

“I have lived in fear, left destitute with no support whatsoever...I feel this world would be better off without me”

Destitution

In 2007 Asylum Aid launched its Asylum Rights Watch survey, so that people who have come into contact with the UK's asylum system can tell us their experiences and contribute to our policy and campaigning work. This dossier reflects responses received between October 2007 and April 2008. One of the issues most frequently highlighted during this time was the problem of destitution amongst asylum seekers. This information sheet summarises the issues raised in survey responses, and is illustrated by extracts from submissions.

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What is destitution?

Under UK law, an asylum seeker is considered to be destitute if they do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met); or if they have adequate accommodation or means of obtaining it, but cannot meet other essential needs.

"I'm a failed asylum seeker, ex Zimbabwean Police officer. Refused benefits, tagged, refused the right to work. Destitute. I feel it's being unfair to treat human beings this way"

Why are asylum seekers experiencing destitution?

Asylum seekers can receive accommodation and financial support from the Home Office whilst they are waiting for a decision on their claim. However, this support is terminated once an application has been refused and the appeal rights exhausted. Refused asylum seekers are not entitled to work or access welfare benefits, and therefore those who do not leave the UK are likely to become destitute.

Most of the submissions concerning destitution that we received during this period related to destitution amongst refused asylum seekers. This is in line with the current experiences of other agencies working with asylum seekers. However, destitution can also occur at other stages in the asylum process.

For example, asylum applicants can be refused financial and accommodation support before they receive a decision if the Home Office considers that they did not claim asylum as soon as 'reasonably practicable', or if they break the conditions attached to their support. Also, people who have been granted asylum may be at risk of temporary destitution, because of the difficulties in obtaining confirmation of their immigration status and finding alternative accommodation and income before their asylum support is terminated.

"My friend ... was part of the pilot of Section 9 that took place in Yorkshire, and has not had any [Home Office] support since - getting on for 3 years now. All that time, she and her three children have lived on a very small amount from social services and hardship money from a voluntary organisation"

Families with children under 18 may also be made destitute after the refusal of their asylum claim. Under Section 9 of the Asylum and Immigration Act 2004, if refused asylum-seeking families are not deemed to be taking 'reasonable' steps to leave the UK, they can have their accommodation and financial support withdrawn. Although social services would have an obligation to provide support for the children, they would not be obliged to provide support to the adults in the family. The Home Office has recently conducted some trials of removing support from families whose claims have been refused. We received a submission on behalf of a family that had been selected for such a pilot, and other accounts of parents being pressurised by Home Office staff in front of their children to leave the UK.

"She was then targeted as part of the Clan Ebor initiative and once more pressured to sign up for voluntary return - a very frightening process, including having to take her children to an interview where the immigration officer started describing how they could be detained early in the morning, until I questioned whether the children had to hear this."

Are there any exceptions to the policy of destitution of refused asylum seekers?

In certain circumstances, refused asylum seekers may be able to access a limited form of financial and accommodation support, known as 'Section 4' support. In order to be eligible for this support they must demonstrate to the Home Office that there are valid reasons why they are temporarily unable to leave the UK, such as being unfit to travel, and agree to cooperate with future efforts to remove them. However, asylum seekers are not always made aware of this support and how to apply. With Section 4 support, accommodation is provided on a no-choice basis and financial support is provided in the form of supermarket vouchers.

The responses we received about Section 4 highlighted the practical difficulties caused by receiving financial support in the form of vouchers rather than cash. Submissions also highlighted concerns about the quality of accommodation provided, and examples of how it is particularly unsuitable for asylum seekers with specific needs.

"The house I am living in is not fit for human beings, it's a dangerous accommodation and it was filthy, but if you dispute with the providers they will terminate your support or cook up some story that your behaviour is out of order. Who really monitors these accommodations? As an asylum seeker I do not know the budget that is entitled to each asylum seeker, but I have the brains to sense that something is wrong???"

"I'm working with a woman from Rwanda... she has just come out of hospital where she admitted herself over the xmas period. She is a section 4 case who is living on vouchers in a shared bedroom with an unsympathetic roommate. She was sent up to Glasgow last year with a letter from the home office stating that she required single bedroom accommodation due to her health issues but her housing provider up here has ignored this"

"One cannot travel by bus for example to town if you are not located near the city centre you have to walk for miles...Physically it can be so exhausting"

What are the outcomes of the policy of destitution?

Asylum seekers reported being forced to work illegally and putting themselves in potentially exploitative situations in order to survive. Many described being dependent on friends or relatives for basic subsistence. Submissions also revealed instances of refused asylum seekers being driven by their circumstances to prostitution.

The responses we received from asylum seekers who were destitute described feeling helpless and disillusioned. Many described feelings of depression and despair and feeling extremely vulnerable due to their lack of legal status.

Without the basic means to live, destitution can aggravate physical and mental health conditions. Several respondents cited examples of how they had been denied healthcare due to their lack of legal status in the UK.

"I been living the country for 6years, my cousins looked after me the first 2 years, unfortunately they got tired of looking after an adult, since then I have been through hell, lived with a man who provided me with a roof, in return I had to sleep with him, he beaten me regularly, at times tried to suffocate me, called me racist names, spat at me, all this because he knew that I can't go to the police with fear of being deported."

"I am in a limbo, I don't have any identification, so I not only don't have anything with my photo, but I can't work, can't study, I move from one place to another for the last two years, I stayed with friends in London, Birmingham, Leicester, Liverpool and Manchester. I want to apply for section 4 after I heard about it from a friend, I hope to succeed."

"Having to survive with vouchers and well wishers the conditions are mental torture and physically draining.."

"I have lived in fear, left destitute no support what so ever. The home office requires me to report every Friday but they're not in a position to fund my transportation...I feel this world would better without me, I cant sleep, I have lost interest in the things I enjoyed doing plus I don't see the point of this when soon or later I have to die."

Why do refused asylum seekers stay in the UK if it means being destitute?

Many of the refused asylum seekers who submitted evidence to Asylum Rights Watch communicated a strong sense of injustice and felt their claims had not been given a fair hearing. They believed that it was still not safe to return to their home countries and so felt they had had little choice but remain here even without legal status or government support.

“ [My partner] has 2 other family members here in the UK, 1 has leave to remain and one is in the same position as my partner, how does 1 person out of 3 of the same family get treated differently to the other 2? Surely if one is at risk so are the others?”

The Home Office is currently reviewing the cases of everyone who made an asylum claim before March 2007 but has not yet returned home. Some people have been granted permission to remain in the UK after their cases have been reviewed. However, it will take the Home Office until 2011 to review all of these cases, and in the meantime those affected are still not allowed to work or claim welfare benefits.

“The last appointment I had with the home office I was told to come with my kids and asked to apply to go back home. I told them going back home is not an option that I will rather die here than return home.”

What can I do to show my support for destitute asylum seekers?

Asylum Aid is an active supporter of the Still Human Still Here campaign coalition, which is seeking to end the destitution of refused asylum seekers. Further information about the campaign, and how you can get involved, can be found on its website: www.stillhuman.org.uk

Written by Carmel O’Sullivan and Melanie Gower.

The Asylum Rights Watch survey can be accessed through our website www.asylumaid.org.uk. Asylum Rights Watch is an ongoing project, and we produce regular dossiers summarising the responses received. For further information about the Asylum Rights Watch survey including previous dossiers of evidence and how you can help us to promote it, please go to the ‘Asylum Rights Watch’ section on our website.

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