks before their mainstream benefits were set up. Reasons for this delay included:

- Particular issues around the processing of National Insurance numbers and misunderstanding amongst some JobCentre Plus staff about the need for NASS35 forms;
- Refugees with little understanding of English having to telephone a call centre to register their claim for mainstream benefits;
- Refugees subsequently being issued with benefit application forms and being given little or no support in completing them;
- Difficulties and delays in setting up child tax credits with HM Revenue and Customs (HMRC).

This put significant pressure on the Refugee Survival Trust and on Glasgow City Council, which was receiving an increased demand for crisis loans⁵. RST initiated a partnership with the Scottish Refugee Council and JobCentre Plus to look into the problem and find a solution to the difficulties being experienced by new refugees. At the same time, the CoSLA Strategic Migration Partnership convened a group of stakeholders to look at move on issues for new refugees, to which JobCentre Plus was invited.

JobCentre Plus's response was commendable. They established a centralised team, resourced to deal with the increased volume of applications from new refugees that bypassed the centralised phone system. The Scottish Refugee Council provided training to the JobCentre Plus staff team so they could gain a better understanding of the issues faced by people granted leave to remain.

There was less success in engaging HMRC in tackling the difficulties experienced by new refugees in accessing child tax credits and this continues to remain an area of concern.

Case study

Mr. S is from Sudan and is a victim of torture. He has acute mental health difficulties. When his asylum case was refused, he found it very hard to understand his further support and legal options. He presented several times to various support services in a distressed and agitated state. Health care and social work services were concerned about his wellbeing. He was finally able to submit a section 4 application based on fresh evidence of the persecution he had suffered. However, he was left without support for several weeks while this application was prepared and processed.

'21 DAYS AFTER RECEIVING A NEGATIVE ASYLUM DECISION, ASYLUM CLAIMANTS CAN BE EVICTED FROM THEIR ACCOMMODATION AND THEIR FINANCIAL SUPPORT IS CUT OFF.'

4.3. APPLYING FOR SECTION 4 SUPPORT

21 days after receiving a negative asylum decision, asylum claimants can be evicted from their accommodation and their financial support is cut off. Some asylum claimants who are unable to return to their country of origin are entitled to a limited form of support known as 'Section 4' support. To be eligible, they must be destitute and be taking steps to leave the UK. They must be currently unable to leave for logistical or health reasons, or because they have an outstanding judicial review or in some cases a fresh asylum claim. People on section 4 are entitled to accommodation and £35 a week in vouchers.

RST has consistently seen destitution among those who are awaiting or applying for section 4 support. Between January 2003 and June 2008, 22% of RST grants provided were given to refused asylum claimants awaiting section 4 support. Reasons for this include:

- Claimants not applying for section 4 support as soon as their asylum claim has been refused due to a lack of information about how to apply.
- The fear of the implications of accepting section 4 support.
- The length of time it takes an asylum claimant to be allocated section 4 support and accommodated after they have submitted an application.

Responsibility for the allocation of section 4 support is currently split between UKBA Scotland (for NAM claimants) and UKBA Croydon and Manchester (for case resolution claimants). It has often proved difficult for SRC caseworkers to liaise with UKBA's Croydon office to ensure a smooth transition from asylum support to section 4 support. This, in part, has been due to difficulties in contacting the appropriate casework team in UKBA Croydon, a high staff turnover and repeated reorganisation of the team structure.

Those who apply for section 4 support through UKBA Croydon as soon as they receive a negative decision on their asylum claim can wait for up to seven weeks to be allocated section 4 support. For much of this time they will have no access to support and are left destitute and homeless. A research report published by the Scottish Refugee Council in 2006⁶ found 19 cases of destitution within a one-month period that directly resulted from the length of time it takes for Section 4 support to be allocated. In the first six months of 2008, 24% of RST grants were given to those awaiting Section 4 support, showing that this remains a key cause of destitution that must be addressed.

Those who are unable or unwilling to apply for section 4 support as soon as they receive a negative decision on their asylum claim have only 21 days before they have no further recourse to public funds. It is clear that many of the people who reach the end of the 21-day period without submitting an application for section 4 support or signing up for voluntary return do so because they are unaware of the gravity of not making a decision and have found it difficult to access the range of advice that they need during this period.

'THOSE WHO ARE UNABLE OR UNWILLING TO APPLY FOR SECTION 4 SUPPORT AS SOON AS THEY RECEIVE A NEGATIVE DECISION ON THEIR ASYLUM CLAIM HAVE ONLY 21 DAYS BEFORE THEY HAVE NO FURTHER RECOURSE TO PUBLIC FUNDS.'

⁵ Many destitute refugees were unable to access crisis loans as they had not yet been allocated a National Insurance Number. At this time, it was also extremely difficult to get through on the crisis loan telephone helpline.

