



SLIPPING THROUGH THE CRACKS: ONE YEAR ON

July 2018

In a report released in July 2017, Refugee Action examined the extent of the delays in receiving support experienced by the asylum seekers who we work with; and explored the impact that such delays are having on people who have already been forced to flee conflict, violence and persecution.

We presented research carried out between January 2016 and March 2017 based on an analysis of over 300 case files from our operations in Manchester and London, in addition to cases that were dealt with by the Greater Manchester Immigration Aid Unit's asylum support project Asylum Support Housing Advice (ASHA). We found:

- Incorrect refusals of emergency support;
- Poor application of the destitution test;
- Extended periods spent in Initial Accommodation;
- Delays in receiving section 95 support;
- Onerous requests for further information.

The refusals, delays, and incorrect decisions that we outlined resulted in a situation whereby people were kept in uncertain and sometimes unsafe situations for long periods of time. In the most desperate cases, it put them at risk of exploitation or street homelessness. Based on our findings, we made a series of recommendations to Home Office including that:

- The Home Office must urgently recommit to applying existing policy and guidance consistently in all cases, including making decisions on section 95 support within the destitution test timeline of 14 day;
- The government must put in place a transparent approach to decision making on asylum support, so that the future treatment of asylum seekers is apparent to the public and all stakeholders.

One year on

As a result of ongoing problems that Refugee Action's caseworkers face in securing asylum support for the vulnerable people we work with, we decided to review the situation among our clients in the 12 months since the publication of our report.

The figures presented below are based on 162 support applications that Refugee Action assisted with from May 2017 to May 2018 (81 applications each for section 95 support and section 4 support) across our projects in Birmingham, London and Manchester.

They show that, one year on from our report, destitute people in the asylum system continue to struggle to obtain the support they so desperately need. Over the past year, **people waited on average more than three times the length that they should be for section 95 support**, and **over a month for section 4 support**; waiting times for the latter **shot up to 51 days for applications made in April 2018**.

These massive delays risk leaving some of the most vulnerable people destitute or threatened with street homelessness.

Furthermore, there is still no clarity on how the Home Office is monitoring its own performance in providing such support; and the department remains unaccountable for its decisions in this vital area.

What are section 95 and Section 4 Support?

Section 95 of the 1999 Immigration and Asylum Act enables the provision of support to asylum seekers or dependants of asylum seekers who appear to the Secretary of State to be destitute or are likely to become destitute within 14 days.

An asylum seeker is defined as a person who has made a claim for asylum which has been recorded by the Secretary of State but which has not yet been determined. Applicants apply by completing a 35 page ASFI form; they can request financial support, support with accommodation, or both; accommodation is provided on a no-choice basis, and usually involves 'dispersal' – generally outside of the south east of the UK – with only a few exceptions.

The amount of financial support given to asylum seekers is currently £37.75 per person per week. Whilst support rates were previously set at 70% of mainstream benefits, over the years this link has broken.

Section 4 support is the support received by most of those who have been refused asylum. The support consists of accommodation and £35.39 a week via a payment card. In contrast to s95 support, there are no cash payments. In order to qualify for

section 4, the applicant must also show that they are taking steps to leave the UK or are unable to leave due to medical reasons or because it is logistically impossible. People applying for a fresh asylum claim may also be eligible for section 4 support.

Section 95 decisions

Our updated figures show that, one year on from our report on support provision, people seeking asylum are still experiencing huge delays in receiving asylum support.

The average length of time people waited for a decision on their support applications was 46 daysⁱ – more than three times the length that they should be waiting as per the destitution test. The most recent data reflects the findings of our 2017 research; for instance, delays for subsistence-only applications remain the longest: **Those waiting for a decision on a subsistence-only application were waiting an average of 53 days (almost two months), with those applying for full support (subsistence and accommodation) waiting an average of 42 days.**

Five of the people we assisted **waited over 100 days** before their application for support was approved – one of them was granted refugee status after waiting 170 days without a decision. She never received support.

Parisa

Parisaⁱⁱ applied for section 95 support in early December 2017. She had been staying with her son and his partner in a small, first-floor flat. However, these living conditions were completely unsuitable for Parisa's needs; due to serious physical illnesses and problems walking independently, Parisa could not leave the flat; she was also unable to wash in the flat's bathroom due to its size.