⁶ They Think We Are Nothing – A survey of destitute asylum seekers. August 2006.

Case study

Mr. B had been in the UK for several years. His asylum case had been refused but, in January 2005, he was assisted to apply for section 4 support on the basis that there was no safe route back to his country of origin. This was due to the dangerous situation in Iraq resulting from ongoing civil unrest.

Later that same year, the Home Office began operating enforced returns to Iraq, and all Iraqi cases on section 4 support were placed under review. Mr. B had significant mental health problems and so found it hard to understand the complex support review process. As a result, his support was terminated before he was able to lodge fresh evidence concerning his entitlement.

With assistance from SRC casework staff, he did finally lodge a new section 4 application. However, before this was approved he experienced a lengthy period of destitution which aggravated his existing health problems. RST support was however available to ensure that, for a short period, his minimum needs were met.

‘CLEARLY, 21 DAYS IS A LIMITED TIME PERIOD IN WHICH REFUSED ASYLUM CLAIMANTS ARE EXPECTED TO MAKE A DECISION ABOUT THEIR FUTURE. A STRUCTURE SHOULD BE DEVELOPED TO ENSURE CLAIMANTS ARE ABLE TO ACCESS COMPREHENSIVE GUIDANCE AND SUPPORT DURING THIS PERIOD.’

4. SUCCESSES AND NEXT STEPS...

4.4.1. Successes

Partnership working can help to reduce destitution

In 2007, JobCentre Plus established a central team to deal specifically with new refugees. This single access point provides specialist one-to-one support, interpreting services and appropriate careers guidance.

As a direct result of this initiative, grants given by RST for refugees awaiting mainstream benefits were dramatically reduced. From April to June 2008, RST only provided 7 grants for this reason.

This partnership has provided an example of good practice that could be replicated by other agencies across the UK.

...NEXT STEPS

4.4.2. Next steps

Maintain support for refused asylum claimants

This report, along with many others⁷, shows that the use of destitution as a tool to encourage compliance among refused asylum claimants does not work. Destitution results in the government losing contact with refused asylum claimants, and in asylum claimants becoming destitute, extremely vulnerable, thus making their chances of return increasingly remote.

RST believes that the Immigration and Citizenship Bill 2008, which is currently being considered in Parliament, should end the use of destitution as a tool of Government policy. It should ensure that all refused asylum claimants remain on asylum support until a tangible means of voluntary return or removal is established and made available. Operational policy should be reviewed to ensure that Section 4 criteria and processes are value for money assessed. If this support is still considered as a necessary marker of a change in status then access and provision must be made seamless, and the current obstacles in completing and processing applications removed.

Devolve responsibility for section 4 support to UKBA Scotland

Devolving responsibility for all section 4 support to the UKBA Scotland office would significantly improve all communication and decision-making at a local level. Based on past experience, this action would resolve administrative problems within the system, giving SRC caseworkers better access to the UKBA team, and provide UKBA better liaison with its section 4 accommodation providers.

Brief asylum claimants on options available in the event of a refusal

Asylum claimants should be briefed early in the asylum process on the options available to them in the event of a refusal. UKBA caseowners should explain clearly the options with regard to voluntary return and section 4 support as part of the initial casework support. This would equip claimants with the necessary knowledge to consider in advance the options that may face them at the end of the asylum process.

Address the lack of support structures for refused people

Clearly, 21 days is a limited time period in which refused asylum claimants are expected to make a decision about their future. A structure should be developed to ensure claimants are able to access comprehensive guidance and support during this period.

This could involve automatically referring refused asylum claimants to the Scottish Refugee Council One Stop Service and making an appointment for them to meet a caseworker. The caseworker would be able to explain their options regarding voluntary return and section 4 support. If this greater in-depth advice was provided, asylum claimants would be able to make faster, more informed and legitimate decisions on their future. This would undoubtedly lead to fewer people reaching the 21-day stage without making a decision on their future. It would also reduce the risk of people absconding and limit the need for UKBA to resort to unpopular and costly forms of enforcement. It would also appreciably lessen the need for RST grants.

⁷ Including The Destitution Trap (2006), Refugee Action, They Think We Are Nothing (2006), Scottish Refugee Council.

5. DEPRIVATION

Deprivation of support leading to destitution

Dep-ri-va-tion [dep-ruh-vey-shuhn] – noun
1. the act of depriving.
2. the fact of being deprived.
3. dispossession; loss.

Asylum claimants and refugees are entitled to a range of support, albeit limited, throughout the asylum process. However, for reasons explored in earlier sections of this report, delays and errors within the asylum process mean that they are often deprived of the benefits to which they are entitled.

5.1. DEPRIVED OF BENEFITS

Between January 2003 and June 2008, 69% of RST grant recipients were entitled to asylum support, mainstream benefits or section 4 support but were still receiving no support. Delays, errors and complications in the support system continue to deprive them of the benefits to which they are entitled, resulting in unnecessary hardship, destitution and suffering. Charities, such as RST and the British Red Cross, are forced to provide support to prevent the destitution of these people, using resources that could more effectively be used elsewhere.

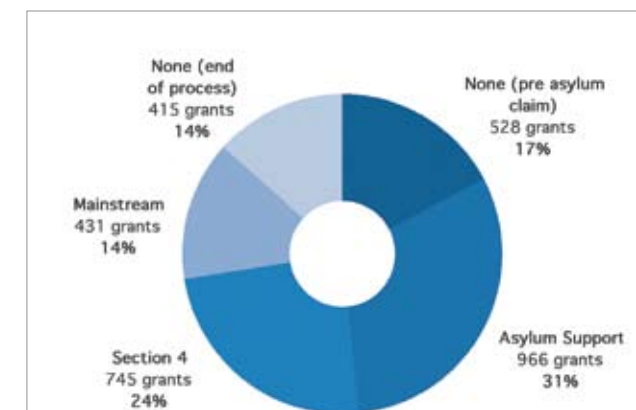


Figure 3 – Entitlement to benefits among RST grant claimants

Dep-ri-va-tion [dep-ruh-vey-shuhn] – noun
1. the act of depriving.
2. the fact of being deprived.
3. dispossession; loss.

'BETWEEN JANUARY 2003 AND JUNE 2008, 69% OF RST GRANT RECIPIENTS WERE ENTITLED TO ASYLUM SUPPORT, MAINSTREAM BENEFITS OR SECTION 4 SUPPORT BUT WERE STILL RECEIVING NO SUPPORT.'

5.2. DEPRIVED OF MATERNITY PAYMENTS

In January 2005, RST introduced maternity grants of £100 (increased to £150 in 2006) for pregnant women and new mothers on section 4 support. These grants were introduced after RST received evidence from the Scottish Refugee Council that these women were particularly isolated and vulnerable to destitution, as they were not entitled to maternity payments that were made to those on asylum or mainstream support. Whilst these grants were minimal, they did enable new mothers to buy the bare essentials they needed to prepare for the birth of their baby.

Through the period of this report, 4% of grant recipients were pregnant women or new mothers living in section 4 accommodation. These grants were complemented by British Red Cross maternity packs, which include clothing for the newborn infant, bedding, basic hygiene items, a cot and food voucher for the adult to buy appropriate feed (£20). During this time, RST lobbied UKBA to encourage the introduction of maternity payments to new mothers receiving section 4 support.

‘THROUGH THE PERIOD OF THIS REPORT, 4% OF GRANT RECIPIENTS WERE PREGNANT WOMEN OR NEW MOTHERS LIVING IN SECTION 4 ACCOMMODATION.’

UKBA introduced section 4 maternity payments of £250 in January 2008. Although the introduction of these payments is welcomed, they are at a reduced level to those received by new mothers in receipt of income support or asylum support, who receive a grant of £500 or £300 respectively. New mothers continue to rely on British Red Cross maternity packs and occasional RST grants to top up their support for their new baby and avoid destitution.

Case study

Mrs. P was subject to domestic abuse from her husband. She eventually separated from him after the police were called to her home following a violent attack. However, due to administrative problems within the asylum support system under new asylum model, she was left without access to regular financial support for herself and her three children for a period of five weeks. RST provided the family with funds to buy food and other essentials over this period until their asylum support was finally set up.

5.3. SUCCESSES AND NEXT STEPS

5.3.1. Successes

Maternity payments to mothers in section 4 reduce destitution among new families

We welcome the recognition by UKBA that pregnant women and new mothers in receipt of section 4 support have additional costs and that, as a response, UKBA has introduced maternity payments. However, new mothers are often experiencing difficulties in accessing these payments. If the processing of section 4 maternity payments was regionalised, this would speed up the processing of payments and ensure that new mothers are no longer deprived of the support to which they are entitled.

‘ALL CHILDREN, NO MATTER THE ASYLUM STATUS OF THEIR PARENTS, SHOULD RECEIVE AN EQUAL PAYMENT.’

5.3.2. Next steps

Ensure that children in section 4 support are not penalised

The section 4 maternity payment is significantly lower than that received by those on income or asylum support. The payment is predominantly for purchasing items connected with the unborn or newborn baby and by granting a lower amount to mother in section 4 accommodation, this is penalising the child. All children, no matter the asylum status of their parents, should receive an equal payment.

Ensure all asylum claimants receive the benefits to which they are entitled

The ‘next steps’ identified in this report should be taken forward to improve the provision of asylum support and prevent further destitution. RST, the British Red Cross and Scottish Refugee Council must continue to work with UKBA Scotland, Job Centre Plus and other organisations to take these next steps forward.