When Parisa's application for support had still not received a reply by mid-January, the caseworker followed up with the Home Office assessment team. But there continued to be no reply and yet another email in late February also brought no response on Parisa's case. In mid-March, over three months after Parisa's original application for support, the Home Office informed us that they had sent her letters in mid-February and early March regarding her application. But neither Parisa nor her son had received these letters at their address, and they had not been sent to her caseworkers.

Finally, Parisa was granted support on the 25th June – over six months following her initial application. In the time she had been waiting for a response, Parisa had had three serious falls because of the difficulties she had moving around the flat and using the stairs. She was left with bruises and a swollen face as a result.

Mansoor

Mansoor and his family arrived in the UK after fleeing death threats in Libya, with nothing but a few bags of belongings and a few hundred pounds of savings.

The claimed asylum immediately and the small amount of money they had quickly ran out. Mansoor and his wife, who have three young children, initially stayed with a friend in his small flat. But they needed to find alternative accommodation or they would have nowhere to stay.

Refugee Action supported Mansoor to apply for Section 95 support in mid-April. The family had to wait two months before they could finally move into accommodation in June. They are still waiting for the small amount of financial support they are entitled to.

“I was always working and I never asked anyone for anything but here I am now, in a foreign country, and I have to borrow money and I am indebted to people. This is not who I am and it is hard for me to accept this,” says Mansoor, who previously worked in the UK when he was studying.

“As a person seeking asylum, I am not allowed to work, but I am also not getting any financial support. So, they are not giving me any options. I need to provide for my children.”

Section 4 Decisions

‘Slipping through the cracks’ only looked at section 95 and section 98 applications, however delays are also a common characteristic of section 4 support. Of the applications for section 4 support that Refugee Action dealt with from May 2017 to May 2018, **people waited on average 36 days** for a decision on their application.ⁱⁱⁱ One person waited 129 days – or over 4 months – before being granted support.

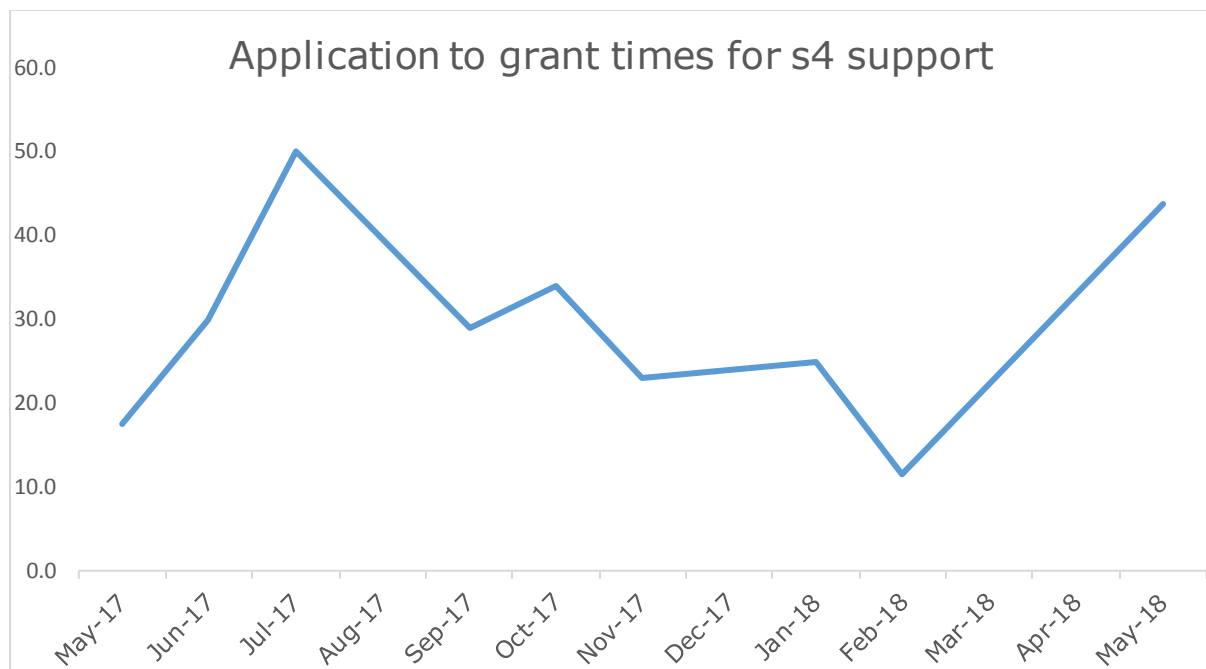
In the case of section 4 support, timely decisions are even more urgent than for section 95 support due to the absence of any kind of ‘emergency accommodation’ for those applying for section 4 support. This means that there is no recourse – as

there is for section 95, in the form of section 98 support – for those who are threatened with imminent homelessness.