APPENDICES

1. RST grant information 2. Key events chronology 3. Asylum process flowchart
4. Glossary of asylum terms 5. RST destitution grant guidelines

Appendix 1 RST grant information – January 2003-June 2008

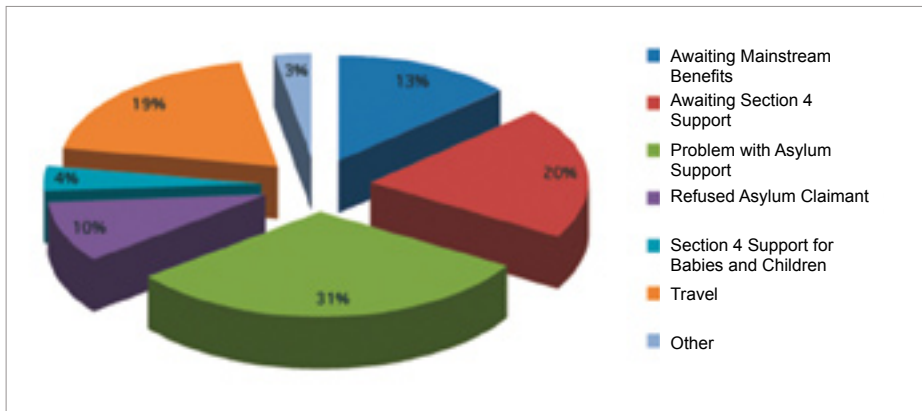


Figure 4:
Reasons for
destitution
resulting in
RST grants

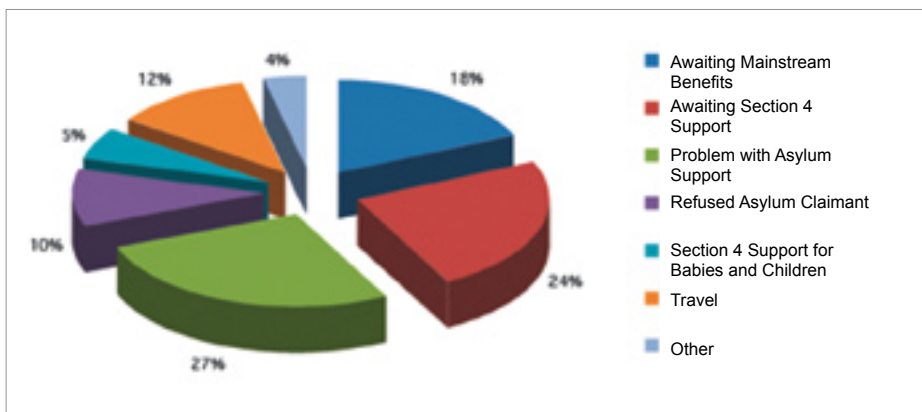


Figure 5:
Value of
RST grants (£)

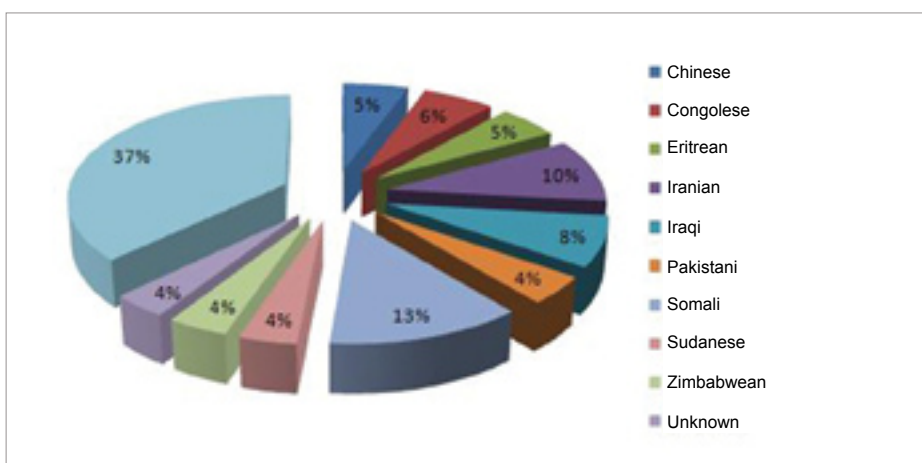


Figure 6:
Nationalities
of RST grant
claimants
2003-2008

Appendix 2 Key events chronology

Key events in 2003

- The Government implements Section 55 of the Nationality, immigration and Asylum Act 2002, with the result of denying support to most 'in-country' grant recipients. This accounts for the high number of grant recipients with "no entitlement to support" (20%).
- The right for single people to claim asylum in Scotland. RST starts funding travel to Liverpool to enable new arrivals to submit their claim for asylum.

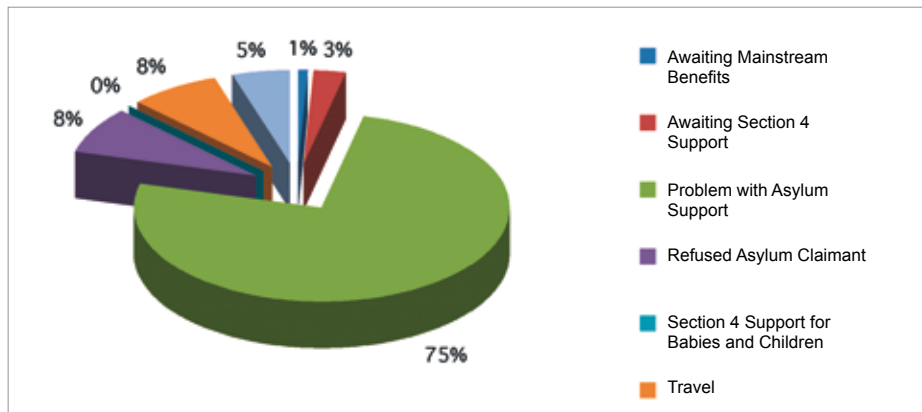


Figure 7:
Reasons for
RST grant
claims in
2003

Key events in 2004

- The Asylum & Immigration (Treatment of Claimants) Act 2004 makes it harder for asylum claimants to reach the UK, drastically reducing the number of asylum claimants entering the UK.
- EU Accession means that asylum claimants from new members states are no longer eligible for NASS support as their immigration status had changed. RST pays for workers' registration fees to enable them to look for paid work. This explains the high proportion of those with "no entitlement to support" (33%).
- A Court of Appeal case ruled that operation of section 55 (see glossary) is inhumane, and it is no longer routinely implemented.

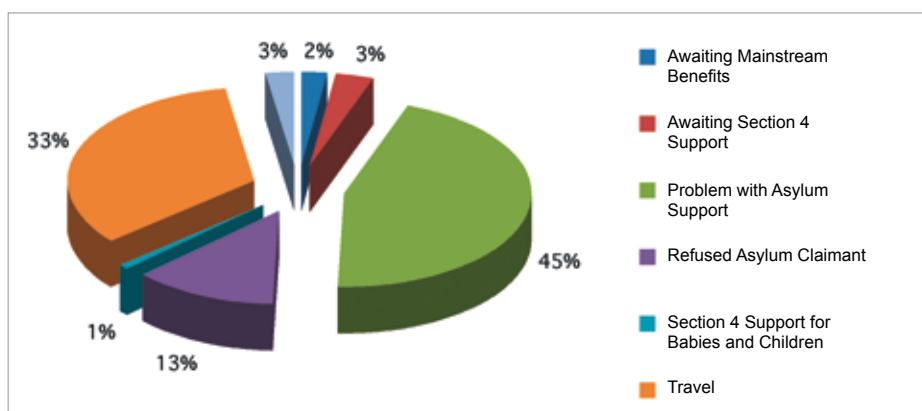


Figure 8:
Reasons for
RST grant
claims in
2004

Key events in 2005

- April – RST publishes “What’s Going On?”, a research conducted with support from the Oxfam UK Poverty Programme, looking at the destitution of asylum claimants and refugees.
- April – Section 4 support (Immigration and Asylum Act 1999) is introduced in Scotland in April 2005 to support those at the end of the asylum system who meet particular criteria.
- May – Following the publication of “What’s Going On?”, RST begins quarterly meetings with NASS Glasgow to discuss and tackle reasons for destitution.
- The proportion of RST grants due to problems with asylum support reduces significantly. This is a direct result of improved partnership working between RST, SRC and the regionalised NASS Glasgow team.
- September – RST introduces a maternity grant for pregnant women and new mothers living in section 4 accommodation to enable them to buy the basics needed to prepare for their new baby. RST liaises with the Home Office to try to make this grant a statutory obligation.