Introduction of ATLAS Database

In March 2018, the Home Office introduced a new database for recording asylum support applications. In principle, this is a positive development: if implemented properly, the new system should allow for better data to be captured on individuals' applications. However, worryingly Refugee Action has seen this new system impact negatively on numerous occasions, leaving people in a position of uncertainty as to whether their application is pending, accepted, or even lost. The impact has been particularly acute with regard to section 4 support, and some of the most vulnerable people applying for support are finding that they are unable to access it – even when they have shown that they are eligible to do so.^{iv}

As the graph below shows, the introduction of the new ATLAS IT system was accompanied by a huge jump in the average waiting times for those applying for section 4 support – from 12 days in February to 43 days in March, and 51 days in April. This means that in April 2018 people were waiting almost four times longer for section 4 support than they should have been (as per the 14-day destitution test).



In June, the Immigration Minister acknowledged in response to a parliamentary question that the introduction of the new system meant that people had “experienced delays in the processing of their applications and payments.”^v

However, it remains unclear how long these issues will last – and what remedy there is for those affected by the new system. Moreover, whilst the new database has clearly intensified the length of time that some people are waiting for a decision on their support, it only serves to make a bad situation even worse.

Michael

Michael was staying with the family of a friend, who asked him to move out when they found out they were expecting a new baby. They gave him two weeks' notice to leave, and he submitted his application for section 95 support in mid-December 2017, informing the Home Office that he would be destitute within 14 days. By late January, the Home Office still had not provided Michael with a response though claimed that they had sent him a request for further information, which Michael never received. When the request was finally received, it contained requests for information that had been provided in the original application.

Refugee Action helped Michael send a response to the request, but when we followed up in early March we were told that the response had been lost and that the new database meant that previous cases couldn't be re-opened. Michael had to submit an entirely new application.

By late April, Michael was still waiting. He had eventually been asked to leave the place he was staying and was sleeping wherever he could find a sofa. When Refugee Action contacted the Home Office, they told us they believed that his case had been resolved and support granted – but that they could not be sure due to issues with the new database. Michael, meanwhile, was still not receiving any kind of help except what friends and acquaintances could afford to give him.

The Home Office eventually informed us that the client had failed to respond to a letter granting him support and planning to collect him and bring him to his new accommodation. But the address that this had been sent to was one that Michael hadn't used for several years, and completely different to the address he had provided on his application form for support.

Finally, in mid-June – six months after his original application for support – Michael was housed by the Home Office.

CONCLUSION

In July 2017, we highlighted the challenges that people face when accessing asylum support. We pointed to the poor decisions and lengthy delays that meant that some of the most vulnerable people are left destitute.

One year on, there has been little concrete improvement. Our figures show that there has been a slight drop in the amount of time people are waiting for a decision, but that on average people continue to wait almost two months for a decision on section 95 support, and more than a month for a decision on their section 4 application. Several people waited over 100 days before their support was granted.

Crucially, one year on the Home Office still provides no transparency and is not accountable to what timeframes it works to for support applications and its performance against these targets.

We therefore recommend that:

- The Home Office commits to making decisions on section 95 and section 4 support within the destitution test timeline of 14 days;
- The Government puts in place a transparent approach to decision making on asylum support, including a comprehensive – and public – monitoring system.
- The Home Office urgently resolves problems caused by the failed implementation of ATLAS which is leading to additional hardship, including putting in place temporary emergency measures for those affected.

ⁱ Mean average

ⁱⁱ Real names have been changed

ⁱⁱⁱ Mean average

^{iv} ATLAS does not appear to have had the equivalent impact on S95 applications, though timings for such decisions remain far too long.

^v <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-01/149079/>