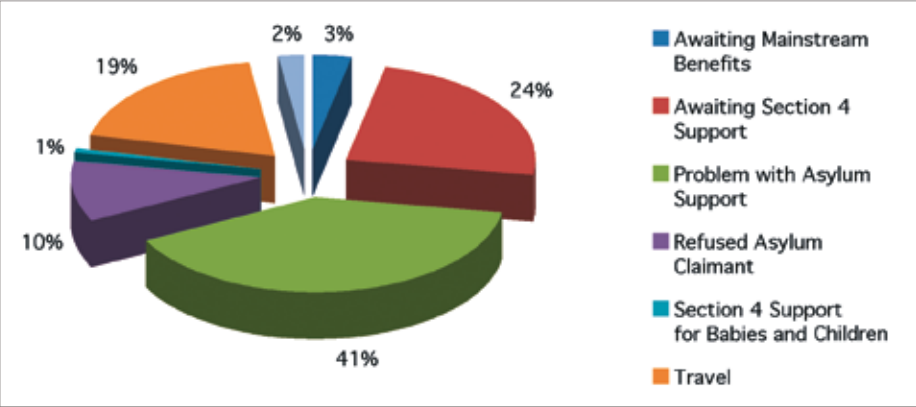


Figure 9:
Reasons for
RST grant
claims in
2005

Key events in 2006

- August – Scottish Refugee Council publish a research report “They Think We Are Nothing”. This report was a response to the growing number of destitute asylum claimants arriving at the SRC office and reveals the extent of destitution both within and outwith the asylum process in Scotland.
- August – Under the Rashid⁸ judgement, a limited number of refused Iraqi asylum claimants were given Indefinite Leave to Remain.
- December – The New Asylum Model (NAM) begins to operate on a limited basis in Scotland.
- December – Move on issues for new refugees are raised as a matter of concern with the CoSLA Strategic Migration Partnership.

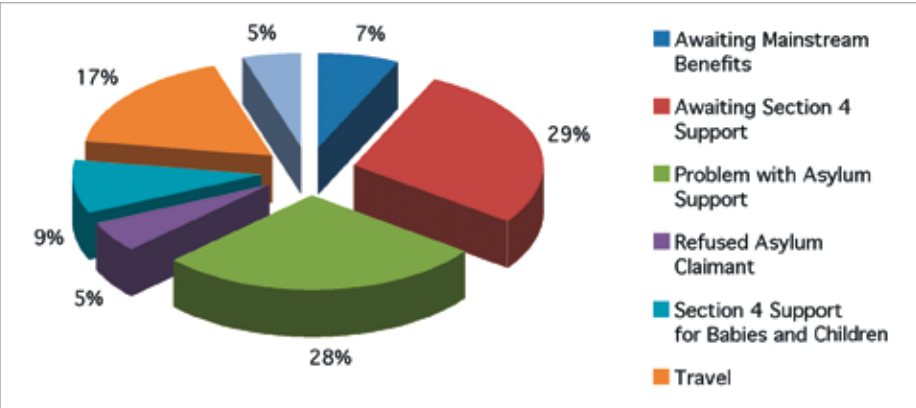


Figure 10:
Reasons for
RST grant
claims in
2006

⁸ Bakhtear Rashid v SSHD

Key events in 2007

- A reorganisation of Job Centre Plus results in many refugees encountering problems in accessing mainstream support.
- March – NAM is fully rolled-out.
- June – RST and SRC begin discussions with JCP to address the problem.
- August – CoSLA Move On group established to resolve problems in supporting the move on of new refugees.
- November – JCP introduce a dedicated office to work with refugees.

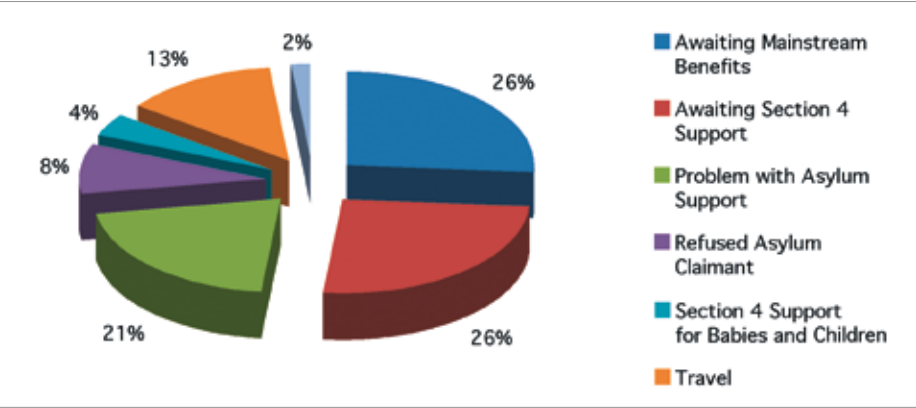


Figure 11:
Reasons for
RST grant
claims in
2007

Key events in 2008

- The number of destitute refugees awaiting mainstream benefits reduces significantly as a direct result of improves JCP procedures and increased partnership work.
- The needs of destitute families are of increasing concern to social work who in many cases are providing support.
- The Home Office introduce a grant for new mothers in section 4 accommodation, which replaces the RST maternity grant.

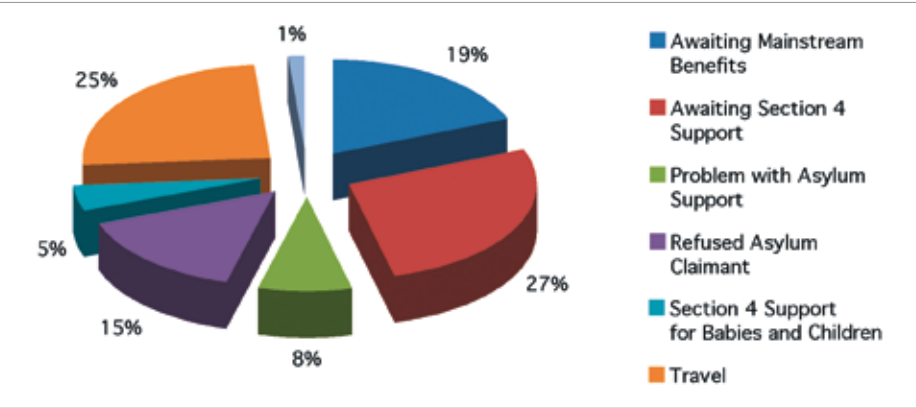
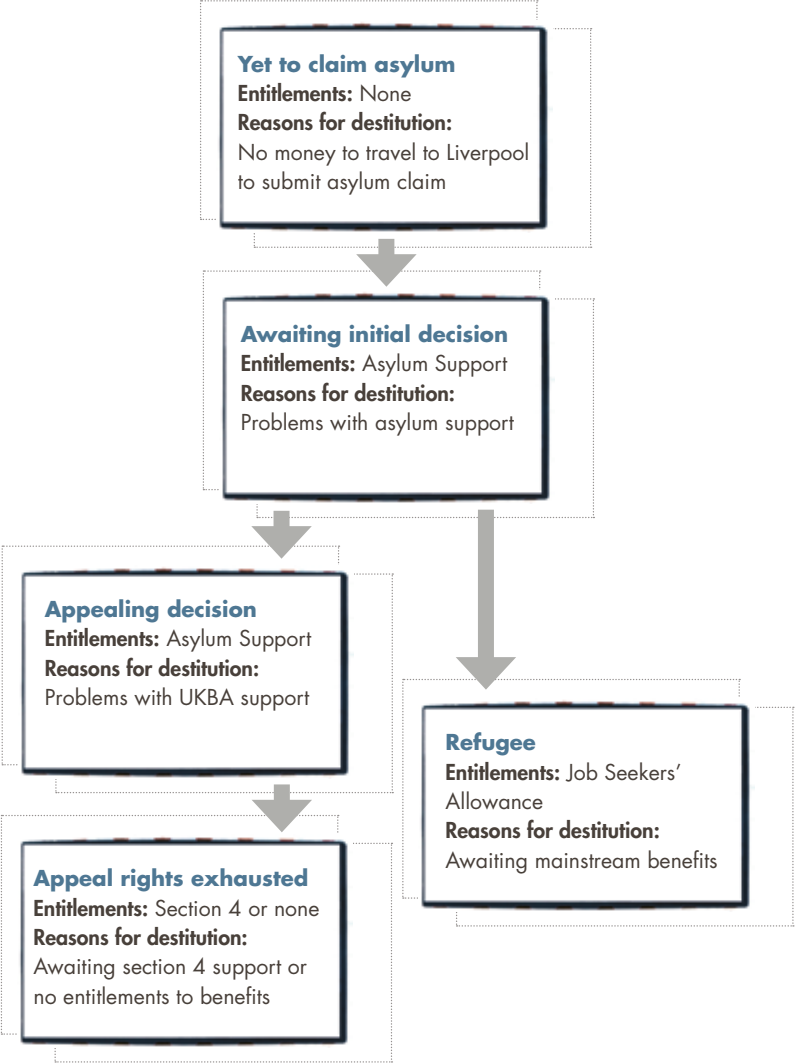


Figure 12:
Reasons for
RST grant
claims in
2008

Appendix 3 **Asylum process flow chart**



Appendix 4 **Glossary of asylum terms**

Appeals

On receiving a decision from the Home Office regarding the initial outcome of an asylum application, a person seeking asylum has a right to lodge an appeal to challenge a negative outcome, if there is a legal case for doing so.

Asylum claimant

A person who has submitted an application for asylum and is waiting for a decision.

Discretionary Leave

A status awarded to people who have been refused refugee status and who do not fulfil the criteria for Humanitarian Protection, but are allowed to stay in the UK for other reasons. It is only awarded in very limited circumstances, sometimes to separated young people (unaccompanied minors – under 18 who have made an application for asylum in the UK).

Dispersal

In 1999, the UK Government introduced a policy of dispersal throughout the UK, which led to people seeking asylum being provided with accommodation in Scotland. At present Glasgow is the only local authority providing accommodation under the dispersal scheme, although people seeking asylum who are not receiving support for their accommodation from UKBA may live in other areas. Since dispersal there have been between 3,000 – 6,000 asylum seekers and their dependents living in Glasgow at any one time.

Humanitarian Protection

Since April 2003 this status has been awarded to people who have been refused refugee status, but cannot be returned to their country of origin as they face serious risk to life or person or inhuman or degrading treatment or punishment. It is awarded for a three-year period, at the end of this period the circumstances of the case are reviewed. If circumstances are unchanged a person with Humanitarian Protection (HP) can apply for Indefinite Leave to Remain (ILR). People with HP status are allowed to work and access mainstream welfare systems.

National Asylum Support Service (NASS)

See UKBA

Refugee

A person who has had a positive decision on their asylum application. The precise legal definition under the 1951 UN Convention on Refugees to which the UK is a signatory is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, unwilling to avail himself of the protection of that country”.

Section 4 support (Hard Case Support)

Sometimes a person may find himself or herself in a position whereby the Home Office has not detained them but has refused to grant them any form of status and also cannot remove them from the UK. Asylum grant recipients in this position will be evicted from their accommodation and will not have any access to government support. At present they are also not legally allowed to work. Section 4 Hard Case support may be applied for, which provides full-board accommodation.

Section 55

A section in the 2002 Nationality, Immigration and Asylum Act 2002, implemented in 2003, which allowed the Home Office to withdraw access to NASS support from those who do not apply for asylum ‘as soon as reasonably practicable’.

UK Border Agency (UKBA)

The Home Office agency with the responsibility for providing support and accommodation to asylum claimants who would otherwise be destitute whilst their claim is considered. They have an office in Glasgow. Through the period of this report, this agency has also been known as the Border and Immigration Agency (BIA) and National Asylum Support Service (NASS).

Appendix 5 RST destitution grant guidelines

APPLICATION PROCESS

RST grants are only available to destitute asylum seekers and refugees living in Scotland. Applications for RST grants should be made through a Scottish Refugee Council One Stop Case Worker.

- 1. SRC OS Case Worker submits RST application
- 2. Senior SRC OS Case Worker supports application
- 3. Initial grant payment made if needed
- 4. RST Management Committee approves / declines application
- 5. Remaining grant payment made

Applications will be approved by the RST Management Committee within one working day.

ELIGIBLE CLIENTS

- Applicants at any stage within the asylum process
- Those with refugee status, humanitarian or discretionary leave
- Applicants who have lost their appeal but are appealing under human rights legislation
- Applicants awaiting for a decision on or eligible for section 4
- Applicants at the end of the asylum process (under RST criteria 4 only)

OTHER INFORMATION

- There must be no other source of support available to the client except RST.
- Grants are not normally available for those who have been refused asylum and have exhausted all stages of the appeal process.

- Application forms must be completed in full, including information about any action taken to alleviate destitution (i.e. discussion with UKBA, referral to social work etc).
- Priority will be given to those who have not recently received RST funding.

WEEKLY GRANT LEVELS

Destitution grants will be made at the current UKBA rate of support (rounded to the nearest £1) per week:

Qualifying couple	£65.00
Lone parent aged 18 or over	£40.00
Single person aged 25 or over	£40.00
Single person aged at least 18 but under 25	£35.00
Person aged at least 16 but under 18	£40.00
Person aged under 16	£50.00

Travel grants will be made to new arrivals as follows:

Travel to Liverpool (bus fare and subsistence)	£40.00
Public transport to immigration	£1.80

Other grant levels are as follows:

Parent grant for parents of 1-year old child in section 4	£100
Funeral grant	(c£200) (discretionary)

GRANTS CRITERIA

1. Emergency payments to those with practical needs and no support

Emergency payments can be made as necessary where support may have stopped and the Scottish Refugee Council is attempting reinstatement.

Examples:

- Theft or loss of client’s ARC card
- UKBA / DWP administrative error
- Family breakdown
- Awaiting Section 4 support

2. New arrivals

- a) A single payment of £10 can be made where the client has no available funds or other means of support. Thereafter, if the client returns to Scottish Refugee Council for further assistance, they may apply to RST for a further two weeks payment at the appropriate level of support.
- b) Public transport to immigration services – £1.80 payment can be made to those able to use public transport to reach the Asylum Seekers Unit in Govan. Funding is also available for applicants called for interview who need a friend / relative to accompany him/her.
- c) New arrivals to Glasgow who need to travel to Liverpool to claim asylum are eligible for funding to cover the cost of bus travel to Liverpool and subsistence.

3. Funeral Costs

In the event of a death within a family seeking asylum, RST will make a discretionary hardship payment to help the family meet appropriate funeral costs.

4. At the end of the asylum process

If a client has exhausted all rights to appeal and is unable or unwilling to apply for section 4 accommodation, they are eligible for a one-off payment of two week’s support. This is to be treated as a final payment to give the client a window period in which he/she can assess his/her options.

5. Section 4 parents’ payments

Parents of a child reaching their 1st birthday in section 4 accommodation are entitled to a RST payment of £100 on the child’s birthday to help buy further essentials.

Refugee Survival Trust
April 2008

21 DAYS LATER

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APPLICATION
DECISION
CONFUSION
DEPRIVATION
DESTITUTION

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